

Our Reference: NAW; DA415/2011
DA415/2011
Your Reference: N/A
Contact Name: Mr Nick Wilton
Telephone: (02) 6799 6855

Mr Geoff Campbell
The Mac Services Group
Level 6,
10 Bond Street
SYDNEY NEW SOUTH WALES 2000

30 January 2012

Dear Sir/Madam,

Re: Development Application No. 415/2011 – Staged Development

Enclosed herewith is Council's notice to the applicant of determination by the Joint Regional Planning Panel of a development application pursuant to the *Environmental Planning and Assessment Act, 1979*.

YOU ARE ADVISED THAT THIS IS ONLY A DEVELOPMENT CONSENT AND DOES NOT CONSTITUTE A CONSENT FOR BUILDING WORK. FURTHER COUNCIL CONSENT IS REQUIRED PRIOR TO CONSTRUCTION ACTIVITIES COMMENCING.

Please read the determination notice carefully and observe/implement any conditions of consent as outlined in the notice.

Failure to comply with the determination notice will render you liable to legal proceedings under the *ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979*. The erection of a building without prior construction consent will render you liable to Council ordering the demolition of any building erected.

Yours sincerely

Mr Nick Wilton
MANAGER PLANNING AND DEVELOPMENT SERVICES



NOTICE OF DETERMINATION OF A DEVELOPMENT APPLICATION

Environmental Planning and Assessment Act 1979

Development application: D A.415/2011

Applicant name: Geoff Campbell
Applicant address: Level 6, 10 Bond Street
SYDNEY NEW SOUTH WALES 2000

Land to be developed: Lot 100 in Deposited Plan 1161967
96 Old Gunnedah Road, Narrabri NSW 2390

Description of development: Motel – Stages 2-5; 650 rooms and ancillary structures.

Owner/s: The MAC Services Group
Building Code of Australia building classification: N/A

CIV \$33,000,000

Consent Authority: Joint Regional Planning Panel (Northern Region) Section 23G
Environmental Planning and Assessment Act 1979 (>\$20 million).
2011NTH021

Determination: Your development has been determined by the **granting of consent** subject to the conditions in the attached schedule.

Date of Determination: 16 January 2012
Date from which the Consent Operates: 16 January 2012
Date the Consent Lapses: 16 January 2014

Has a Public Inquiry been held into the application? No.
Right of Appeal: The applicant can appeal against the determination in the Land and Environment Court within 12 months of the date on which you received this notice. The applicant cannot appeal if a Commission of Inquiry was held and the development is Designated Development or State Significant Development.

Nick Wilton
Manager Planning and Development Services
For General Manager

Date: 30 January 2012

DA 415/2011- SCHEDULE OF DEVELOPMENT CONSENT CONDITIONS

1. The determination shall be regarded as being in accordance with the particulars and information set out and described in **Development Application No. 415/2011** registered in Council's records as of **14 June 2011** except where varied by any or all of the following conditions. Any additional development not subject to this approval shall require the further consent of Council.

STATUTORY

2. Prior to the commencement of the proposed development, the proponent shall submit a formal application for a Construction Certificate, together with all prescribed fees, plans and specifications be submitted to and approved by Council, or alternatively a privately certified Construction Certificate be lodged with council no less than forty eight (48) hours prior to the commencement of the proposed development.

REASON: To comply with Council's statutory requirements.

3. The proponent shall notify Council, not less than forty eight (48) hours prior to the commencement of the work of:
 - date of commencement of the work.
 - name of the principle certifying authority for the issue of compliance, occupation and/or subdivision certificates.

REASON: To comply with Council's statutory requirements.

4. Where Council is not the Principal Certifying Authority (PCA), Council will require copies of inspection reports for the following stages of construction as follows:
 - a. Commencement.
 - b. Flashing of wet areas.
 - c. Stormwater drainage before covering.
 - e. Final - when building is completed, in accordance with approved plans and specifications, **prior to occupation.**

Where Council is the Principal Certifying Authority (PCA) Council will require inspections to be carried out by Council's accredited certifier at the aforementioned stages.

It should be noted that if a stage requires a second inspection, due to work being incomplete or wrong, Council may require an additional fee to carry out the work.

REASON: To comply with Council's requirements.

5. Prior to the commencement of construction, the proponent shall lodge with Council, and receive approval for the following listed S68 Local Approval (s):

IN TOWN

- B1 – carry out water supply work
- B4 – carry out sewerage work
- B5 – carry out stormwater drainage work

OUT OF TOWN

- C5 – Install, construct or alter a waste treatment device

- F10 – Operate onsite sewerage waste management system

REASON: To comply with Council's statutory requirements.

6. Where Council is not the Principal Certifying Authority (PCA), the proponent or private certifier shall submit a construction certificate to Council prior to building works commencing on the subject allotment.

Where Council is nominated as the PCA, the proponent shall make application to the Narrabri Shire Council.

REASON: To comply with Council's statutory requirements.

7. Where Council is not the Principal Certifying Authority an Occupation Certificate shall be submitted to Council when the building work has been completed and prior to the occupation of the building / occupation of the land.

Where Council is nominated as the PCA, the proponent shall make application to the Narrabri Shire Council for an occupation certificate for each individual stage of the development.

Notes:

- if the certificate is being issued by a private certifier, the certificate is to be lodged with Council not less than forty eight (48) hours to the occupation of the building/structure.

REASON: To comply with Council's statutory requirements.

8. The building / structures shall be constructed in accordance with the requirements of the Building Code of Australia.

REASON: To comply with Council's statutory requirements.

9. The proponent shall erect signage in a prominent position on the site:

- (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 work site is prohibited.

REASON: To comply with Council's statutory requirements.

10. The building / structure shall comply with the requirements of the Commonwealth Disability Discrimination Act, 1992 and the Commonwealth Premises Code and the NSW Anti-Discrimination Act 1977.

Note 1: The Disability Discrimination Act 1992 and the Anti-Discrimination Act 1977 provide that it is an offence to discriminate against a person in a number of different situations. IT IS THE OWNER'S RESPONSIBILITY TO ENSURE THAT THE BUILDING COMPLIES WITH THIS LEGISLATION.

Note 2: Guidelines in respect of disabled access and produced by the Human Rights and Equal Opportunity Commission are available from the Commission or from Council's

Environmental Services Department. The Applicant should ensure that these matters are addressed in the plans and specifications submitted with the application for a construction certificate.

REASON: To comply with Council's statutory requirements.

11. Protection of public places

1. If the work involved in the erection or demolition of a building:
 - (a) is likely to cause pedestrian or vehicular traffic in a public place to be obstructed or rendered inconvenient, or
 - (b) involves the enclosure of a public placea hoarding or fence must be erected between the work site and the public place.
2. 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.
3. The work site must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.
4. Any such hoarding, fence or awning is to be removed when the work has been completed.

REASON: To ensure that measures have been established to provide the protection of public places.

FLOOD PLANNING MANAGEMENT

12. The development shall comply with the Narrabri Supplementary Flood Study 2001 produced by Max Winders and Associates in order to mitigate likely effects of flooding.

REASON: To comply with Council's requirements.

13. Data available

The finished floor level of all habitable areas of the building/structure shall be constructed 300mm higher than the 1:100 year flood event, for the subject land.

Council records indicate that the finished floor height be 216.55 AHD.

Written verification of the constructed finished floor level for all habitable areas must be provided to Council prior to the footing/frame inspection. Such verification shall be in the form of a registered Surveyor's written correspondence.

REASON: To comply with Council Floodplain Management Policy.

14. All building materials to be utilised below the flood height shall be of a flood water resistant/tolerant nature. The subject land is subject to flood inundation to a height of 216.25 m AHD in a 1:100 year flood event.

All electrical fittings are to be located above the identified flood level.

REASON: To comply with Council's Floodplain Management Policy.

15. The proponent shall place a maximum 225mm of landfill under the building to reduce water ponding. The landfill is to be constructed in a mound shape to allow for under-building surface water drainage.

REASON: To comply with Council's requirements.

16. The natural drainage line displayed on the site plan for the development shall remain free of landfill or building improvements / structures.

REASON: To comply with Council's requirements.

17. The proponent shall prepare a plan for the effective management of risks associated with flooding of the development site. The plan shall be to the satisfaction of Council and shall be submitted prior to the issue of an occupation certificate for stage 2.

REASON: To comply with Council's requirements.

LANDFILL DEVELOPMENT

18. The proponent shall demonstrate that not more than 4.8 hectares of the site shall be developed including the erection of buildings and / or raising the natural ground level.

REASON: To comply with Council's requirements.

Advice: This area was determined within the flood management report prepared by Max Winders Consultants to have no impact on floodplain storage or behaviour.

19. Buildings are to be aligned so as to prevent the blockage of floodwaters and generally shall be erected in a North Easterly direction parallel to Narrabri Creek and the Namoi River.

REASON: To comply with Council's requirements.

20. Timber battens are to be erected under the accommodation units so as to allow passage of floodwater.

REASON: To comply with Council's requirements.

21. Vegetation is to be reduced and spatially planted within the Natural overland flow path to reduce floodwater restriction (As shown on site plan). All remaining setbacks are to be heavily landscaped to reduce amenity issues associated with the development.

REASON: To comply with Council's Landfill Development Control Plan.

22. Prior to the establishment of the flooring system written verification of the landfill height is to be submitted to Council. Such verification shall be in the form of a Registered Surveyor's written correspondence and is to be given in Australian Height Datum (AHD) levels.

REASON: To comply with Council's Interim Flood Plain Management Policy.

ACCESS

23. All internal driveways, parking and manoeuvring areas be constructed with a paved surface, either concrete, seal or commercial paver with parking bays and traffic flow directions to be clearly delineated.

REASON: To comply with Council's requirements.

24. The proponent shall install signage particularly 'keep left' with respect to the roundabout at the entrance to the development on the Southern approach to ensure appropriate traffic management.

REASON: To comply with Council's requirements.

25. All parking on site shall be designed to comply with AS2890 off street parking. Including design of aisle widths and also parking space dimensions. Car parking areas are to be heavily landscaped to reduce noise issues.

REASON: To comply with Council's requirements.

GENERAL

26. All works associated with the implementation / construction of the proposed activity (Not operation of the proposal post occupational certificate), involving electric or pneumatic tools, or other noisy operations, shall be restricted to the following hours of operation:

Monday to Saturday	7am to 6pm
Sunday	10am – 4pm
Public Holidays	10am to 4pm

Advice: All noise generating activities are subject to the requirements of the protection of the Environment Operations Act 1997. This condition of consent does not relieve the proponent including developers, contractors or their agents from the requirements under the relevant noise control legislation (POEO Act 1997).

REASON: Statutory Requirement

27. Temporary toilet facilities shall be provided on the said allotment prior to the commencement of any site or building work.

REASON: To comply with Council's requirements

28. Should the development require connection of a telephone service or further alteration to the existing telecommunications network the proponent shall contact Telstra at their Commercial Operations Centre.

REASON: To comply with Council's requirements.

29. Any damage caused to Council's infrastructure including but not limited to footpaths, roads, drainage, Kerb and Gutters, laybacks or other public land shall be restored in accordance with Council's Design Specifications at the full cost to the developer. Where a dispute arises over the person(s) responsible for the damage, Council shall reserve the right to carry out work to remedy such damage(s) at the proponents cost.

REASON: To comply with Council's requirements.

30. The proponent shall install suitable protection to ensure that damage to Council infrastructure does not occur during the construction phase of the development.

REASON: To comply with Council's requirements.

31. The proponent shall install suitable protection to ensure that public trees are protected from damage arising during the construction phase of the development.

REASON: To comply with Council's requirements.

32. The proponent shall not remove street trees owned by Council on public land. Any pruning or removal of street trees will be subject to approval by Council under the Urban Tree Management Policy.

Advice: Further information may be obtained by contacting Council's Parks and Gardens Overseer / Co-ordinator.

REASON: To comply with Council's requirements.

33. No materials or machinery to be used in the construction of the building shall be stored or stacked on Council's footpath, nature strip, public defined land or roadway.

REASON: To comply with Council's requirements.

34. During construction of the proposed building or structure(s) no construction vehicles are to be parked on roads / rear lane ways as to restrict traffic flow and or access to allotments.

REASON: To comply with Council's requirements.

35. The proponent shall not burn waste material, felled trees or other material on the said land. All waste materials shall be directed to a Narrabri Local Government Area waste management or other approved facility.

REASON: To comply with Council's requirements.

36. The proponent shall provide at least forty-eight (48) hours notice be given to Council when any inspection is required.

REASON: To comply with Council's requirements.

37. The proponent shall comply with the industrial noise policy guidelines as prescribed by Department of Environment and Climate Change (DECCW). The amenity region adopted shall be for a rural area.

REASON: To comply with Council's requirements.

ENGINEER'S DETAIL

38. That certification of the proposed work(s) be supplied by a qualified practising Structural or Civil Engineer at the completion of works, certifying that the work(s) have been carried out under their supervision and to their requirements.

REASON: To comply with Council's requirements.

39. The proponent shall provide engineers design details for the structure (slab/footings/steel frame) to Council by a suitably qualified and professional Engineer prior to the issue of a Construction Certificate.

REASON: To comply with Council's requirements.

40. The proponent shall provide structural engineers details for the columns to be used for the raising of the buildings to be located on the land; in particular in relation to withstanding velocity of floodwaters and associated pressures.

REASON: To comply with Council's requirements.

41. The proponent shall provide civil engineering design drawings for the proposed intersection upgrade including turning lanes upon Old Gunnedah Road and Arnold Street Narrabri for approval by Council's Engineering Services. The intersection is to be completed by the proponent prior to the issue of an occupation certificate for stage 2 of the development.

REASON: To comply with Council's requirements.

42. The proponent shall provide civil engineering plans and specifications for the extension of the water utility infrastructure for connection to the allotment outlined in the notice of determination. Plans shall also include internal construction of all water facilities and connections.

REASON: To comply with Council's requirements.

43. The proponent shall provide civil engineering plans and specifications any further extension of the sewer infrastructure to the allotment.

REASON: To comply with Council's requirements.

44. Design plans for sewer and water infrastructure to be in accordance with the WSA Code of Australia and certified by a certified Practising Engineer.

REASON: To comply with Council's requirements.

45. Design plans to be submitted and further approved prior to commencement of works for the increase in road width of Arnold Street Narrabri from the Old Gunnedah Road through to the entrance of the Mac facility within Arnold Street, Narrabri. Design Plans to be prepared by a suitably qualified and professional engineer. The increase in road width shall be carried out prior to the issue of an occupation certificate for stage 2.

REASON: To comply with Council's requirements.

WATER STORAGE

46. A tank shall be installed on site for supply of potable water for a minimum 48 hour period for the additional rooms based upon the calculated daily required potable water requirements.. The tank capacity shall also allow for fire fighting purposes (supply and pressure) and a reduced flow (trickle feed) from the main will be allowed to supply onsite tanks.

REASON: To comply with Council's requirements.

47. Tanks to be supplied on site are to be suitable for modular extension (added in series when the demand is required)

REASON: To comply with Council's requirements.

DRAINAGE

48. The proponent shall provide a minimum 48 hours backup storage tank capacity on site to accommodate pump breakdowns and / or Council's system overload.

REASON: To comply with Council's requirements.

49. Sewerage discharge design plans that have been approved by Council as part of the conditions of development consent under stage 1 (242 rooms) for the direction of sewerage to the Doctors Creek Pumps Station via existing easements within a rising main extended 3.5 kilometres to Doctor's Creek (infrastructure) shall be constructed prior to the issue of an occupation certificate for stage 2.

REASON: To comply with Council's requirements.

50. All storm water shall be stored in stormwater tanks where appropriate and overflow to be discharged into a detention basin as shown on the site plan. Stormwater shall not be discharged or concentrated into adjoining allotments with the exception of natural overland drainage where water has not been concentrated.

REASON: To comply with Council's requirements.

51. Stormwater disposal for the site to be designed by a chartered professional engineer

REASON: To comply with Council's requirements.

52. Proponent shall install siltation traps upstream of the detention pond.

REASON: To comply with Council's requirements.

53. Design plans are to be submitted for approval by Council's Engineering Services for the proposed culvert crossing upon Arnold Street Narrabri to accommodate overflow of the proposed increase in volume of the detention pond. Construction of the culvert to be completed prior to an occupation certificate of stage 2 of the development.

REASON: To comply with Council's requirements to ensure the site/buildings are adequately protected from storm water.

54. A works as executed (WAE) drainage plan indicating the location of the drainage pipelines shall be submitted by the proponent or their agent at the time of installation of such pipes.

REASON: To comply with Council's requirements.

RELOCATED STRUCTURES

55. All defects arising from the removal / transportation shall be repaired prior to the issue of an occupation certificate.

REASON: To comply with Council's requirements for relocated buildings and to maintain the local amenity.

FOOD PREMISES

56. The premise shall be fitted out conforming with Australian Standard "Design, Construction and Fit-out of Food Premises" AS 4674-2004. A layout plan of fittings, materials of construction and finishes is to be submitted to and approved by Council before commencement of installation.

REASON: To comply with the Food Act 1989 and Regulations there under.

57. All activities to be carried out on the premises are to comply with the Food Act and Regulations.

REASON: To comply with Council's statutory requirements.

STATUTORY

58. The proponent shall supply documentary evidence to Council that the proposed development has been notified to Country Energy for the supply of electricity.

REASON: To comply with Council's statutory requirements.

59. A copy of the electrical design layout and plans shall be submitted to Council for reference.

REASON: To comply with the statutory requirements of other authorities.

CLASS 2/9 BUILDINGS

60. The proponent shall provide a Fire Safety Certificate to indicate compliance with the Fire Safety Schedule.

REASON: To comply with the Building Code of Australia.

61. That at least once in each period of twelve months after a certificate is required to have been submitted to Council pursuant to Section E of the Building Code of Australia. The owner of the building shall submit to Council a further certificate with respect to each fire safety measure installed in the building.

REASON: To comply with the Building Code of Australia.

62. The building shall be provided with access and facilities for disabled persons in accordance with Part D3 and Part F2.4 of the Building Code of Australia, Australian Standard AS1428.1 Part 1: General Requirements for Access Buildings.

REASON: To comply with the Building Code of Australia.

63. An adequate hoarding, fence or other measure shall be provided on site to restrict access by the public to the building site (not for class 1, 10 or a building comprising 2 dwellings). Any location of such protective measures upon public land shall be subject to further approval of Council.

REASON: To comply with the Building Code of Australia to ensure the safety of persons.

64. The garbage storage area shall be constructed to hold garbage containers (bins) and allow for sanitary cleansing. The garbage storage area shall also allow for the manoeuvre of garbage trucks and disposal of waste.

REASON: To comply with Council requirements.

65. Pursuant to Section 80(1) of the Environmental Planning and Assessment Act 1979 and the Narrabri Local Government Area Section 94A development contributions plan, a contribution of **\$330,000** shall be paid to Council prior to the issue of an occupation certificate for stage 2 of the development.

The amount to be paid is to be adjusted at the time of the actual payment, in accordance with the provisions of the Narrabri Local Government Area Section 94A plan. The contribution is to be paid prior to the issue of an occupation certificate.

REASON; To comply with Council requirements

66. Pursuant to section 306 (2) of the Water Management Act 2000, Council serves notice requiring the proponent to pay the following contributions toward the cost of projected water management works and increasing demand upon Council's existing water infrastructure and resources:

The development proposal will increase the demand upon the town water and sewer system, as identified below. As per Council's water and sewer head works policy the following charges apply: For example:

1 Equivalent tenement	=	\$ 2979.00 water head works (2011/2012)
	=	\$ 4512.00 sewer head works (2011/2012)
650 / 3	=	216.666667 tenements (t)
216.666667 t x \$7491(11/12) (p/t)	=	\$1,623,050

Council will accept payment either in total (\$1,623,050 prior to 30 June 2012 or issue of an occupation certificate for stage 2) or on the following basis in accordance with the management plan of the year of payment;

<i>Stage 2; \$464,442(11/12)</i>	<i>Prior to occupation cert [rate in accordance with the management plan of the year of payment]</i>
<i>Stage 3 \$764,082 (11/12)</i>	<i>Prior to occupation cert [rate in accordance with the management plan of the year of payment]</i>
<i>Stage 4 \$389,532 (11/12)</i>	<i>Prior to occupation cert [rate in accordance with the management plan of the year of payment]</i>
<i>Stage 5; \$4994 (11/12)</i>	<i>Prior to occupation cert [rate in accordance with the management plan of the year of payment]</i>

\$ 1,623,050 Total payable prior to 30 June 2012 or after this date in accordance with the relevant management plan of the financial year of payment

This charge is required to be paid prior to issue of an occupation certificate.

REASON: To comply with Council's head works charges policy.

INFRASTRUCTURE

67. That the town water be provided to the development at the applicant's cost accordance with Council's Design Specifications. Application for connection shall be lodged with Council's Engineering Services and approval shall be granted prior to any connection being made. Each connection shall also include provision of a water meter.

REASON: To comply with Council's requirements for the upgrading of services.

68. In respect to the proposed infrastructure works (roads, water, sewer, stormwater), the developer is to submit appropriate design plans and specifications and Design Certificate Report in accordance with Auspec Design Specifications Guide to Council and for approval.

REASON: To comply with Council's requirements.

69. Council will also require works as executed plans for the above works, water and sewer facilities are to be shown on separate plans. All plans shall be accompanied by a Auspec Design Specifications Guide checklist that shall be endorsed by a suitably qualified and professional civil or structural engineer.

REASON: To comply with Council's requirements for the provision of infrastructure.

LANDSCAPING

70. A landscaping plan shall be submitted and approved by Council prior to issue of a Occupation Certificate for each stage of the development.

REASON: To comply with Council's requirements.

71. The proponent shall maintain landscaping within the 40 metre buffer to the South of the development and ensure that trees and other planted vegetation becomes established.

REASON: To comply with Council's requirements for the provision of landscaping.

72. The landscaping identified within each stage shall be completed prior to the issue of an occupation certificate for each individual stage

REASON: To comply with Council's requirements for the provision of landscaping.

73. The proponent shall install claret ash being faxinus raewood species parallel to Old Gunnedah Road and Arnold Street at 20 metre centres for the full length of both roads giving consideration also to overhead power lines. The plantation of vegetation is to ensure streetscape amenity .

REASON: To comply with Council's requirements for the provision of landscaping.

ADVERTISING

74. The proponent shall comply with the requirements of SEPP 64 – Advertising structures. The signage shall not be erected to reduce line of sight distance of pedestrians or traffic either from the development to Arnold Street or the intersection of Arnold Street and Old Gunnedah Road, Narrabri.

REASON: To comply with Council's requirements.

75. All signs are to be maintained in good condition, and posts are to be cleaned / painted regularly.

REASON: To comply with Council's requirements.

76. The proponent shall comply with the Australian Standards for Advertising Signage.

REASON: To comply with Council's requirements.

77. The proponent shall not install permanent signage upon Council's public land. Public land includes but is not limited to Footpaths, road reserves and operational lands without the consent of Council.

REASON: To comply with Council's requirements.

78. Signage shall not flash, move or be objectionably obvious, in order to maintain safety of passing traffic.

REASON: To comply with Council's requirements.

ENVIRONMENTAL

79. The applicant shall install, prior to the commencement of construction, adequate sediment and soil erosion controls in accordance with the requirements of the Department of Environment & Climate Change (DECC) requirements. All sediment is to be controlled onsite including the transport of sediment from vehicular tyres and machinery onto local roadways.

REASON: To comply with Council's statutory requirements.

CONSTRUCTION

80. At least forty-eight (48) hours notice be given to Council when any building inspection is required.

REASON: To comply with Council's requirements.

81. The proponent shall have systems in place to accommodate members of the general public.

REASON: To comply with Council's requirements.

82. Submission of documentation for endorsement detailing site specific crime prevention strategies, surveillance mechanisms and site access management in accordance with the Crime Prevention Through Environmental Design (CPTED) Guidelines. The documentation shall be to the satisfaction of Narrabri Shire Council and the NSW Police Service.

REASON: To comply with Council's requirements.

83. Bus pooling to be used where necessary to reduce the overall traffic movements to the site.

REASON: To comply with Council's requirements.

84. The proponent shall prepare and submit to Council for endorsement a Community Benefit Plan. Such plan should identify strategies to encourage and facilitate integration of the Workforce Accommodation Facility with the Narrabri community through the use of local

services such as pool, gym, libraries and sporting facilities and shall specify intended implementation measures and associated timeframes.

REASON: To comply with Council's requirements.

85. Aesthetics of the development are to be maintained through the use of natural colours, high class materials and also individual design features into the development.

REASON: To comply with Council's requirements.

86. Lighting associated with the development is to be positioned so as not to create luminosity of the atmosphere or create nuisance to adjoining development.

REASON: To comply with Council's requirements.

87. The proponent shall contact DECCW and cease work immediately should any aboriginal heritage or relics be located on the land.

REASON: To comply with Council's requirements.

88. The type and construction of structures below AHD 216.25 within and impacted by the flood plan, shall be determined, designed and submitted for the approval of Council prior to the issue of the construction certificate. This is to be based upon flooding studies and carried out by professionally qualified persons experienced in such work".

REASON: To comply with Council's requirements.

89. The proponent shall provide to Council for approval civil engineering plans and specifications prepared by a qualified and professional engineer, for the extension of a concrete pedestrian footpath along Arnold Street from the entrance to the MAC Site to Old Gunnedah Road ,then along Old Gunnedah Road and Maitland Street from Arnold Street and terminating at Fitzroy Street and Maitland Street intersection linking the development site to the CBD.

The civil plans are required to be submitted to Council for approval and following approval the work is to be carried out by the proponent at their expense prior to the issue of an occupation certificate for stage 2.

REASON: To comply with Council's requirements.

90. The proponent shall provide civil engineering plans and specifications for approval for the upgrading of public street lighting along Old Gunnedah Road and Maitland Street, from the development site to Fitzroy Street in accordance with relevant Australian Standards prior to the occupation certificate issue of stages 2.

The work is required to be carried out following approval of the plans by Council, by the proponent prior the issue of an occupation certificate for stage 2.

REASON: To comply with Council's requirements.

91. Development to be carried out at no cost to Council.

REASON: To comply with Council's requirements.

