

COPY

Mr A Kosseris
General Manager
Belmorgan Property Development Pty Ltd
PO Box 498
WARRAWONG 2502

APPLICATION	DA-2004/1565
Date	21 August 2006

Dear Mr Kosseris

Development Consent No. 2004/1565 – Proposed 7 Storey Retail Shopping Centre, Commercial Office and Multiplex Cinema Complex
Property: Former Dwyer's Holden/Mazda and Salvation Army site, Bounded by Crown, Corrimal and Burelli Streets, Wollongong

At its meeting of 21 August 2006, Council resolved to grant a 'Deferred Commencement' consent pertaining to the proposed seven storey retail shopping centre, multiplex cinema complex and commercial office building upon the subject site.

The purpose of this correspondence is to provide detailed supporting advice as to the requirements in order to satisfactorily address the 'Deferred Commencement' pre-conditions as contained in the 'Deferred Commencement' Consent No. 2004/1565 (copy attached).

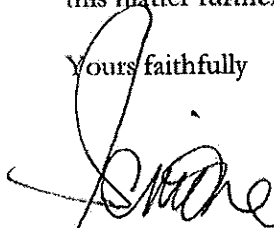
The 'Deferred Commencement' Consent No. 2004/1565 pre-conditions, (Schedule A), require a redesign of the proposed seven storey retail shopping centre, commercial office and multiplex cinema complex building.

In order to assist in facilitating this and to enable the re-design process to progress efficiently, I have arranged a meeting with Mr Chris Johnson, (Executive Director Department of Planning) for Tuesday, 12 September 2006, commencing 11.00 am at the Sydney offices of the Department.

In addition, Council also recommends that you lodge an application to the Minister for Planning, under Part 3A, (Major Projects) for a Concept Plan for all stages of the total project, including aspects on any other land/sites (eg Oxford Tavern site). However, I would remind you that as per our discussions, this application must comply with the provisions of the relevant draft LEP and DCP.

I trust this advice is of assistance and should you have any further enquiries or wish to discuss this matter further please do not hesitate to contact me on 4227 7188.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Joe Scimone', written over the typed name.

Joe Scimone
Group Manager Sustainability
Wollongong City Council
Direct Line (02) 4227 7188

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Belmorgan Property Development Pty Ltd
 PO BOX 498
 WARRAWONG NSW 2502

APPLICATION	DA-2004/1565
Determination	Deferred Commencement
Approval Authority	Wollongong City Council
Date	21 August 2006

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 81 in accordance with section 80(3) of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	Demolition of existing buildings and the subsequent erection of a seven (7) storey (plus basement carpark) leisure, entertainment, commercial office and retail centre complex upon the subject site. The main components of the development include (but are not limited to) the following:- - Retail (Major, Mini-major, DDS, supermarket & specialty shops); - Commercial Offices; - Restaurants; - Cinema Complex; and - Ancillary Carparking (approximately 1,112 car parking spaces within three (3) basement car park levels and two (2) above ground car park levels), Loading / Unloading Facilities & associated road and drainage works.
Location	Lot 5 Sec 9, Lots A, B, C & D DP 154110, Lot 1 DP 154110, Lot 1, 4, 5, 6 & Pt Lot 3 DP32538, Pt Lot 8 Sec 9, Lot 1 & 2 DP 150184, Lot 9 DP 664011, Lot B, C & D DP 360061, Pt Lot1 DP153514, Lot 1, 2, 3, 4, 5, 6, 7, 8 DP 846452 31 Crown Street, WOLLONGONG NSW 2500, 26 Burelli Street, WOLLONGONG NSW 2500, 16 Burelli Street, WOLLONGONG NSW 2500

Schedule A

Deferred Commencement

This is a "Deferred Commencement Consent" under Section 80(3) of the Environmental Planning and Assessment Act, 1979 (as amended). This consent does not become operative until the applicant has satisfied the requirements listed in Schedule A of this consent.

Upon compliance with the issues under Schedule A and written confirmation from Council to that effect, then the consent shall become operative from a "Date of Endorsement" (to be included on the written notification) subject to the conditions listed in Schedule B and any additional conditions arising from the requirements of Schedule A. (Reason - Statutory requirement and design improvement).

In order to ensure that Stage 1 of the total development addresses the provisions of the draft City Centre Local Environmental Plan and Development Control Plan, currently on exhibition, the Development Consent shall not operate for six (6) months or until the following matters have been complied with to the satisfaction of the Council and the Director General of the Department of Planning, whichever is the latter:

- a) The amendment of the proposal to comply with the setback provisions contained within the draft City Centre Development Control Plan.
- b) The proposal shall be amended to ensure that all required onsite car parking is located within the basements below street level.
- c) The podium shall be redesigned so that:
 - i It complies with all relevant provisions of the draft City Centre Development Control Plan.
 - ii All design features associated with Stage 2 (towers) are deleted.
 - iii The cinemas/commercial office component is redesigned to accommodate the deletion of the elevated car parks surrounding them.

Schedule B

Approved Plans and Specifications

- 1 The development is to be carried out in compliance with the following plans and documentation listed below and endorsed with Council's stamp (as amended by plans endorsed in accordance with Deferred Commencement Conditions):

Plans and Specifications	Landscape concept plan - number LC01/02 rev C - dated 1 December 2004 - Taylor Brammer Landscape roof plan, sections and elevations - number LC02/02 rev C - dated 1 December 2004 - Taylor Brammer Stormwater site plan/ground floor level 1 - number SKC01 rev P5 - dated 22 October 2004 - Taylor Thomson Whitting Pty Ltd Site plan basement level 3 - number SKC03 rev P3 - dated 12 August 2004 - Taylor Thomson Whitting Pty Ltd Contour and detail survey plan - number 106852/204 rev A - dated 15 June 2004 - KF Williams & Associates Pty Ltd Site demolition plan - number A-DD-1102-A - dated July 2004 - DBI Designs Pty Ltd Basement level 3 plan - number A-DD-2301-H - dated 4 January 2005 - DBI Designs Pty Ltd Basement level 2 plan - number A-DD-2302-H - dated 4 January 2005 - DBI Designs Pty Ltd Basement level 1 plan - number A-DD-2303-I - dated 27 January 2005 - DBI Designs Pty Ltd Level 1 ground floor plan - number A-DD-2304-K - dated 4 January 2005 - DBI Designs Pty Ltd Level 2 floor plan - number A-DD-2305-J - dated 27 January 2005 - DBI Designs Pty Ltd Level 3 floor plan - number A-DD-2306-I - dated 4 January 2005 - DBI Designs Pty Ltd Level 4 floor plan - number A-DD-2307-I - dated 4 January 2005 - DBI Designs Pty Ltd Level 5 floor plan - number A-DD-2308-I - dated 4 January 2005 - DBI Designs Pty Ltd Level 6 floor plan - number A-DD-2309-I - dated 4 January 2005 - DBI Designs Pty Ltd Level 7 floor plan - number A-DD-2310-G - dated 4 January 2005 - DBI Designs Pty Ltd Level 8 floor plan - number A-DD-2311-H - dated 4 January 2005 - DBI Designs Pty Ltd South and west elevations - number A-DD-3101-F - dated 4 January 2005 - DBI Designs Pty Ltd North and east elevations - number A-DD-3102-G dated 23 March 2005 - DBI Designs Pty Ltd Section A-A and B-B plan - number A-DD-4101-E - dated 27 January 2005 - DBI Designs Pty Ltd Town planning report volume 1 - dated August 2004 - Urbis JHD Pty Ltd Traffic and parking report - dated 24 August 2004 - Taylor Thomson Whitting Pty Ltd Landscape design report - dated 16 August 2004 - Taylor Brammer Landscape Architects BCA capability statement - dated 16 August 2004 - DLM Consulting Pty Ltd Flood risk assessment report - number 041246P - dated August 2004 - Taylor Thomson Whitting Pty Ltd Access review - dated 6 August 2004 - Morris Goding Accessibility Consulting Ecological sustainable development report - number 10-3588R1 - dated 5 August 2004 - Richard Haggie and Associates Pty Ltd Preliminary geotechnical investigation - number SC2124/1-AJ - dated 4 August 2004 - Coffey
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Geosciences Pty Ltd
 Stage 1 Contamination report - number JET1828003 - dated October 2003 - Johnstone
 Environmental Technology Pty Ltd
 SEPP 1 Height - dated August 2004 - Urbis JHD Pty Ltd
 Site analysis - dated August 2004 - Urbis JHD Pty Ltd
 Electrical/communication spacial requirement report - number 1100-1199/1139 - dated August 2004 -
 Jim Hatz & Associates
 Design concept report for hydraulic services - number P1062 issue B - dated 30 July 2004 - CRW
 Welsby Engineers Pty Ltd
 Mechanical services review - number - s27419-001a/01 - dated August 2004 - Norman Disney &
 Young Pty Ltd
 Truck schedule information - dated 17 March 2005 - Coles Myer Ltd and dated 15 March 2005 -
 Target Australia
 Noise Impact Assessment - number 10-3588 R2 - dated 12 January 2005 - Richard Heggie
 Associates
 Revised Operational Waste Management Plan - number 5000-Ns02476-NS-R-03 - dated November
 2004
 Town Planning Report Addendum - Urbis JHD - November 2004

General Matters

2 Roads and Traffic Authority

- a. Lots 5, 6 and 7 in DP 846452 (as shown in pink plan attached to the RTA letter dated 06 May 2005) are required for road widening and this land shall be dedicated as public road.
- b. The traffic signals at the intersection of Corrimal Street and Burelli Street shall be reconstructed to provide right turn bays for southbound and northbound traffic in accordance with the *RTA Road Design Guide* and specification *SI/TSC/8 – Installation and Reconstruction of Traffic Signals*.
- c. The minimum length of the left lane on Crown Street (westbound) for vehicles approaching the traffic signals at Crown Street shall be 30m at full width.
- d. The RTA will not permit direct access to Corrimal Street from the subject property therefore all access must be via Burelli Street and Crown Street.
- e. A signs and markings plan shall be submitted to the RTA for approval.
- f. Any new parking signs or adjustments to the existing parking restrictions on Corrimal Street shall be funded by the Developer. This includes the provision of new taxi ranks and bus zones.
- g. Suitable pedestrian barriers shall be provided in accordance with the Pedestrian Access and Mobility Plan (PAMP), including on Corrimal Street to prevent pedestrians crossing between Crown and Burelli. The design of this treatment shall be provided to the RTA for approval.
- h. A raised median shall be constructed on Crown Street to prevent right turning movements to and from Queens Parade and the design shall be submitted to Council for approval with RTA concurrence.
- i. Geometric road design shall be in accordance with *RTA Road Design Guide*. Pavement design shall be in accordance with the *AUSTROADS Pavement Design Guide*.
- j. All roadworks, traffic control facility works (including adjustments required for traffic signals), signage and marking associated with this development will be at no cost to the RTA and shall be completed in the construction phase of the development.
- k. Landscaping and fencing should not restrict vehicular sight lines on Corrimal Street.
- l. The proposed development should be designed such that road traffic noise from Corrimal Street is mitigated by durable materials, in accordance with EPA criteria for new land use

developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RTA's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.

- m. The developer shall attain Section 138 Approval from Council with RTA concurrence for works within the Classified Road Reserve.
- n. The developer shall apply for a Road Occupancy Licence (ROL) from the RTA Traffic Operations Unit (TOU) prior to commencing work within the classified road reserve. The application will require a Traffic Management Plan (TMP) to be prepared by a person who is certified to prepare Traffic Control Plans. Should the TMP require a reduction of the speed limit, a Direction to Restrict will also be required from the TOU. Please allow 2 weeks prior to commencement of work to process the Road Occupancy Licence.
- o. Consent Authority conditions of development consent relating to road work, traffic control facilities and other structures on the classified road network contrary to those outlined above are unlikely to receive RTA consent under the Roads Act, 1993.

3 Building Work - Compliance with the Building Code of Australia

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

4 Construction Certificate

A Construction Certificate must be obtained from Council or an Accredited Certifier prior to work commencing.

A Construction Certificate certifies that the provisions of Clauses 139-148 of the Environmental Planning and Assessment Amendment Regulations, 2000 have been satisfied, including compliance with all relevant conditions of Development Consent and the Building Code of Australia.

Note: The submission to Council of two (2) copies of all stamped Construction Certificate plans and supporting documentation is required within **two (2)** days from the date of issue of the Construction Certificate, in the event that the Construction Certificate is not issued by Council.

5 Approvals under Section 68 of the Local Government Act 1993

This consent authorises the carrying out the following activities, pursuant to the provisions of Section 68 of the Local Government Act 1993 and Section 78(3) of the Environmental Planning and Assessment Act 1979, subject to full compliance with all other relevant conditions of this consent.

- a. Public Car Parking Facility

6 Disability Discrimination Act 1992

This consent does not imply or confer compliance with the requirements of the Disability Discrimination Act 1992.

It is the responsibility of the applicant to guarantee compliance with the requirements of the Disability Discrimination Act 1992. The current Australian Standard AS1428.1 – Design for Access and Mobility is recommended to be referred for specific design and construction requirements, in order to provide appropriate access to all persons within the building.

7 Restricted Vegetation Removal

The developer shall remove nine (9 No.) Platanus sp. (Plane trees) on Crown Street, ten (10 No.) Syagrus romanzoffiana (Cocos palms) on Burelli Street and two (2 No.) Phoenix roebellini (Dwarf date palms) on Burelli Streets as shown on Landscape Plan Dwg. No. LC01/2 Issue C dated 01/12/04 by Taylor Brammer Landscape Architects.

8 Roadworks in Classified Roads – Requirements of the NSW Roads and Traffic Authority

All works associated with the construction of any access to this site shall be at no cost to Council. All works within the road reserve are to be at the applicant's cost and all signage shall be in

accordance with the Roads and Traffic Authority's Traffic Control at Worksites Manual and the Roads and Traffic Authority's Interim Guide to Signs and Markings.

9 Separate Consent Required for Advertising Signage

This consent does not authorise the erection of any advertising signage. Any such advertising signage will require separate Council approval, in the event that such signage is not "complying or exempt development", under Wollongong Development Control Plan No 1 – Complying Development or Wollongong Development Control Plan No 2. – Exempt Development.

10 Maintenance of Access to Adjoining Properties

Access to all properties not the subject of this approval must be maintained at all times and any alteration to access to such properties, temporary or permanent, must not be commenced until such time as written evidence is submitted to Council or the Principal Certifying Authority indicating agreement by the affected property owners.

11 Protection of Public Infrastructure

Council must be notified in the event of any existing damage to the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

Adequate protection must be provided for Council infrastructure prior to work commencing and during building operations.

Any damage to Council's assets shall be made good, prior to the issue of any Occupation Certificate or commencement of the operation.

12 Occupation Certificate

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109IH of the Environmental Planning and Assessment Act 1997, have been complied with as well as all of the conditions of the Development Consent.

13 Work within Property Boundaries

All footings and associated structures must be contained within the property boundary. No footings are permitted within the road reserve.

Prior to the Issue of the Construction Certificate

14 Building Code of Australia/Australian Standards requirements

The following information will be required prior to the issue of the Construction Certificate in accordance with the Building Code of Australia and/or relevant Australian Standards:

14.1. A schedule and location of all proposed essential services in the building in accordance with Section E of the Building Code of Australia.

15 Structural Engineering Details

The submission of structural engineering details by a suitably qualified and experienced structural engineer (with appropriate insurance coverage) to the Principal Certifying Authority, prior to the release of the Construction Certificate addressing the following matters:

- 15.1. Footings;
- 15.2. reinforced concrete slabs;
- 15.3. retaining walls;
- 15.4. structural steelwork;
- 15.5. wall bracing and tie-down requirements;

16 Fire Safety Schedule

When issuing a Construction Certificate, a certifying authority must attach a Fire Safety Schedule specifying all of the fire safety measures required for the building to ensure the safety of persons in the building in the event of fire.

17 Provision of a Fire Hydrant

The fire hydrant pumpset must comply with Clause E1.3(b)(iv)(A) of the BCA and the fire control room must comply with Clause E1.8 and Specifications E1.8 of the BCA (relative to a fire control room as opposed to a fire control centre). The final details of the location of the fire pumpset and the fire control room shall be reflected on the Construction Certificate plans prior to the issue of the Construction Certificate.

Should deviation from the BCA or the standards for category 3 fire safety provisions as listed under Clause 188 of the EP&A Regulations 2000 and a Clause 188 exemption be proposed, satisfactory documentary evidence must be submitted to Council demonstrating that the Fire Brigade has assessed the deviation.

18 Sydney Water Corporation Requirements

The submission of a Notice of Requirements from Sydney Water Corporation pursuant to Section 73 of the Sydney Water Act 1994 to the Principal Certifying Authority which confirms that satisfactory arrangements made been made with the Corporation regarding the provision of reticulated water and sewerage services to the development, prior to the release of the Construction Certificate.

Applications must be made through an authorised Water Servicing Coordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132092. The s73 Compliance Certificate must be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

Note: This development may also require approval from the Trade Waste Section of Sydney Water Corporation in relation to discharges into the Corporation's sewerage system. Documentary evidence of compliance with the Corporation's requirements is to be submitted to the Principal Certifying Authority, prior to the release of the Construction Certificate.

19 Collection and Discharge of Dirty Water

The submission of documentary evidence is required from the Trade Waste Section of Sydney Water Corporation confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of any dirty water into the sewerage system, prior to the release of the Construction Certificate.

20 Integral Energy Requirements

The submission of documentary evidence from Integral Energy to the Principal Certifying Authority is required confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the development, prior to the release of the Construction Certificate.

Note: Applications should be made to Customer Connections – South Coast, Integral Energy PO Box 6366, Blacktown 2148.

21 Telecommunications

The submission of documentary evidence from an approved telecommunications carrier to the Principal Certifying Authority confirming that underground telecommunication services are available for this development is required prior to the issue of the Construction Certificate.

22 Geotechnical Report

The submission of a supplementary geotechnical report, prepared by an approved geotechnical consultant, to the Principal Certifying Authority for approval is required prior to the issue of the Construction Certificate. The report must include the results of subsurface investigations involving either test pits to bedrock preferably the drilling of cored boreholes to 1 metre below the proposed final excavation level. This report shall include, but is not necessarily limited to, the following:

- 22.1. extent and stability of proposed embankments (particularly those acting as detention basins);
- 22.2. recommended geotechnical testing requirements;
- 22.3. required level of geotechnical supervision for each part of the works as defined under AS3798 - Guidelines on Earthworks for Commercial and Residential Developments;

- 22.4. the level of risk to existing adjacent dwellings as a result of a construction contractor using vibratory machines anywhere within the site the subject of these works. In the event that vibratory machines could affect adjacent dwellings, high risk areas shall be identified on a plan and the engineering plans shall be amended to indicate that no vibratory machines shall be used within that zone;
 - 22.5. the impact of the installation of services on overall site stability and recommendations on short term drainage methods, shoring requirements and other remedial measures that may be appropriate during installation;
 - 22.6. the preferred treatment of any unstable areas within privately owned allotments;
 - 22.7. requirement for subsurface drainage lines;
 - 22.8. overall suitability of the engineering plans for the proposed development;
 - 22.9. nature and condition of the material to be excavated;
 - 22.10. existence and nature of groundwater seepages or intrusions;
 - 22.11. required temporary measures for support of any excavations deeper than 1 metre adjacent to property boundaries;
 - 22.12. statement of required excavation methods in rock and measures required to restrict ground vibrations; and
 - 22.13. other geotechnical information considered relevant to the provision of temporary support structures and/or the design and construction of the approved development; and information on and recommendations regarding the variation in the bedrock profile; groundwater monitoring; dewatering and stability of excavations; and basement supports.
- 23 Details of the proposed means of disposal of ground water must be submitted to the principal certifying authority prior to the release of the construction certificate.
- 24 **Integration of Rooftop Structures in Approved Building Envelope**
All rooftop or exposed structures including lift rooms, plant rooms together with air conditioning units, ventilation and exhaust systems are to be integrated within the approved rooftop envelope. This requirement shall be reflected on the Construction Certificate plans.
- 25 **Schedule of External Building Materials/Finishes**
The final details of the proposed external treatment/appearance of the development, including a schedule of building materials and external finishes (including the type and colour of the finishes) together with a sample board and an A4 or A3 sized photograph of the sample board shall be submitted for the separate approval of the Principal Certifying Authority, prior to the release of the Construction Certificate. These colours and finishes must be generally in accordance with the final coloured elevation submitted to Council as part of the application.
- 26 **Glass Reflectivity Index**
The reflectivity index of the glass used in the external façade of the building shall not exceed 20 per cent. The details and samples of the glass to be used are to be submitted with the Construction Certificate together with written evidence that the reflectivity of the glass is 20 per cent or less.
- 27 **Disabled Access and Facilities**
The provision of disabled access throughout the development is required and shall be in compliance with the Building Code of Australia Part D3 "Access for People with Disabilities" and Australian Standard AS1428.1 (2001) - Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.
- 28 The disabled access ramp(s) shall comply with Australian Standard AS1428.1 (2001) – Design for Access and Mobility – Part 1 General Requirements for Access – Buildings. This requirement shall be reflected on the Construction Certificate plans.
- 29 Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) – Design for Access and Mobility – General Requirements for Access – New Building Work. This requirement shall be reflected on the Construction Certificate plans.

- 30 Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- a) entrance;
- b) lift or bank of lifts;
- c) car park; and
- d) sanitary facility.

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

31 **Access Review Report**

Construction certificate plans must detail compliance with all recommendations contained within the Belmorgan Property Development Gravity Leisure and Entertainment Destination Access Review report prepared by Morris-Goding Accessibility Consulting dated 6th August 2004.

32 **Internal Drainage – Backwater Control**

The proposed internal pipeline connecting the site to the street drainage system shall be provided with a reflux/one way valve system to prevent backwater from the street drainage entering the development. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.

33 **Basement Drainage – Pump System**

A pump system must be provided in association with the basement drainage to cater for stormwater from an extreme event entering the basement. The pump system shall be designed by a suitably qualified and experienced civil engineer. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.

34 **Footpath Paving**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. The type of paving for this development is:

300 x 300 x 60mm pavers equal to Urbanstone/C and M gunmetal coloured single paving bands to back of kerb, along property line, tree pit surround and bands at nom. 7m centres and grid as shown on Landscape Plan Dwg. No. LC01/2Issue C dated 01/12/04 by Taylor Brammer Landscape Architects (as amended by Condition C of the deferred commencement conditions). Paving infill to be exposed aggregate concrete to match existing pavement in Crown Street East and surrounding Wollongong Entertainment Centre precinct. Mix to be 1000kg rock/cu. M 30% 10mm diameter blue metal and 70% 10mm quartz and have low slip resistance coefficient. Granite setts as shown on landscape plan to be 100 x 100 x 40/70mm thick porphyry setts (grey mix). Any alternative material requires a sample to be submitted to Council's Landscape Architecture Section prior to construction. Irregular wave pattern in pavement as shown on landscape plan at intersection of Crown/Corrimal Streets to consist of 300mm wide band of 100 x 100 x 40/70mm thick porphyry setts (grey mix).

Footpath must be installed to the satisfaction of WCC Manager of Works.

35 **Engineering Design of Basement**

Full engineering details of the proposed wall around the basement car park must be submitted to the principal certifying authority prior to the issue of the Construction Certificate. These must include construction details indicating that no ingress of stormwater is possible into the basement levels. This applies to any proposed opening such as ventilation louvres and doors. Such ventilation louvres and doors shall be flood proofed to a level above the 1 in 100 year ARI flood level at each entrance as calculated by the "Flood Risk Assessment for Development Application for Leisure and Entertainment Centre, Wollongong" by Taylor Thomson Whitting (TTW Job N°: 041246 P) dated August 2004. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.

- 36 **Doors Accessing Crown Street**
Internal and external doors which provide access from the proposed development to Crown Street are required to be designed to restrict, as much as possible, the ingress of stormwater runoff that may occur in an extreme rainfall event. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.
- 37 **Entrance Levels**
All retail floor space entrances and car park entrances are to be constructed at a minimum of 0.15 metres above the 1 in 100 year ARI flood level at each entrance as calculated by the "Flood Risk Assessment for Development Application for Leisure and Entertainment Centre, Wollongong" by Taylor Thomson Whitting (TTW Job N°: 041246 P) dated August 2004. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.
- 38 **Drainage Infrastructure**
The developer must provide all necessary drainage infrastructure required in the upgrading of the street drainage system at the intersection of Burelli Street and Corrimal Street as detailed in the concept drainage plan by Taylor Thomson Whitting (Job N° 041246 Drawing N° SKC01 – Rev P5). This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.
- 39 **Streetscape Elements**
The submission of final design details of the proposed streetscape elements including but not restricted to, fencing barriers, bollard lights, plinth style seating element and picture window, free form seat, sculptural lights and signage to Council for its endorsement, prior to the issue of the Construction Certificate.
- 40 **Kerb Ramps**
The developer shall ensure that kerb ramps are installed at intersections which align with ramps across intersections and comply with Australian Standards, RTA guidelines and relevant Council policy. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.
- 41 **Street Signage**
The developer shall ensure that existing street signage is relocated to suitable locations and incorporated into proposed streetscape works fully complying with Australian Standards and relevant policy.

Any proposed variation to the existing on street parking restrictions applying to existing roads must be submitted and approved by Council's Local Traffic Committee prior to implementation.
- 42 **Pedestrian Refuge**
The developer must ensure that satisfactory pedestrian refuge and tactile warning tiles are incorporated into vehicular egress/ingress points into sites on Crown and Burelli Streets fully complying with Australian Standards and RTA requirements. This requirement shall be reflected on the Construction Certificate plans and supporting documentation, prior to the release of the Construction Certificate.
- 43 **Street Trees**
The developer must address the street frontage by installing street tree planting. The number and species for this development are:
Twenty-seven (27 No.) *Livistona australis* (Cabbage Tree palm) Min. 6m trunks Corrimal Street
Twenty-three (23 No.) *Cupaniopsis anacardioides* (Tuckeroo) Min. 200lt Min 2000mm clear trunk Min height 3500mm for Burelli and Crown Streets Tree guards to be provided to Crown Street trees.

Six (6 No.) *Platanus x hybrida* (Plane Trees) 400 lt. Min 2000mm clear trunk Min height 5000mm for Corrimal Street Minimum spacing 7m centres. Note Street tree supply subject to availability.

Cast iron tree grate min width 1000 x 1000mm to be provided to all street trees.

Location of street tree plantings to be sited to ensure no conflict occurs with street light poles.

Street trees are to be installed in accordance with Wollongong City Council Landscape Technical Policy No. 98/4. Structural Soils to be incorporated into tree planting detail to provide adequate area for future root zone development and maintain pavement profile. Dial before you Dig must be consulted prior to any excavation on site. Pot holing must be carried out to determine service location. Tree pits must be adequately mulched, plants installed and tree guard/staking installed to the satisfaction of WCC Manager of Works and WCC Manager of Recreation and Natural Resources.

44 Crime Prevention through Environmental Design (CPTED)

The area of the subject site which can be accessed by the public must have lighting provided in accordance with AS1158 (1999) or AS4360 (1999) This requirement shall be reflected on the Construction Certificate plans.

45 In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

46 The submission of documentary evidence to the Principal Certifying Authority from the NSW Fire Brigade, NSW Ambulance Service and the NSW Police Service verifying that each of the emergency service authorities are able to override any security system proposed to be installed within the development, prior to the release of the Construction Certificate.

47 The preparation of a safety audit report for the internal and external operation of the approved development in general accordance with the Department of Infrastructure, Planning and Natural Resources "Crime Prevention Through Environmental Design" Guidelines/NSW Police Service "Safer by Design" Guidelines and in conjunction with any other requirements of the NSW Police Service, prior to the release of the Construction Certificate. This report shall address specific design features to minimise crime and safety related matters such as theft, graffiti, vandalism, undesirable activities etc and be supported by appropriate plans. The recommended strategies contained in the safety audit report shall be implemented, prior to the occupation or use of the development.

48 The submission of final design details of proposed security systems to be installed within the development to the Principal Certifying Authority, in order to minimise crime and vandalism related matters is required, prior to the release of the Construction Certificate.

49 Car parking and Access

The development shall make provision for a total of 1,112 car parking spaces. This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council at all times.

50 The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with Australian Standard AS2890.1 (1993), except where amended by other conditions of this consent. Details of such compliance are to be reflected on the Construction Certificate plans.

51 Each disabled person's parking space must have minimum dimensions of 3.2 metres by 5.5 metres with a headroom of at least 2.5 metres, and be located to maximise accessibility to the building. The parking space shall be clearly marked and/or signposted. These requirements shall be reflected on the Construction Certificate plans.

52 The main entry point to the building shall be in accordance with Australian Standard 1428.1 - 2001 Design for Access and Mobility - Part 1 General Requirements for Access - Buildings. The proposed pedestrian ramps within the car parking areas shall incorporate gradients (with suitable landing intervals) in accordance with the Australian Standard. The final design of the pedestrian ramps, including ramp gradients shall be reflected on the Construction Certificate plans.

53 The provision of suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be reflected on the Construction Certificate plans.

- 54 The provision of adequate directional signposting upon the surrounding road network in the locality (subject to approval of Council or the NSW Roads and Traffic Authority), to help guide drivers and pedestrians to/from the development. The directional signposting shall be in accordance with the NSW Roads and Traffic Authority's "Interim Guide to Signs and Markings" publication. The final design details of the proposed signage shall be reflected on the Construction Certificate plans.
- 55 Ramps for internal parking areas shall be designed in accordance with AS2890.1 - Parking Facilities - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.
- 56 A minimum 2.4 metre headroom height shall be provided throughout the car parking and manoeuvring area. This requirement shall be reflected on the Construction Certificate plans.
- 57 Gradients of ramps and access driveways shall be provided in accordance with Australian Standard AS2890.1 (1993) - Off Street Car Parking. This requirement shall be reflected on the Construction Certificate plans.

58 **Site Management, Pedestrian and Traffic Management Plan (Where Works are Proposed in a Public Road Reserve)**

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of adjoining properties, pedestrian safety and traffic management and shall be in compliance with the requirements of Australian Standard AS1742.2 (1985) - Traffic Control Devices for Works on Roads.

This plan is required to maintain public safety, minimise disruption to pedestrian and vehicular traffic within this locality and to protect services, during demolition, excavation and construction phases of the development. This plan shall include the following aspects:

- 58.1. proposed ingress and egress points for vehicles to/from the construction site;
- 58.2. proposed protection of pedestrians, adjacent to the construction site;
- 58.3. proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- 58.4. proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
- 58.5. proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
- 58.6. proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
- 58.7. proposed traffic control measures such as advanced warning signs, barricades, warning lights, after hours contact numbers etc are required to be displayed where works are in progress in any road reserve and shall be in accordance with the NSW Roads and Traffic Authority's Specification - October 1998 - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742.3 (1996) - "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
- 58.8. proposed method of support of any excavation, adjacent to adjoining buildings or the road reserve. The proposed method of support is to be certified by an accredited certifier in Civil Engineering; and
- 58.9. proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

The approved plan shall be implemented, prior to the commencement of any works upon the construction site.

Note: Any proposed works or placement of plant and equipment and/or materials within any road reserve will require the separate approval of Council, prior to the commencement of such works, pursuant to the provisions of the Roads Act 1993.

59 **Road Opening Permit**

Prior to the issue of the Construction Certificate the applicant shall apply to Council's Works Division for a Road Opening Permit. A copy of this permit shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

60 **Works in Road Reserve**

Prior to the issue of a Construction Certificate, the owner or contractor shall provide evidence to the Council of a Public Risk Insurance Policy with a minimum cover of \$10 million in relation to the occupation of and works within Council's road reserve, for the full duration of the proposed works. The policy is to note Council as an interested party.

61 **Application for Occupation of Footpath/Roadway**

Any use of the footpath or road reserve for construction purposes requires Council approval under the Roads Act 1993. Where it is proposed to:

- 61.1. pump concrete from within the road reserve;
- 61.2. stand a mobile crane within the public road reserve;
- 61.3. use part of Council's road/footpath area;
- 61.4. pump stormwater from the site to Council's stormwater drains; or
- 61.5. store waste containers, skip bins and/or building materials on part of Council's footpath or roadway;

an application for occupation of footpath/roadway must be obtained from Council, prior to the issue of a Construction Certificate.

62 A change in driveway paving is required at the entrance threshold to clearly show motorists they are crossing a pedestrian area. The developer must construct the paving in accordance with the conditions, technical specifications and levels to be obtained from Council's Manager Works. This requirement shall be reflected on the Construction Certificate plans and any supporting documentation.

63 Any proposed structures adjacent to the driveway shall not be greater than 1.2 metres in height to provide for adequate sight distance. This includes, but is not limited to, structures such as signs, letterboxes, retaining walls, dense planting etc. This requirement shall be reflected on the Construction Certificate plans.

64 Overflow paths must be provided to allow for flows of water in excess of the capacity of the piped drainage system draining the development. Blocked pipe situations with 1 in 100 year ARI events must be incorporated in the design. Overflow paths must also be provided in low points and depressions. This requirement shall be reflected on the Construction Certificate plans prior to the release of the Construction Certificate.

65 The depth and location of all services (ie gas, water, sewer, electricity, telephone, traffic lights, etc) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

66 The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required prior to the release of the Construction Certificate.

67 **Structure over Road**

The submission of an application is required for the proposed structure within or over the road reserve for Council's approval pursuant to the provisions of the Roads Act 1993 prior to the issue of the Construction Certificate. If approved, the Roads Act 1993 approval will, in part, require the owner and successive owners to maintain the structure in a satisfactory state of repair

and shall indemnify Council against all claims arising from the structure. The approval will also include a provision that Council reserves the right to terminate the approval under the Roads Act 1993 at any time and for any reason.

68 **Approval for use of Footpath**

The granting of Development Consent does not provide a right of occupation over the Council land.

Prior to operating any consented Outdoor Restaurant or similar, an Approval under Section 125 and 126 of the Roads Act 1993 must be obtained from Council's Property Division. Application forms are obtainable by contacting the Property Division.

Conditions of this Approval will include but are not limited to the following:

- Subject to the provisions of the Wollongong City Council Outdoor Restaurant Policy as adopted by Council from time to time.
- Prior to the use of the footway, the applicant must lodge a \$500 security deposit with Council.
- Evidence of current public liability insurance cover, for not less than \$10 million must be provided to the Property Division.
- Payment of an annual fee to Council as published in its Schedule of Fees & Charges.
- Responsibility for all minor and major maintenance of the approved area.
- Details of the tables and chairs which must meet Council's requirements.

69 **Footpath Levels**

Footpath levels must be obtained from Council's Works Division prior to the issue of the Construction Certificate. The approved footpath levels shall be reflected on the Construction Certificate plans. All such structures and internal driveways shall be constructed to these approved levels. Nominal fall to back of kerb: 2% (1 in 50)

70 **Performance, Safety and Restoration Bond (Minor External Works within Existing Public Road Reserve)**

The provision of a Performance, Safety and Restoration Bond to Council to the value of 5% of the cost of the engineering construction or a minimum of \$10,000.00 whichever is the greater, prior to the release of the Construction Certificate, in order to guarantee the protection of public assets, safety of the public and performance of any work or use in the road reserve during construction and for months after construction (ie after construction is completed to Council's satisfaction). This bond may be in the form of a cash bond or unconditional bank guarantee and is refundable upon written application and subject to an inspection, 6 months after certified completion of the works.

Note: The Bank Guarantee:

- 70.1. will only be accepted direct from the issuing bank;
- 70.2. must have no expiry date;
- 70.3. must quote Council's reference number.

Should any restoration works exceed the value of the bond, Council will undertake the works and issue an invoice for the recovery of these costs.

71 **The submission of a final Landscape Plan to the Principal Certifying Authority, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:**

- 71.1. deletion of the following plant species since they are unsuitable for this type of development *Cerastium tomentosum* (snow in Summer);
- 71.2. a schedule of proposed planting, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;
- 71.3. the location of all proposed and existing overhead and underground service lines. The location of such service lines shall be clear of the dripline of existing and proposed trees; and

Landscape Plan is to be submitted in accordance with guidelines set out in Wollongong City Council Landscape Technical Policy No. 98/4. The completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate or commencement of the development.

- 72 The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate, as detailed in the Wollongong City Council Landscape Technical Policy No 98/4. This requirement shall be reflected on the Landscape Plan prior to the release of the Construction Certificate.

Fully automated irrigation system is to be provided to landscape areas and street trees.

- 73 The submission of certification from a suitably qualified and experienced landscape designer and drainage consultant to the Principal Certifying Authority prior to the release of the Construction Certificate, confirming that the landscape plan and the drainage plan are compatible.

- 74 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 24 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

75 **Dust Suppression Measures**

The submission of details of the proposed dust suppression measures for the demolition, excavation and construction phases of the development to the Principal Certifying Authority, prior to issue of the Construction Certificate.

76 **Dust Suppression Measures – Stockpile Management**

The preparation of suitable proposed dust suppression measures for stockpile management that will be implemented at times when weather conditions are conducive to dust generation impacts. The proposed dust suppression measures are required to be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.

77 **Asbestos Management Report**

The submission of a report, prepared by a suitably qualified and experienced asbestos consultant, which indicates the exact nature and extent of any asbestos material contained within the site and the proposed remediation measures to be adopted for the removal of the asbestos material from the site to a NSW Environmental Protection Authority registered waste disposal site. This report shall be submitted to the Principal Certifying Authority for its separate approval prior to the issue of the Construction Certificate.

78 **Section 94A Contribution**

The following Section 94A Levy Contribution is required towards the provision of public amenities and services in accordance with the Wollongong City Council Section 94A Development Contributions Plan.

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development amounting to \$600,000.00 shall be paid to Council prior to the release of any associated Construction Certificate.

The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 154.7.

The following formula for indexing contributions is to be used:

Contribution at time of payment = \$C x (CP2/CP1)

Where

\$C is the original contribution as set out in the Consent

CP1 is the Consumer Price Index (all groups index for Sydney) used in the proceeding indexation calculation

CP2 is the Consumer Price Index (all groups index for Sydney) at the time of indexation

Details of CP1 and CP2 can be found in the Australian Bureau of Statistics website Catalog No 6401.0 - Consumer Price Index, Australia.

A copy of the Wollongong City Council Section 94A Development Contributions Plan and accompanying Fact Sheet may be inspected or obtained from the Wollongong City Council Administration Building, 41 Burelli Street, Wollongong during business hours or on Council's web site at www.wollongong.nsw.gov.au

Prior to the Commencement of Works

79 Appointment of Principal Certifying Authority

Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

- 79.1. Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment, irrespective of whether Council or an accredited private certifier is appointed (if Council is nominated as the PCA please use the attached form) and
- 79.2. notify Council in writing (on the attached form) of their intention to commence the erection of the building (at least two days notice is required).

The Principal Certifying Authority must determine when inspections and compliance certificates are required.

80 Sign – Supervisor Contact Details

Before commencement of any work, a sign must be erected in a prominent, visible position:

- 80.1. stating that unauthorised entry to the work site is not permitted;
- 80.2. showing the name, address and telephone number of the Principal Certifying Authority for the work; and
- 80.3. showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

This sign shall be maintained while the work is being carried out and removed upon the completion of the construction works.

81 Temporary Toilet/Closet Facilities

Toilet facilities are to be provided at or in the vicinity of the work site on which work involved in the erection or demolition of a building is being carried out at the rate of one toilet for every 20 persons or part of 20 persons employed at the site.

Each toilet provided must be:

- 81.1. a standard flushing toilet; and
- 81.2. connected to either:
 - 81.2.1. the Sydney Water Corporation Ltd sewerage system or
 - 81.2.2. an accredited sewage management facility or
 - 81.2.3. an approved chemical closet.

The toilet facilities shall be provided on-site, prior to the commencement of any works.

82 Structural Engineer's Details

Structural engineer's details for all structurally designed building works such as reinforced concrete footings, reinforced concrete slabs and structural steelwork must be submitted to the Principal Certifying Authority, prior to the commencement of any works on the site.

83 **Dilapidation Report**

The developer shall provide a dilapidation report prior to the commencement of works including description of condition and photographic record of adjoining properties and development thereon, existing streetscape, kerbing, signage, service pits and street trees.

84 **Hoardings (within any Public Road Reserve)**

The site must be enclosed with a suitable hoarding (type A or B) or security fence of a type in accordance with the Work's Division Design Standard and approved by Council's Works Division. This application must be lodged and approved by Council before the erection of any such hoarding or fence.

Note: No building work must commence before the hoarding or fence is erected.

85 **Enclosure of the Site**

The site must be enclosed with a suitable security fence to prohibit unauthorised access, to be approved by the Private Certifying Authority. No building work is to commence until the fence is erected.

86 **Demolition Works**

The demolition of the existing structures shall be carried out in accordance with Australian Standard AS2601 (2001): The Demolition of Structures or any other subsequent relevant Australian Standard and the requirements of the NSW WorkCover Authority.

No demolition materials shall be burnt or buried on-site. The person responsible for the demolition works shall ensure that all vehicles leaving the site carrying demolition materials have their loads covered and do not track soil or waste materials onto the road. Any unforeseen hazardous and/or intractable wastes shall be disposed of to the satisfaction of the Principal Certifying Authority. In the event that the demolition works may involve the obstruction of any road reserve/footpath or other Council owned land, a separate application shall be made to Council to enclose the public place with a hoarding or fence over the footpath or other Council owned land.

87 **Consultation with NSW WorkCover Authority**

Prior to any work commencing on the site it is the responsibility of the owner to contact NSW WorkCover Authority in writing in respect to any demolition or use of any crane, hoist, plant or scaffolding.

88 **Notification to Surrounding Property Owners/Occupants Prior to Commencement of Demolition Works**

At least five (5) days notice must be given in writing to any residence or business within 100 metres of the premises to which this consent pertains of the impending demolition works. The written notice must include at least the following information:

- 88.1. a summary of the work plan and method for the demolition and a timetable for completion of works, including hours of operation, transport routes etc;
- 88.2. details of the primary contractor and/or company conducting the demolition works;
- 88.3. the name and telephone number for a person supervising the works to which residents can direct questions, comments and/or concerns about the works for the duration of the works.

89 **Hazardous Material Survey**

At least one week prior to demolition, the applicant must prepare a hazardous materials survey of the site and submit to Council a report of the results of the survey. **Hazardous materials** includes, but are not limited to, asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must include at least the following information:

- 89.1. the location of hazardous materials throughout the site;
- 89.2. a description of the hazardous material;
- 89.3. the form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;

- 89.4. an estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- 89.5. a brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- 89.6. identification of the disposal sites to which the hazardous materials will be taken.

90 **Asbestos Hazard Management Strategy**

The preparation of an appropriate hazard management strategy by an asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's "Guidelines for Practices Involving Asbestos Cement in Buildings". The strategy shall be submitted to the Principal Certifying Authority prior to the commencement of any works.

The approved strategy shall be implemented and a clearance report for the site shall be prepared by a NATA accredited hygienist and submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate or commencement of the development. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

91 **Consultation with NSW WorkCover Authority – Prior to Asbestos Removal**

The applicant or appointed contractor is to give NSW WorkCover Authority at least seven days advanced notice, prior to the removal of asbestos from the site.

92 **Contaminated Roof Dust**

Any existing accumulations of dust in ceiling voids and wall cavities must be removed prior to any demolition work commencing. Removal must take place by the use of an industrial vacuum fitted with a high efficiency particulate air (HEPA) filter.

93 **Waste Management**

The developer must provide an adequate receptacle to store all waste generated by the development pending disposal. The receptacle must be regularly emptied and waste must not be allowed to lie or accumulate on the property other than in the receptacle. Consideration should be given to the source separation of recyclable and reusable materials.

94 **Survey Report – Siting of Development within Property Boundaries**

A survey report prepared by a registered surveyor is required to be submitted to the Principal Certifying Authority to ensure that the proposed development is located on the correct allotment and at the approved distances from the boundary. This must be verified by pegging the site prior to commencement of excavation works.

95 **Support for Neighbouring Buildings**

This consent requires the preservation and protection of neighbouring buildings from any damage and if necessary, requires the underpinning and support of any neighbouring building in an approved manner. The applicant or the contractor carrying out the work must at least seven days in advance of any excavation works below the level of the base of the footings of a building on an adjoining allotment, including a public road or place, give written notice of intention to carry out such works to the property owner of the affected adjoining building and furnish specific written details and supporting plans or other documentation of the proposed work.

The adjoining property owner of land is not liable for any part of the cost of work carried out for the purposes of this condition, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

96 **Road Inventory Report**

The submission of a road inventory report to Council and the Principal Certifying Authority in accordance with the approved access route for construction and other heavy plant and equipment to/from the site as approved by Council prior to the commencement of works.

97 **Supervision of Works and Notification to Council of Works in Road Reserve**

The work shall be supervised by a suitably qualified and experienced Civil Engineer, Registered Surveyor or Civil Engineering Foreman. The supervisor's name, address and contact details (including telephone number) shall be submitted to the Principal Certifying Authority and Council prior to the commencement of any works.

The submission of a written construction program and anticipated duration of the construction to Council is required prior to the commencement of any works within any public road reserve.

98 **Public Liability Insurance**

All contractors working in Council's road reserve and/or public reserve areas shall take out public liability insurance for a minimum amount of \$10 Million. The policy shall specifically indemnify Council from all claims arising from the execution of the works. Written evidence of this insurance shall be supplied to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) prior to the commencement of any such works in any road reserve or public reserve area.

99 **Site Management Program – Sediment and Erosion Control Measures**

A site management program incorporating all sediment and erosion control measures (eg cleaning of sediment traps, fences, basins and maintenance of vegetative cover) is to be initiated prior to the commencement of any demolition, excavation or construction works and maintained throughout the demolition, excavation and construction phases of the development.

100 **Temporary Sediment Fences**

Temporary sediment fences (eg haybales or geotextile fabric) must be installed on the site, prior to the commencement of any excavation, demolition or construction works in accordance with Council's guidelines. Upon completion of the development, sediment fencing is to remain until the site is grassed or alternatively, a two (2) metre strip of turf is provided along the perimeter of the site, particularly lower boundary areas.

101 **Erosion Controls – Vehicular Entry/Exit Points**

The vehicular entry/exits to the site must be protected from erosion and laid with a surface material which will not wash into the street drainage system or watercourse.

102 **Shaker Pads**

Shaker pads are to be installed at the entry/exit points to the site to prevent soil material leaving the site on the wheels of vehicles and other plant and equipment.

103 **Sediment Control Measures**

The developer must ensure that sediment-laden runoff from the site is controlled at all times subsequent to commencement of construction works. Sediment control measures must be maintained at all times and checked for adequacy at the conclusion of each day's work.

During Demolition, Excavation or Construction

104 **Existing pavers**

All existing pavers in condition for reuse on Burelli Street and Crown Street to be removed to WCC Central Depot.

105 **Geotechnical Report**

The excavation works shall be carried out in accordance with the recommendations of the geotechnical report. This will require regular supervision of the excavation works by a suitably qualified and experienced geotechnical engineer.

106 **Site Contamination Remediation Works**

The completion of any site contamination remediation works in accordance with the remediation action plan and site contamination impact assessment and any additional measures as required by the site contamination auditor, if necessary. This will require the regular supervision of any such site contamination remediation works by a suitably qualified and experienced site contamination remediation consultant.

107 **Heritage - Excavation Permit**

The developer must ensure that during site preparation works, excavation and demolition, should a relic be discovered, all works on the site must cease immediately until an excavation permit is issued by the NSW Heritage Office.

Note: A relic as defined by the NSW Heritage Act, 1977 means: "any deposit, object or material evidence:

107.1. which relates to the settlement of the area that comprises New South Wales, not being Aboriginal Settlement; and

107.2. which is more than 50 years old".

108 **Survey Report for Floor Levels**

A Survey Report must be submitted to the Principal Certifying Authority verifying that each floor level accords with the floor levels as per the approved plans under this consent. The survey shall be undertaken after the formwork has been completed and prior to the pouring of concrete for each respective level of the building (if the building involves more than one level). All levels shall relate to Australian Height Datum.

109 **Survey Certificate**

The submission of a Survey Certificate to the Principal Certifying Authority at footings and/or formwork stage (whichever occurs first) confirming:

109.1. the set out of the boundaries of the site, and

109.2. actual siting of the buildings.

110 **Supervision of Engineering Works**

All engineering works associated with the development are to be carried out under the supervision of a practicing engineer and/or registered surveyor.

111 **Civil Engineering – Compliance Certificates and Inspections**

Inspections and/or Compliance Certificates are required for each of the following respective stages:

111.1. completion of installation of erosion and sedimentation control structures;

111.2. prior to backfilling pipelines, subsoil drains and dams;

111.3. completion of backfilling pipelines, subsoil drains and dams;

111.4. prior to casting pits and other concrete structures, including kerb and gutter, roads, accessways, aprons, footways, cycleways, vehicular crossings and dish crossings;

111.5. completion of sub-grade and sub-base;

111.6. completion of basecourse pavement and prior to application of protective seal;

111.7. prior to backfilling public utility crossings in road reserves;

111.8. prior to placement of asphaltic concrete or wearing surface;

111.9. final inspection after all works are completed and "Works As Executed" plans have been submitted to Council; and

111.10. concrete core test results and pavement density results.

112 **Prior to Pouring of Concrete**

The submission to the Principal Certifying Authority of a plan detailing the proposed kerb and pavement formwork levels as determined by a supervising professional engineer or registered surveyor. In this regard, it should be noted that Council will require the reconstruction of any finished pavement that does not conform to the approved Construction Certificate.

113 **Piping of Stormwater to Existing Stormwater Drainage System**

Stormwater for the development must be piped to Council's existing stormwater drainage system. Prior to undertaking the connection the developer shall obtain a road opening permit from Council.

114 **No Adverse Run-off Impacts on Adjoining Properties**

The design of the development shall ensure there are no adverse effects to adjoining properties or upon the land as a result of flood or stormwater run-off. Attention must be paid to ensure adequate protection for buildings against the ingress of surface run-off.

- 115 **Re-direction or Treatment of Stormwater Run-off**
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.
- 116 **Forty Eight Hours Notice – Prior to Works Commencing in any Road Reserve**
The applicant shall consult with Wollongong City Council's Divisional Engineer, giving 48 hours notice to arrange an on-site meeting, prior to any works commencing in any road reserve (footpath/carriageway). The purpose of the meeting will be to discuss any relevant issues such as a schedule of inspections, the need for a road opening permit and the provision of a traffic control plan as part of the works.
- 117 **Redundant Crossings**
Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing must be restored. This work shall be carried out by Council, or a Council approved contractor at the developer's expense.
- 118 **Prior approval from Council for any works in Road Reserve**
Approval must be obtained from Wollongong City Council Traffic Section of any interruption to pedestrian and vehicular traffic within the road reserve caused by the construction of this development. A traffic control plan prepared and implemented by a suitably qualified person must be submitted for approval with the appropriate fee, 7 days prior to expected implementation.

Note: This includes temporary **road closures** for the delivery of materials, plant and equipment, concrete pours etc.
- 119 **Copy of Consent to be in Possession of Person carrying out Tree Removal**
The applicant/developer must ensure that any person carrying out tree removal/vegetation clearance is in possession of this development consent and/or the approved landscape plan, in respect to the trees/vegetation which have/has been given approval to be removed in accordance with this consent.
- 120 **Waste Inventory Report**
A Waste Inventory report must be maintained on-site during demolition work. The waste inventory is a register of all materials and waste removed from the site during the demolition work. The register must record each load or movement of material and waste from the site and must include at a minimum the following information:
- 120.1. the description of material (including identified hazardous material);
 - 120.2. an estimate of the quantity by volume and weight;
 - 120.3. the transporter and registration details of the relevant vehicle;
 - 120.4. the intended destination of the material;
 - 120.5. a copy of the National Association of Testing Authorities (NATA) accredited laboratory results for accumulated roof dust should be included with the Waste Inventory sent to Council.
- 121 **Restricted Hours of Work (works not of a domestic residential nature)**
The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 7:00am to 1:00pm Saturday, without the prior written consent of the Principal Certifying Authority. No work is permitted on:
- Saturdays adjacent to public holidays
 - Sundays; or
 - Public Holidays.
- Any request to vary these hours shall be submitted to the **Council** in writing detailing:
- 121.1. the variation in hours required;
 - 121.2. the reason for that variation;
 - 121.3. the type of work and machinery to be used.

The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. The use of power tools (electronic or pneumatic) is not restricted between the hours of 7.00 am to 5.00 pm Mondays to Fridays and 8.00 am to 4.00 pm on weekends and public holidays.

- 122 The developer must carry out work at all times in a manner which will not cause a nuisance, by the generation of unreasonable noise, dust or other activity, to the owners and/or occupiers of adjoining and adjacent land.

- 123 The lighting of the premises must be directed so as not to cause nuisance to the owners or occupiers of adjoining premises or to motorists on adjoining or nearby roads.

124 **Site Management**

Stockpiles of sand, gravel, soil and the like must be located to ensure that the material:

124.1. Does not spill onto the road pavement and

124.2. is not placed in drainage lines or watercourses and cannot be washed into these areas.

- 125 Should during construction any waste material or construction material be accidentally or otherwise spilled, tracked or placed on the road or footpath area this shall be removed immediately. Evidence that any approval to place material on the road or road reserve shall be available for inspection by Council officers on site at any time.

- 126 Soil or other substitute materials must not be placed in the street gutter to provide access to the allotment.

- 127 Building operations such as brick cutting, the washing of tools or paint brushes, or other equipment and the mixing of mortar must not be carried out on the roadway or public footpath or any other locations which could lead to the discharge of materials into the stormwater drainage system or natural watercourse.

128 **Dust Suppression Measures**

Activities occurring during the construction phase of the development must be carried out in a manner that will minimise the generation of dust.

- 129 Trucks which are entering and leaving the premises and carrying loads must be sealed or covered at all times, except during loading and unloading.

- 130 All sealed surfaces intended to carry vehicular traffic must be managed with the aim of preventing windblown dust emissions.

- 131 If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on adjoining allotment of land, the person causing the excavation to be made:

131.1. must preserve and protect the adjoining building from damage; and

131.2. if necessary, must underpin and support the building in an approved manner; and

131.3. must, at least seven (7) days before excavation below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation.

- 132 All excavations and backfilling associated with the erection of a building must be properly guarded and protected to prevent them from being dangerous to life or property.

133 **Asbestos – Removal, Handling and Disposal Measures/Requirements Asbestos Removal by an Approved Contractor**

The removal of any asbestos material must be carried out by an approved contractor if over 200 square metres in area in strict accordance with WorkCover Authority requirements.

134 **Sign – Asbestos Removal Work in Progress**

A sign shall be erected in a prominent location stating that asbestos removal work is in progress and advising of the project manager and company undertaking the work and relevant contact details.

- 135 **Asbestos Clearance Report**
The internal floor area affected or likely to be affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building, is to be cleaned by vacuuming by a contractor approved by Workcover. A Clearance Report to certify that the site area is free of asbestos is to be submitted to Council by a NATA registered hygienist within fourteen (14) days of the completion of renovations (or prior to Occupation Certificate being issued).
- 136 **Asbestos Waste Collection**
The asbestos waste must be collected and stored on-site in impermeable bags inside an adequate waste receptacle pending transportation. The receptacle must be lined and covered in accordance with the bin provider's requirements and S29 of the Protection of the Environment Operations Waste Regulations 1996.
- 137 Asbestos waste must be prepared in accordance with WorkCover requirements and disposed of to an EPA licensed landfill site.
- 138 **Asbestos Transportation Requirements**
Transportation of asbestos from the site must comply with the Protection of the Environment Operations Waste Regulations 1996.
- 139 Asbestos waste must only be disposed of at a land-fill site lawfully approved to receive this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, prior to commencement of the construction works.
- 140 Any demolition works involving asbestos are to be carried out in accordance with the WorkCover Authority's – Your Guide to Working with Asbestos, "*Guidelines for Practices Involving Asbestos Cement in Buildings*". Transportation and disposal of asbestos materials shall be in accordance with EPA requirements.
- 141 In order to prevent the spread of hazardous material, the applicant shall ensure that:
- 141.1. power tools are not used on any asbestos material;
 - 141.2. work is undertaken in weather conditions where asbestos dust is unlikely to be blown off site;
 - 141.3. the work area is dampened to prevent any potential for dust generation;
 - 141.4. all asbestos waste is dampened prior to being wrapped or otherwise contained in heavy duty plastic material for storage on site within a waste receptacle and later transportation off site;
 - 141.5. the area affected, or likely to have been affected, by scattering of asbestos pieces, particles or fibres during demolition or cutting into the building is to be cleaned by vacuuming by a contractor approved by WorkCover.
- 142 The building site must be kept free of rubbish at all times. All refuse capable of being wind blown must be kept in a suitable waste container.
- 143 **Microbial Control**
The "water cooling system" and "warm water" installation and operation shall comply with the NSW Public Health Act and (Microbial Control) Regulation and AS3666.
- 144 **External Plant and Equipment**
External plant such as air conditioners, compressors and other machinery likely to emit noise shall be located so adjoining areas are not adversely affected.

Prior to the Issue of the Occupation Certificate

- 145 **Compliance with Conditions of Consent**
All conditions of this consent not relating to the operational phases of the development must be complied with prior to the issue of the occupation certificate. This includes full compliance with the NSW RTA conditions contained within this consent. Conditions of consent must be complied with at no cost to Council.

- 146 **Section 73 Certificate from Sydney Water Corporation**
The submission of a Section 73 Certificate from Sydney Water Corporation confirming that satisfactory arrangements have been made with the Corporation in respect to the provision of reticulated water and sewerage supplies to the development, prior to the issue of the Occupation Certificate or commencement of the development.
- 147 **Amalgamation of Allotments**
Prior to the issue of an Occupation Certificate, evidence must be provided from the Department of Lands (Land and Property Information Division) that all the allotments not part of the proposed road widening have been amalgamated into one allotment.
- 148 **Completion of Engineering Works**
The completion of all engineering works in accordance with the conditions of this consent and any necessary work to make the construction effective. All engineering works shall be fully borne by the applicant/developer and any damage to Council's assets shall be made good, prior to the issue of the Occupation Certificate or commencement of the development.
- 149 **Length and Cost of Constructed Roadworks (Roadworks to be Dedicated as Public Road) and Constructed Drainage**
The submission of the length and cost of the constructed roadworks (ie roadworks to be dedicated as public road) and the length and cost of constructed drainage works (not including common drainage lines or inter-allotment drainage) to Council for its records, upon the completion of the road and drainage works and prior to the issue of the Occupation Certificate.
- 150 **Updated Road Inventory Report**
The submission of an updated road inventory report identifying any damage to local roads and the proposed damage rectification works to be undertaken on these roads for the separate approval of Council, prior to the issue of the Occupation Certificate or the commencement of the development.
- 151 **Works-As-Executed Plans**
The submission to Council of Works-As-Executed plans for any works within any road reserve or other Council owned or controlled land. A certificate shall also be submitted by a registered surveyor confirming that all pipelines and associated structures lie wholly within any easements required by the engineering works. The WAE plans shall also be certified by a registered surveyor stating that the survey is a true and accurate record of the works that have been commenced.
- 152 **Geotechnical Report**
The submission of documentary evidence to Council from the supervising geotechnical engineer which confirms that the bulk excavation and shoring works were undertaken and completed in accordance with the geotechnical report and any other requirements of the supervising geotechnical engineer.
- 153 **Site Contamination Validation Report and Site Contamination Audit Statement**
The submission of a site contamination validation report to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority for its records) is required, prior to the issue of an Occupation Certificate. This validation report shall verify that:
153.1. all site contamination remediation works have been satisfactorily completed
153.2. the site is not affected by any soil strata and /or groundwater table contamination, above NSW EPA threshold limit criteria and
153.3. the site is rendered suitable for the proposed development.
The submission of a site audit statement/final clearance certificate is also required from an accredited auditor pursuant to the provisions of Part 4 of the Contaminated Land Management Act 1997 confirming that the site has been satisfactorily remediated and is suitable for the proposed development.
- 154 **Fire Safety Certificate**
A Fire Safety Certificate must be issued for the building prior to the issue of an Occupation Certificate. As soon as practicable after a Fire Safety Certificate is issued, the owner of the building to which it relates:

- 154.1. Must cause a copy of the certificate (together with a copy of the current fire safety schedule) to be given to the Commissioner of New South Wales Fire Brigades, and
- 154.2. must cause a further copy of the certificate (together with a copy of the current fire safety schedule) to be prominently displayed in the building.

155 Liquor Licensing Approval

This development will also require consent from the Licensing Court as required by the Liquor Act 1982, prior to commencement of any licensed retail outlet or licensed restaurant within the centre.

156 Drainage

The developer shall obtain written verification from a suitably qualified civil engineer, stating that all stormwater drainage and related work has been constructed in accordance with the approved plans. In addition, full works-as-executed plans, prepared and signed by a Registered Surveyor must be submitted. These plans must include levels and location for all drainage structures and works, buildings (including floor levels) and finished ground and pavement surface levels. This information must be submitted to the Principal certifying Authority prior to the issue of the occupation certificate.

- 157** The developer shall engage a suitably qualified engineer to supervise the engineering works of the approved development. The civil engineer is to inspect at each appropriate stage to ensure that the engineering works are being constructed in accordance with the approved plans and Development Consent conditions as well as good engineering practice. At the completion of the works, the developer shall submit to the Principal Certifying Authority certificates from the civil engineer which state:

- 157.1. the dates on which the site was inspected; and
- 157.2. that the engineering works carried out between the inspection dates were constructed using good engineering practice and in accordance with the approved plans and the Development Consent conditions.

The engineer is to immediately notify the Principal Certifying Authority if any works have occurred which are not in accordance with the approved plans.

Work on the site must stop and arrangements made with the Principal Certifying Authority concerning any works not in accordance with the approved plans. Work shall not proceed until the Principal Certifying Authority gives approval in writing.

The developer must submit to the Principal Certifying Authority the name of the civil engineer prior to works commencing on the site.

158 Access Certification

Prior to the occupation of the building, the Principal Certifying Authority must ensure that a certificate from an "accredited access consultant" has been issued certifying that the building complies with the requirements of AS 1428.1 and the recommendations of the Belmorgan Property Development Gravity Leisure and Entertainment Destination Access Review report prepared by Morris-Goding Accessibility Consulting dated 6th August 2004.

159 Waste Inventory

A copy of the Waste Inventory which was maintained on-site during the demolition work and copies of relevant receipts of waste material being deposited at a waste disposal facility shall be forwarded to the Principal Certifying Authority and Council's Environment and Health Division (in the event that Council is not the Principal Certifying Authority), prior to the issue of the Occupation Certificate or commencement of the use.

160 Food Premises

Ensure that the food business, before the food business commences any food handling operations, notify the appropriate enforcement agency (ie NSW Health) for the following information:

- 160.1. contact details for the food business, including the name of the food business and the name and business address of the proprietor of the food business;

- 160.2. the nature of the food business; and
- 160.3. the location of all food premises of the food business that are within the jurisdiction of the enforcement agency.

161 Mechanical Ventilation System

A mechanical ventilation system, complying with AS1668 (Mechanical Ventilation Code) is required for the cooking appliances. Submit to Council a Mechanical Engineer's Certificate verifying the system compliance prior to final inspection.

162 Registration

Premises shall be registered with Wollongong City Council in accordance with the Local Government Act 1993 and Food Act 2003..

163 Food Safety

The developer/food business shall comply with the NSW Food Act, NSW Food Regulation and Food Safety Standards.

164 Retail Meat Premises

Developer/food business shall register with the NSW Food Authority and comply with the Retail Meat Premises Guideline "Construction and Operation Standards for Retail Meat Premises".

165 Smoke Free Environment

The proprietor shall comply the NSW Health Department "Smoke-Free Environment Act".

Operational Phases of the Development/Use of the Site

166 Restricted Delivery Hours

The delivery of service trucks shall be limited to 7.00am to 10.00 pm daily. Any alteration to the approved delivery hours will require the separate approval of Council.

167 Approval for use of Footpath

The granting of Development Consent does not provide a right of occupation over the Council land.

Prior to operating any consented Outdoor Restaurant or similar, an Approval under Section 125 and 126 of the Roads Act 1993 must be obtained from Council's Property Division. Application forms are obtainable by contacting the Property Division.

Conditions of this Approval will include but are not limited to the following:

- Subject to the provisions of the Wollongong City Council Outdoor Restaurant Policy as adopted by Council from time to time.
- Prior to the use of the footway, the applicant must lodge a \$500 security deposit with Council.
- Evidence of current public liability insurance cover, for not less than \$10 million must be provided to the Property Division.
- Payment of an annual fee to Council as published in its Schedule of Fees & Charges.
- Responsibility for all minor and major maintenance of the approved area.
- Details of the tables and chairs which must meet Council's requirements.

168 Outdoor eating areas

All outdoor eating areas must be adequately managed and appropriately cleaned to ensure that rubbish does not become wind blown.

169 Cyclist Facilities

A management strategy must be established and operated to permit staff and customers to access the bike lockers and associated showers and toilet facilities.

- 170 **No Display of Goods and Materials Outside Premises**
The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.
- 171 **Restriction on Placement of Storage Racks, Cabinets, Pallets etc**
The placement of storage racks, cabinets, floor stock, pallets or the like shall not obstruct any path of travel to an exit nor the efficient operation and effective coverage of any fire hose reel, fire hydrant, portable fire extinguisher or other essential fire safety measures.
- 172 **Fire Safety Measures**
All new and existing fire safety measures shall be maintained in working condition, at all times.
- 173 **Food Premises**
The premises are to comply with the relevant provisions of the Food Act 2003, Food Regulations 2001 and Council's "Code for Food Premises".
- 174 **Structure or Work in a Public Road Reserve**
Pursuant to Section 142(1)(a) of the Roads Act, 1993, the person who has a right to the control, use or benefit of a structure or work in, on or over a public road, must maintain the structure or work in a satisfactory state of repair.
- 175 **Use of Loading Dock**
The designated loading/unloading facility must be kept clear for the purpose at all times. All loading/unloading operations for all uses carried on within the site (including restaurants fronting Crown Street) are to take place at all times wholly within the confines of the loading dock. All waste generated for all uses carried on within the site must be stored and collected from the loading dock area. No street collection is permitted.

The reasons for the imposition of the conditions are:

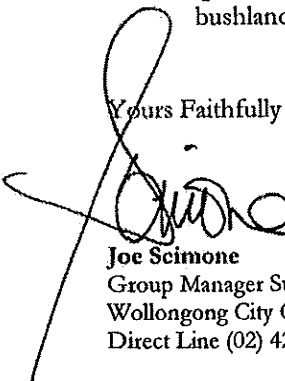
Notes

- 1 In accordance with clause 100(4) of the Environmental Planning and Assessment Regulation, 2000 this notice of consent has no endorsement date. Once the Council is satisfied that the matters specified in condition number (i) have been complied with a notice will be issued giving the date from which this consent will operate.
- 2 The consent will lapse unless development is commenced within four years (five years with the approval of Council) from the date referred to in (1) above.
- 3 Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within twelve months from the date of receipt of this notice.
- 4 The holder of a development consent must also hold a current:
 - a Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
 - b Subdivision Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.
 - c Strata Subdivision approval under the Strata Titles Act, 1973.
- 5 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.
- 6 A Tree Management Order has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under

this consent or are within 3 metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.

- 7 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent
- 8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating native fauna prior to removal of trees and bushland.

Yours Faithfully



Joe Scimone
Group Manager Sustainability
Wollongong City Council
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