

Table 1 - Modifications sought to Concept Plan Approval (MP 06_0335)

Item No	Existing Condition	Suggested Amended Condition	Departmental Response	Supported
Determination				
	I, the Minister for Planning, under the Environmental Planning and Assessment Act 1979 determine: ... (b) Under Section 75P(1)(b), all future stages of the project be subject to Part 4 of the Act and Wollongong City Council shall be the consent authority; and	I, the Minister for Planning, under the Environmental Planning and Assessment Act 1979 determine: ... (b) Under Section 75P(1)(b), all future stages of the project (including further approvals for matters such as tenancy fitouts, public art and signage relating to Stage 1) be subject to Part 4 of the Act and Wollongong City Council (WCC) shall be the consent authority; and	This amendment is not supported. It is not necessary to itemise these items as part of a future approval regime within the concept plan approval.	N
	Date of Determination Sydney, 28 May 2008	Date of Determination Sydney, 28 May April 2008	The amendment is considered reasonable but cannot be supported. The Determination was signed by the former Minister for Planning and stands as is.	N/A
Schedule 1				
Part A - Table				
	On Land Comprising ... Lot 1 DP 7974590 ...	On Land Comprising 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.	This amendment is supported. It corrects a typographical error and inserts a parcel of land missing from the list.	Y
Part B - Definitions				
	In this approval the following definitions apply: ...	Add to list of definitions in alphabetical order: Building Height - As defined by the Wollongong City Centre LEP 2007	This amendment is supported. It inserts definitions that seek to clarify the meaning of building height and to assert that references made to the LEP refer to the LEP in force at the time of approval rather than any revised LEP implemented since the	Y

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		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	date of approval.	
Schedule 2 - Modifications				
2	<p>Maximum Gross Floor Area (GFA)</p> <ul style="list-style-type: none"> The maximum GFA for the entire development (Wollongong Central and West Keira sites) shall not exceed 126,363sq.m, 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. <p>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. 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.</p>	<p>Maximum Gross Floor Area (GFA)</p> <p>The maximum GFA for the entire development (Wollongong Central and West Keira sites) approved under this concept plan shall not exceed 126,363sq.m (inclusive of 50% of any area of the building that is at or above existing ground level that is used for parking in respect of retail premises, and 100% of the area of the building that is at or above existing ground level that is used for parking in respect of retail premises), which equates to a total aggregate FSR of 5:1, in compliance with the WCC LEP 2007.</p> <p>The maximum GFA on the West Keira site for the commercial tower component shall not exceed 20,500sq.m (plus any above ground car parking for the commercial tower) and the maximum GFA for the residential tower component on the West Keira site shall not exceed 11,598sq.m (plus any above ground car parking for the residential tower).</p> <p>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</p>	<p>This amendment is only partly considered reasonable. It is considered reasonable to include reference specifically to Clause 22C to clarify how GFA was calculated for the proposal.</p> <p>The additional reference to “above ground car parking for the commercial/residential tower” is not supported as the GFA for car parking is included in the total GFA by definition for the proposal and the proposed modification is attempting to exclude it from the West Keira site.</p> <p>The wording of the condition will be amended as follows:</p> <ul style="list-style-type: none"> The maximum GFA for the entire development (Wollongong Central and West Keira sites) 	<p>Y</p> <p>N</p>

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		<p>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.</p>	<p>shall not exceed 126,363sq.m (inclusive of above ground car parking 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.</p> <ul style="list-style-type: none"> 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. <p>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 car parking 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.</p>	
3	<p>Covenant Covenants shall be placed on the title for the following sites:</p> <ul style="list-style-type: none"> West Keira (Lot 262 & 260 DP 823263, lot 270 DP 847391, lot 250 DP 823262, lot 1 DP 503512, lot 100 DP 568649, lot 7 DP 521621, lot 1 DP 510608, lot A-B DP 403097, lot 1 DP 7974590, lot 1 DP 	<p>Error in first dot point :</p> <ul style="list-style-type: none"> Replace Lot 1 7974590 with Lot 1 DP 797590 Also, Insert at end paragraph: Proposed Lot 12 (access from Regent Street) <hr/> <p>Clarification of content of dot points:</p> <ul style="list-style-type: none"> Changes are required (discussed in 	<p>The part of the amendment concerning correction of the error in the first dot point is supported. This corrects a typographical error and inserts a missing parcel of land.</p> <hr/> <p>The amendment regarding the clarification of the content is not considered reasonable. As discussed in the Director General's Environmental</p>	<p>Y</p> <p>N</p>

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	<p>799494, lot 100 DP 734993, lot 1-2 DP 17888, lot 1 DP 154592) stating that the total floor space ratio shall not exceed 7.69:1.</p> <ul style="list-style-type: none"> Wollongong Central (Lot 1 DP 804785) stating that for the purpose of calculating Floor Space Ratio (FSR), an FSR of 5:1 has already been utilised for the site. <p>The relevant planning authority benefiting from the covenants shall be Wollongong City Council. The proponent shall provide evidence to Council demonstrating that such covenant is registered on each title as per this modification prior to the release of a construction certificate for any building works.</p> <p>Note: Limiting the floor space ratio of Wollongong Central and West Keira sites by covenant will ensure the floor space ratio controls will be maintained for any future development across the aggregate of both sites.</p>	<p>proponent report)</p> <p>We suggest that if this issue cannot be resolved now, the condition be worded in order to enable agreement between Council and the Proponent of a suitable method of calculating and applying the appropriate FSR restriction to the allotments, provided that such calculation is in accordance with the LEP.</p> <hr/> <p>Change of timing of register of covenants:</p> <ul style="list-style-type: none"> The proponent shall provide evidence to Council demonstrating that such covenant is registered on each title as per this modification prior to the release of a construction certificate for any building works an occupation certificate. 	<p>Assessment report, it was considered appropriate to place a covenant on the West Keira site to cap the FSR and a covenant on the Wollongong Central site to prevent future development being considered in isolation. Placing an FSR covenant on each site will ensure that the future desired character envisaged by the current FSR controls will be maintained into the future, across the aggregate of the two sites.</p> <p>It is therefore considered that the condition imposed on the approval should remain unchanged.</p> <hr/> <p>The final amendment relating to the change of timing of register of covenants is not supported. These should be completed prior to the release of a construction certificate.</p>	N
4	<p>Car Parking</p> <p>The number of car spaces to be provided for the entire development shall be a minimum of 1823 (inclusive of 610 existing car parking spaces).</p>	<p>Car Parking</p> <p>The number of car spaces to be provided for the entire development shall be a minimum of 1823 (inclusive of 610 existing car parking spaces).</p> <p>Car parking for Stage 1 shall be provided in accordance with the Project Application Approval. Car parking for Stage 2 shall</p>	<p>This amendment is not considered reasonable. The car spaces identified are based on the information provided as part of the Concept Plan. When the final commercial GFA and residential apartment mix is confirmed in the Stage 2 applications, a modification can be sought, if necessary, to vary the car spaces required.</p>	N

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		comprise in the order of 245 spaces for the commercial tower and 131 spaces for the residential tower, subject to the final GFA and residential apartment mix in the Stage 2 application/s.		
7	Subsequent Approval Regime All future applications relating to Stage 2 of this development including the residential and commercial towers and associated car parking on the West Keira site shall be subject to Part 4 of the Act and Wollongong City Council shall be the consent authority.	Subsequent Approval Regime All future applications relating to: <ul style="list-style-type: none"> • matters such as tenancy fitouts, public art and signage relating to Stage 1 of this development; and • Stage 2 of this development including the residential and commercial towers and associated car parking on the West Keira site; shall be subject to Part 4 of the Act and Wollongong City Council shall be the consent authority.	This amendment is not supported. It is not necessary to itemise these items as part of a future approval regime within the concept plan approval.	N

Table 2 - Modifications sought to Project Application Approval (MP 06_0209)

Item No	Existing Condition	Suggested Amended Condition	Departmental Response	Supported
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.	This amendment is considered reasonable. It inserts a missing parcel of land to the description.	Y
	For the carrying out of ... <ul style="list-style-type: none"> Extension of the retail façade out to the Crown Street Mall alignment (1m) 	For the carrying out of ... <ul style="list-style-type: none"> Extension of the retail façade out to the Crown Street Mall alignment (1m1.5m). 	This amendment is considered reasonable. This corrects a typographical error.	Y
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	This amendment is considered reasonable. It inserts a definition to assert that references made to the LEP refer to the LEP in force at the time of approval rather than any revised LEP implemented since this date.	Y
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).	This amendment is considered reasonable. This corrects a typographical error.	Y
Part B – Prior to Issue of Construction Certificate				
B4	Landscaping / Public Domain	Landscaping / Public Domain	This amendment is not supported.	

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	<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>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>The original condition outlines what is required of the proponent and the revised landscaping plan is to be approved by Council as outlined.</p> <p>It is not considered reasonable that the timing of the works be amended to reflect staged occupation of the development.</p> <p>In addition to the suggested amendment the following note will be added: '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.'</p>	<p>N</p> <p>N</p>
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>This amendment is considered reasonable.</p> <p>This clarifies that the condition does not relate to loading dock entries that would be unable to fully satisfy the requirements outlined.</p>	Y
B8	<p>GFA Certification</p> <p>A registered Surveyor is to certify that the</p>	<p>GFA Certification</p> <p>A registered Surveyor is to certify that the Gross</p>	<p>This amendment is only partly considered reasonable.</p>	

APPENDIX A

[illegible]

Item No	Existing Condition	Suggested Amended Condition	Departmental Response	Supported
			the GFA shall be validated by a registered surveyor prior to issuing an Occupation Certificate for each stage .	
B16	<p>Number of Car spaces 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 The number of car spaces to be provided for the amount of floor space 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>This amendment is not considered reasonable. Should the development not proceed in full as outlined in the project approval, the proponent may apply for a modification to this requirement based on actual floor space to be developed.</p>	N
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 	<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 	<p>This amendment is considered reasonable. It clarifies that the first part of the condition relates to the West Keira car park only, as the Wollongong Central car park will not be rebuilt and compliance to the Australian Standard cannot be achieved.</p>	Y

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	<p>Part 2 – Commercial Vehicles Facilities.</p> <p>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.</p>	<p>AS2890.2:2002 Off Street Parking Part 2 – Commercial Vehicles Facilities.</p> <p>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.</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>This amendment is considered reasonable. This corrects the title to reflect that the condition relates to both the bridge and the tunnel at Keira Street. It further corrects a typographical error in one of the dot points replacing the word bridge with tunnel.</p>	Y
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 	<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 	<p>This amendment is not supported. The RTA approval shall be obtained before any above ground works relating to the proposal as outlined.</p>	N

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	<p>pedestrian safety requirements at this crossing;</p> <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>requirements at this crossing;</p> <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>		
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>This amendment is not considered reasonable. The Contributions Levy should be paid in full based on the full CIV of the project prior to the issue of the first occupation certificate.</p> <p>A bank guarantee with verification of the CIV should be submitted prior to the release of the first Construction Certificate.</p> <hr/> <p>The wording in this clause will be amended slightly – replacing 'any' with 'the first' prior to the terms 'Occupation Certificate' and 'Construction Certificate' to clarify when these tasks must be completed.</p>	N

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Part C – Prior to 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 Department of Planning prior to the commencement of construction works.	Awnings 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 .	This amendment is only partly considered reasonable. It is considered reasonable to amend the condition to allow an exception as the footpaths along Crown Lane and West Keira Street are not wide enough to allow for compliance with the 1200mm requirement outlined in the DCP.	Y
			The suggested amendment relating to timing and the insertion of "relating to awnings" is not considered reasonable. The Department requires that all details of construction are submitted and approved as a total package prior to any construction works. The word 'construction' in the final sentence will be preceded with 'above ground' to clarify when the details must be submitted and approved.	N
C3	Details of Material, Colours and Finishes An alternative palette 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.	Details of Material, Colours and Finishes An alternative palette 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 .	This amendment is only partly considered reasonable. The insertion of the words 'may' and 'unless otherwise approved' is supported. It is considered reasonable to allow for some greater flexibility for the DoP to approve a palette developed by the proponent's artist while still stating the DoPs preference.	Y
			The suggested amendment relating to timing and the insertion of "relating to louvre blades and vitrolite paneling" is not considered reasonable. The Department requires that all details of construction	N

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			are submitted and approved as a total package prior to any construction works. The word 'construction' in the final sentence will be preceded with 'above ground'.	
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 .	This amendment is considered reasonable. This clarifies that approval of detailed plans is required prior to the relocation works rather than prior to the commencement of any work on the site.	Y
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.	This amendment is considered reasonable. It clarifies that authority services are subject to the condition.	Y
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.	This amendment is considered reasonable. However, it is expected that realignment may need to occur prior to construction works starting.	Y
Part D – During Construction				
D7	Impact of Below Ground (Sub-surface) Works - Archaeological Objects If any archaeological objects are exposed	Impact of Below Ground (Sub-surface) Works - Archaeological Objects If any archaeological objects are exposed during	This amendment is only partly supported. It is considered reasonable to clarify the intention of the condition so that work must stop only on the affected part	Y

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	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.	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.	of the development, rather than the entire development, however the suggested wording 'the affected part' is not supported. The suggested wording of 'the affected part' will be replaced with 'the West Keira site' so that work can continue on the Wollongong Central site should archaeological objects be found on the West Keira site.	
D10	<p>Hours of Work</p> <p>The hours of construction, including the delivery of materials to and from the site are as follows:</p> <ol style="list-style-type: none"> between 7:00 am and 7:00 pm, Mondays to Fridays inclusive; between 8:00 am and 4:00 pm, Saturdays; no work on Sundays and public holidays. <p>Works may be undertaken outside these hours where:</p> <ol style="list-style-type: none"> the delivery of materials is required outside these hours by the Police or other authorities; it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; the work is approved through the Construction Noise and Vibration 	<p>Hours of Work</p> <p>The hours of construction, including the delivery of materials to and from the site are as follows:</p> <ol style="list-style-type: none"> between 7:00 am and 7:00 pm, Mondays to Fridays inclusive; between 8:00 am 7:00 am and 4:00 pm, Saturdays; no work on Sundays and public holidays. <p>Works may be undertaken outside these hours where:</p> <ol style="list-style-type: none"> the delivery of materials is required outside these hours by the Police or other authorities; it is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm; the work is approved through the Construction Noise and Vibration Management Plan; and residents likely to be affected by the works are notified of the timing and duration of 	<p>This amendment is only partly considered reasonable.</p> <p>No Change to hours of construction will be approved – Standard hours as outlined are to be adhered to.</p>	N

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	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.	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.	The extra dot point '5' is considered reasonable, though it should also add the word ' Plan ' after the word 'Management'. This dot point clarifies that work within the existing centre is permitted outside the hours of construction subject to amenity being maintained for neighbours.	Y
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.	This amendment is not considered reasonable. However, this condition will be re-worded as the lease agreement for the bridge and tunnel should be in place prior to a construction certificate for the site being issued. The words 'an occupation' will be replaced with 'a construction' prior to the word 'certificate'.	N
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.	This amendment is partly supported. It is considered reasonable to defer some of the costs of repair, as damage could continue to occur during all stages of construction. However the wording of the condition will be amended as follows: The words 'or stage of the approved development' will be added before 'shall be met'.	Y
E9	Construction of Kerb & Gutter Construct new kerb and gutter and associated roadwork/pavement unless otherwise determined by Council in accordance with	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	This amendment is not supported. The proponent shall undertake work in accordance with Council's specifications as outlined.	N

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	Council's specification for the full frontage of the development.	determined by Council in accordance with Council's specification for the full frontage of the development (this excludes Crown Street Mall) .		
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	This amendment is considered reasonable. This defers the approval of the waste management plan to a more appropriate time, prior to occupation.	Y
E11	GFA Certification Upon completion of the building works the approved GFA (80,270sq.m) shall be validated by a registered surveyor prior to	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	The proposed amendment is not supported. However, this condition is to be amended in line with proposed changes to Condition B8. The GFA outlined	N

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	issuing an Occupation Certificate.	Occupation Certificate.	<p>was calculated using the figures supplied for Stage 1 for both sites and is to include above ground car parking as outlined in the WCC LEP 2007.</p> <p>The wording of the condition will be amended as follows: GFA Certification 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</p>	
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.	<p>This amendment is not considered reasonable.</p> <p>The Traffic Management Works are critical to the operation of the proposal and these works should be considered by the RTA prior to the issuing of any Occupation Certificate.</p>	N
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	Plan of Subdivision Prior to the issue of a Subdivision Certificate, the applicant is to provide to the issuing authority, a	<p>This amendment is not considered reasonable.</p> <p>However, the wording of the title will be amended as</p>	N

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	authority, a survey plan of subdivision including a copy of the relevant instrument under Section 88B of the Conveyancing Act 1919.	survey plan of subdivision including a copy of the relevant instrument under Section 88B of the Conveyancing Act 1919.	follows: Plan of Stratum Subdivision	
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.	This amendment is not considered reasonable. Public access is required as this is development over and under a public road / space.	N
Part G – Post Occupation				
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.	This amendment is not considered reasonable. The noise level should be measured at the boundary of the site, this is a standard condition.	N
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): <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. 	Replace the <u>third dot point</u> with a separate condition relating to Shop Fitouts: (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: <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; 	This amendment is not considered reasonable. The use of each tenancy should be approved by Council as part of the standard development consent process to ensure compliance with relevant LEP and DCP statutes.	N

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	<ul style="list-style-type: none"> 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. 	<ul style="list-style-type: none"> 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 lodgement 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 		

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		<p>the building to other buildings nearby;</p> <ul style="list-style-type: none"> • 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, <p>The Food Act 2003 and the Food Safety Standards.</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>This amendment is not considered reasonable.</p> <p>However, a change to the wording is considered reasonable as follows: Replace 'Section 68 of the Local Government Act 1993' with 'State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007'</p>	N
AN6	<p>Requirements of Public Authorities for Connection to Services</p> <p>The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra</p>	<p>Requirements of Public Authorities for Connection to Services</p> <p>The Proponent shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in</p>	<p>This amendment is considered reasonable. It clarifies when details of compliance with the requirements of relevant public authorities are to be submitted.</p>	Y

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	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.	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 .		
AN9	<p>Use of Cranes, Plant or Machinery</p> <p>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:</p> <p>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:</p> <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 	<p>Use of Cranes, Plant or Machinery</p> <p>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:</p> <p>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:</p> <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 	<p>This amendment is only partly supported.</p> <p>The amendment of dot point 2 (under No. 1) is considered reasonable.</p> <p>This amount of notice time prior to a road closure is considered to be satisfactory; however the proponent should aim to give the maximum notice possible.</p>	<p>Y</p> <p>N</p>

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	<p>traffic disruptions.</p> <p>2. The proponent will submit a Plan showing all crane and other aerial operations for the development;</p> <p>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.</p>	<p>with Council).</p> <p>2. The proponent will submit a Plan showing all crane and other aerial operations for the development;</p> <p>3. The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30 am 6.00 am without the prior approval of Council.</p>	<p>The amendment in No. 3 is not considered reasonable. The delivery of mobile cranes to the site should not occur earlier than 7.30am without prior approval of the Council.</p>	
AN1 2	<p>Temporary Structures</p> <p>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.</p>	<p>Temporary Structures</p> <p>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.</p>	<p>This amendment is not considered reasonable.</p> <p>However, a change to the wording is considered reasonable as follows: Replace 'Section 68 of the Local Government Act 1993' with 'State Environmental Planning Policy (Temporary Structures and Places of Public Entertainment) 2007'</p>	N
AN2 0	<p>Consolidation of Lots</p> <p>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.</p>	<p>Consolidation of Lots</p> <p>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.</p>	<p>This amendment is considered reasonable. It clarifies the timing for the consolidation of lots and registration of the Plan of Consolidation.</p>	Y

