

DATE OF DETERMINATION	Wednesday, 4 July 2018
PANEL MEMBERS	Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Alan Ward
APOLOGIES	None
DECLARATIONS OF INTEREST	Ken Keith- has declared a conflict of interest and will not participate in this matter, He owns the adjoining land and has been leasing the land from Pacific National.

Public meeting held at Parkes Shire Council Chambers, 2 Cecile Street, Parkes on 4 July 2018, opened at 3pm and closed at 3:45pm.

MATTER DETERMINED

2018WES008 – Parkes – DA2018/0033 at Brolgan Road, Parkes (as described in Schedule 1).

PANEL CONSIDERATION AND DECISION

The Panel considered: the matters listed at item 6, the material listed at item 7 and the material presented at meetings and the matters observed at site inspections listed at item 8 in Schedule 1.

The Panel adjourned during the meeting to deliberate on the matter and formulate a resolution.

The Panel determined to approve the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979*.





The decision was unanimous.

REASONS FOR THE DECISION

- The proposed development is permissible with consent in the SP1 Freight Transport Facility and RU1 Primary Production Zones under *Parkes Local Environmental Plan 2012* and is not inconsistent with the zone objectives.
- The Panel was satisfied that the proposed development is not designated development in terms of the criteria for rail freight terminals in Schedule 3 of the *Environmental Planning and Assessment Regulation 2000*. The proposed development:
 - Will not involve more than 250 truck movements per day;
 - Will not involve the clearing of more than 20 hectares of native vegetation;
 - Is not located within 40m of a natural waterbody, wetland or environmentally sensitive area; and
 - Is not located within 500m of a residential zone or dwelling not associated with the development.
- The Panel is satisfied that the potential environmental impacts of the development are able to be mitigated or managed through the measures proposed in the statement of environmental effects and associated specialist reports and the recommended conditions of consent as amended by the Panel, in particular:
 - That the potential impacts associated with noise emissions from the facility are able to be managed through the implementation of the commitments outlined in the Applicant's correspondence to Council dated 31 May 2018. In this regard the panel has recommended that Condition 10 be amended to require Council approval of the Noise Mitigation Implementation Plan and for the plan to specifically address the Applicants commitments.
 - That the potential impacts associated with light emissions from the facility are able to be managed through the implementation of the commitments outlined in the Applicant's

correspondence to Council dated 31 May 2018. A new Condition will be included requiring the Applicant, prior to the issue of a Construction Certificate, confirm to Council the proposed mitigation measures to manage lighting impacts at Receivers R01, R13, R14 and R15.

- The panel is satisfied that environmental management of the development during operations will be adequately managed through the requirement in Condition 50 of the original Council assessment report to prepare an Environmental Management Plan (EMP). This condition will be amended to require the EMP to be submitted to and approved by Council prior to operations commencing.
- The recommended conditions have been updated / re-numbered to reflect the Parkes Shire Council Recommended Amended Conditions for DA2018/0022 dated 2 July 2018, that was tabled at the Panel Meeting.

PANEL MEMBERS	
 Gordon Kirkby (Chair)	 Ruth Fagan
 Mark Grayson	 Alan Ward

SCHEDULE 1		
1	PANEL REF – LGA – DA NO.	2018WES008 – Parkes – DA2018/0033 at Brolgan Road, Parkes
2	PROPOSED DEVELOPMENT	Freight Transport Facility (Parkes Logistics Terminal)
3	STREET ADDRESS	Brolgan Road, Parkes
4	APPLICANT/OWNER	Pacific National (NSW) Pty Ltd
5	TYPE OF REGIONAL DEVELOPMENT	Private infrastructure and community facilities over \$5 million
6	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> Environmental planning instruments: <ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land Parkes Local Environmental Plan 2012 Draft environmental planning instruments: Nil Parkes Shire Council Section 94A Contributions Plan 2016 Development control plans: <ul style="list-style-type: none"> Parkes Shire Development Control Plan 2013 Planning agreements: Nil Provisions of the <i>Environmental Planning and Assessment Regulation 2000</i>: Nil Coastal zone management plan: Nil The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality The suitability of the site for the development Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations The public interest, including the principles of ecologically sustainable development
7	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Council assessment report: 18 June 2018 Council Recommended Amended Conditions: 2 July 2018 Written submissions during public exhibition: 9 Verbal submissions at the public meeting: <ul style="list-style-type: none"> Support – Nil Comment – Kate Mapperson, Cheryl Mapperson, Freddie Kareh On behalf of the applicant – Richard Johnstone
8	MEETINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> Site inspection 4 July 2018 Final briefing meeting to discuss council's recommendation, 4 July 2018, 1.30pm. Attendees: <ul style="list-style-type: none"> <u>Panel members</u>: Gordon Kirkby (Chair), Ruth Fagan, Mark Grayson, Alan Ward <u>Council assessment staff</u>: Michael Carter, Madelyn Swindle
9	COUNCIL RECOMMENDATION	Approval
10	DRAFT CONDITIONS	Attached to the council assessment report

SCHEDULE 2

CONDITIONS

The development application was approved subject to the following conditions:

Approved Plans and Documentation

1. The development shall be carried out in accordance with:
 - i. The approved stamped plans B17079-SKC-0133, prepared by BG&E dated 26 June 2018 and PS106787_GIS_F024_A4 BG&E prepared by WSP dated 7 June 2018.
 - ii. The approved stamped Rural Fence Standard Drawing No. 196-249.
 - iii. The approved stamped Statement of Environmental Effects prepared by WSP, dated 23 March 2018.
 - iv. The approved stamped Pacific National additional information letter, dated 31 May 2018.
 - v. The approved stamped Lighting Impact Assessment prepared by Pacific National, dated May 2018.
 - vi. The approved stamped Biodiversity Development Assessment Report prepared by WSP, dated 3 April 2018.
 - vii. The approved stamped Traffic, Transport and Access Assessment prepared by WSP, dated 22 March 2018.
 - viii. The approved stamped Noise and Vibration Impact Assessment prepared by WSP, dated May 2018.
 - ix. The approved stamped Aboriginal and Historic Due Diligence Archaeological Assessment prepared by OzArk Environmental & Heritage Management Pty Ltd, dated 22 March 2018.
 - x. The approved Environmental Earth Sciences Contamination Assessment (Part Lot 2 DP 1082995), June 2018.

except where varied by the following conditions. A current and approved copy of the approved stamped plans by Parkes Shire Council is to be maintained on site for constructional and reference purposes.

Prior to Commencement of Works

2. Prior to the commencement of any works, a detailed Construction Environmental Management Plan (CEMP) for the development is to be prepared by a suitably qualified person, outlining the construction methodology and environmental management plans intended to be implemented to ensure the development is carried out in accordance with the Statement of Environmental Effects prepared by WSP, 23 March 2018, WSP Drawing No. PS106787_GIS_F024_A3 and other approved plans and studies. The CEMP must include the following:
 - a) Earthworks – volumes, depths of excavation, stockpile storages.
 - b) Establishment of site compounds and laydown locations.
 - c) Bushfire fighting management procedures.
 - d) Traffic and access including:
 - Prior approval of road access works on Brolgan Road by PSC under Section 138 of the Roads Act 1973.
 - Traffic control plans /diversions / closures required during construction of the intersection with Brolgan Road.
 - Construction vehicle access points.
 - Fencing requirements to prevent unauthorised access and ensure safety.
 - e) Air quality emission controls, including dust control methods.
 - f) Erosion and sediment controls.
 - g) Demolition and construction waste generation / management.
 - h) Noise generation / management.
 - i) Stakeholder notification and complaints management.
 - j) Site landscaping.
 - k) Stormwater management.
 - l) Hazardous goods management.
 - m) Heritage asset protection and management.

n) Native vegetation protection and management.

3. Prior to the commencement of any works, erosion and sedimentation controls must be in place and maintained throughout construction activities until the site is landscaped and / or suitably revegetated.
4. Prior to the commencement of any works, the Brolgan Road-HS01 area (excluding the timber loading ramp) shall be fenced off to ensure all land disturbing activities do not impact the more significant elements of Brolgan Road-HS01. This fence shall be maintained and in good condition at all times.
5. Prior to the commencement of any works, pre-clearing surveys shall be undertaken in any habitat areas to be cleared by an Ecologist, with any recommendations for relocation of fauna being undertaken prior to land clearing.
6. Prior to the commencement of any works, an induction process shall be developed for all on-site personnel and contractors. The induction process shall make personnel and contractors aware of the requirements of this approval in relation to:
 - Habitat protection and mitigation, as outlined in the WSP Biodiversity Development Assessment Report, 3 April 2018.
 - Aboriginal and historic site protection as outlined in the OzArk Aboriginal and Historic Due Diligence Archaeological Assessment, 22 March 2018.
 - Construction noise and vibration mitigation, as outlined in the Noise and Vibration Impact Assessment prepared by WSP, May 2018.
 - Access and construction haulage routes, as outlined in the WSP Traffic, Transport and Access Assessment, 22 March 2018.
 - Other key management documents (e.g. SEE, CEMP, SWMP, NMIP, WMP and the like).
7. Prior to any works on a public road, a Road Opening Permit shall be obtained from Parkes Shire Council in accordance with Section 138 of the Roads Act 1993. The application for the Road Opening Permit shall be accompanied by all necessary road layout design plans, cross sections, long sections and traffic control plans to complete the works. Finished road pavement levels and drainage works shall be approved by Parkes Shire Council's Director of Engineering Services to ensure consistency with the programmed upgrading of Brolgan Road, fronting the development site.
8. Prior to the commencement of any building or subdivision works, the Applicant is to obtain a Construction Certificate from either Council or an Accredited Certifying Authority, certifying that the proposed works are in accordance with the Building Code of Australia and applicable Council Development and Engineering Standards prior to any building and or subdivision works commencing.

Note. No work on buildings is to be carried out in relation to this development until the necessary construction certificates have been obtained.

Note. It is the responsibility of the Applicant to ensure that the development complies with the Building Code of Australia in the case of building work and the applicable Council Development and Engineering Standards in the case of subdivision work. This may entail alterations to the proposal so that it complies with these standards.
9. Prior to the commencement of any building or subdivision works, the Applicant is to submit to Parkes Shire Council, a 'Notice of Commencement of Building or Subdivision Works' and 'Appointment of Principal Certifying Authority'.
10. Prior to the issue of a Construction Certificate, a Noise Mitigation Implementation Plan (NMIP) shall be prepared by a suitably qualified person to outline the final management methods, strategies and commitments in relation to noise mitigation and management for the development. The NMIP shall be approved by the Council and show the methods that will be used to control noise and vibration at sensitive receivers identified as R01, R13, R14, and R15 in the WSP Noise and Vibration Impact Assessment, May 2018 to ensure these nearby dwellings are not subjected to noise exceedances as

defined under the NSW Noise Policy for Industry 2017. Any noise mitigation control measures on the site of the freight transport facility shall be located a minimum 500 metres from dwellings not associated with the development. Any noise mitigation control measures at the site of sensitive receivers R01, R13, R14, and R15 shall be undertaken by the Applicant at their own expense, and with prior written permission from these landowners.

11. Prior to the issue of a Construction Certificate, the Applicant shall confirm to Council the mitigation measures to be implemented to manage lighting impacts associated with the development at Receivers R01, R13, R14 and R15 as outlined in the correspondence to Council dated 31 May 2018. Any noise mitigation control measures on the site of the freight transport facility shall be located a minimum 500 metres from dwellings not associated with the development. Any noise mitigation control measures at the site of sensitive receivers R01, R13, R14, and R15 shall be undertaken by the Applicant at their own expense, and with prior written permission from these landowners.
12. Prior to the issue of a Construction Certificate, a Fire Management and Emergency Contingency Plan (FMEC) shall be prepared by a suitably qualified person to investigate the measures required for emergency firefighting purposes at construction phase. The FMEC can be incorporated into the CEMP required under condition 2. The FMEC shall determine the design of the reticulated water supply main and water storages to service the development, in light of all measures proposed to manage an emergency fire situation on the site. The FMEC shall also detail all other potential emergency scenarios that could likely occur at the freight transport facility and include the contingency plans to address these situations. The FMEC must be prepared in consultation with the NSW Fire Brigade.
13. Prior to the issue of a Construction Certificate, a detailed Stormwater Management Plan (SWMP) shall be prepared by a suitably qualified person for the development site, generally in accordance with the Parkes Shire Council Drainage Design Guidelines and the NSW Managing Stormwater Guidelines – Soils & Construction Vol 1 (Blue Book). The SWMP must include full details of the methods for managing stormwater from the development site and downslope to / through nearby roads and rail corridors. Stormwater from the site onto road and railway infrastructure must not be increased by the development and the design of culverts and drainage systems supporting road and railway infrastructure shall be to 1-in-100 year ARI level.
14. Prior to the issue of a Construction Certificate, a report from an Accredited BAM Assessor shall be prepared in accordance with the Biodiversity Conservation Act 2016, demonstrating that the class and number of ecosystem credits in the following table will be retired like for like on the development site to offset the impacts of the development.

Impacted species credit species	Number of species credits	IBRA sub-region
PCT 267 and Superb Parrot	28	NSW South Western Slopes Bioregion

15. Prior to the issue of a Construction Certificate, the monetary contribution set out in the following table is to be paid to Parkes Shire Council pursuant to Section 94A of the Environmental Planning and Assessment Act 1979. The contribution is current as at the date of this consent and is levied in accordance with the Parkes Shire Section 94A Contributions Plan 2016, in force from 5 August 2016, which may be viewed during office hours at Council's Customer Service Centre, 2 Cecile Street, Parkes, or on Council's website www.parkes.nsw.gov.au. The contribution payable will be calculated in accordance with the contributions plan current at the time of payment, and will be adjusted at the time of payment in accordance with the Consumer Price Index (CPI) (All Groups Index for Sydney) published by the Australian Bureau of Statistic (ABS). Contribution amounts will be adjusted by Council each quarter.

Contribution Type	Proposed Cost of Development ¹	Levy %	Total Contribution	Contribution Rate remains current until
Section 94A Contribution	\$15,034,374	1% above \$200,000.00	\$148,343.00	Next CPI Quarterly Adjustment

16. Prior to the issue of a Construction Certificate, a detailed Waste Management Plan (WMP) shall be prepared for the construction phase of the development. The WMP can be incorporated into the CEMP required under condition 2.
17. Prior to the issue of a Construction Certificate, all relevant approvals to carry out stormwater drainage work or water supply work under Section 68 of the Local Government Act 1993 shall be obtained from Parkes Shire Council. All work shall be carried out by a licensed plumber and drainer in accordance with Australian Standard AS/NZS 3500:2003, the Plumbing Code of Australia.

During Works

18. During construction, a detailed Landscape Plan shall be prepared by a Landscape Architect for the development site. The Landscape Plan shall show all site perimeter landscaping in order to achieve 50% screening of the freight facility siding within 5 years of planting, as viewed from public roads and any existing dwellings located within 1 kilometre of the main siding area and with direct line of site to the rail siding and industrial buildings on the site. The Landscaping Plan shall provide details of the plant species, locations and mature heights of plants for those areas shown on the approved stamped plan titled Indicative Construction Laydown Areas, prepared by WSP, numbered PS106667-GEN-0008 (Revision C), dated 2 February 2018 and any additional landscaping areas required to meet this condition.

Note. Appendix 1 - Plant Species for Landscaping of the Parkes Shire Council Development Control Plan 2013 provides details of trees, shrubs and groundcover that is suitable in the Parkes Shire.

19. During construction, work shall be generally contained within Lots 98, 99 and 360 DP 750179, Lot 6 DP 857631, Lots 1 and 2 DP 1082995, with the exception of works required to connect the site to road and railway infrastructure, stormwater and soil erosion management work and any authorised noise / vibration management work. All work in relation to the construction of the freight transport facility, with the exception of any authorised noise / vibration management work, shall be located a minimum 500 metres from dwellings not associated with the development.
20. During construction, noise levels shall be controlled to comply with the NSW Interim Construction Noise Guideline 2009. Noise monitoring shall be undertaken by a suitably qualified person at sensitive receivers identified as R01, R13, R14 and R15 in the WSP Noise and Vibration Impact Assessment, May 2018 at construction stage to verify compliance with relevant noise criteria. A report showing the results of required noise monitoring shall be submitted to Parkes Shire Council (as the Appropriate Regulatory Authority under the Protection of the Environment Operations Act 1997) within 1 month of the commencement of construction works, or as requested by Council in writing to investigate a noise complaint, observed breach of the CEMP or observed breach of the Protection of the Environment Operations Act 1997.
21. During construction, building work shall be carried out in accordance with the provisions of the Building Code of Australia.
22. During construction, work on Australian Rail Track Corporation (ARTC) land, airspace and / or infrastructure shall be undertaken in accordance with the requirements of the ARTC and to their satisfaction. Should works need to occur on ARTC land and / or infrastructure, the developer will need to enter into a Works Deed with ARTC.

23. During construction, a suitable barrier built to standards acceptable to the Australian Rail Track Corporation (ARTC) is to be provided for the perimeter of the terminal and rail corridor to prevent unauthorised access by people and livestock.
24. During construction, the freight transport facility shall be connected to the Parkes Shire Council reticulated water supply system by lodging a 'Water Connection Application Form' with Council and making arrangements for connection of the water meter.
25. During construction, should excavation exceeding 2 metres be proposed within 25 metres of ARTC railway infrastructure, the Applicant is required to consult with the ARTC on their requirements.
26. During construction, earthworks required for the construction of the rail sidings shall generally comply with the requirements listed in Section 6 Excavation, earthworks and other construction related issues of the Development near Rail Corridors and Busy Roads – Interim Guideline. All testing and verification works shall reflect Level 2 testing procedures for this type of work.
27. During construction, a temporary construction barrier built to standards acceptable to the Australian Rail Track Corporation (ARTC) must be erected between the work site and adjoining lands before the works begin and must be kept in place until after the completion of works if the works:
 - (a) could cause a danger, obstruction or inconvenience to pedestrian or vehicular traffic, or
 - (b) could cause damage to adjoining lands by falling objects, or
 - (c) involve the enclosure of a public place or part of a public place

Note: See the entry in the General Exempt Development Code for scaffolding, hoardings and temporary construction site fences.

28. During construction, any relocation / augmentation of Essential Energy's network assets will need to be administered via Essential Energy's Contestable Design and Certification. All relocations / augmentation will be customer funded works (i.e. at the Applicants expense).
29. During construction, any activities carried out on or near electricity infrastructure must be undertaken in accordance with ISSC 20 Guideline for the Management of Activities within Electricity Easements and Close to Infrastructure, September 2012. Approval may be required from Essential Energy should activities within the property encroach on the electricity infrastructure.
30. During construction, demolition works, building activities and excavation work involving the use of machinery, electric or pneumatic tools or other noisy operations shall be carried out only between 7.00 am and 5.00 pm on weekdays and 7.00 am and 1.00 pm on Saturdays. No work on Sundays or Public Holidays is permitted.
31. During construction, all loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out within the confines of the property. No loading, unloading and storage of goods, equipment, tools and building materials, or the carrying out of building operations related to the development proposal shall be carried out on the nature strip, footpath or public roadway system.
32. During construction, 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.
33. During construction, 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. The full cost of restoration / repairs of property or services damaged during the works shall be met by the Applicant.

34. During construction, all works required in carrying out the development are to be in accordance with any relevant requirements of SafeWork NSW.
35. During construction of the Brolgan Road access and throughout subsequent operation of the access, safe Intersection Sight Distance (SISD) requirements outlined in the Austroads Guide to Road Design Part 4A and relevant Roads and Maritime supplements is to be provided in both directions at the vehicular access point servicing the site from Brolgan Road.
36. During construction of the Brolgan Road access and throughout subsequent operation of the access, a basic left (BAL) turn treatment as shown in Figure 8.2 of the Austroads Guide to Road Design: Part 4A (copy enclosed) is to be provided in Brolgan Road at the vehicular access to the subject land. The BAL facility will also need to be sealed and built for a 100km/h speed environment.
37. During construction of the Brolgan Road access and throughout subsequent operation of the access, a basic right (BAR) turn treatment as shown in Figure A 28 of the Austroads Guide to Road Design: Part 4 (copy enclosed) is to be provided in Brolgan Road at the vehicular access to the subject land. The widened shoulder is to be sealed and built for a 100km/h speed environment to provide a reasonable level of safety for the largest class of traffic turning right into the site and to allow following traffic on Brolgan Road an area to pass the right turning vehicle on the left hand side.
38. During construction of the Brolgan Road access and throughout subsequent operation of the access, the intersection of the site access road and Brolgan Road is to be lit in accordance with AS/NZS 1158.1.2:2010, Lighting for roads and public spaces - Vehicular traffic (Category V) lighting - Guide to design, installation, operation and maintenance.
39. During construction of the Brolgan Road access and throughout subsequent operation of the access, suitable storage capacity for vehicles accessing the site shall be provided. Any gate, grid or similar structure installed in the access is to be setback a minimum of forty (40) metres from the edge of Brolgan Road.

Prior to Occupation

40. Prior to the occupation or use of the premises, an Interim or Final Occupation Certificate must be obtained from the Principal Certifying Authority for the development.
41. Prior to the issue of an Occupation Certificate, the Applicant shall provide written evidence to Council of the part closure of Miller Look-out Road.
42. Prior to the issue of an Occupation Certificate, evidence of compliance with the Biodiversity Offset requirements shall be provided to Parkes Shire Council.
43. Prior to the issuance of an Occupation Certificate, all access and internal road works required to facilitate the development are to be completed in accordance with relevant road access conditions and requirements.
44. Prior to the issuance of an Occupation Certificate, a rural address marker must be clearly displayed at the entrance to the property in accordance with Council's Engineering Specifications. It will be necessary for a rural address application to be submitted to and approved by Council to determine the correct rural address and location.
45. Prior to the issuance of an Occupation Certificate, a Fire Safety Certificate shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures. A copy of the Fire Safety Certificate must be submitted to Parkes Shire Council by the PCA with the Occupation Certificate. An electronic copy of the Final Fire Safety Certificate (together with a copy of the current

Fire Safety Schedule) shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.

46. Prior to the issue of an Occupation Certificate, a Fire Management and Emergency Contingency Plan (FMEC) shall be prepared by a suitably qualified person to investigate the measures required for emergency firefighting purposes at operational phase for all buildings, sidings and storage areas. The FMEC shall determine the design of the reticulated water supply main and water storages to service the development, in light of all measures proposed to manage an emergency fire situation on the site. The FMEC shall also detail all other potential emergency scenarios that could likely occur at the freight transport facility and include the contingency plans to address these situations. The FMEC must be prepared in consultation with the NSW Fire Brigade.
47. Prior to the issue of an Occupation Certificate, a detailed Waste Management Plan (WMP) shall be prepared for the operational phase of the development. The WMP must identify the types of waste that will be generated from the development and outline the final management methods, strategies and commitments in relation to the re-use, recycling and disposal of waste.
48. Prior to the issue of an Occupation Certificate, on-site car parking for a minimum of 66 car parking spaces (to accommodate a shift change plus space for visitors, contractors and site vehicles) and at least 1 disabled car parking space shall be provided. Car parking facilities, including all parking and manoeuvring areas are to be designed in accordance with Australian Standard 2890.1 Off-Street Car Parking. All internal access ways, parking, pedestrian, loading and manoeuvring areas shall be bitumen sealed and line marked in accordance with AUS-SPEC#1 / Parkes Shire Council. Trafficable areas shall be maintained in good order and kept clear and available at all times for such purposes.

Operational Conditions

49. An Annual Fire Safety Statement shall be furnished to the Principal Certifying Authority for all the Essential Fire or Other Safety Measures forming part of this approval within 12 months after the Fire Safety Certificate was issued. A copy of the Annual Fire Safety Statement must be submitted to Council. An electronic copy of the Annual Fire Safety Statement shall also be forwarded to the Fire Commissioner via the following dedicated email address: afss@fire.nsw.gov.
50. Any external lights shall be operated / maintained generally in accordance with the Pacific National Lighting Impact Assessment, May 2018 and Australian Standard AS4282 - Control of the Obtrusive Effects of Outdoor Lighting so as not to cause a nuisance or adverse impact on the surrounding private land or to motorists on nearby roads.
51. There must be no interference with the amenity of the area by reason of the emission of any offensive noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash or dust, or otherwise as a result of the development as defined in the Protection of the Environment Operations Act 1997.
52. Noise levels during operation of the freight transport facility shall be controlled to ensure that nearby dwellings, and particularly sensitive receivers R01, R13, R14 and R15 identified in the WSP Noise and Vibration Impact Assessment, May 2018, are not subjected to noise exceedances as defined under the NSW Noise Policy for Industry 2017. Noise monitoring shall be undertaken by a suitably qualified person at sensitive receivers R01, R13, R14 and R15 within 1 month of operations commencing at the site, to verify compliance with relevant noise criteria. A report showing the results of required noise monitoring shall be submitted to Parkes Shire Council (as the Appropriate Regulatory Authority under the Protection of the Environment Operations Act 1997) within 2 months of the commissioning of the freight transport facility, or as requested by Council in writing to investigate a noise complaint or observed breach of the Protection of the Environment Operations Act 1997.
53. To ensure compliance with the conditions of the consent and to monitor the environmental management and impacts of the development, the Applicant shall prepare and submit for the approval of Council. The report shall include monitoring data and analysis and details of the effective operation

of the development in accordance with all relevant environmental standards. The report shall also provide details of annual traffic and freight volumes for both road and rail operations. The required report shall be submitted to Parkes Shire Council annually from the date construction commences and for the first two years of operation.

Prescribed conditions

54. The work must be carried out in accordance with the requirements of the Building Code of Australia.
55. 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.

56. 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.