

# Project Approval

## Section 75J of the *Environmental Planning & Assessment Act 1979*

As delegate of the Minister for Planning and Infrastructure under delegation executed on 28 May 2011, I approve the project application referred to in schedule 1, subject to the conditions in schedule 2

These conditions are required to:

- prevent, minimise, and/or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the project.

**MEMBER OF THE COMMISSION MEMBER OF THE COMMISSION MEMBER OF THE COMMISSION**

Sydney

2011

### SCHEDULE 1

<b>Application No.:</b>	MP06_0257
<b>Proponent:</b>	Wollongong City Plaza Pty Ltd
<b>Approval Authority:</b>	Minister for Planning and Infrastructure
<b>Land:</b>	Lot 1 DP1078311, Lot 5 and Lot 6 DP32538 known as the Dwyer's site
<b>Project:</b>	Construction of Stage 1 development comprising a five storey mixed use entertainment and leisure retail centre including: <ul style="list-style-type: none"><li>• Retail</li><li>• Commercial offices</li><li>• Restaurants</li><li>• Cinema complex</li><li>• 4 levels of basement parking providing 1,052 car parking spaces</li><li>• Associated road works, public domain and landscape works, and service augmentation/ connection</li></ul>

### NOTES RELATING TO THE DETERMINATION OF MP06\_0257

#### Responsibility for other approvals/ agreements

The Proponent is responsible for ensuring that all additional approvals and agreements are obtained from other authorities, as relevant.

#### Appeals

The Proponent has the right to appeal to the Land and Environment Court in the manner set out in the Act and the Regulation.

#### Legal notices

Any advice or notice to the approval authority shall be served on the Director General.

## DEFINITIONS

<b>Act</b>	means the Environmental Planning and Assessment Act, 1979 (as amended).
<b>Advisory Notes</b>	means advisory information relation to the approved development.
<b>BCA</b>	means the Building Code of Australia.
<b>Certifying Authority</b>	has the same meaning as Part 4A of the Act.
<b>Council</b>	means Wollongong City Council.
<b>Department</b>	means the Department of Planning and Infrastructure or its successors.
<b>Director General</b>	means the Director General of the Department or his nominee.
<b>Environmental Assessment (EA)</b>	means the Environmental Assessment prepared by Urbis 2007.
<b>Minister</b>	means the Minister for Planning.
<b>MP No. 06_0257</b>	means the Major Project described in the Proponent's Environmental Assessment as amended by the Preferred Project Report.
<b>PCA</b>	means a Principal Certifying Authority and has the same meaning as Part 4A of the Act
<b>Preferred Project Report (PPR)</b>	means the Preferred Project Report/ prepared by Urbis dated September 2010 and received by the Department on 7 September 2010.
<b>Proponent</b>	means Wollongong City Plaza Pty Ltd or any party acting upon this approval.
<b>Regulation</b>	means the Environmental Planning and Assessment Regulation, 2000 (as amended).
<b>Subject Site</b>	has the same meaning as the land identified in Part A of this schedule

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**End of this Section**

**SCHEDULE 2**  
**PART A - ADMINISTRATIVE CONDITIONS**

**Terms of Approval**

**A1 Development Description**

Approval is granted only to carrying out the development described in detail below:

- construction of a new five-level entertainment and retail leisure centre comprising 4 basement car parking levels (1,052 parking spaces);
- a total of 33,740m<sup>2</sup> of GFA;
- the use of the land for retail, commercial, cinema (place of public entertainment), food premises (such as restaurants and cafes) and car parking;
- associated road works, public domain and landscape works, and service augmentation/connection;

**A2 Development in Accordance with Documents**

The development will be undertaken in accordance with the Environmental Assessment dated October 2007 prepared by Urbis and all Appendices, except where varied by

- the Preferred Project Report submitted on 7 September 2010 and all Appendices,
- the Proponent's Statement of Commitments included in the PPR; and
- the following drawings:

<b>Architectural (or Design) Drawings prepared by DBI Design</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
A-DA-2-204	D	Level 4 Basement Floor Plan	18/11/10
A-DA-2-203	D	Level 3 Basement Floor Plan	18/11/10
A-DA-2-202	D	Level 2 Basement Floor Plan	18/11/10
A-DA-2-201	D	Level 1 Basement Floor Plan	18/11/10
A-DA-2-205	D	Level 1 Floor Plan	17/11/10
A-DA-2-206	D	Level 2 Floor Plan	17/11/10
A-DA-2-207	D	Level 3 Floor Plan	17/11/10
A-DA-2-208	D	Level 4 Floor Plan	17/11/10
A-DA-2-209	C	Level 4 Mezzanine Floor Plan	17/05/07
A-DA-2-210	D	Level 5 Floor Plan	17/11/10
A-DA-2-211	C	Roof Plan	17/05/07
A-DD-3-101	C	South and West Elevations	17/11/10
A-DD-3-102	C	North and East Elevations	17/11/10
A-DD-4-101	D	Sections A-A & B-B	17/11/10
A-DD-4-102	C	Section C-C	17/05/07
<b>Landscape Drawings prepared by Taylor Brammer Landscape Architects Pty Ltd</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Amendment Date</b>
LC01	B	Landscape Concept Plan Dwyer's Site: Streetscape	26/09/07
LC02	B	Landscape Concept Plan Dwyer's Site: Rooftop Garden	26/09/07
LC04	A	Landscape Sections	26/09/07

<b>Civil Engineering Drawings prepared by Taylor Thomson Whitting Consulting Engineers</b>			
<b>Drawing No.</b>	<b>Revision</b>	<b>Name of Plan</b>	<b>Date</b>
C1000	P2	Siteworks Plan	27/09/2007
C1001	P2	Flood Extents	27/09/2007
C1002	P2	Road Design & Stormwater Siteworks Plan	27/09/2007
C1003	P1	Road Design Cross Section Corrimal Street	27/09/2007
C1004	P2	Erosions and Sediment Control Plan Stage 1 & 2	27/09/2007
C1001	P2	Flood Extents	27/09/2007

except for:

- any modifications which are 'Exempt and Complying Development' as identified in State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or as may be necessary for the purpose of compliance with the BCA and any Australian Standards incorporated in the BCA; and
- otherwise provided by the conditions of this approval.

### **A3 Inconsistency between documents**

In the event of any inconsistency between conditions of this approval and the drawings / documents referred to above, including the Proponent's Statement of Commitments, the conditions of this approval prevail.

### **A4 Prescribed Conditions**

The Proponent shall comply with the prescribed conditions of approval under Clause 98 of the Environmental Planning and Assessment Regulation 2000 in relation to the requirements of the Building Code of Australia (BCA).

### **A5 Construction Certificate**

Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development approval.

### **A6 Advertising Signs**

No retail advertising signs are approved above the ground floor level of the site.

### **A7 Lapsing of Approval**

Approval of the Project Application shall lapse 5 years after the determination date shown above in this Instrument of Approval, unless the development has been physically commenced.

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**End of this Section**

## PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

### **B1 Design Modifications**

Documentation incorporating the following amendments shall be submitted for approval to the Director-General, prior to issue of a Construction Certificate:

- A new eastbound bus stop on Burelli Street (outside the pedestrian access point) to the west of Corrimal Street. Signage and street furniture associated with the bus stop to be detailed in accordance with the Civic Improvement Plan and other Council requirements.
- Deletion of an exit lane from the vehicular access point on Burelli Street with an according reduction in the width of the driveway/vehicular access width. The footpath is to extend across the driveway entrance to provide for pedestrian preference in accordance with the requirements of the Public Domain Technical Manual. Details of this requirement shall be provided within the civil and landscape plans and supporting documentation. A change in driveway paving is required at the vehicular access points 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 the specifications of the Public Domain Technical Manual.

### **B2 Footpath and Road Damage Bank Guarantee**

Prior to commencement of works the Proponent must provide a bank guarantee for a reasonable sum to be determined by Council as security for rectification of any damage to the public way and roadways adjacent to the site resulting from the works the subject of this approval.

### **B3 Road and Pavement Design**

Geometric road design shall be in accordance with RTA Road Design Guide. Pavement design shall be in accordance with the AUSTRROADS Pavement Design Guide. Where required, lighting shall be upgraded/provided in accordance with Australian Standard AS/NZS1158. Details to be submitted with the Construction Certificate application.

### **B4 Landscaping/public domain**

All public domain and landscaping works shall be undertaken by the proponent at no cost to Council for all street frontages to the extent of the property boundary. A detailed landscaping plan is to be prepared in accordance with Council's City Centre City Improvement Plan and approved by Council prior to issue of a Construction Certificate for public domain works.

All works shall be done in consultation with Council in accordance with Council's City Centre City Improvement Plan and Public Domain Technical manual, to a standard approved by Council, prior to the issue of an Occupation Certificate.

### **B5 Footpath / pavement**

The developer is responsible for the construction of footpath paving for the entire frontage of the development. The footpath must be installed in accordance with the specifications of the Public Domain Technical Manual. The footpath must be installed to the satisfaction of Wollongong City Council. A minimum two percent (2%), maximum two and half percent (2.5%) cross fall is to be provided from the property boundary to the back of kerb. This requirement shall be indicated on the final Landscape Plans.

### **B6 Street Trees**

The developer must install street tree plantings to the street frontages in accordance with the Wollongong City Council Public Domain Technical Manual. Tree pits must be detailed in accordance with the Public Domain Technical Manual and installed to the satisfaction of Wollongong City Council. Contact Dial Before You Dig and undertake any necessary pot holing to determine the location of existing services before excavating tree pits.

## **B7 Treatment of Vehicular Entries**

Any part of the walls and ceilings of vehicular entry points that are visible from the street shall be finished in high quality materials and no service ducts or pipes are to be visible.

## **B8 Disabled Access**

Access and facilities for people with disabilities, including but not limited to public open space within the development and footpaths forming part of the works, shall be provided in accordance with Part D3 of the *Building Code of Australia*. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

## **B9 Reflectivity**

The light reflectivity from building materials used on the facades of the buildings shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. A report demonstrating compliance with these requirements is to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

## **B10 Compliance with BCA**

Evidence demonstrating that the proposal complies with the BCA is to be provided to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

## **B11 Erosion and Sedimentation Control**

Soil erosion and sediment control measures shall be designed and installed prior to the issue of the Construction Certificate in accordance with the document *Managing Urban Stormwater—Soils & Construction Volume 1 (2004) by Landcom*.

## **B12 Pre-Construction Dilapidation Reports**

The Proponent is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings, infrastructure and roads where relevant.

The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate. A copy of the report is to be forwarded to Council prior to commencement of work.

## **B13 Site Management, Pedestrian and Traffic Management**

The submission, as part of an application for a permit under Section 138 of the Roads Act 1993, of a Site Management, Pedestrian and Traffic Management Plan to Council's approval is required, prior to works commencing on the site. 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 the latest versions of Australian Standard AS1742 - Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual.

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:

- a) proposed ingress and egress points for vehicles to/from the construction site;
- b) proposed protection of pedestrians, adjacent to the construction site;
- c) proposed pedestrian management whilst vehicles are entering/exiting the construction site;
- d) 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;
- e) proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
  - f) proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
  - g) 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 the latest versions of the NSW Roads and Traffic Authority's Specification - "Traffic Control at Work Sites Manual" and the Australian Standard AS1742. – "Manual of Uniform Traffic Control Devices" and accompanying field handbooks (SAA HB81);
  - h) 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
  - i) 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 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.

#### **B14 Construction Waste Management Plan**

Prior to the issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Waste Management Plan prepared by a suitably qualified person in accordance with Council's policy. The Proponent shall submit a copy of the plan to the Council prior to commencement of work.

#### **B15 Soil and Water Management Plan**

Prior to issue of a Construction Certificate, the Proponent shall submit to the satisfaction of the Certifying Authority a Soil and Water Management Plan prepared by a suitably qualified person and in accordance with Council's policy.

Appropriate strategies and systems are to be installed to ensure the prevention of discharge of any pollutant, which may degrade the environment or be prejudicial to its inhabitants. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the proponent.

#### **B16 Stormwater and Drainage**

Prior to issuing a construction certificate for the proposed development, details of the proposed storm water disposal and drainage must be submitted to and approved by Council. All approved details for the disposal of storm water and drainage are to be implemented in the development.

The requirements of Council with regard to the on-site detention and disposal of storm water must be submitted and endorsed prior to commencement of works.

#### **B17 Number of Car Spaces**

The number of car spaces to be provided for stage 1 of the development shall be a minimum of 1,052. Details confirming the parking numbers shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for works relating to car parking.

A minimum of 62 bicycle spaces and suitable end of trip facilities (including access to change/shower facilities) for staff of commercial/retail development is to be provided in the development. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for works relating to car parking.

### **B18 Car Parking**

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 the current relevant Australian Standard AS2890.1 (2004), except where amended by other conditions of this consent. Details of such compliance are to be provided on the Construction Certificate plans.

### **B19 Traffic Management**

The following traffic management works are required as a result of this development including:

- a. Installation of right turn bays for the northern and southern approaches of the Corrimal / Burelli Street intersection.
- b. Installation of a new eastbound bus stop on Burelli Street (outside the pedestrian access point) to the west of Corrimal Street including associated infrastructure.
- c. Land dedicated along the eastern side of Corrimal Street to effect widening of the road
- d. To improve parking efficiency across the Wollongong Central redevelopment a signage system is to be provided that indicates the location and availability of car spaces for the entire redevelopment to prevent unnecessary traffic circulation through out the city centre; and
- e. A "Green Travel Plan" and travel demand management strategies are to be developed and implemented.

Detailed design of the above traffic management requirements is to be carried out for the approval of the RTA prior to issuing a Construction Certificate. Included in the detailed design will be a staging plan for the construction program for the works. The required works shall be completed prior to the completion of the construction works on the development site to which the traffic management changes relate. The traffic management works shall be carried out at no cost to Wollongong City Council or the RTA.

### **B20 Queuing Areas**

- a. At each vehicular entry point, the queuing area to be provided between the vehicular control point and the property boundary shall be sufficient to allow a free influx of traffic which will not adversely affect traffic or pedestrian flows in the frontage road. No parking space manoeuvres shall be allowed to take place within the queuing area. The size of the queuing area may be determined using AS2890.1.
- b. The development shall make provision for suitable barriers, line-marking and painted signage delineating vehicular flow movements within the car parking areas. These details shall be provided on the Construction Certificate plans to the satisfaction of the Certifying Authority.

### **B21 Servicing**

Design plans for all changes to infrastructure, signposting and line-marking on the classified road network shall be submitted to the RTA and Council for approval prior to the issue of the construction certificate for road works.

### **B22 Traffic Management (further approvals)**

The proponent shall gain the RTA's approval for the following traffic/pedestrian management issues prior to the release of a construction certificate for any above ground works relating to the proposal for:

- The proposed bus top relocation on Burelli Street.
- Land dedicated along the eastern side of Corrimal Street to effect widening of the road.
- Installation of right turn bays for the northern and southern approaches of the Corrimal / Burelli Street intersection.

The Director General shall be the arbiter between any disputes arising from the above requirements. The above matters shall be addressed to the satisfaction of the Director General, in the event of a dispute.

### **B23 Outdoor Lighting**

All outdoor lighting shall comply with, where relevant, AS/NZ1158.3.1: 2005 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for public domain works.

### **B24 Mechanical Ventilation**

All mechanical ventilation systems shall be installed in accordance with the Building Code of Australia and shall comply with the *Public Health (Microbial Control) Regulation 2000* under the Public Health Act 1991. Details shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for above ground works.

### **B25 Monetary Contributions**

#### **(1) Amount of Contribution**

A levy of 2% of the cost of carrying out the development shall be applied to the proposed development. The amount to be paid will be determined at the time of actual payment, in accordance with Clause 15 of the Wollongong Section 94A Development Contributions Plan (2010).

#### **(2) Timing and Method of Payment**

The levy is payable to the Wollongong City Council prior to the issue of an Occupation Certificate for new development. A bank guarantee for the full contribution including verification of the CIV for the project shall be submitted to Council prior to the release of any Construction Certificate.

#### **(3) Indexing**

At the time of payment, both levies will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

### **B26 Traffic Noise**

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.

### **B27 Works Authorisation Deed**

Prior to the issuing of the construction certificate, the developer shall enter into a Works Authorisation Deed (WAD) with the RTA for the above road works/traffic control facilities on the Corrimal Street prior to the issue of a Construction Certificate.

### **B28 Active Street Front**

The retail tenancies with street frontage, where not provided with openings to the street, shall be provided with clear and transparent glazed shopfronts. Details demonstrating compliance shall be submitted to the Certifying Authority with the application for the Construction Certificate.

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**End of this Section**

## **PART C – PRIOR TO CONSTRUCTION**

### **C1 Demolition Works**

All demolition work shall comply with the provisions of Australian Standard AS2601: 2001 *The Demolition of Structures*. The work plans required by AS2601: 2001 shall be accompanied by a written statement from a suitably qualified person that the proposals contained in the work plan comply with the safety requirements of the Standard. The work plans and the statement of compliance shall be submitted to the satisfaction of the PCA prior to the commencement of works.

### **C2 Awnings**

The proposed footpath awnings are to be constructed in accordance with Council's specifications. Details of the proposed awning materials shall be submitted to and approved by the Council prior to the commencement of construction works.

### **C3 Remediation / Removal of hazardous materials in existing structures and soil**

Prior to the commencement of demolition work:

- (1) A Hazardous Materials Survey shall be prepared for all buildings and structures to be demolished. The Survey shall include the recommendations for the management of removal and transportation of such materials in accordance with the requirements of the Department of Environment and Climate Change (DECC) and the NSW Work Cover Authority.
- (2) A Remediation Action Plan (RAP) to describe the remediation and validation measures shall be developed in accordance with the remediation approved as part of the demolition consent granted under part 4 of the Act. The Remediation and Validation Plan for the site dated 24 November 2003 be revised and submitted to the satisfaction of the PCA prior to the commencement of works.
- (3) The site is to be remediated and validated in accordance with the approved RAP prior to commencement of construction. Any variations to the RAP shall be approved in writing by the Accredited Site Auditor and the DECC prior to the commencement of such work. A copy is to be provided to the Department and Council.

### **C4 Relocation of bus zones and changes to signposting**

Approval shall be sought from Council's Traffic Committee/RTA to approve relocation of bus and taxi zones and changes to any signposting. Compliance with any conditions of this approval must be presented to the satisfaction of the Certifying Authority prior to commencement of work on the site.

### **C5 Notice to be Given Prior to Commencement of Works**

The Certifying Authority, and Council shall be given written notice, at least 48 hours prior to the commencement of construction and excavation works on the site.

### **C6 Structural Details**

Prior to the commencement of works, the Proponent shall submit to the satisfaction of the Certifying Authority structural drawings for the area of work which is the subject of the construction certificate, prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) the relevant clauses of the BCA,
- (2) the relevant development approval,
- (3) drawings and specifications comprising the Construction Certificate; and
- (4) the relevant Australian Standards listed in the BCA (Specification A1.3).

### **C7 Barricade Permit**

Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained

from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

#### **C8 Services to be Underground**

All services associated with the development are to be located underground and works associated with this are to be fully born by the Proponent, within the development and along all street frontages for the length of the development.

#### **C9 Corrimal Street Road Widening - Realignment**

Detailed design plans to allow for the proposed road widening of Cordial Street shall be approved by the relevant authority prior to the commencement of works. The proposed works shall be carried out at no cost to Council or the RTA.

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**End of this Section**

## **PART D – DURING CONSTRUCTION**

### **D1 Erosion and Sediment Control**

All erosion and sediment control measures, are to be effectively implemented and maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

### **D2 Disposal of Seepage and Stormwater**

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Any seepage or rainwater collected on-site during construction shall not be pumped to Council's stormwater system unless separate prior approval is given in writing by Council.

### **D3 Setting Out of Structures**

The buildings shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the Certifying Authority that structural works are in accordance with the approval.

### **D4 Approved Plans to be On-site**

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Council or the Certifying Authority.

### **D5 Site Notice**

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details including, but not limited to the details of the Builder, Certifying Authority and Structural Engineer.

### **D6 Contact Telephone Number**

The Proponent shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

### **D7 Impact of Below Ground (Sub-surface) Works – Archaeological Objects**

If unanticipated historical archaeological deposits, artefacts or 'relics' are revealed by the works, they should be assessed, recorded, catalogued and analysed by a qualified archaeologist in accordance with the usual professional archaeological practice. The Heritage Office should be contacted in the event of such occurrence.

### **D8 Protection of Trees – Street Trees**

All street trees shall be protected at all times during construction. Any tree on the footpath, which is damaged or removed during construction, shall be replaced, to the satisfaction of Council.

### **D9 Dust Control Measures**

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood during construction. In particular, the following measures must be adopted:

- (1) Physical barriers shall be erected at right angles to the prevailing wind direction or shall be placed around or over dust sources to prevent wind or activity from generating dust emissions,
- (2) Earthworks and scheduling activities shall be managed to coincide with the next stage of development to minimise the amount of time the site is left cut or exposed,
- (3) All materials shall be stored or stockpiled at the best locations,
- (4) The surface should be dampened slightly to prevent dust from becoming airborne but should not be wet to the extent that run-off occurs,

- (5) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (6) All equipment wheels shall be washed before exiting the site using manual or automated sprayers and drive-through washing bays,
- (7) Gates shall be closed between vehicle movements and shall be fitted with shade cloth, and
- (8) Cleaning of footpaths and roadways shall be carried out regularly.

#### **D10 Hours of Work**

The hours of construction, including the delivery of materials to and from the site are as follows:

- (1) between 7:00 am and 7:00 pm, Mondays to Fridays inclusive;
- (2) between 8:00 am and 4:00 pm, Saturdays;
- (3) no work on Sundays and public holidays.

Works may be undertaken outside these hours where:

- (1) the delivery of materials is required outside these hours by the Police or other authorities;
- (2) it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) the work is approved by Council; and
- (4) residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

#### **D11 Oversized Transportation**

If transportation of oversized or over mass materials or machinery is required, the applicant shall obtain a permit for an oversized and over mass load from the RTA Special Permits Unit.

#### **D12 Redundant Crossings**

Any existing vehicular crossings rendered unnecessary by this development must be removed and the footpath and normal kerbing and guttering must be restored. This work shall be carried out by a Council recognised concrete contractor at the developer's expense.

#### **D13 Temporary Road Closure(s)**

If a road closure is required an approval must be obtained from City of Wollongong Traffic Committee and Wollongong City Council.

**Note:** It may take up to 6 weeks for approval. An application for approval must include a Traffic Control Plan prepared by a suitably qualified person who is to include the date and times of closure and any other relevant information. The traffic control plan shall satisfy the requirements of the latest versions of Australian Standard AS1742 – Traffic Control Devices for Works on Roads and the RTA Traffic Control at Worksites Manual

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**End of this Section**

## **PART E – PRIOR TO ISSUE OF OCCUPATION CERTIFICATE / PRIOR TO OPERATIONS**

### **E1 Fire Safety Certificate**

A Fire Safety Certificate shall be furnished to the PCA for all the Essential Fire or Other Safety Measures forming part of this approval prior to issue of any Occupation Certificate. A copy of the Fire Safety certificate must be submitted to the Council and the NSW Fire Brigade.

### **E2 Annual Fire Safety Statement**

An Annual Fire Safety Statement must be provided to Council and the NSW Fire Brigade commencing within 12 months after the date on which the initial Fire Safety Certificate is received.

### **E3 Mechanical Ventilation**

Following completion, installation and testing of all the mechanical ventilation systems, the Proponent shall provide evidence to the satisfaction of the PCA, prior to the issue of any Occupation Certificate, that the installation and performance of the mechanical systems complies with:

- (1) The Building Code of Australia;
- (2) Australian Standard AS1668 and other relevant codes;
- (3) The development approval and any relevant modifications; and,
- (4) Any dispensation granted by the New South Wales Fire Brigade.

### **E4 Structural Inspection Certificate**

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of any Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact PCA for specific electronic format) shall be submitted to the PCA and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

### **E5 Road/Kerb and Gutter Damage**

The cost of repairing any damage caused to Council or other Public Authority's assets in the vicinity of the subject site as a result of construction works associated with the approved development, shall be met in full by the Proponent, to the satisfaction of Council, prior to the issue of any Occupation Certificate.

### **E6 Vehicular Crossing**

All new vehicular crossings are to be constructed in accordance with Council's specifications.

### **E7 Removal of redundant crossings**

The proponent shall remove all redundant crossings together with any necessary reinstatement of the footpath, nature strip, kerb and gutter. Such work shall be carried out in accordance with Council's specification.

### **E8 Construction of Kerb & Gutter**

The proponent shall construct new kerb and gutter and associated roadwork/pavement unless otherwise determined by Council in accordance with Council's specification for the full frontage of the development

### **E9 Waste Management**

A Waste Management Plan is to be prepared that has regard to the following:

- The Centre layout (type of shop/kiosk and waste requirements including recycling) in relation to the location of waste management facilities;
- Predicted waste volumes to be handled at each collection point and type of waste;
- Frequency of collection for different waste;
- Capacity of and type of equipment at collection locations;
- Demonstrated maximising of recycling opportunities for waste;
- Holding area capacity;
- Provision of hot and cold water for cleaning of waste holding areas;
- Provision of refrigerated waste storage for putrescibles waste (if necessary).

The Waste Management Plan is to be approved by Council. Details are to be submitted to the Certifying Authority prior to the issue of Construction Certificate.

### **E10 Traffic Management Works**

All roadworks, traffic control facilities and other works associated with this development, including land dedication for Town hall Place and Corrimal Street, will be at no cost to the RTA. All works and land dedication shall be completed prior to occupation.

### **E11 Section 73 Certificate**

A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation.

Application must be made through an authorised Water Servicing Coordinator. Please refer to the Building, Development and Plumbing section of the website at [www.sydneywater.com.au](http://www.sydneywater.com.au) then refer to "Water Servicing Coordinator" under "Developing Your Land" or telephone 13 20 92 for assistance.

Following application a "Notice of Requirements" will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Coordinator, as it may take some time to build water/sewer pipes and this may impact on other services and building, driveway or landscape design.

A copy of Sydney Water's Notice of Requirements must be submitted to Council.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

### **E12 Post-construction Dilapidation Report**

The Proponent shall engage a suitably qualified person to prepare a post-construction dilapidation report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining infrastructure and roads. The report is to be submitted to the PCA, Council and the RTA.

### **E13 Safer by Design**

To minimise the opportunity for crime and in accordance with CPTED principles, the development shall incorporate the following:

- i. The setting aside of car parking areas for the use of patrons of businesses operating after hours including the cinema complex, liquor store, and restaurants; appropriate signage to identify the nominated areas.
- ii. Security of the car parking area to reduce the likely incidence of anti-social and criminal behaviour from occurring.
- iii. Removal of potential concealment and entrapment areas.

- iv. Use of graffiti resistant materials and shutters.
- v. Location of ATMs away from the street frontages to prevent 'ram raiding' or vandalism.
- vi. Implementation of security and surveillance of public toilets throughout the complex.
- vii. Implementation of security and surveillance of the liquor store to reduce opportunity for armed robberies and opportunistic theft.
- viii. Use of signage and security to prevent the consumption of liquor within the car parking areas adjacent to the liquor store.
- ix. Position of toilet facilities to ensure availability of natural surveillance, particularly those located behind the restaurants within level 1 of the building

#### **E14 Travel Access Guide**

A Travel Access Guide (TAG) shall be prepared for the workers and visitors to the site prior to the issue of an Occupation Certificate. Once the development is operation the TAG shall be made available to workers and visitors to the site.

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**End of this Section**

## PART F—PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

### **F1 Plan of Subdivision/Consolidation**

Prior to the issue of a Subdivision Certificate, the applicant is to provide to the issuing authority, a survey plan of subdivision including a copy of the relevant instrument under Section 88B of the *Conveyancing Act 1919*.

### **F2 Access**

Documentary easements for access must be created over the appropriate lots in the subdivision to provide for public access and access to lifts, lobbies, fire stairs, service areas, loading areas and car parking areas, and created pursuant to Section 88B of the *Conveyancing Act 1919*.

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**End of this Section**

## **PART G – DURING OPERATIONS**

### **G1 Annual Fire Safety Certification**

The owner of the building shall certify to Council and the NSW Fire Brigade every year that the essential services installed in the building for the purpose of fire safety have been inspected and at the time of inspection are capable of operating to the required minimum standard. The purpose of this condition is to ensure that there is adequate safety of persons in the building in the event of fire and for the prevention of fire, the suppression of fire and the prevention of spread of fire.

### **G2 Loading and Unloading**

All loading and unloading of service vehicles in connection with the use of the premise shall be carried out wholly within the site at all times.

### **G3 Unobstructed Driveways and Parking Areas**

All driveways and parking areas shall be unobstructed at all times. Driveways and car spaces shall not be used for the manufacture, storage or display of goods, materials or any other equipment and shall be used solely for vehicular access and for the parking of vehicles associated with the use of the premises. The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

### **G4 Noise Control – Plant and Machinery**

Noise associated with the operation of any plant, machinery or other equipment on the site, shall not exceed 5dB(A) above the background noise level when measured at the boundary of the site.

### **G5 Anti Graffiti**

All ground level surfaces are to be treated with anti-graffiti coating to minimise the potential of defacement. In addition, any graffiti evident on the exterior facades and visible from a public place is to be removed within 24 hours.

### **G6 Compliance Report**

The Proponent, or any party acting upon this approval, shall submit to the PCA a report addressing compliance with conditions of this consent within 3 months of occupation.

### **G7 Retail parking Spaces**

Retail car park spaces shall be paid parking spaces, with the fee significant enough to deter all day use of the spaces by commuters or the like.

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**End of this Section**

## PART H – ADVISORY NOTES

### AN1 Further Approvals

The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):

- Public Art – The proposed public art to be provided on the south-eastern corner of Crown and Corrimal Street shall be subject to separate development approval from Council under Part 4 of the Act.
- Shop fit out and use - the proponent shall seek development consent prior to occupation and use of individual tenancies. Development applications for food premises shall comply with the requirements of AS 4674 Design, Construction and Fit-out of Food Premises, The Food Act 2003 and the Food Safety Standards.

### AN2 Roads Act, 1993

A separate application shall be made to relevant roads authority for approval under Section 138 of the *Roads Act, 1993* to undertake any of the following:

1. erect a structure or carry out a work in, on or over a public road, or
2. dig up or disturb the surface of a public road, or
3. remove or interfere with a structure, work or tree on a public road, or
4. pump water into a public road from any land adjoining the road, or
5. connect a road (whether public or private) to a classified road.

### AN3 Long Service Levy

Under Section 34 of the *Building and Construction Industry Long Service Payments Act 1986* any work costing \$25,000 or more is subject to a Long Service Levy. The levy rate is 0.35% of the total cost of the work and shall be paid to either the Long Service Payments Corporation or Council. Under section 109F(1) of the *Environmental Planning & Assessment Act, 1979* this payment must be made prior to commencement of building works.

### AN4 Requirements of Public Authorities for Connection to Services

The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the Proponent. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

### AN5 Signage

All works/regulatory signposting associated with the proposed development shall be at no cost to the RTA.

### AN6 Use of Cranes, Plant or Machinery

The Proponent shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the Certifying Authority:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on-site tower cranes which warrant the on-street use of mobile cranes, permits must be obtained from Council:
  - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and
  - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (2) The proponent will submit a Plan showing all crane and other aerial operations for the development;
- (3) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

#### **AN7 Movement of Trucks Transporting Waste Material**

The Proponent shall notify the Roads and Traffic Authority's Traffic Management Centre (TMC) of the truck route(s) to be followed by trucks transporting waste material from the site, prior to the commencement of the removal of any waste material from the site.

#### **AN8 Stormwater drainage works or effluent systems**

A construction certificate for works that involve any of the following:

- (1) water supply, sewerage and stormwater drainage work
- (2) management of waste

as defined by Section 68 of the Local Government Act, 1993 will not be issued until prior separate approval to do so has been granted by Council under Section 68 of that Act. Applications for these works must be submitted on Council's standard Section 68 application form accompanied by the required attachments and the prescribed fees.

#### **AN9 Temporary Structures**

An approval under Section 68 of the Local Government Act 1993 must be obtained from the Council for the erection of the temporary structures. The application must be supported by a report detailing compliance with the provisions of the Building Code of Australia.

Structural certification from an appropriately qualified practicing structural engineer must be submitted to the Council with the application under Section 68 of the Local Government Act 1993 to certify the structural adequacy of the design of the temporary structures.

#### **AN10 Road and Footpath**

Council's footpath, nature strip or roadway not being damaged and shall be kept clear at all times.

#### **AN11 No storage on foot/roadway**

Building materials, plant and equipment and builder's waste, are not to be placed or stored at any time on Council's footpath, nature strip or roadway adjacent to building sites unless prior written approval has been granted by Council.

#### **AN12 Road Occupancy Licence**

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 or within 100m of traffic signals. 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. The developer shall submit the ROL application 10 business days prior to commencing work. It should be noted that receiving an approval for the ROL within this 10 business day period is dependant upon the RTA receiving an accurate and compliant TMP. Note: An approved ROL does not constitute an approval to commence works until an authorisation letter for the works has been issued by the RTA Project Manager.

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**End of this Section**