Wollongong Local Planning Panel Assessment Report | 1 Aug 2018

WLPP No.	Item No. 2
DA No.	DA-2014/306/A
Proposal	Construction of a new administration building for Sky Dive the Beach, Modification A, modify conditions 3 (1), 8, 10 and 58, remove limitation on number of parachute drops per flight, modify references to past applications to be surrendered and modify requirements for physical display of Operational Plan of Management
Property	Stuart Park, George Hanley Drive, NORTH WOLLONGONG Lot 3 DP 1136814, Reserve D580060
Applicant	Skydive Holdings Pty Ltd
Responsible Team	Development Assessment & Certification - City Centre Team (MJ)

ASSESSMENT REPORT AND RECOMMENDATION

Executive Summary

Reason for consideration by Wollongong Local Planning Panel (WLPP)

The proposal has been referred to WLPP for advice pursuant to 2.19(1) (c) of the Environmental Planning and Assessment Act 1979 under clause 1 (d) of Councils draft submissions policy as more than 5 unique submissions have been received.

Proposal

The proposal is for the modification of DA-2014/306 - Construction of a new administration building for Sky Dive the Beach as follows;

- Modify conditions 3(i) & 58 to limit number of flights rather than drops and to remove limitation imposed on maximum number of parachute drops per flight.
- Modify condition 8 to remove references to DA-2009/681 and DA-1997/15 with regard to the surrender of these consents prior to the issues of the Occupation Certificate.
- Modify condition 10 to remove requirement for Operational Plan of Management to be physically displayed internally and externally to the building.

Permissibility

The site is zoned RE1 Public Recreation pursuant to Wollongong Local Environmental Plan 2009. The proposal is categorised as a recreation facility (outdoor) and is permissible in the zone with development consent.

Consultation

The proposal was notified in accordance with Council's Notification Policy and 13 individual submissions were received which are discussed at section 2.9 of the assessment report.

Main Issues

- Intensity of the use and conflicts with other park users
- Operational plan of management
- Surrender of consents
- Lease/licence

RECOMMENDATION

It is recommended that aspects of the application be approved subject to the draft conditions at Attachment 6

1 APPLICATION OVERVIEW

1.1 PLANNING CONTROLS

The following planning controls apply to the development:

State Environmental Planning Policies:

- SEPP No. 55 – Remediation of Land
- SEPP No 71 - Coastal Protection (now repealed)
- SEPP (Coastal Management) 2016 (draft at time of lodgement)

Local Environmental Planning Policies:

- Wollongong Local Environmental Plan (LEP) 2009

Development Control Plans

- Wollongong Development Control Plan (DCP) 2009

Other policies

- Wollongong Section 94A Development Contributions Plan

1.2 DETAILED DESCRIPTION OF PROPOSAL

It is proposed to modify the conditions of consent issued for DA-2014/306 as follows:

- Modify conditions 3(i) & 58 to limit number of flights rather than drops and to remove limitation imposed on maximum number of parachute drops per flight.
- Modify condition 8 to remove references to DA-2009/681 and DA-1997/15 with regard to the surrender of these consents prior to the issue of the Occupation Certificate.
- Modify condition 10 to remove requirement for Operational Plan of Management to be physically displayed internally and externally to the building.

Assessment of proposed changes to conditions of consent

Conditions 3, 58

3 Operational Plan of Management
An Operational Plan of Management is to be in place identifying the operational aspects of the business. The plan should clearly identify but not be limited to:

i There shall be a maximum number of three (3) drops per hour, with each drop having a maximum of eight (8) parachutes.

…

58 There shall be a maximum number of three (3) drops per hour, with each drop having a maximum of eight (8) parachutes.

Applicants proposed change to the conditions

"…There shall be a maximum of three (3) flights per hour from which parachutes are dropped…"

Comment

This modification as proposed will result in an unlimited number of parachute drops from each flight, the only limitation being the physical constraints associated with the aircraft and number of flights per hour.

The modification also seeks to substitute the term “drop” with “flight”, citing confusion with the terminology. The applicant contends that the term drop can be confusing because groups of parachutes on the same fight may be dropped at different times and at different altitudes, which in the industry is known as a “split drop”.

In this respect, the approval under which Sky Dive currently operates (DA-2009/681) uses the terminology “number of participants for any one jump session”.

It is accepted that the term “drop” refers to group jumping from a single flight irrespective of times and altitudes.

When reported to Council’s former Independent Hearing and Assessment panel (IHAP) on 20 December 2016 the following limitation was proposed:

i hours of operation to be restricted to daylight hours;

ii maximum number of drops per day to be restricted to 28;

iii the maximum number of patrons in any one year to be restricted to 19,000;

The IHAP commentary and recommendation on this matter was as follows:

“The Panel agrees with the assessment of the application provided by the staff. In response to some submissions in relation to limiting the number of drops the Panel is of the view that it is reasonable to place a limitation to ensure that there is an appropriate sharing of the space by the general community, the Skydive operation and other public activities to ensure that the public interest is served.

Based on the Panel’s observations on-site and submissions from members of the community and operator it is reasonable to include a condition which limits the level of activity. In this regard, it is considered that the appropriate limit would be a maximum of 3 drops per hour, with each drop having a maximum of 8 tandem parachutes. The Panel also considers that it would be unreasonable to limit the operation to daylight hours only. “

At the time of the IHAP, Sky Dive operations was limited to 10 parachutes per flight. Since IHAP, operations have expanded to allow 21 parachutes per flight (new plane and bus).

The current condition would allow for 24 parachutes per hour, this level of intensity (per hour) was deemed acceptable by the IHAP.

The key issue for IHAP restricting operations was to maintain “appropriate sharing of the space”, more parachutes over any given period would on face value favour the use of the area by Sky Dive operations over the general public.

The determining factor with regard to sharing space is the occupation of the subject area of Stuart Park for the preparation of landing zone (clearing park users, obstructions), landing and removing clients, support staff and equipment from the area.

The applicant has claimed relaxing the condition as proposed would allow for efficiencies to be gained by dropping more parachutes in a shorter time (no parachute limit) rather than spreading the same number of parachutes over a longer period over multiple flights. With regard to the preparation of the landing zone this is likely to be the case.

The proposed change would allow for up to 3 flights per hour (some split drop) resulting in potential for 63 individual parachutes or 30 tandems per hour (based on applicant’s description of aircraft). The applicant also noted that staff (cameraman, training exercise etc) sometimes also parachute in addition to customers.

In addition to an increase in occupation of public space, any increase in number of parachutes is may result in increased car parking demand and impacts associated with increased general activity (noise, visual intrusion etc.)

Council's proposed change to the conditions

"…There shall be a maximum of three (3) flights per hour from which parachutes are dropped and a maximum of 24 parachutes dropped per hour…"

This condition would limit the overall activity and occupation of public space per hour to that originally recommended by the IHAP, whilst preserving operational flexibility to permit increased drops per flight as required by the operator to achieve efficiencies in terms of landing zone preparation, flights and vehicle movements.

Regarding substituting term "drops" for "flights", provided the maximum number of parachute drops are complied with under the recommended condition, the intensity of occupation of the area should remain consistent with the intent of the original IHAP recommendation.

Condition 8

8 Surrender of Development Consents
Upon the issue of the Occupation Certificate, the following development consents are to be surrendered in accordance with the requirements of the Environmental Planning and Assessment Act 1979; DA-2009/681, DA-1996/225, DA-1996/225/A, DA-1998/617, DA-1998/617/A, DA-1998/617/B, DA-1997/15.

Proposed change

…Upon the issue of the Occupation Certificate, the following development consents are to be surrendered in accordance with the requirements of the Environmental Planning and Assessment Act 1979; DA-1996/225, DA-1996/225/A, DA-1998/617, DA-1998/617/A, DA-1998/617/B.

Comment

- **Surrender of DA-2009/681**

The applicant does not wish to surrender DA-2009/681 as they claim this consent permits beach landings on areas adjacent to Stuart Park.

The consent for DA-2009/681 contains conditions specific to the beach landings, as well as stamped plan and documents including the Statement of Environmental Effects which contains details of beach landing areas (including plans).

The consent issued for DA-2014/306 (subject of this modification) contains a single condition specifically relating to beach landings (regarding public access – condition 62) and neither the Statement of Environmental Effects or Operational Plan of Management (which contain details of beach landings) are listed in the stamped plans and documents.

However, condition 1 requires that *"The development shall be implemented substantially in accordance with the details and specifications set out on the following plans… and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder."*

The Statement of Environmental Effects and Operational Plan of Management are considered to be "supporting information", in addition condition 3 – Operational Plan of Management makes reference to *"ii a map of the practical area of drop zone(s) and landing area including alternate options to accommodate the functions occurring on the park;".*

Councils proposed change to the condition

It is considered that the condition of consent contained in DA-2014/306 authorises beach landings, and DA-2009/681 should be surrendered.

In order to remove doubt, it is recommended that the modification include a condition referring to beach landing specifically, similar to that included in DA-2009/681. This could be achieved by amending condition 62;

Existing Condition 62:

62 ***Public Access During Use of Beach Landing Areas***
Public access along the beach must be maintained during the use of the beach landing sites. A minimum area measuring 3.0 metres wide (either side of the nominated landing area) from the high tide line and from the toe of the sand and grass embankment must remain available for public use and thoroughfare.

Proposed Condition 62:

62 ***Beach Landings***
All beach landings shall occur strictly in compliance with the 'Beach Landing Procedures' and the procedures outlined within the Statement of Environmental Effects and Operational Plan of Management.

Parachute landings must only take place within the areas identified on the plan attached to this consent, except in the event of an emergency. This condition is subject to appropriate licensing arrangements for the relevant land being in force at all times.

The beach landing area to the south of Fairy Creek entrance shall be used for landings only during the Winter months when wind conditions are such that it would be unsafe to land at either the primary landing area within the designated area in Stuart Park or on the beach landing area to the north of the Fairy Creek entrance.

Public access along the beach must be maintained during the use of the beach landing sites. A minimum area measuring 3.0 metres wide (either side of the nominated landing area) from the high tide line and from the toe of the sand and grass embankment must remain available for public use and thoroughfare.

- **Surrender of DA-1997/15**

The applicant does not wish to surrender DA-1997/15 as this permits parachute landings at Thomas Dalton Park (TPD), Fairy Meadow.

DA-2005/473 also approved the use of part of TPD for alternate parachute landing area for Skydive the Beach, and would appear to supplant DA-1997/15.

The main differences between DA-1997/15 and DA-2005/473 is that the latter DA is more restrictive in that it does not include the western playing fields and regards TPD as a secondary/alternative landing site, whereas the earlier DA utilised TDP as a primary landing site and included the western fields.

It is noted that condition 1 of DA-1997/15 – Restriction on Consent Period reads as follows," This *development consent is valid for a period not exceeding 12 months from the date shown as "endorsement date of consent" on this notice. At the end of that period all activities approved under this development consent must cease. The Council may, upon receiving a request for amendment of this condition prior to the expiration of that consent period, grant an extension of the period for which this development consent is valid."* In accordance with this condition DA-1997/15 can no longer be acted upon.

However, it is noted that the savings provisions for existing (in force) consents under Section 109B of the EP&A Act provide that nothing in an environmental planning instrument prohibits, or requires a further development consent to authorise, the carrying out of development in accordance with a consent that has been granted and is in force. There may be potential to modify DA-1997/15 to "re-activate" it.

Councils proposed change to the condition

Parachute landings at TDP remain permitted under DA-2005/473. In addition, the use of TPD for parachute landing has been considered in a more contemporary manner under DA-2005/473, therefore DA-1997/15 should be surrendered.

Condition 10

10 Operational Plan of Management
An Operational Plan of Management is to be in place identifying the operational aspects of the business.

A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

The Operational Plan of Management is to be displayed internally and externally in a visible location.

Proposed change

"…The operational plan of management is to be available internally within the building."

It is noted condition 3 would also need to be modified to remove this requirement as it is also present in this condition.

Comment

The origin of this requirement is the S79C Addendum report (dated 4 March 2015) which addressed the recommendations of the IHAP at the previous meeting, where the IHAP recommended an Operational Plan of Management be submitted for Council for assessment. The report recommended that the Plan be prepared prior to the issue of the construction certificate, not be considered as part of the assessment.

Whilst not explicitly stated in the preceding application's assessment report/s or IHAP recommendation, the assumed intention of the wording of the condition is to make the operational procedures and information immediately available to the public (without having to enter the building or contact operator).

The applicant has claimed it is impractical to display a document external to the building (claimed to be 50 – 100 pages).

Given the nature of the operation and location within a public park it is considered important that the operational information be made available to the public. A practical alternate solution is that pertinent information be made available externally (informative wall signage or otherwise), including:

- Maximum number of parachutes per given time period
- Map of Drop Zones
- Mechanism for making complaints
- Summarised procedure for Landing (set up & clearing of area)
- How to access Operational Plan of Management

Councils proposed change to the condition

The alternate wording is recommended.

"10 ***Operational Plan of Management***

An Operational Plan of Management is to be in place identifying the operational aspects of the business.

A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

The Operational Plan of Management is to be displayed internally.

External wall signage is to be installed in a visible location, containing the following information:

- *Maximum number of parachutes per given time period*
- *Map of Drop Zones*
- *Mechanism for making complaints*
- *Summarised procedure for Landing (set up & clearing of area)*
- *How to access Operational Plan of Management*

The signage is to be updated to reflect current operation as required"

It is noted condition 3 is to be modified to remove this requirement, as it is also present in this condition.

Section 4.55 Modification of consents-generally

The proposal is considered to be a section 4.55 modification as outlined below.

1A) Modifications involving minimal environmental impact
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:

(a) it is satisfied that the proposed modification is of minimal environmental impact,

The modification as proposed will not be of minimal environmental impact. This is due to the anticipated potential impacts on the scope of skydive occupation of public land and associated amenity impacts.

The other proposed modifications are largely administrative in nature and are likely to be of minimal environmental impact.

In accordance with the recommended Council amended condition above, the application is considered to be of minimal environmental impact.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all),

The overall land use and built form are to remain unchanged. The modification relates to operational aspects, display of plan of management and administrate matters related to surrender of development consents.

In accordance with the recommended amended condition wording above, the modified development will be substantially the same to that which was originally approved.

(c) it has notified the application in accordance with:

(i) the regulations, if the regulations so require, or

(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent,

The application was renotified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising.

> *(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.*

13 individual submissions were received following exhibition, all of which objecting to the modification (as originally proposed). The submissions are discussed at section 1.3 of this report.

> *(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15(1) as are of relevance to the development the subject of the application.*

The relevant matters of consideration under section 4.15 are outlined below.

1.1 BACKGROUND

On 21 March 2014, Skydive the Beach lodged Development Application (DA) 2014/306, for the construction of a new administration building in the Stuart Park Reserve. DA-2014/306 went before the IHAP in November 2014, and as a result the proposed development was relocated to a more appropriate site within the Reserve. DA-2014/306 was subsequently recommended for approval by the IHAP, and was ultimately approved in March 2015.

Following this approval, proceedings were commenced in the Land and Environment Court in June 2015 by a local residents group concerned about the proposed development. Consequently, the Court issued orders which suspended the development consent until the application was renotified and reconsidered by Council and the IHAP. The Court also set out a process for the application to be renotified and reconsidered by Council and the IHAP before any decision was made to re-grant, re-grant with modified conditions or revoke the Development Consent.

On 20 December 2016, IHAP considered the application as required. The report of the City Centre and Major Development Manager recommended approval and the IHAP unanimously supported this recommendation. In following the court process, a further assessment was carried out by Council and a decision was taken to re-grant development consent DA-2014/306 with modified conditions as recommended by IHAP. In February 2017, the suspension was lifted by the Court

<u>Further development history</u>

The following list incorporates the other development applications related to the approval of sky dive operations at Stuart Park and Thomas Dalton Park.

- DA-2009/681 (approved 28 April 2010) Continuation of current skydiving activities undertaken at Stuart Park, being the existing use of public land, administration.
- DA-2005/473 (approved 8 April 2005) Use of part of Thomas Dalton Park for alternate parachute landing area for Skydive the Beach.
- DA-1998/617/B (approved 7 December 2000) Tandem Skydiving Into Stuart Park – Extension of consent period
- DA-1998/617/A (approved 23 November 1999) Tandem Skydiving Into Stuart Park – Extension of consent period
- DA-1998/617 (approved 17 December 1998) Tandem Skydiving Into Stuart Park
- DA-1997/15 (approved 19 March 1997) Use of Dalton Park for sky dive landing area
- DA-1996/225/A (approved 18 February 1997) Tandem Skydiving Into Stuart Park
- DA-1996/225 (Approved 9 August 1996) – Skydiving Activities Into Stuart Park.

Customer service actions

There is no outstanding customer service requests of relevance to the modification recorded in the intervening period since the approval of the original application.

1.2 SITE DESCRIPTION

The site is located at Stuart Park, George Hanley Drive, North Wollongong and the title reference is Lot 3 DP 1136814, Reserve D580060. Alternately known as: Stuart Park, 1A Cliff Road, North Wollongong.

The property remains Crown Land under care control and management by Wollongong City Council. The Crown has provided land owners consent for the lodgement of his modification.

The characteristics of the site remain largely unchanged to that at the time of the original application; a large public park area zoned RE1 Public Recreation, containing public infrastructure and Council assets, bordered by the coastline, commercial and residential development.

It is noted that Sky Dive operations also include Beach Landings near the Lagoon at the northern end of North Beach.

Property constraints

The recorded property constraints remain unchanged, those being Acid Sulphate Soils, flooding, bushfire, heritage and location within the coastal zone.

For the purposes of this modification these constraints do not introduce further considerations beyond that considered in the original application.

1.3 SUBMISSIONS

The application was notified in accordance with WDCP 2009 Appendix 1: Public Notification and Advertising. This included a notice in The Advertiser and emails to interested parties from the original application. 13 separate individual objections were received (17 total objections received- including multiple submissions from single person or address), and the issues identified are discussed below.

Table 1: Submissions

Concern *(listed under topic heading)*	Comment
Impacts of Modification	
1. Acoustic impact of plane flights, inclusive of wider community under flight path.	This is not a matter for consideration under the modification. Control of the operation of aircraft operations lies with CASA and Illawarra Regional Airport.
2. Car parking impacts on public car parking, including accommodating bigger bus.	The intensity of operations as recommended in this report is not envisaged to result in significant adverse impacts. There are no conditions to specify the type of vehicle used by Sky Dive operations. Council's Traffic Engineer has reviewed the proposal land recommended the

Concern *(listed under topic heading)*	Comment
	modification is unlikely to result in any additional traffic and car parking concerns.
3. Unsafe skydiving activity is incompatible with recreation and residential areas Drop zones do not comply with Commonwealth Regulations	The drop zone location or characteristics are not a matter for consideration under this modification; in any event they are not changing as a result of the recommendations in this report. The operators will be required to ensure they comply with the relevant legislation, lease/licence conditions and have suitable operational safety management measures in place.
4. No justification for intensification	The general intensity of operations as recommended in this report is not changing. As a result it is not envisaged to result in significant adverse impacts when compared with the original approval.
5. Modification is not of "minimal impact": It will have a significant negative economic impact, given that an already approved and used alternative site is available nearby, and it will compete unreasonably with an existing commercial activity at Stuart park;	Following the recommendations in this report, the proposal will result in a modification to the approved operation that is of minimal environmental impact.
6. Request preclusion of night time operation	This is not a matter for consideration under the modification as it is not proposed to alter this arrangement. Night time operation was considered in the original application, the IHAP specifically recommended a condition which did not restrict night time operation.
7. Split altitude drops could result in area being occupied for up to 24 mins per flight	The proposed condition would limit the overall activity and occupation of public space per hour to be consistent with that originally recommended by the IHAP, whilst preserving operational flexibility to permit increased drops per flight as required by the operator to achieve efficiencies. Regarding substituting term "drops" for "flights", provided the maximum number of parachute drops are complied with the intensity of occupation of the area should also

Concern *(listed under topic heading)*	Comment
	remain consistent with the intent of the IHAP recommendation. Split drops are an accepted practice.
8. increased activities would cause serious detrimental social impacts	Recommended conditions will limit activity consistent with the previous IHAP recommendation whilst providing operational flexibility. As a result no adverse social impacts are anticipated.
9. There is no impact assessment for proposed uncontrolled business expansion.	Recommended conditions will limit activity consistent with the previous IHAP recommendation. The recommended conditions do not reflect uncontrolled business expansion.
10. Concern over public exhibition of lease	This is not a matter for consideration under this modification. Any proposed lease will be put to elected Council and the Department of Lands for consideration prior to negotiations commencing with Skydive the Beach. Once agreement has been reached regarding commercial arrangements for the Stuart Park Reserve, a report will be presented to elected Council for consideration, and forwarded to the Minister for final approval.
11. there would be lost opportunities for greater economic benefits for Stuart Park and for the Fairy Meadow area;	This is not a matter for consideration under this modification.
12. No environmental impact assessment has been undertaken to address increased impacts	The recommended conditions will limit activity consistent with the previous IHAP recommendations.
13. Operator currently exceeds drops, land on beach outside of winter and whilst other events are on	Compliance with existing development consent conditions and lease / licence is not a consideration under this modification. However, Council can enforce relevant conditions of consent or licence/lease breaches at any time.
14. What risk management strategies are in place – for parachutes as well as park users	The operator submitted a Land Areas Plan of Management as part of original application. In addition a revised operational plan of management is required to be endorsed by Council prior to the issue of the Construction Certificate.
15. No justification for not displaying POM	The recommended condition addresses

Concern *(listed under topic heading)*	Comment
Removal of OPM not in public interest	this matter.
16. How can Sky dive land when other events are occurring	These matters are actively coordinated between the operator, Council event coordinators and the event operators.
17. Removing surrender requirements seems unnecessary.	Recommended conditions address this matter.
18. Reference to "staff training' conflicts with DA approved 'tandem skydiving'	Staff training is accepted as part of business operations. The recommended conditions address maximum number of parachutes dropped.
19. Object to demolition of a heritage cottage.	This is not a matter for consideration under this modification.
20. Discrepancy in landing site use (primary v secondary) and size (when compared to 2014 DA)	The modification does not entail any alteration to landing site specifics.
21. Suggest fencing of landing zones for safety & compliance	No fencing is proposed or required under this application. The drop zone is managed under plan of management which is considered adequate.
22. Surrender of consent for DA-2009/681 will remove restrictions of 18 flights per day	The consent issued under DA-2009/681 did not contain a condition restricting flights to 18 per day. Notwithstanding, it is recommended that DA-2009/681 be surrendered.
23. Suggestion: If applicant asserts less flights will result – consider limiting flights	It is recommended that flights are restricted to three (3) per hour.
Concerns related to application process	
24. Original DA approval does not permit alteration to sky diving activities – built form only	The original DA approval the subject of this modification permits sky diving activities. The DA may be modified provided it the subject application is substantially the same. This is discussed above. Operational matters can be considered under a modification application.
25. Contends new plan of management required to permit Stuart Park operations.	This is not a matter for consideration under this modification. In any case, the Court found that consideration of the Stuart Park Plan of Management by Council in exercising its function as consent authority under the EP&A Act

Concern *(listed under topic heading)*	Comment
	was not necessary.
26. There is no owners consent for the area to be used as a Drop Zone currently	Owners consent has been provided for the lodgement of this modification.
27. Reason for delay in notification from lodgement	This is an administrative matter and not a relevant matter for consideration under this modification.
28. Has court been notified of original consent?	This is not a matter for consideration under this modification. There is no requirement to notify the Court.
29. Queries location of landing zone in comparison to public maps.	This is not a matter for consideration under this modification. The landing zone is not proposed to change.
30. Council unable to enforce licence and DA conditions	This is not a matter for consideration under this modification. However, Council can enforce relevant conditions of consent or licence/lease breaches.
31. the proposed unlimited additional activity would render the development substantially different from the original DA.	Recommended conditions will limit activity consistent with the previous IHAP recommendation and address this matter.
32. Inconsistent with Shellharbour DA-455/08 in terms of night flights and parachute participants	This is not a matter for consideration under this modification. It is the responsibility of the operator to ensure they comply with applicable development consent/s.
33. Inconsistent with SEPP 71 – public access & amenity	SEPP 71 was repealed with the notification of SEPP (Coastal Management) 2018. The modification has been considered under SEPP 71 as outlined below.
Concerns regarding Lease/Licence	
34. Concerns over validity of consent for use and lease/licence Contends SKB does not have DA or licence to land in Stuart Park (unless emergency)	Skydive the Beach operates under existing development consents and lease/licence.
35. Council should prioritise to the public interest over private profits	This is not a matter for consideration under this modification.
36. Council is requested to support the community to regain unrestricted use of Stuart Park again by	This is not a matter for consideration

Concern *(listed under topic heading)*	Comment
refusing to extend Skydive's licence to the land for the next 20 to 30 years;	under this modification. Any proposed lease will be put to elected Council and the Department of Lands for consideration prior to negotiations commencing with Skydive the Beach. Once agreement has been reached regarding commercial arrangements for the Stuart Park Reserve, a report will be presented to elected Council for consideration, and forwarded to the Minister for final approval.
37. Queries: What is the total area of land actually needed and under Skydive Holdings Pty Ltd control? • Do they have exclusive control of the licenced/leased area? • Can council allow other events such as Harley Days on Stuart Park without providing financial consideration to Skydive Holdings Pty Ltd. (previous licenses were nonexclusive and the parachute operation was subordinate to other users)? • Will council negotiate commercial rates for Skydive Holdings Pty Ltd?	The area for operations is outlined under the operational plan of management and will be further regulated via the lease/licence. Competing events are actively coordinated between the operator, Council event coordinators and the event operators. Council will now seek two independent valuations to support its lease and licence negotiations with the current skydiving operator. The terms of any proposed lease will be put to elected Council and the Department of Lands for consideration prior to negotiations commencing with Skydive the Beach. Once agreement has been reached regarding commercial arrangements for the Stuart Park Reserve, a report will be presented to elected Council for consideration, and forwarded to the Minister for final approval
38. Who endorses Skydive OPM?	Council endorses the Operational Plan of Management prior to the issue of the construction certificate.
39. Should move operation to Thomas Dalton Park	This is not a matter for consideration under this modification.

1.4 CONSULTATION

1.4.1 INTERNAL CONSULTATION

Council's Traffic, Property and Recreation Officers have reviewed the proposal and raised no objection to the modification, subject to the recommended conditions.

1.4.2 EXTERNAL CONSULTATION

Local Aboriginal Groups were renotified of the modified proposal, no submissions were received.

The owner's consent issued by Department of Industry - Crown Lands Division requested that Council undertake the same level of consultation as undertaken in the original DA and that a copy of the development consent or any other approval is required to be forwarded to the Crown Lands office as soon as possible after consent or approval is granted, should the application be approved.

2 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 – 4.15 EVALUATION

2.1 SECTION 4.15(1)(A)(1) ANY ENVIRONMENTAL PLANNING INSTRUMENT

2.1.1 STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND

The modification does not introduce any further considerations with regard to SEPP 55.

2.1.2 STATE ENVIRONMENTAL PLANNING POLICY NO. 71 – COASTAL PROTECTION

The modified proposal (as recommended by Council under section 1.1) is satisfactory with regard to the aims outlined in clause 2 of this policy and the matters for consideration outlined at clause 8 as follows:

- the modification does not introduce further coastal foreshore locations
- the modified proposal does not involve additional construction works
- the modified proposal does not further restrict public access to recreation areas
- no significant flora or fauna are proposed to be disturbed by the modified proposal
- no overshadowing or loss of views is anticipated due to the modification
- no adverse stormwater runoff is expected due to the modification

The proposal is satisfactory with regard to the Matters for consideration under this policy.

2.1.3 WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009

Part 2 Permitted or prohibited development

Clause 2.2 – zoning of land to which Plan applies

The zoning map identifies the land as being zoned RE1 Public Recreation.

Clause 2.3 – Zone objectives and land use table

The objectives of the zone are as follows:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To cater for the development of a wide range of uses and facilities within open spaces for the benefit of the community.*

The modified proposal remains satisfactory with regard to the above objectives.

The land use table permits the following uses in the zone.

> *Boat sheds; Camping grounds; Caravan parks; Centre-based child care facilities; Community facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Helipads; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major);* ***Recreational facilities (outdoor****); Respite day care centres; Restaurants or cafes; Roads; Signage; Take away food and drink premises; Water recreation structures*

The modified proposal is permissible as being ancillary to sky diving activity and is categorised as a recreational facility (outdoor) as described below and is permissible in the zone with development consent.

Clause 1.4 Definitions

recreation facility (outdoor) *means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).*

Clause 2.7 Demolition requires development consent

The original approval entailed demolition, the proposed modification does not alter this.

Part 4 Principal development standards

The modification does not entail any alterations to the building, its height or floor space ratio.

Part 5 Miscellaneous provisions

Clause 5.5 Development within the coastal zone

The modification (as recommended by Council) remains consistent with the objectives of the clause and principle in the NSW Coastal Policy.

The modified proposal will retain approval level of public access & right to the foreshore, remain suitable with regard to scenic quality and acceptable with respect to amenity, visual & scenic quality of the coastal foreshore. Nor will it introduce stormwater management or water quality concerns. This clause has since been repealed on the notification of SEPP (Coastal Management) 2018.

Clause 5.10 Heritage conservation

The impact on the Aboriginal and local heritage items was considered in the original application, the modification does not impact on heritage. Local Aboriginal groups were notified in accordance with the clause.

Part 7 Local provisions – general

Clause 7.1 Public utility infrastructure

The modification does not introduce further considerations in this respect.

Clause 7.3 Flood planning area

The modification does not introduce further considerations in this respect.

Clause 7.5 Acid Sulfate Soils

The modification does not introduce further considerations in this respect.

2.2 SECTION 4.15(1)(A)(II) ANY PROPOSED INSTRUMENT

State Environmental Planning Policy (Coastal Management) 2016

The application was lodged on 15 September 2017 and this policy commenced on 3 April 2018. Therefore, the provisions of State Environmental Planning Policy no. 71 – Coastal Protection (now repealed) are applicable.

The maps to the SEPP identify the site as being within the Proximity Area for Coastal Wetlands, Coastal Environment Area and Coastal Use area.

The subject modification does not raise any additional concerns with regard to the applicable clauses under the Draft SEPP.

Matters relating to the coastal zone are also covered by clause 5.5 of WLEP 2009 as detailed above.

2.3 SECTION 4.15(1)(A)(III) ANY DEVELOPMENT CONTROL PLAN

2.3.1 WOLLONGONG DEVELOPMENT CONTROL PLAN 2009

CHAPTER A2 – ECOLOGICALLY SUSTAINABLE DEVELOPMENT

The modification does not introduce further considerations with regard to Chapter A2.

CHAPTER D1 – CHARACTER STATEMENTS

North Wollongong

The modified proposal will continue to be consistent with the existing and desired future character for the locality.

CHAPTER E1: ACCESS FOR PEOPLE WITH A DISABILITY

The modification does not introduce further considerations with regard to Chapter E1

CHAPTER E2: CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The modification does not introduce further considerations with regard to Chapter E2.

CHAPTER E3: CAR PARKING, ACCESS, SERVICING/LOADING FACILITIES AND TRAFFIC MANAGEMENT

Any change to operations likely to result from the recommended conditions is not anticipated to have a significant impact on access or car parking demand or vehicle access.

Council's Traffic Engineer has as assessed the modification and is of the view that the modification as recommended will have no discernible impact on car parking or access.

CHAPTER E6: LANDSCAPING

The modification does not introduce further considerations with regard to Chapter E6.

CHAPTER E7: WASTE MANAGEMENT

The modification does not introduce further considerations with regard to Chapter E7

CHAPTER E10 ABORIGINAL HERITAGE

The modification does not introduce further considerations with regard to Chapter E10.

CHAPTER E11 HERITAGE CONSERVATION

The modification does not introduce further considerations with regard to Chapter E11.

CHAPTER E13 FLOODPLAIN MANAGEMENT

The modification does not introduce further considerations with regard to Chapter E13

CHAPTER E14 STORMWATER MANAGEMENT

The modification does not introduce further considerations with regard to Chapter E14

CHAPTER E16 BUSHFIRE MANAGEMENT

The modification does not introduce further considerations with regard to Chapter E16

CHAPTER E21 DEMOLITION AND ASBESTOS MANAGEMENT

The modification does not introduce further considerations with regard to Chapter E21

CHAPTER E22 SOIL EROSION AND SEDIMENT CONTROL

The modification does not introduce further considerations with regard to Chapter E22

2.3.2 WOLLONGONG SECTION 94A DEVELOPMENT CONTRIBUTIONS PLAN

The estimated cost of works for the original application is $1,234,644 and a 1% levy was imposed under the relevant plan.

The proposed modification does not alter the estimated cost of works and the existing s7.12 contribution condition remains applicable.

2.4 SECTION 4.15(1)(A)(IIIA) ANY PLANNING AGREEMENT THAT HAS BEEN ENTERED INTO UNDER SECTION 7.4, OR ANY DRAFT PLANNING AGREEMENT THAT A DEVELOPER HAS OFFERED TO ENTER INTO UNDER SECTION 7.4

There are no planning agreements entered into or any draft agreement offered to enter into under S7.4 which affect the development.

2.5 SECTION 4.15(A)(IV) THE REGULATIONS (TO THE EXTENT THAT THEY PRESCRIBE MATTERS FOR THE PURPOSES OF THIS PARAGRAPH)

92 What additional matters must a consent authority take into consideration in determining a development application?

Conditions of consent are not proposed to change with regard to demolition.

The Government Coastal Policy only applies to the offshore component of the coastal zone, extending three nautical miles seaward from the open coast high water mark.

115 What are the requirements for an application for modification of a development consent?

The proposed modifications are consistent with the requirements of this clause.

2.6 SECTION 4.15(A)(V) ANY COASTAL ZONE MANAGEMENT PLAN (WITHIN THE MEANING OF THE COASTAL PROTECTION ACT

There is no Coastal Zone Management Plan currently applicable to the land.

2.7 SECTION 4.15(1)(B) THE LIKELY IMPACTS OF DEVELOPMENT

The modified development remains permitted in the zone and compliant with applicable development controls, so far as they apply to the application.

The proposal as recommended to be modified is not anticipated to intensify any accepted impact/s attributed to the development as originally approved.

Whilst it is noted that submissions were received objecting to the application, the recommended conditions will not exacerbate any relevant issues that were raised.

2.8 SECTION 4.15(1)(C) THE SUITABILITY OF THE SITE FOR DEVELOPMENT

Does the proposal fit in the locality?

The modified proposal is considered appropriate with regard to the zoning of the site and is not expected to have any additional adverse impacts on the amenity of the locality or adjoining developments.

Are the site attributes conducive to development?

There are no site constraints that would prevent the modified proposal.

2.9 SECTION 4.15(1)(D) ANY SUBMISSIONS MADE IN ACCORDANCE WITH THIS ACT OR THE REGULATIONS

The summary of submissions has been considered at section 1.3 above

2.10 SECTION 4.15(1)(E) THE PUBLIC INTEREST

As the application involves modification to an approved development on community land, a key matter for consideration under the public interest is that of any plan of management applicable.

The Blue Mile Master Plan and City Foreshore Plan of Management (2008) are considered to be the relevant documents and the modification application has been determined to be consistent with those documents.

It is noted that a key contention in the Court proceedings was that the Stuart Park Plan of Management (2000) should have been considered in the assessment of the application. On that matter, the Court found that consideration of the Stuart Park Plan of Management by Council in exercising its function as consent authority under the EP&A Act was not necessary.

Overall, the modified proposal is considered to be in the public interest.

3 CONCLUSION

This application has been assessed as satisfactory having regard to the Heads of Consideration under Section S4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of Wollongong Local Environmental Plan 2009 and all relevant Council DCPs, Codes and Policies.

The proposal is permitted in the RE1 Public recreation zone pursuant to Wollongong LEP 2009 and the modification as recommended has appropriate regard to the objectives of the zone and complies with the essential criteria and intent of the relevant controls. Council is satisfied that the development as recommended will be substantially the same development as originally granted.

Internal referrals are satisfactory and submissions have been considered in the assessment. The application as recommended to be modified is consistent with the applicable provisions of the relevant planning instruments and is not expected to lead to significant adverse impacts on the character or amenity of the surrounding area.

4 RECOMMENDATION

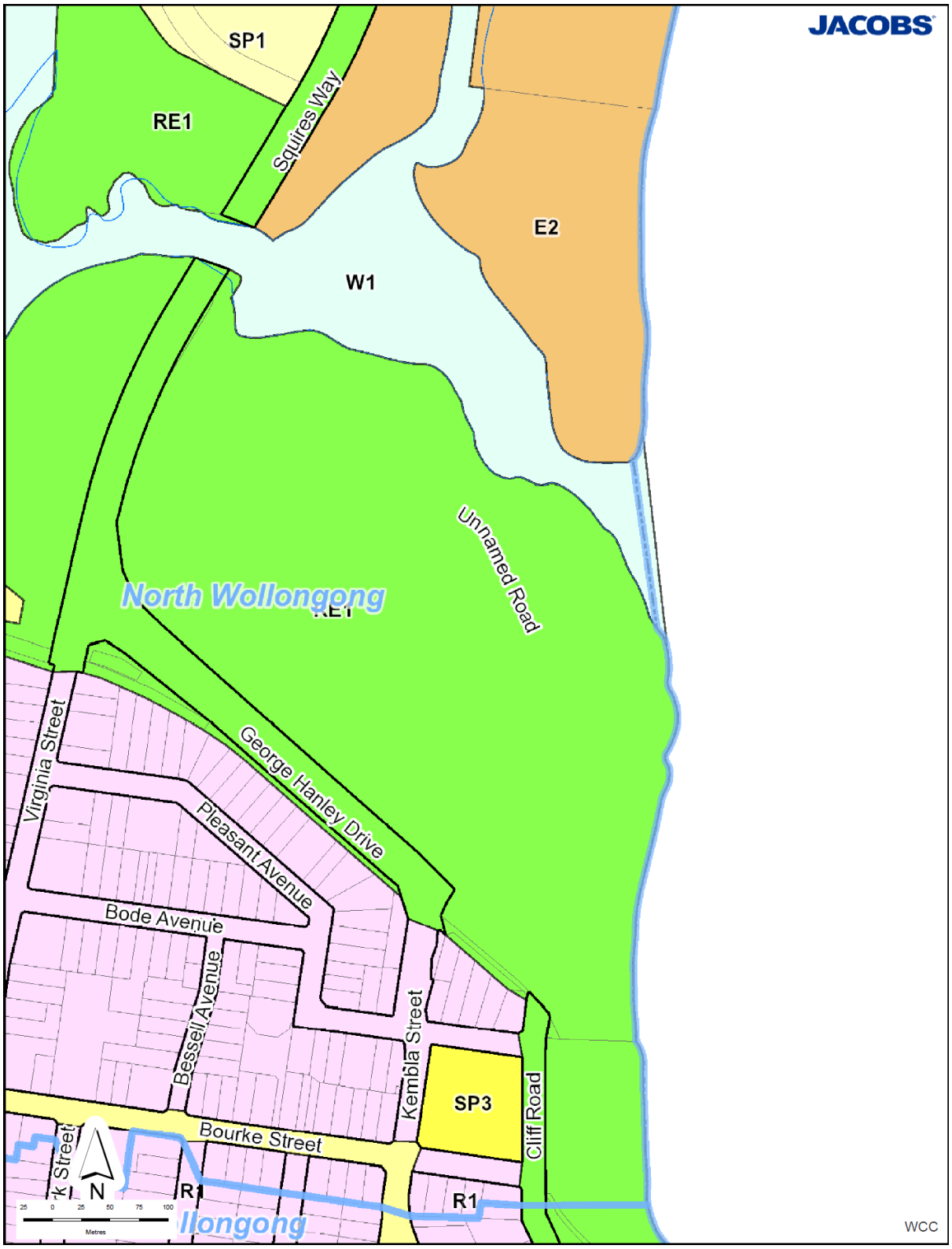
It is recommended the application be approved subject to the draft conditions at Attachment 4.

5 ATTACHMENTS

1. Aerial photograph
2. Wollongong Local Environmental Plan 2009 zoning map
3. MMJ – Statement of Environmental Effects and additional information
4. Draft conditions
5. Operational Plan of Management (DA-2014/306)
6. Approved Plans (DA-2014/306)
7. Development Consent (DA-2014/306)

ATTACHMENT 1: AERIAL PHOTOGRAPH

ATTACHMENT 2: ZONING MAP - WOLLONGONG LOCAL ENVIRONMENTAL PLAN 2009



mmj.com.au

REF: N:/tp/luke/ltr/mdfctn.of.cnsnt.strt.prk.nth.wlngn(skdve).doc

14th July 2017

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500
ATTENTION: PIER PANOZZO

Dear Pier,

RE: PROPOSED MODIFICATION OF DEVELOPMENT CONSENT NO. DA-2014/306
SKYDIVE AUSTRALIA
STUART PARK – GEORGE HANLEY DRIVE, NORTH WOLLONGONG

By Notice of Determination dated 17th January 2017, development consent was issued by Wollongong City Council for the above described Development Application (DA), which provides for the *"Construction of a new administration building for Sky Dive the Beach - Re-notified - amendments to location and design of building and the demolition of the two existing public amenities buildings"* at Stuart Park, North Wollongong.

In summary, this development consent DA-2014/306 directly relates to the historic skydiving operations conducted within Stuart Park by Skydive Australia (also known as Skydive The Beach), and the provision of upgraded administration facilities in place of existing. To this end, this approval effectively consolidates the existing approved skydiving activities and the proposed new premises into one development consent.

In proposing DA-2014/306, it was intended by Skydive Australia that existing approved skydive operations would remain unchanged, apart from those directly related to the new administration building. However, as the construction programme for the new administration building nears commencement, operators have been reviewing certain aspects and conditions imposed within the overall development consent and its functionality from an operations perspective, and they now wish to formally amend this development approval as follows:-

- ***Condition 3(i):*** Amend condition to remove the limitation imposed for a maximum of only 8 x parachutes per drop, as follows:-

  "…There shall be a maximum of three (3) ~~drops~~ flights per hour from which parachutes are dropped~~, with each drop having a maximum of eight (8) parachutes~~…"

- ***Condition 8:*** Amend condition to remove any reference to DA-2009/681 and DA-1997/15, as follows:-

  "…Upon issue of the Occupation Certification, the following development consents are to be surrendered in accordance with the requirements of the Environmental Planning and Assessment Act, 1979; ~~DA-2009/681;~~ DA-1996/225; DA-1996/225/A; DA-1998/617; DA-1998/617/A; DA-1998/617/B; ~~DA-1997/15~~…"

- ***Condition 10:*** Amend condition to remove requirement for Operational Plan of Management to be physically displayed internally and externally to the building, as follows:-

  "…The Operational Plan of Management is to be ~~displayed~~ available internally within the building, ~~and externally in a visible location~~…"

- ***Condition 58:*** Identical to Condition 3(i), amend condition to remove the limitation imposed for a maximum of only 8 x parachutes per drop.

  "…There shall be a maximum of three (3) ~~drops~~ flights per hour from which parachutes are dropped~~, with each drop having a maximum of eight (8) parachutes~~…"

In light of the above, an application for a modification of the subject Development Consent is hereby submitted for Council's consideration. In this regard, should Council's support be forthcoming for the above-mentioned proposed modifications, its implementation can be managed by simply amending the associated conditions of the Development Consent accordingly. The amendment of these conditions would require no other changes to be made to the development consent document.

For Council's consideration in this matter, *Section 96* of the *EP&A Act* allows for the modification of development consents. For the purpose of this application, modification is

sought pursuant to *Section 96 (1A)* of the *EP&A Act,* for the matters outlined previous.

Section 96(1A) of *The EP&A Act* addresses those modifications involving minimal environmental impact (within which the subject proposal is defined) and states that:-

> *"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:*
>
> *(a) it is satisfied that the proposed modification is of minimal environmental impact, and*
>
> *(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted and before that consent as originally granted was modified (if at all), and*
>
> *(c) it has notified the application in accordance with:*
>
> > *(i) the regulations, if the regulations so require, or*
> > *(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
>
> *(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be."*

In light of the above provisions, it is considered that Council should be satisfied that the development proposal, as modified, will be substantially the same as that for which consent was originally granted, primarily due to the fact that the overall development will remain as approved and the subject modifications are merely of an administrative matter.

In addition to this, the overall environmental characteristics associated with the approved development will not be drastically altered as a result of this application. The relative impacts

associated with those specific development assessment matters have already been considered by Council as part of the original development approval process. This proposed application is merely a minor modification of said operational arrangements, for which reasons are discussed in greater detail as follows:-

Condition 3(i) and Condition 58:

As part of the original DA assessment process, the application was referred to the Independent Hearing and Assessment Panel (IHAP) on 20th December 2016 for consideration. In this regard, the panel commentary and recommendations provided in part the following:-

> "...The Panel inspected the site and surrounding areas within Stuart Park and witnessed the operations including two drops of eight tandem parachutes over the period of approximately 1 hour..."
>
> "...Based on the Panel's observations on-site and submissions from members of the community and operator it is reasonable to include a condition which limits the level of activity. In this regard, it is considered that the appropriate limit would be a maximum of 3 drops per hour, with each drop having a maximum of 8 tandem parachutes. The Panel also considers that it would be unreasonable to limit the operation to daylight hours only.
>
> Accordingly, it is recommended that conditions 58, 59 and 60 be replaced by the following condition:
>
> *"There shall be a maximum number of three (3) drops per hour, with each drop having a maximum of eight (8) parachutes." ..."*

As a result of this IHAP commentary and recommendation, Council then imposed *Conditions 3(i)* and *58*, as issued within the development consent. Skydive Australia requests that the restriction of only "a maximum of eight (8) parachutes" per drop be removed from these conditions, and the flight/drop arrangements be better clarified, given the impractical limitation this places on the business (which is not consistent with operational capabilities or current activities).

To this end, there is a need to address the functions of a skydive drop/flight, in order to be clear as to how the business is conducted. The reason being is that it is quite a regular scenario that 1 x skydive flight may actually involve various drops. An example of this is the occurrence

of split drops due to weather (ie. 5 tandem pairs of parachutes are dispatched, the plane then goes around, and drops the other 5). Another example is split drops due to height product sold to the public (ie. 5 tandem pairs of parachutes are dropped out at 9,000ft, the plane ascends, and then drops the rest at 14,000ft). As in this instance, Skydive Australia are concerned that these "split drops" (from the same plane) may be interpreted as a "drop" each. Therefore, there is a need to distinguish parachute flights in total, rather than drops.

For this purpose, Skydive Australia accepts the limitations of 3 x flights per hour as a restriction on the business operations, however, for reasons discussed below, a limitation on the number of parachutes per drop is not efficient use of public land (from a business or community perspective).

Skydive Australia operate aircraft that allow for up to 10 x tandem parachutes to be conducted at any one time. In reality, given the Company operates with outside cameramen which are separate parachutists from the tandem parachutists, this can regularly mean there are more than 8 x parachutes in the air during descent activities. In this regard, the aircraft utilised by Skydive Australia can take up to a maximum of 21 x parachutists, meaning that up to 21 x parachutes in total may be in the air at any one time. While this maximum is not common, it does allow the Company on occasion for example to conduct required staff training exercises much quicker, and with minimal impact to other park users. Notwithstanding, by allowing the maximum use of the existing aircraft, customer demand can be met faster, with less total flights needed on any given day (thus, lower aviation impacts) and lesser intrusions of public access to the land overall.

By strictly stipulating a maximum of 8 x parachutes per drop/flight, Council are in effect requiring Skydive Australia to conduct more aircraft flights in order to process bookings. For example, if 100 x customers are booked for a given day and Skydive Australia were only allowed to process 8 x parachutes per drop, it would mean conducting 13 x flights to get the day done. If there were no restrictions surrounding the number of parachutes permitted per load, the Company would be able to fully utilise the capacity of their aircraft and do the same amount of total customers in say just 10 x flights.

More importantly, restricting the number of parachutes to a maximum of 8 x per drop does not actually diminish the time Skydive Australia requires of part of Stuart Park for landings. In a practical sense, each additional canopy/parachutist adds approx. only 10 seconds to the amount of time that part of Stuart Park is utilised, which is negligible over the course of a day compared to conducting increased flights and overall descents.

Using the above-mentioned example of 100 x customers per day, Skydive Australia would utilise Stuart Park for an extra 3.5 minutes over the course of a day in order to get the customers processed within say 10 x flights. However, if a maximum of 8 x canopies was implemented as per *Conditions 3(i)* and *58*, it would be at the cost of an extra 3 x aircraft lifts over the course of the day (ie. 13 x in total), equating to approx. 21 extra minutes overall required to occupy part of Stuart Park to accommodate the additional loads/descents.

Therefore, in considering the intent of the original IHAP commentary was to effectively limit the time Skydive Australia would occupy part of Stuart Park for descents/landings, by restricting the amount of parachutes per drop to a maximum of 8 as proposed will actually mean public land is required to be occupied for a longer time period over the course of a day. Thus, creating an opposite effect.

In addition to this, Skydive Australia have deliberately gone to the expense of acquiring aircraft that take up to 21 x parachutists, and larger commuter buses that can carry up to 24 x personnel, for smart and environmentally friendly business reasons in order to limit both time needed in the air and on the road (thus reducing aviation and traffic impacts). The capital outlay for these items was close to $3 Million AUD, which is a significant investment for the Company in striving to grow the business in the local Illawarra Region, but at the same time balance environmental safeguards for ongoing operations.

For the above reasons, we respectfully seek the amendment of *Conditions 3(i)* and *58* in order to remove the limitation imposed for a maximum of only 8 x parachutes per flight.

Condition 8:

Condition 8 of the Development Consent refers to the following historical approvals:-

- *DA-2009/681 – Continuation of current skydiving activities undertaken at Stuart Park, being the existing use of public land, administration building and carpark facilities;*
- *DA-1996/225 – Tandem Skydiving into Stuart Park;*
- *DA-1996/225/A – Tandem Skydiving into Stuart Park;*
- *DA-1998/617 – Tandem Skydiving into Stuart Park;*

- *DA-1998/617/A – Tandem Skydiving into Stuart Park (Amendment to Extend Initial Consent Period to 2 Years);*

- *DA-1998/617/B – Tandem Skydiving into Stuart Park (Amendment to Conditions of Consent and to Extend Initial Consent Period to Seven (7) Years);* and

- *DA-1997/15 – Tandem Skydiving into Thomas Dalton Park.*

It is requested that any reference to development consent DA-2009/681 and DA-1997/15 be removed from this condition altogether. Skydive Australia agrees that all previous development consents relating to activities within Stuart Park can be surrendered following Occupation Certificate issue for DA-2014/306, as this latest consent generally consolidates the historic land use provisions conducted by the Company. However, DA-2009/681 also relates to beach landings on areas adjacent to Stuart Park and, whilst DA-1997/15 relates to skydiving activities conducted at Thomas Dalton Park in Fairy Meadow (which is used by the Company as an alternate parachute landing area during certain circumstances and weather conditions). Given these consents incorporate property areas outside that included within the DA-2014/306 (being Stuart Park), any reference to these being surrendered should be removed from *Condition 8* accordingly.

Therefore, DA-2009/681 and DA-1997/15 should remain independent and we respectfully request this condition be amended to reflect this.

Condition 10:

It is proposed to amend this condition to remove any requirement for the Operational Plan of Management to be displayed externally. Essentially, this condition requires that the Operational Plan of Management for the business be displayed both internally and externally to the new building whilst in operation. Skydive Australia does not object to making this Plan available internally, however, does not believe the requirement for this Plan to be physically displayed internally or externally is at all practical or warranted. Primarily due to the fact that this Operational Plan of Management could be in excess of 50-100 pages in size, which makes it difficult to display for viewing (without taking up a lot of area).

In this regard, the Plan will be inside the building, available to the public during hours of operation and, thus, it is not deemed necessary for it to be displayed internally or externally as well. Therefore, we respectfully request this condition be amended accordingly.

A review of the matters for consideration contained within *Section 79C* of the *Environmental Planning & Assessment Act, 1979* (as amended) has been undertaken, and no significant environmental concerns have been identified. The current planning controls applying to the site permit this modified proposal in its entirety, and the proposed amended development consent outcome does not conflict with the objectives of Council's statutory planning instruments.

In this regard, it must be acknowledged that the existing Development Consent No. DA-2014/306 has not yet lapsed and, as such, *Section 109B* of the *EP&A Act* preserves and saves existing consents, and specifically authorises their modification. Thus, Council can be satisfied that the subject Development Consent can be modified accordingly.

It is considered that Council can be satisfied that *". . . the development to which the consent as modified relates is substantially the same development as the development for which the consent was originally granted..."* for the following reasons:-

- the modified development proposal is contained wholly within the development site to which Development Consent No. DA-2014/306 relates;

- the original development to which Development Consent No. DA-2014/306 was granted is described as the *"Construction of a new administration building for Sky Dive the Beach - Re-notified - amendments to location and design of building and the demolition of the two existing public amenities buildings".* The modification of this consent as proposed will remain entirely within the ambit of this original development description;

- the operational characteristics will generally remain as approved, apart from removing restrictions on number of parachutes per drop, which ultimately will provide the opportunity for Skydive Australia to reduce total flights, reduce total commuter transfers, and reduce the total time the business occupies part of Stuart Park for descents during the course of a day; and

- the overall building design and site layout of the proposed development will be retained as approved.

Given the minor administrative nature of this proposal, it is considered that the proposed amendments will generally have no negative environmental impact, and will not in any way alter the intent for implementing the overall approved development outcome. In fact, the

proposed changes will assist in providing a more positive development outcome for the locality and help maintain a more sustainable land use development for Skydive Australia and the community over time.

In summary, a review of those matters for Council's consideration under *Section 96(1A)* of *The EP&A Act* has shown that the proposed development will be of minor environmental impact (in our view improved), and that Council should be satisfied that the development proposal (as modified) will be substantially the same as that for which consent was originally granted. Further, a review of those development and planning matters required for consideration in this instance has also been undertaken, and it is considered that the proposal will be appropriate.

Therefore, it would be appreciated if Council could favourably consider this application in accordance with *Section 96(1A)* of the *EP&A Act 1979* at the earliest convenience. In this regard, should further information and/or discussion be required, please contact the undersigned.

Yours faithfully,
MARTIN MORRIS & JONES PTY LTD

LUKE ROLLINSON BUrbRegPlan DipArchTech MPIA
DIRECTOR - TOWN PLANNER

REF: N:/tp/luke/ltr/add.info.strt.prk.nth.wlngng(STB)(3).doc

5th July 2018

General Manager
Wollongong City Council
Locked Bag 8821
WOLLONGONG DC NSW 2500
ATTENTION: MR MARTIN JAMESON

Dear Martin,

RE: APPLICATION TO MODIFY DEVELOPMENT CONSENT NO. DA-2014/306/A PROPOSED NEW ADMINISTRATION BUILDING FOR SKYDIVE THE BEACH STUART PARK, NORTH WOLLONGONG

We refer to Council's email directed to Skydive the Beach representative Courtney Butler dated 20th March 2018, requesting additional information/amendments to be provided in relation to the above-mentioned application to modify development consent DA-2014/306/A. In this regard, the following commentary is noted in respect of those specific matters raised by Council:-

IHAP Report

"…To enable us to report to the IHAP effectively we need to be explicitly clear about the numbers and terminology relating to the flights, drops etc. In your summary below you refer to the new aircraft as being able to take 21 parachutists, please confirm whether this equates to;

a) 21 total passengers, including; customers, staff, camera operators and others. Or,

*b) 21 customers, **plus** staff, camera operators and others (potentially 42+ passengers)…"*

Comment:

With regards to the above-mentioned query, Skydive the Beach have advised that their new aircraft can accommodate 21 x passengers/parachutes in total per flight (being referenced as '(a)' above). In this regard, initially, $2.2 million was spent on the first aircraft, specifically to suit the purpose of aiming to reduce their footprint in the park at any one time (which in turn also reduces their noise footprint). Ultimately, due to the success of the first plane, a second one was purchased to accommodate for peak periods at a cost of another approx. $2 million. Skydive the Beach then upgraded their bus fleet to minimum 24 seaters, at a cost of around another $250,000. Thus, the Company has invested some $4.45 million to increase their carrying capacity to 21 x parachutists (or 10 x tandems per lift), all aimed at efficiencies and reducing the overall footprint and time within park.

Traffic and Parking

"…The modification application did not address the potential increase in demand for car parking that could arise due to an increase in number of customers. It was noted that larger buses have been purchased.

To assist in understanding the car parking and traffic impacts of the proposed development, you will need to undertake a Car Parking and Traffic Survey / Study which provides the following details:

A description of the current parking and transport arrangements for participants, observers and supporters; including but not limited to the following:

- *Details of the average number of visitors per day.*
- *The average number of vehicles arriving per hour.*
- *Identify the areas where visitors park to access the facility.*
- *Details of how parachute jumpers are transported from Stuart Park to the airport, number of buses etc*

A description of the future, post development car parking and transport arrangements

- *You will need to outline the anticipated resultant changes in car parking demand and traffic movements (number of visitors, vehicles per hour, parking demand etc), and any additional buses required to transport parachute jumpers to the airport etc…"*

Comment:

For Skydive the Beach, it is difficult to accurately provide consistent numbers of vehicles that may drive to Stuart Park on any given day for the activity, whether it be customer or visitor base. This is because no two flights are ever the same (i.e. single customers versus groups versus weather conditions), and the way customers and visitors come to Stuart Park can vary dramatically each day (i.e their own car, public transport or Skydive the Beach's very own bus transportation). The variation in customer numbers and transportation arrangements between days and seasons can vary considerably, and providing 'averages' in their opinion will not accurately reflect the business operations during the peaks and lows.

Notwithstanding this, Skydive the Beach is currently in its winter season, of which is deemed to be the off-peak part of the year (representing the quietest months of the year). In an attempt to provide some typical days of operation for the business with regards to customers/visitors and the way they travel to Stuart Park, the operator recently recorded some statistics from customer jumps during Thursday 24th of May 2018 and Friday 25th of May 2018 (quiet days), as well as an example of their busiest day recorded during the peak summer period last year, being Friday 29th of December 2017. These are detailed as follows:

Thursday 24th May 2018:

In regards to customer numbers, there were:

- *55 x customers in total.*
- *31 x customers came from the Sydney pick-up bus (56%).*
- *Therefore leaving 24 x customers made their own arrangements to site, of which:*
    - *6 x groups of 1*
    - *6 x groups of 2*
    - *1 x group of 6*
- *From the above, if we assume worst-case that no customers making their own arrangements to site travelled via a public transport (i.e. all travelled by their own cars), then we estimate some 14 x cars were likely used. In this regard, the Sydney Bus always arrives for a 11am*

check-in on-site, so the self-drives are generally booked in prior to – which means the above 14 x cars would have arrived over the space of about 2 hours (= 7 cars/hr).

In regards to flights, there were:

- *7 x Loads in total to process the 55 x customers/jumps:*
    - *Load 1: 9 TM + 2 OC (11 canopies)*
    - *Load 2: 8 TM (8 canopies)*
    - *Load 3: 9 TM + 2 OC (11 canopies)*
    - *Load 4: 8 TM (8 canopies)*
    - *Load 5: 9 TM + 2 OC (11 canopies)*
    - *Load 6: 8 TM (8 canopies)*
    - *Load 7: 4 TM + 3 OC (7 canopies)*

Friday 25th May 2018:

In regards to customer numbers, there were:

- *75 x customers in total.*
- *34 x customers came from the Sydney pick-up bus (45%).*
- *Therefore 41 x customers made their own arrangements to site, of which:*
    - *9 groups of 1*
    - *11 groups of 2*
    - *2 groups of 3*
    - *1 group of 4*
- *With similar considerations to above, potential for say approx. 23 x cars over a 3 hour period (excluding bus arrival) = 8 cars/hr.*

In regards to flights, there were:

- *8 Loads in total to process the 75 jumps:*
    - *Load 1: 10 TM (10 canopies)*
    - *Load 2: 10 TM (10 canopies)*
    - *Load 3: 9 TM (9 canopies)*
    - *Load 4: 10 TM + 1 OC (11 canopies)*
    - *Load 5: 10 TM (10 canopies)*
    - *Load 6: 9 TM + 2 OC (11 canopies)*
    - *Load 7: 10 TM (10 canopies)*
    - *Load 8: 7 TM + 2 OC (9 canopies)*

Friday 29th December 2017:

In regards to customer numbers, there were:

- *247 x customers in total.*
- *76 x customers came from the Sydney pick-up bus (31%).*
- *Therefore 171 x customers made their own arrangements to site, of which:*
    - *76 groups of 1*
    - *25 groups of 2*
    - *10 groups of 3*
    - *2 groups of 4*
    - *1 group of 7*
- *With similar considerations to above, potential for say approx. 115 x cars over an 11 hour period (excluding bus arrival) = 11 cars/hr.*

In regards to flights, there were:

- *29 Loads in total to process the 247 jumps:*
    - *Load 1: 10 TM (10 canopies)*
    - *Load 2: 9 TM (9 canopies)*
    - *Load 3: 10 TM (10 canopies)*
    - *Load 4: 9 TM (9 canopies)*
    - *Load 5: 9 TM (9 canopies)*
    - *Load 6: 10 TM (10 canopies)*
    - *Load 7: 8 TM + 3 OC (11 canopies)*
    - *Load 8: 9 TM (9 canopies)*
    - *Load 9: 10 TM + 1 OC (11 canopies)*
    - *Load 10: 10 TM (10 canopies)*
    - *Load 11: 10 TM (10 canopies)*
    - *Load 12: 5 TM + 1 OC (6 canopies)*
    - *Load 13: 10 TM (10 canopies)*
    - *Load 14: 10 TM (10 canopies)*
    - *Load 15: 5 TM + 2 OC + 1 SJ (8 canopies)*
    - *Load 16: 9 TM (9 canopies)*
    - *Load 17: 10 TM (10 canopies)*
    - *Load 18: 6 TM + 2 OC (8 canopies)*
    - *Load 19: 9 TM (9 canopies)*
    - *Load 20: 10 TM (10 canopies)*
    - *Load 21: 6 TM + 2 OC (8 canopies)*
    - *Load 22: 9 TM (9 canopies)*
    - *Load 23: 9 TM (9 canopies)*
    - *Load 24: 7 TM + 1 OC (8 canopies)*
    - *Load 25: 9 TM + 1 OC (10 canopies)*
    - *Load 26: 9 TM (9 canopies)*

- *Load 27: 7 TM (7 canopies)*
- *Load 28: 9 TM (9 canopies)*
- *Load 29: 4 TM + 1 OC + 2 SJ (8 canopies)*

***NOTE:** OC stands for Outside Camera parachutist.*

In considering the survey of some typical off-peak days the business experiences during its winter season, as well as the example of a peak day during summer, the following is noted in response to the particular Council queries raised:-

- The business understands that for every customer who jumps with Skydive the Beach, this brings approximately 2.8 visitors to the local area.

- In the Traffic Impact Assessment prepared by Bitzios Consulting for the original DA-2014/306 assessment process, it was noted that based on the typical schedule of operations, the skydive facility is likely to generate no more than an average of 8 vehicle trips per hour. As shown in some typical off-peak day survey samples above, for the 2 to 3 hour period it took during those days for customers to be processed, a trip generation and car parking demand of between 7 and 8 vehicles per hour was likely. Conversely, for the peak period processed in summer, a trip generation and car parking demand of between 11 vehicles per hour was likely. Thus, the typical peak and off-peak vehicle numbers per hour generally remain consistent with the initial traffic assessment undertaken. As demonstrated, the number of vehicles coming to Stuart Park per hour is not notably different between peak and off-peak periods, it's just that the operational day becomes longer. With more customer numbers to process over a longer period, the day merely moves from a 2 to 3 hour operational period, up to say an 8 to 12 hour operational period. Ultimately, the immediate Stuart Park area is accommodated by hundreds of car parking spaces throughout (in terms of both public car parks and street parking availability), to which between 8 and 11 vehicles per hour generated by the skydive activity is not expected to place any adverse impact on traffic or car parking.

- In regards to where customers park when they come to Stuart Park for the business activity, this is difficult to track, however, general human habits

suggest that they will park as close to the administration building as possible. Therefore, we expect that the majority of vehicles would attempt to park in the central car park area immediately to the south of the current admin building. For those who are unable to find a park in this location, it is likely they would seek a parking spot elsewhere within Stuart Park or within the local road network close by.

- Skydive the Beach currently has 4 x buses, being 3 x 24 seater buses and 1 x 57 seat coach. The skydive bus generally operates on an hourly basis (depending on demand), taking customers from Stuart Park down to Albion Park airport as required throughout the day.

- With regards to an outline or advice on anticipated resultant changes in car parking demand and traffic movements as a result of the proposed modification, it is not expected that there will be any change to the way the business currently operates at present. As Development Consent DA-2014/306 is yet to be acted on and operational, Skydive the Beach currently operate without unnecessary restrictions on flight numbers or customer numbers per hour in accordance with their various other Development Consents for Stuart Park. So the current traffic demands being experienced are likely to remain as a result of the proposed modification. As it stands, the current restriction imposed under *Condition 3(i)* and *Condition 58* of Development Consent DA-2014/306 to limit a maximum of 3 flights per hour with only 8 parachutes per flight would be expected to reduce this car parking demand below that being experienced at this time. However, such a restriction is not sustainable for the business operations (as it unnecessarily extends the operational days) and is completely unwarranted in light of the fact that 8-11 vehicle trips per hour (current demand) can quite easily be accommodated within Stuart Park, without significant impact on parking availability for other public park users. At the end of the day, the larger aircraft is able to carry more passengers per flight, which means less time throughout the day the park is taken up overall (simply by reducing the multiple set up and set down landing times/arrangements in the park).

In light of the above, it is important to remember that Skydive the Beach are not seeking to remove the conditioned operational restrictions altogether. Whilst they would prefer no limitations around flights and parachutes, they have conceded to the restriction of 3 flights per hour, but believe that the added restriction of 8 parachutes per flight is totally unreasonable and unwarranted in the circumstances of this case. Such a restriction merely extends the operational day, meaning the business needs to conduct more flights and occupy the park for a longer period in order to process bookings throughout the day. Essentially, those days where operations would generally be able to be managed over a short 2 to 3 hour period (to satisfy an entire day's customer demand), more regularly would become potentially say 4 to 5 hour days to process the same numbers of customers.

In this regard, Skydive the Beach maintain that by removing the 8 parachute restriction, and having more parachutes per flight, means the amount of time the park is occupied for landings is ultimately reduced throughout the day. Thus, the current limitation on the number of parachutes per flight is not efficient use of public land (from either a business or community perspective).

We trust this information satisfactorily addresses Council's correspondence to date and, should you wish to discuss this matter further and/or require any additional information, please contact me on (02) 4229 5555.

Yours faithfully,
MARTIN MORRIS & JONES PTY LTD

LUKE ROLLINSON BUrbRegPlan DipArchTech MPIA
DIRECTOR - TOWN PLANNER

ATTACHMENT 4 – DRAFT CONDITIONS

Approved Plans and Specifications

1 The development shall be implemented substantially in accordance with the details and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder. The plans and specifications approved by this Modification supersede plans and specifications previously approved where there are any inconsistencies.

Original Consent

Proposed Site Plan 1304.051-DA04-F dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

Proposed Floor Plan 1304.051-DA05-F dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

Proposed Roof Plan 1304.051-DA06-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

North and South Elevation Plan 1304.051-DA07-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

East and West Elevation Plan 1304.051-DA08-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

Sections Plan 1304.051-DA09-C dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

Signage Plan 1304.051-DA11-D dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

Landscape Concept Plan 1304.051-DA15-A dated 11 January 2015 prepared by Ochre Landscape Architects

General Matters

2 **Occupation Certificate**

A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

3 **Operational Plan of Management**

An Operational Plan of Management is to be in place identifying the operational aspects of the business. The plan should clearly identify but not be limited to:

i There shall be a maximum of three (3) flights per hour from which parachutes are dropped and a maximum of 24 parachutes dropped per hour.
ii a map of the practical area of drop zone(s) and landing area including alternate options to accommodate the functions occurring on the park;
iii all operational aspects of the proposal;
iv the mechanism for management of complaints;
v a requirement that all operational equipment must be removed from public space within five minutes of landing.

A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

Amended – Modification A

4 **Building Work - Compliance with the Building Code of Australia**

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

5 **Construction Certificate**

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

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

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

6 **Advertising Signage**

This consent authorises the erection of two flush business identification signage only as shown on the approved plan. The signage is not to be illuminated. Any additional advertising signage will require separate Council approval.

7 **Protection of Public Infrastructure**

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

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

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

8 **Surrender of Development Consents**

Upon the issue of the Occupation Certificate, the following development consents are to be surrendered in accordance with the requirements of the Environmental Planning and Assessment Act 1979; DA-2009/681, DA-1996/225, DA-1996/225/A, DA-1998/617, DA-1998/617/A, DA-1998/617/B, DA-1997/15.

9 **Tree Management**

The developer shall retain existing trees indicated on Proposed Site Plan by Designing Green Architecture Dwg. No. 1304.051 DA15 A dated 11 January 2015.

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

Tree Protection measures to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

Prior to the Issue of the Construction Certificate

10 **Operational Plan of Management**

An Operational Plan of Management is to be in place identifying the operational aspects of the business.

A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

The Operational Plan of Management is to be displayed internally.

External wall signage is to be installed in a visible location, containing the following information:

- Maximum number of parachutes per given time period
- Map of Drop Zones

- Mechanism for making complaints
- Summarised procedure for Landing (set up & clearing of area)
- How to access Operational Plan of Management

The signage is to be updated to reflect current operation as required.

Amended – Modification A

11 **Present Plans to Sydney Water**
Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

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

13 The depth and location of all services (i.e. gas, stormwater, water supply, sewer, electricity, telephone, etc.) must be ascertained and reflected on the Construction Certificate plans and supporting documentation.

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

15 **Scour Protection**
The stormwater outlet draining into the receiving swale shall be treated with appropriate scour/erosion protection measures in accordance with good engineering practice. All scour protection measures and headwall structures within the swale shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. The stormwater outlet shall be taken to the invert of the swale and orientated in the direction of natural flow of the receiving swale. The final details of the proposed scour/erosion protection measures shall be undertaken by a suitably qualified civil engineer and reflected on Construction Certificate plans.

16 **Detailed Drainage Design**
A detailed drainage design for the proposal shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's DCP 2009, conditions listed under this consent, and generally in accordance with the concept Stormwater Layout by Designing Green Architecture, Project No. 1304.051, Drawing No. DA16, Issue B, dated 13 January 2015. This information shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

17 **Stormwater Pipework - Vehicle Loadings**
The stormwater pipework shall be designed to withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the Council Land (i.e., heavy grass cutting equipment) as specified in the RTA heavy vehicle loading documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of the pipework shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

18 **Stormwater Junction Pits**

All stormwater pits shall have sealed concrete lids being flush with the surrounding ground levels. This requirement shall be reflected on the Construction Certificate plans.

19 **Property Lease/Licence Agreements**

Prior to the issue of the Construction Certificate, the applicant must enter into an appropriate Lease/Licence Agreement with Council. An application for a Lease must be made to Council's Property & Recreation Division for determination at least 50 days prior to the issue of Construction Certificate and assessed in accordance with the Local Government Act 1993/Crown Lands Act 1989.

20 **Amenities Signage**

Signage is to be provided identifying the location of the public toilets and that they are available for public use. Detail of this is to be provided to the satisfaction of Council on the Construction Certificate.

21 **Toilet Fit-out**

The public amenities must be constructed in accordance with Wollongong City Council standards and the design endorsed by Council prior to the issue of the Construction Certificate.

22. **Site Management, Pedestrian and Traffic Management Plan**

The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of pedestrian safety and traffic management.

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

22.1 proposed ingress and egress points for vehicles to/from the construction site;
22.2 proposed protection of pedestrians, adjacent to the construction site;
22.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
22.4 proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
22.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
22.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;
22.7 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

23 **Endeavour Energy Requirements**

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

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

24 **Telecommunications**

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

25 **External Lighting**

The building shall be appropriately illuminated at night in order to deter vandalism or antisocial behaviour. Detail of proposed lighting shall be provided prior to the issue of the Construction Certificate.

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

26.1 The Landscape Plan should incorporate planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;

26.2 A schedule of proposed planting is to be provided, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

26.3 The location of all proposed and existing overhead and underground service lines is to be shown. The location of such service lines shall be clear of the dripline of existing and proposed trees;

26.4 Detail of the proposed bench seating is to be provided;

26.5 Narrow, angular or small areas of turf shall be rationalised; and

26.6 Tree plantings to be of a size and maturity consistent with Chapter E6 of Wollongong Development Control Plan 2009.

The final Landscape Plan is to be endorsed by Council and completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

27 **Civil Works – Engineering Drawings**

The applicant shall submit, to Council's Manager Development Engineering, detail design plans for any civil engineering infrastructure works prior to the issue of the Construction Certificate. The plan shall include survey levels to AHD and cross sections at all building entrance points and driveway designs complying with the latest versions of the current relevant Australian Standard AS1428.1, AS2890.1, the Disability Discrimination Act and the AUSTROADS road design standards. These must be submitted as separate engineering drawings for assessment by Council.

The drawings must show all public utility underground lines, pits, poles, stormwater lines and pits. If any adjustments to public utilities are proposed the applicant must also submit documentary evidence that they have the consent of the owner of the public utility authority.

The drawings and surveys should include levels of existing infrastructure such as kerb and gutter, public utility, pits, poles and stormwater drainage structures as well as adjacent road carriageway and footpath levels and extend 20 metres past the limit of the development site.

28 **Irrigation**

The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate. The Landscape Plan shall be amended to allow the ability to use of water from the rain water tanks for irrigation. This

requirement shall be reflected on the Landscape Plan, prior to the release of the Construction Certificate.

29 The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

30 **Tree Protection and Management**

The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

30.1 Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

30.2 Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

30.3 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

30.4 Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

31 **Garbage, Green Waste and Recycling Bin Enclosure Structure**

The garbage/recycling bin enclosure area shall be constructed of brick or other approved masonry material with hardwood timber slats/ recycled plastic and shall be provided with sufficient screening of all bins contained therein. The storage area shall be constructed with a concrete floor, suitably graded to enable drainage of run-off into Council's stormwater drainage system and shall be at-grade with any proposed pedestrian accessway. The final design details of the proposed storage area shall be reflected on the Construction Certificate plans.

32 **Temporary Public Amenities**

Temporary public amenities are to be provided for the duration of demolition and construction works. The temporary public amenities are to be comparable to numbers and type of the existing amenities, including unisex accessible toilet(s). Location and details are to be provided to the satisfaction of Council prior to the issue of the Construction Certificate.

33 **Accessible Parking**

Two (2) accessible car parking spaces are to be line-marked at the southern edge of the existing adjacent car park to service the development in accordance with the relevant Australian Standard AS2890.1. Details of this are to be reflected on the Construction Certificate plans.

34 **Design and Construction of Food Premises**

Documentary evidence must be submitted to the Principal Certifying Authority confirming that the coffee shop fit-out complies with AS4674-2004: Design, Construction and Fit Out of Food Premises prior to the issue of the Construction Certificate.

Registration
The food business is required to be registered with Council. An application must be made submitting the appropriate form prior to business operations commencing. The appropriate form can be found on Councils' web page by visiting:

http://www.wollongong.nsw.gov.au/contact/factsheet/Pages/default.aspx

then navigate to:

Function : Health

☐V1 Form - Application for Licence – Registration.

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4221 7737 to obtain a registration form.

Food Business Notification Requirement
The proprietor of the premises is required to notify their business details to the NSW Food Authority prior to operations commencing. An application can be made via www.foodnotify.nsw.gov.au, or by submitting a notification form and fee to Council or NSW Food Authority.

Eating Areas
Any enclosed eating area must be smoke free. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (Smoke Free Environment Act 2000).

The above requirements must be reflected on construction certificate plans and supporting documentation, prior to the issue of a Construction Certificate.

35 Habitable floor levels must be constructed at a minimum of RL 4.80 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

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

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to $12,369.66 shall be paid to Council prior to the release of any associated Construction Certificate.
The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 106.8. The following formula for indexing contributions is to be used:

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

Where

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

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

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

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

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 609073	• Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

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

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council.

Prior to the Commencement of Works

37 **Sign – Supervisor Contact Details**

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

37.1 stating that unauthorised entry to the work site is not permitted;

37.2 showing the name, address and telephone number of the Principal Certifying Authority for the work; and

37.3 showing the name and address of the principal contractor in charge of the work site and a telephone number at which that person can be contacted at any time for business purposes.

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

38 **Stormwater Plans to Council**

Details of the proposed drainage works within the Council Community Land including the piped connection to the swale shall be provided to Council's Development Engineering Manager for approval prior to the commencement of works within the Council Community Land.

39 **Appointment of Principal Certifying Authority**

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

39.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and

39.2 notify Council in writing of their intention to commence work (at least two days notice is required).

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

40 **Consultation with NSW WorkCover Authority**

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

41 **Enclosure of the Site**

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

42 **Erosion and Sediment Control Measures**

Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

43 **Demolition Works**

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

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

During Demolition, Excavation or Construction

44 **Asbestos Waste Collection, Transportation and Disposal**

Asbestos waste must be prepared, contained, transported and disposed of in accordance with WorkCover NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

45 **Works within Council Community Land**

All works proposed within Council Community Land as part of the subject development shall be carried out in accordance with good engineering practice and at the developer's expense.

46 **Forty Eight Hours Notice – Prior to Works Commencing in Stuart Park**

The applicant shall consult with Wollongong City Council's Development Engineering Manager, giving 48 hours' notice to arrange an on-site meeting, prior to any works commencing in Stuart Park. The purpose of the meeting will be to discuss any relevant issues such as permits for access onto the land, alignment of the pipeline and the schedule of inspections as part of the works.

47 **Protection of Council Infrastructure**

The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage and/or restoration required to Council's assets shall be undertaken to the satisfaction of Council, with all associated costs borne by the developer.

48 **Aboriginal Heritage**

The site should be monitored during excavation works and any subsoil works for any Aboriginal sites and relics including Aboriginal skeletal remains.

The Illawarra Local Aboriginal Land Council should undertake the monitoring of the site.

Ground disturbance is to be limited to only what is required to accommodate the development of the Administration Building footprint and the associated ancillary works.

Should Aboriginal objects/relics be found, all work should cease in the area of works and developer must contact the Office of Environment and Heritage, a suitably qualified archaeologist and relevant Aboriginal stakeholders.

Should human skeletal remains be located during any excavation works on the site, all work must cease, the area sealed to prevent unauthorised access and contact be made with the NSW Police and the Office of Environment and Heritage.

Tree stumps and roots should be left in the ground so as not to disturb the ground surface to a higher level than required.

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

50 **Restricted Hours of Work (domestic residential scale ie single dwellings)**
The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

a the variation in hours required;
b the reason for that variation;
c the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ($L_{Aeq\ (15\ min)}$) must not exceed the background noise level ($L_{A90\ (15\ min)}$) plus 10 dB(A), and a $L_{Aeq\ (15\ min)}$ of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

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

52 **Acid Sulfate Soils**
The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

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

54 **Re-direction or Treatment of Stormwater Run-off**
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Prior to the Issue of the Occupation Certificate

55 **Drainage within Stuart Park - Work as Executed**
The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within Stuart Park has been undertaken in accordance with the approved construction plans. In addition, a full works-as-executed plan, prepared and signed by a Registered Surveyor shall be submitted. This plan shall include the location and levels of the drainage lines and structures. This information shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the final Occupation Certificate.

Operational Phases of the Development/Use of the Site

56 **Public Amenities**
The public amenities must be unlocked and available for public use. These amenities are excluded from the licenced area and are to be maintained by Council.

57 **No Display of Goods and Materials Outside Premises**
The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.

58 There shall be a maximum number of three (3) drops per hour, with each drop having a maximum of eight (8) parachutes.

Amended—re-grant of consent 17 January 2017

59 **Removal of Equipment after Landing**
All operational equipment must be removed from public space within five minutes of landing.

60 **Landing Areas**
Parachute landings must only take place within the approved licenced areas, except in the event of an emergency.

61 **Ground Crew**
A Drop Zone Safety Officer or Ground Control Officer shall be on site at all times during skydiving operations. Ground crew must be stationed at the designated landing areas before and during skydives. These officers must be in constant radio contact with the drop plane and ensure the park is safe for parachutists and other park users.

62 **Beach Landings**
All beach landings shall occur strictly in compliance with the 'Beach Landing Procedures' and the procedures outlined within the Statement of Environmental Effects and Operational Plan of Management.

Parachute landings must only take place within the areas identified on the plan attached to this consent, except in the event of an emergency. This condition is subject to appropriate licensing arrangements for the relevant land being in force at all times.

The beach landing area to the south of Fairy Creek entrance shall be used for landings only during the Winter months when wind conditions are such that it would be unsafe to land at either the primary landing area within the designated area in Stuart Park or on the beach landing area to the north of the Fairy Creek entrance.

Public access along the beach must be maintained during the use of the beach landing sites. A minimum area measuring 3.0 metres wide (either side of the nominated landing area) from the high tide line and from the toe of the sand and grass embankment must remain available for public use and thoroughfare.

Amended – Modification A

63 **Incident Reporting**

All incidents must be reported to Wollongong City Council within five (5) working days of the date of the incident.

Landing Areas Plan of Management

Overview

This is the conditions and procedure for landings in Stuart and Thomas Dalton Park and the approved beach landing sites.

Purpose

The purpose of this procedure is to maintain safety to staff, skydivers and the general public during skydiving operations.

Timings

Skydiving takes place during daylight hours, the landing areas may be used during these times. The frequency changes with customer demand. On average 12 parachute drops per day take place. Thomas Dalton Park is utilised for night jumps, four times a year. The same safety procedures are for used for this activity.

Incidents

All major incidents are reported to the emergency services by calling 000.

Minor parachuting incidents are reported to the Australian Parachute Federation.

Main Landing Area/Stuart Park

Stuart Park is the main landing area to be used, unless seasonal wind conditions do not allow for safe landings. In this scenario Thomas Dalton Park or the approved beach sites are used. During the year a number of public events take place at Stuart Park and Thomas Dalton Park. The “Sydney to Gong Bike Ride” the “NSW Touch Football Championships”, “Tri the Gong” and the “Colour Run” are examples. Landing areas are switched to accommodate these events. STB works with council and event organisers to maintain parachuting operations and achieve successful public events.

Beach Landing Conditions

Landings in the designated area generally occur when the wind is above 10 knots and is predominately from a southern direction. These conditions generally occur in the winter (May-July) and during the change of seasons.

Thomas Dalton Park Conditions

Landings in Dalton Park generally take place in westerly winds that prevent the use of Stuart Park or the designated beach landing sites.

Role Responsibilities

The Drop Zone Safety Officer (DZSO) and / or the Ground Control Assistant (GCA) shall determine which landing area is to be used and ensure the safety of the general public at all times.

The GCA ensures all of the procedures for this area are followed under the guidance of the Drop Zone Safety Officer (DZSO) who is responsible for the day's operations.

Ground Crew shall wear a fluorescent safety vest during landings.

Communication must be established with the aircraft at least five minutes prior to the jump and maintained during the descent to:

1. relay information on meteorological conditions
2. confirm the landing area is free of people or hazards
3. all safety measures are in place.

Procedure

1. GCA communicates to DZSO the wind conditions.
2. The DZSO decides which landing area is appropriate (in most cases, this is Stuart Park).
3. DZSO communicates this to Jump Instructors and Pilot.
4. GCAs set up landing area following Diagrams 1-3 and using provided equipment stored adjacent to the office.
5. Five minutes prior to jump communications using hand held radio is established with the aircraft on the company frequency. During this transmission, wind speed and direction is given and the statement made "CLEAR TO DROP". This indicates that conditions are safe, the landing area is set up and free of people or hazards.
6. If conditions are deemed not suitable or any landing area is not clear, the statement made is "DO NOT JUMP".
7. Green light is switched on in aircraft and skydivers exit. The pilot communicates to the GCA that the skydivers have jumped with "BOMBS AWAY".
8. The GCA counts the parachutes as they open in the air and communicates to the pilot the number of open canopies counted is the same as the number of parachutes that exited the aircraft. i.e. "EIGHT GOOD CANOPIES".
9. The GCAs maintain the landing area during the canopy flight.
10. The GCA also assist the tandem instructors as they land (known as "catching")
11. When all tandems have landed in the landing area on that load, safety equipment is retrieved and returned to Skydive the Beach.

Crowd Control

The landing area is kept clear from members of the public by the GCA who is present for the duration of the skydive, being approximately 5 minutes per flight. The GCA is able to direct pedestrians around the landing area.

Access

Access to the remainder of the park and carpark is not impeded in any way. Pedestrians and vehicles can move freely at all times during the activity, around the landing area and in and out of the Stuart Park/Thomas Dalton car parks.

Equipment

- Hand held radio set to company frequency [radio check conducted].
- Fluorescent vests 1 per GCA.
- Witches hats with warning signs affixed.

Diagram 1. Plan view of drop zone landing area set up.

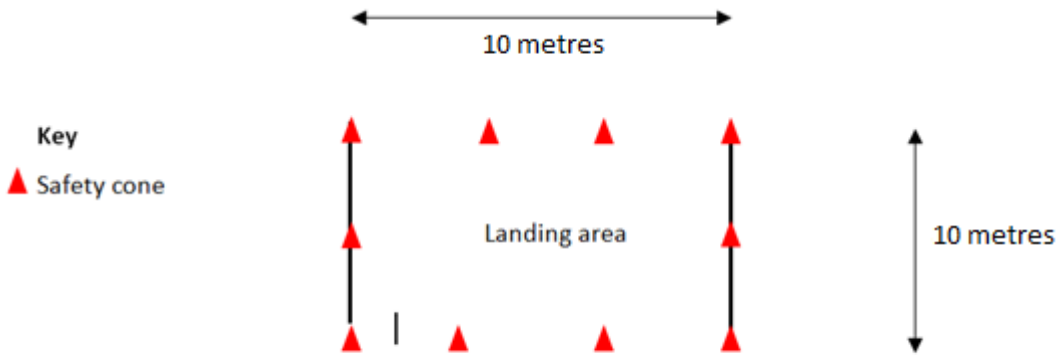
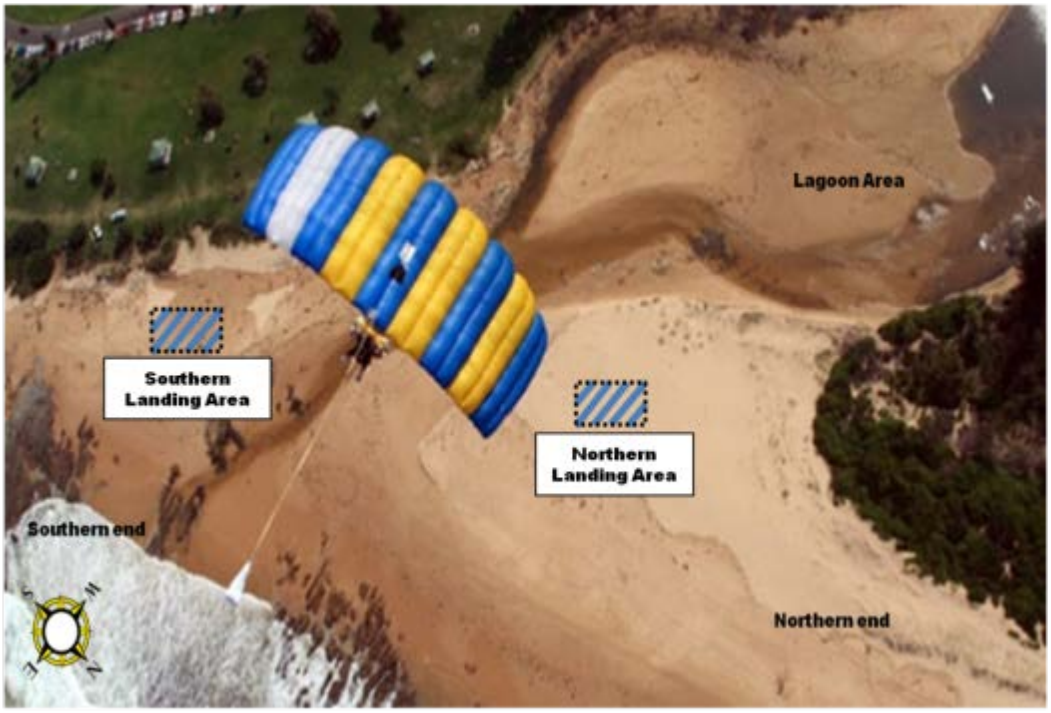


Diagram 2. Stuart Park Landing Area 1

Diagram 3. Beach Landing Area 2

Diagram 4. Beach Landing Area 3



Appendix A

Induction Checklist for Ground Control Assistant

- ☐ Proficient at completing daily meteorological conditions form and shown how to access information form internet sources.
- ☐ Proficient at harnessing tandem passengers and conducting tandem safety brief.
- ☐ Proficient at ground-to-air communication. This includes use of target panels, base station radio and hand held radio.
- ☐ Understands wind speed and direction and use of aids.
- ☐ Proficient at setting up and maintaining Skydive the Beach designated Landing Areas.
- ☐ Proficient at setting up and maintaining alternate beach landing site.

Signed _____ Date _____

Full name

Signed _____ Date _____

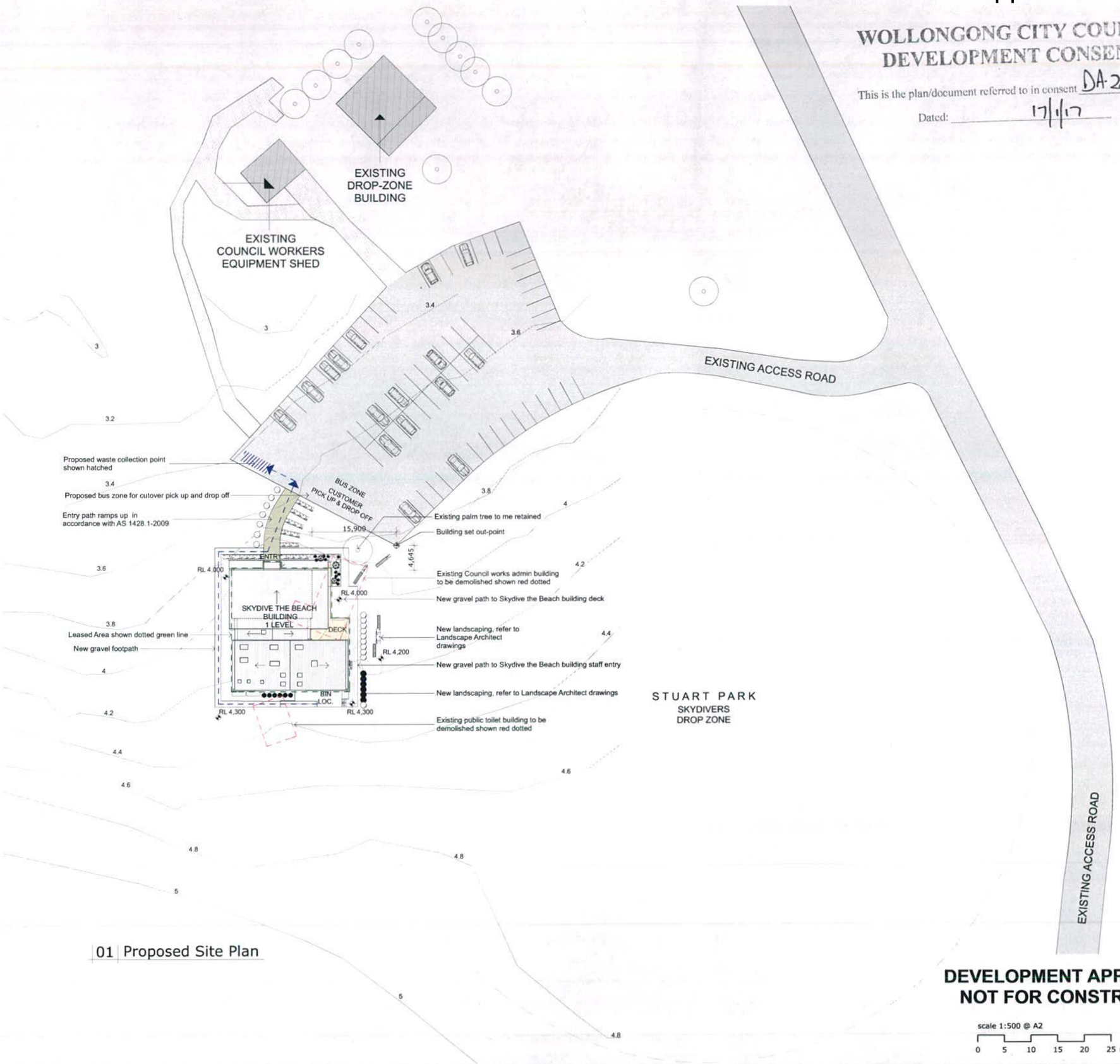
Safety Officer

Attachment 6 - Approved Plans

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

This is the plan/document referred to in consent DA-2014/306

Dated: 17/1/17



01 Proposed Site Plan

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

scale 1:500 @ A2

0 5 10 15 20 25 metres

N

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This drawing has been prepared in conjunction with the following drawings:

Hydraulic -

Landscape -

Survey JRK Survey, Dr.No. 13-096 P1

a	Adjustable	ms	Mild Steel
b	Bath	m	Mirror
bkhd	Bulkhead	mx	Mixer
bit	Bitumen	mr	Moisture Resistant
bsn	Basin	mt	Mosaic Tile
bwk	Brickwork	opgl	Opaque Glazing
cpt	Carpet	ov	Oven
cr	Cement Render	pbd	Plasterboard
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FGL	Finished Ground Level	trh	Toilet Roll Holder
SRL	Finished Structural Level	tph	Toilet Paper Holder
fhr	Fire Hose Reel	tr	Towel Rail
fh	Fire Hydrant	trgl	Translucent Glass
fg	Fixed Glazing	ur	Urinal
fw	Floor Waste	vm	Vermiculite
grano	Granolithic	vl	Vinyl
hwd	Hardwood	vj	V-Joint
hp	Hot Plate	wr	Wardrobe
hwu	Hot Water Unit	wc	Water Closet
lam	Laminate Finish	wrc	Waterproofing Membrane
lv	Louvre	wb	Weatherboard
msb	Main Switchboard	wpm	Western Red Cedar
mdf	Med. Density Fibreboard		
mrf	Metal Roofing		

Legend:

- New tree / landscaping as specified
- Existing trees to be retained
- New Footpath
- New Gravel Path
- Bin travel path to waste collection point
- Existing building to be demolished

issue	amendment	date
F	Amended Gravel Path	25/02/15
E	Amended Location and Floor Plan	26/11/14
D	Development Application Issue	29/01/14
C	Preliminary Issue	19/12/13
B	Preliminary Issue	16/12/13
A	Preliminary Issue	12/12/13

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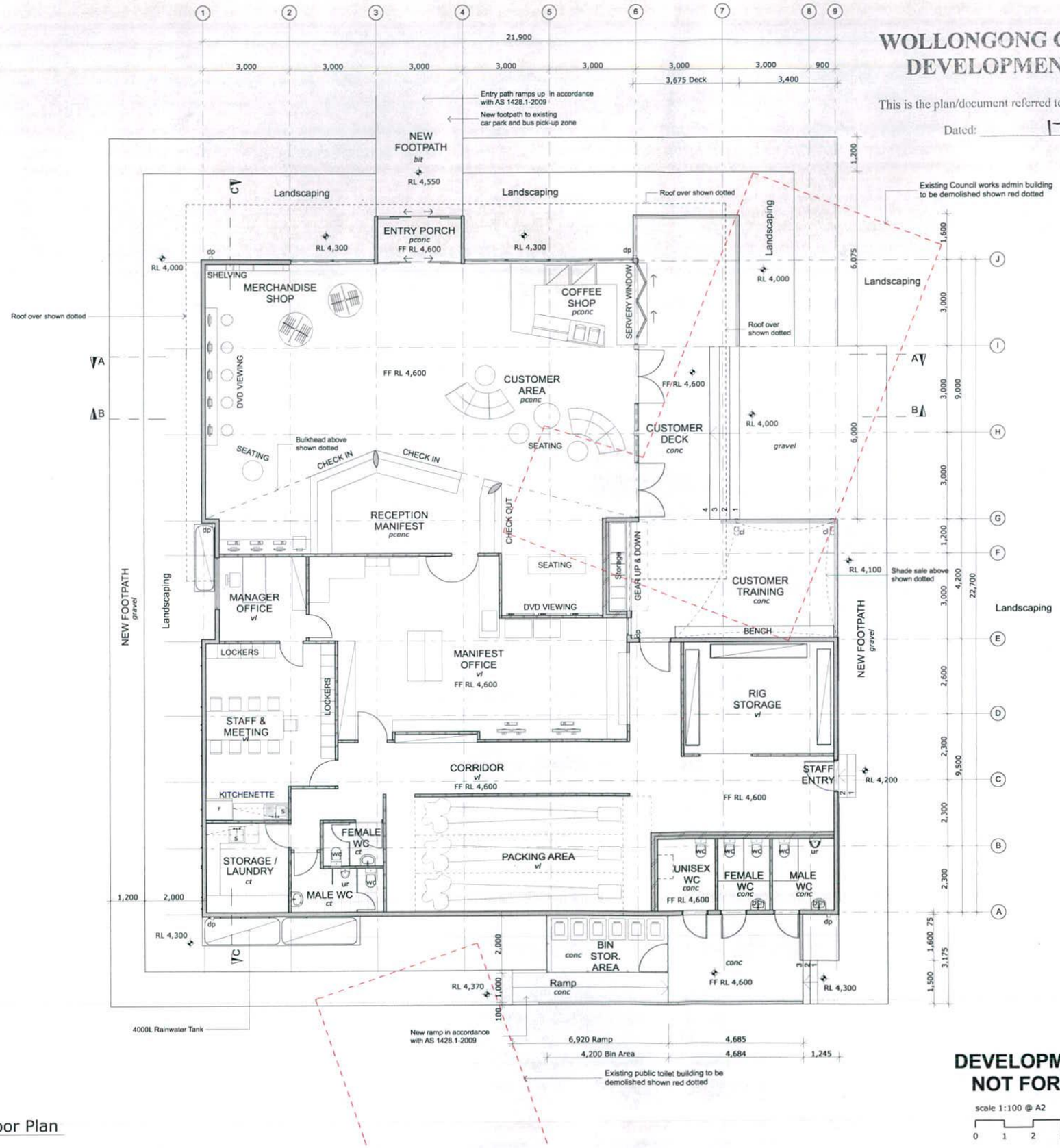
project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
Proposed Site Plan

plot date	scale	drawn	checked
25/02/2015	1:500 @ A2	AR	AR

project no.	drawing no.	issue
1304.051	DA 04	F



WOLLONGONG CITY COUNCIL DEVELOPMENT CONSENT

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Dated: 17/1/17

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cst	Cistern (concealed)	RL	Reduced Level
cblk	Concrete Blockwork	ref	Refrigerator
cbg	Colour backed glass	s	Sink
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ECL	Existing Ceiling Level	st	Stone
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fh	Fire Hydrant	trgl	Translucent Glass
fg	Fixed Glazing	ur	Urinal
fw	Floor Waste	vm	Vermiculite
grano	Granolithic	vl	Vinyl
hwd	Hardwood	vj	V-Joint
hp	Hot Plate	wr	Wardrobe
hwu	Hot Water Unit	wc	Water Closet
lam	Laminate Finish	wrc	Waterproofing Membrane
lv	Louvre	wb	Weatherboard
msb	Main Switchboard	wpm	Western Red Cedar
mdf	Med. Density Fibreboard		
mrf	Metal Roofing		

New timber framed walling (sound insulation)

New 230 cavity brick walls

New 150 precast concrete walls

Existing building to be demolished

Gravel Path

Tiled area

issue	amendment	date
F	Amended Toilet Facility	25/02/15
E	Amended Location and Floor Plan	26/11/14
D	Development Application Issue	29/01/14
C	Preliminary Issue	19/12/13
B	Preliminary Issue	16/12/13
A	Preliminary Issue	12/12/13

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Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
Proposed Floor plan

plot date	scale	drawn	checked
25/02/2015	1:100 @ A2	AR	AR

project no.	drawing no.	issue
1304.051	DA 05	F

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

scale 1:100 @ A2

0 1 2 3 4 5metres

01 Proposed Floor Plan

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT
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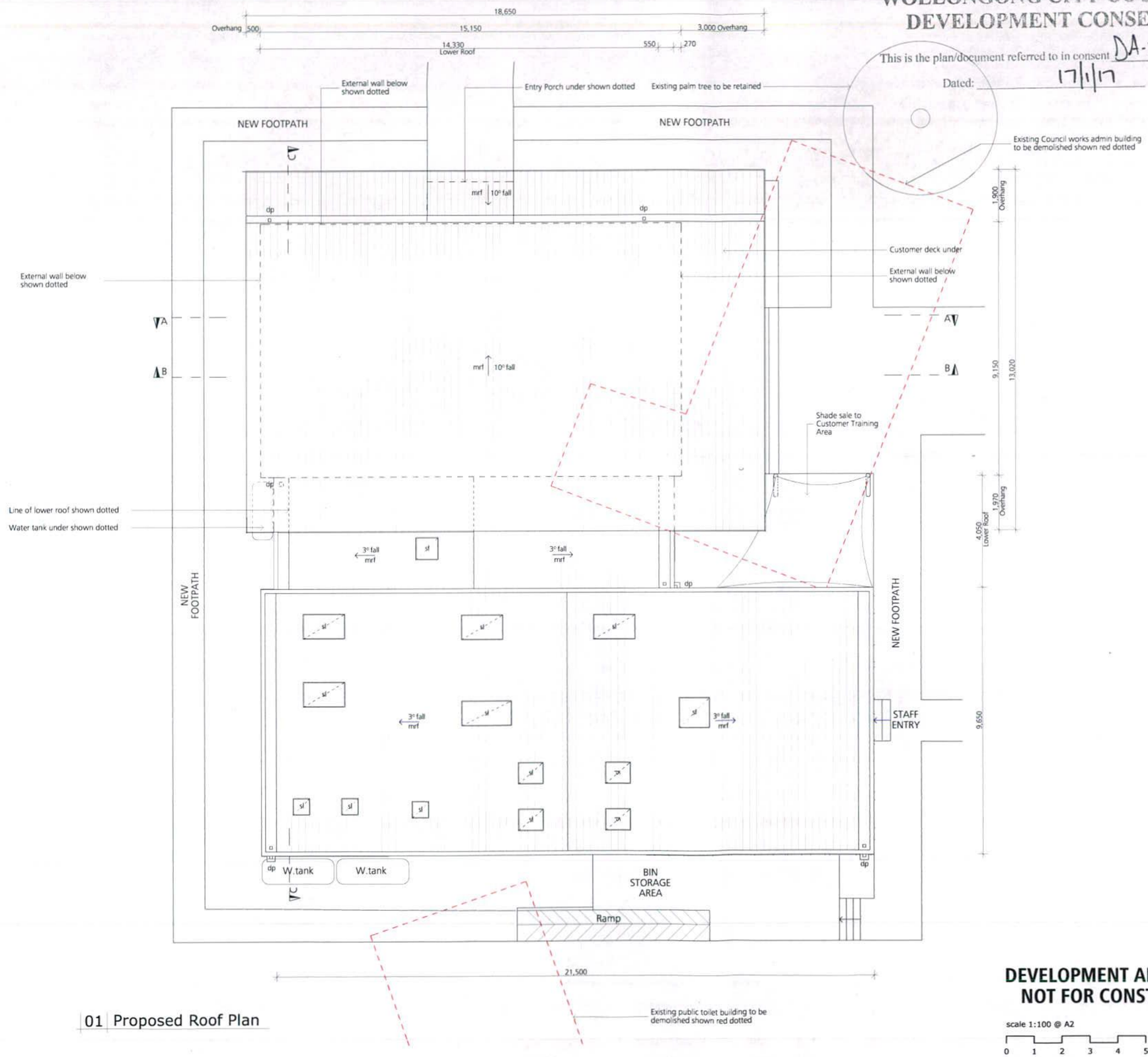
Dated: 17/1/17



01 Proposed Roof Plan

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

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N

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lv	Louvre	wb	Weatherboard
msb	Main Switchboard	wpm	Western Red Cedar
mdf	Med. Density Fibreboard		
mrf	Metal Roofing		

Shade Sail

Metal Roofing

issue	amendment	date
D	Amended Location and Floor Plan	26/11/14
C	Development Application Issue	29/01/14
B	Preliminary Issue	19/12/13
A	Preliminary Issue	16/12/13

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drawing
Proposed Roof Plan

plot date	scale	drawn	checked
25/11/14	1:100 @ A2	AR	AR
project no.	**drawing no.**		**issue**
1304.051	DA 06		D

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

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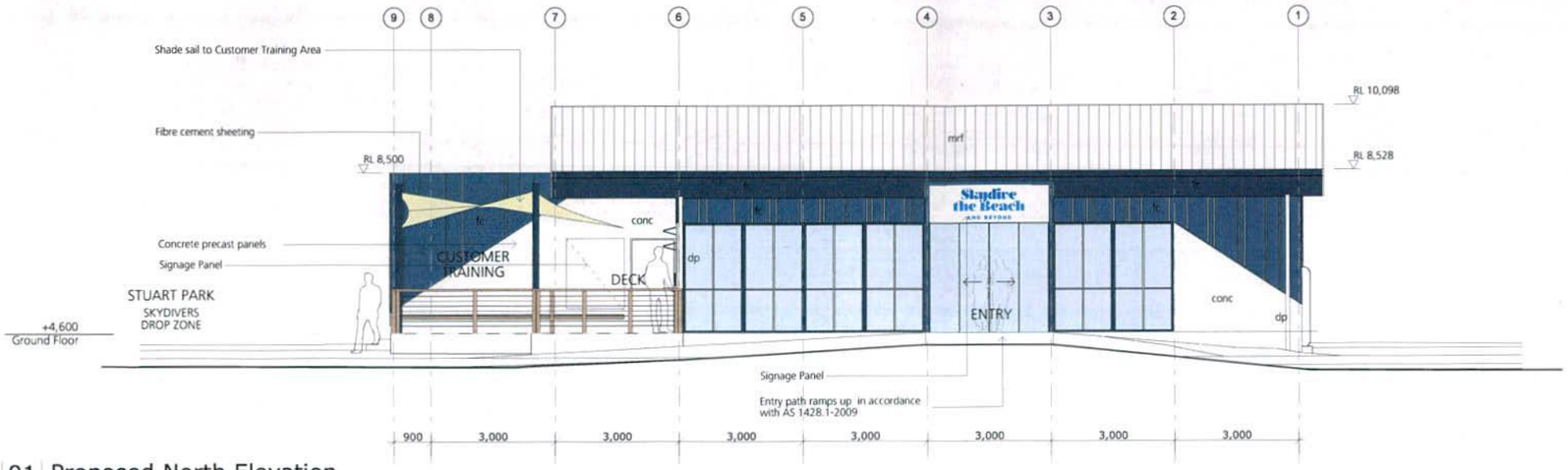
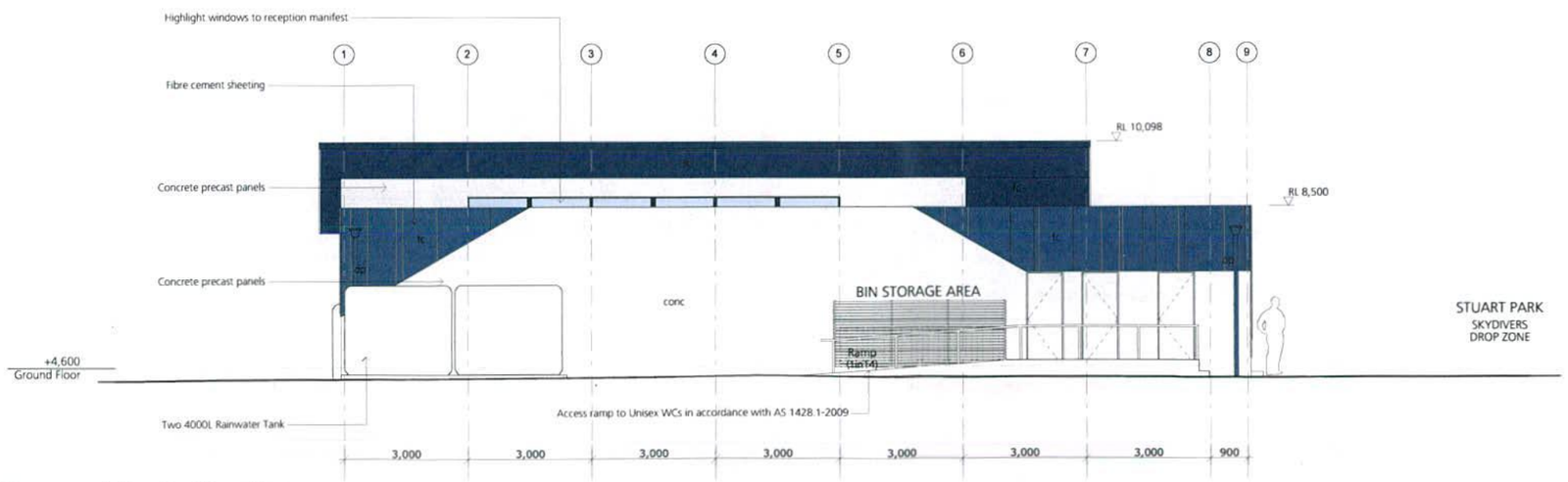


01 Proposed North Elevation



02 Proposed South Elevation

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FCL	Finished Ceiling Level	tf	Timber Strip Floor
FFL	Finished Floor Level	tv	Timber Veneer (MDF)
FGL	Finished Ground Level	trh	Toilet Roll Holder
SRL	Finished Structural Level	tph	Toilet Paper Holder
fhr	Fire Hose Reel	tr	Towel Rail
fh	Fire Hydrant	trgl	Translucent Glass
fg	Fixed Glazing	ur	Urinal
fw	Floor Waste	vm	Vermiculite
grano	Granolithic	vl	Vinyl
hwd	Hardwood	vj	V-Joint
hp	Hot Plate	wr	Wardrobe
hwu	Hot Water Unit	wc	Water Closet
lam	Laminate Finish	wrc	Waterproofing Membrane
lv	Louvre	wb	Weatherboard
msb	Main Switchboard	wpm	Western Red Cedar
mdf	Med. Density Fibreboard		
mrf	Metal Roofing		

issue	amendment	date
D	Amended Location and Elevation	26/11/14
C	Development Application Issue	29/01/14
B	Preliminary Issue	19/12/13
A	Preliminary Issue	16/12/13

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project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
North and South Elevation

plot date	scale	drawn	checked
25/11/14	1:100 @ A2	AR	AR

project no.	drawing no.	issue
1304.051	DA 07	D

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

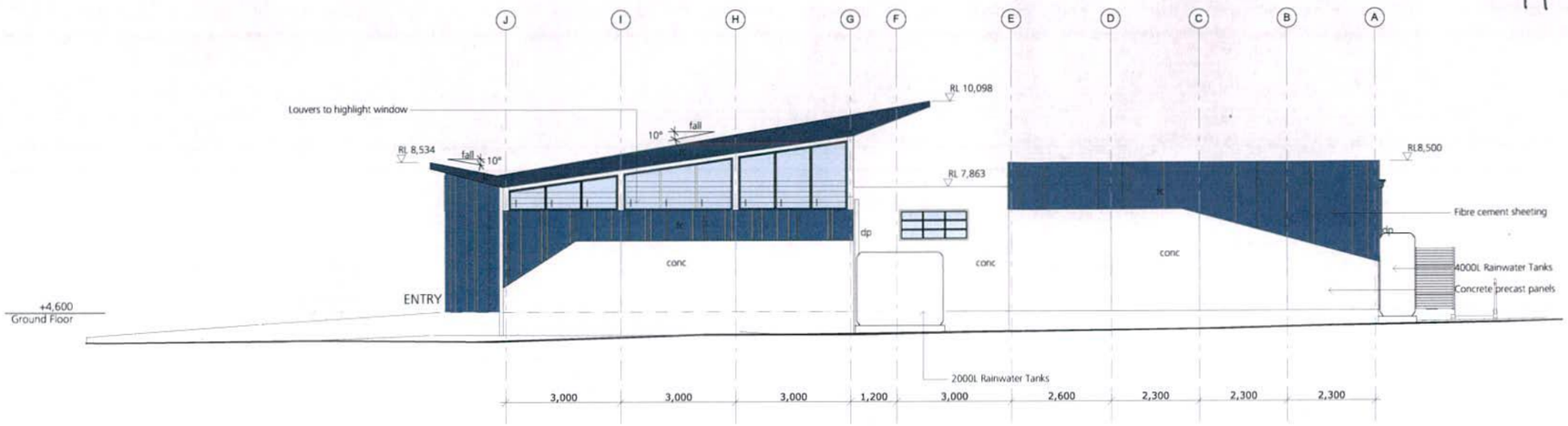
scale 1:100 @ A2

0 1 2 3 4 5metres

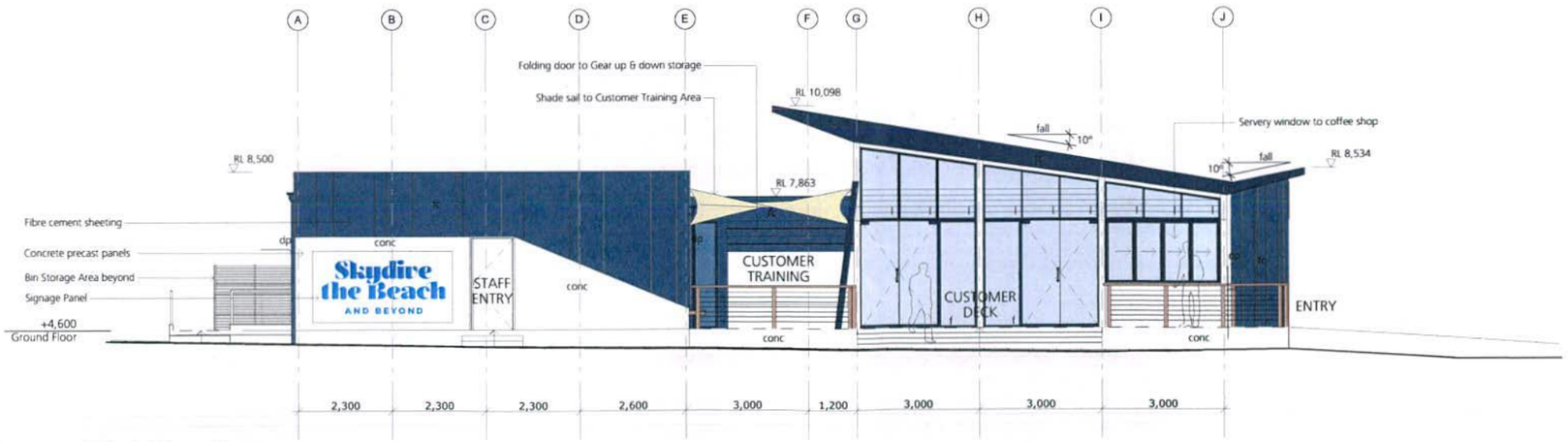
WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

This is the plan/document referred to in consent DA-2014/306

Dated: 17/1/17



01 Proposed West Elevation



02 Proposed East Elevation

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This drawing has been prepared in conjunction with the following drawings:

Hydraulic	-
Landscape	-
Survey	JRK Survey, Dr.No. 13-096 P1

a	Adjustable	ms	Mild Steel
b	Bath	m	Mirror
bkhd	Bulkhead	mx	Mixer
bit	Bitumen	mr	Moisture Resistant
bsn	Basin	mt	Mosaic Tile
bwk	Brickwork	opgl	Opaque Glazing
cpt	Carpet	ov	Oven
cr	Cement Render	pbd	Plasterboard
ct	Ceramic Tiles	pconc	Polished Concrete
cos	Check On Site	ply	Plywood
cp	Chrome Plated	rwh	Rainwater Head
cst	Cistern (concealed)	RL	Reduced Level
cblk	Concrete Blockwork	ref	Refrigerator
cbg	Colour backed glass	s	Sink
conc	Concrete	sc	Satin Chrome
cl	Column	sp	Set Plaster
cj	Control Joint	sh	Shadow Line
cbd	Cupboard	shr	Shower
dpc	Damp Proof Course	sr	Shower Rose
dw	Dishwasher	sk	Skirting
dp	Downpipe	sl	Skylight
dr	Drawer	ss	Stainless Steel
ECL	Existing Ceiling Level	st	Stone
EFL	Existing Floor Level	stpv	Stone Paving
EGL	Existing Ground Line	stsl	Stone Slab
exr	Existing Reused	tc	Terracotta
ej	Expansion Joint	trt	Terracotta Roof Tiles
fbwk	Face Brickwork	trz	Terrazzo
fc	Fibre Cement	td	Timber Decking
FCL	Finished Ceiling Level	tf	Timber Strip Floor
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mdf	Med. Density Fibreboard		
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issue	amendment	date
D	Amended Location and Elevation	26/11/14
C	Development Application Issue	29/01/14
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places+buildings+interiors

project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
East and West Elevation

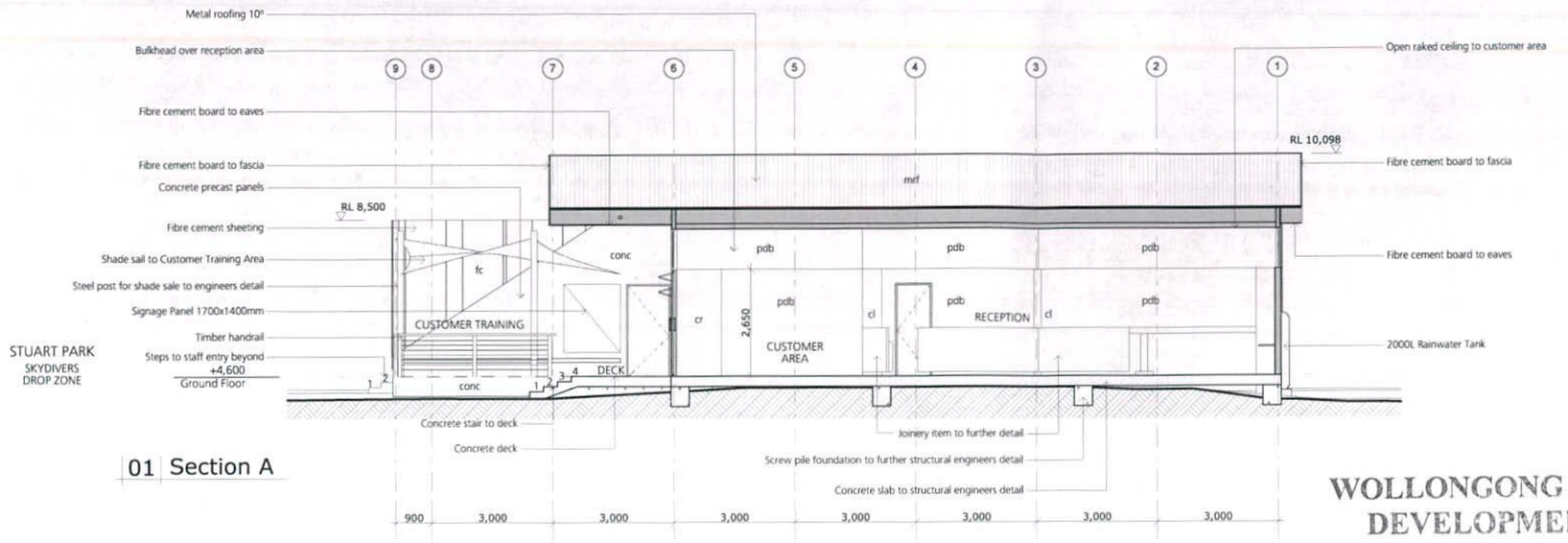
plot date	scale	drawn	checked
25/11/14	1:100 @ A2	AR	AR

project no.	drawing no.	issue
1304.051	DA 08	D

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

scale 1:100 @ A2

0 1 2 3 4 5metres

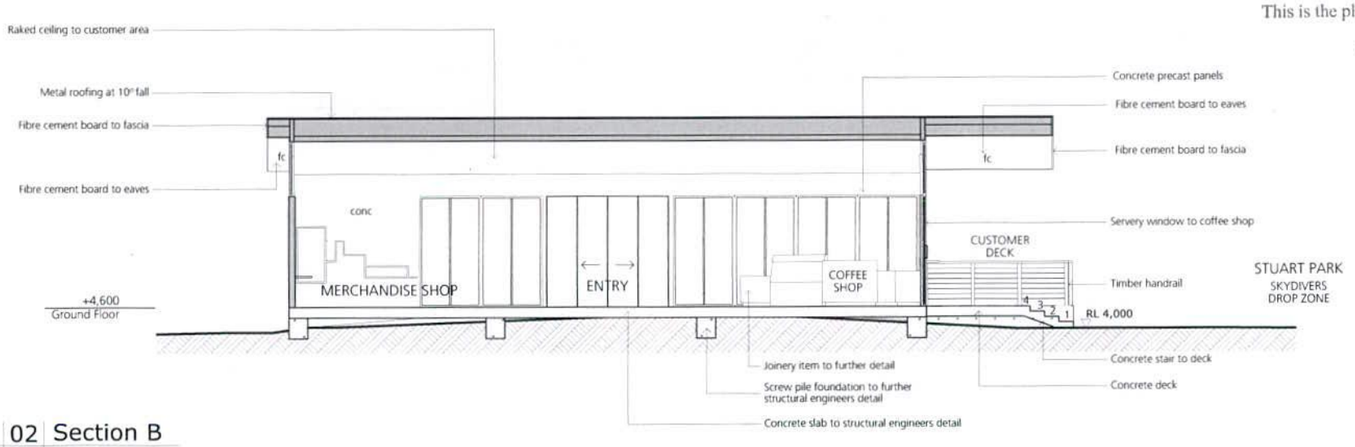


01 Section A

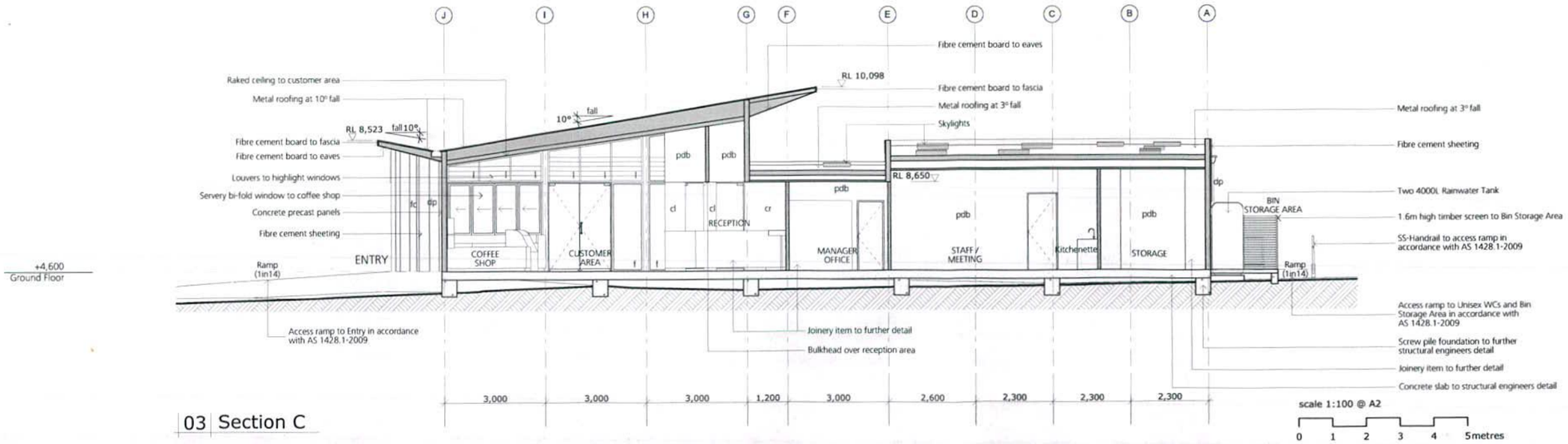
WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

This is the plan/document referred to in consent DA-2014/306

Dated: 17/1/17



02 Section B



03 Section C

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Landscape	-
Survey	JRK Survey, Dr.No. 13-096 P1

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cos	Check On Site	ply	Plywood
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cst	Cistern (concealed)	RL	Reduced Level
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cl	Column	sp	Set Plaster
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fg	Fixed Glazing	ur	Urinal
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lam	Laminate Finish	wrc	Waterproofing Membrane
lv	Louvre	wb	Weatherboard
msb	Main Switchboard	wpm	Western Red Cedar
mdf	Med. Density Fibreboard		
mrf	Metal Roofing		

New timber framed walling (sound insulation)

New walls, roof and ceiling structure

Concrete slab and footing to engineers detail

Joinery item to further detail

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

issue	amendment	date
C	Amended Location and Section	26/11/14
B	Development Application Issue	29/01/14
A	Preliminary Issue	19/12/13

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project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
Sections

plot date	scale	drawn	checked
25/11/14	1:100 @ A2	AR	AR

project no.	drawing no.	issue
1304.051	DA 09	C

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

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Dated: 17/1/17

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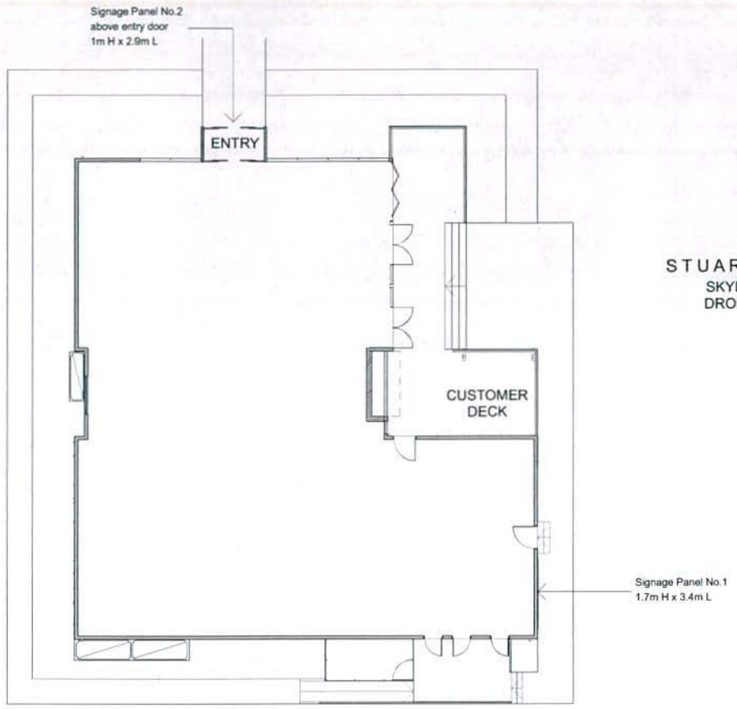
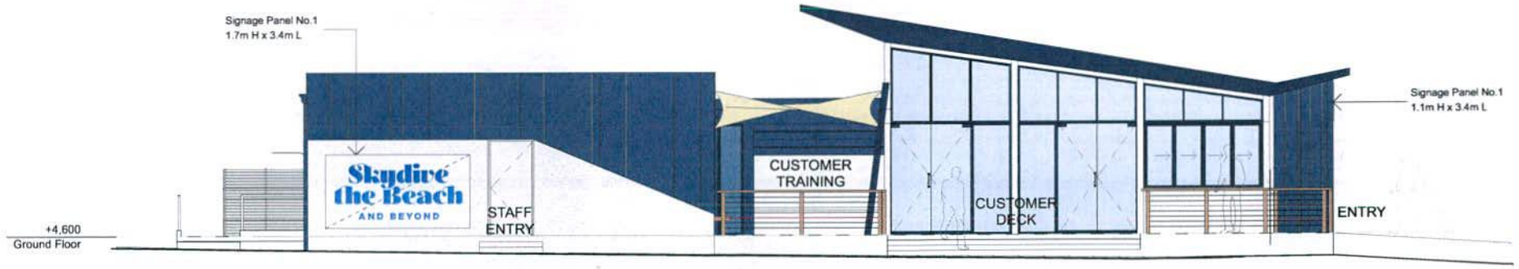


01 Location Signage Panel Plan
Scale 1:200

02 North Elevation Signage
Scale 1:100



03 East Elevation Signage
Scale 1:100

issue	amendment	date
D	Amended Signage Panels	25/02/15
C	Amended Location of Signage Panels	26/11/14
B	Development Application Issue	29/01/14
A	Preliminary Issue	19/12/13

Skydive the Beach AND BEYOND

Signage

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

scale 1:100 @ A2
0 1 2 3 4 5metres

scale 1:200 @ A2
0 2 4 6 8 10 metres

designinggreenarchitecture
places+buildings+interiors

project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong

client
Skydive the Beach and Beyond

drawing
Signage Plan

plot date	scale	drawn	checked
25/02/2015	1:200 @ A2	AR	AR
project no.	drawing no.		issue
1304.051	DA 11		D

WOLLONGONG CITY COUNCIL
DEVELOPMENT CONSENT

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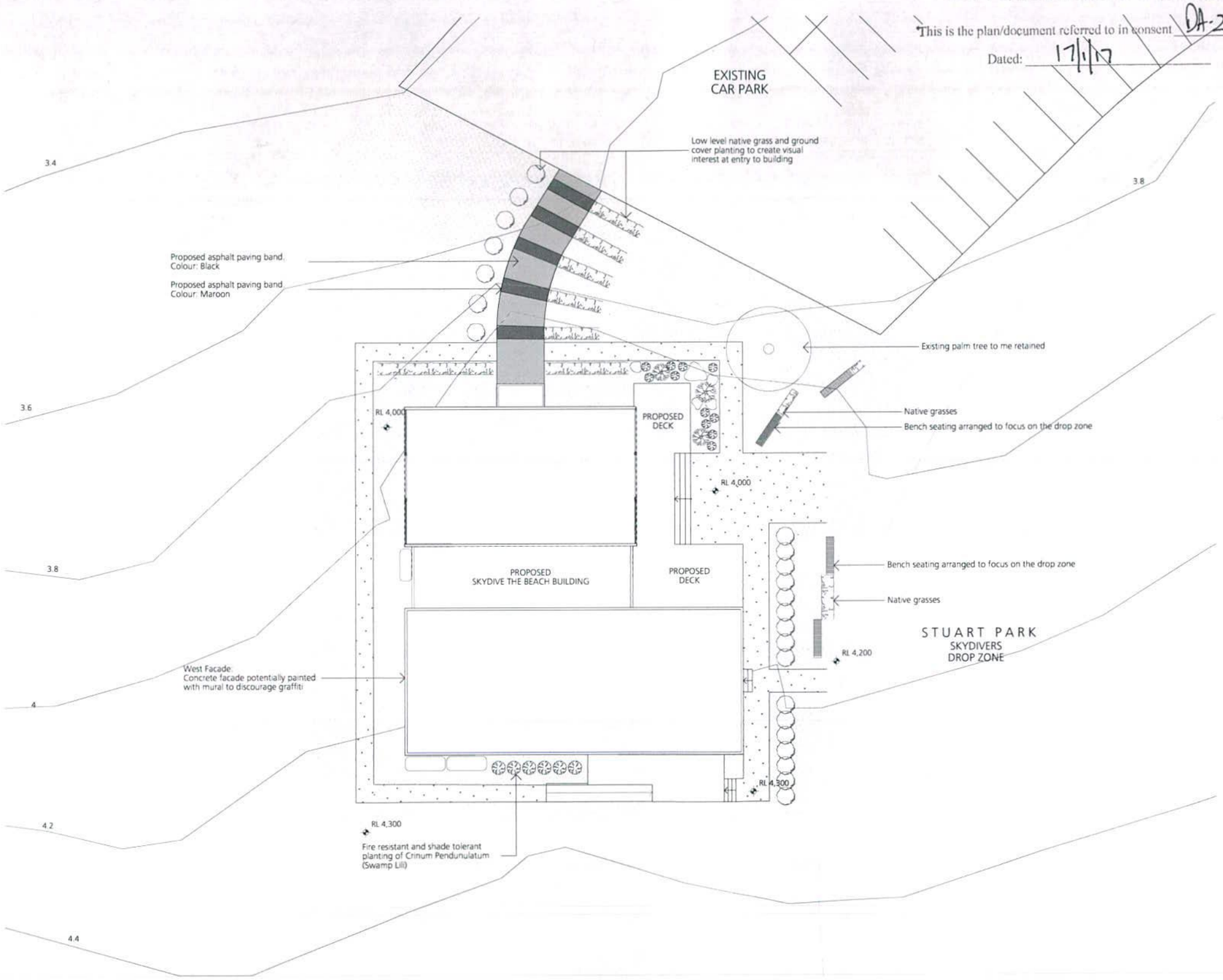
Dated: 17/1/17



LEGEND:

INDICATIVE PLANT SPECIES

BOTANIC NAME	COMMON NAME
LOW SHRUBS	
Westringia 'Aussie Box'	Dwarf Coastal Rosemary
ACCENT PLANTING	
Crinum pendunculatum	Swamp Lily
Doryanthes excelsa	Gymea Lily
NATIVE GRASSES AND GROUND COVERS	
Dianella caerulea cvs	Paroo Lily
Lomandra 'Tanika'	Fine Leafed Mat Rush
Lomandra 'Seascape'	Fine Leafed Mat Rush
Ficinia nodosa	Club Rush
Myoporum parvifolium 'Purpurea'	Creeping Boobialla
Scaevola 'Mauve Clusters'	Fan Flower

Existing levels and contours

Existing trees to be retained

Proposed turf with concrete edging

Proposed decomposed granite paving

Proposed asphalt paving band Colour: black

Proposed asphalt paving band Colour: Maroon

Proposed polished concrete or rendered bench seat

Proposed feature rocks

Proposed planting

issue	amendment	date
A	Development Application Issue	11/01/15

DEVELOPMENT APPLICATION
NOT FOR CONSTRUCTION

scale 1:200 @ A2

0 2 4 6 8 10 metres 20

N

ochre landscape architects

PO Box 395 Wollongong NSW 2520
Level 1, 126 Crown Street
Wollongong NSW 2500
Tel. 02 4227 6427 Fax. 02 4227 6876
Email: design@ochre.net.au

project
Skydive the Beach and Beyond Sydney
Drop Zone at Stuart Park
North Wollongong LOT 3 DP1136814

client
Skydive the Beach and Beyond

drawing
Landscape Concept Plan

plot date	scale	drawn	checked
11/01/15	1:200 @ A2	AR	TW

project no.	drawing no.	issue
1304.051	DA 15	A

wollongong
city of innovation

WOLLONGONG CITY COUNCIL

Address 41 Burelli Street Wollongong **Post** Locked Bag 8821 Wollongong DC NSW 2500
Phone (02) 4227 7111 • **Fax** (02) 4227 7277 **Email** council@wollongong.nsw.gov.au
Web www.wollongong.nsw.gov.au **ABN** 63 139 525 939 • GST Registered

CONSENT

013

MMJ Wollongong
PO BOX 1167
WOLLONGONG DC NSW 2500

APPLICATION	DA-2014/306
Determination	Conditionally Approved
Approval Authority	Wollongong City Council
Endorsement Date	10 March 2015

NOTICE OF DETERMINATION OF DEVELOPMENT APPLICATION

Issued under Section 81 of the Environmental Planning and Assessment Act 1979

The development application described below has been determined:

Description	Demolition of existing public amenities buildings and construction of a new administration building for Sky Dive the Beach
Location	Reserve 580060, Lot 3 DP 1136814
	Stuart Park, George Hanley Drive, NORTH WOLLONGONG NSW 2500

Consent has been granted subject to the following conditions:

Approved Plans and Specifications

1. The development shall be implemented substantially in accordance with the details and specifications set out on the following plans

   Proposed Site Plan 1304.051-DA04-F dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

   Proposed Floor Plan 1304.051-DA05-F dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

   Proposed Roof Plan 1304.051-DA06-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

   North and South Elevation Plan 1304.051-DA07-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

   East and West Elevation Plan 1304.051-DA08-D dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

   Sections Plan 1304.051-DA09-C dated 26 November 2014 prepared by Designing Green Architecture Places + Buildings + Interiors

   Signage Plan 1304.051-DA11-D dated 25 February 2015 prepared by Designing Green Architecture Places + Buildings + Interiors

   Landscape Concept Plan 1304.051-DA15-A dated 11 January 2015 prepared by Ochre Landscape Architects

   and any details on the application form, and with any supporting information received, except as amended by the conditions specified and imposed hereunder.

General Matters

2. **Occupation Certificate**
A final Occupation Certificate must be issued by the Principal Certifying Authority prior to occupation or use of the development. In issuing an Occupation Certificate, the Principal Certifying Authority must be satisfied that the requirements of Section 109H of the Environmental Planning and Assessment Act 1979, have been complied with as well as all of the conditions of the Development Consent.

3. **Operational Plan of Management**
An Operational Plan of Management is to be in place identifying the operational aspects of the business. The plan should clearly identify but not be limited to:

   i hours of operation to be restricted to daylight hours;

   ii maximum number of drops per day to be restricted to 28;

   iii the maximum number of patrons in any one year to be restricted to 19,000;

   iv a map of the practical area of drop zone(s) and landing area including alternate options to accommodate the functions occurring on the park;

   v all operational aspects of the proposal;

   vi the mechanism for management of complaints;

   vii a requirement that all operational equipment must be removed from public space within five minutes of landing.

   A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

   The Operational Plan of Management is to be displayed internally and externally in a visible location.

4. **Building Work - Compliance with the Building Code of Australia**
All building work must be carried out in compliance with the provisions of the Building Code of Australia.

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

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

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

6. **Advertising Signage**
This consent authorises the erection of two flush business identification signage only as shown on the approved plan. The signage is not to be illuminated. Any additional advertising signage will require separate Council approval.

7. **Protection of Public Infrastructure**
Council must be notified in the event of any existing damage to any of its infrastructure such as the road, kerb and gutter, road shoulder, footpath, drainage structures and street trees fronting the development site, prior to commencement of any work.

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

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

8. **Surrender of Development Consents**
Upon the issue of the Occupation Certificate, the following development consents are to be surrendered in accordance with the requirements of the Environmental Planning and Assessment Act 1979; DA-2009/681, DA-1996/225, DA-1996/225/A, DA-1998/617, DA-1998/617/A, DA-1998/617/B, DA-1997/15.

9. **Tree Management**
The developer shall retain existing trees indicated on Proposed Site Plan by Designing Green Architecture Dwg. No. 1304.051 DA15 A dated 11 January 2015.

Any branch or root pruning which has been given approval, must be carried out by a qualified arborist in accordance with Australian Standard AS4373 (2007).

All tree protection measures are to be installed in accordance with Australian standard AS4790-2009 Protection of Trees on development Sites.

Tree Protection measures to be implemented including and not restricted to: remedial tree pruning, deadwooding, fencing and signage, sediment buffer, stem protection, establishing tree protection zones and watering and root hormone application if required.

Prior to the Issue of the Construction Certificate

10. **Operational Plan of Management**
An Operational Plan of Management is to be in place identifying the operational aspects of the business.

A copy of the Operational Plan of Management is to be provided to Council for endorsement prior to the issue of the Construction Certificate.

The Operational Plan of Management is to be displayed internally and externally in a visible location.

11. **Present Plans to Sydney Water**
Approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au, see Building Developing and Plumbing then Quick Check or telephone 13 20 92.

The consent authority or a private certifier must ensure that a Quick Check agent/Sydney Water has appropriately stamped the plans prior to the issue of a Construction Certificate.

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

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

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

15. **Scour Protection**
The stormwater outlet draining into the receiving swale shall be treated with appropriate scour/erosion protection measures in accordance with good engineering practice. All scour protection measures and headwall structures within the swale shall be designed and constructed to match existing surface levels to ensure that there will be no change in flooding behaviour. The stormwater outlet shall be taken to the invert of the swale and orientated in the direction of natural flow of the receiving swale. The final details of the proposed scour/erosion protection

measures shall be undertaken by a suitably qualified civil engineer and reflected on Construction Certificate plans.

16. **Detailed Drainage Design**
A detailed drainage design for the proposal shall be prepared by a suitably qualified civil engineer in accordance with Chapter E14 of Wollongong City Council's DCP 2009, conditions listed under this consent, and generally in accordance with the concept Stormwater Layout by Designing Green Architecture, Project No. 1304.051, Drawing No. DA16, Issue B, dated 13 January 2015. This information shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

17. **Stormwater Pipework - Vehicle Loadings**
The stormwater pipework shall be designed to withstand the maximum loading and configuration imposed by the heaviest vehicle likely to use the Council Land (i.e., heavy grass cutting equipment) as specified in the RTA heavy vehicle loading documentation, and applied in accordance with the current code: AS/NZS 1170 - Structural Design Actions. The design loading adopted, and details of the pipework shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the Construction Certificate.

18. **Stormwater Junction Pits**
All stormwater pits shall have sealed concrete lids being flush with the surrounding ground levels. This requirement shall be reflected on the Construction Certificate plans.

19. **Property Lease/Licence Agreements**
Prior to the issue of the Construction Certificate, the applicant must enter into an appropriate Lease/Licence Agreement with Council. An application for a Lease must be made to Council's Property & Recreation Division for determination at least 50 days prior to the issue of Construction Certificate and assessed in accordance with the Local Government Act 1993/Crown Lands Act 1989.

20. **Amenities Signage**
Signage is to be provided identifying the location of the public toilets and that they are available for public use. Detail of this is to be provided to the satisfaction of Council on the Construction Certificate.

21. **Toilet Fit-out**
The public amenities must be constructed in accordance with Wollongong City Council standards and the design endorsed by Council prior to the issue of the Construction Certificate.

22. **Site Management, Pedestrian and Traffic Management Plan**
The submission of a Site Management, Pedestrian and Traffic Management Plan to the Principal Certifying Authority and Council (in the event that Council is not the Principal Certifying Authority) for approval of both the Principal Certifying Authority and Council is required, prior to the issue of the Construction Certificate. This plan shall address what measures will be implemented for the protection of pedestrian safety and traffic management.

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

22.1 proposed ingress and egress points for vehicles to/from the construction site;
22.2 proposed protection of pedestrians, adjacent to the construction site;
22.3 proposed pedestrian management whilst vehicles are entering/exiting the construction site;
22.4 proposed measures to be implemented for the protection of all roads and footpath areas surrounding the construction site from building activities, crossings by heavy equipment, plant and materials delivery and static load from cranes, concrete pumps and the like;
22.5 proposed method of loading and unloading excavation machines, building materials formwork and the erection of any part of the structure within the site;
22.6 proposed areas within the site to be used for the storage of excavated material, construction materials and waste containers during the construction period;

22.7 proposed measures to be implemented, in order to ensure that no soil/excavated material is transported on wheels or tracks of vehicles or plant and deposited on the roadway.

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

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

Note: Applications should be made to Customer Connections – South Coast, Endeavour Energy PO Box 811 Seven Hills NSW 1730.

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

25. **External Lighting**
The building shall be appropriately illuminated at night in order to deter vandalism or antisocial behaviour. Detail of proposed lighting shall be provided prior to the issue of the Construction Certificate.

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

26.1 The Landscape Plan should incorporate planting of indigenous plant species native to the Illawarra Region such as : *Syzygium smithii* (syn *Acmena smithii*) Lilly pilly, *Archontophoenix cunninghamiana* Bangalow palm, *Backhousia myrtifolia* Grey myrtle, *Elaeocarpus reticulatus* Blueberry ash, *Glochidion ferdinandii* Cheese tree, *Livistona australis* Cabbage palm tree, *Syzygium paniculatum* Brush cherry.

A further list of suitable suggested species may be found in Wollongong Development Control Plan 2009 – Chapter E6: Landscaping;

26.2 A schedule of proposed planting is to be provided, including botanic name, common name, expected mature height and staking requirements as well as number of plants and pot sizes;

26.3 The location of all proposed and existing overhead and underground service lines is to be shown. The location of such service lines shall be clear of the dripline of existing and proposed trees;

26.4 Detail of the proposed bench seating is to be provided;

26.5 Narrow, angular or small areas of turf shall be rationalised; and

26.6 Tree plantings to be of a size and maturity consistent with Chapter E6 of Wollongong Development Control Plan 2009.

The final Landscape Plan is to be endorsed by Council and completion of the landscaping works as per the final approved Landscape Plan is required, prior to the issue of Occupation Certificate.

27. **Civil Works – Engineering Drawings**
The applicant shall submit, to Council's Manager Development Engineering, detail design plans for any civil engineering infrastructure works prior to the issue of the Construction Certificate. The plan shall include survey levels to AHD and cross sections at all building entrance points and driveway designs complying with the latest versions of the current relevant Australian Standard AS1428.1, AS2890.1, the Disability Discrimination Act and the AUSTROADS road design standards. These must be submitted as separate engineering drawings for assessment by Council.

The drawings must show all public utility underground lines, pits, poles, stormwater lines and pits. If any adjustments to public utilities are proposed the applicant must also submit documentary evidence that they have the consent of the owner of the public utility authority.

The drawings and surveys should include levels of existing infrastructure such as kerb and gutter, public utility, pits, poles and stormwater drainage structures as well as adjacent road carriageway and footpath levels and extend 20 metres past the limit of the development site.

28. **Irrigation**
The provision of common tap(s) and/or an irrigation system is required to guarantee that all landscape works are adequately watered. The location of common taps and/or irrigation system must be indicated on the Landscape Plan for the Construction Certificate. The Landscape Plan shall be amended to allow the ability to use of water from the rain water tanks for irrigation. This requirement shall be reflected on the Landscape Plan, prior to the release of the Construction Certificate.

29. The implementation of a landscape maintenance program in accordance with the approved Landscape Plan for a minimum period of 12 months to ensure that all landscape work becomes well established by regular maintenance. Details of the program must be submitted with the Landscape Plan to the Principal Certifying Authority prior to release of the Construction Certificate.

30. **Tree Protection and Management**
The existing trees are to be retained upon the subject property and any trees on adjoining properties shall not be impacted upon during the excavation or construction phases of the development. This will require the installation and maintenance of appropriate tree protection measures, including (but not necessarily limited to) the following:

30.1 Installation of Tree Protection Fencing - Protective fencing shall be 1.8 metre cyclone chainmesh fence, with posts and portable concrete footings. Details and location of protective fencing must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

30.2 Installation of Tree Protection Fencing - A one (1) metre high exclusion fence must be installed around the extremity of the dripline of the tree/trees to be retained prior to any site works commencing. The minimum acceptable standard is a 3 strand wire fence with star pickets at 1.8 metre centres. This fence must be maintained throughout the period of construction to prevent any access within the tree protection area. Details of tree protection and its locations must be indicated on the architectural and engineering plans to be submitted to the Principal Certifying Authority prior to release of the Construction Certificate.

30.3 Mulch Tree Protection Zone: Areas within a Tree Protection Zone are to be mulched with minimum 75 mm thick 100% recycled hardwood chip/leaf litter mulch.

30.4 Irrigate: Areas within the Tree Protection Zone are to be regularly watered in accordance with the arborist's recommendations.

31. **Garbage, Green Waste and Recycling Bin Enclosure Structure**
The garbage/recycling bin enclosure area shall be constructed of brick or other approved masonry material with hardwood timber slats/ recycled plastic and shall be provided with sufficient screening of all bins contained therein. The storage area shall be constructed with a concrete floor, suitably graded to enable drainage of run-off into Council's stormwater drainage system and shall be at-grade with any proposed pedestrian accessway. The final design details of the proposed storage area shall be reflected on the Construction Certificate plans.

32. **Temporary Public Amenities**
Temporary public amenities are to be provided for the duration of demolition and construction works. The temporary public amenities are to be comparable to numbers and type of the existing amenities, including unisex accessible toilet(s). Location and details are to be provided to the satisfaction of Council prior to the issue of the Construction Certificate.

33. **Accessible Parking**
Two (2) accessible car parking spaces are to be line-marked at the southern edge of the existing adjacent car park to service the development in accordance with the relevant Australian Standard AS2890.1. Details of this are to be reflected on the Construction Certificate plans.

34. **Design and Construction of Food Premises**
Documentary evidence must be submitted to the Principal Certifying Authority confirming that the coffee shop fit-out complies with AS4674-2004: Design, Construction and Fit Out of Food Premises prior to the issue of the Construction Certificate.

Registration
The food business is required to be registered with Council. An application must be made submitting the appropriate form prior to business operations commencing. The appropriate form can be found on Councils' web page by visiting:

http://www.wollongong.nsw.gov.au/contact/factsheet/Pages/default.aspx

then navigate to:

Function : Health

➥V1 Form - Application for Licence – Registration.

Alternatively, contact Council's Regulation and Enforcement Division on (02) 4221 7737 to obtain a registration form.

Food Business Notification Requirement
The proprietor of the premises is required to notify their business details to the NSW Food Authority prior to operations commencing. An application can be made via www.foodnotify.nsw.gov.au, or by submitting a notification form and fee to Council or NSW Food Authority.

Eating Areas
Any enclosed eating area must be smoke free. "No Smoking" signs must be displayed within the eating areas to ensure all patrons comply with this requirement (Smoke Free Environment Act 2000).

The above requirements must be reflected on construction certificate plans and supporting documentation, prior to the issue of a Construction Certificate.

35. Habitable floor levels must be constructed at a minimum of RL 4.80 metres AHD. This requirement shall be reflected on the Construction Certificate plans, prior to the release of the Construction Certificate.

Section 94A Levy Contribution

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

Pursuant to Section 80A(1) of the Environmental Planning and Assessment Act 1979, and the Wollongong City Council Section 94A Development Contributions Plan, a contribution of 1% of the cost of development (Contribution may be increased to 2% within the City Centre in accordance with Clause 1 of the Plan) amounting to $12,369.66 shall be paid to Council prior to the release of any associated Construction Certificate.
The amount to be paid will be adjusted at the time of actual payment, in accordance with the provisions of the Wollongong City Council Section 94A Development Contributions Plan. The Consumer Price Index All Group Index Number for Sydney at the time of the development application determination is 106.8. The following formula for indexing contributions is to be used:

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

Where

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

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

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

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

METHOD	HOW	PAYMENT TYPE
Online	http://www.wollongong.nsw.gov.au/applicationpayments Your Payment Reference: 609073	• Credit Card
In Person	Wollongong City Council Administration Building Customer Service Centre Ground Floor 41 Burelli Street WOLLONGONG	• Cash • Credit Card • Bank Cheque
PLEASE MAKE CHEQUES PAYABLE TO: Wollongong City Council (Personal Cheques not accepted)		

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

The reason for Section 94A is to provide high quality and diverse public amenities and services to meet the expectations of the existing and new residents of Wollongong City Council.

Prior to the Commencement of Works

37. **Sign – Supervisor Contact Details**
Before commencement of any work, a sign must be erected in a prominent, visible position:

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

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

38. **Stormwater Plans to Council**
Details of the proposed drainage works within the Council Community Land including the piped connection to the swale shall be provided to Council's Development Engineering Manager for approval prior to the commencement of works within the Council Community Land.

39. **Appointment of Principal Certifying Authority**
Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

39.1 Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed; and
39.2 notify Council in writing of their intention to commence work (at least two days notice is required).

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

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

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

42. **Erosion and Sediment Control Measures**
Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

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

During Demolition, Excavation or Construction

44. **Asbestos Waste Collection, Transportation and Disposal**
Asbestos waste must be prepared, contained, transported and disposed of in accordance with WorkCover NSW and NSW Environment Protection Authority requirements. Asbestos waste must only be disposed of at a landfill site that can lawfully receive this this type of waste. A receipt must be retained and submitted to the Principal Certifying Authority, and a copy submitted to Council (in the event that Council is not the Principal Certifying Authority), prior to commencement of the construction works.

45. **Works within Council Community Land**
All works proposed within Council Community Land as part of the subject development shall be carried out in accordance with good engineering practice and at the developer's expense.

46. **Forty Eight Hours Notice – Prior to Works Commencing in Stuart Park**
The applicant shall consult with Wollongong City Council's Development Engineering Manager, giving 48 hours' notice to arrange an on-site meeting, prior to any works commencing in Stuart Park. The purpose of the meeting will be to discuss any relevant issues such as permits for access onto the land, alignment of the pipeline and the schedule of inspections as part of the works.

47. **Protection of Council Infrastructure**
The developer shall provide adequate protection to all Council assets prior to work commencing and during construction. Wollongong City Council's Development Engineering Manager shall be notified immediately in the event of any damage to Council's assets. Any damage and/or restoration required to Council's assets shall be undertaken to the satisfaction of Council, with all associated costs borne by the developer.

48. **Aboriginal Heritage**
The site should be monitored during excavation works and any subsoil works for any Aboriginal sites and relics including Aboriginal skeletal remains.

The Illawarra Local Aboriginal Land Council should undertake the monitoring of the site.

Ground disturbance is to be limited to only what is required to accommodate the development of the Administration Building footprint and the associated ancillary works.

Should Aboriginal objects/relics be found, all work should cease in the area of works and developer must contact the Office of Environment and Heritage, a suitably qualified archaeologist and relevant Aboriginal stakeholders.

Should human skeletal remains be located during any excavation works on the site, all work must cease, the area sealed to prevent unauthorised access and contact be made with the NSW Police and the Office of Environment and Heritage.

Tree stumps and roots should be left in the ground so as not to disturb the ground surface to a higher level than required.

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

50. **Restricted Hours of Work (domestic residential scale ie single dwellings)**
The developer must not carry out any work other than emergency procedures to control dust or sediment laden runoff outside the normal working hours, namely, 7.00 am to 5.00 pm, Monday to Friday and 8.00 am to 4.00 pm Saturday, without the prior written consent of the Principal Certifying Authority and Council.

No work is permitted on public holidays or Sundays.

Any request to vary these hours shall be submitted to the **Council** in writing detailing:

a the variation in hours required;
b the reason for that variation;
c the type of work and machinery to be used.

Note: The developer is advised that other legislation may control the activities for which Council has granted consent including but not limited to the Protection of the Environment Operations Act 1997. Developers must note that consistent with the Environment Protection Authority's Interim Construction Noise Guideline (July, 2009), the noise from construction ($L_{Aeq\ (15\ min)}$) must not exceed the background noise level ($L_{A90\ (15\ min)}$) plus 10 dB(A), and a $L_{Aeq\ (15\ min)}$ of 75 dB(A) when measured at the residential property boundary that is most exposed to construction noise, and at a height of 1.5 metres above ground level. If the property boundary is more than 30 metres from the residence, the location for measuring noise levels is at the most noise-affected point within 30 metres of the residence.

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

52. **Acid Sulfate Soils**
The Wollongong Local Environmental Plan 2009 Acid Sulfate Soils Map has identified that this property may be affected by classes 3, 4 or 5 Acid Sulfate Soils. Acid Sulfate Soils contain iron sulfides which, when exposed to air due to drainage or disturbance, may produce sulfuric acid and release toxic quantities of iron, aluminium and heavy metals. The Acid Sulfate Soils Map is an indication only and you are advised that you may encounter acid sulfate soils during the excavation for the proposed development.

Any spoil material extracted or excavated from the foundations must be neutralised with commercial lime (calcium bicarbonate) be the addition of 10 kilograms of lime per 1 cubic metre of spoil material before it is disposed of or re-used on-site. Lime is to be added by evenly distributing over all exposed surface areas, drilled piers and footing trenches on the site, prior to pouring concrete.

Council suggests the applicant refer to the Acid Sulfate Soils Assessment Guidelines contained in the Acid Sulfate Soils Manual, prepared by NSW Acid Sulfate Management Advisory Committee, August 1998 for further information.

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

54. **Re-direction or Treatment of Stormwater Run-off**
Allowance must be made for surface run-off from adjoining properties. Any redirection or treatment of that run-off must not adversely affect any other property.

Prior to the Issue of the Occupation Certificate

55. **Drainage within Stuart Park - Work as Executed**
The developer shall obtain written verification from a suitably qualified civil engineer, stating that the construction of the drainage infrastructure works within Stuart Park has been undertaken in accordance with the approved construction plans. In addition, a full works-as-executed plan, prepared and signed by a Registered Surveyor shall be submitted. This plan shall include the location and levels of the drainage lines and structures. This information shall be endorsed by Wollongong City Council's Development Engineering Manager prior to the issue of the final Occupation Certificate.

Operational Phases of the Development/Use of the Site

56. **Public Amenities**
The public amenities must be unlocked and available for public use. These amenities are excluded from the licenced area and are to be maintained by Council.

57. **No Display of Goods and Materials Outside Premises**
The placement of any cabinet, display stand, racks or any other means of displaying goods, whether or not for sale shall not be located on any property boundary, road reserve or outside the premises.

58. **Restricted Hours of Operation**
Jumps are only to occur during daylight hours.

59. **Maximum Drops Per Day**
The maximum number of drops per day is 28.

60. **Maximum Patronage**
The maximum number of patrons in any one year is to be 19,000.

61. **Removal of Equipment after Landing**
All operational equipment must be removed from public space within five minutes of landing.

62. **Landing Areas**
Parachute landings must only take place within the approved licenced areas, except in the event of an emergency.

63. **Ground Crew**
A Drop Zone Safety Officer or Ground Control Officer shall be on site at all times during skydiving operations. Ground crew must be stationed at the designated landing areas before and during skydives. These officers must be in constant radio contact with the drop plane and ensure the park is safe for parachutists and other park users.

64. **Public Access During Use of Beach Landing Areas**
Public access along the beach must be maintained during the use of the beach landing sites. A minimum area measuring 3.0 metres wide (either side of the nominated landing area) from the high tide line and from the toe of the sand and grass embankment must remain available for public use and thoroughfare.

65. **Incident Reporting**
All incidents must be reported to Wollongong City Council within five (5) working days of the date of the incident.

Reasons

The reasons for the imposition of the conditions are:

1 To minimise any likely adverse environmental impact of the proposed development.

2 To ensure the protection of the amenity and character of land adjoining and in the locality.

3 To ensure the proposed development complies with the provisions of Environmental Planning Instruments and Council's Codes and Policies.

4 To ensure the development does not conflict with the public interest.

Notes

1 This consent becomes effective and operates from the date shown as **"Endorsement Date"** on the front page of this notice. This consent will lapse unless development is commenced within five years from the endorsement date shown on this notice.

2 Section 97 of the Environmental Planning and Assessment Act confers on an applicant who is dissatisfied with the determination of a consent authority a right of appeal to the Land and Environment Court exercisable within six (6) months from the date of receipt of this notice.

3 Section 82A of the Environmental Planning and Assessment Act 1979 confers on an applicant who is dissatisfied with the determination of a consent authority a right to request the consent authority to review the determination. The request for review of the determination must be made within six (6) months from the date of receipt of this notice. In the absence of a pending appeal before the Land and Environment Court, the request for review, and the review by Council, must all be completed within the abovementioned 6 month time period. Accordingly, applicants are advised to provide Council with sufficient time to complete the review within this period, failing which the determination cannot be reviewed. The request must be accompanied by the fees set by the Environmental Planning and Assessment Regulation. A right of review of determination does not exist for a determination made in respect of a Designated Development or an Integrated Development.

4 The holder of a development consent that is being acted upon must also hold a current Construction Certificate under the provisions of the Environmental Planning and Assessment Act, 1979.

5 Where the consent is for building work or subdivision work, no temporary buildings may be placed on the site and no site excavation, filling, removal of trees or other site preparation may be carried out prior to the issue of a Construction Certificate and appointment of a Principal Certifying Authority.

6 A Tree Management Order has been proclaimed in the City of Wollongong. Under this order, no tree on the land the subject of this approval may be ringbarked, cut down, topped, lopped or wilfully destroyed except with the prior consent of Council which may be given subject to such conditions as Council considers appropriate. However, unless specified otherwise in this consent, those trees which are specifically designated to be removed on the plans approved under this consent or are within 3 metres of an approved building footprint may be removed, provided that a Construction Certificate has been issued for the development the subject of this consent and a Principal Certifying Authority appointed.

7 In this consent the developer means the applicant for development consent and any person or corporation who carries out the development pursuant to that consent.

8 Council recommends that NSW Wildlife Information and Rescue Service (WIRES) be contacted (phone (02) 4285 5630) for assistance in relocating any native fauna prior to removal of any trees and bushland, authorised by this consent.

9 **Prolonged Rainfall Events**

The applicant is advised that under existing conditions and during prolonged rainfall events, flooding of the site may occur and it is in the applicant's interest to take all necessary precautions to minimise the risk of property loss and/or damage.

This letter is authorised by

Nigel Lamb
Development Project Officer
Wollongong City Council
Telephone (02) 4227 7111

enc