

Item 1**167, 169-171 and 173 Rowe Street, Eastwood – LDA2025/0012**

Alterations and additions and use of an existing commercial building as a Pub and Hotel for up to 300 patrons, operating between 10:00am and 2:00am the following day, 7 days a week for the ground floor and 10:00am and 12:00 midnight for the rooftop space with associated business identification signage.

Report prepared by: Assessment Officer- Town Planner

Report approved by: Senior Coordinator Development Assessment and Acting Manager
Development Assessment

**City of Ryde
Local Planning Panel Report**

DA Number	LDA2025/0012
Site Address & Ward	167, 169-171 and 173 Rowe Street, Eastwood Lots 5, 6 and 7 DP 26136 West Ward
Zoning	MU1 Mixed Use
Proposal (as amended)	Alterations and additions and use of an existing commercial building as a Pub and Hotel for up to 300 patrons, operating between 10:00am and 2:00am the following day, 7 days a week for the ground floor and 10:00am and 12:00 midnight for the rooftop space with associated business identification signage.
Property Owner	Enrocorp Pty Limited
Applicant	Myles Docker
Report Author	Gavin Zev
Lodgement Date	31 January 2025
Notification - Number of Submissions	25 objecting to the proposal 1 in support of the proposal

Cost of Works	\$4,412,327.60
Reason for Referral to LPP	<p>Contentious development – Development that (b) in any other case – is the subject of 10 or more unique submissions by way of objection. <i>Schedule 1, Part 2 of the Local Planning Panels Direction</i></p> <p>Sensitive development – (d) Development for the purposes of new licensed premises, which will require the following liquor licence: (ii) a hotel (general bar) licence under the Liquor Act 2007. <i>Schedule 1, Part 4 of Local Planning Panels Direction</i></p>
Recommendation	Approval
Attachments	<p>Attachment 1 – Conditions of Consent</p> <p>Attachment 2 – DCP Compliance Table</p> <p>Attachment 3 – Architectural Plans</p>

1. Executive Summary

This report considers a development application (DA) under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (the Act) on land at 167, 169-171 and 173 Rowe Street, Eastwood, which are legally described as Lots 5, 6 and 7 in DP 26136.

This DA (LDA2025/0012) was lodged on 31 January 2025 and seeks consent for alterations and additions and use of an existing commercial building as a Pub and Hotel for up to 300 patrons, operating between 10:00am and 2:00am the following day, 7 days a week for the ground floor and 10:00am and 12:00 midnight for the rooftop space with associated business identification signage.

In accordance with the Act and the Section 9.1 – Directions by the Minister, this application is reported to the Ryde Local Planning Panel for determination as it constitutes a contentious development and a sensitive development. The DA has received in excess of ten unique submissions by way of objection to the development and is for the purposes of a new licensed premises, which will require a hotel (general bar) licence under the *Liquor Act 2007*.

This DA was notified between 3 February 2025 and 19 February 2025. 26 submissions were received with 25 submissions objecting to the proposal and one submission in support of the proposal. Concerns raised in the submissions related to a large range of issues including site suitability, increased crime and antisocial behaviour, public health, outlet saturation, adverse noise impacts, strain on local enforcement resources, lack of parking, traffic congestion, inconsistency with the Eastwood identity, effectiveness of Responsible Serving of Alcohol procedures, lack of benefits to the nighttime economy, and inadequacy of the Social Impact Assessment report.

The applicant has appropriately responded to Council's request for information and provides an appropriate design response to the issues raised throughout the assessment.

Having regard to the matters for consideration under Section 4.15 of the Act, it is recommended that Development Application No. LDA2025/0012 be approved subject to the recommended conditions provided at **Attachment 1**.

2. THE SITE & LOCALITY



Figure 1- Aerial photograph of the site and locality.

The site is made up of three lots which are legally described as Lots 5, 6 and 7 within DP 26136 and are known as 167 Rowe Street, 169-171 Rowe Street and 173 Rowe Street, Eastwood. The site is located on the northern side of Rowe Street with access to the rear of the lots being available from Hillview Lane.

The site has a total combined frontage of 21.12 metres to Rowe Street and a total combined area of 960.7m². The site is rectangular in shape and has a fall of approximately 3m to the rear boundary along Hillview Lane.

The site contains two storey commercial premises which are currently occupied by the following uses:

- 167 Rowe Street- Eastwood Seafood Restaurant with staff parking and storage on the lower ground floor accessed via Hillview Lane.
- 169-171 Rowe Street- Yonghui Supermarket on the ground floor and a solicitor's office on the first floor with a loading dock and storage on the lower ground floor accessed via Hillview Lane.
- 173 Rowe Street- An optometrist on the ground floor and a beauty salon on the first floor with staff parking on the lower ground floor accessed via Hillview Lane.

The site is located within the Eastwood Town Centre within the MU1 Mixed Use zone (**figure 2**) and is surrounded by various retail and food and drink premises. Eastwood Public School is approximately 100m west of the subject site while Eastwood Train Station and Bus Interchange is approximately 300m east. There are public car parks within close proximity to the west of the site on Hillview Lane and to the north of the site on Glen Street/Lakeside Road.

There are also recently built mixed use developments with commercial tenancies on the ground floor and residential apartments above approximately 100m south of the site on the corner of Trelawney Street and Rutledge Street. The site is also in close proximity to 152-190 Rowe Street, which is subject to a pending DA with Council for demolition of existing structures, construction of a new mixed-use development with 441 residential apartments and basement parking for 1,150 spaces (as lodged).

The site is affected by medium to high risk flooding (**figure 3**).

There are heritage items (**figure 4**) in the general vicinity including:

- “Summer Hayes” (shops)- 119, 123 and 136 Rowe Street (Item No: 105).
- Fire Station- 269 Rowe Street (Item No: 107).
- Eastwood Public School- 212 Rowe Street (Item No: 310).



Figure 2- Zoning Map with the subject site circled in red.

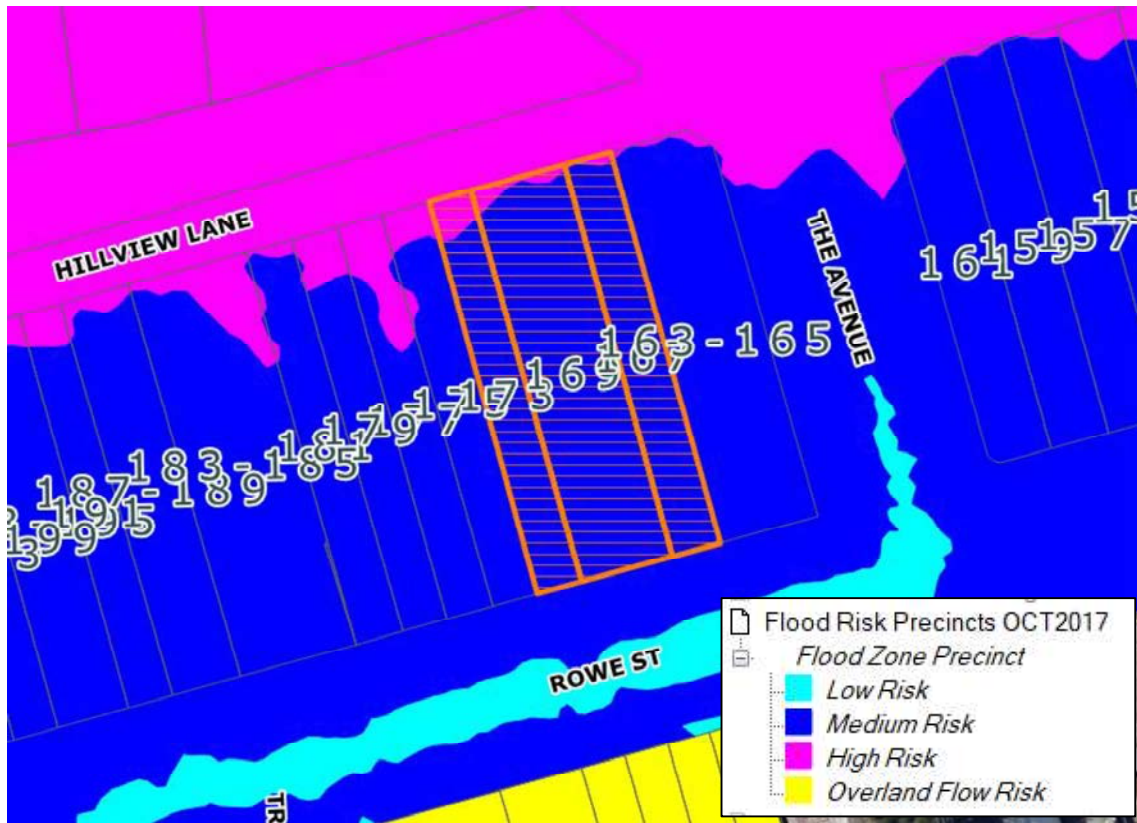


Figure 3- Flood Risk Map and Legend



Figure 4- Map showing the location of heritage items within the vicinity of the subject site.



Figure 5- The site as viewed from Rowe Street



Figure 6- The rear of the site as viewed from Hillview Lane

3. THE PROPOSAL

The proposal seeks consent for the following:

- Internal and external alterations and additions (see details of each level below).
- Increasing the first floor restaurant space by approximately 143m² to create a rooftop bar.
- Change of use from a restaurant at 167 Rowe Street and a supermarket at 169-171 Rowe Street to a pub.
- Operation as a pub for up to 300 patrons (including up to 200 on the rooftop)
- Hours of operation between 10am and 2am the following day, Monday to Sunday for the ground floor, and between 10am and 12am midnight for the rooftop; and
- Business identification signage reading 'Grand Eastwood Hotel.'

The change of use to a pub and the majority of the proposed works apply to 167 and 169-171 Rowe Street. The Rowe Street external façade of all properties are proposed to be upgraded. No internal alterations are proposed to 173 Rowe Street and the existing uses as an optometrist and beauty salon are to be retained.

The pub will consist of the following:

Basement

- New rear staff access with stairs and lift up to upper levels.
- Garage for staff parking
- Loading dock
- Bin storage area
- Storage rooms
- Cooler room
- Accessible change room, toilet and shower
- Back-of-house room with an existing grease arrestor
- End of trip facilities including lockers

Ground Floor

- Entry foyer
- Gaming foyer with ATMs
- Wine bar
- Bar
- Bistro with an alfresco at the rear
- Beer garden
- Alfresco gaming room
- Separate internal gaming room
- Kids play area.
- Kitchen
- Amenities

First Floor

- Rooftop bar
- Amenities

The following demolition works are proposed to consolidate the floorplan and facilitate the proposed use as a pub:

Basement

- Demolition of two staircases, partial inter-tenancy wall, goods lift, storage room, cool rooms and amenities.

Ground Floor

- Demolition of two kitchens, stairs, amenities, inter-tenancy walls and partitions, office, storage room, good lift, front façade and awning along Rowe Street and openings in rear façade along Hillview Lane.

First Floor

- Demolition of partial roof and front façade along Rowe Street.

Other matters proposed:

Operation

The DA is accompanied by a Plan of Management (POM) and Acoustic Assessment Report, both of which specify various operational procedures including the following:

- Complaints and incident handling procedures
- Responsible Service of Alcohol (RSA) and alcohol harm minimisation procedures
- Closed Circuit Television (CCTV) surveillance cameras installed throughout the premises and within a 10m radius external to the public entrances to the premises.
- Security guards from 8pm until close on Thursdays, Fridays, and Saturdays.
- Noise mitigation measures including:
 - Noise limits for amplified music
 - No amplified music in ground floor alfresco areas and the beer garden
 - Cessation of the use of the rooftop bar at 12am
 - Laminated glass for glazing along facades
 - Signage reminding patrons to be mindful of neighbours when leaving the premises.

Signage

New business identification signs on both the Rowe Street (southern elevation) and Hillview Lane (northern elevation) facades (**figures 7-9**) comprising:

- One wall sign- 12.65m by 0.6m LED backlit aluminium “Grand Hotel Eastwood” on the Rowe Street façade (southern elevation) fixed to metal backing.
- One wall sign- 5m by 1.13m backlit aluminium “Grand Hotel Eastwood” on the Hillview Lane façade (northern elevation) fixed to face brick; and
- Four under awning suspended lightbox signs, each 2.4m by 0.4m underneath the awning affixed to the Rowe Street façade (southern elevation).

Deliveries and waste management

Deliveries and waste collection is proposed to be maintained via the rear loading dock accessed from Hillview Lane.

Liquor license

The applicant also states that *“on approval, an application will be lodged with Liquor & Gaming NSW to remove the hotel licence from the Sawdust Hotel at 386 Victoria Road Gladesville. As the hotel licence is proposed to be removed from within the same Local Government Area (LGA), the total number of hotels within the City of Ryde will remain the same.”*

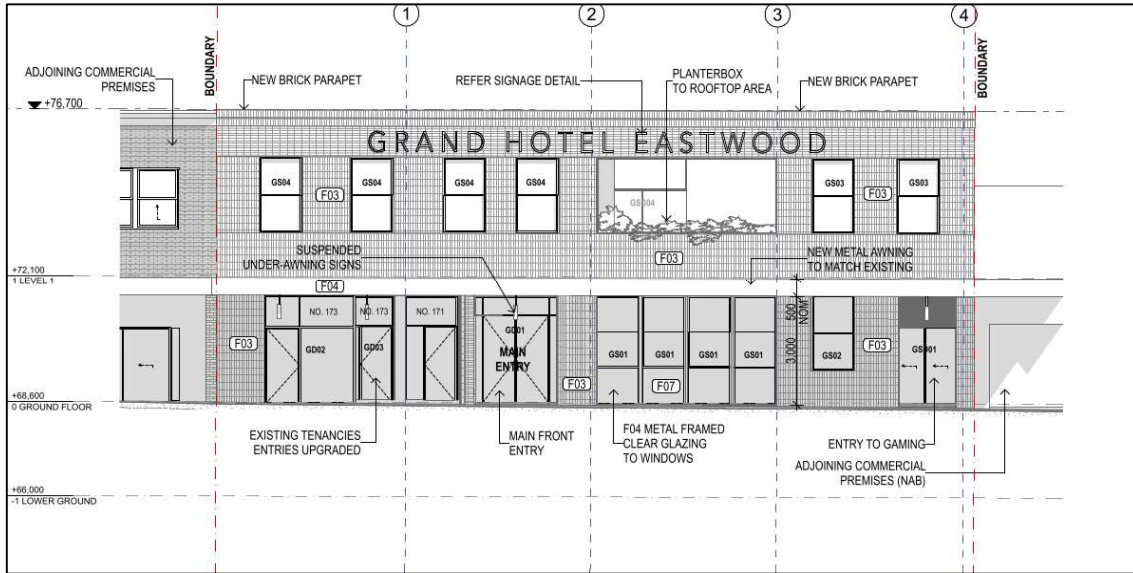


Figure 7- Proposed Southern Elevation (Rowe Street) and Signage

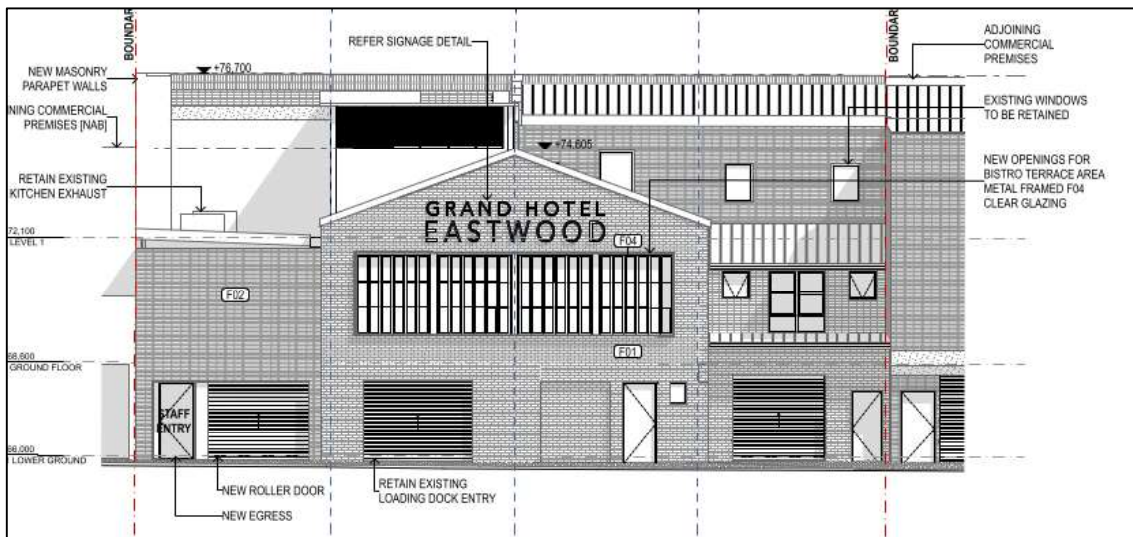


Figure 8- Proposed Northern Elevation (Hillview Lane) and Signage

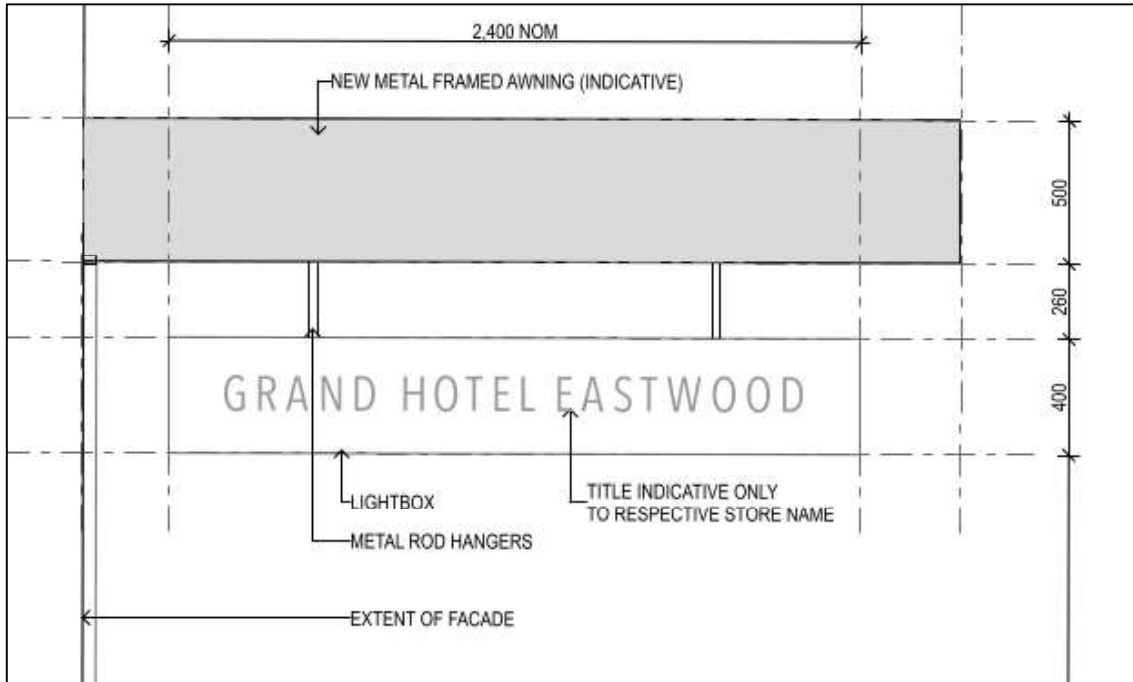


Figure 9- Proposed under awning signage.

4. HISTORY

4.1 Relevant Site History

167 Rowe Street (Lot 7 DP 26136)

Date	Comment
18 March 2014	LDA2013/0529 for alterations and additions and change of use to restaurant, and business identification signage was approved by Council. Condition 20 permitted the restaurant to have a maximum seating capacity of 24 persons on the first floor. However, the assessment report states that the ground floor of the restaurant seated 104 persons making a maximum total capacity of 124 persons.

169-171 Rowe Street (Lot 6 DP 26136)

28 March 2014	LDA2013/0455 for fitout and change of use to a karaoke restaurant with bar facilities and signage was approved by Council. Condition 4 permitted the premises to have a maximum capacity of 200 persons.
21 April 2023	Complying Development Certificate CF23126CD01 (Council Ref: CDP2023/0268) was issued for an internal shop fitout.
11 September 2023	LDA2023/0162 for business identification signage and replacement shop-front security shutters for the existing supermarket was approved by Council.
25 September 2023	Complying Development Certificate CDC9245 (Council Ref: CDP2023/0710) was issued for refurbishment of an existing grocery store to include a specified purpose as a food and beverage takeaway and associated works.

173 Rowe Street (Lot 5 DP 26136)

Date	Comment
28 July 2003	A skin penetration business for 'Eighty Nine Beauty Centre' was registered with Council (Council Ref: HBI2003/0422).
11 August 2023	Complying Development Certificate CBS230006225 (Council Ref: CDP2023/0573) was issued for an internal fitout for an optometrist practice.

4.2 Application History

5 December 2024	A pre-lodgement meeting was held between the applicant and Council to discuss the proposal.
31 January 2025	This DA was lodged with Council.
3 February 2025- 19 February 2025	This DA was notified. 26 submissions were received.
7 March 2025	A request for additional information letter was uploaded to the Planning Portal.
10 March 2025	A site inspection was conducted by the Assessment Officer.
11 March 2025	The applicant submitted additional information to the Planning Portal.

5. PLANNING ASSESSMENT

Environmental Planning and Assessment Act 1979

5.1 State Environmental Planning Instruments

Instrument	Proposal	Compliance
State Environmental Planning Policy (Resilience and Hazards) 2021		
Chapter 4 Remediation of land		
<p>The object of this Chapter is to provide for a Statewide planning approach to the remediation of contaminated land.</p> <p>The aims are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.</p>	<p>Pursuant to Clause 4.6(1) considerations, the subject site has been historically used as a retail premises and food and drink premises. As such, it is unlikely to contain any contamination, and further investigation is not warranted in this case.</p> <p>A condition of consent is recommended to ensure that Council are notified of any new contamination evidence found during demolition or construction works.</p>	Yes

State Environmental Planning Policy (Biodiversity and Conservation) 2021		
Chapter 6 Sydney Harbour Catchment		
This Plan applies to the whole of the Ryde Local Government Area. The aims of the Plan are to establish a balance between promoting a prosperous working harbour, maintaining a healthy and sustainable waterway environment and promoting recreational access to the foreshore and waterways by establishing planning principles and controls for the catchment as a whole.	Given the nature of the project and the location of the site, there are no specific controls that directly apply to this proposal.	Yes
State Environmental Planning Policy (Industry and Employment) 2021		
Chapter 3 Advertising and Signage		
<p>1) This Chapter aims:</p> <ul style="list-style-type: none"> (a) to ensure that signage (including advertising): <ul style="list-style-type: none"> (i) is compatible with the desired amenity and visual character of an area, and (ii) provides effective communication in suitable locations, and (iii) is of high-quality design and finish, and (b) to regulate signage (but not content) under Part 4 of the Act, and (c) to provide time-limited consents for the display of certain advertisements, and (d) to regulate the display of advertisements in transport corridors, and (e) to ensure that public benefits may be derived from advertising in and adjacent to transport corridors. 	<p>The proposal seeks consent for the installation of two new wall signs and four new under awning signs. All of the signs are business identification signs.</p> <p>The total area of each sign is: Rowe Street Sign= 7.59m² Hillview Lane Sign= 5.65m² Under Awning Signs= 0.96m² each</p> <p>In accordance with Clause 3.4 of the SEPP, the SEPP is applicable to the proposed development as the signs are permitted with development consent and are visible from a public place.</p> <p>A detailed assessment of the proposal against the provisions of Schedule 5 of the SEPP is provided in the table below. The assessment finds the proposal acceptable.</p>	Yes

Schedule 5 - Assessment Criteria

1 Character of the Area	
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signs are consistent with the context of the site and surrounding area as the proposed signs are replacing existing business identification signage on the front and rear facades of the building. The proposal does not seek to remove any existing vegetation and is proposed in non-intrusive locations which are expected for this type of development.
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with other business identification signage in the Eastwood town centre.
2 Special Areas	
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed sign does not detract from the amenity or visual quality of the environment, or nearby heritage items or residential areas.
3 Views and Vistas	
Does the proposal obscure or compromise important views?	The proposed signs do not obscure or compromises any views as the signs are appropriately located and integrated with the built form.
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signs do not dominate the skyline nor reduce the quality of vistas as they will replace existing signage on the building facades and under the existing awning.
Does the proposal respect the viewing rights of other advertisers?	The proposed signs respect the viewing rights of other advertisers.
4 Streetscape, Setting or Landscape	
Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale of the proposed signs are considered appropriate to the commercial streetscape of the Eastwood Town Centre.
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signs provide visual interest to the streetscape and the site.
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signs will not introduce visual clutter to the site or locality as they will replace existing business identification signage on the site.
Does the proposal screen unsightliness?	Not applicable

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signs will not protrude above building structures or tree canopies.
Does the proposal require ongoing vegetation management?	The proposed signs do not require ongoing vegetation management.
5 Site and Building	
Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signs are compatible with the scale of the building and will replace existing signage on the site.
Does the proposal respect important features of the site or building, or both?	The proposed signs respect important features of the building by using discrete lettering.
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signs have a suitable relationship to the site and building by replacing existing signage in the same locations on the site.
6 Associated devices and logos with advertisements and advertising structures	
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	Not applicable.
7 Illumination	
Would illumination result in unacceptable glare?	The proposed illumination is subtle in that it is contained within the lettering of the sign.
Would illumination affect safety for pedestrians, vehicles or aircraft?	The proposed subtle and static illumination will not affect safety for pedestrians, vehicles or aircraft.
Would illumination detract from the amenity of any residence or other form of accommodation?	The illumination will not detract from the amenity of any residence or other form of accommodation.
Can the intensity of the illumination be adjusted, if necessary?	It is not considered necessary in this instance for the intensity of the illumination to be adjusted given the subtle intensity of the lighting.
Is the illumination subject to a curfew?	The illumination is not subject to a curfew as it will not be visible from a residential area.
8 Safety	
Would the proposal reduce the safety for any public road?	The signage will not the reduce the safety for any public road.
Would the proposal reduce the safety for pedestrians or bicyclists?	The signage will not reduce the safety for pedestrians or bicyclists.
Would the proposal reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas?	The signage will not reduce the safety for pedestrians, particularly children, by obscuring sightlines from public areas.

5.2 Ryde Local Environmental Plan 2014 (RLEP 2014)

Under the provisions of RLEP 2014, the subject site is zoned MU1 Mixed Use, and the proposal is for a pub which is defined as follows:

Pub means a licensed premises under the Liquor Act 2007 the principal purpose of which is the retail sale of liquor for consumption on the premises, whether or not the premises include hotel or motel accommodation and whether or not food is sold, or entertainment is provided on the premises.

A pub is a type of food and drink premises, which is listed in the RLEP 2014 dictionary as a type of retail premises. Retail premises are listed in the dictionary as being a subcategory of commercial premises. Commercial premises are permissible with consent in the MU1 Mixed Use zone.

The proposal also includes business identification signs on the front and rear facades of the pub and under the proposed new awning adjacent to Rowe Street. Business identification signs are defined as follows:

business identification sign means a sign—

(a) that indicates—

(i) the name of the person or business, and

(ii) the nature of the business carried on by the person at the premises or place at which the sign is displayed, and

(b) that may include the address of the premises or place and a logo or other symbol that identifies the business,

but that does not contain any advertising relating to a person who does not carry on business at the premises or place.

Business identification signs are permissible with consent in the MU1 Mixed Use zone. All of the under awning business identification signs are proposed to replace the existing under awning business identification signs in the same locations outside the three tenancies. However, the proposal is for business identification signs with content for the proposed pub only.

As the existing optometrist and beauty salon will continue to remain at 173 Rowe Street, the proposed under awning signs and wall sign directly outside 173 Rowe Street will not meet the definition of business identification signs above, as they will not relate to a business located at 173 Rowe Street. The following condition of consent has therefore been included in the draft conditions in **Attachment 1** to ensure that the under awning signs outside 173 Rowe Street relate solely to the existing uses in the tenancy and the wall sign along the front façade does not present 173 Rowe Street as being part of the proposed pub:

Design Amendments

Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

- A) **Under Awning Signs-** The two under awning signs directly outside 173 Rowe Street must be business identification signs for the existing uses at 173 Rowe Street. One of the under awning signs must be for the existing beauty salon and the other must be for the optometrist.
- B) **Signage Along the Southern Elevation-** To ensure patrons do not interpret 173 Rowe Street as being part of the pub, the wall signage along the southern (front) elevation fronting Rowe Street must be amended so that all of the letters in 'Grand Hotel Eastwood' are only located over the front façade of 167 and 169-171 Rowe Street. No part of the signage is to be located over the front façade of 173 Rowe Street.

Condition Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

Furthermore, the application proposes to retain the existing uses of an optometrist and a beauty salon at 173 Rowe Street. Both uses are permissible with consent.

The relevant objectives for the MU1 Mixed Use zone are as follows:

- *To encourage a diversity of business, retail, office and light industrial land uses that generate employment opportunities.*
- *To ensure that new development provides diverse and active street frontages to attract pedestrian traffic and to contribute to vibrant, diverse and functional streets and public spaces.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*
- *To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.*

The proposal for a pub and business identification signs are permissible uses in this zone and are compatible with the surrounding locality. The proposal achieves the objectives of the zone for the following reasons:

- The pub is a retail premises that will generate employment opportunities.
- The pub will have an active street frontage on the ground floor of the building to attract pedestrian traffic while the proposed alterations and additions to the front façade will contribute to a vibrant and functional streetscape.
- The pub is proposed within the Eastwood Town Centre. The application is accompanied by a Plan of Management (POM), Acoustic Assessment Report, and Crime Prevention Through Environmental Design (CPTED) Report, all of which include recommended strategies and operational procedures to ensure the proposed use does not conflict with land uses in adjoining residential (R2 and R4) and infrastructure (SP2) zones. Conditions of consent are recommended requiring compliance with the POM and implementation of the recommendations of the Acoustic Assessment Report.
- The existing optometrist and beauty salon are also commercial premises that generate employment opportunities and have an active street frontage that attracts pedestrian traffic within the Eastwood Town Centre.

Ryde LEP 2014	Proposal	Compliance
4.3(2) Height		
Max. 15.5m	9.4m	Yes
4.4(2) & 4.4A(1) FSR		
No FSR development standard applies to the site.	N/A	N/A
5.10 Heritage Conservation		
<p>(1) The objectives of this clause are as follows—</p> <p>(a) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,</p> <p>(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, setting and views,</p> <p>(c) To conserve archaeological sites,</p> <p>(d) to conserve Aboriginal objects and Aboriginal places of heritage significance.</p>	<p>The site does not contain an item of heritage.</p> <p>The site is located within the vicinity of the following items of heritage significance listed within Part 1 of Schedule 5 of RLEP 2014 (figure 4):</p> <ul style="list-style-type: none"> • “Summer Hayes” (shops)- 119, 123 and 136 Rowe Street (Item No: 105) • Fire Station- 269 Rowe Street (Item No: 107) • Eastwood Public School- 212 Rowe Street (Item No: 310) <p>As the site is physically separated from the heritage items by a minimum of 100m and does not propose to increase the height of the building greater than other buildings along the northern side of Rowe Street, the proposal is not considered to result in any adverse impacts to the heritage items including their associated fabric, setting and views.</p>	Yes
5.21 Flood Planning		
(1) The objective of this clauses are as follows:	The site is mapped as being impacted by medium to high	Yes

Ryde LEP 2014	Proposal	Compliance
<p>(a) to minimise the flood risk to life and property associated with the use of land,</p> <p>(b) to allow development on land that is compatible with the land's flood hazard, taking into account projected changes as a result of climate change.</p> <p>(c) to avoid significant adverse impacts on flood behaviour and the environment,</p> <p>(d) to enable the safe occupation and efficient evacuation of people in the event of a flood.</p>	<p>risk flooding over the entire site.</p> <p>The proposal is supported by a Flood Impact Study which addresses the requirements of Part 8.2 and Stormwater and Floodplain Management Technical Manual Section 2.2. The proposal is designed using the identified flood planning levels.</p> <p>The proposal is consistent with the provisions of Clause 5.21(2) and (3) and is considered satisfactory by Council's City Infrastructure-Stormwater and Floodplain Management Engineer subject to conditions of consent.</p>	
Clause 6.4 Stormwater management		
<p>(1) The objective of this clause is to minimise the impacts of urban stormwater on land to which this clause applies and on adjoining properties, native bushland and receiving waters.</p>	<p>The proposal does not consist of any alterations to the building footprint and therefore does not have any additional impacts on the stormwater management of the site.</p> <p>The proposal is considered acceptable by Council's Senior Development Engineer.</p>	<p>Yes</p>

5.3 Draft Environmental Planning Instruments

Nil.

5.4 Development Control Plans

Ryde Development Control Plan 2014 (RDCP 2014)

The proposal is subject to the provisions of the following parts of RDCP 2014:

- Part 4.1: Eastwood Town Centre.
- Part 7.2: Waste Minimisation and Management.
- Part 8.2: Stormwater & Floodplain Management.
- Part 9.2: Access for People with Disabilities; and

- Part 9.3: Parking Controls

With regard to Parts 7.2, 8.2 and 9.2 of the RDCP 2014, noting the advice from various technical departments within Council, the proposal is considered satisfactory in relation to the controls contained in these Parts.

A full assessment of Part 4.1 has been included in **Attachment 2**. The following section details any variations to the DCP controls.

Part 4.1- Eastwood Town Centre

Section 3.6 of Part 4.1 of the RDCP 2014 provides development controls for signage within the Eastwood Town Centre. The proposed signage does not comply with the following control:

Control 3.6(d)- *Signage must comply with the following restrictions and dimensional requirements:*

- i. *Under Awning Signs should not exceed 2.4m in length and 0.3m in height.*
- ii. *Flush Wall Signs should not exceed a maximum of 5 square metres.*

The proposed under awning signs are 0.4m in height while the two flush wall signs measure 7.59m² along the Rowe Street frontage and 5.65m² along the Hillview Lane frontage. The proposed signage is assessed against the objectives of the control below:

- a. *Reduce visual clutter through the control and co-ordination of signage.*

Officer's Comment: The site currently contains multiple flush wall signs along both the northern and southern elevations and under awning signs along Rowe Street for each of the individual uses (i.e. seafood restaurant, solicitor's office, optometrist, etc.) **(figure 10)**. The proposal will reduce this visual clutter by providing coordinated signage for one single use in the same locations as the existing signage.



Figure 10- Existing under awning signage outside 169-171 Rowe Street and 173 Rowe Street for the solicitor's office, beauty salon and optometrist.

- b. Reinforce the streetscape and enhance the individual architectural features of buildings.*

Officer's Comment: The proposed signage will enhance the individual architectural features of the building as the flush wall signs consist of discrete lettering that will reveal the building facades rather than a single flush wall sign with printed lettering that covers a larger proportion of the facades. The signage is also consistent with other flush wall signage in the Eastwood Town Centre (**figures 11-12**), helping to reinforce the streetscape as a town centre.

As the proposed signage is consistent with the objectives of the control, the non-compliances are considered supportable in this circumstance.



Figure 11- Existing business identification signage in Rowe Street



Figure 12- Existing business identification signage in Rowe Street

Control 3.6(d) of Part 4.1 of the RDCP 2014 also states the following:

- iv. *Multiple use of properties- A co-ordinated approach to the sign development on the site should be used by utilising composite signs.*

Officer's Comment: Although the proposed signage will provide a co-ordinated approach to sign development across the three lots, it does not utilise composite signs for the different uses across the subject site. As mentioned above in the RLEP 2014 section of this report, the following condition has been included in the draft conditions of consent to ensure that the replacement under awning signs directly outside 173 Rowe Street will relate to the existing uses on the site:

Design Amendments

Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:

- A) **Under Awning Signs-** The two under awning signs directly outside 173 Rowe Street must be business identification signs for the existing uses at 173 Rowe Street. One of the under awning signs must be for the existing beauty salon and the other must be for the optometrist.
- B) **Signage Along the Southern Elevation-** To ensure patrons do not interpret 173 Rowe Street as being part of the pub, the wall signage along the southern (front) elevation fronting Rowe Street must be amended so that all of the letters in 'Grand Hotel Eastwood' are only located over the front façade of 167 and 169-171 Rowe Street. No part of the signage is to be located over the front façade of 173 Rowe Street.

Condition Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.
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Part 9.3- Parking Controls

Control 2.3(a) of Part 9.3 of the RDCP 2014 requires the following car parking space provisions for non-residential land uses:

Pub and Registered Club

- 1 space/5m² GFA; and
- 1 space/10m² GFA auditorium and games rooms.

The proposed development provides four on-site parking spaces for use by staff only. These parking spaces are provided in 167 Rowe Street (two spaces) and 169-171 Rowe Street (an additional two spaces). It is noted that the existing development currently consists of just two on-site staff parking spaces at 167 Rowe Street and no parking spaces at 169-171 Rowe Street.

Council's City Infrastructure Traffic Team has reviewed the application and stated that:

The Transport for NSW's (TfNSW) Guide to Transport Impact Assessment (2024) does not provide traffic generation rate for pubs. For this reason, the submitted Traffic and Parking Impact Assessment (TPIA) report prepared by Colston Budd Rogers & Kafes Pty Ltd dated January 2025 used the results of the surveys of other similar facilities to estimate the traffic generation of the proposed development.

The TPIA report used the traffic generation rate of around 4.5 vehicles per hour per 100m² of the proposed pub and estimated that the proposed pub would have a traffic generation of some 40 vehicles per hour two-way. The report also states that this traffic generation is similar to the existing (restaurant) and approved (karaoke restaurant and bar) uses. On this basis, the report concludes that the proposed development will have a low traffic generation, equivalent to an average of only one vehicle every 1½ minutes at peak times and as such this low traffic generation would not have noticeable effects on the surrounding road network.

The following site/development characteristics are expected to assist in further reducing the abovementioned traffic and parking demand potentially generated by the proposed development:

- *The site is located within close walking proximity to Eastwood Train Station.*
- *There are public car parks in Hillview Lane and Glen Street/Lakeside Road west and north of the site, respectively.*

Based on the above discussion, the surrounding public road network is expected to be capable of accommodating the traffic and parking demand potentially generated by the proposed development without significant impact to the surrounding traffic and parking amenity.

Council's Senior Development Engineer has also reviewed the application and states that:

The proposed parking supply does not strictly comply with Council's DCP parking controls. However, the submitted Traffic Report by Colston Budd Rogers & Kafes Pty Ltd has provided the following justifications for the non-compliance, which are found to be acceptable:

- *The existing approved uses on the site are a karaoke bar and restaurant (169-171 Rowe Street) and seafood restaurant (167 Rowe Street) which are the same/similar types of uses as the proposed – pub and bar.*
- *The maximum number of patrons as per the existing use (324) is more than the proposed maximum number of patrons (300), therefore parking demand for existing and proposed uses should be similar.*
- *Traffic generation of the existing uses on site and the proposed use are similar.*
- *The proposed development is in the Eastwood Town Centre. One of the planning principles of the Eastwood Town Centre DCP states that “Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling” (Planning Principle 6 (a) in Section 2.1.1 of Part 4.1- Eastwood Town Centre of the RDCP 2014). Considering the site is within walking distance to the Eastwood train station and several bus services, the proposed use will increase the propensity that visitors/staff utilise public transport when accessing the site.*

As the proposed number of on-site parking spaces will not have significant impacts on the surrounding traffic and parking amenity, the non-compliance is supported in this instance.

5.5 City of Ryde Section 7.12 Development Contributions Plan 2020

Council's current Section 7.12 Fixed Rate Levy Development Contributions Plan 2020 effective 1 July 2020 requires a contribution for the provision of various additional services required as a result of increased development density. The levy is calculated at 1% of the estimated development cost of works as the proposal results in an additional 36.4m² of gross floor area on the subject site. The contribution that is payable with respect to the increased density on the subject site (being for commercial development outside the Macquarie Park Area) is \$44,123.28. The contribution is imposed in the recommended conditions of consent at Attachment 1.

5.6 Housing and Productivity Contribution (HPC)

The applicable HPC of \$1,160.13 for the additional gross floor area proposed is imposed in the recommended conditions of consent at Attachment 1.

5.7 Planning Agreements OR Draft Planning Agreements

There are no planning agreements or draft planning agreements for this development.

5.8 Any matters prescribed by the regulations.

Environmental Planning and Assessment Regulation 2021

The Regulation underpins the day-to-day operation of the NSW planning system. The Regulation guides the processes, plans, public consultation, impact assessment and decisions made by local councils, the Department of Planning and others. Standard conditions are recommended relating to compliance with Building Code of Australia and relevant Australia Standards.

6. THE LIKELY IMPACTS OF THE DEVELOPMENT

The proposal consists of a significant upgrade to the existing commercial buildings and is considered to provide a positive impact on the built environment along Rowe Street and Hillview Lane.

This application is accompanied by a Social Impact Assessment (SIA) report and Crime Prevention Through Environmental Design (CPTED) report. The SIA provides a detailed assessment of the potential positive and negative social and economic impacts of the proposed use with reference to relevant socio-economic, demographic, crime and health data from the Australian Bureau of Statistics (ABS), Socio-Economic Indexes for Areas (SEIFA), NSW Health, and the NSW Bureau of Crime Statistics and Research (BOCSAR). The data has been taken from several levels including the suburban level (local community), the Local Government Area (LGA) (broader community) and the Northern Sydney Local Health District (LHD).

With regards to the positive economic and social impacts, the SIA states that the proposal *'will see the creation of additional local job opportunities from temporary construction jobs to ongoing daily operational jobs.'*

The Application will provide a late night use that gives effect to the NSW Vibrancy Reforms and the City of Ryde 2024-2028 Night-time Economy Strategy. According to the City of Ryde 2024-2028 Night-time Economy Strategy, "Bars and pubs are integral components of the night-time economy in Australia, offering social spaces for relaxation, socialising, and entertainment".'

The SIA also states that the premises will provide a food and drink service for visitors, workers and residents of Eastwood, a rooftop bar function space and *a family friendly venue with a kids play area adjacent to the bistro dining area.*

The proposal has incorporated several CPTED measures in the design and operation of the premises to assist with preventing negative social impacts. These include the internal layout of the pub which is designed to minimise blind spots, the provision of sufficient lighting throughout the premises and onto the public domain, clear, legible paths from the street to the public spaces of the premises, the provision of alfresco areas on the ground floor and a rooftop bar to enable passive surveillance of the public domain, temperature control and noise mitigation measures, and proposed patron capacities to prevent overcrowding of the premises.

While there is the potential for negative social impacts to result from any licensed premises, the SIA concludes that *'the existing susceptibility of the Local and Broader Community to alcohol-related harm is considered low based on a variety of demographic indicators noted [in the report]. There is a lower saturation of hotels and significantly lower levels of alcohol-related crime. This indicates a low potential for acute harms.'*

Further, (sic.) operational measures are proposed to be put in place through a commitment to adhering to the Plan of Management that further reduces the likelihood and potential for acute harms.'

It is considered that the positive social and economic impacts of the development have been satisfactorily demonstrated, and potential negative impacts are capable of being mitigated by the implementation of operational procedures, harm minimisation strategies, and noise mitigation measures.

The assessment demonstrates that the proposal will not have significant adverse impacts upon any adjoining properties or the environment in general due to the nature of the development. All relevant issues regarding environmental impacts of the development are discussed elsewhere in this report (see the Referrals, RDCP and Submission sections). The development is considered satisfactory in terms of environmental impacts.

7. SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is zoned MU1- Mixed Use. The proposal is for alterations and additions and use of an existing commercial building as a Pub and Hotel for up to 300 patrons, operating between 10:00am and 2:00am the following day, 7 days a week for the ground floor and 10:00am and 12:00 midnight for the rooftop space with associated business identification signage. The assessment demonstrates the proposal is consistent with the statutory requirements and policy controls. The assessment demonstrates that any adverse impacts upon adjoining properties or the streetscape are minimised and mitigated through the design of the development and operational requirements that have been provided in the submitted Plan of Management and Acoustic Assessment Report. The proposal is an appropriate development, and this is demonstrated in this report including in the submission sections below. The continued commercial use of the site is considered suitable for the proposed development.

8. THE PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of relevant Environmental Planning Instruments and by Council ensuring that any adverse effects on the surrounding area and the environment is minimised. The proposal has been assessed against the relevant planning instruments and is considered to be acceptable.

The majority of submissions received in response to the proposal raise several concerns related to the public interest. Responses to these concerns are provided in the 'Submissions' section of this report below. It is considered that the public interest is protected as the proposal provides a development that is consistent with the objectives of the MU1 Mixed Use zone and the relevant parts of RDCP 2014. Furthermore, the proposal has incorporated operational procedures, harm minimisation strategies, and noise mitigation and CPTED design measures to ensure that the public interest is protected during the operation of the pub.

9. SUBMISSIONS

In accordance with the Ryde Community Participation Plan the proposal was notified to owners of surrounding properties between 3 February 2025 and 19 February 2025. During the notification period, 25 submissions were received objecting to the proposal with an additional submission received in support of the proposal.

All concerns raised have been addressed below:

Site Suitability

The majority of submissions raised concerns over the suitability of the site due to its proximity to Eastwood Public School. The submissions raised concerns regarding the exposure of children to a venue that 'promotes alcohol and gambling' and risks the safety of the children due to a potential increase in antisocial behaviour and increased pedestrian foot traffic and vehicle traffic as a result of the operation of the pub.

Officer's Comment: The site is located approximately 100m east of Eastwood Public School, is located in a MU1 Mixed Use zone and is in the Eastwood Town Centre. The proposed use is permissible within the zone and is consistent with the Future Character Statement found

within Part 4.1 of the RDCP 2014 which aims for Eastwood Town Centre to be *a place that has a vibrant, viable and profitable commercial centre and an appropriate mix and arrangement of land uses, which satisfactorily serve and integrate with the surrounding residential activities*. The proposal is also consistent with the objectives and controls of Part 4.1 of the RDCP 2014. The relevant objectives include the following:

1. *Facilitate the creation of town centres that contain a mix of land uses that service the needs of visitors and communities within the centre catchment.*
2. *Encourage new development and enhance existing buildings.*
3. *Describe the desired form scale and bulk of new buildings.*
9. *Provide for safe, well used and attractive public spaces.*

A full assessment against the controls of Part 4.1 is found in **Attachment 2**.

This DA is accompanied by a Plan of Management (POM), a Social Impact Assessment (SIA) Report and a Crime Prevention Through Environmental Design (CPTED) Assessment Report. The POM has provided details of management and security measures, Responsible Service of Alcohol (RSA) procedures set out by the NSW Office of Liquor & Gaming, as well as complaints handling procedures that will be implemented in the operation of the pub. A condition of consent is recommended to ensure that the pub is always operated and managed in accordance with the POM.

The RSA procedures and security measures will ensure that minors are not served alcohol and will implement preventative measures to protect against antisocial behaviour from occurring. The SIA also states that the pub has been *designed as a family friendly venue and will provide an extensive bistro area and will feature a kids play area*.

No advertising signage promoting alcohol consumption or gambling are proposed as part of the application and the gaming rooms are considered to be discrete as they are located behind the beer garden and the entrance to the rooms are located at the end of an 8m long foyer. In order to ensure that no gaming machines are visible from the public domain, the following design amendment condition has been included in the draft consent to ensure that any gaming machines in the pub are not visible from the public domain along Rowe Street:

Design Amendments
<p>Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:</p> <p>Gaming Machines- The ventilation louvres along the southern and western sides of the alfresco gaming room and the automatic door along the southern side of the eastern foyer, must ensure that no gaming machines are visible from the public domain along Rowe Street.</p>
<p>Condition Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.</p>

As mentioned above in the RDCP section of this report, Council's City Infrastructure Traffic Engineers reviewed the application and were satisfied that the development would result in a low vehicular traffic generation at peak times relative to the existing uses of the site.

Control 3.1(a) of Part 4.1 of the RDCP 2014 states that *active public uses, such as restaurants, cafes, community facilities, entries to business premises and retail should be located at street*

level. These uses would tend to attract higher volumes of pedestrian traffic, resulting in a safer environment particularly after dark and would also result in adjacent public areas being better utilised (for example, side street cafes). Any increase in pedestrian foot traffic is therefore considered to be a positive sign that the Eastwood Town Centre is achieving the desired future character of having a vibrant, viable and profitable commercial centre with safe attractive and convenient public spaces.

Furthermore, the application was referred to the NSW Police who raised no objections to the proposal subject to recommended conditions of consent requiring minor amendments be made to the POM and requiring compliance with the approved POM and Acoustic Assessment Report.

Increased Crime, Antisocial Behaviour and Effectiveness of RSA Procedures

The majority of submissions raised concerns that the proposed use will lead to an increase in crime and antisocial behaviour. Some of the submissions also questioned the effectiveness of RSA procedures in curbing such behaviour.

Officer's Comment: As mentioned above, the submitted POM includes several security measures, harm minimisation strategies, and RSA and complaints handling procedures to prevent crime, antisocial behaviour and mitigate adverse social impacts on the locality as a result of the proposed pub.

The application is accompanied by an SIA Report prepared by a qualified planning expert. The SIA provides a detailed assessment of the potential social impacts of the proposed use with reference to relevant socio-economic, demographic, crime and health data from the Australian Bureau of Statistics (ABS), Socio-Economic Indexes for Areas (SEIFA), NSW Health, and the NSW Bureau of Crime Statistics and Research (BOCSAR). The data has been taken from several levels including the suburban level (local community), the Local Government Area (LGA) (broader community) and the Northern Sydney Local Health District (LHD). The SIA concludes that:

The existing susceptibility of the Local and Broader Community to alcohol-related harm is considered low based on a variety of demographic indicators noted [in the report]. There is a lower saturation of hotels and significantly lower levels of alcohol-related crime. This indicates a low potential for acute harms. Furthermore, operational measures are proposed to be put in place through a commitment to adhering to the Plan of Management that further reduces the likelihood and potential for acute harms.

The indicators for potential harm is limited to general outlet saturation (driven by a high density of licensed restaurants), elevated Local Community unemployment approximately 0.9% higher than the State and mixed Health Statistics with slightly higher hospitalisations (LGA), slightly lower rates of death (LGA) and slightly lower emergency presentations (LHD). These could indicate a potential for increased chronic harms but can be balanced against the high levels of social advantage that allow communities to better withstand such impacts. The data could also be the result of local quirks with high numbers of students looking for part-time work elevating the unemployment rate (but otherwise engage (sic.) in study, which is positive) and a more proactive community when it comes to health (elevating interventions but reducing consequences such as death).

The CPTED Assessment Report also identifies several measures incorporated into the design of the proposal to minimise opportunities for crime including:

- Proposed alfresco areas on both the ground floor and the first floor which will enable passive surveillance of public areas along both Rowe Street and Hillview Lane
- The internal layout of the pub, which minimises blind spots and enables surveillance throughout the venue by both staff and patrons.

- The use of CCTV and security personnel
- Lighting in all internal and external areas of the pub which will spill onto the surrounding public domain.
- Amplified music levels being kept in accordance with the submitted Acoustic Report
- Clear, legible entry points into the pub from Rowe Street

As mentioned above, the application was also referred to the NSW Police, who have raised no objections to the proposal subject to recommended conditions of consent.

Outlet Saturation

The majority of submissions raised concerns that the addition of a pub would result in a saturation of pubs in the locality.

Officer's Comment: The proposed use is permissible with consent in the MU1 Mixed Use zone. Council's development controls do not specify a maximum limit of licensed premises in the Eastwood Town Centre.

Noise Impacts

Some of the submissions raised concerns that the noise produced from the proposed pub would impact on the amenity of the surrounding residents and the classrooms at Eastwood Public School.

Officer's Comment: The application is accompanied by an Acoustic Assessment Report, which was reviewed by Council's Environmental Health Officer (EHO). Council's EHO has provided the following comments in response to the submitted Acoustic Assessment Report and concerns raised by submitters:

The Acoustic Report has conducted the assessment with various assumptions for the ground floor and outdoor rooftop bar area and it is determined that it can comply with the noise requirements subject to implementation of outlined recommendations. Conditions of consent have been provided to ensure compliance.

*Long term unattended and short term attended noise monitoring was carried out at the locations specified on the map below (**figure 13**). The nearest residential noise sensitive receivers are expected to be 7 Rutledge Street and 3-5 Trelawney Street which are approximately 73m away from the proposed site.*

The acoustic report did not assess impacts on the Eastwood Public School nearby. Given the peak hours of use are expected to be in the evening or nighttime, it is not expected that this development will generate a significant acoustic impact on the public school. General offensive noise conditions will apply in relation to the unanticipated but potential noise impact to the school.

It is noted that the playground for Eastwood Public School is located a similar distance west of the subject site as 7 Rutledge Street is located south of the subject site.



Figure 13- Map showing the location of the subject site (red) and the nearest residential noise sensitive receivers (blue). Eastwood Public School is highlighted in purple.

Conditions have been recommended in the draft conditions of consent to ensure that the amenity of the residential premises and Eastwood Public School are protected. These include:

Acoustic Verification Report

Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:

- All recommendations contained in the *DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025* have been implemented, and
- The project specific noise criteria established in the DA Acoustic Report and any other noise and vibration criteria specified in this consent are being complied with.

**Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society or the Association of Australasian Acoustical Consultants.*

Condition Reason: To protect surrounding residential amenity.

Compliance with Acoustic Report

All control measures and procedures nominated in the approved *DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025*, must be implemented.

Condition Reason: To ensure compliance with submitted reports.

Maximum Occupancy

As per the *DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025*, the following maximum number of patrons are permitted in the various areas of the premises:

- The entire premises- Maximum 300 patrons,
- The outdoor rooftop bar area- Maximum 200 patrons,
- Alfresco gaming area- Maximum 30 patrons,

<p>d) Beer garden- Maximum 35 patrons, e) Alfresco area adjacent to the northern façade (along Hillview Lane)- Maximum 15 patrons</p>
<p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
<p>Hours of Operation</p>
<p>The pub within the tenancies of 167 and 169-171 Rowe Street may operate 7 days per week but is restricted to the following hours of operation:</p> <ul style="list-style-type: none"> a) The use of the outdoor rooftop bar area may commence at 10am but must cease at 12am (midnight) with all external building elements including doors and windows closed and all amplified music switched off. b) The use of the alfresco areas and beer garden on the ground floor may commence at 10am but must cease at 2am the following day. Use of these areas between 12am (midnight) and 2am is only permitted with all windows and doors closed. c) The use of all other internal ground floor areas may commence at 10am and must cease at 2am the following day. a) The existing uses at 173 Rowe Street (an optometrist and a beauty salon) must only operate within their approved hours of operation in accordance with their existing development consents.
<p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
<p>Amplified music (outdoor rooftop bar)</p>
<p>The use of amplified music must be limited to a sound pressure level of no greater than 80dB(A) at 3 metres to the external rooftop bar including directional speakers, as per the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025.</i></p>
<p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
<p>Restricted use of amplified music</p>
<p>No playing of amplified music is permitted within the external beer garden, alfresco gaming or alfresco areas.</p>
<p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
<p>Amplified music (ground floor internal area)</p>
<p>The use of amplified music at the ground floor internal areas must be limited to a sound pressure level of no greater than 70dB(A), as per the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025.</i></p>
<p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
<p>Noise complaint</p>
<p>During ongoing use of the site, upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environmental Protection Authorities - Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report must be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and must be submitted to Council's Environmental Health Officer for consideration and implementation.</p>
<p>Condition reason: To ensure that justified noise complaints are considered and resolved.</p>
<p>Use is not to cause offensive noise or vibration</p>
<p>During ongoing use of the site, the use of the premises is not permitted to give rise to:</p> <ul style="list-style-type: none"> a) transmission of unacceptable vibration to any place of different occupancy; and

<p>b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).</p> <p>The source noise level must be assessed as an $L_{Aeq,15\text{ min}}$ and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.</p>
<p>Condition reason: To ensure compliance with Protection of the Environment Operations Act 1997.</p>
<p>Patron noise control</p>
<p>During ongoing use of the site, the proprietors of the venue must be responsible at all times for the orderly dispersal of patrons from the venue.</p>
<p>Condition reason: To protect the amenity of the local area.</p>
<p>Neighbourhood Amenity near Licensed Premises</p>
<p>Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.</p> <p>The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so, directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.</p>
<p>Condition reason: To protect the amenity of the local area.</p>
<p>No live music</p>
<p>During ongoing use of the site, no live music or entertainment is permitted within the premises. The site is not to be used as a nightclub.</p>
<p>Condition reason: To protect the amenity of the local area.</p>
<p>Noise must not be audible</p>
<p>Notwithstanding compliance with any other noise conditions of this consent, noise from the premises or related activities must not be audible in any habitable room in any residential premises between the hours of 10:00pm and 7:00am.</p>
<p>Condition Reason: To protect the local residential amenity.</p>

Gaming Rooms

Several submissions raised concerns that there would be additional gaming machines in the area due to the proposed use.

Officer's Comment: The applicant has not provided details of the internal fitout of the gaming rooms so no gaming machines have been approved as part of this DA. Gaming machines can only be approved by the NSW Office of Liquor and Gaming. Section 209 of the Gaming Machines Act 2001 prevents a consent authority such as a Council from prohibiting or requiring development consent for gaming machines. Section 209 states the following:

(1) An environmental planning instrument (whether made before or after the commencement of this section) under the Environmental Planning and Assessment Act 1979 cannot prohibit or require development consent for, or otherwise regulate or restrict, the installation, keeping or operation of approved gaming machines in hotels or on the premises of clubs or any other premises.

(2) *If an environmental planning instrument contains any provision in contravention of subsection (1), the provision is taken to have no effect.*

(3) *A consent authority (within the meaning of the Environmental Planning and Assessment Act 1979) cannot—*

(a) as a condition of any development consent under that Act, prohibit or otherwise regulate or restrict the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club or any other premises, or

(b) refuse to grant any such development consent to a hotel or club for any reason that relates to the installation, keeping or operation of approved gaming machines in a hotel or on the premises of a club.

Furthermore, the following design amendment condition has been included in the draft consent to ensure that any gaming machines in the pub are not visible from the public domain along Rowe Street:

Design Amendments
Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:
Gaming Machines- The ventilation louvres along the southern and western sides of the alfresco gaming room and the automatic door along the southern side of the eastern foyer, must ensure that no gaming machines are visible from the public domain along Rowe Street.
Condition Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.

Lack of Parking and Impact on School Drop Off and Pick Up

One of the submissions raised concerns that a lack of parking was provided and that this would have an impact on the parking spaces required to drop off and pick up students from Eastwood Public School.

Officer's Comment: It is noted that the proposed hours of operation are from 10am daily, which does not align with school drop off times. With regards to the school pick up times, the application was referred to Council's City Infrastructure- Traffic Engineers and Council's Senior Development Engineer who raised no objections to the proposed numbers of parking spaces. A detailed assessment of the proposed parking spaces has been provided above in the RDCP 2014 section of this report. It is also noted that pubs are generally not busy during school pickup times.

Traffic Congestion

Several submissions raised concerns that the proposed pub would increase traffic congestion in the area.

Officer's Comment: This has been addressed in the RDCP 2014 section of this report. However, Council's Traffic Engineer has raised no objections to the proposal and has stated that the proposal is unlikely to generate significant additional traffic to the surrounding area, as the proposed use has a similar traffic generation rate to the existing (seafood restaurant) and previously approved (karaoke restaurant and bar) uses, and has a maximum patron capacity of 300, which is less than that of the seafood restaurant and karaoke bar combined (324 patrons). Furthermore, the site is within walking distance to Eastwood Railway Station and bus interchange, which will incentivise patrons to catch public transport to/from the pub.

Contradiction of the Ryde Community Strategic Plan

One of the submissions raised concerns that the proposed pub contradicts the goal of the 2022-2032 Ryde Community Strategic Plan (CSP) to 'enhance family-friendly spaces.

Officer's Comment: The current CSP is for the 2018-2028 period and does not include the quoted goal. However, the SIA states that *the pub has been designed as a family friendly venue and will provide an extensive bistro area and will feature a kids play area.*

Inconsistent with the Eastwood Identity

One of the submissions raised concerns that the proposed pub is inconsistent with Eastwood Town Centre's identity, which the submission states is centred on multicultural dining and not nightlife.

Officer's Comment: The proposed pub is considered to be consistent with the desired Future Character Statement in Part 4.1 of the RDCP 2014. The proposal is also consistent with the 'Land Use Mix' Planning Principle in Section 2.1.1 of Part 4.1 of the RDCP 2014 which states the following:

- a. Development is to provide a variety of housing types and employment-based activities and contribute to the character of the Village.*
- b. Development is to contribute to an integrated mixed use development pattern containing a wide range of housing, employment and recreation opportunities.*
- c. Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality, mixed shopping, living and working environment.*

The Future Character Statement and Planning Principles aim to encourage a diversity of land uses and employment opportunities, rather than a uniform identity focused on one particular land use. The proposed pub is considered to be consistent with the planning principles as it will provide an employment-based activity that is compatible with a mixed shopping, living and working environment. The alterations to the front and rear facades of the building will also contribute to a higher quality design for the streetscape.

Furthermore, the Ryde 2024-2028 Night-Time Economy Strategy states that the entertainment industry, food industry and beverage industry are all core industries for the night-time economy and bars and pubs *are integral components of the night-economy in Australia, offering social spaces for relaxation, socialising, and entertainment.* The Night-Time Economy Strategy also aims to *implement at least two Special Entertainment Precincts within four years* and states that *developing a Special Entertainment Precinct in key areas, such as Eastwood, will help protect existing night-time precincts and set expectations for new businesses and residents moving to these areas.* While no entertainment is proposed or permitted as part of this DA, the proposed pub will provide a venue that can help support Eastwood in becoming a Special Entertainment Precinct as the area further develops into the future.

Undermines the Eastwood Plaza Upgrade

One of the submissions raised concerns that the proposed pub would undermine the \$2.1 million upgrade to the Eastwood Plaza.

Officer's Comment: Council's officers are not aware of any \$2.1 million upgrades to the Eastwood Plaza, but the proposal provides a significant upgrade to the existing commercial buildings which will have a positive impact on the streetscape in the town centre. Given the substantial and growing Eastwood population, the pub is not considered to conflict with any potential future upgrades to the Eastwood Plaza and immediate locality.

Inadequate Social Impact Assessment

Several submissions argued that the submitted SIA was inadequate as it did not consider data of certain criminal offences, and data from finer grain statistical areas within the immediate locality or statistical areas further away from Eastwood, from where patrons may be travelling.

Officer's Comment: The SIA has been prepared by the applicant's qualified planning expert and provides relevant data from various levels and various sources including data of alcohol related crimes. Based on the evidence provided in the SIA, the harm minimisation strategies provided in the POM and CPTED report, and the comments received from NSW Police in response to the proposal, it has been considered that sufficient measures have been proposed to minimise social harm on the local and broader community as a result of the proposed pub.

Strain on Law Enforcement

Several submissions raised concerns that the proposed use would place a strain on the resources of local law enforcement.

Officer's Comment: The application was referred to the NSW Police, who have raised no objections to the proposal subject to recommended conditions of consent.

Reduction in Diversity of Businesses in Locality and Impacts on Family Orientated Nighttime Economy

Several submissions raised concerns that the proposed pub would reduce the diversity of businesses in the locality and the availability of nighttime activities. The submissions also raised concerns that it would have an adverse impact on the family orientated nighttime economy within the Eastwood Town Centre.

Officer's Comment: The proposed pub is consistent with the objectives of the Ryde Night-Time Economy Strategy and is considered to help to diversify the nighttime economy as the existing uses on the site currently cease at 10pm.

The applicant has stated that they plan to develop the pub into a family friendly venue and have included a kids play area on the ground floor.

Public Health Concerns

Several submissions raised concerns that the proposed use would have an adverse impact on public health as a result of the consumption of alcohol and smoking. One submission was concerned that smoking would be allowed inside the pub.

Officer's Comment: The application is accompanied by a POM and CPTED report, both of which provide sufficient measures to minimise harm and adverse social impacts from the proposed use.

The location of smoking and vaping areas is subject to the provisions of the NSW Smoke-free Environment Act 2000. Council's Environmental Health Officer has recommended the following condition of consent be imposed on any development consent issued for the proposal:

No smoking
Smoking is not permitted to occur in an enclosed public place or within 4 metres of a pedestrian entrance into or exiting from a public building. The designated outdoor smoking area must comply with the requirements of the Smoke-Free Environment Act 2000.
Condition Reason: To ensure compliance with Smoke-Free Environment Act 2000.

While the POM states that ashtrays will be provided by the pub, it is noted that a Council waste bin is provided at the corner of Rowe Street and the Avenue, approximately 10m from the entrance to the pub.

Notification Letter Not Received

A submission was received from a local business stating that they had not received an official notification letter.

Officer's Comment: An official notification letter was sent to both the property address of the local business and the postal address of the owners of the property, both of which are registered in Council's system.

Requests for an Open Community Forum

Several submissions requested that an open community forum be held to allow the community to express their opinions and thoughts.

Officer's Comment: The application was notified to the surrounding community in accordance with the Ryde Community Participation Plan. As part of the notification period, members of the community were invited to submit their opinions and thoughts that need to be considered by the consent authority. As the application has received more than 10 submissions by way of objection, the Ryde Local Planning Panel (RLPP) is now the consent authority with the delegation to determine the application. All submitters will be invited to address the RLPP.

10. REFERRALS

Senior Development Engineer

The application was referred to Council's Senior Development Engineer who raised no objections to the proposal subject to recommended conditions.

City Infrastructure – Stormwater and Floodplain Management Engineer

The application was referred to Council's City Infrastructure – Stormwater and Floodplain Management Engineer who raised no objections to the proposal subject to recommended conditions.

City Infrastructure – Traffic Engineer

The application was referred to Council's City Infrastructure- Traffic Engineer who raised no objections to the proposal subject to recommended conditions.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer for comment. In addition to the comments mentioned above in the submissions section of this report, the following comments were also received:

The proposal includes a pub however the submitted plans do not provide any details on the kitchen, food hand handling areas or food storage areas to demonstrate compliance with the Food Act 2003, Food Standards Code and AS4674. It also appears that no consideration has been given to the installation of a grease trap for the food premises. The venue will have a maximum capacity of 300 people, and the submitted plans provide a kitchen space for 36m² it is not predicted that this will be of a sufficient size to accommodate the requirements for food storage, preparation or cleaning and sanitising. The application has also not considered mechanical ventilation. Conditions of consent have been provided to cover these concerns.

Building Surveyor

The application was referred to Council's Building Surveyor who raised no objections to the proposal subject to recommended conditions.

NSW Police

The application was referred to the NSW Police who raised no objections to the proposal subject to recommended conditions requiring compliance with the approved Acoustic Report and POM and minor amendments to the POM including the following:

- Clarification of the hours of operation for the ground floor terraces.
- A requirement for a security guard to be provided from 8pm until 30 minutes after close on Thursdays, Fridays and Saturdays and from 12am midnight until 30 minutes after close on any other occasion the hotel trades past midnight.

While the POM mentions that the ground floor terraces will operate from 10am to 12 midnight with the windows and door open and between 10am and 2am with the windows and doors closed, there are no ground floor terraces shown on the plans. It is assumed that the terraces refer to the beer garden and alfresco areas on the ground floor. To ensure that the hours of operation are in accordance with those provided in the POM and Acoustic Report, the following condition is included in the conditions of consent:

Hours of Operation
The pub within the tenancies of 167 and 169-171 Rowe Street may operate 7 days per week but is restricted to the following hours of operation:
d) The use of the outdoor rooftop bar area may commence at 10am but must cease at 12am (midnight) with all external building elements including doors and windows closed and all amplified music switched off.
e) The use of the alfresco areas and beer garden on the ground floor may commence at 10am but must cease at 2am the following day. Use of these areas between 12am (midnight) and 2am is only permitted with all windows and doors closed.
f) The use of all other internal ground floor areas may commence at 10am and must cease at 2am the following day.
g) The existing uses at 173 Rowe Street (an optometrist and a beauty salon) must only operate within their approved hours of operation in accordance with their existing development consents.
Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.

Furthermore, a condition requiring the POM to be amended to include a security guard during the hours requested by the police is included in the conditions of consent.

11. CONCLUSION

After consideration of the development against section 4.15 of the Environmental Planning and Assessment Act 1979 and the relevant statutory and policy provisions, the proposal is suitable for the site and is not contrary to the public interest. Therefore, it is recommended that the application be approved for the following reasons:

- The proposal is consistent with the objectives for MU1 Mixed Use zoned land.
- The proposal is consistent with the statutory provisions set out in the Environmental Planning and Assessment Act 1979.

- The proposal does not result in any significant adverse impacts upon adjoining properties and surrounding environment. Any potential adverse impacts upon adjoining properties or the surrounding environment are addressed by conditions of consent.
- The issues raised in submissions are addressed by conditions, and/or do not warrant the refusal of this DA.
- The proposed use is suitable to the site and the proposal is not contrary to the public interest.

12. RECOMMENDATION

A. THAT the Ryde Local Planning Panel, as the consent authority, grant development consent to Development Application LDA2025/0012 for alterations and additions and use of an existing commercial building as a Pub and Hotel for up to 300 patrons, operating between 10:00am and 2:00am the following day, 7 days a week for the ground floor and 10:00am and 12:00 midnight for the rooftop space with associated business identification signage on land at 167, 169-171 and 173 Rowe Street, Eastwood, subject to the draft conditions contained in **Attachment 1**.

ATTACHMENTS

- 1 Draft Conditions of Consent
- 2 Ryde Development Control Plan 2014 – Table of Compliance
- 3 Architectural Plans - subject to copyright provision

Report prepared by:

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Report approved by:

Holly Charalambous
Senior Coordinator Development Assessment

Sohail Faridy
Acting Manager Development Assessment

ATTACHMENT 1 – DRAFT CONDITIONS OF CONSENT

GENERAL CONDITIONS

1)

Approved plans and supporting documentation

Development must be carried out in accordance with the following approved plans and documents, except where the conditions of this consent expressly require otherwise.

Plan Number	Revision	Plan Title	Prepared by	Date of Plan
Dwg: A000	03	Site + Aerial Context	Alan Powell	23/01/2025
Dwg: A001	03	Site Plan- Proposed	Alan Powell	23/01/2025
Dwg: A100	03	Plan Lower Ground Existing Demolition	Alan Powell	23/01/2025
Dwg: A101	03	Plan Ground Floor Existing Demolition	Alan Powell	23/01/2025
Dwg: A102	03	Plan Level 1 Existing Demolition	Alan Powell	23/01/2025
Dwg: A103	03	Plan Roof Existing Demolition	Alan Powell	23/01/2025
Dwg: A104	03	Elevations Existing Demolition	Alan Powell	23/01/2025
Dwg: A110	03	Plan Lower Ground Proposed	Alan Powell	23/01/2025
Dwg: A111	03	Plan Ground Floor Proposed (<i>as amended in red</i>)	Alan Powell	23/01/2025
Dwg: A112	03	Plan Level 1 Proposed	Alan Powell	23/01/2025
Dwg: A113	03	Plan Roof Proposed	Alan Powell	23/01/2025
Dwg: A200	03	Elevations (<i>as amended in red</i>)	Alan Powell	23/01/2025
Dwg: A300	03	Sections	Alan Powell	23/01/2025
Dwg: A310	03	Signage Details (<i>as amended in red</i>)	Alan Powell	23/01/2025
Dwg: A600	03	External Glazing Schedule	Alan Powell	23/01/2025
Dwg: A700	03	External Finishes	Alan Powell	23/01/2025

Approved documents

Document Title	Revision	Prepared by	Date of document
Operational Waste Management Plan	B	Elephants Foot Group	23/01/2025
Plan of Management	V1	Design Collaborative	January 2025
DA Acoustic Assessment Report	4	Pulse White Noise Acoustics	10/03/2025

	Flood Assessment Letter	-	Jones Nicholson Pty Ltd	23/01/2025
	DA Stage BCA Assessment Report	1.1	Jamison Property	23/01/2025
	NCC 22 Section J Report	2	Jamison Property	23/01/2025
<p>In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.</p> <p>Note: This condition is to be read in conjunction with Condition 'Design Amendments.'</p> <p>Condition Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.</p>				
2)	<p>Compliance with Building Code of Australia and insurance requirements under Home Building Act 1989</p> <p>A) It is a condition of a development consent for development that involves building work that the work must be carried out in accordance with the requirements of the Building Code of Australia.</p> <p>B) It is a condition of a development consent for development that involves residential building work for which a contract of insurance is required under the Home Building Act 1989, Part 6 that a contract of insurance is in force before building work authorised to be carried out by the consent commences.</p> <p>C) It is a condition of a development consent for a temporary structure used as an entertainment venue that the temporary structure must comply with Part B1 and NSW Part H102 in Volume 1 of the Building Code of Australia.</p> <p>D) In subsection (1), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for the construction certificate was made.</p> <p>E) In subsection (3), a reference to the Building Code of Australia is a reference to the Building Code of Australia as in force on the day on which the application for development consent was made.</p> <p>F) This section does not apply—</p> <p>(I) to the extent to which an exemption from a provision of the Building Code of Australia or a fire safety standard is in force under the Environmental Planning and Assessment (Development Certification and Fire Safety) Regulation 2021, or</p> <p>(II) to the erection of a temporary building, other than a temporary structure to which subsection (3) applies.</p> <p>Condition Reason: Prescribed condition under section 69 of the Environmental Planning and Assessment Regulation 2021.</p>			
3)	<p>Erection of signs</p> <p>A) This section applies to a development consent for development involving building work, subdivision work or demolition work.</p> <p>B) It is a condition of the development consent that a sign must be erected in a prominent position on a site on which building work, subdivision work or demolition work is being carried out—</p> <p>(I) showing the name, address and telephone number of the principal certifier for the work, and</p>			

	<p>(II) showing the name of the principal contractor, if any, for the building work and a telephone number on which the principal contractor may be contacted outside working hours, and</p> <p>(III) stating that unauthorised entry to the work site is prohibited.</p> <p>C) The sign must be—</p> <p>(I) maintained while the building work, subdivision work or demolition work is being carried out, and</p> <p>(II) removed when the work has been completed.</p> <p>D) This section does not apply in relation to—</p> <p>(I) building work, subdivision work or demolition work carried out inside an existing building, if the work does not affect the external walls of the building, or</p> <p>(II) Crown building work certified to comply with the Building Code of Australia under the Act, Part 6.</p> <p>Condition Reason: Prescribed condition under section 70 of the Environmental Planning and Assessment Regulation 2021.</p>
4)	<p>Fire safety matters / Changes in building use</p> <p>A building subject to change of use must comply with the Category 1 fire safety provisions applicable to the new use.</p> <p>NOTE: The obligation under this clause to comply with Category 1 fire safety provisions may require building work to be carried out even though none is proposed or required in the relevant development consent.</p> <p>This clause does not apply to the extent to which an exemption is in force under clause 62 in the Environmental Planning and Assessment Regulation 2021.</p> <p>Condition reason: Statutory requirement.</p>
5)	<p>Hoardings</p> <p>A) A hoarding or fence must be erected between the work site and any adjoining public place.</p> <p>B) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public place.</p> <p>C) Any hoarding, fence or awning erected pursuant to this consent is to be removed when the work has been completed.</p> <p>Condition reason: To ensure public safety.</p>
6)	<p>Illumination of public places</p> <p>Any public place affected by works must be kept lit between sunset and sunrise if it is likely to be hazardous to persons in the public place.</p> <p>Condition reason: To ensure public safety.</p>
7)	<p>Site management</p> <p>All possible and practical steps shall be taken to prevent nuisance to the occupants of the surrounding neighbourhood from windblown dust, debris, noise and the like during the demolition and building works.</p> <p>Condition Reason: Health and amenity.</p>
8)	<p>Design and Construction Standards</p> <p>All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's DCP Part 8.5 (Public Civil Works) and Part 8.2 (Stormwater and Floodplain Management), except otherwise as amended by conditions of this consent.</p> <p>Condition Reason: To ensure that all works are undertaken in accordance with any relevant standard and DCP requirements.</p>

9)	Public Utilities and Service Alterations
	All mains, services, poles, etc., which require alteration due to works associated with the development, shall be altered at the Applicant's expense. The Applicant shall comply with the requirements (including financial costs) of the relevant utility provider (e.g. Ausgrid, Sydney Water, Telstra, TfNSW, Council, etc) in relation to any connections, works, repairs, relocation, replacement and/or adjustments to public infrastructure or services affected by the development.
	Condition Reason: Protection of infrastructure and compliance with relevant Authorities requirements.
10)	Restoration
	Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities, including repairs of damaged infrastructure as a result of the construction works associated with this development site, shall be undertaken by the Applicant in accordance with Council's standards and specifications, and DCP Part 8.5 (Public Civil Works), to the satisfaction of Council.
	Condition Reason: To ensure the amenity and state of the public domain is maintained.
11)	Road Activity Permits
	Prior to carrying out any work in, on or over a road reserve, consent from Council is required as per the Roads Act 1993. The applicant is required to review the "Road Activity Permits Checklist" (available from Council's website: https://www.ryde.nsw.gov.au/files/assets/public/forms-and-documents/2023-07-road-activity-permits-checklist.pdf) and apply for the relevant permits for approval by Council. Types of road activity permits potentially required include Road Use Permit, Work Zone Permit, Road / Footpath / Driveway / Nature Strip / Kerb & Gutter Opening Permit, Temporary Placement of Elevated Tower, Crane or Concrete Pump, Operation of a Crane Over Air Space Permit, Construction Hoarding Permit and Skip Bin on Nature Strip Permit. Penalties apply for failure to comply.
	Condition Reason: To ensure the amenity and state of the public domain is maintained.
12)	Protection of Public Domain
	The public domain must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
	Condition Reason: To ensure public safety.
13)	Land Boundary / Cadastral Survey
	If any design work relies on critical setbacks from land boundaries or subdivision of the land is proposed, it is a requirement that a land boundary / cadastral survey be undertaken to define the land. The land boundaries should be marked or surveyed offset marks placed prior to the commencement of any work on site.
	Condition reason: To ensure that the approved development is built in accordance with the stamped approved plans.
14)	Traffic management
	Traffic management procedures and systems must be in place and practised during the works period to ensure safety and minimise the impact on adjoining pedestrian and vehicular traffic systems in accordance with AS 1742.3 - 2019 and Council's DCP Part 8.1 (Construction Activities).
	Condition reason: To ensure that appropriate procedures are in place to assist with the safety of all affected road users within the public domain when works are being undertaken.

15)	<p>Maximum Capacity Signage</p> <p>This section applies to a development consent, including an existing development consent, for the following uses of a building, if the development consent contains a condition specifying the maximum number of persons permitted in the building—</p> <ul style="list-style-type: none"> a. an entertainment venue, b. a function centre, c. a pub, d. a registered club, e. a restaurant or cafe. <p>It is a condition of the development consent that a sign must be displayed in a prominent position in the building stating the maximum number of persons (being 300 patrons), as specified in the development consent, that are permitted in the building.</p> <p>Condition Reason: Prescribed condition under section 73 of the Environmental Planning and Assessment Regulation 2021.</p>
16)	<p>Noise Mitigation</p> <p>To minimise noise emitted from ancillary elements, such as air-conditioning units, the equipment must be installed in accordance with the manufacturer's specification and noise attenuation measures implemented so that noise emitted does not exceed 5dB(A) above the background noise level when measured on or within any other residential property boundary.</p> <p>Condition Reason: To protect the amenity of the locality.</p>
17)	<p>Liquid Trade Waste</p> <p>The food premises must comply with the following standards: If a grease trap is required to be installed, then it must be installed in accordance with Sydney Water trade waste requirements by a suitably qualified and licensed plumber in accordance with the <i>Plumbing Code of Australia</i>. The grease trap must be suitably constructed; suitably located for cleaning and pump out; must not be located in any kitchen, food preparation or food storage area or accessed through these areas for cleaning and pump out purposes; and must not impact on stormwater systems.</p> <p>Condition Reason: To ensure that liquid trade waste is suitably disposed of and does not affect the environment or food safety.</p>
18)	<p>Provision for installation of kitchen exhaust systems</p> <p>Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.</p> <p>Condition Reason: To control offensive emissions and ensure the protection of the environment.</p>
19)	<p>Food Premises – Design, Construction and Fitout of Food Premises</p> <p>The design, construction, and fitout of the food premises must comply with Standard 3.2.3 of the Australian and New Zealand Food Standards Code under the <i>Food Act 2003</i> and AS 4674 – 2004 <i>Design, Construction and Fitout of Food Premises</i>.</p> <p>Note: Copies of AS 4674-2004 may be obtained from the Standards Australia Customer Service by visiting the website www.standards.com.au. Copies of the Food Standards Code (Australia) may be obtained by visiting the website www.foodstandards.gov.au.</p> <p>Condition Reason: To ensure the food premises fitout complies with relevant food safety legislation and standard.</p>
20)	<p>Wastewater discharge</p>

	No wastewater or liquid waste is to be discharged into Council's stormwater system, drainage channels or water courses.
	Condition reason: To protect the environment.
21)	Signage – not approved unless shown on plans
	This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is "exempt development".
	Condition reason: To ensure signage is not erected without prior development approval.
22)	Asbestos
	Where asbestos is present during works, the work must be carried out in accordance with the guidelines for asbestos work published by SafeWork NSW.
	Condition reason: To ensure that all works are carried out in a safe manner.
23)	Asbestos (disposal)
	All asbestos wastes must be disposed of at a landfill facility licensed by NSW Environment Protection Authority to receive that waste. Copies of the disposal dockets must be retained by the person performing the work for at least 3 years and be submitted to Council on request.
	Condition reason: To ensure the protection of the environment.

DEMOLITION CONDITIONS BEFORE DEMOLITION WORK COMMENCES

24)	Waste Management Plan Requirements
	Before the issue of a construction certificate, a waste management plan for the demolition and construction phases of the development must be prepared and provided to the principal certifier and to Council. The plan must be prepared:
	A) in accordance with the Environment Protection Authority's Waste Classification Guidelines as in force from time to time, and
	B) a development control plan that provides for waste management that applies to the land on which the work is carried out, and
	C) must include the following information—
	(I) the contact details of the person/company removing the waste,
	(II) an estimate of the type and quantity of waste,
	(III) whether waste is expected to be reused, recycled or sent to landfill,
	(IV) the address of the disposal location for waste.
	A copy of the waste management plan must be kept on-site at all times while work approved under the development consent is being carried out.
	Condition Reason: To ensure resource recovery is promoted and local amenity protected during construction.
25)	Asbestos removal signage
	Before demolition work commences involving the removal of asbestos, a standard commercially manufactured sign containing the words 'DANGER: Asbestos removal in progress' (measuring not less than 400mm x 300mm) must be erected in a prominent position at the entry point/s of the site and maintained for the entire duration of the removal of the asbestos.
	Condition Reason: To alert the public to any danger arising from the removal of asbestos.

26)	<p>Demolition management plan</p> <p>Before demolition work commences, a demolition management plan must be prepared by a suitably qualified person.</p> <p>The demolition management plan must be prepared in accordance with Australian Standard 2601 – The Demolition of Structures, the Code of Practice – Demolition Work, and must include the following matters:</p> <ol style="list-style-type: none"> 1. The proposed demolition methods 2. The materials for and location of protective fencing and any hoardings to the perimeter of the site 3. Details on the provision of safe access to and from the site during demolition work, including pedestrian and vehicular site access points and construction activity zones 4. Details of demolition traffic management, including proposed truck movements to and from the site, estimated frequency of those movements, and compliance with AS 1742.3 Traffic Control for Works on Roads and parking for vehicles 5. Erosion and sediment control measures which are to be implemented during demolition and methods to prevent material being tracked off the site onto surrounding roadways 6. Noise and vibration control measures, in accordance with any Noise and Vibration Control Plan approved under this consent 7. Details of the equipment that is to be used to carry out demolition work and the method of loading and unloading excavation and other machines 8. Location of any reusable demolition waste materials to be stored on-site (pending future use) 9. A garbage container with a tight-fitting lid.
	<p>Condition Reason: To provide details of measures for the safe and appropriate disposal of demolition waste and the protection of the public and surrounding environment during the carrying out of demolition works on the site.</p>
27)	<p>Notice of commencement for demolition</p> <p>At least one week before demolition work commences, written notice must be provided to council and the occupiers of neighbouring premises of the work commencing. The notice must include:</p> <ol style="list-style-type: none"> 1. name 2. address, 3. contact telephone number, 4. licence type and license number of any demolition waste removal contractor and, if applicable, asbestos removal contractor, and 5. the contact telephone number of council and 6. the contact telephone number of SafeWork NSW (4921 2900). <p>Condition Reason: To advise neighbours about the commencement of demolition work and provide contact details for enquiries.</p>
28)	<p>Site preparation</p> <p>Before demolition work commences the following requirements, as specified in the approved demolition management plan, must be in place until the demolition work and demolition waste removal are complete:</p> <ol style="list-style-type: none"> 1. Protective fencing and any hoardings to the perimeter on the site 2. Access to and from the site 3. Construction traffic management measures 4. Protective measures for on-site tree preservation and trees in adjoining public domain

	5. Onsite temporary toilets
	6. A garbage container with a tight-fitting lid.
	Condition Reason: To protect workers, the public and the environment.

DURING DEMOLITION WORKS

29)	Handling of asbestos during demolition While demolition work is being carried out, any work involving the removal of asbestos must comply with the following requirements: <ol style="list-style-type: none"> Only an asbestos removal contractor who holds the required class of Asbestos Licence issued by SafeWork NSW must carry out the removal, handling and disposal of any asbestos material; Asbestos waste in any form must be disposed of at a waste facility licensed by the NSW Environment Protection Authority to accept asbestos waste; and Any asbestos waste load over 100kg (including asbestos contaminated soil) or 10m² or more of asbestos sheeting must be registered with the EPA on-line reporting tool WasteLocate. Condition Reason: To ensure that the removal of asbestos is undertaken safely and professionally.
30)	Site maintenance While demolition work is being carried out, the following requirements, as specified in the approved demolition management plan, must be maintained until the demolition work and demolition waste removal are complete: <ol style="list-style-type: none"> Protective fencing and any hoardings to the perimeter on the site Access to and from the site Construction traffic management measures A garbage container with a tight-fitting lid. Condition Reason: To protect workers, the public and the environment.
31)	Disposal of site materials Any materials requiring off-site disposal must be classified, managed and disposed of in accordance with the Protection of the Environment Operations Act 1997 and the NSW Environment Protection Authority's Waste Classification Guidelines. Condition reason: To protect the environment.
32)	Noise control for work sites Any noise generated during demolition must not exceed the limits specified in the Protection of the Environment Operations Act 1997 and in accordance with the NSW EPA Draft Construction Noise Guidelines. Works are to follow the below hours: <p style="margin-left: 40px;">7 am to 6 pm, Monday to Friday 8 am to 1 pm, Saturday No works are to be undertaken on Sundays or Public Holidays.</p> Condition reason: To protect the amenity of surrounding properties and the general public.

ON COMPLETION OF DEMOLITION WORKS

33)	Waste disposal verification statement
	On completion of demolition work:

	<ol style="list-style-type: none"> 1. a signed statement must be submitted to the principal certifier verifying that demolition work, and any recycling of materials, was undertaken in accordance with the waste management plan approved under this consent, 2. if the demolition work involved the removal of asbestos, an asbestos clearance certificate issued by a suitably qualified person, must be submitted to the principal certifier within 14 days of completion of the demolition work.
	Condition Reason: To provide for the submission of a statement verifying that demolition waste management and recycling has been undertaken in accordance with the approved waste management plan.

BUILDING WORKS

BEFORE ISSUE OF A CONSTRUCTION CERTIFICATE

34)	Design Amendments
	Before the issue of a construction certificate, the principal certifier must ensure the construction certificate plans and specifications detail the following required amendments to the approved plans and documents:
	<ol style="list-style-type: none"> A) Under Awning Signs- The two under awning signs directly outside 173 Rowe Street must be business identification signs for the existing uses at 173 Rowe Street. One of the under awning signs must be for the existing beauty salon and the other must be for the optometrist. B) Signage Along the Southern Elevation- To ensure patrons do not interpret 173 Rowe Street as being part of the pub, the wall signage along the southern (front) elevation fronting Rowe Street must be amended so that all of the letters in 'Grand Hotel Eastwood' are only located over the front façade of 167 and 169-171 Rowe Street. No part of the signage is to be located over the front façade of 173 Rowe Street. C) Gaming Machines- The ventilation louvres along the southern and western sides of the alfresco gaming room and the automatic door along the southern side of the eastern foyer, must ensure that no gaming machines are visible from the public domain along Rowe Street.
	Condition Reason: To require minor amendments to the plans endorsed by the consent authority following assessment of the development.
35)	Illumination of signage
	The Construction Certificate documentation is required to demonstrate that the level of illumination of the signage will be set to local ambient conditions so as to avoid light spill, or glare. The lighting intensity of the signage must be capable of modification or control after installation.
	Condition reason: To ensure that the intensity of the illumination of the signage is appropriately managed.
36)	Flood and overland flow protection
	Before the issue of a construction certificate, A compliance certificate from a suitably qualified Chartered Civil Engineer (registered on the NER of Engineers Australia), or equivalent, confirming the development is in accordance with the requirements of this condition must be submitted to the principal certifier. The certificate must state that: In accordance with the floodplain management controls stated within Council's DCP Part 8.2 (Stormwater and Floodplain Management), the following measures will be implemented in the development:

	<p>A) All recommendations provided in the approved Flood Assessment Letter.</p> <p>B) All floor levels encompassed under this approval must not be constructed lower than the approved Flood Assessment Letter.</p> <p>C) All structures subject to flooding and overland flows must be constructed of flood compatible building components.</p> <p>D) All electrical service outlets and junctions must be elevated at least 500mm above the immediate 100yr ARI flood level.</p> <p>E) External structures subject to flooding and overland flows must be structurally designed to withstand the forces imposed by these flows, including forces imposed by floating debris and buoyancy.</p> <p>F) In order to minimise property and asset damage, the garage doors of 167 and 169-171 Rowe Street along Hillview Lane are to be designed to provide a watertight seal so as to minimise the degree of inundation of the basement garage and storage rooms. All pedestrian entrances along Hillview Lane into the basements of 167 and 169-171 Rowe Street must also be designed or reconfigured to have watertight doors which swing outwards, so that the hydrostatic pressure of flood water makes an improved door seal. All entries must have sufficient structural integrity to resist the hydrostatic pressure or forces that may be imposed by floodwaters and will require the certification of a professional engineer asserting that this has been achieved.</p>
	<p>Condition reason: To ensure that the development implements measures to minimise the risk of flood inundation and flood impacts.</p>
37)	<p>Design Certificate for Public Infrastructure Improvements</p> <p>Before the issue of the relevant construction certificate, public infrastructure plans are required to be prepared by a Chartered Civil Engineer (registered on the NER of Engineers Australia), are to be submitted to and approved by Council's City Infrastructure Directorate. Confirmation of Council approval is to be provided to the principal certifier. The plans shall be in accordance with City of Ryde DCP 2014 Part 8.5 – Public Civil Works, and DCP 2014 Part 8.2 – Stormwater Management, where applicable.</p> <p>The drawings shall include plans, sections, existing and finished surface levels, drainage – pit and pipe configurations, kerb returns, existing and proposed signage and line marking, and other relevant details for the new works. They shall demonstrate the smooth connection of the proposed public domain infrastructure into the remaining street scape.</p> <p>Full design engineering plans and specifications for the following infrastructure works are required:</p> <ul style="list-style-type: none"> (a) The construction of a new kerb and gutter, if required, along the Rowe Street frontage (refer to 'Restoration' condition above for details). (b) Construction of full width footpath paved with granite pavers along the Rowe Street frontage of the development site. (c) Stormwater drainage installations in the public domain in accordance with the DA approved plans. (d) Signage and line marking details. (e) Staging of the public civil works, if any, and transitions between the stages. (f) The relocation/adjustment of all public utility services affected by the proposed works. Written approval from the applicable Public Authority shall be submitted to Council along with the public domain plans

	<p>submission. All the requirements of the Public Authority shall be complied with.</p> <p>Notes:</p> <ol style="list-style-type: none"> 1. The Applicant is advised to consider the finished levels of the public domain, including new or existing footpaths, prior to setting the floor levels for the proposed building. 2. Depending on the complexity of the proposed public domain works, the Council's review of each submission of the plans may take a minimum of six (6) weeks. 3. Prior to submission to Council, the Applicant is advised to ensure that the drawings are prepared in accordance with the standards listed in the City of Ryde DCP 2014 Part 8-5 - Public Civil Works, Section 5 "Standards Enforcement". A checklist has also been prepared to provide guidance and is available upon request to Council's City Infrastructure Directorate. 4. City of Ryde standard drawings for public domain infrastructure assets are available on the Council website. Details that are relevant may be replicated in the public domain design submissions; however, Council's title block shall not be replicated. <p>Condition Reason: Provision and upgrade of public assets and to ensure compliance with Council's relevant Planning Instruments.</p>
38)	<p>Engineering plans assessment and works inspection fees</p> <p>The applicant is to pay to Council fees for assessment of all engineering and public domain plans and inspection of the completed works in the public domain, in accordance with Council's Schedule of Fees & Charges at the time of the issue of the plan approval, prior to such approval being granted by Council.</p> <p>Note: An invoice will be issued to the Applicant for the amount payable, which will be calculated based on the design plans for the public domain works.</p> <p>Condition reason: To ensure compliance with Council's requirements.</p>
39)	<p>Safety Design Report for Public Domain Infrastructure Design</p> <p>In accordance with the Work Health and Safety Regulation 2017 and the Work Health and Safety Act 2011, a Safety Design Report must be prepared for all design elements of the public domain infrastructure, including road layouts, footpaths, traffic facilities (such as road widening, pedestrian crossings, signage, and shared user paths). This report must be prepared by a suitably qualified registered civil engineer for civil design elements and a qualified safety auditor for traffic facilities and signage.</p> <p>The Safety Design Report is to be submitted to the Council City Infrastructure Directorate prior to the issuance of the Construction Certificate.</p> <p>The report should refer to the public domain upgrade plans to identify any potential hazards that the qualified registered civil engineer and/or road safety auditor reasonably considers could pose risks to the health or safety of individuals during the construction and final phases in the public domain or road reserve. The report must also reference the relevant NSW Government codes of practice and guidelines, including:</p> <ul style="list-style-type: none"> • Code of Practice: Safe Design of Structures • Code of Practice: Construction Work • Code of Practice: How to Manage Work Health and Safety Risks <p>Condition reason: Ensure compliance with Work Health and Safety Regulation 2017.</p>
40)	<p>Public domain works – Defects Liability Bond</p>

	<p>To ensure satisfactory performance of the public domain works, a defects liability period of twelve (12) months shall apply to the works in the road reserve following completion of the development. The defects liability period shall commence from the date of issue by Council, of the Compliance Certificate for the External Works. The applicant shall be liable for any part of the work which fails to perform in a satisfactory manner as outlined in Council's standard specification, during the twelve (12) months' defects liability period. Before the issue of the construction certificate, a public domain defects and security bond must be paid to Council in the form of a cash deposit or Bank Guarantee of \$40,000 with details provided to the principal certifier.</p> <p>Note: The bond will only be refunded when the works are determined to be satisfactory to Council after the expiry of the 12 months defects liability period.</p> <p>Condition reason: To ensure compliance with specifications and identification of defects not visible at final inspection.</p>
41)	<p>Anticipated assets register (changes to council assets)</p> <p>Before the issue of any construction certificate, an anticipated asset register is to be prepared to the satisfaction of Council's City Infrastructure Department with confirmation provided to the principal certifier. The anticipated asset register must include but not limited to the following:</p> <ul style="list-style-type: none"> • new road pavements • new clay pavers footways • new street furniture • new signage and line marking on the roads • new kerb and gutter • new driveways <p>Condition reason: To record the anticipated civil works to be completed with the development.</p>
42)	<p>Construction traffic management plan</p> <p>Before the issue of a construction certificate, a Construction Traffic Management Plan (CTMP) for all construction works, including demolition activities, must be prepared by a suitably qualified traffic engineer. The CTMP must include any Traffic Control Plans / Traffic Guidance Schemes and must be submitted to and approved by Council. Confirmation of Council's acceptance of the CTMP is to be provided to the principal certifier.</p> <p>Truck movements are to be restricted to outside of peak weekday commuter periods between 7:00am – 9:00am and 4:00pm – 6:00pm to minimise impact on Eastwood Town Centre. Truck movements must be agreed with Council's Traffic Services Department prior to submission of the CTMP.</p> <p>All fees and charges associated with the review of this plan are to be paid (as per Council's Fees and Charges current at the time of payment), with payment made prior to receipt of approval from Council's Traffic Services Department for the CTMP.</p> <p>Condition reason: To ensure public safety and minimise any impacts to the adjoining pedestrian and vehicular traffic systems.</p>
43)	<p>Long Service Levy</p> <p>Before the issue of the relevant construction certificate, the long service levy of 0.25% of the cost of works must be paid to the Long Service Corporation of Council under the <i>Building and Construction industry Long Service Payments Act 1986</i>, section 34, and evidence of the payment is to be provided to principal certifier.</p>

	Condition Reason: To ensure the long service levy is paid.
44)	<p>Payment of security deposits</p> <p>Before the issue of the relevant construction certificate, the applicant must:</p> <p>A) make payment for a security deposit to the consent authority under the category of: other buildings with delivery of bricks or concrete or machine excavation; and</p> <p>B) if a principal certifier is required to be appointed for the development – provide the principal certifier with written evidence of the payment and the amount paid.</p> <p>Condition Reason: To ensure any damage to public infrastructure is rectified and public works can be completed.</p>
45)	<p>Preparation of construction and fit out plans for food and drink premises</p> <p>Before the issue of a construction certificate, detailed plans of all food and beverage preparation, serving and storage areas (including for perishable stock, waste, chemicals and personal belongings) must be prepared by a suitably qualified person. The detailed plans must be prepared in accordance with the following editions in force on the date of determination and provided to the Principal Certifier:</p> <p>A) Food Standards Code (Australia) and Food Safety Standard 3.2.3 – Food Premises and Equipment</p> <p>B) <i>Food Act 2003</i> and Food Regulation 2015</p> <p>C) Australian Standard 4674:2004 Design, Construction and Fit-out of Food Premises</p> <p>D) Plumbing Code of Australia and Australian Standard/New Zealand Standard AS/NZS 3500 series on Plumbing and Drainage</p> <p>E) Sydney Water commercial trade wastewater requirements for food premises, and any relevant Water Services Association of Australia codes of practice, guidelines, policies and requirements.</p> <p>Condition Reason: To ensure detailed construction and fit out plans are submitted which comply with the relevant standards.</p>
46)	<p>Food Premises – Waste Storage Area</p> <p>A) To ensure the adequate storage and collection of waste from the food premises, all garbage and recyclable materials emanating from the premises must be stored in a designated enclosed waste storage area. The waste storage area must be designed and constructed in accordance with <i>AS 4674 – Design, Construction and Fit-out of Food Premises, Australia New Zealand Food Standards Code 3.2.3 – Food Premises and Equipment</i> and must be:</p> <ol style="list-style-type: none"> Suitably sized to contain all waste and recyclable material. Provided with a hose tap connected to the water supply. Paved with impervious floor materials. Coved at the intersection of the floor and walls. Graded and drained to a waste disposal system in accordance with the requirements of the relevant regulatory authority (Sydney Water). Adequately ventilated (mechanically or naturally) so that odour emissions do not cause offensive odour or air pollution as defined by the <i>Protection of the Environment Operations Act 1997</i> or a nuisance. Fitted with appropriate interventions to meet fire safety standards in accordance with the <i>National Construction Code 2019</i>. Provided with the appropriate number and size of bins adequate for the storage of waste generated by the business, including recycling. Appropriately managed so that it does not attract pests or create litter.

	<p>B) Detailed plans and specifications for the construction of the waste storage area must be submitted to and approved by the Principal Certifier prior to the issue of the Construction Certificate. The proposed must be constructed in accordance with such plans and specifications prior to the issue of an Occupation Certificate.</p> <p>Condition Reason: To ensure waste generated by the business is appropriately contained.</p>
47)	<p>Preparation of mechanical ventilation plans</p> <p>Before the issue of a construction certificate, detailed plans of the mechanical exhaust ventilation system must be prepared by a suitably qualified person. The detailed plans must be in accordance with the following and submitted to the certifier:</p> <p>A) Australian Standard 1668: The use of ventilation and air-conditioning in buildings; and</p> <p>B) ensure all generate heated air, smoke, fumes, steam or grease vapours do not:</p> <p>(I) cause a nuisance to persons within or nearby to the premises, or</p> <p>(II) cause air pollution as defined under the NSW Protection of the Environment Operations Act 1997.</p> <p>Condition Reason: To ensure that detailed professional plans of the approved mechanical ventilation system are submitted before the issue of a construction certificate.</p>
48)	<p>Compliance with Acoustic Report</p> <p>Prior to the issue of a Construction Certificate, the construction drawings and construction methodology must be assessed and certified by a suitably qualified acoustic consultant to be in accordance with any requirements and recommendations of the approved <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025.</i></p> <p><i>Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society or the Association of Australasian Acoustical Consultants.</i></p> <p>Condition Reason: To ensure compliance with submitted reports.</p>
49)	<p>Structural Engineer's Certificate</p> <p>Prior to the issue of a Construction Certificate, a certificate from a qualified structural engineer must be provided to the Principal Certifier certifying that the existing structure can withstand the forces of the proposed addition.</p> <p>Condition reason: To ensure the structural adequacy of the development.</p>
50)	<p>Accessibility for People with a Disability</p> <p>Prior to the issue of a Construction Certificate, a certificate certifying compliance with Australian Standard AS1428- <i>Design for access and mobility</i> must be prepared by a suitably qualified person and be provided to the Principal Certifier.</p> <p>Condition reason: To ensure safe and easy access to the premises for people with a disability.</p>
51)	<p>Reflectivity of materials</p> <p>Before the issue of a construction certificate, the principal certifier must ensure that the construction certificate plans demonstrate the roofing and other external materials and finishes are of low glare and reflectivity.</p> <p>Condition reason: To ensure the use of appropriate material.</p>
52)	<p>External lighting</p>

	<p>Before the issue of a construction certificate, an external lighting plan must be prepared by a suitably qualified person and provided to the principal certifier. The plan, must ensure the following:</p> <ul style="list-style-type: none"> A) The lighting plan must be consistent with the approved plans and documents B) Compliance with AS 1158: Light for Roads and Public Spaces C) Compliance with AS 4282: Control for Obtrusive Effects of Outdoor Lighting D) Lighting must be placed at all entrances to, and exits from the premises E) Lighting must provide coverage of the premises and surrounding areas for visibility and to reduce hidden areas F) Lighting must not interfere with traffic safety G) Lighting must not give rise to obtrusive light or have adverse impacts on the amenity of surrounding properties H) External lighting must not flash or intermittently illuminate unless required for safe ingress/egress of vehicles crossing a pedestrian footway or approved vehicle entrance I) Compliance with Part 4.1 of the Ryde Development Control Plan 2014. <p>Condition reason: To ensure the safe operation of the premises and protect the local amenity of the area.</p>				
53)	<p>Compliance with Section J Report</p> <p>Prior to the issue of a Construction Certificate, all requirements of the approved Section J Report must be shown on the plans submitted for the Construction Certificate.</p> <p>Condition reason: To ensure compliance with approved documents.</p>				
54)	<p>Section 7.12</p> <p>Before the issue of a construction certificate, a monetary contribution for the services as detailed in the table below must be paid to Council. Column A and for the amount in Column B must be made to Council as follows:</p> <table border="1"> <thead> <tr> <th>Column A – Contribution Type</th><th>Column B – Contribution Amount</th></tr> </thead> <tbody> <tr> <td>Section 7.12 Contribution</td><td>\$44,123.28</td></tr> </tbody> </table> <p>These are contributions under the provisions of Section 7.12 of the Environmental Planning and Assessment Act, 1979 as specified in City of Ryde Fixed Rate (Section 7.12) Development Contributions Plan 2020, effective from 1 July 2020.</p> <p>The above amount is current at the date of this consent and is subject to quarterly adjustment for inflation on the basis of the contribution rates that are applicable at time of payment. Such adjustment for inflation is by reference to the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amount that differs from that shown above.</p> <p>Payment may be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Ryde. Personal or company cheques will not be accepted.</p> <p>A copy of the City of Ryde Fixed Rate (Section 7.12) Development Contributions 2020 Plan may be inspected at the Ryde Customer Service Centre, 1 Pope Street Ryde (corner Pope and Devlin Streets, within Top Ryde City Shopping Centre) or on Council's website http://www.ryde.nsw.gov.au.</p> <p>Details are to be provided to the principal certifier.</p> <p>Condition reason: Statutory requirement.</p>	Column A – Contribution Type	Column B – Contribution Amount	Section 7.12 Contribution	\$44,123.28
Column A – Contribution Type	Column B – Contribution Amount				
Section 7.12 Contribution	\$44,123.28				

55)	Housing and productivity contribution						
	Before the issue of a construction certificate, the housing and productivity contribution (HPC) set out in the table below is required to be made:						
	<table> <tr> <th>Housing and productivity contribution</th><th>Amount</th></tr> <tr> <td>Housing and productivity contribution (base component)</td><td>\$1,160.13</td></tr> <tr> <td>Total housing and productivity contribution</td><td>\$1,160.13</td></tr> </table>	Housing and productivity contribution	Amount	Housing and productivity contribution (base component)	\$1,160.13	Total housing and productivity contribution	\$1,160.13
Housing and productivity contribution	Amount						
Housing and productivity contribution (base component)	\$1,160.13						
Total housing and productivity contribution	\$1,160.13						
	<p>The HPC must be paid using the NSW planning portal.</p> <p>At the time of payment, the amount of the HPC is to be adjusted in accordance with the Environmental Planning and Assessment (Housing and Productivity Contributions) Order 2024 (HPC Order).</p> <p>The HPC may be made wholly or partly as a non-monetary contribution (apart from any transport project component) if the Minister administering the Environmental Planning and Assessment Act 1979 agrees.</p> <p>The HPC is not required to be made to the extent that a planning agreement excludes the application of Subdivision 4 of Division 7.1 of the Environmental Planning and Assessment Act 1979 to the development, or the HPC Order exempts the development from the contribution.</p> <p>The amount of the contribution may be reduced under the HPC Order, including if payment is made before 1 July 2025.</p> <p>Condition Reason: To require contributions towards the provision of regional infrastructure.</p>						

BEFORE BUILDING WORKS

56)	Pre-Construction Dilapidation Report
	<p>To ensure Council's infrastructure is adequately protected a pre-construction dilapidation report on the existing public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> (a) Road pavement, (b) Kerb and gutter, (c) Footpath, (d) Drainage pits, (e) Traffic signs, and (f) Any other relevant infrastructure. <p>The report is to be dated and submitted to, and approved by Council's City Infrastructure Directorate, prior to any work commencing.</p> <p>All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time of the</p>

	Dilapidation Report is submitted. An acknowledgement notification will be issued by Council once the relevant fees are received and the report is considered satisfactory.
	Condition reason: To ensure protection of Council's infrastructure.
57)	Ground anchors Before any site works commence, if ground anchors are required to be installed as part of the development, approval from Council's City Infrastructure Directorate is required under section 138 of the Roads Act 1993 with confirmation provided to the principal certifier. As part of this approval detailed structural engineering plans must be prepared by a Chartered Structural Engineer (registered on the NER of Engineers Australia), clearly nominating the number of proposed anchors, minimum depth below existing ground level at the boundary alignment and the angle of installation. Approval will be subject to: <ol style="list-style-type: none"> 1. Advice being provided to the relevant Public Utility Authorities of the proposed anchoring, including confirmation that their requirements are being met; 2. The payment of all fees in accordance with Council's fees and charges at the time of the issue of the approval; and 3. The provision of a copy of the Public Liability insurance cover of not less than \$20 million with Council's interest noted on the policy. The policy must remain valid until the de-commissioning of the ground anchors.
	Condition reason: To ensure public services and public domain are not adversely impacted.
58)	Notice of intention to commence public domain works Before any public domain works commence, a Notice of Intention to Commence Public Domain Works must be submitted to Council's City Infrastructure Department and the principal certifier. This Notice must include the name of the Contractor who will be responsible for the construction works, and the name of the Supervising Engineer who will be responsible for providing the certifications required at the hold points during construction, and also obtain all Road Activity Permits required for the works.
	Condition reason: To ensure compliance and record of works.
59)	Notification of adjoining owners and occupiers (public domain works) Before any public domain works commence, written notification must be provided to the adjoining owners and occupiers of the public domain works a minimum of two weeks prior to commencement of construction and copy of this letter is to be provided to the principal certifier. The notice is to include a contact name, and number should they have any enquiries in relation to the construction works. The duration of any interference to neighbouring driveways must be minimised; and driveways must be returned to the operational condition as they were prior to the commencement of works, at no cost to the adjoining owners.
	Condition reason: To ensure compliance and record of works.
60)	Pre-construction inspection Before any public domain works commence, a joint inspection to discuss the proposed scope of public domain civil work with Council's Activation and Compliance Engineer from City Infrastructure Department prior to commencement of any public domain works. Note: Minimum 48-hour notice is required when booking the joint inspection.
	Condition reason: To ensure compliance and communicate Council's requirements.
61)	Payment of fees Before any site work commences, the following must be paid to council and written evidence of these payments provided to the principal certifier:

	A) Infrastructure Restoration Inspection and Administration Fee B) Long Service Levy C) Defects Liability Bond D) Section 7.12 Levy E) Housing and Productivity Contribution
	Condition Reason: To ensure fees are paid for inspections carried out by council in connection with the completion of public work such as footway construction or stormwater drainage required in connection with the consent or the making good of any damage to council property.

DURING BUILDING WORKS

62)	Hold points during construction (public domain)
	While site work is being carried out, Council requires inspections to be undertaken by a Chartered Civil Engineer (registered on the NER of Engineers Australia), for the public domain, at the hold points shown below.
	<p>A. The person acting on the consent must submit to Council's City Infrastructure Department, certification from the Engineer, at each stage of the inspection listed below, within 24 hours following completion of the relevant stage/s. The certificates must contain photographs of the works in progress and a commentary of the inspected works, including any deficiencies and rectifications that were undertaken.</p> <p>B. Prior to the commencement of construction and following the set-out on site of the position of the civil works to the levels shown on the approved civil drawings.</p> <p>C. Upon excavation, trimming and compaction to the subgrade level - to the line, grade, widths and depths, shown on the approved civil engineering drawings.</p> <p>D. Upon compaction of the applicable sub-base course.</p> <p>E. Upon compaction or construction of any base layers of pavement, prior to the construction of the final pavement surface (e.g., prior to laying any pavers or asphalt wearing course).</p> <p>F. Upon installation of any formwork and reinforcement for footpath concrete works.</p> <p>G. Final inspection - upon the practical completion of all civil works with all disturbed areas satisfactorily restored.</p>
	Condition reason: To ensure the progress of works is appropriately completed and recorded.
63)	Construction traffic management plan (implementation)
	While site work is being carried out, all works and construction activities are to be undertaken in accordance with the approved Construction Traffic Management Plan (CTMP). All controls in the CTMP must be maintained at all times and all traffic management control must be undertaken by personnel having appropriate RMS accreditation. A copy of the approved CTMP is to be kept onsite at all times and be made available to the principal certifier or Council on request.
	Condition reason: To ensure that construction vehicle movements and activities are undertaken in accordance with the approved CTMP throughout the period of construction.
64)	Hours of work
	Site work must only be carried out between the following times:

	<ul style="list-style-type: none"> Monday to Friday - 7.00am and 7.00pm (other than public holidays) Saturday - 8.00am and 4.00pm <p>Site work is not to be carried out outside of these times except where there is an emergency, or for urgent work directed by a police officer or a public authority.</p> <p>Condition Reason: To protect the amenity of the surrounding area.</p>
65)	<p>Procedure for critical stage inspections</p> <p>While building work is being carried out, the work must not continue after each critical stage inspection unless the principal certifier is satisfied the work may proceed in accordance with this consent and the relevant construction certificate.</p> <p>Condition Reason: To require approval to proceed with building work following each critical stage inspection.</p>
66)	<p>Noise and Vibration requirements</p> <p>While site work is being carried out, noise generated from the site must not exceed an LAeq (15 min) of 5db(A) above background noise, when measured at a lot boundary of the site.</p> <p>Condition Reason: To protect the amenity of the neighbourhood during construction.</p>
67)	<p>Construction materials</p> <p>While site work is being carried out, all materials associated with construction must be retained within the site.</p> <p>Condition reason: To ensure the public domain is not affected during construction.</p>
68)	<p>Consent documents available on site</p> <p>At all times during the construction, a copy of the development consent and approved stamped plans are to be kept on site. These documents are to be made available to any Council Officer as requested.</p> <p>Condition reason: To ensure Council Officers are able to access the consent during any site inspection.</p>
69)	<p>Notification of New Contamination Evidence</p> <p>Any new information which comes to light during site preparation, remediation, demolition or construction works which has the potential to alter previous conclusions about site suitability and contamination must be notified to the Principal Certifier and Council.</p> <p>Council may require a NSW accredited site auditor to be engaged to review the contamination assessment and remediation/validation process (where applicable). If appropriate, Council may also require a new Remedial Action Plan (RAP) to be prepared and implemented to ensure the site can be made suitable for the approved use in light of the new information.</p> <p>Where a NSW accredited Site Auditor is engaged in compliance with part above, an occupation certificate must not be issued until a Section A Site Audit Statement has been submitted to Council by the Auditor confirming the site is now suitable for the proposed use.</p> <p>Condition Reason: To ensure controls are in place for contamination management.</p>
70)	<p>Pollution from Activities On-Site</p> <p>During ongoing use of the site, any activity carried out in accordance with this approval is to be stored, handled and disposed of in such a manner to not give rise to air pollution (including odour), offensive noise or pollution of land and/or water as defined by the Protection of the Environment Operations Act 1997.</p> <p>Condition Reason: To ensure compliance with Protection of the Environment Operations Act 1997.</p>

71)	Pollution Events Notified to Council
	In accordance with the requirements of Part 5.7 of the Protection of the Environment Operations Act 1997, City of Ryde is to be informed of any pollution incident that occurs in the course of carrying out the approved activity where material harm to the environment is caused or threatened.
	Condition Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.
72)	Sediment and Erosion Control measures
	Erosion and sediment control measures are to be installed in accordance with the publication 'Urban Stormwater: Soils and Construction "The Blue Book" 2004 (4th edition) and 'Guidelines for erosion and sediment control on building sites' 2024 (Department of Planning, Housing and Infrastructure) prior to the commencement of any demolition, excavation or construction works upon the site. These measures are to be maintained throughout the entire works.
	Works are not to result in sedimentation and/or run-off from the approved works onto the adjoining properties and/or public lands. The person having the benefit of this consent must ensure sediment is not tracked out from the development site.
73)	Classification of Waste
	Prior to the exportation of waste (including fill or soil) from the site, the waste materials must be classified in accordance with the provisions of the <i>Protection of the Environment Operations Act 1997</i> and the NSW EPA's <i>Waste Classification Guidelines, Part1: Classifying Waste (2014)</i> . The materials must also be transported and disposed of in accordance with the <i>Protection of the Environment Operations Act 1997</i> and the requirements of their relevant classification.
	Condition Reason: To ensure the adequate and appropriate disposal of waste from the premises.
74)	Awning
	During building works, the new awning approved by this development consent along the southern elevation must be weather sealed to the face of the building to which it is attached and to the adjoining awnings.
	Condition Reason: To ensure compliance with Part 4.1 of the Ryde Development Control Plan 2014.
75)	Section J Report Requirements
	During building works, all requirements of the approved Section J Report must be implemented.
	Condition Reason: To ensure compliance with approved documents.

BEFORE ISSUE OF AN OCCUPATION CERTIFICATE

76)	Engineering Compliance Certificates
	Before the issue of any Occupation Certificate, a compliance certificate prepared by a suitably qualified Chartered Professional Civil Engineer (CPEng) or Registered Professional Civil Engineer (RPEng), or equivalent, to the satisfaction of the principal certifier, detailing:

	<p>a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and Council's DCP 2014 Part 9.3 (Parking Controls).</p> <p>b) Compliance certificate from Council confirming that all external works in the public road reserve and any alteration to Council assets located in the property (if applicable) have been completed to Council's satisfaction.</p> <p>c) Certification from an Engineer specialising in Flood and Overland Flow analysis that the finished surface levels and the floor levels have been constructed in accordance with this development consent, that the overland flow path has been maintained as designed, and that the requirements of the condition "Flood and Overland Flow Protection" have been satisfied.</p>
	<p>Condition Reason: To ensure that all engineering components are completed to the satisfaction of an appropriately qualified person, prior to occupation or use of the development.</p>
77)	<p>Post-Construction Dilapidation Report</p> <p>To ensure Council's infrastructure is adequately protected a post-construction dilapidation report on the existing and new public infrastructure in the vicinity of the proposed development and along the travel routes of all construction vehicles, up to 100m either side of the development site, is to be submitted to Council. The report shall detail, but not be limited to, the location, description and photographic record (in colour) of any observable defects to the following infrastructure where applicable.</p> <ul style="list-style-type: none"> (a) Road pavement, (b) Kerb and gutter, (c) Footpath, (d) Drainage pits, (e) Traffic signs, and (f) Any other relevant infrastructure. <p>The report is to be dated and submitted to, and approved by Council's City Infrastructure Directorate, prior to any work commencing.</p> <p>All fees and charges associated with the review of this report shall be in accordance with Council's Schedule of Fees and Charges and shall be paid at the time of the Dilapidation Report is submitted. An acknowledgement notification will be issued by Council once the relevant fees are received and the report is considered satisfactory.</p> <p>Condition reason: To ensure protection of Council's infrastructure.</p>
78)	<p>Public domain works-as-executed plans</p> <p>Prior to the issue of any occupation certificate, Works-as-Executed (WAE) Plans must be prepared to the satisfaction of Council's City Infrastructure Department. The WAE Plans must be prepared on a copy of the approved plans and must be certified by a Registered Surveyor. All departures from the approved details must be marked in red with proper notations.</p> <p>Any rectifications required by Council's City Infrastructure Department must be completed by the person acting on this consent prior to the issue of any occupation certificate.</p> <p>In addition to the WAE Plans, a list of all infrastructure assets (new and improved) that are to be handed over to City of Ryde must be submitted in a form advised by Council's City Infrastructure Department. The list must include all the relevant</p>

	quantities in order to facilitate the registration of the assets in Council's Asset Registers.
	Condition reason: To ensure that all works completed are recorded.
79)	Registered surveyor final certificate
	Upon completion of all construction works, and before the issue of any occupation certificate, Certification from a Registered Surveyor must be prepared to the satisfaction of Council, stating that all works (above and below ground) are contained within the site's boundary.
	Condition reason: To ensure compliance with approved plans and documents and to ensure that the development has no encroachments.
80)	Supervising engineer final certificate
	Prior to the issue of any occupation certificate, the person acting on the consent must submit to City of Ryde, a Final Certificate from the Supervising Engineer confirming that the public domain works have been constructed in accordance with the approved drawings and City of Ryde standards and specifications. The certificate must include commentary to support any variations from the approved drawings.
	Condition reason: To ensure compliance with approved plans and documents.
81)	Decommissioning of ground anchors
	Prior to the issue of any occupation certificate, the person acting on the consent must provide City of Ryde a certificate from a suitably qualified Structural or Geotechnical Engineer confirming that all temporary soil/ground anchors installed into the public road reserve, have been decommissioned and are not transferring any structural loads into the road reserve.
	Condition reason: To ensure compliance and protection of public assets.
82)	Final inspection (assets handover)
	Prior to the issue of any occupation certificate, a final inspection must be conducted by the person acting on this consent in conjunction with Council's Engineer from City Infrastructure Department following the completion of the external works. Defects found at such inspection must be rectified by the person acting on the consent prior to Council issuing the Compliance Certificate for the External Works. Additional inspections, if required, must be subject to fees payable in accordance with Council's fees and charges at the time of inspection.
	Condition reason: To ensure compliance with approved plans and documents.
83)	Compliance certificate (external works and public infrastructure restoration)
	Prior to the issue of any occupation certificate, a compliance certificate must be obtained from Council's City Infrastructure Department confirming that all works in the road reserve including all public domain improvement works and restoration of infrastructure assets that have dilapidated as a result of the development works, have been completed to City of Ryde's satisfaction and in accordance with Council's approved drawings. The person acting on the consent must be liable for the payment of the fee associated with the issuing of this Certificate in accordance with Council's fees and charges at the time of issue of the Certificate.
	Condition reason: To ensure compliance with approved plans and documents.
84)	Removal of waste upon completion
	Before the issue of an occupation certificate: d) all refuse, spoil and material unsuitable for use on-site must be removed from the site and disposed of in accordance with the approved waste management plan; and

	<p>e) written evidence of the waste removal must be provided to the satisfaction of the principal certifier.</p> <p>Condition reason: To ensure waste material is appropriately disposed or satisfactorily stored.</p>
85)	<p>Acoustic Verification Report</p> <p>Prior to the issue of the Occupation Certificate, a suitably qualified acoustic consultant* must prepare an acoustic verification report to the satisfaction of the Principal Certifier that confirms the following:</p> <ul style="list-style-type: none"> (a) All recommendations contained in the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025</i> have been implemented; and (b) The project specific noise criteria established in the DA Acoustic Report and any other noise and vibration criteria specified in this consent are being complied with. <p><i>*Note: Suitably qualified Acoustic Consultant means a consultant who possesses the qualifications to render them eligible for membership of the Australian Acoustics Society or the Association of Australasian Acoustical Consultants.</i></p> <p>Condition Reason: To protect the acoustic amenity of surrounding properties.</p>
86)	<p>Notification of food business</p> <p>Before the issue of the Occupation Certificate, City of Ryde Council and any other appropriate enforcement agency must be notified of the food business in accordance with the NSW <i>Food Act 2003</i> and the Australia New Zealand Food Standards Code – 3.2.2 – Food Safety Practices and General Requirements.</p> <p>Condition reason: Compliance with the requirements of the Food Act 2003.</p>
87)	<p>Sydney Water trade waste agreement</p> <p>Prior to the issue of any occupation certificate, a Trade Waste Agreement must be obtained from Sydney Water prior to the discharge of trade wastewater to the sewer system. Trade wastewater is defined as 'discharge water containing any substance produced through industrial or commercial activities or operation on the premises.' Separator systems are to be bunded and where systems are placed outside, they are to be roofed to ensure that no rainwater can enter the bund.</p> <p>Condition reason: To ensure a trade waste agreement with Sydney Water prior to operation.</p>
88)	<p>Ventilation system certification</p> <p>Before the issue of an occupation certificate, documentation must be submitted to Council's Environmental Health Officer certifying that the ventilation system has been installed and is operating in accordance with AS 1668.2-2002: The use of ventilation and air conditioning in buildings – Ventilation design for indoor air contaminant control.</p> <p>Condition reason: To protect the health of occupants.</p>

OCCUPATION AND ONGOING USE

89)	<p>Flood emergency response matters</p> <p>Prior to the issue of an Occupation Certificate, a Flood Emergency Response Plan (FERP) must be prepared by a qualified Chartered Civil Engineer (registered on the NER of Engineers Australia).</p>
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	<p>The development must at all times comply with the recommendations made within the Flood Emergency Response Plan (FERP) formulated as part of the Occupation Certificate for this development. The FERP must include details of the 'on-site' refuge area(s). Permanent signage must be installed in the common areas informing the future occupants/users of the emergency evacuation procedures and refuge area(s).</p> <p>Implementation and maintenance of the FERP must be the responsibility of building management. All owners, tenants and users of the building must be made aware of the FERP.</p> <p>Condition reason: To ensure Flood Emergency Response Plan is implemented and maintained for the life of the development.</p>
90)	<p>Compliance with Acoustic Report</p> <p>All control measures and procedures nominated in the approved <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025</i>, must be implemented.</p> <p>Condition Reason: To ensure compliance with submitted reports.</p>
91)	<p>Maximum Occupancy</p> <p>As per the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025</i>, the following maximum number of patrons are permitted in the various areas of the premises:</p> <ul style="list-style-type: none"> a) The entire premises- Maximum 300 patrons, b) The outdoor rooftop bar area- Maximum 200 patrons, c) Alfresco gaming area- Maximum 30 patrons, d) Beer garden- Maximum 35 patrons, e) Alfresco area adjacent to the northern façade (along Hillview Lane)- Maximum 15 patrons. <p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
92)	<p>Hours of Operation</p> <p>The pub within the tenancies of 167 and 169-171 Rowe Street may operate 7 days per week but is restricted to the following hours of operation:</p> <ul style="list-style-type: none"> a) The use of the outdoor rooftop bar area may commence at 10am but must cease at 12am (midnight) with all external building elements including doors and windows closed and all amplified music switched off. b) The use of the alfresco areas and beer garden on the ground floor may commence at 10am but must cease at 2am the following day. Use of these areas between 12am (midnight) and 2am is only permitted with all windows and doors closed. c) The use of all other internal ground floor areas may commence at 10am and must cease at 2am the following day. d) The existing uses at 173 Rowe Street (an optometrist and a beauty salon) must only operate within their approved hours of operation in accordance with their existing development consents. <p>Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.</p>
93)	<p>Amplified music (outdoor rooftop bar)</p> <p>The use of amplified music must be limited to a sound pressure level of no greater than 80dB(A) at 3 metres to the external rooftop bar including directional speakers,</p>

	as per the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025.</i>
	Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.
94)	Restricted use of amplified music
	No playing of amplified music is permitted within the external beer garden, alfresco gaming or alfresco areas on the ground floor.
	Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.
95)	Amplified music (ground floor internal area)
	The use of amplified music at the ground floor internal areas must be limited to a sound pressure level of no greater than 70dB(A), as per the <i>DA Acoustic Report prepared by Pulse White Noise Acoustics, Report Number 240692, dated 10 March 2025.</i>
	Condition Reason: To ensure compliance with submitted reports and relevant acoustic criteria.
96)	Noise complaint
	During ongoing use of the site, upon receipt of a justified complaint in relation to noise pollution emanating from the premises, an acoustical assessment is to be carried out in accordance with the requirements of the NSW Environmental Protection Authorities - Noise Policy for Industry and provide recommendations to mitigate the emission of offensive noise from the premises. The report must be prepared by an appropriately qualified acoustic consultant with suitable technical qualifications and experience, consistent with the technical eligibility criteria for membership to the Association of Australian Acoustical Consultants (AAAC) or the Australian Acoustical Society (AAS) and must be submitted to Council's Environmental Health Officer for consideration and implementation.
	Condition reason: To ensure that justified noise complaints are considered and resolved.
97)	Use is not to cause offensive noise or vibration
	During ongoing use of the site, the use of the premises is not permitted to give rise to:
	a) transmission of unacceptable vibration to any place of different occupancy; and
	b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A).
	The source noise level must be assessed as an $L_{Aeq,15\text{ min}}$ and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Noise Policy for Industry 2017 and the Protection of the Environment Operations Act 1997.
	Condition reason: To ensure compliance with Protection of the Environment Operations Act 1997.
98)	Patron noise control
	During ongoing use of the site, the proprietors of the venue must be responsible at all times for the orderly dispersal of patrons from the venue.
	Condition reason: To protect the amenity of the local area.
99)	Neighbourhood Amenity near Licensed Premises

	<p>Signs must be placed in clearly visible positions within the hotel requesting patrons upon leaving the premises to do so quickly and quietly, having regard to maintaining the amenity of the area.</p> <p>The management/licensee must ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management/licensee must be responsible for the control of noise and litter generated by patrons of the premises and must ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the management/licensee is to employ private security staff to ensure that this condition is complied with.</p> <p>Condition reason: To protect the amenity of the local area.</p>
100)	<p>No live music</p> <p>During ongoing use of the site, no live music or entertainment is permitted within the premises. The site is not to be used as a nightclub.</p> <p>Condition reason: To protect the amenity of the local area.</p>
101)	<p>Bottle, Can or Garbage Disposal</p> <p>No glass bottle, aluminium can or garbage disposal shall take place between the hours of 8:00pm and 7:00am daily.</p> <p>Condition Reason: To protect the amenity of the local area.</p>
102)	<p>Deliveries and Waste Collection</p> <p>Deliveries and waste removal from the development must not be undertaken between the hours of 8:00pm and 7:00am daily.</p> <p>Condition Reason: To protect the amenity of the local area.</p>
103)	<p>Compliance with Waste Management Plan</p> <p>All control measures and procedures outlined in the Operational Waste Management Plan prepared by Elephants Foot Company, dated 23 January 2025, must be implemented.</p> <p>Condition Reason: To ensure compliance with approved reports.</p>
104)	<p>Entertainment Noise Emission Criteria</p> <p>Noise from entertainment sources at the premises (amplified music and patrons) must comply with the following:</p> <p>(a) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level $L_{A90, 15 \text{ minute}}$ in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) by more than 5dB between the hours of 7:00am and 12:00am midnight when assessed at the boundary of any affected residence.</p> <p>(b) The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use must not exceed the background noise level $L_{A90, 15 \text{ minute}}$ in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) between the hours of 12:00am midnight and 7:00am when assessed at the boundary of any affected residence.</p> <p>(c) Notwithstanding compliance with (a) and (b) above, noise from the use when assessed as an $L_{A10, 15 \text{ minute}}$ enters any residential use through an internal to internal transmission path is not to exceed the existing internal $L_{A90, 15 \text{ minute}}$ (from external sources excluding the use) in any Octave Band Centre Frequency (31.5 Hz to 8 kHz inclusive) when assessed within a habitable room at any affected residential use between the hours of 7:00am and 12:00am midnight. Where the $L_{A10, 15 \text{ minute}}$ noise level is below the threshold of hearing, T_f at any Octave Band Centre Frequency as defined in Table 1 of International Standard ISO 226 : 2003-</p>

	<p>Normal Equal-Loudness-Level Contours then the value of Tf corresponding to that Octave Band Centre Frequency shall be used instead.</p> <p>(d) Notwithstanding compliance with (a), (b) and (c) above, the noise from the use must not be audible within any habitable room in any residential use between the hours of 12:00am midnight and 7:00am.</p> <p>The $L_{A10, 15 \text{ minute}}$ noise level emitted from the use is as per the definition in the <i>Australian Standard AS1055-1997 Acoustics - Description and Measurement of Environmental Noise</i>. The background noise level $L_{A90, 15\text{minute}}$ is to be determined in the absence of noise emitted by the use and be representative of the noise sensitive receiver. It is to be determined from the assessment L_{A90} / rating L_{A90} methodology in complete accordance with the processes listed in the NSW Noise Policy for Industry (2017) and relevant requirements of AS1055.1997.</p> <p>Condition Reason: To protect the local residential amenity.</p>
105)	<p>Noise must not be audible</p> <p>Notwithstanding compliance with any other noise conditions of this consent, noise from the premises or related activities must not be audible in any habitable room in any residential premises between the hours of 10:00pm and 7:00am.</p> <p>Condition Reason: To protect the local residential amenity.</p>
106)	<p>Air quality controls</p> <p>The use of the premises must not give rise to the emission of gases, vapours, dusts or other impurities which are a nuisance, injurious or prejudicial to health. Gaseous emissions from the development must comply with the requirements of the Protection of the Environment Operations Act 1997 and Regulations. Any use that produces airborne particulate matter must incorporate a dust collection system.</p> <p>Condition reason: To ensure compliance with the Protection of the Environment Operations Act 1997.</p>
107)	<p>Charcoal and Solid Fuel Cooking Prohibited</p> <p>No charcoal or solid fuel cooking activities are permitted on the premises without further development consent.</p> <p>Condition Reason: To maintain the amenity of the local area.</p>
108)	<p>Food premises maintained to standards</p> <p>During ongoing use of the site, the food premises must be maintained in accordance with the requirements of:</p> <ol style="list-style-type: none"> Food Act 2003 and Regulations there under. AS 4674-2004: Design, construction and fitout of food premises. <p>Condition reason: To ensure that the premises is maintained to relevant food standards.</p>
109)	<p>No smoking</p> <p>Smoking is not permitted to occur in an enclosed public place or within 4 metres of a pedestrian entrance into or exiting from a public building. The designated outdoor smoking area must comply with the requirements of the Smoke-Free Environment Act 2000.</p> <p>Condition Reason: To ensure compliance with Smoke-Free Environment Act 2000.</p>
110)	<p>Plan of Management</p> <p>The use must always be operated and managed in accordance with the Plan of Management, submitted with the application that has been approved by Council. In the event of any inconsistency, the conditions of this consent will prevail over the Plan of Management.</p>

	<p>The Plan of Management must be amended to include the following:</p> <ul style="list-style-type: none"> a) The phone number of the premises must be made available and kept up to date on both the pub's website and in the Plan of Management for persons who wish to make a complaint (section 3.2). b) All waste must be collected from Hillview Lane in accordance with the approved Operational Waste Management Plan (section 3.6). c) A security guard must be provided from 8pm until 30 minutes after close on Thursday, Fridays and Saturdays and, from Midnight (12:00am) until 30 minutes after close on any occasion the pub trades past midnight (section 5.2).
	<p>Condition Reason: To protect residential amenity.</p>
111)	<p>Staff Entry</p> <p>The pedestrian entries along Hillview Lane must only be used by staff of the pub and for deliveries and waste collection. In the event of any inconsistency with the approved documents and this condition of consent, this condition prevails.</p> <p>Condition Reason: To ensure the safety of patrons.</p>

Attachment 2: RDCP 2014 Compliance Table

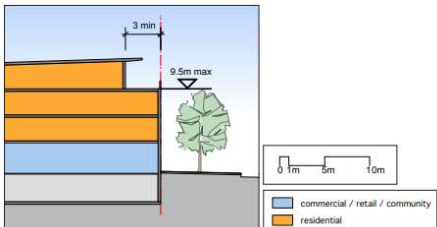
Part 4.1- Eastwood Town Centre

LDA2025/0012- 167, 169-171, 173 Rowe Street, Eastwood (Lots 5-7 DP26136)

Part: 4.1 Eastwood Town Centre		
Part 2.0 Planning Principles for Eastwood Town Centre		
1. Regional Role a. Development should contribute to the status of Eastwood as an important business, employment and residential location. b. Development is to promote a compact working and living environment to maximise the efficient use of resources and infrastructure provision.	<p>The proposed change of use provides opportunities for employment within the town centre.</p> <p>The proposed use provides a food and drink premises within close proximity of residential accommodation and the Eastwood Train Station to maximise the efficient use of resources and infrastructure provision.</p>	Yes
2. Integrated Planning and Development a. Planning and development is to ensure that social, economic, environmental and urban design issues are considered together and with proper regard for their mutual and cumulative impacts. b. All planning, design and development activities must take account of and effectively respond to the linkages and interfaces between public space and private land.	<p>Application has been accompanied by a Social Impact Assessment Report, a CPTED Assessment Report and a Plan of Management which consider the social impacts of the proposal and provide mitigation strategies for preventing any adverse impacts on the community. The proposal also includes alterations to the front façade, which are consistent with the bulk and scale of the existing streetscape.</p> <p>The proposal includes alfresco areas to provide passive surveillance between the pub (private land) and the public spaces along Rowe Street and Hillview Lane.</p>	Yes
3. Public domain a. Development is to create the setting and contribute to the public domain so as to ensure high quality, safe and accessible public space that can be enjoyed by shoppers, residents and workers. b. Development of the public domain is to enhance the integration between individual precincts and their surrounding areas. c. Public space areas will be set aside for public use and enjoyment. Development that enhances the enjoyment of public spaces, such as outdoor dining will be encouraged.	<p>External alterations to the facades will contribute to a modern, high quality public domain.</p> <p>Proposed use will attract residents, shoppers, and workers in the surrounding areas.</p> <p>No public space areas are proposed.</p>	Yes

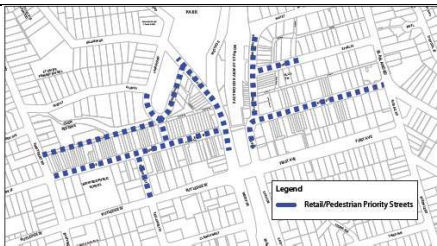
<p>d. Car parking facilities should not prejudice pedestrian and cycle use of the public space.</p> <p>e. Public spaces will be enhanced and created wherever practicable.</p>	<p>All car parking facilities are located in the existing basement for staff use only.</p> <p>Public domain is enhanced with the proposed alterations to the front and rear facades.</p>	
<p>4. Urban Form</p> <p>a. Building form is to reflect its location in relation to transport nodes, existing residential and commercial precincts, be architecturally rich, define and enhance the public domain and allow for mixed uses.</p> <p>b. Building form is to be articulated both in height and mass to provide interest resolve urban design and environmental issue.</p> <p>c. Buildings are to be of high quality and adaptable to a variety of uses over time.</p> <p>d. Buildings are to support and be integrated into the public domain network to achieve coherence and purpose.</p> <p>e. Heritage items and significant landscape elements are to be protected and enhanced</p>	<p>External alterations to front façade will define and enhance the public domain and allows for a new use within the streetscape.</p> <p>Building height and mass is different from the adjacent NAB bank building, which will contribute to the visual interest of the building in the public domain.</p> <p>Front façade is of high quality</p> <p>No new buildings proposed</p> <p>Heritage items in proximity to the subject site are not impacted by the proposal</p>	Yes
<p>5. Land use Mix</p> <p>a. Development is to provide a variety of housing types and employment-based activities and contribute to the character of the Village.</p> <p>b. Development is to contribute to an integrated mixed use development pattern containing a wide range of housing, employment and recreation opportunities.</p> <p>c. Development is to facilitate the increase and diversity of employment opportunities, which are to be compatible with achieving a high quality, mixed shopping, living and working environment.</p>	<p>Proposed use provides an employment based activity and contributes to the mixed use character of the Village.</p> <p>Proposed use contributes an employment and recreation opportunity.</p> <p>Proposed use provides employment opportunities and contributes to a high quality mixed shopping, living and working environment</p>	Yes
<p>6. Transport and Access</p> <p>a. Development is to promote the reduction of motor vehicle dependency and actively encourage the use of public transport, walking and cycling.</p>	<p>No parking is provided for patrons, which will encourage patrons to use public transport.</p> <p>All levels of the pub are accessible by lift</p>	Yes

<p>b. An accessible environment for people with disabilities and mobility difficulties is to be created to ensure access equity.</p> <p>c. The intensity of development is to be in accordance with the capacity of existing and proposed public transport and road systems.</p> <p>d. Parking provision is to acknowledge accessibility by foot, bicycle and public transport.</p>	<p>Council's Traffic Team have considered the proposed use to be satisfactory subject to conditions of consent.</p> <p>No parking is provided for patrons as site is in close proximity to public transport.</p>	
<p>7. Environmental Performance</p> <p>a. Development is to create a safe and comfortable environment for shoppers, residents and workers in both the private and public space.</p>	<p>Proposal includes alfresco areas on the ground floor and the first floor to enable passive surveillance of Rowe Street and Hillview Lane, which will create a safer environment for shoppers, residents and workers. The internal layout of the pub also allows for surveillance within and between areas by staff and patrons.</p> <p>The application is also accompanied by a CPTED Assessment Report and a Plan of Management which provide strategies for ensuring the development provides a safe and comfortable environment in both the pub and in public spaces, including details of complaints handling and incident handling procedures, RSA procedures, and security personnel and CCTV.</p>	Yes
<p>2.2.2 Future Character Statement</p> <p>In the future, Eastwood will be a place designed for the enjoyment and utility of pedestrians and a place which allows convenient access for people between home, work, shopping and leisure.</p> <p>It will also be a place that has:</p> <ul style="list-style-type: none"> - a high level of aesthetic amenity at street level; - safe attractive and convenient public spaces; - a vibrant, viable and profitable commercial centre; - well-used robust and attractive active and passive recreation and public space; - an appropriate mix and arrangement of land uses, which satisfactorily serve and integrate with the surrounding residential activities. 	<p>The proposed use is consistent with the future character statement as the pub will contribute to a vibrant, viable and profitable commercial centre and provides a commercial land use which will serve the residents of the surrounding residential developments.</p>	Yes
Part 3.0 DEVELOPMENT CONTROLS - EASTWOOD URBAN VILLAGE PRECINCT		

<p>3.2 Flooding and Stormwater Management</p> <p>a. A stormwater inundation impact assessment and stormwater management strategy is to be submitted for all developments to the satisfaction of Council.</p> <p>b. Floor levels within any new development should be a minimum of 300mm above the calculated flood level for the 100 year ARI event.</p> <p>c. Developments should comply with Part 8.2 Stormwater Management and Part 8.6 Floodplain Management of this DCP for flood controls for Eastwood/Terry's Creek Flood Plain.</p> <p>d. Where development is considered to constitute minor modifications or does not intensify the use of the property. A stormwater impact assessment or stormwater management plan may not be required.</p>	<p>Proposal has been considered satisfactory by Council's Stormwater and Development Engineers subject to recommended conditions of consent</p>	<p>Yes</p>
<p>3.3.1 Setbacks</p> <p>a. Buildings must comply with the maximum height limit shown on the Height of Buildings Map under Ryde Local Environmental Plan 2014 (max. 15.5m).</p> <p>b. Setbacks at the upper levels shall be provided. Parapets, fronting retail/pedestrian priority streets (see Section 3.5) should reflect existing predominant parapet lines</p>  <p>Figure 4.1.02 Building Height Setback</p> <p>c. New buildings are to have street frontages built predominantly to the street alignment (front boundary) for</p>	<p>Top of Parapet: RL76.70 EGL below: RL67.30 (based on side elevation) Height= 9.4m</p> <p>Setbacks comply with Figure 4.1.02. The parapet reflects the existing height of parapet above the adjacent property at 175 Rowe Street</p>	<p>Yes</p> <p>Yes</p>

<p>up to 9.5 m measured from the street level.</p> <p>d. Buildings may be constructed to the side and rear boundaries for up to 9.5m from street level.</p> <p>e. Buildings (including balconies) must be setback a minimum of 3 m from all boundaries above 9.5 m from street level.</p> <p>f. Buildings may be setback from the street alignment where:</p> <p>i. The site is adjacent to a freestanding heritage building. In this case the setback of the new building from the street alignment should match the setback of the heritage building; or</p> <p>ii. The new development contributes an appropriate public space at the street frontage.</p>	<p>No new buildings proposed.</p> <p>No changes to side or rear setbacks proposed</p> <p>Building extends to a height less than 9.5m above street level</p> <p>Alterations and additions to the front façade are aligned with the existing street setback</p>	<p>N/A</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.3.2 Urban Design/Exterior Finishes</p> <p>a. Building exteriors are to be designed to avoid extensive expanses of blank glass or solid wall.</p> <p>b. Balconies and terraces should be provided, particularly where buildings overlook public spaces.</p> <p>c. The siting and configuration of buildings should take into account the impact on surrounding development and public spaces in terms of amenity, shadowing and visual privacy. In this regard at least 2 hours of sunlight access must be maintained in public spaces in Rowe Street.</p> <p>d. The tops of buildings are to be designed so that they: i. Integrate with the design of the building and conceal plant and equipment; and</p> <p>ii. Promote a visually distinctive and interesting skyline.</p>	<p>Exteriors do not consist of extensive expanses of blank glass or solid walls and are broken up by brick and glazing to provide visual interest.</p> <p>Rooftop bar and rear alfresco will overlook Rowe Street and Hillview Lane.</p> <p>Alterations to the front façade will cause minor additional overshadowing of the road reserve and footpath on the southern side of Rowe Street on 21 June. No adverse impacts in terms of visual privacy will be caused by the proposed development.</p> <p>The new parapet is integrated with the design of the building as it is of the same height as the adjacent tenancies and will conceal plant and equipment.</p> <p>The skyline of Rowe Street will remain distinctive and interesting with a variety of roof forms.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.4.1 Parking Design and Location</p> <p>a. The creation of additional on-street car parking is encouraged.</p> <p>Opportunities to amplify on-street car</p>		<p>Yes</p>

<p>parking through reconfiguration of car spaces (i.e. angled parking) should be explored with Council.</p> <p>b. Car parking should be located below ground level. Where this is not practicable (e.g. due to flood impacts) parking must not be visible from the street.</p> <p>c. In order to minimise vehicular conflict between residents' delivery and customer vehicles, car parking associated with residential uses should be separated from parking for other land uses.</p>	<p>No new on-street car parking proposed. See discussion in report about parking, which has been supported by Council's Traffic Engineers.</p> <p>No new car parking proposed.</p> <p>No car parking for residential uses proposed.</p>	<p>Yes</p> <p>Yes</p>
<p>3.4.2 Location of Vehicle Access and Footpath Crossings</p> <p>a. New vehicle access points are restricted in retail/pedestrian priority streets. Where practicable, vehicle access is to be from lanes and minor streets rather than major pedestrian streets or major arterial roads such as Rutledge Street, First Avenue, or Blaxland Road.</p> <p>b. Service vehicle access is to be combined with parking access and limited to a maximum of one access point per building.</p>	<p>No new vehicle access points proposed.</p> <p>Service vehicle access is retained in Hillview Lane in Lot 6 (169-171 Rowe Street)</p>	<p>N/A</p> <p>Yes</p>
<p>3.4.3 Design of Vehicle Access</p> <p>a. Vehicle access is to be a single crossing, perpendicular to the kerb alignment.</p> <p>b. Vehicle access ramps parallel to the street frontage will not be permitted.</p> <p>c. Active uses or items of visual interest above vehicle access points are required in the horizontal line of sight of pedestrians.</p> <p>d. Vehicle entries to buildings are to be well designed and include high quality finishes to walls and soffit. No service ducts or pipes are to be visible from the street.</p>	<p>No new vehicle access points proposed.</p> <p>No new vehicle access ramps proposed.</p> <p>Alfresco dining is proposed above vehicle access point.</p> <p>No changes to vehicle entries proposed. No new service ducts or pipes proposed along northern elevation facing Hillview Lane.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>3.5.1 Street Frontage Activities</p>		<p>Yes</p>

 <p>a. Provide ground level active uses on the Retail/Pedestrian Priority Streets (refer to Figure 4.1.04)</p> <p>b. Active uses contribute to personal safety in the public domain and comprise:</p> <ul style="list-style-type: none"> i. Community and civic facilities. ii. Recreation and leisure facilities. iii. Shops. iv. Commercial premises v. Residential uses, particularly entries and foyers. However, these should not occupy more than 20% of the total length of each street frontage. <p>c. Where required, active uses must comprise the street frontage for a depth of at least 10 m.</p> <p>d. Vehicle access points may be permitted where active frontage is required if there are no practicable alternatives.</p> <p>e. Blank roller- shutter type doors are not permitted on ground level shop fronts.</p> <p>f. Serviced apartments hotels and motels shall not have apartments at the ground level. Locate retail, restaurants and / or other active uses at the ground level.</p>	<p>Ground level active uses (entrance to pub and gaming room) are provided along Rowe Street.</p> <p>A commercial premises with passive surveillance on both the ground floor and first floor will contribute to personal safety in the public domain.</p> <p>The active uses make up the entire depth of the site.</p> <p>Vehicle access is at the rear of the lots in Hillview Lane.</p> <p>No blank roller shutter doors proposed on ground level of Rowe Street</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>3.5.2 Circulation</p> <p>a. Where circulation is provided through a site or within a building serving to connect 2 points, the thoroughfare should function as a shortcut, be continuous and level with pedestrian streets / areas and incorporate adjoining active retail and / or commercial edges.</p>	<p>No circulation is provided through the site for members of the public.</p>	<p>N/A</p>
<p>3.5.4 Landscaping and Trees</p> <p>a. Development proposals, incorporating landscaped</p>	<p>N/A</p>	<p>N/A</p>

<p>elements, are to be accompanied by a landscape plan. Where the development comprises mixed uses or is 2 or more storeys the landscape plan should be prepared by a qualified landscape architect.</p> <p>b. Where appropriate, developments should incorporate landscaping into the upper levels to soften the building form and to contribute to privacy and amenity.</p> <p>c. Ground level entries should be well lit and not obstructed by planting in a way that reduces the actual or perceived personal safety and security of centre residents or pedestrians.</p> <p>d. Street trees shall be provided in accordance with the Ryde Public Domain Technical Manual and shall be provided at the developers' cost in conjunction with any new building work involving additional floor space.</p> <p>e. Street trees at the time of planting shall have a minimum container size of 200 litres, and a minimum height of 3.5m, subject to species availability.</p> <p>f. Where a proposal involves redevelopment of a site with a frontage of at least 40m to a public road, the developer shall arrange for electricity and telecommunications utilities to be undergrounded along the entire length of all street frontages. Such utility modifications will be carried out to the satisfaction of the responsible authority (e.g. Energy Australia).</p>	<p>A planter box is provided on level 1 to soften the building form and contribute to amenity.</p> <p>Ground level entries will not be obstructed by planting.</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p> <p>N/A</p> <p>N/A</p>
<p>3.5.5 Awnings and Weather Protection</p> <p>a. Buildings with frontage to any street must incorporate an awning or other form of weather protection along that boundary.</p> <p>b. The pavement level of a covered walkway shall be at the same level as the footpath to which it is adjacent.</p>	<p>New awning is proposed along Rowe Street</p> <p>No changes to pavement level proposed</p> <p>Awning will be 3m high measured to the soffit.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

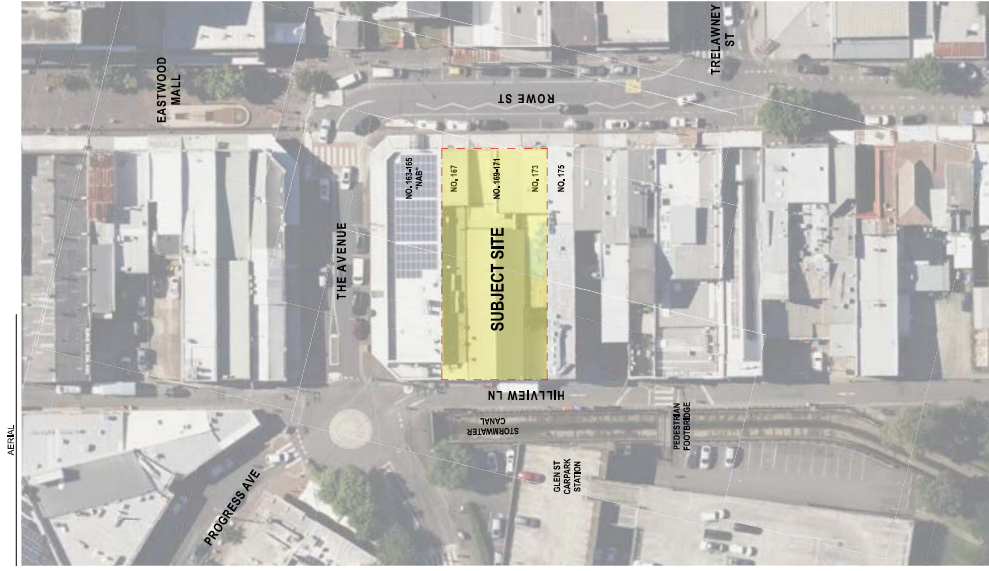
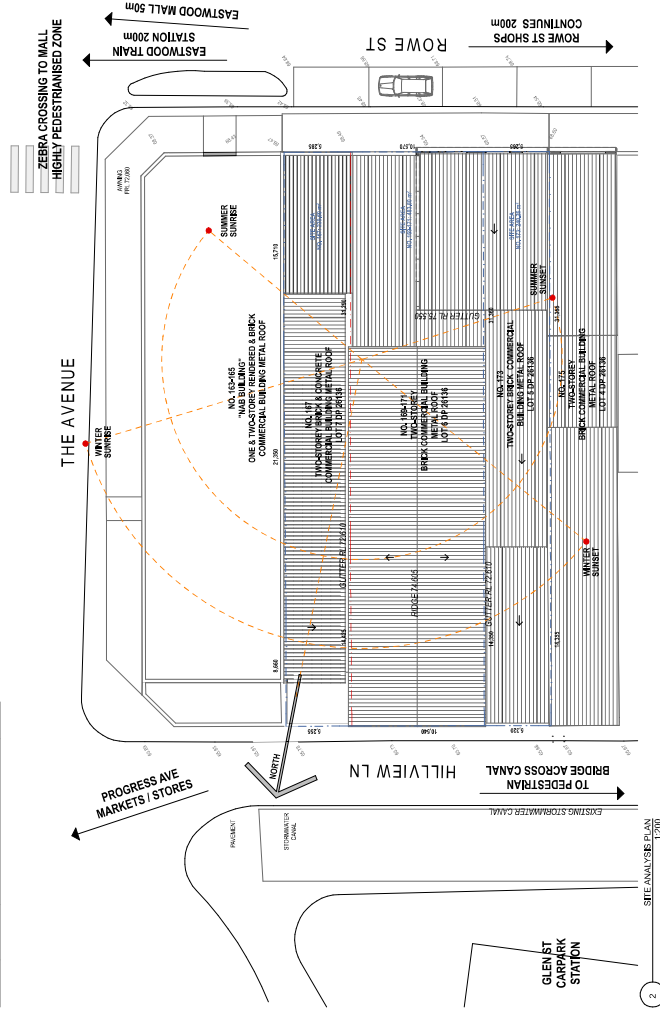
<p>c. The height of a colonnade, awning or covered way shall not be less than 3 metres or greater than 4.5 metres measured to the soffit.</p> <p>d. The width of a colonnade, awning or covered way shall not be less than 3 metres.</p> <p>e. Any new awnings should:</p> <p>i. Be continuous for the entire length of the site frontage;</p> <p>ii. Be set back from the face of the kerb by 0.6m;</p> <p>iii. Have cut-outs of 1m wide by 1m deep to accommodate street trees, where the frontage is proposed to accommodate a street tree in accordance with the master plan or any public domain improvement plan;</p> <p>iv. Be weather sealed to the face of the building to which they are attached and to the adjoining awnings;</p> <p>v. Have a height clearance above the footpath level of at least 3m or a height consistent with adjacent awnings; and</p> <p>vi. Maintain sufficient clearances from any overhead electricity or telecommunications installations.</p>	<p>Width of awning is 3m</p> <p>Awning is for the entire length of the site frontage</p> <p>Awning is setback 0.6m from the face of the kerb</p> <p>No street trees proposed or required</p> <p>Achieved subject to conditions</p> <p>Awning is 3m above the footpath and is consistent with the adjacent awning.</p> <p>New awning will replace the existing awning to maintain sufficient clearances from any overhead electricity or telecommunications installations. Public utilities condition is recommended.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>To be conditioned</p> <p>Yes</p> <p>Yes</p>
<p>3.6 Signage</p> <p>a. Signage shall relate to the use of the building on which it appears.</p> <p>b. Architectural features of the building shall be considered in the design of the advertising sign or structure. Signs shall not obscure decorative forms or mouldings and should observe reasonable separation distance from the lines of windows, doors, parapets, etc.</p> <p>c. Signs should be of a size and proportion which complement the scale of the existing façade, as well as surrounding buildings and signs. Care should be taken in the design, size and positioning of signs above awning level.</p>	<p>All signage is business identification signage which relates to the use of the building as a pub.</p> <p>Signage does not obscure decorative forms or mouldings and provides reasonable separation distances from windows, doors, parapets etc.</p> <p>Signs are of a sign and proportion which complement the scale of the existing façade as well as surrounding buildings and signs.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>d. Signage must comply with the following restrictions and dimensional requirements:</p> <p>i. Under-Awning Signs Should not exceed</p> <p>a. One per five (5) metres of street frontage; and</p> <p>b. 2.4 metres in length and 0.3 metres in height.</p> <p>ii. Flush Wall Signs Should not exceed a maximum of five (5) square metres.</p> <p>iii. Clearance- All signs should maintain a minimum clearance of 2.6 metres above footpaths or above any pedestrian areas.</p> <p>iv. Multiple use of Properties A co-ordinated approach to the sign development on the site should be used by utilising composite signs.</p> <p>v. Prohibited Signs:</p> <ol style="list-style-type: none"> 1. Flashing and moving signs; 2. Signs other than identification, business and directional signs; 3. Signs that would adversely affect traffic movement or safety or would interfere with the amenity of the neighbourhood; 4. Signs attached to and above awnings; 5. Illuminated signs on fascia of awnings; 6. Signs not permanently fixed to the site or which obstruct the footpaths or pedestrian area; 7. Pylon signs; 8. Roof signs; and 9. Blimps or airborne signs. 	<p>Frontage= 21m Four under awning signs proposed</p> <p>Under awning signs are 2.4m in length and 0.4m in height.</p> <p>Flush wall signs along Rowe Street and Hillview Lane facades exceed 5m²</p> <p>All signage is a minimum 3m above the footpath</p> <p>Design amendment conditions are included in draft consent to ensure all signage clearly identifies where each land use is located.</p> <p>No prohibited signs proposed</p>	<p>Yes</p> <p>No- Addressed in report</p> <p>No- Addressed in report</p> <p>Yes</p> <p>Yes (conditioned)</p> <p>Yes</p>
<p>3.7.1 Sunlight</p> <p>a. Major public spaces should receive a minimum of 50% sunlight on the ground plane for at least 2 hours between 10am and 2pm on June 21.</p> <p>Note: Depending on the nature and use of a particular space, periods outside those specified above may also be required.</p>	<p>No impact to any major public spaces – minor additional overshadowing over the road reserve and footpath on the southern side of Rowe Street</p>	<p>Yes</p>

<p>b. In new residential developments, windows to north-facing living areas should receive at least 3 hours of sunlight between 9am and 5pm on June 21 over a portion of their surface. North-facing windows to living areas of neighbouring dwellings should not have sunlight reduced to less than the above 3 hours.</p> <p>c. All development proposals of 2 storeys or more are to be accompanied by shadow diagrams that are to be submitted with the local development application.</p>	<p>No new residential development proposed. Alterations to the front façade will not impact on north facing living area windows of any residential dwellings.</p> <p>2 storey development – shadow diagrams submitted.</p>	<p>Yes</p> <p>Yes</p>
<p>3.7.2 Wind Standards</p> <p>a. Building design is to minimise adverse wind effects on recreation facilities, on open terraces within developments and on the public domain.</p>	N/A	N/A
<p>3.7.3 Energy Efficiency of Buildings</p> <p>a. New buildings should be designed to ensure that energy usage is minimised.</p>	No new buildings proposed	N/A
<p>3.7.4 Vibration and Noise Mitigation</p> <p>a. In respect of proposals for new residential buildings:</p> <p>i. the building plan, walls, windows, doors and roof are to be designed and detailed to reduce intrusive noise levels.</p> <p>ii. balconies and other external building elements are located, designed and treated to minimise infiltration and reflection of noise onto the façade.</p> <p>iii. dwellings are to be constructed in accordance with: Australian Standard 367 1-1989: Acoustics – <i>Road Traffic Noise Intrusion, Building Siting and Construction</i>; and Australian Standard 367 1-1987: Acoustics – <i>Recommended Design Sound Levels and Reverberation Times for Building Interiors. Environmental Criteria for Road Traffic Noise</i> (EPA, 1999).</p> <p>b. In respect of developments proposed within 100m of the railway line, the following document should be used as a guideline for</p>	<p>No new residential buildings proposed</p> <p>Subject site is located more than 100m from the railway line.</p>	<p>N/A</p> <p>N/A</p>

incorporating measures to mitigate noise and vibration: <i>i. Rail Related Noise and Vibration: Issues to Consider in Local Environmental Planning – Development Applications and Building Applications</i> (State Rail Publication, 1995).		
3.7.5 Reflectivity a. The use of highly reflective glass is discouraged. b. New buildings and façades should not result in uncomfortable glare that causes discomfort or threatens safety of pedestrians or drivers. c. Visible light reflectivity from building materials used on the façades of new buildings should not exceed 18%.	Achieved subject to conditions.	To be conditioned.
3.7.6 External Lighting of Buildings a. Any external lighting of buildings is to be considered with regard to: i. The integration of external light fixtures with the architecture of the building (for i. example, highlighting external features of the building); ii. The contribution of the visual effects of external lighting to the character of the building, surrounds and skyline; iii. The energy efficiency of the external lighting system; and iv. The amenity of residents in the locality	Achieved subject to conditions	To be conditioned.

GRAND EASTWOOD HOTEL | 167-173 Rowe St Eastwood
ALTERATIONS AND ADDITIONS TO EXISTING COMMERCIAL PREMISES AND CHANGE OF USE TO PUB

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Project
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Client
Myles Docker + Daniel McGirr
Address
167-73 Rowe St Eastwood NSW 2122

Drawing Series + Title

TITLE AND CONTEXT	SITE + AFRICA! CONTEXT
<p>1. Introduction</p> <p>2. Background</p> <p>3. Methodology</p> <p>4. Results</p> <p>5. Discussion</p> <p>6. Conclusion</p>	<p>1. Introduction</p> <p>2. Background</p> <p>3. Methodology</p> <p>4. Results</p> <p>5. Discussion</p> <p>6. Conclusion</p>

Drawing Number
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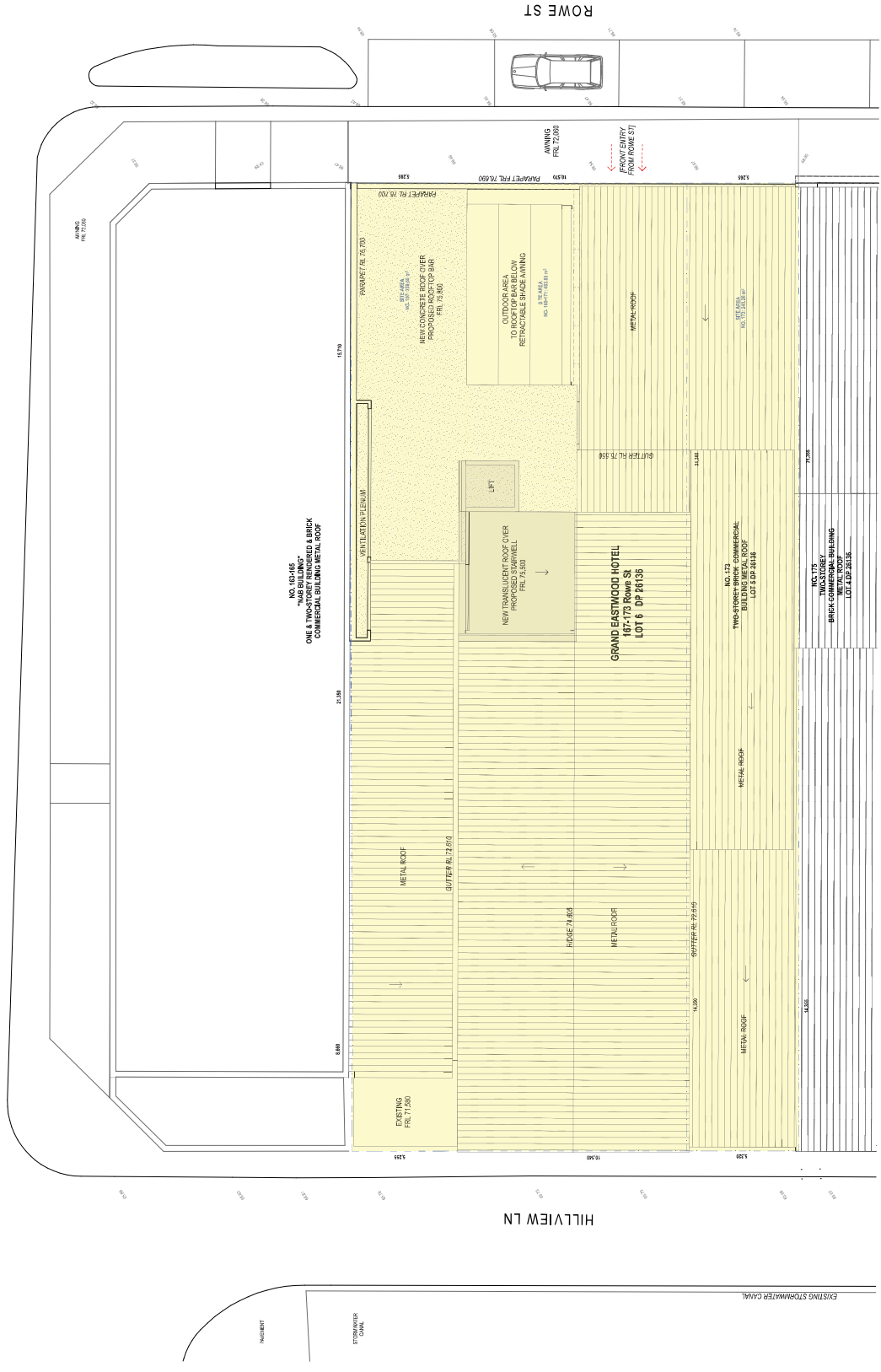
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DEVELOPMENT APPLICATION



THE AVENUE





FiveFootOne

ALAN POWELL ARCHITECT, 11050 88th Ave 1st Fl
11500 115th Ave 1st Fl
11500 115th Ave 1st Fl
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Project
GRAND EASTWOOD HOTEL

Client
Myles Docker - Daniel McGirr

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11500 115th Ave 1st Fl

Lot
LOT 16 DP 26136

Drawings Series - Title
SITE PLAN - PROPOSED

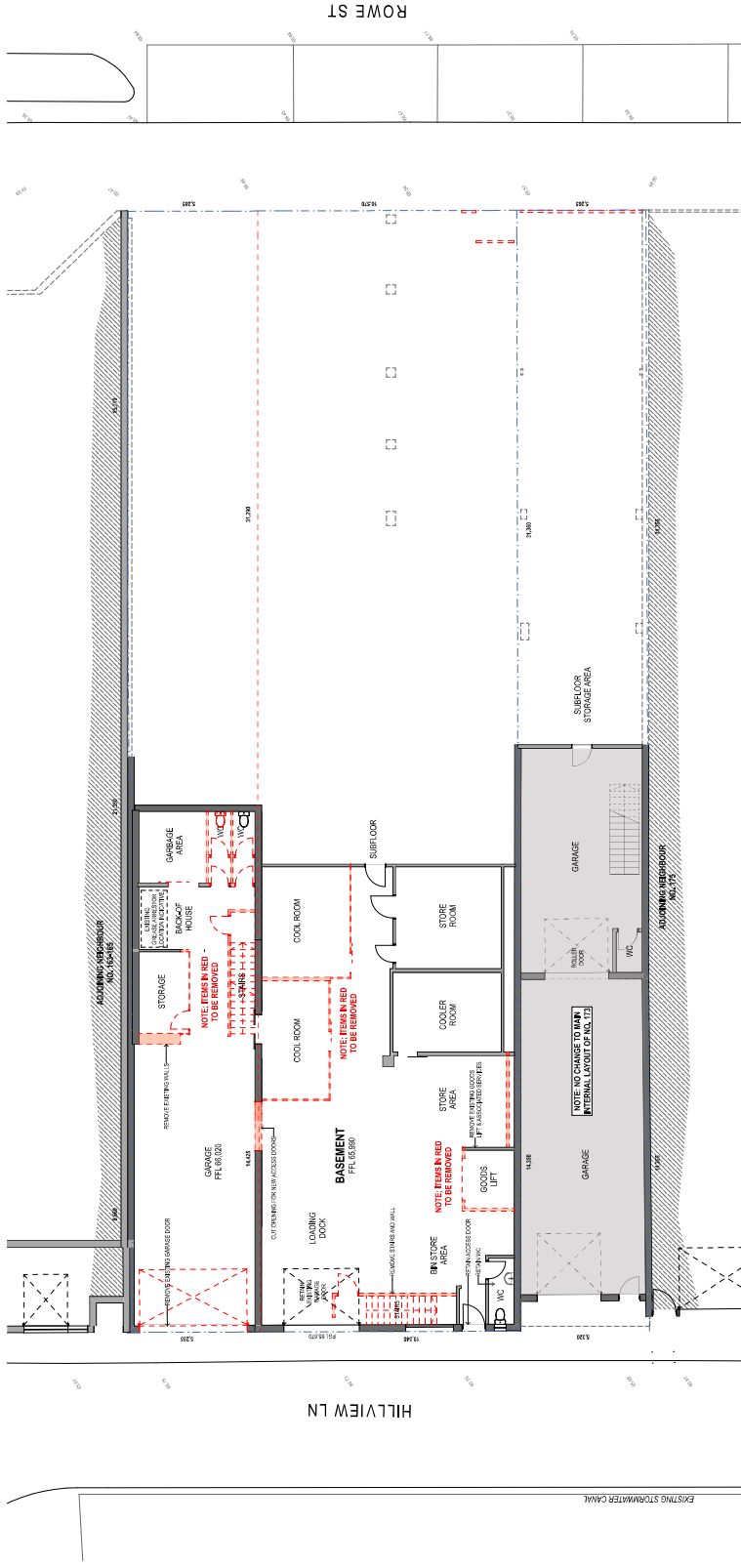
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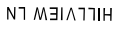
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Date
23/02/2025

Rev	Description	Date
01	Issue for Council	23/02/2025
02	Issue for Council	23/02/2025
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DEVELOPMENT APPLICATION





LEVEL 1 - EXISTING
1:100



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Project
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Client
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Drawing Series + Title

EXISTING PLANS
PLAN LEVEL 1 EXISTING
DEMOLITION

Drawing Number	Revision
A102	03
Scale	Date
1:100	20/11/2025

All works, with the NCE of mortality and all other variables, were included in the model. The model was fitted by the method of maximum likelihood. The goodness of fit was assessed by the likelihood ratio test. The Hosmer and Lemeshow test was used to assess the fit of the model. The Nagelkerke R-squared was used to assess the strength of the association between the independent and dependent variables. The odds ratios and their 95% confidence intervals were calculated. The results were presented in a table.

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DEVELOPMENT APPLICATION

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Project
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References

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Drawing Series + Title

EXISTING PLANS

PLAN ROOF EXISTING

DEMOLITION

Drawing Number	Revision
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A103 Charming room with
transatlantic

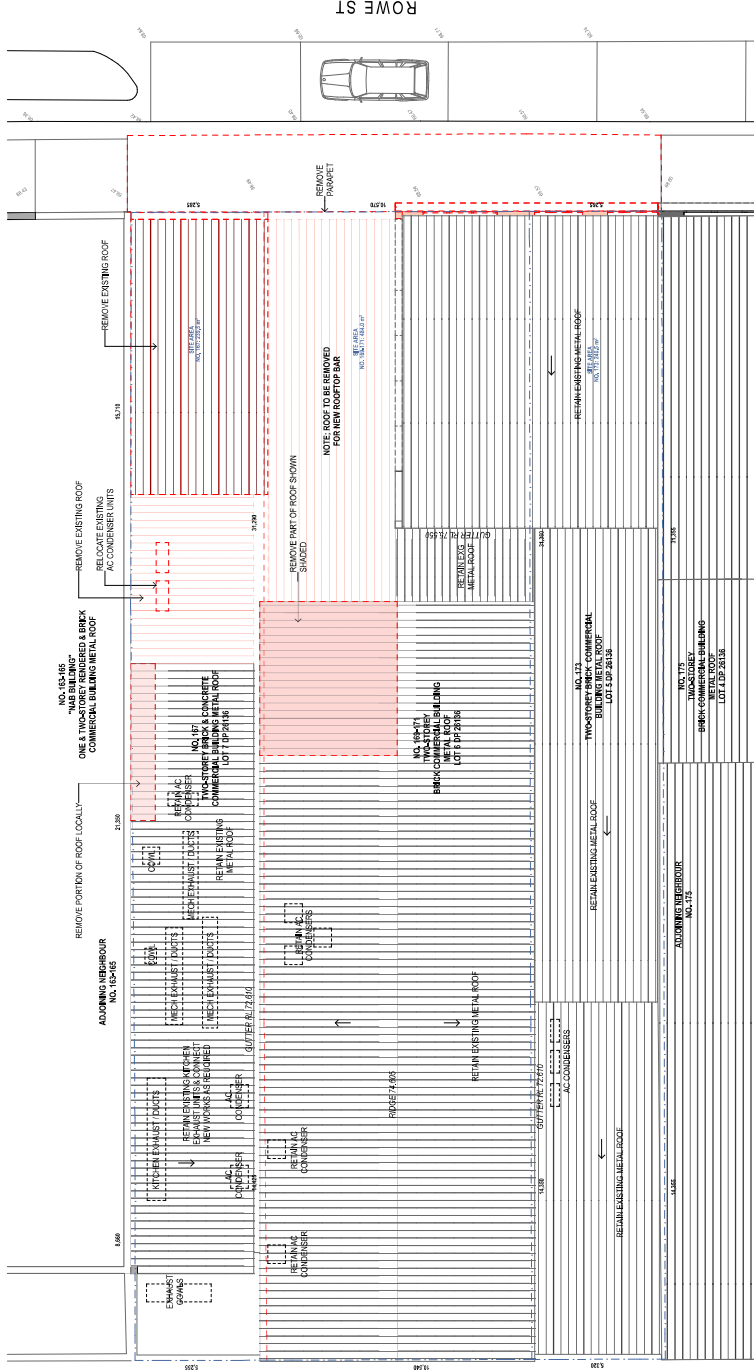
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Scale 1:100 Date 23/1/2025

It works in tandem with the NCC of Canada and all other national organizations to ensure that the Commission's work is carried out in a coordinated and effective manner. The Commission and its staff of 10 members (three are part-time) are supported by a staff of 100. The Commission's mandate is to advise the public on consumer issues, to monitor and report on consumer trends, to conduct research and to provide information and advice to the public. The Commission's work is carried out in a coordinated and effective manner. The Commission and its staff of 10 members (three are part-time) are supported by a staff of 100. The Commission's mandate is to advise the public on consumer issues, to monitor and report on consumer trends, to conduct research and to provide information and advice to the public.

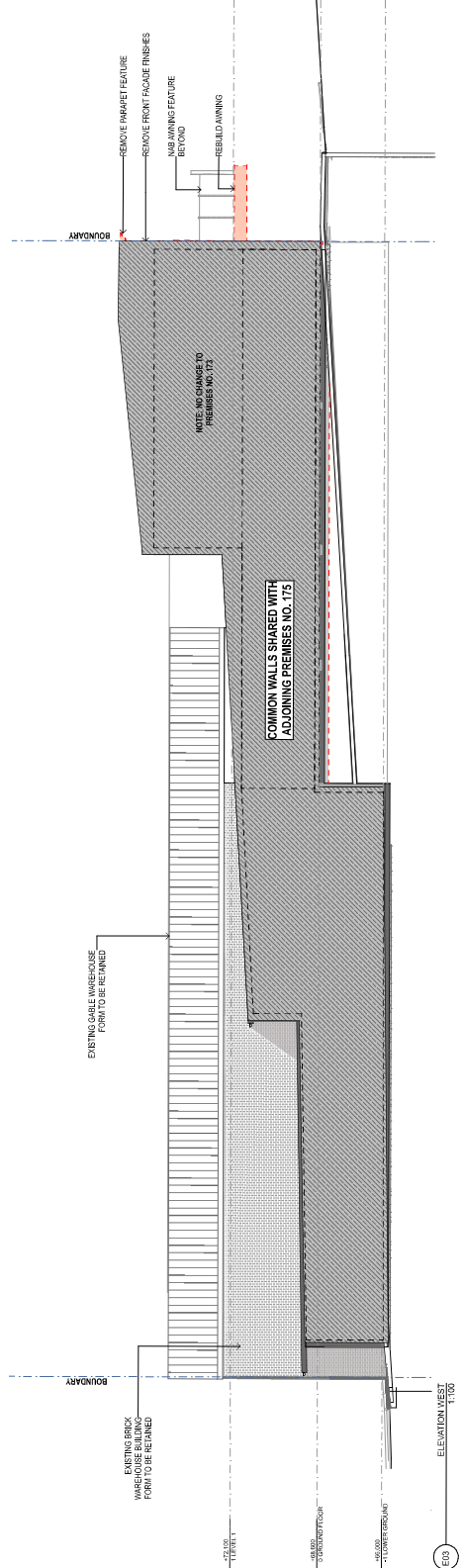
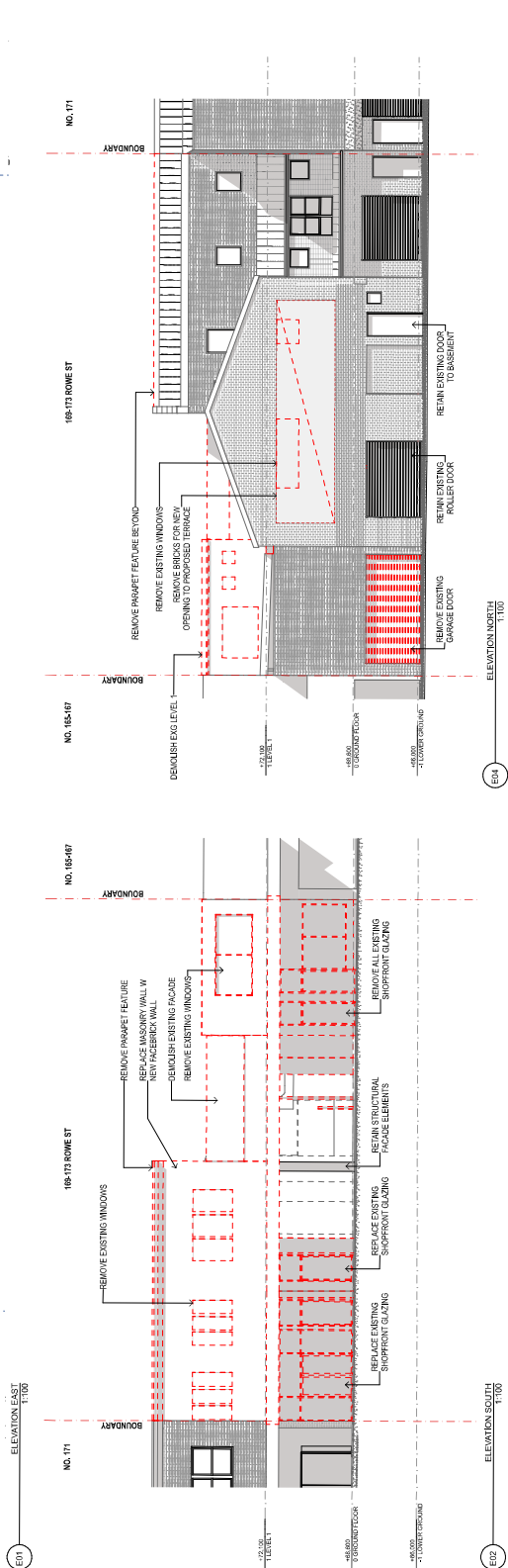
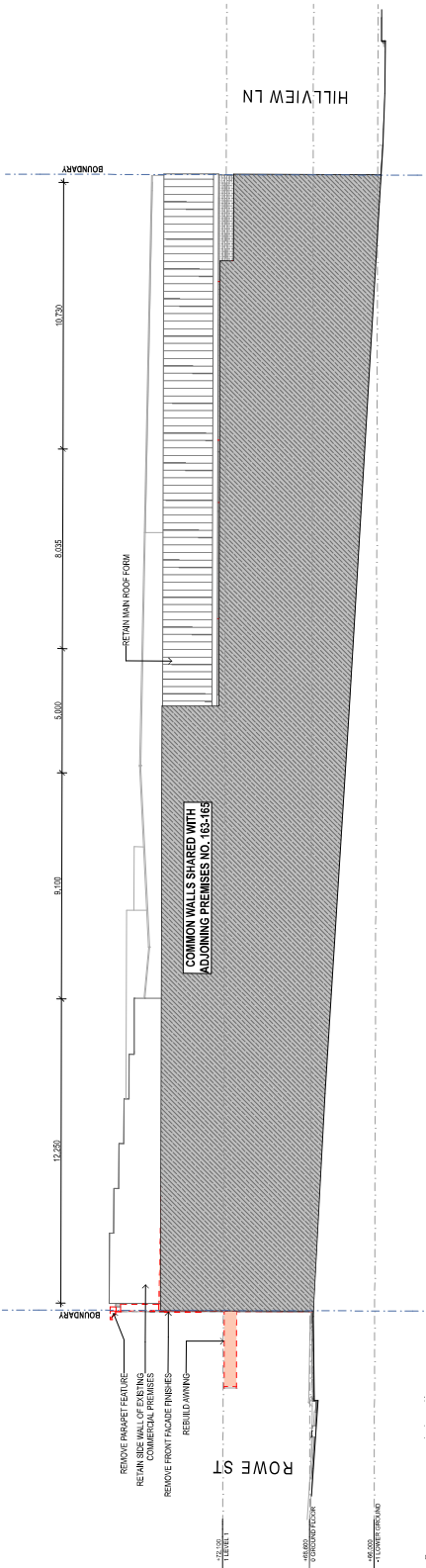
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DEVELOPMENT APPLICATION



ROOF - EXISTING
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Project
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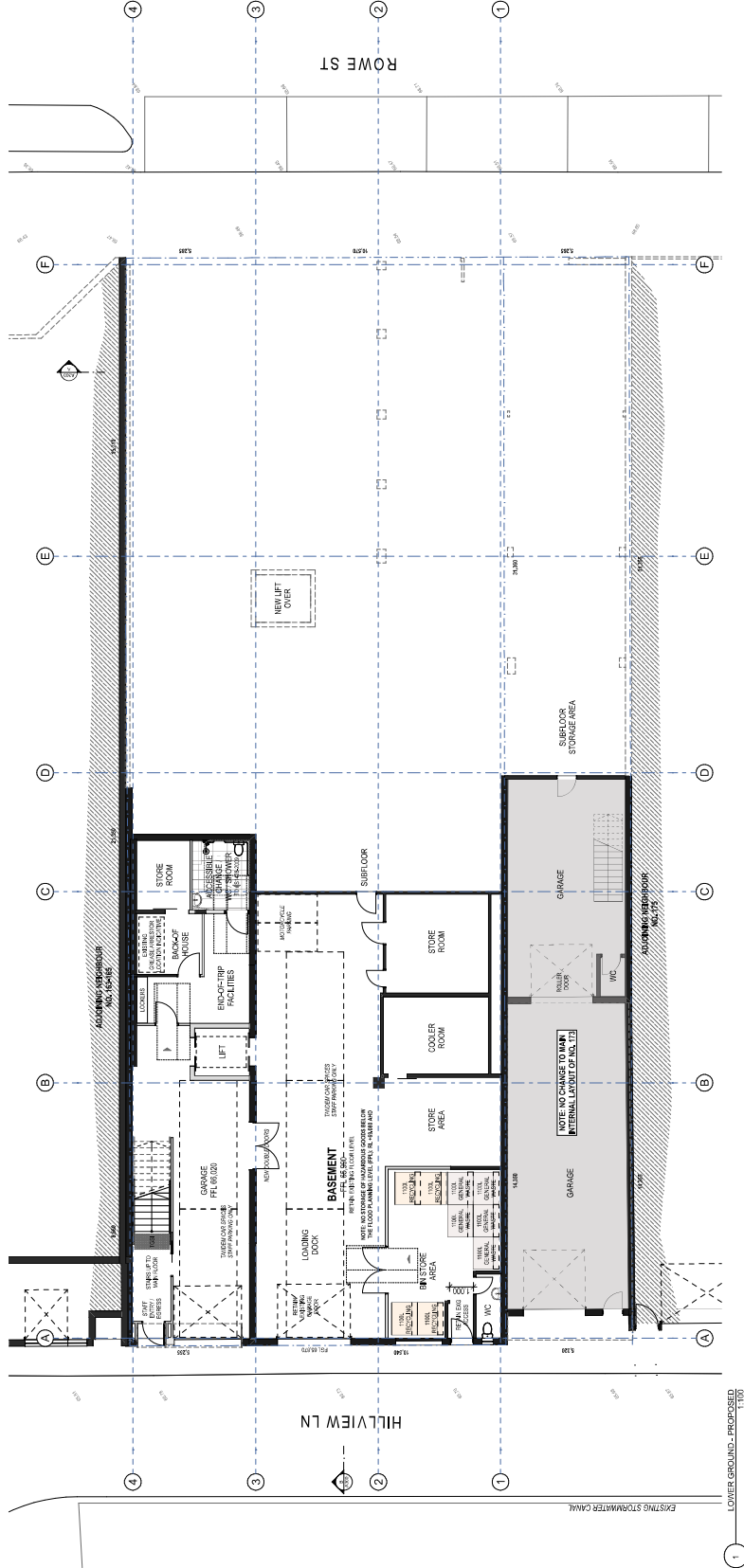
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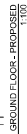
GENERAL ARRANGEMENT PLANS
PLAN LOWER GROUND
PROPOSED

Drawing Number	Revision
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DEVELOPMENT APPLICATION





EXISTING STORMWATER CANAL

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Project

Client
GRAND EASTWOOD HOTEL

Myles Docker + Daniel McGirr
Address

Drawing Series + Title

GENERAL ARRANGEMENT PLANS
PI AN GROUND FLOOR

PROPOSED

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DATE	DESCRIPTION	AMOUNT	BALANCE
2010/01/01	PRE-PAID	100.00	100.00
2010/01/02	PAID	50.00	50.00
2010/01/03	PAID	50.00	0.00
2010/01/04	PAID	50.00	-50.00
2010/01/05	PAID	50.00	-100.00
2010/01/06	PAID	50.00	-150.00
2010/01/07	PAID	50.00	-200.00
2010/01/08	PAID	50.00	-250.00
2010/01/09	PAID	50.00	-300.00
2010/01/10	PAID	50.00	-350.00
2010/01/11	PAID	50.00	-400.00
2010/01/12	PAID	50.00	-450.00
2010/01/13	PAID	50.00	-500.00
2010/01/14	PAID	50.00	-550.00
2010/01/15	PAID	50.00	-600.00
2010/01/16	PAID	50.00	-650.00
2010/01/17	PAID	50.00	-700.00
2010/01/18	PAID	50.00	-750.00
2010/01/19	PAID	50.00	-800.00
2010/01/20	PAID	50.00	-850.00
2010/01/21	PAID	50.00	-900.00
2010/01/22	PAID	50.00	-950.00
2010/01/23	PAID	50.00	-1000.00
2010/01/24	PAID	50.00	-1050.00
2010/01/25	PAID	50.00	-1100.00
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2010/01/28	PAID	50.00	-1250.00
2010/01/29	PAID	50.00	-1300.00
2010/01/30	PAID	50.00	-1350.00
2010/01/31	PAID	50.00	-1400.00
2010/02/01	PAID	50.00	-1450.00
2010/02/02	PAID	50.00	-1500.00
2010/02/03	PAID	50.00	-1550.00
2010/02/04	PAID	50.00	-1600.00
2010/02/05	PAID	50.00	-1650.00
2010/02/06	PAID	50.00	-1700.00
2010/02/07	PAID	50.00	-1750.00
2010/02/08	PAID	50.00	-1800.00
2010/02/09	PAID	50.00	-1850.00
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2010/02/12	PAID	50.00	-2000.00
2010/02/13	PAID	50.00	-2050.00
2010/02/14	PAID	50.00	-2100.00
2010/02/15	PAID	50.00	-2150.00
2010/02/16	PAID	50.00	-2200.00
2010/02/17	PAID	50.00	-2250.00
2010/02/18	PAID	50.00	-2300.00
2010/02/19	PAID	50.00	-2350.00
2010/02/20	PAID	50.00	-2400.00
2010/02/21	PAID	50.00	-2450.00
2010/02/22	PAID	50.00	-2500.00
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2010/02/25	PAID	50.00	-2650.00
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2010/02/28	PAID	50.00	-2800.00
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2010/03/02	PAID	50.00	-2950.00
2010/03/03	PAID	50.00	-3000.00
2010/03/04	PAID	50.00	-3050.00
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2010/03/06	PAID	50.00	-3150.00
2010/03/07	PAID	50.00	-3200.00
2010/03/08	PAID	50.00	-3250.00
2010/03/09	PAID	50.00	-3300.00
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2010/03/11	PAID	50.00	-3400.00
2010/03/12	PAID	50.00	-3450.00
2010/03/13	PAID	50.00	-3500.00
2010/03/14	PAID	50.00	-3550.00

DEVELOPMENT APPLICATION

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Project
GRAND EASTWOOD HOTEL
Client
Myles Docker + Daniel McGirr
Address
167-173 Rowe St Eastwood NSW 2122

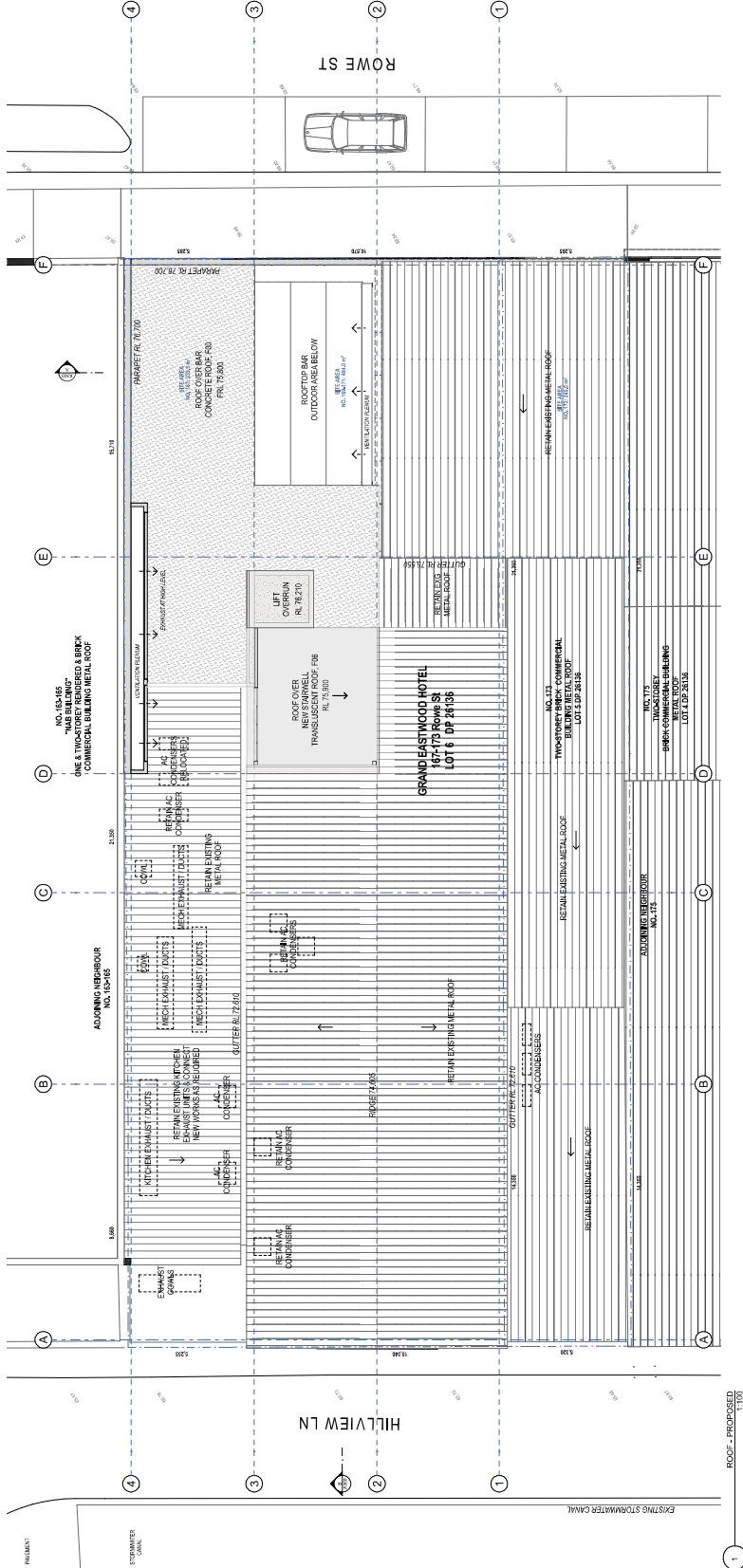
Drawing Series + Title
GENERAL ARRANGEMENT PLANS
PI AN ROOF PROPOSED

Drawing Number
A113
Revision
03
Scale
Date

[illegible]

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22	03-11-2022	52.50			
23	03-11-2022	52.50			
24	03-11-2022	52.50			

DEVELOPMENT APPLICATION





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Project
GRAND EASTWOOD HOTEL
Client
Myles Docker + Daniel McGirr
Address
167-173, Rows 8, Eastwood NSW 2122

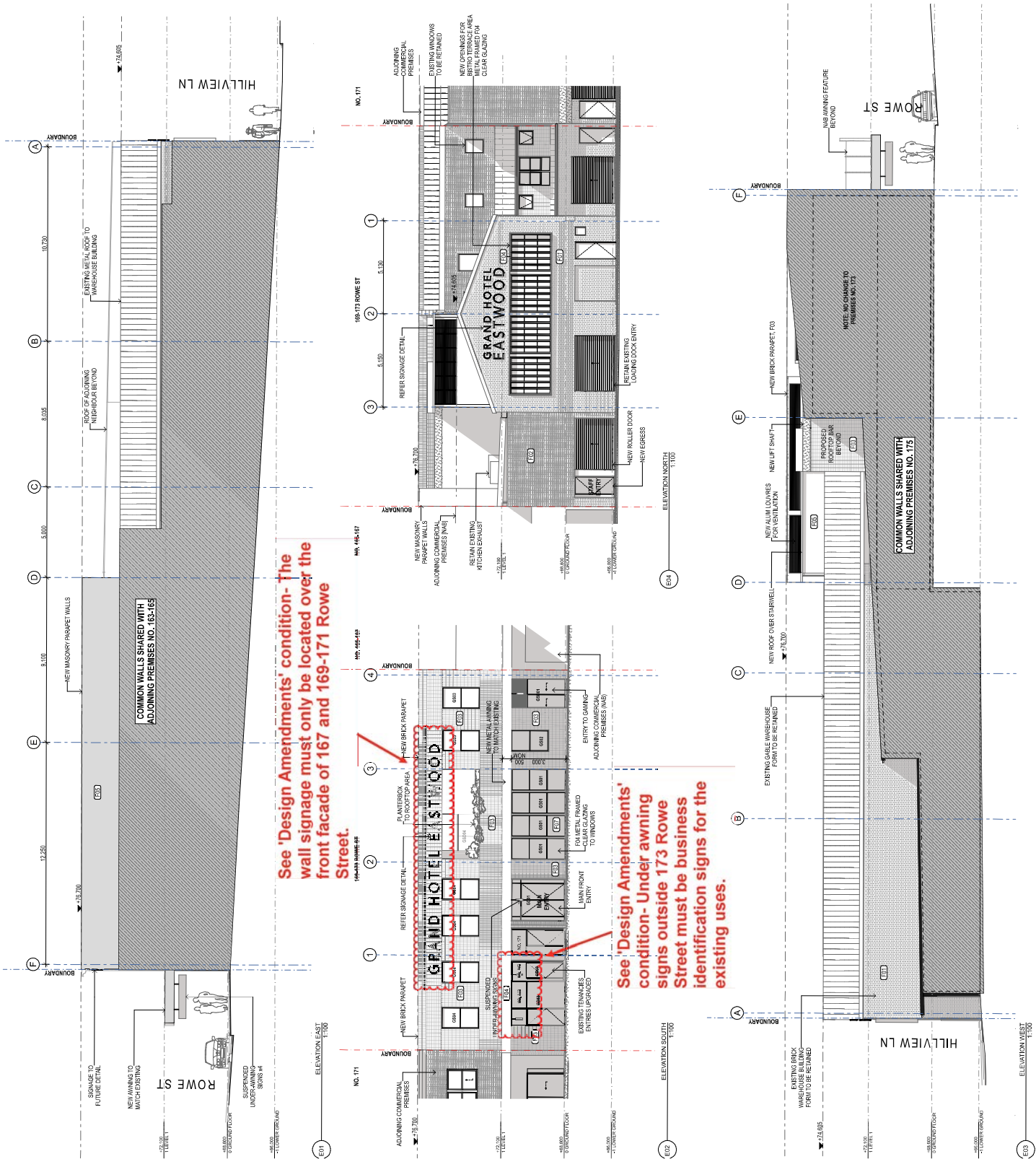
Drawing Series + Title

ELEVATIONS
ELEVATIONS

Drawing Number	Revision
A200	03
Scale	Date
1:100	20/11/2024

[illegible][illegible]

DEVELOPMENT APPLICATION





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Project **GRAND EASTWOOD HOTEL**
Client **Myles Docker + Daniel McGillr**
Address **167-173 Rowe St Eastwood NSW 2122**

Drawing Series + Title

REFERENCES AND NOTES

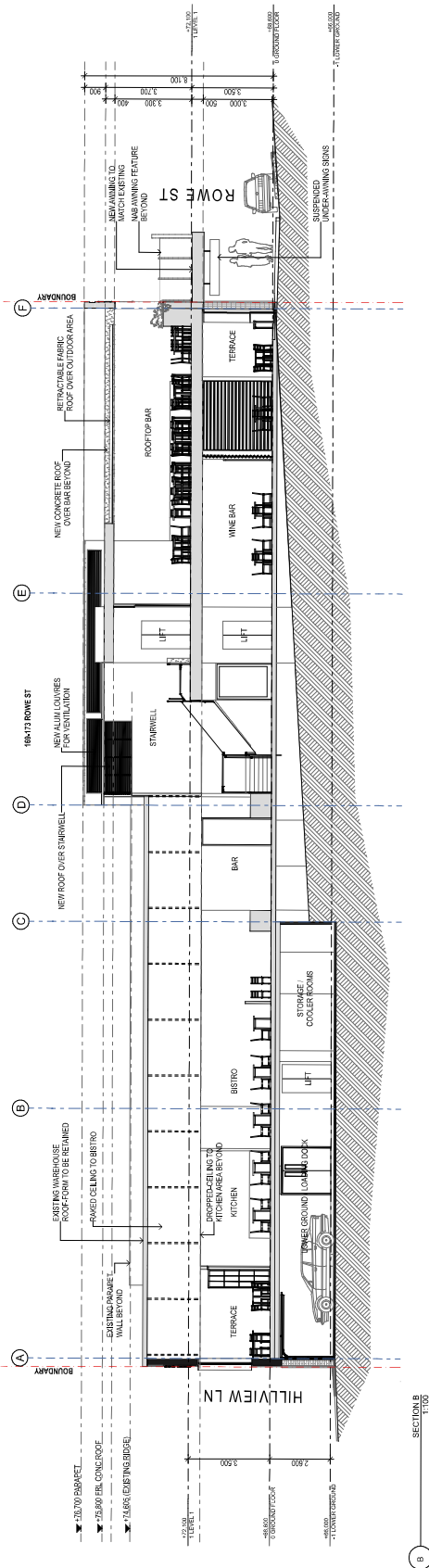
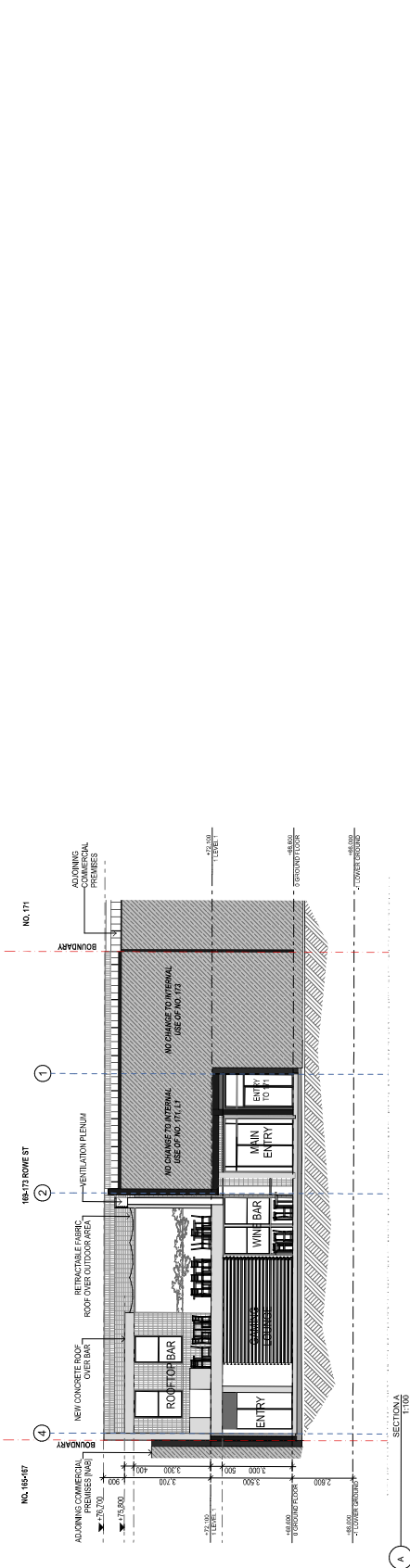
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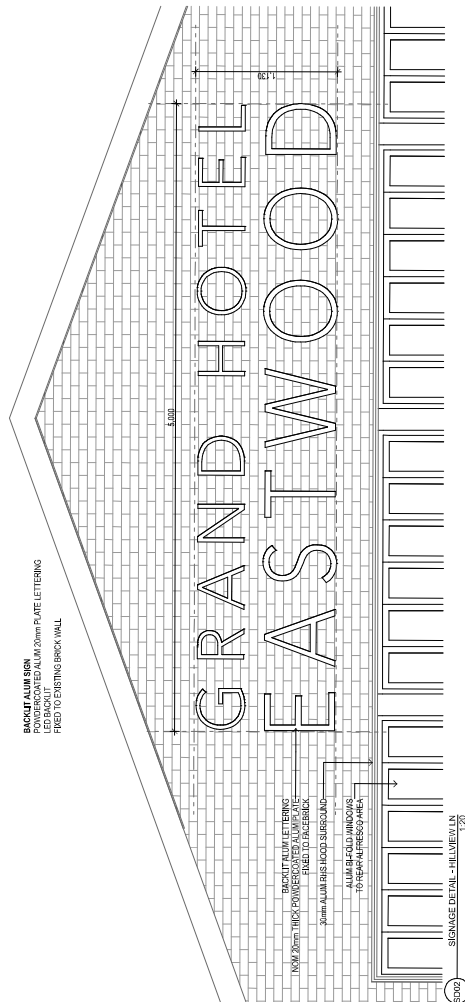
Revision
03

Scale
Date

[illegible][illegible]

DEVELOPMENT APPLICATION





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Project **GRAND EASTWOOD HOTEL**
Client **Myles Docker + Daniel McGirr**
Address **167-173 Rowe St Eastwood NSW 2122**

Drawing Series + Title
DETAIL SECTIONS

Drawing Number
A310

Revision
03

Scale
1/4" = 1'-0"

Date
01/11/2011

[illegible][illegible]

DEVELOPMENT APPLICATION



ELEVATION

ELEVATION

