

## APPENDIX A - Conditions of Consent

### A General Conditions

A1 The development being carried out strictly in accordance with the following details, except as otherwise provided by the conditions of this consent:

a. Development plans prepared by Morris Bray Architects,

Project No	Drawing No	Revision	Date
09026	DA-02	B	09/12/2010
09026	DA-03	B	14/12/2010
09026	DA-04	B	14/12/2010
09026	DA-06	D	14/12/2010

b. Engineering plans prepared by C & M Consulting Engineers,

Project No	Drawing No	Revision	Date
00533	00533_DA02	03	02/02/2011
00533	00533_DA03	03	02/02/2011
00533	00533_DA04	02	27/08/2010
00533	00533_DA05	03	02/02/2011
00533	00533_DA06	03	12/01/2011
00533	00533_DA07	04	02/02/2011
00533	00533_DA08	03	02/02/2011
00533	00533_DA09	03	02/02/2011

c. Concept road design plans prepared by CGA Engineering Solutions,

Project No	Drawing No	Revision	Date
10242C	L01	5	28/07/2011
10242C	L02A	5	28/07/2011
10242C	L02B	5	28/07/2011
10242C	L03	5	28/07/2011
10242C	L04	5	28/07/2011
10242C	L05	5	28/07/2011

d. Landscape plans prepared by John Lock and Associates,

Project No	Drawing No	Revision	Date
-	1718 LP-01	E	03/02/2011
-	1718 LP-02	D	25/01/2011
-	1718 LP-03	D	25/01/2011

e. Statement of Environmental Effects prepared by Insite Planning, dated August 2010, and

f. Development Application form signed on 30 August 2010.

**Note:** Any proposal to modify the terms or conditions of this consent whilst still maintaining substantially the same development to that approved, will require the submission of a formal application for Council's consideration in accordance with the provisions of Section 96 of the Environmental Planning and Assessment Act, 1979.

**Reason:** To confirm and clarify the terms of Council's approval.

- A2 The hours of operation or trading of the premises being not more than:

DAY	START	FINISH
Monday-Friday	7am	9pm
Weekends and Public Holidays	8am	6pm

unless a separate application to vary the hours of operation or trading has been submitted to and approved by Council.

**Reason:** To protect the amenity of the neighbourhood and to ensure the use of the premises operates within acceptable hours.

- A3 Delivery to and dispatch of goods from the premises being restricted to the following hours:

DAY	START	FINISH
Monday-Sunday	7am	10pm

unless a separate application to vary the hours of operation has been submitted to and approved by Council.

**Reason:** To protect the amenity of the neighbourhood and to ensure appropriate noise control measures are implemented

- A4 The vehicular access/exit to/from Sandgate Road/Robert Street being provided with lockable gates at either end of the driveway and opened to vehicular traffic for emergency purposes only. Plans to be submitted with a Construction Certificate application is to indicate this access/exit as 'emergency only' and indicate the location of lockable gates.

**Note:** 'Emergency purposes' include the closure of Minmi Road and/or an emergency event requiring rapid access to, or exit from the site.

**Reason:** To restrict vehicles entering and leaving the site from Sandgate Road/Robert Street and to maintain the amenity of the surrounding residential area.

- A5 It being the responsibility of the developer to meet all expenses incurred in undertaking the development, including expenses incurred in complying with conditions imposed under this consent.

**Reason:** To confirm and clarify the terms of approval.

**B Conditions which must be satisfied prior to the demolition of any building or Construction**

No conditions

## **C Conditions which must be satisfied prior to the issue of any Construction Certificate**

### **Development Contributions**

- C1 A total monetary contribution of **\$149,780** being paid to Council, pursuant to Section 94A of the *Environmental Planning and Assessment Act 1979*, such contribution to be payable prior to the issue of any Construction Certificate in respect of the proposed development.

- Note:** i) This condition is imposed in accordance with the provisions of the Newcastle City Council S94A Development Contributions Plan 2009 (updated March 2011). A copy of the plan may be inspected at Council's Customer Enquiry Centre, ground floor of the City Administration Centre, 282 King Street Newcastle 8.30 am to 5.00 pm, excluding public holidays.
- ii) The amount of contribution payable under this condition has been calculated on the basis of the current rate as at the date of consent and is based on the most recent quarterly Consumer Price Index (CPI) release made available by the Australian Bureau of Statistics (ABS). The CPI index rate is expected to rise at regular intervals and therefore the actual contribution payable is indexed and recalculated at the CPI rate applicable on the day of payment.

CPI quarterly figures are released by the ABS on a date after the indexation quarter and as a guide, these approximate dates are provided below. Indexation quarters from the ABS are as follows:

<b>Indexation quarters</b>	<b>Approx release date</b>
September	Late October
December	Late January
March	Late April
June	Late July

Any party intending to act on this consent should contact Council's Customer Enquiry Centre for determination of the indexed amount of contribution on the date of payment.

- iii) Credits will be available under Development Contributions Plan No. 4: Transport Facilities in Blue Gum Hills for certain external roadworks, these being to the value and in timeframe agreed between Newcastle City Council and the Developer.

**Reason:** To assist Council in the provision of public facilities within the local government area in response to the additional demand likely to result from the proposed development.

### **Flooding, Stormwater and Services**

- C2 The development being designed in accordance with the requirements of Element 4.3 Flood Management of Newcastle Development Control Plan 2005. Specifically:

- Any proposed works within the identified floodway area being designed to ensure there is no significant impedance to flood conveyance.
- The floor level of the warehouse building being constructed at RL 4.8 metres AHD to provide freeboard above the Hunter River peak 1% AEP flood level and flood refuge for the local catchment estimated PMF level.

Full details to be included in documentation for a Construction Certificate application.

**Reason:** To minimise the extent of property damage and the risk of injury in the event of future flooding of the site.

- C3 All stormwater runoff from the development being managed in accordance with the requirements of Element 4.5 Water Management of Newcastle Development Control Plan 2005 and the associated Technical Manual, as indicated on the Stormwater Management Plan prepared by C & M Consulting Engineers. Full details to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that site stormwater runoff is properly managed in a safe and sustainable manner.

- C4 Any alteration to natural surface levels on the site being undertaken in such a manner as to ensure that no surface water is drained onto or impounded on adjoining properties. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that any such proposed works do not disrupt existing natural stormwater flows in the vicinity.

- C5 The applicant complying with all requirements of the Hunter Water Corporation regarding the connection of water supply and sewerage services, including the payment of any required cash contribution towards necessary amplification of service mains in the locality as a result of the increased intensity of land use proposed. A copy of the Corporation's Certificate of Compliance is to be included in documentation for a Construction Certificate application.

**Reason:** To ensure that water supply and sewerage services are properly connected to the proposed development in the public interest.

- C6 Adequate facilities being provided in a screened location within the premises for the storage of garbage, discarded or returnable packaging or other forms of trade wastes and arrangements being made for regular removal and disposal of same. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure adequate garbage storage and removal arrangements in the interest of public health, safety and sanitation and to ensure that the required on-site garbage storage facilities do not unreasonably detract from the overall appearance of the proposed development.

#### **Access for Persons with Disabilities**

- C7 The building being provided with adequate means of access for persons with disabilities in order to comply with the Building Code of Australia and the *Disability Discrimination Act 1992*.

In this regard, the applicant is to submit a design detail which has been certified by a qualified Access Advisor\* with the application for a Construction Certificate.

**Note:** i) Compliance with the Building Code of Australia only can still leave a building professional or building owner in contravention of the *Disability Discrimination Act 1992*.

- ii) \* A qualified Access Advisor is a current member of -  
Association of Consultants in Access Aust Inc  
326 Autumn Street, HERNE HILL, VIC. 3218.  
Ph (03) 5221 2820  
[www.access.asn.au](http://www.access.asn.au)

- iii) A qualified Access Advisor should carry current and relevant public liability and public indemnity insurances for the practice of their trade.

**Reason:** To ensure compliance with the provision of the Environmental Planning and Assessment Act, 1979 and the Building Code of Australia and the Disability Discrimination Act 1992 in relation to the provision of equity in access for disabled persons.

- C8 All external ramps and pathways within the site required to be accessible for persons with disabilities being designed and constructed in accordance with AS.1428 – Design for Access and Mobility. Full details are to be included in documentation submitted with the application for a Construction Certificate.

**Reason:** To ensure appropriate disabled persons access is provided for this development in accordance with statutory requirements.

### **Access and Parking**

- C9 On-site parking accommodation being provided for a minimum of 389 vehicles, inclusive of 8 disabled spaces, as well as 6 bicycles and 19 motorcycles. Such being set out generally in accordance with the minimum parking layout standards indicated in Element 4.1 of Council's adopted Newcastle DCP 2005 and Australian Standard AS2890.1-2004 "Parking Facilities - Part 1 Off Street Car Parking". Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure the provision of adequate on-site parking facilities commensurate with the demand likely to be generated by the proposed development.

- C10 An industrial type vehicular crossing 6 metres wide, with appropriate splays, being constructed across the public footway at the proposed emergency driveway entrance and exit in Robert Street at no cost to Council and in accordance with Council's Driveway Standard A17/11B (Concrete Vehicular Crossings) design specifications. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure the provision of adequate clearly defined and properly constructed all-weather vehicular access to the site.

- C11 Speed humps being constructed within the carpark in accordance with Australian Standard 2890 – Parking Facilities incorporating appropriate delineation in the form of signage and/or linemarking. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure the vehicular speed controls proposed in association with this development application are installed in accordance with the appropriate standards.

- C12 All proposed driveways, parking bays, loading bays and vehicular turning areas being constructed with a basecourse of adequate depth to suit design traffic, being sealed with either bitumen seal, asphaltic concrete, concrete or interlocking pavers and being properly maintained. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To facilitate the use of vehicular access and parking facilities and to minimise any associated noise and dust nuisance.

- C13 A pavement design report for the construction of the internal private roads and carpark being prepared and certified by a practising geotechnical engineer. Full details are to be included in documentation submitted with the application for a Construction Certificate.

**Reason:** To ensure the future integrity of the internal road network of the development.

- C14 Kerbing or dwarf walls having a minimum height of 100 mm being constructed along the edge of all garden or lawn areas adjacent to driveways and parking bays sufficient to discourage the encroachment of vehicles thereon. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To assist in confining vehicular movement to constructed driveways and parking areas and protect site landscaping works against vehicular damage.

- C15 Letterboxes, landscaping and any other obstructions to visibility should be kept clear of or limited in height to 1.2 m in the 2 metre by 2.5 metre splay within the property boundary each side of the driveway entrance in accordance with Australian Standard 2890.1– 2004 “Parking Facilities”. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure adequate sight distance to traffic on the frontage road and sight distance to pedestrians on the frontage road footway.

- C16 Wheelstops being provided along the front of all parking spaces abutting pedestrian pathways in accordance with Australian Standard 2890.1– 2004 “Parking Facilities”. Full details are to be included in documentation for a Construction Certificate application.

**Reason:** To ensure safe and convenient use of on-site parking and to minimise vehicular and pedestrian conflict.

- C17 The proposed disabled parking bays being clearly indicated by means of signs and/or pavement markings. Full details are to be included in documentation submitted with the application for a Construction Certificate.

**Reason:** To clearly identify the nature of the on-site car parking facilities proposed as part of this development.

- C18 Adequate driver sight lines being maintained for both vehicles and pedestrians at all vehicle entry and exit locations, in accordance with Australian Standard 2890 – Parking. Full details are to be included in documentation submitted with the application for a Construction Certificate.

**Note:** Compliance with the minimum sight distance requirements outlined under Australian Standard 2890 - Parking may necessitate alterations to the development.

**Reason:** To minimise the potential for vehicle and pedestrian conflicts as a result of the development.

### **Controlled Activity Approval**

- C19 Prior to the issue of any Construction Certificate, written confirmation being provided to the Principal Certifying Authority that a Controlled Activity Authority has been obtained from the NSW Office of Water for any works on waterfront land requiring such an approval.

**Reason:** To ensure the appropriate approval has been obtained from the NSW Office of Water prior to works on waterfront land occurring.

## Heritage

C20 Prior to the issue of any Construction Certificate, written confirmation being provided to the Principal Certifying Authority that an Exception Notification Permit under Section 139 of the *NSW Heritage Act 1977* has been obtained from the NSW Office of Environment and Heritage to cover bulk excavation. In particular, the permit should cover areas of cut and fill in the south east corner where there is reason to suspect the presence of archaeological material, including excavations for new car parking and paving, services, and storm water detention.

**Reason:** To ensure the requirements of the *NSW Heritage Act 1977* are met.

## Environmental Management

C21 A detailed Acid Sulfate Soil Management Plan addressing all elements outlined in the Acid Sulfate Soil Manual (Acid Sulfate Soils Management Advisory Committee, 1998) being prepared and submitted with documentation for any Construction Certificate application. The management methods of the plan are to be implemented for the duration of remediation and construction works, as required.

**Reason:** To minimise the risk of environmental pollution as a result of disturbance of Potential Acid Sulfate Soils and Acid Sulfate Soils present at the site.

C22 A detailed Environmental Management Plan (EMP) for construction works on the site being prepared and submitted with documentation for any Construction Certificate application. A copy of the EMP is to be kept on site and made available to authorised Council officers upon request. The EMP is to include, but not be limited to, the following:

- a site management strategy identifying and addressing issues such as environmental health and safety, site security, and traffic management.
- a water management strategy, detailing erosion and sediment control, management of soil stockpiles, control and management of surface water, groundwater. Procedures should also be included to ensure that all roads adjacent to the site are kept free and clear from mud and sediment. Erosion and sediment control measures are to be designed in accordance with the requirements of the *Managing Urban Stormwater: Soils and Construction 4<sup>th</sup> Edition – Vol. 1* (the “Blue Book”) published by Landcom, 2004.
- a dust management strategy, detailing procedures to minimise dust generation, with particular reference to control techniques and operational limits under adverse meteorological conditions.
- a noise and vibration management program, detailing measures to minimise the impact of the development on local amenity. Provision for noise and vibration monitoring during works should be incorporated into the program.
- a waste minimisation strategy, which aims to avoid production of waste and maximise reuse, recycling or reprocessing of potential waste material.
- a community relations plan, which aims to inform local residents and other local stakeholders of the proposed nature and timeframes for bulk earthworks and construction activities together with contact details for site management.

**Reason:** To prevent environmental pollution and to ensure compliance with relevant provisions of the *Protection of the Environment Operations Act 1997*.

## Landscaping

C23 All proposed planting and landscape elements indicated on the submitted landscape concept plans or otherwise required under the conditions of this consent being implemented and comprehensive landscape design plans and specifications in respect thereof being prepared by a qualified landscape designer and being submitted with a Construction Certificate application. The required comprehensive landscape design plans and specifications are to include the following amendments:

- shade tree planting to be provided in the carpark in accordance with the requirements of Newcastle Development Control Plan 2005.
- the species of all carpark shade trees is to be changed to *Lophostemon confertus*. In particular, the species of 2 x *Eucalyptus* species located within the carpark adjacent the building should be changed.
- all shade trees within the carpark are to be installed in structural vaults in accordance with the requirements of Council's Urban Forest Technical Manual.
- street tree planting to be provided on Council land to the extent of the property frontage to Minmi Road. Species to be *Elaeocarpus obovatus* in accordance with the Street Tree Master Plan prepared by Newcastle City Council. Street trees are to be supplied and installed in accordance with the requirements of Council's Urban Forest Technical Manual.
- street tree planting to be provided on Council land to the extent of the property frontage to Sandgate Road/Robert Street. Species to be *Jacaranda mimosifolia* in accordance with the Street Tree Master Plan prepared by Newcastle City Council. Street trees are to be supplied and installed in accordance with the requirements of Council's Urban Forest Technical Manual.
- an additional 3 street trees are to be provided on Council land to the property frontage to Sandgate Road/Robert Street. These street trees are to be located on the same alignment as the existing trees and sited between the customer entry and exit and the intersection with Minmi Road. Tree species to be *Jacaranda mimosifolia* in accordance with the Street Tree Master Plan prepared by Newcastle City Council. Street trees are to be supplied and installed in accordance with the requirements of Council's Urban Forest Technical Manual.
- landscape treatment to be provided to the extent of the property frontages to both Minmi Road and Sandgate Road/Robert Street from the property boundary to the kerb.
- heights of all retaining walls are to be specified and indicative sections for each wall are to be provided showing existing and final landform.
- all street trees are to be NATSPEC compliant. Written evidence of compliance to NATSPEC requirements is to be submitted to the Principal Certifying Authority prior to delivery to site.
- all trees are to be maintained for a period of 104 weeks.

**Note:** The required comprehensive landscape design plan and specifications is to be in accordance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and is to include cross sections through the site where appropriate, proposed contours or spot levels, botanical names, quantities and container size of all proposed trees, shrubs and ground cover, details of proposed soil preparation, mulching and staking as well as treatment of external surfaces and retaining walls where proposed, drainage, location of taps and the nominated maintenance periods.

**Reason:** To ensure that adequate and appropriate provision is made for landscaping of the site in association with the proposed development, to enhance the external appearance of the premises and to contribute to the overall landscape quality of the locality.



**D Conditions which must be satisfied prior to the commencement of any development work**

**External Road Works and Traffic Management**

- D1 Prior to commencement of any site works the developer entering into an appropriate Works Authorisation Deed Agreement with the Roads & Traffic Authority pursuant to the *Roads Act 1993*.

**Reason:** To ensure that the traffic generating effects of the proposed development are taken into account and related road improvements are undertaken in the interests of traffic safety and road network efficiency.

- D2 The Developer obtaining the separate approval of Council pursuant to Part 8 Division 2 of the *Roads Act 1993* for the proposed road improvement works within Minmi Road and Cameron Street, Wallsend and such being obtained prior to the commencement of any site works.

**Note:** The road works are inclusive of signposting, linemarking, street lighting and utility adjustments and will require Newcastle City Traffic Committee approval.

**Reason:** To ensure that any work within the public road reserve is carried out in accordance with Council's requirements and under Council supervision and to ensure compliance with the requirements of the *Roads Act 1993*.

- D3 No work within the public road being commenced, including pipe or vehicular crossings, until Council's separate written approval has been obtained pursuant to Part 9 Division 3 Section 138 of the *Roads Act 1993*.

**Note:** An additional fee will be required by Council for the assessment of engineering plans submitted for the public road works. The Developer should confer with Council's Development & Building Services Section in order to confirm this fee.

**Reason:** To ensure that any work within the public road is carried out in accordance with Council's requirements and under Council supervision.

- D4 The proposed road upgrade works detailed on the concept road design plans submitted by CGA Engineering Solutions Project No. 10242C Dwg No.s L01, L02A, L02B, L03, L04 and L05 Rev 5 dated 28 July 2011 being amended to incorporate the following:

a) Cameron Street

- i) turn lanes from Cameron Street into Minmi Road
- ii) 1 x 4.5m wide through lane; 2 x right
- iii) 1 x 4.2m lane through/left lane
- iv) 3.5m width footway
- v) deletion of kerbside parking across the frontages to residential properties No. 129, 127, 125 and 123.

b) Minmi Road

- i) 2 x 3.3m lanes west bound and 1.5m wide dedicated cycleway (kerbside)
- ii) 2 x 3.3m lanes east bound and 1.5m wide dedicated cycle lane (kerbside)

- iii) A 1.5m wide dedicated cycle lane being provided through the roundabout on Minmi Road in accordance with 'Austroads Part 4B – Roundabouts Figure 5.4 '
- iv) an L5 lane line 30m in length to be provided on eastern approach to roundabout with a dedicated 1.5m wide cycle lane between left and through lane
- v) an L5 lane line 30m in length to be provided on western approach to Sandgate Road with a dedicated 1.5m wide cycle lane between left and through lane
- vi) the dedicated kerbside cycle lane transitioning to a lane between left/through lanes to comply with 'Austroads Guide to Road Design – Part 4A Figure C15 1: Designing for the six Intersection elements'
- vii) extension of the existing concrete central median in Minmi Road opposite Robert Street to deter right turn movements
- viii) the roundabout being designed for 25m B-doubles and the access road into the development site for the maximum size vehicle expected to access the site
- ix) the roundabout approach splitter islands being a minimum 6.0m long to protect pedestrians
- x) the future 2 lane roundabout proposal being located clear of the existing Hunter Water Corporation easement on the northern side of Minmi Road
- xi) entry and exit ramps are to be provided on the southern side of Minmi Road either side of the roundabout for access to the off-road 2.5m wide cycle/pedestrian pathway in accordance with the high speed ramp detailed under 'Austroads Cycling Aspects of Austroads Guides Fig 4.10: Low and high-speed exit and entry ramps'.

Full details are to be included in documentation submitted to Council for approval under the *Roads Act 1993*.

**Note:** In the case of any discrepancy between the Roads and Traffic Authority, Hunter Regional Development Committee and Council requirements, Council's requirements outlined in the conditions of this consent shall prevail.

**Reason:** To advise of, and ensure compliance with, the requirements of Council as the responsible Road Authority and to adequately address the management of traffic generated by the development in the interest of public safety.

- D5 Comprehensive engineering design plans and specifications for the works to be undertaken in the public road reserve being submitted for approval with the required application under Part 9, Division 3, Section 138 of the Roads Act, 1993, such to be accompanied by the following documentation and additional details:

### **Road Design Plans**

Engineering Plans to comply with the following requirements:

- a) Plans to be accompanied by a pavement design report prepared and certified by a practising geotechnical engineer
- b) Plans to be accompanied by a design report prepared and certified by a practising road design engineer, such report to include a risk assessment reviewing the location of power poles relative to the edge of kerbside travel lanes in accordance with the RTA's Road Design Guide
- c) Proposed road intersection to have at least 10m vertical curves
- d) Kerb and gutter shapes within the public road to be constructed in accordance with Council's Standard Drawing No. NCC A17, as amended on 23 January 1995

- e) Drainage inlet structures within the public road to be constructed in accordance with Council's Standard Drawing Nos. A199, dated March 1995 and A313, as amended 6 September 1994
- f) Footways to be generally high level and at 2% grade toward the kerb
- g) Kerb ramps to be constructed in accordance with Council's Draft Standard Drawing No. A90, dated November 1998
- h) A separate linemarking and signposting plan (approved by the Newcastle City Traffic Committee) to be included with the design plans.

### **Land Management Plan**

The Land Management Plan to nominate existing and proposed surface levels and provide full details of proposed erosion and sediment control measures to be implemented prior to, during and after construction. The required Plan to be prepared in accordance with the Department of Housing's Guidelines – *Managing Urban Stormwater: Soils and Construction*.

### **Stormwater Drainage Plan**

The Stormwater Drainage Plan to incorporate a 1:10 year recurrence interval piped stormwater drainage system, with overland flow up to a 1:100 year recurrence interval event contained within road reserves and/or drainage reserves, and to comply with the following requirements:

- a) Sub-soil drainage to be located under kerb and gutter and extend at least 500mm below bottom of pavement
- b) Pits to be located upstream of kerb ramps and kerb returns
- c) All stormwater pipes in the public road to be rubber ring jointed reinforced concrete
- d) The proposed development not to increase upstream or downstream flooding for floods over a range of storms from 1:1 to 1:100 year events.

### **Utilities Layout Plan**

The Utilities Layout Plan to indicate the location of existing mains, associated installations and service conduits, together with any proposed utility alterations and installations in particular street lighting. Any required electricity substations, pumping stations or similar installations are to be located in public reserves and/or private land and are not to be located within road reserves.

### **Set-out Layout Plan**

The Set-out Layout Plan to indicate survey co-ordinates for set out points for kerbs, medians and lane lines.

**Reason:** To ensure that Council is provided with adequate details to enable all design aspects to be properly assessed prior to the issue of an approval under Part 9 Division 3 Section 138 of the *Road Act 1993* for works within the public road reserve.

D6 All public road works being designed in accordance with the following publications (as amended or updated), as applicable:

- AUSTROADS Standards Australia 1999 '*Guide to Engineering*'
- Roads and Traffic Authority Road Design Guide
- Roads and Traffic Authority – '*Guide to Signs and Markings Reference Lists dated April 2010*'
- Roads & Traffic Authority of NSW – '*Bicycle Guidelines*'

- Commonwealth of Australia 2002 – ‘Disability Standards for Accessible Public Transport’
- Department of Infrastructure, Planning and Natural Resources – ‘Planning Guidelines for Walking & Cycling’
- Newcastle City Council - Newcastle Street Tree Masterplan
- Newcastle City Council 2009 - Newcastle Bike Plan
- Newcastle City Council 2008 – ‘Transport Stops, Shelters and Seating Guidelines’
- Engineers Australia 2007 Australian Runoff Quality – ‘A Guide to Water Sensitive urban Design’
- Institution of Engineers – ‘Australian Rainfall and Runoff 1999’.

**Reason:** To ensure works comply with appropriate design standards.

- D7 Prior to commencement of any site works, the Developer obtaining the concurrence of Council to the extent of road widening required under this development application.

**Reason:** To ensure that the road upgrade works proposed as part of this application comply with appropriate design standards.

- D8 Written evidence of arrangements being made with Telstra and AGL for the provision/alteration of underground services, the Hunter Water Corporation Limited for the provision/alteration of water supply and sewerage and with Energy Australia for the provision/alteration of overhead or underground electricity supply and adequate street lighting being submitted to Council prior to the issue of the approval pursuant to Part 9 Division 3 Section 138 of the *Roads Act 1993* for works in the public road.

**Reason:** To ensure that appropriate arrangements are made with local utility providers and that adequate facilities are available in respect of servicing of the site in compliance with the requirements of the above mentioned authorities.

- D9 The Developer being responsible for the provision of additional regulatory signage and all adjustments to and/or relocation of existing regulatory signage in public roads as part of the development at no cost to Council and in accordance with Council requirements. Full details are to be included in documentation submitted with the application under Part 9, Division 3, Section 138 of the *Roads Act 1993*.

**Note:** Alterations to regulatory signage and kerbside parking will need to be approved by the Newcastle City Traffic Committee.

**Reason:** To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement and pedestrian activity likely to be generated by the proposed development.

- D10 Prior to commencement of site works the developer submitting to Council for approval a Construction Traffic Management Plan (CTMP) addressing traffic control measures to be utilised in the public road reserve during the bulk earthworks and construction phases. The CTMP is to be prepared by a Roads & Traffic Authority accredited person with a Design and Audit Traffic Control Plans Certificate in accordance with *Australian Standard 1742.3 – 2002*. The plan is to ensure the provision for safe, continuous movement of traffic and pedestrians within the road reserve.

**Reason:** To control vehicular and pedestrian traffic movements in the public road reserve during the construction phase

- D11 Where practical, site access for construction traffic being confined to Minmi Road during the construction period.

**Reason:** To control vehicular activity associated with this development during the construction period in the interest of public safety and amenity.

- D12 The Contractor making provision for safe, continuous movement of traffic and pedestrians in public roads and erecting traffic warning signs conforming to the Roads and Traffic Authority's General Specifications (RTA Spec. Part G10 "Control of Traffic" and RTA Spec. 3355). Traffic control is to be carried out only by flagmen with certification that they have been trained in accordance with Australian Standard 1742.3 – 2002.

**Reason:** To ensure the proposed development does not unreasonably interfere with the convenience or safety of the general motoring public.

- D13 A temporary protective crossing being provided over the footway for vehicular traffic before building operations are commenced. This approval does not permit access to the property over any adjacent private or public land.

**Reason:** To ensure public safety and protection of public assets.

### **Erosion and Sediment Control**

- D14 Erosion and sediment control measures being implemented prior to the commencement of any works and being maintained during the period of bulk earthworks and construction in accordance with the details set out on the Erosion and Sediment Control Plan submitted with the Construction Certificate application. Controls are not to be removed until the site is stable with all bare areas supporting an established vegetative cover.

**Reason:** To ensure that appropriate measures are taken to prevent surface erosion and the emission of sediment from the site as a result of the proposed development.

## **E Conditions which must be satisfied during any development work**

### **General Matters**

- E1 All building work must be carried out in accordance with the provisions of the Building Code of Australia.

**Reason:** To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

- E2 Construction/demolition work that generates noise that is audible at residential premises being restricted to the following times:

- Monday to Friday, 7:00 am to 6:00 pm;
- Saturday, 8:00 am to 1:00 pm;

With no noise from construction/demolition work to be generated on Sundays or Public Holidays.

**Reason:** To prevent 'offensive noise' from construction/demolition sites in order to safeguard the amenity of the neighbourhood

- E3 Council's "PREVENT POLLUTION" sign being erected and maintained in a conspicuous location on or adjacent to the property boundary so that it is clearly visible to the public or at other locations on the site as otherwise directed by Council for the duration of construction work.

**Note:** Council's PREVENT POLLUTION sign can be obtained by presenting your development application receipt at Council's Customer Enquiry Counter at 282 King Street Newcastle or at the Master Builders Association office.

**Reason:** To increase industry and community awareness of developer's obligations to prevent pollution and to assist in ensuring compliance with the statutory provisions of the *Protection of the Environment Operations Act 1997*.

- E4 If the work involved in the erection / demolition of the building:

a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or

b) building involves the enclosure of a public place,

a hoarding or fence must be erected between the work site and the public place.

If necessary, an awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place. Any such hoarding, fence or awning is to be removed when the work has been completed.

**Reason:** To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

- E5 A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is carried out:

a) stating that unauthorised entry to the work site is prohibited, and

b) showing the name of the person in charge of the work site and a telephone number at which that person may be contacted outside working hours.

Any such sign is to be removed when the work has been completed.

**Reason:** To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

## Earthworks

- E6 All excavations and backfilling associated with the erection or demolition of a building must be executed safely and in accordance with appropriate professional standards.

**Reason:** To confirm a condition of consent prescribed by the *Environmental Planning & Assessment Regulation 2000*.

- E7 There being no pile-driving or rock breaking as part of earthworks or construction of the development.

**Reason:** To protect the structural integrity of improvements on surrounding land and to protect the amenity of the neighbourhood.

- E8 All material being transported to or from the site by vehicle being appropriately secured or restrained in order to meet the performance standards recommended in the *Load Restraint Guide – Guidelines for the safe carriage of loads on road vehicles*, published by the Australian Government Publishing Service on 12 December 1994.

**Reason:** To prevent environmental pollution and traffic hazards.

- E9 Any fill material imported into the site being Virgin Excavated Natural Material or material subject to a Resource Recovery Exemption that is permitted to be used as a fill material, in accordance with the provisions of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment (Waste) Regulation 2005*.

**Reason:** To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- E10 Any fill material subject to a Resource Recovery Exemption received at the site must be accompanied by documentation demonstrating that material's compliance with the conditions of the exemption, and this documentation must be provided to the Principal Certifying Authority or Council Officers on request.

**Reason:** To ensure that any imported fill is of an acceptable standard for environmental protection purposes.

- E11 Any excavated material to be removed from the site being assessed, classified, transported and disposed of in accordance with the Environment Protection Authority's Waste Classification Guidelines.

**Reason:** To prevent environmental pollution and to ensure observance of appropriate health standards.

- E12 An Aboriginal Sites Officer from the Awabakal Local Aboriginal Land Council being invited to be present on site during excavation works.

**Reason:** To ensure appropriate consultation regarding the discovery and protection of potential evidence of Aboriginal culture during excavation works.

### **Remediation Works**

- E13 Contamination remediation works are to be undertaken strictly in accordance with the report *Remedial Action Plan Proposed Bunnings Warehouse Sandgate Road, Wallsend, NSW*, Reference Number P1002633JR05V03, prepared by Martens Consulting Engineers and dated August 2011, except as otherwise provided by the conditions of this consent.

**Reason:** To ensure the site has been appropriately remediated so that it is suitable for the intended land use and to protect human health and the environment.

- E14 All contaminated fill material to be capped on site is to be located outside of the proposed wetland area and above the groundwater table.

**Reason:** To minimise the risk of contamination of the proposed wetland and groundwater as a result of the remediation works.

### **Public Utility Installations**

- E15 Any necessary alterations to public utility installations being at the Developer/Demolisher's expense and to the requirements of both Council and the appropriate authorities.

**Reason:** To ensure that any required alterations to public utility infrastructure are undertaken to acceptable standards and without demands on public sector resources.

### **Foot paving Works**

E16 Any proposed paving works within the Minmi Road/Sandgate Road public footway being in accordance with the requirements of Council's specification (Form PLE/S009).

**Note:** It will be necessary for the Developer to notify water, telecommunications, gas and electricity authorities of the proposed paving works in order to enable the various authorities to carry out and complete any necessary repairs and/or amplification to their respective services before such works are commenced.

**Reason:** To ensure that proposed footway works within the public footway are carried out to an appropriate standard and to minimise costs associated with future footpath maintenance.

### **Rectification Works**

E17 All public footways, footpaving, kerbs, gutters and road pavement damaged during the works being restored to match existing conditions at the Developer's/Demolisher's expense.

**Reason:** To ensure that the required restoration is undertaken to acceptable standards and without demands on public sector resources.

## **F Conditions which must be satisfied prior to the issue of any Occupation Certificate or occupation or use of the development**

### **Consolidation**

F1 The whole of the land Lot 2 DP 234315, Part Lot 1 DP 552405 and Lot 21 DP 588346 being consolidated into a single title and documentary evidence of the lodgement for registration of a survey plan of consolidation with the Office of Finance and Services being submitted to Council prior to the issue of any Occupation Certificate for the development.

**Reason:** To ensure that no portion of the total development site is disposed of independently without the prior approval of Council under the Environmental Planning and Assessment Act, 1979.

### **Access and Parking**

F2 The proposed road improvement works, as approved by Council pursuant to Part 8 Division 2 of the *Roads Act 1993* and including the following, being constructed to Council's satisfaction prior to the issue of any Occupation Certificate or occupation of the premises.

- a) Road pavement
- b) Road shoulder pavement
- c) Kerb and gutter
- d) Footway formation
- e) Footpaving
- f) Associated drainage works



**Reason:** To ensure that public road facilities are upgraded to an appropriate standard having regard to the additional traffic movement likely to be generated by the development.

- F3 A road safety audit of the project being undertaken by an accredited auditor and a report prepared and submitted, for concurrence, to the Roads & Traffic Authority and Council at the completion of road construction works. The concurrence of the Authority and Council being obtained prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure the proposed deceleration lane conforms to the appropriate design and construction standards.

- F4 Areas identified for road widening to provide adequate travel lane and public footway widths and the retention of public utility and road infrastructure within the public road reserve being transferred to Council for dedication as public road. A suitable survey plan providing for the dedication is to be submitted with an accompanying Subdivision Certificate Application for Council certification prior to lodgement for registration with the NSW Office of Finance and Services, such certification being obtained prior to the issue of any Occupation Certificate or occupation of the premises.

**Note:** All associated survey and legal work to be undertaken by the Developer at the Developer's expense.

**Reason:** To facilitate the implementation of proposed road widening as a consequence of road improvement works required under the proposed development.

- F5 Street lighting being upgraded, at no cost to Council (other than annual maintenance), in accordance with Australian Standard AS1158 – Lighting in association with the proposed road improvement works. The lighting upgrade works are to be completed prior to the issue of any Occupation Certificate or occupation of the premises.

**Note:** The developer is to liaise with Energy Australia in relation to the design and construction of the street lighting.)

**Reason:** To ensure that adequate and appropriate lighting facilities are provided in association with the road works proposed as part of this development.

- F6 Appropriate lighting being provided for the carparks and pedestrian pathways in accordance with Australian Standard 1158 - Lighting and Australian Standard 4282 - Control of the Obtrusive Effects of Outdoor Lighting, such being installed prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure that adequate and appropriate lighting facilities are provided for the proposed development.

- F7 Written certification from a Practising Geotechnical Engineer that the carpark and internal access roads have been constructed in accordance with the geotechnical requirements being submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure the future integrity of the internal road network and carpark proposed under this development in the public interest.

- F8 The vehicular entrance and exit driveways and the direction of traffic movement within the site being clearly indicated by means of reflectorised signs and pavement markings.

**Reason:** To ensure that clear direction is provided to the drivers of vehicles entering and leaving the premises in order to facilitate the orderly and efficient use of on-site parking spaces and driveway access and in the interest of traffic safety and convenience.

- F9 All parking and loading bays being permanently marked out on the pavement surface, with loading bays and visitor parking facilities being clearly indicated by signs.

**Reason:** To encourage and facilitate the orderly and efficient use of on-site parking facilities.

- F10 Any redundant existing vehicular crossings being removed at no cost to Council and the public footway and kerb being restored to match the existing infrastructure and being completed prior to the issuing of a Final Occupation Certificate for the proposed development.

**Reason:** To clarify site access arrangements in the interest of traffic and pedestrian safety, as well as road efficiency, to maximise kerbside parking opportunity and to ensure that reinstatement work is undertaken to an appropriate standard.

- F11 The developer making good any damage caused to a public road or associated structures, including drains and kerb and gutter as a result of the works prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure that any damage to existing civil infrastructure which occurs as a result of the proposed development is repaired to an acceptable standard at the developer's expense.

## **Landscaping**

- F12 A Landscape Practical Completion Report being submitted to the Principal Certifying Authority by the consultant responsible for the landscape design plan prior to the issue of any Occupation Certificate or occupation of the premises. The report is to verify that all landscape works have been carried out in accordance with the approved landscape design plan to a high professional standard and that an effective maintenance program has been commenced.

**Reason:** To ensure that landscape works are carried out in accordance with the approval.

## **Stormwater**

- F13 A copy of the stormwater drainage design plans approved with the Construction Certificate with 'work as executed' levels indicated being submitted to the Principal Certifying Authority and Newcastle City Council prior to the issue of any Occupation Certificate or occupation of the premises. The plans are to be prepared by a Practising Professional Engineer or Registered Surveyor experienced in the design of stormwater drainage systems.

**Reason:** To ensure the stormwater system is constructed in such a manner that achieves the design's objectives and to update Newcastle City Council's records.

## Acoustic Fence

- F14 An acoustic fence being constructed along the northern boundary of No. 1 Robert Street and extending along the southern edge of the delivery vehicle road as described in reports by Indigo Acoustics Reference Numbers 10-293A, 10-293C and 10-293D. This fence is to be constructed to the specifications provided in the acoustic assessment reports and written certification that the fence is achieving these specifications is to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure appropriate noise control measures are implemented and the amenity of the area is protected.

## Remediation Works

- F15 Prior to the issue of any Occupation Certificate or occupation of the premises, a Validation Report being submitted to the Principal Certifying Authority and Council's Compliance Services Unit confirming the site achieves the contamination remediation goals outlined in the report *Remedial Action Plan Proposed Bunnings Warehouse Sandgate Road Wallsend, NSW* Reference P1002633JR05V03, prepared by Martens Consulting Engineers and dated August 2011.

**Reason:** To ensure the site has been appropriately remediated so that it is suitable for the intended land use and to protect human health and the environment.

- F16 Prior to the issue of any Occupation Certificate or occupation of the premises, a Site Audit Statement, prepared by a NSW accredited site auditor, being submitted to the Principal Certifying Authority and Council's Compliance Services Unit certifying that the site is suitable for the proposed land use.

**Reason:** To ensure the site has been appropriately remediated so that it is suitable for the intended land use and to protect human health and the environment.

## Operational Environmental Management

- F17 Prior to the issue of any Occupation Certificate or occupation of the premises, an Operational Environmental Management Plan addressing ongoing management of the site following completion of contamination remediation works is to be prepared in accordance with Section 3.4.6 of the Guidelines for the NSW Site Auditor Scheme (2nd Edition) and the report *Remedial Action Plan Proposed Bunnings Warehouse Sandgate Road Wallsend, NSW* Reference P1002633JR05V03, prepared by Martens Consulting Engineers and dated August 2011. The provisions of this plan are to be implemented during the ongoing use of the development. A copy of this plan is to be submitted to the Principal Certifying Authority and Council's Compliance Services Unit.

**Reason:** To ensure the isolated contaminated material remaining on site is appropriately managed to protect human health and the environment.

## Wetland Rehabilitation and Maintenance

- F18 All works associated with the wetland system being constructed prior to the issue of any Occupation Certificate or occupation of the premises.

**Reason:** To ensure the wetland system is able to treat stormwater from the development upon occupation and use and to protect downstream environments.

F19 A Wetland Management Plan being submitted to and approved by Council prior to the issue of any Occupation Certificate or occupation of the premises. This plan is to detail a weed management strategy and maintenance strategies for the wetland area and is to detail the following:

- strategies for ongoing preservation and protection of vegetation.
- a weed management strategy.
- strategies for the management and monitoring of vegetation over the long term.
- fencing of the wetland to discourage encroachment.
- bushfire risk management strategies.

**Reason:** To ensure the wetland system is maintained and does not become overgrown and ineffective.

## **General**

F20 All building or site works or other written undertaking or obligation indicated in the submitted plans and supporting documentation or otherwise required under the terms of this consent being carried out or implemented prior to occupation of the premises.

**Reason:** To ensure compliance with the provisions of the *Environmental Planning and Assessment Act 1979*.

F21 Where the proposed development involves the destruction or disturbance of any existing survey monuments, those monuments affected being relocated at no cost to Council by a Surveyor registered under the *Surveyor's Act*.

**Reason:** To ensure that existing permanent survey marks which may be affected by the development are appropriately reinstated.

## **G Conditions which must be satisfied prior to the issue of any Subdivision Certificate**

No conditions

## **H Conditions which must be satisfied during the ongoing use of the development**

### **Offensive Noise**

H1 The use and occupation of the premises including all plant and equipment installed thereon, not giving rise to any "offensive noise", as defined under the *Protection of the Environment Operations Act 1997*, as amended.

**Note:** Should Council consider that offensive noise has emanated from the premises, the owner/occupier of the premises will be required to submit an acoustic consultant's report recommending appropriate acoustic measures necessary to ensure future compliance with this condition and will be required to implement such measures within a nominated period. Furthermore, written certification from the said consultant confirming that the recommended acoustic measures have been satisfactorily implemented will be required to be submitted to Council before the expiration of the nominated period.

**Reason:** To ensure that appropriate noise control measures are implemented if required.

## **Landscaping**

H2 Landscape Establishment Reports are to be submitted to the Principal Certifying Authority following completion of a three (3) month maintenance period and at 52 weeks after the date of Practical Completion. This report is to state the actual maintenance carried out on site, including maintenance records such as site work report sheets, diary entries or log books which show frequency of watering, weeding, mulching, personnel and any other remediation or rectification works carried out.

**Reason:** To ensure that the landscape works are conserved and properly maintained in accordance with approved plans so as to improve the appearance of the premises and the visual quality of the locality.

## **Lighting**

H3 Any proposed floodlighting or signage of the premises or associated car parks and accesses being so positioned, directed and shielded as to not interfere with traffic safety or detract from the amenity of adjacent residential premises.

**Reason:** To ensure that the proposal does not interfere with traffic safety and to protect the existing amenity of the neighbourhood.

H4 No flashing, chasing or scintillating lighting or promotional material of a visually intrusive nature being installed or displayed on the exterior of the premises.

**Reason:** To ensure compliance with the provisions of Council's adopted Newcastle Development Control Plan, 2005 and to protect the existing amenity of the neighbourhood.

## **Access and parking**

H5 Proposed parking areas, service bays, truck docks, driveways, vehicular ramps and turning areas being maintained clear of obstruction and being used exclusively for purposes of car parking, loading and unloading, and vehicle access, respectively. Under no circumstances are such areas to be used for the storage of goods or waste materials.

**Reason:** To ensure the proposed/required parking, loading/unloading facilities and associated driveways are able to function efficiently for their intended purpose and are not otherwise used in a manner which detracts from the overall appearance of the development.

H6 Vehicles being loaded or unloaded standing wholly within the premises and within loading bays designated on the submitted plans or as otherwise provided in accordance with the conditions of this consent and under no circumstances are vehicles to be loaded or unloaded at the kerbside, across the public footpath or in a manner which obstructs vehicular access to the site.

**Reason:** To ensure that the proposed development does not give rise to street loading or unloading operations or obstruction of internal driveways with consequent accident potential and reduction in road and driveway efficiency.

H7 All vehicular movement to and from the site being in a forward direction.

**Reason:** To ensure that the proposed development does not give rise to vehicle reversing movements on or off the public road with consequent traffic accident potential and reduction in road efficiency.

- H8 No goods or advertising signs being displayed or allowed to stand on the public footpath or street.

**Reason:** To avoid interference with pedestrian traffic flow and to protect the visual amenity of the neighbourhood.

### **Wetland Maintenance**

- H9 The wetland system being managed and maintained at all times to ensure it fulfils its design requirements for site stormwater control and treatment. The wetland is to be re-established as soon as practicable following flood events.

**Reason:** To ensure that the wetland system performs its site stormwater control and treatment function at all times.

### **Flammable Liquids Storage**

- H10 A current hard copy inventory of the contents of the proposed flammable liquids store being kept in an appropriate secure area (eg office).

**Reason:** To assist staff and emergency services personnel in the event of accident or emergency.

## **I Other Agency Conditions**

### **Roads and Traffic Authority**

- I1 Compliance with the requirements of the Roads and Traffic Authority, as outlined in their correspondence dated 10 March 2011, a copy of which is attached to this consent.

**Note:** In the case of any discrepancy between the Roads and Traffic Authority, Hunter Regional Development Committee and Council requirements, Council's requirements outlined in the conditions of this consent shall prevail.

**Reason:** To advise of the necessity to comply with the requirements of relevant government authorities.

### **Hunter Region Development Committee**

- I1 Compliance with the requirements of the Hunter Regional Development Committee, as outlined in their correspondence dated 17 March 2011, a copy of which is attached to this consent.

**Note:** In the case of any discrepancy between the Roads and Traffic Authority, Hunter Regional Development Committee and Council requirements, Council's requirements outlined in the conditions of this consent shall prevail.

**Reason:** To advise of the necessity to comply with the requirements of relevant government authorities.

## NSW Office of Water

- I1 Compliance with the general terms of approval of the NSW Office of Water, as outlined in their correspondence dated 24 March 2011, a copy of which is attached to this consent.

**Reason:** To advise of the necessity to comply with the requirements of relevant government authorities.

## Rural Fire Service

- I1 Compliance with the requirements of the Rural Fire Service, as outlined in their correspondence dated 22 October 2010, a copy of which is attached to this consent.

**Reason:** To advise of the necessity to comply with the requirements of relevant government authorities.

## J Advisory Notes

- J1 Prior to commencing any construction works, the following provisions of the *Environmental Planning and Assessment Act 1979* are to be complied with:

- a) A Construction Certificate is to be obtained in accordance with Section 81A(2)(a) of the Act.
- b) A Principal Certifying Authority is to be appointed and Council is to be notified of the appointment in accordance with Section 81A(2)(b) of the Act and form 7 of schedule 1 to the Regulations.
- c) Council is to be given at least two days notice of the date intended for commencement of building works, in accordance with Section 81A(2)(c) of the Act and Form 7 of Schedule 1 to the Regulations.

**Reason:** To advise of matters to be resolved prior to the commencement of work.

- J2 Prior to the occupation of a new building, or, occupation or use of an altered portion of, or an extension to an existing building, an Occupation Certificate is to be obtained from the Principal Certifying Authority appointed for the proposed development. An application for an Occupation Certificate must contain the information set out in Clause 155 of the Environmental Planning and Assessment Regulations.

**Reason:** To ensure compliance with Section 109M of the *Environmental Planning and Assessment Act 1979*, as amended.

- J3 A Construction Certificate application for this project is to include a list of fire safety measures proposed to be installed in the building. The lists must describe the extent, capability and basis of design of each of the measures.

**Reason:** To advise of information that must accompany an application for a Construction Certificate for the project.

- J4 A copy of the final Fire Safety Certificate is to be given to the Commissioner of NSW Fire Brigades and a further copy of the Certificate is to be prominently displayed in the building.

**Reason:** To ensure compliance with Clause 172 of the *Environmental Planning and Assessment Regulation 2000*.