

Modification of Major Project Approval

Section 75W of the *Environmental Planning & Assessment Act 1979*

I, the Executive Director Strategic Sites and Urban Renewal, as delegate of the Minister for Planning, under Instrument of Delegation dated 7 June 2007, modify, under s.75W of the *Environmental Planning and Assessment Act 1979*, the Project approval referred to in Schedule 1 in the manner set out in Schedule 2.



Jason Perica
Executive Director
Strategic Sites and Urban Renewal

Dated this 22nd day of December 2008

MP 06_0209 and MP 06_0335 MOD 1
S08/01173

SCHEDULE 1

Project Approval for the redevelopment and expansion of the Wollongong Central shopping centre and West Keira site only for the carrying out of the following development:

- 1) demolition of all existing structures on the West Keira site;
- 2) construction of a new six-level retail centre comprising a single level basement car park, three levels of retail (including one at lower ground level), and two levels of above-ground parking on the West Keira site;
- 3) internal alterations and remix of existing retail activities within Wollongong Central Shopping Centre;
- 4) construction of a new eight-screen cinema complex at the corner of Market Street and Church Street;
- 5) extension of the retail façade out to the Crown Street Mall alignment (1m);
- 6) a total of 80,270sq.m of GFA (Stage 1);
- 7) the use of the land for retail, commercial, residential, cinema (place of public entertainment), food premises (such as restaurants and cafes) and car parking;
- 8) the erection of internal walls and fit out of shops, and the erection of signage;
- 9) associated road works, public domain and landscape works, and service augmentation/connection;

- 10) support structures on the West Keira site for the erection of two future towers (subject to separate approval);
- 11) construction of a pedestrian tunnel and a pedestrian bridge across Keira Street and the creation of associated stratum lots, linking Wollongong Central with West Keira;
- 12) realignment of the eastern end of Crown Street through demolition of No. 228 Crown Street and the dedication of that land to Wollongong Council, and the creation of a new piazza at the corner of Crown Lane, Crown Street, and Keira Street; and
- 13) closure of the southern end of Richardson Street.

and Concept Plan Approval for the entire development including an 18 storey residential tower and a 10 storey commercial tower above the West Keira retail podium.

(MP 06_0209 and MP 06_0335) granted by the Minister for Planning on 28 April 2008.

SCHEDULE 2

The above approval is modified as follows:

Concept Plan Approval (MP 06_0335)

1) In Schedule 1, Part A - Table:

Replace Lot 1 7974590 with Lot 1 DP 797590

Also, Insert at end paragraph:

Proposed Lot 12 (access from Regent Street); Part Keira Street, Part Richardson Street.

2) In Schedule 1, Part B – Definitions, add the following to list of definitions in alphabetical order:

Building Height - As defined by the Wollongong City Centre LEP 2007

WCC LEP 2007 / Wollongong City Centre LEP2007 – Means the Wollongong City Centre LEP 2007 as in force at the date of granting of this approval

3) In Schedule 2 – Modifications, No. 2 Maximum Gross Floor Area (GFA), Replace with following wording:

- The maximum GFA for the entire development (Wollongong Central and West Keira sites) shall not exceed 126,363sq.m (inclusive of above ground carparking calculated in accordance with Clause 22C of the WCC LEP 2007), which equates to a total aggregate FSR of 5:1, in compliance with the WCC LEP 2007.
- The maximum GFA on the West Keira site for the commercial tower component shall not exceed 20,500sq.m and the maximum GFA for the residential tower component on the West Keira site shall not exceed 11,598sq.m.

Note: This Concept Plan approves a maximum GFA across the entire development (Wollongong Central and West Keira sites) in accordance with the floor space requirements in the WCC LEP 2007 (inclusive of above ground carparking calculated in accordance with Clause 22C of the WCC LEP 2007). To ensure any future development does not exceed these floor space ratio controls, Modification 3 of this Concept Plan requires covenants to be placed on title for both sites of the development.

4) In Schedule 2 – Modifications, No. 3 Covenant

In the first dot point replace Lot 1 7974590 with Lot 1 DP 797590

Also, Insert at end of the list of lots within the brackets:

- Proposed Lot 12 (access from Regent Street)

5) In Schedule 2 – Modifications, No. 4 Carparking

The wording for this condition will be amended as follows:

Car parking for Stage 1 shall be provided in accordance with the Project Application Approval. Car parking for Stage 2 shall be subject to the final GFA and residential apartment mix in the Stage 2 application/s.

Project Application Approval (MP 06_0209)

6) In Schedule 1, Part A – Table

On Land Comprising ... Insert at end paragraph:

Proposed Lot 12 (access from Regent Street); Part Keira Street, Part Richardson Street.

7) In Schedule 1, Part A -Table

Under 'For the carrying out of' amend sentence as follows:

- Extension of the retail façade out to the Crown Street Mall alignment (1.5m).

8) In Schedule 1, Part C - Definitions

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

9) Schedule 2, Part A – Administrative Conditions

In A1 - Development Description amend sentence as follows:

5. Extension of the retail façade out to the Crown Street Mall alignment (1.5m).

10) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B4 – Landscaping / Public Domain, the wording for this condition will be amended by adding the following words to the end of the condition:

Note: In the event of a staged occupation the landscape / public domain works shall be finalised to a standard approved by Council based on the street frontage of the completed stage.

11) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B5 - Treatment of vehicular entries

Amend the title to:

Treatment of Passenger Vehicle entries

Amend the wording of the condition to:

In order to improve the appearance of the building when viewed from the street, any part of the walls and ceilings of 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.

12) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B8 - GFA Certification, replace wording with the following:

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 (inclusive of above ground carparking calculated in accordance with Clause 22C of 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 for each stage.

13) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B17 - Car Park and Service Vehicle Layout, replace the wording with the following:

1. The layout of the car park on the West Keira site 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.

2. The layout of the service vehicle area shall comply with Australian Standard AS2890.2:2002 Off Street Parking Part 2 – Commercial Vehicles Facilities.
3. 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.

14) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B19 - Keira Street Pedestrian Bridge, amend the title to:

Keira Street Pedestrian Bridge and Tunnel

And replace the fifth dot point with the following:

- Prior to the issue of the construction certificate for the 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.

15) In Schedule 2, Part B – Prior to Issue of Construction Certificate

In B24 – Monetary Contributions, The wording in this clause will be amended slightly – replacing 'any' with 'the first' prior to the terms 'Occupation Certificate' and 'Construction Certificate'.

16) In Schedule 2, Part C – Prior to Commencement of Works

In C2 – Awnings, replace the wording with the following:

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 above ground construction works.

17) In Schedule 2, Part C – Prior to Commencement of Works

In C3 - Details of Material, Colours and Finishes, replace the wording with the following:

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 above ground construction works

18) In Schedule 2, Part C – Prior to Commencement of Works

In C5 - Relocation of bus zones and changes to signposting, replace the wording with the following:

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 relocation works.

19) In Schedule 2, Part C – Prior to Commencement of Works

In C9 – Services to be underground, replace the wording with the following:

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.

20) In Schedule 2, Part C – Prior to Commencement of Works

In C10 – Crown Lane Realignment, replace the wording with the following:

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.

21) In Schedule 2, Part D – During Construction

In D7 - Impact of Below Ground (Sub-surface) Works - Archaeological Objects, replace the wording with the following:

If any archaeological objects are exposed during construction works, the Proponent shall immediately stop work on the West Keira 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.

22) In Schedule 2, Part D – During Construction

In D10 – Hours of Work, add the following dot point:

5. works within the existing centre shall be permitted outside hours of construction provided that the Construction Noise and Vibration Management Plan demonstrates that the amenity of adjoining properties is being maintained.

23) In Schedule 2, Part E – Prior to Occupation or Commencement of Use

In E1 – Air Space Lease Agreement, The wording in this clause will be amended slightly – replacing ‘an occupation’ with ‘a construction’ prior to the term ‘certificate’.

24) In Schedule 2, Part E – Prior to Occupation or Commencement of Use

In E6 - Road / Kerb and Gutter Damage, replace the wording with the following:

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, or stage of the approved development, shall be met in full by the Proponent, to the satisfaction of Council, prior to the issue any Occupation Certificate.

25) In Schedule 2, Part E – Prior to Occupation or Commencement of Use

In E10 – Waste Management, replace the final paragraph with the following:

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

26) In Schedule 2, Part E – Prior to Occupation or Commencement of Use

In E11 - GFA Certification, replace the wording with the following:

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 (inclusive of above ground carparking calculated in accordance with Clause 22C of 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.

27) In Schedule 2, Part F – Prior to Issue of Subdivision Certificate

In F1 – in the title and text of the condition

Replace the term:

~~‘Plan of Subdivision’~~ with ‘Plan of Stratum Subdivision’.

28) In Advisory Notes

In AN2 - Place of Public Entertainment:

Replace 'Section 68 of the Local Government Act 1993' with 'State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007'

29) In Advisory Notes

In AN6 - Requirements of Public Authorities for Connection to Services, replace the wording with the following:

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 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.

30) In Advisory Notes

In AN9 - Use of Cranes, Plant or Machinery, replace the second dot point under No. 1 with the following:

- at least 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).

31) In Advisory Notes

In AN12 – Temporary Structures:

Replace 'Section 68 of the Local Government Act 1993' with 'State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007'

32) In Advisory Notes

In AN20 - Consolidation of Lots, replace the wording with the following:

Prior to 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.