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PROJECT APPLICATION APPROVAL

SCHEDULE 1 PART A – TABLE			
	On Land Comprising ...	On Land Comprising ...Insert at end paragraph: Proposed Lot 12 (access from Regent Street); Part Keira Street, Part Richardson Street.	Certain land is missing from the list of allotments: <ul style="list-style-type: none">the access handle from Regent Street (proposed Lot 12 in a subdivision of the new AHM site – plan of subdivision awaiting registration), andthe Council roads on or over which works are proposed as part of the project (landowner’s consent was granted by Wollongong City Council to lodgement of the application relating to certain affected land on Keira and Richardson Streets)
	For the carrying out of ... <ul style="list-style-type: none">Extension of the retail façade out to the Crown Street Mall alignment (1m).	Development Description ... <ul style="list-style-type: none">Extension of the retail façade out to the Crown Street Mall alignment (1m1.5m).	The proposed extent of the shopfront extension along the Crown Street Mall frontage is 1.5 metres, not 1 metre. This takes the shopfront to the property boundary.
SCHEDULE 1 PART C – DEFINITIONS			
	In this approval: <ul style="list-style-type: none">...	Add to list of definitions in alphabetical order: WCC LEP 2007 / Wollongong City Centre LEP 2007 - means the Wollongong City Centre LEP 2007 as in force at the date of granting of this approval	We understand that the Wollongong City Centre LEP 2007 is to be incorporated into the new City Wide LEP. We further understand that Council is considering reviewing definitions/provisions relating to GFA, car parking and the like. As such, it is considered prudent to ensure that references in the consent to the LEP are tied to the LEP as in force at the time of determination.
SCHEDULE 2 PART A – ADMINISTRATIVE CONDITIONS			
A1	Development Description Approval is granted only to carrying out the development described in detail below: 5. Extension of the retail façade out to the Crown Street Mall alignment (1m).	Development Description Approval is granted only to carrying out the development described in detail below: 5. Extension of the retail façade out to the Crown Street Mall alignment (1m 1.5m).	There appears to be a typographical error. The proposed extent of the shopfront extension along the Crown Street Mall frontage is 1.5 metres, not 1 metre. This takes the shopfront to the property boundary.

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PART B – PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

B4	<p>Landscaping / Public Domain</p> <p>All public domain and landscaping works shall be undertaken by the proponent at no cost to Council for all street frontages (apart from the Crown Street Mall covered by the 2% levy) to the extent of the property boundary. A revised 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.</p> <p>All works shall be done in consultation with Council in accordance with Council's City Centre City Improvement Plan, to a standard approved by Council, prior to the issue of an Occupation Certificate.</p>	<p>Landscaping / Public Domain</p> <p>All public domain and landscaping works, the extent of which is outlined in the approved Landscape Design Report dated December 2007, shall be undertaken by the proponent at no cost to Council for all street frontages (apart from the Crown Street Mall covered by the 2% levy) to the extent of the property boundary. A revised 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.</p> <p>All works shall be done in consultation with Council in accordance with Council's City Centre City Improvement Plan, to a standard approved by Council, prior to the issue of an the Final Occupation Certificate.</p>	<p>Two changes are requested to this condition.</p> <ol style="list-style-type: none">1. We have concerns that because this condition does not relate to a specific plan, it is questionable what is meant by "all public domain and landscaping works". To avoid possible misinterpretation, the condition should be reworded to ensure that the scope of public domain and landscaping works is as per the Landscape Design Report accompanying the Preferred Project Report (subject of course to the landscaping plan being revised to satisfy Council technical requirements).2. For timing of completion of works, the condition needs to reflect the staged construction and occupation of the development. Therefore the reference is requested to relate to the final OC.
B5	<p>Treatment of vehicular entries</p> <p>In order to improve the appearance of the building when viewed from the street, 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.</p>	<p>Treatment of vehicular <u>Passenger Vehicle</u> entries</p> <p>In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of vehicular passenger vehicle 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.</p>	<p>The condition as currently drafted could be construed as relating to loading dock entries in addition to passenger vehicle entries. While it is not known if that was the intent of the condition, we note that the condition cannot be satisfied for the Richardson Lane loading dock entry. Passengers in vehicles travelling south on Richardson Lane could, when looking toward the loading dock, see services throughout the ceiling area of the loading dock including exhaust ducts, fire pipes, lighting, etc. Whilst the Proponent will endeavour to design the position of services to limit visual impact, there will no doubt be services which could be viewed from Richardson Lane. Therefore the condition is requested to be clarified such that it relates to passenger vehicle entries only.</p>
B8	<p>GFA Certification</p> <p>A registered Surveyor is to certify that the Gross Floor Area (GFA) of the development at the subject site approved by this major project does not exceed 80,270m² for both West Keira and Wollongong Central in accordance with the definition of GFA contained within the WCC LEP 2007. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works. Upon completion of the building works the GFA shall be validated by a registered surveyor prior to issuing an Occupation Certificate.</p>	<p>GFA Certification</p> <p>A registered Surveyor is to certify that the Gross Floor Area (GFA) of the development at the subject site approved by this major project does not exceed 80,270m² for both West Keira and Wollongong Central in accordance with the definition of GFA contained within the WCC LEP 2007, and inclusive of 50% of any area of the building that is used for parking in respect of retail premises that is at or above existing ground level. Details shall be provided to the Certifying Authority demonstrating compliance with this condition prior to the issue of a Construction Certificate for above ground works. Upon completion of the building works the GFA shall be validated by a registered surveyor prior to issuing an Occupation Certificates for each stage.</p>	<p>Two changes are requested to this condition.</p> <ol style="list-style-type: none">1. The <u>dictionary</u> definition of GFA in WCC LEP 2007 excludes car parking. It is Clause 22C in the LEP relating to car parking that triggers the need for car parking above ground to be counted wholly or partly as GFA <u>for the purpose of that clause</u>. The GFA measured in accordance with the GFA <u>dictionary</u> definition is around 59,500m². Certainly, as it now stands, the approved Stage 1 development does not have a GFA as defined in the Dictionary of the WCC LEP 2007 of 80,270m². In order to clarify the situation, we suggest that the condition also refer to the need to include half of above ground retail parking.2. For timing of validation of GFA, the condition needs to reflect the staged construction and occupation of the development. Therefore the reference is requested to relate to the OC <u>for each stage</u>.

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B16	<p>Number of Car spaces</p> <p>The number of car spaces to be provided for Stage 1 of the development shall be a minimum of 1446 (inclusive of 610 existing car parking spaces). 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.</p> <p>A minimum of 72 bicycle spaces and suitable end of trip 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.</p>	<p>Number of Car spaces</p> <p>The number of car spaces to be provided for the amount of floorspace approved as Stage 1 of the development shall be a minimum of 1446 (inclusive of 610 existing car parking spaces). 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.</p> <p>A minimum of 72 bicycle spaces and suitable end of trip 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.</p>	<p>1446 spaces is the number of spaces required to cater for the amount of floorspace approved as part of Stage 1 of the development. We request the addition of certain wording which clarifies that the required number of car spaces is related to the approved floorspace, such that if the proposal does not proceed in full, the amount of parking required may conceivably be reduced.</p>
B17	<p>Car Park and Service Vehicle Layout</p> <ol style="list-style-type: none"> The layout of the car park shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces are to be line marked. Provision for motorcycles and push bikes are also to be detailed. The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2002 Off Street Parking Part 2 – Commercial Vehicles Facilities. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for construction works relating to carparking. 	<p>Car Park and Service Vehicle Layout</p> <ol style="list-style-type: none"> The layout of the car park on West Keira shall comply with Australian Standard AS2890.1:2004 Parking Facilities Part 1: Off Street Parking. All parking spaces in the development are to be line marked. Provision for motorcycles and push bikes in the development are also to be detailed. The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2002 Off Street Parking Part 2 – Commercial Vehicles Facilities. Details demonstrating compliance with these requirements shall be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate for construction works relating to carparking. 	<p>While modifications are proposed to the existing Wollongong Central car park, the car park will not be rebuilt. Therefore, compliance with a new Australian Standard cannot be achieved for the existing Wollongong Central car park, and the condition should limit this requirement to West Keira.</p> <p>In contrast, the requirements for the marking of parking spaces and the provision for motorcycles and bikes can apply to the entire development.</p>
B19	<p>Keira Street Pedestrian Bridge</p> <p>...</p> <ul style="list-style-type: none"> Prior to the issue of the construction certificate for the bridge the applicant shall obtain written confirmation from all utility providers that demonstrates that the design of the proposed pedestrian tunnel is appropriate to accommodate all utility infrastructure and allows practical access to this infrastructure for future maintenance works. <p>...</p>	<p>Keira Street Pedestrian Bridge <u>and Tunnel</u></p> <p>...</p> <ul style="list-style-type: none"> Prior to the issue of the construction certificate for the bridge tunnel the applicant shall obtain written confirmation from all utility providers that demonstrates that the design of the proposed pedestrian tunnel is appropriate to accommodate all utility infrastructure and allows practical access to this infrastructure for future maintenance works. <p>...</p>	<p>Two changes are requested to this condition.</p> <ol style="list-style-type: none"> As the condition relates to the Keira Street tunnel as well as the bridge, the title of the condition could therefore be amended. There appears to be a typo in the 5th dot point of the condition – “bridge” should read “tunnel”.
B21	<p>Traffic Management (further approvals)</p> <p>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:</p> <ul style="list-style-type: none"> Infrastructure changes to Keira Street widening of the existing pedestrian crossing on Keira Street including pedestrian safety requirements at this crossing; <p>The Director General shall be the arbiter between any disputes arising from the above requirements. The above mailers shall be addressed to the satisfaction of the Director General, in the event of a dispute.</p>	<p>Traffic Management (further approvals)</p> <p>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:</p> <ul style="list-style-type: none"> Infrastructure changes to Keira Street widening of the existing pedestrian crossing on Keira Street including pedestrian safety requirements at this crossing; <p>The Director General shall be the arbiter between any disputes arising from the above requirements. The above mailers shall be addressed to the satisfaction of the Director General, in the event of a dispute.</p>	<p>A change to the wording is requested so that the certifier can tie the CC to the related works as opposed to ‘any’ above ground works.</p>

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B24	<p>Monetary Contributions</p> <p>...</p> <p>(2) Timing and Method of Payment</p> <p>The Section 94A Contributions 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.</p> <p>The Section 94EE Special Contributions Levy is payable to the Director-General of the Department of Planning 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 the Director General prior to the release of any Construction Certificate.</p>	<p>Monetary Contributions</p> <p>...</p> <p>(2) Timing and Method of Payment</p> <p>The Section 94A Contributions Levy is payable to the Wollongong City Council prior to the issue of an Occupation Certificate for new development. In the event of a staged occupation, the Levy may be paid in stages based on the value of the completed stage. 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.</p> <p>The Section 94EE Special Contributions Levy is payable to the Director-General of the Department of Planning prior to the issue of an occupation certificate for new development. In the event of a staged occupation, the Levy may be paid in stages based on the value of the completed stage. A bank guarantee for the full contribution including verification of the CIV for the project shall be submitted to the Director General prior to the release of any Construction Certificate Occupation Certificate.</p>	<p>Two changes are requested to this condition.</p> <ol style="list-style-type: none">1. The timing of the payment is requested to relate to the staged occupation of the building.2. Further, it is proposed that should part of the building be deferred, the payment based on the value of this portion of the development would also be deferred. This is considered to be reasonable given that the levies are based on the cost of works.
PART C – PRIOR TO COMMENCEMENT OF WORKS			
C2	<p>Awnings</p> <p>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 Department of Planning prior to the commencement of construction works.</p>	<p>Awnings</p> <p>With the exception of the requirement in Wollongong City Centre DCP 2007 that the awning be set back 1200mm from the kerb line, 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 Department of Planning prior to the commencement of construction works relating to awnings.</p>	<p>Two changes are requested to this condition:</p> <ol style="list-style-type: none">1. The awnings as approved will not comply with certain Council requirements. Specifically, Wollongong City Centre DCP 2007 requires that all awnings be set back 1200mm from the kerb. The footpaths along Crown Lane and West Keira Street are not wide enough to allow for compliance with this requirement, and as shown on the PA plans, are to be provided with an awning of suitable width which provides adequate weather protection to pedestrians.2. The timing of the referral to DoP should be clarified to ensure that plans relating to detailed works are not required to be approved by DoP before any work commences on site, but rather at a more appropriate time – that is, prior to works relating to awnings.
C3	<p>Details of Material, Colours and Finishes</p> <p>An alternative pallet of proposed colours for the louvre blades and vitrolite panelling, which include some earthy tones, shall be submitted to and approved by the Department of Planning prior to the commencement of construction works.</p>	<p>Details of Material, Colours and Finishes</p> <p>An alternative pallet of proposed colours for the louvre blades and vitrolite paneling, which may include some earthy tones unless otherwise approved, shall be submitted to and approved by the Department of Planning prior to the commencement of construction works relating to louvre blades and vitrolite paneling.</p>	<p>Two changes are requested to this condition:</p> <ol style="list-style-type: none">1. Whilst we understand that the feedback from the DoP is that the palette should include some earthier tones, we note that GPT intends to appoint an artist to develop a revised colour palette. It is quite possible that a palette which meets with DoP approval will not include earthy tones. Therefore the proposed modified wording retains the DoP's preference, but also leaves open the possibility that another agreeable solution will be found.2. The timing of the referral to DoP should be clarified to ensure that plans relating to detailed works are not required to be approved by DoP before any work commences on site, but rather at a more appropriate time – that is, prior to works relating to the relevant facade materials.

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C5	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.	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 relocation works .	The timing of the referral to Council / RTA should be clarified to ensure that plans relating to detailed works are not required to be approved by Council / RTA before any work commences on site, but rather at a more appropriate time – that is, prior to the commencement of relocation works.
C9	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..	Services to be Underground All authority 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..	To clarify intent of condition
C10	Crown Lane Realignment Detailed design plans of the proposed Crown Lane realignment 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 RTA.	Crown Lane Realignment Detailed design plans of the proposed Crown Lane realignment shall be approved by the relevant authority prior to the commencement of realignment works. The proposed works shall be carried out at no cost to Council or RTA.	The timing of the referral to the relevant authority should be clarified to ensure that plans relating to detailed works are not required to be approved by the relevant authority before any work commences on site, but rather at a more appropriate time – that is, prior to the commencement of realignment works.
PART D – DURING CONSTRUCTION			
D7	Impact of Below Ground (Sub-surface) Works - Archaeological Objects If any archaeological objects are exposed during construction works, the Proponent shall immediately stop work on the site and notify the NSW Heritage Council in accordance with Section 146 of the NSW Heritage Act 1977 and the Department of Conservation and Climate Change (DECC) and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NSW Heritage Council and DECC to cease work for the purposes of archaeological investigation and recording.	Impact of Below Ground (Sub-surface) Works - Archaeological Objects If any archaeological objects are exposed during construction works, the Proponent shall immediately stop work on the affected part of the site and notify the NSW Heritage Council in accordance with Section 146 of the NSW Heritage Act 1977 and the Department of Conservation and Climate Change (DECC) and obtain any necessary approvals to continue the work. The Proponent shall comply with any request made by the NSW Heritage Council and DECC to cease work for the purposes of archaeological investigation and recording.	The way that this condition is currently worded means that if some archaeological relic was to be exposed during excavation on one of the allotments of the West Keira site, work would have to stop on the entire development, including the Wollongong Central site across Keira Street. The proposed changes clarify the intent of the condition.
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 through the Construction Noise and Vibration Management Plan; 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.	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 7:00 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 through the Construction Noise and Vibration Management Plan; 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; and 5. works within the existing centre shall be permitted outside hours of construction provided that the Construction Noise and Vibration Management demonstrates that the amenity of adjoining properties is being maintained.	Two changes are requested to this condition: 1. Enable 7.00am commencement on Saturdays. 2. Enable internal works to occur if amenity can be protected. Both of the above changes are considered to be reasonable and in line with construction practices on the recently completed AHM site.

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PART E – PRIOR TO OCCUPATION OR COMMENCEMENT OF USE			
E1	Air Space Lease Agreement A suitable air space lease agreement in respect of the proposed bridges/tunnel connection is to be completed prior to the issue of an occupation certificate. The term of the lease shall be as negotiated between Council and the Developer.	Air Space Lease Agreement A suitable air space lease agreement in respect of the proposed bridges/tunnel connection is to be completed prior to the issue of an any occupation certificate for the bridge or tunnel . The term of the lease shall be as negotiated between Council and the Developer.	The condition should reflect the staged completion and occupation of the development. The timing of the lease execution would be, in reality, be part of the negotiations to occur with Council.
E6	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.	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 the final Occupation Certificate.	The condition should reflect the staged completion and occupation of the development. Part of the site may be completed and occupied while work (and footpath damage) continues elsewhere on the site. It is intended that surrounding footpath works will be undertaken as part of the final stage of works.
E9	Construction of kerb & Gutter 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.	Construction of kerb & Gutter Construct new kerb and gutter and associated roadwork/pavement as per the scope of works shown on the approved plans, unless otherwise determined by Council in accordance with Council's specification for the full frontage of the development (this excludes Crown Street Mall) .	The Proponent is not responsible for works in Crown Street Mall. Also, the stamped approved plans define the extent of works proposed on Church Street and Market Street. The condition should be changed to refer only to works arising from the approved plans.
E10	Waste Management A Waste Management Plan is to be prepared that has regard to the following: <ul style="list-style-type: none"> 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	Waste Management A Waste Management Plan is to be prepared that has regard to the following: <ul style="list-style-type: none"> 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 any Occupation Certificate	The timing of the referral to Council should be modified to ensure that a detailed operational waste management plan is not required to be approved by Council before the first CC is issued, but rather at a more appropriate time – that is, prior to occupation.
E11	GFA Certification Upon completion of the building works the approved GFA (80,270sq.m) shall be validated by a registered surveyor prior to issuing an Occupation Certificate.	GFA Certification Upon completion of the building works the approved GFA (80,270sq.m) shall be validated by a registered surveyor prior to issuing an Occupation Certificate.	Please delete this condition. It repeats requirements contained in Condition B8. If the condition is to be retained, we request that it be modified in line with the changes proposed to Condition B8.
E12	Traffic Management Works The traffic management works required by earlier conditions are to be contemplated to the satisfaction of the RTA prior to issuing an Occupation Certificate.	Traffic Management Works The traffic management works required by earlier conditions are to be contemplated to the satisfaction of the RTA prior to issuing an the Final Occupation Certificate.	To reflect staged construction and occupation.
PART F – PRIOR TO ISSUE OF SUBDIVISION CERTIFICATE			
F1	Plan of Subdivision 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.	Plan of Subdivision 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.	DoP is requested to consider the need for <u>amended wording or deletion</u> of this condition. Otherwise, clarification on the intent of this condition is required. (Perhaps it is intended that the Plan of Subdivision refer to the Stratum Subdivision?)

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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.	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.	DoP is requested to consider the need for <u>amended wording or deletion</u> of this condition. We question the need for the creation of easements for access and believe the condition needs to be deleted. However, if the condition was intentional, please clarify.
<u>PART G – POST OCCUPATION</u>			
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.	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 nearest residential property .	The acoustic consultants advise that the noise control requirement referred to should relate to the boundary of the nearest residential property, not the subject site itself.

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ADVISORY NOTES

AN1	<p>Further Approvals</p> <p>The following shall be subject of separate development applications to Council under Part 4 of the Act (except where exempt and complying development applies):</p> <ul style="list-style-type: none"> Advertising signs - it is noted this consent approves the location of signage structures but does not approve the content, illumination or materials. Public Art – The proposed projector screen on the Wollongong Central site shall be subject to separate development approval from Council under Part 4 of the Act. Shop fit out - 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. 	<p>Replace the <u>third dot point</u> with a separate condition relating to Shop Fitouts:</p> <p>(a) Consent is granted to the use of the buildings generally in accordance with the project application drawings, the erection of inter-tenancy walls, and the fitout of tenancies, subject to the following:</p> <ul style="list-style-type: none"> Construction certificate(s) are to be obtained for the construction of inter-tenancy walls and the first internal fitout of each tenancy; Prior to issuing construction certificate(s) for the above, the Principal Certifying Authority must be satisfied that the development is to be carried out in accordance with the matters set out in (b); Following the first fitout and use, future change of use and internal alterations are to be undertaken in accordance with the Exempt and Complying Development provisions of the Wollongong City Centre LEP 2007, Wollongong Complying Development DCP and Wollongong Exempt Development DCP; or by the lodgment of a new Development Application. <p>(b) The following conditions must be satisfied prior to the issue of the construction certificate(s) referred to above:</p> <ul style="list-style-type: none"> All building work must be carried out in accordance with the provisions of the Building Code of Australia. This is achieved either by satisfying the prescriptive or performance requirements of the BCA; The building is to comply with the fire safety provisions as are applicable to the proposed new use; On completion of the building work, the following are not to be reduced: <ul style="list-style-type: none"> a) the structural strength and load bearing capacity of the building; and b) the measures to protect persons using the building, and to facilitate their egress from the building, in the event of fire; and c) the measures to restrict the spread of fire from the building to other buildings nearby; External plant likely to emit noise shall be located or treated so adjoining areas are not adversely affected; The use cannot be for the purposes of a Restricted Premises; and Any premises that is regulated under the Food Act 2003 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. 	<p>The Proponent made specific representations in the EA in relation to shop fit-outs. We requested that the Minister impose a condition requiring the first shop fit-outs to be the subject of a CC (and not a separate DA, as referred to in the advisory note).</p> <p>Our suggestion was based on experience at Rouse Hill, and aims to make the process of shop fitout more streamlines to that Wollongong City Council is not receiving a whole raft of DAs for first shop fit-outs, given that fitouts have no environmental impact on any other parties, and are an internal matter for the shopping centre. The following is drawn from the EA:</p> <p><i>The new West Keira retail podium will comprise a wide range of tenancies, including supermarkets, shops, services (such as banks), restaurants and cafes. Similarly, the proposed works within the Wollongong Central site includes a general internal modification including the creation of new small specialty tenancies, and the erection of a new cinema complex. One of the two service vehicle entries will be closed to improve pedestrian safety and the visual presentation to Market Street.</i></p> <p><i>Approval is therefore expressly sought as part of the Project Application to the erection of inter-tenancy walls and the fitout and use of tenancies for the purpose of shops and food premises.</i></p> <p><i>It is proposed to undertake these works without the need for further Project Approval. It is therefore proposed that a condition of approval be imposed which requires a Construction Certificate to be obtained for the works in relation to the initial erection of inter-tenancy walls and the first fitout.</i></p> <p><i>It is further proposed that following the first fitout and use, future change of use and fitout be subject to DCP 99.1 for Complying Development and DCP 99.2 for Exempt Development.</i></p>
AN2	<p>Place of Public Entertainment</p> <p>An approval from the Council under Section 68 of the Local Government Act 1993 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.</p>	<p>Place of Public Entertainment</p> <p>An approval from the Council under Section 68 of the Local Government Act 1993 must be obtained for a "Place of Public Entertainment Licence" prior to the use of the premises commencing. The Proponent shall provide evidence of receipt of the approval to the satisfaction of the PCA prior to the occupation of the building(s) or commencement of the use.</p> <p>Any necessary approvals must be obtained from Council for the fitout of the cinema complex and its use as a Place of Public Entertainment, as required by the prevailing statutes.</p>	<p>Section 68 of the <i>Local Government Act 1993</i> is no longer the relevant section for approvals for places of public entertainment. The condition, in other words, has been superseded by recent (October 2007) changes to the legislation, and would have no effect. More recently, the EP&A Amendment Act 2008 proposes to delete the October 2007 additions to the EP&A Act relating to public entertainment. It is not known what other changes will be required to the Regulations and relevant SEPP as a result. Therefore we suggest that the condition could refer to the <u>prevailing statutes</u>.</p>

Wollongong Central Development - PROJECT APPLICATION
S75W Application No. 1 - Proposed Amendment to Conditions of Project Approval

Item Number	Existing Condition	Suggested Amended Condition	Explanation and Justification
AN6	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.	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 works . 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 relating to those works .	To better reflect the staging of construction works across the development site.
AN9	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: <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and at least 4 weeks prior to the work's for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions. The proponent will submit a Plan showing all craneage and other aerial operations for the development; 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. 	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: <ol style="list-style-type: none"> 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: <ul style="list-style-type: none"> at least 48 hours prior to the works for partial road closures which, in the opinion of Council will create minimal traffic disruptions, and at least 4 weeks 7 days prior to the work's for full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions. (An exemption may be granted under special or emergency circumstances if agreeable with Council). The proponent will submit a Plan showing all craneage and other aerial operations for the development; The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am 6.00 am without the prior approval of Council. 	The wording of the condition is requested to be amended to be consistent with the agreed construction methodology on the adjacent AHM site (recently completed). For example, preparatory activities each day need to be undertaken on site to permit work to commence at 7.00am. Further, only 7 days notice (or less if agreed with Council) is required for road closures.
AN12	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.	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.	We do not know what this condition is intended to relate to and suggest it be deleted. Further, the condition has no effect because Section 68 of the Local Government Act 1993 is no longer the relevant section for approvals for temporary structures. If the condition is intended to relate to hoardings, we understand that these are now covered only by the Road Acts 1993 (where relevant).
AN20	Consolidation of Lots Prior to occupation, the lots which form the subject site are to be consolidated and the Plan of Consolidation registered with the Land Titles Office. Evidence of the registration of the Consolidation shall be provided to the satisfaction of the self-Certifying Authority.	Consolidation of Lots Prior to the issue of the final the issue of the final occupation certificate , the lots which form the subject site are to be consolidated and the Plan of Consolidation registered with the Land Titles Office. Evidence of the registration of the Consolidation shall be provided to the satisfaction of the self-Certifying Authority.	To better reflect the staged construction program and allow for staged occupation