

SCHEDULE 1**TABLE**

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| Application made by: | Walker Corporation Pty Ltd Level 10, 1 O'Connell Street, Sydney NSW 2001 |
| Application made to: | Minister for Infrastructure and Planning |
| Development Application: | DA 196-8-2004 |
| On land comprising: | Lot 22 DP 1049524 1 Mary Street, Rhodes |
| For the carrying out of: | Development described in Condition A1, Part A, Schedule 2 For Construction of that part of a Pedestrian Bridge Between Rhodes Waterside Shopping Centre and Rhodes Corporate Park subject to SREP 29 |
| Estimated Cost of Works | \$500,000 |
| Type of development: | Local Development |
| S.119 Public inquiry held: | No |
| BCA building class: | Class 10 (B) |
| Approval Body / Bodies: | Not Integrated |
| Determination made on: | |
| Determination: | Development consent is granted subject to the conditions in the attached Schedule 2. |
| Date of commencement of consent: | This development consent commences on the date identified in the formal notification letter accompanying the Determination. |
| Date consent is liable to lapse | This consent will lapse 5 years from the date of commencement of consent, unless: <ul style="list-style-type: none"> ▪ a shorter period of time is specified by the Regulations or ▪ a condition in Schedule 2, or ▪ the development has physically commenced. |

NOTES RELATING TO THE DETERMINATION OF DA NO. 196-8-2004***Responsibility for other approvals / agreements***

The applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

Appeals

The applicant has the right to appeal to the Land and Environment Court under Section 97 of the *Environmental Planning and Assessment Act, 1979*. The right to appeal is only valid:

- (1) for a development application, within 12 months after the date on which the applicant received this notice.

Appeals—Third Party

A third party right to appeal to this development consent is available under Section 123, subject to Section 101, of the *Environmental Planning and Assessment Act, 1979*.

Legal notices

Any advice or notice to the consent authority shall be served on the Director-General.

DEFINITIONS

In this consent,

Act means the *Environmental Planning and Assessment Act, 1979* (as amended).

Applicant means Walker Corporation Pty Ltd or any party acting upon this consent.

Approval Body has the same meaning as within Division 5 of Part 4 of the Act,

BCA means the Building Code of Australia.

Certifying Authority has the same meaning as Part 4A of the Act.

Council means City of Canada Bay Council.

DA No. 196-8-2004 means the development application and supporting documentation submitted by the Applicant on 20 August 2004.

DA No. 526/04 means the development application and supporting documentation submitted by the Applicant to City of Canada Bay Council on 20 August 2004.

Department means the Department of Infrastructure, Planning and Natural Resources or its successors.

Director means the Director of the Urban Assessments (or its successors) within the Department or their nominees.

Director-General means the Director-General of the Department.

Minister means the Minister for Infrastructure and Planning.

PCA means a Principal Certifying Authority and has the same meaning as Part 4A of the Act.

Regulations means the *Environmental Planning and Assessment Regulations, 2000* (as amended).

Subject Site has the same meaning as the land identified in Part A of this schedule.

SCHEDULE 2

CONDITIONS OF CONSENT

DEVELOPMENT APPLICATION NO. 196-8-2004

PART A—ADMINISTRATIVE CONDITIONS

A1 Development Description

Development consent is granted only to carrying out the development described in detail below:

- (1) Construction of that part of a pedestrian bridge on land between Rhodes Waterside Shopping Centre and Rhodes Corporate Park on land subject to *Sydney Regional Environmental Plan No. 29 – Rhodes Peninsula (SREP 29)*.

This Development Consent is to be read in conjunction with City of Canada Bay Council's Development Application No. 526/04.

A2 Development in Accordance with Plans

The development shall be generally in accordance with development application number 196-8-2004 submitted by the applicant on 8 August 2004, and in accordance with the supporting documentation submitted with that application, including, but not limited to, the following:

| Statement of Environmental Effects entitled <i>Pedestrian connection between Rhodes Corporate Park and Rhodes Waterside Shopping Centre</i> prepared by Walker Corporation Pty Ltd, dated 4.8.04 | | | |
|---|-----------------|---|-------------|
| Architectural (or Design) Drawings prepared by <i>Sinclair Knight Merz Pty Ltd</i> | | | |
| Drawing No. | Revision | Name of Plan | Date |
| IN08718-S02 | F | Rhodes Waterside Footbridge – General Arrangement – <i>As marked in red by the Department</i> | 8.9.04 |
| IN08718-S03 | F | Rhodes Waterside Footbridge – Footbridge Steelwork Marking Plans and Elevation | 8.9.04 |
| IN08718-S04 | G | Rhodes Waterside Footbridge – Footbridge Steelworks Details | 8.9.04 |
| IN08718-S05 | B | Rhodes Waterside Footbridge – Public Bridge Platform and Stair Steelwork Marking Plans and Elevations | 8.9.04 |
| IN08718-S06 | B | Rhodes Waterside Footbridge – Public Bridge Platform and Stair Steelwork Details | 8.9.04 |
| IN08718-S07 | A | Rhodes Waterside Footbridge – Stair and Landing Architectural (Extract from Australand Drawing | 8.9.04 |

| | | | |
|--|-----------------|--|-------------|
| | | No. BR-R-SK-001-A) | |
| IN08718-S08 | D | Rhodes Waterside Footbridge – Rhodes Waterside Connection (Extract from Krikis Tayler Architects Drawing No. AC0613) | 17.9.04 |
| Materials and Finishes Board prepared by Walker Group Constructions Pty Ltd | | | |
| Drawing No. | Revision | Name of Plan | Date |
| SK-WG-050 | A | Pedestrian Link Bridge Linking Australand Business Park & Rhodes Retail Centre | 14.10.03 |

A3 Applicant's Responsibilities

- (1) The Applicant shall ensure that all contractors engaged to carry out work on the site are aware of the conditions of this consent and that these contractors are able to comply with the relevant conditions.
- (2) The Applicant shall notify the PCA for a final inspection on completion of work.

A4 Prescribed Conditions

- (1) In the event of any inconsistency between the conditions of this consent and the documents referred to above, the conditions of this consent prevail.
- (2) The Applicant shall comply with the prescribed conditions of development as per Section 98 of the EP & A Regulations 2000.

A5 Exclusion – Signage

Other than exempt and complying development or signs required to satisfy conditions elsewhere in this consent, the erection or use of signage does not form part of this consent and is specifically excluded, subject to Condition B2 (3).

END OF PART A.

PART B—PRIOR TO ISSUE OF CONSTRUCTION CERTIFICATE

Design Details and Changes

B1 Design Modifications

In order to provide a well-lit, pedestrian-safe environment for the bridge, the lighting design shall be amended to minimise the opportunities for vandalism or anti-social behaviour to damage, deface or destroy the lights.

The draft lighting design is to be submitted to Rail Corp for comment prior to lodging with Council. Details of the lighting design, as modified if required by Rail Corp, shall be submitted to and approved by Council prior to the issue of a Construction Certificate.

A copy of the lighting design, approved by Council, is to be submitted to the Department prior to the issue of a Construction Certificate.

B2 Details of Materials, Colours and Finishes

- (1) In order to provide adequate pedestrian safety, the Applicant is to demonstrate to the Certifying Authority that flooring material of the pedestrian bridge shall comply with AS/NZ 3661.1.1993 "Slip Resistance of Surfaces Part 1: Requirements" Appendices A and B.
- (2) In order to minimise the opportunities for vandalism, the Applicant is to demonstrate to the Certifying Authority that all surfaces of the pedestrian bridge are resistant to graffiti or other defacing.
- (3) The use of directional signage on the pedestrian bridge is subject to Council's approval.

B3 Reflectivity

- (1) The visible light reflectivity from materials used on the pedestrian bridge shall not exceed 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place, including rail operations and activities.
- (2) A Reflectivity Report shall be prepared on the development identifying potential adverse glare on surrounding land uses including the railway line, pedestrians and cyclists; compliance with Part (1) of this condition; incorporating any requirements of RailCorp; and the ameliorative measures proposed to address adverse impacts. The Report shall be submitted to the Certifying Authority for approval prior to the issue of a Construction Certificate and copies of the approved copies sent to Council, Department and RailCorp.

B4 Lighting

All lighting shall comply with, where relevant, AS/NZ1158.3: 1999 *Pedestrian Area (Category P) Lighting* and AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Certifying Authority prior to the issue of a Construction Certificate.

Disability

B5 Disabled Access

Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the BCA's Access Policy. Prior to the issue of a Construction Certificate, a certificate certifying compliance with this condition from an appropriately qualified person shall be provided to the Certifying Authority.

Dilapidation Report

B6 Pre-Construction Dilapidation Reports

The Applicant is to engage a qualified structural engineer to prepare a Pre-Construction Dilapidation Report detailing the current structural condition of all existing and adjoining buildings and infrastructure. The report shall be submitted to the satisfaction of the Certifying Authority prior to the issue of the Construction Certificate.

A copy of the report is to be forwarded to the Department, Council and RailCorp.

Management

B7 Management Agreement

As agreed to by Council prior to the determination of this consent, in order to identify appropriate management of the pedestrian bridge, the Applicant shall enter into an agreement with Australand Holdings Limited and other relevant parties in relation to the ongoing management of the pedestrian bridge.

This agreement shall include, but not be limited to the following:

- (1) Provide an easement for the bridge across rail property to be created and acquired by the Walker Corporation in favour of Council and at no cost to Council; and
- (2) Detail provision of a security and maintenance fund for ongoing repairs, security and maintenance of the bridge at no cost to Council.

Prior to the issue of a Construction Certificate, the Applicant shall submit this agreement, signed by all relevant parties, relating to the satisfaction of this condition, to the Certifying Authority. A copy of the formal agreement is to be forwarded to the Department and Council.

Compliance

B8 Compliance Report

Prior to the issue of a Construction Certificate, the Applicant, or any party acting upon this consent, shall submit to the Department and Council a report addressing compliance with all relevant conditions of this consent.

END OF PART B.

PART C—PRIOR TO COMMENCEMENT OF WORKS

RailCorp Agreement

C1 Deed of Agreement

The Applicant shall obtain written approval, by way of a Deed of Agreement, for the works from RailCorp prior to the commencement of any works over rail land. Evidence that the Deed of Agreement has been entered into shall be submitted to the PCA prior to the commencement of any works over rail land.

Excavation Works

C2 Notice to be Given Prior to Excavation

The PCA and Council shall be given written notice, at least 48 hours prior to the commencement of excavation, shoring or underpinning works on the site.

Structural Works

C3 Structural Details

Prior to the commencement of work, the Applicant shall submit to the satisfaction of the PCA structural drawings prepared and signed by a suitably qualified practising Structural Engineer that comply with:

- (1) The relevant clauses of the Building Code of Australia,
- (2) The relevant development consent,
- (3) Drawings and specifications comprising the Construction Certificate, and
- (4) The relevant Australian Standards listed in the BCA (Specification A1.3).

Construction Management

C4 Construction Management Plan

Prior to the commencement of any works on the site, a Construction Management Plan shall be submitted to and approved by the Council. The Plan shall address and incorporate, but not be limited to, the following matters:

- (1) Any requirements of Council;
- (2) Any requirements of Rail Corp, particularly in relation to rail safety, hours of work, noise, vibration and timing of works;
- (3) Hours of work,
- (4) Contact details of site manager,
- (5) Traffic management, including:

- (a) ingress and egress of vehicles to the site;
 - (b) loading and unloading, including construction zones;
 - (c) predicted traffic volumes, types and routes; and
 - (d) pedestrian and traffic management methods, if affected;
- (6) Noise and vibration management (see also C4 below),
 - (7) Waste management (see also C5 below),
 - (8) Erosion and sediment control (see also D1), and
 - (9) Flora and fauna management.

The Applicant shall submit a copy of the approved plan to the Department, Council and RailCorp.

C5 Noise and Vibration Management Plan

Prior to the commencement of any works on the site, a Noise and Vibration Management Plan prepared by a suitably qualified person shall be submitted to and approved by the Director. The Plan shall address, but not be limited to, the following matters:

- (1) Identification of the specific activities that will be carried out and associated noise sources,
- (2) Identification of all potentially affected sensitive receivers including residences, schools, and properties containing noise sensitive equipment,
- (3) The construction noise objective specified in the conditions of this consent,
- (4) The construction vibration criteria specified in the conditions of this consent,
- (5) Determination of appropriate noise and vibration objectives for each identified sensitive receiver,
- (6) Noise and vibration monitoring, reporting and response procedures,
- (7) Assessment of potential noise and vibration from the proposed construction activities including noise from construction vehicles and any traffic diversions,
- (8) Description of specific mitigation treatments, management methods and procedures that will be implemented to control noise and vibration during construction
- (9) Justification of any proposed activities outside the construction hours specified in the conditions of this consent.
- (10) Construction timetabling to minimise noise impacts including time and duration restrictions, respite periods, and frequency,
- (11) Procedures for notifying residents of construction activities that are likely to affect their amenity through noise and vibration, and
- (12) Contingency plans to be implemented in the event of non-compliances and/or noise complaints.

The Applicant shall submit a copy of the approved plan to Council.

C6 Construction Waste Management Plan

Prior to the commencement of works, the Applicant shall submit to the satisfaction of the PCA a Waste Management Plan prepared by a suitably qualified person in accordance with the relevant Council's policy. The Applicant shall submit a copy of the plan to the Department and Council.

C7 Contact Telephone Number

Prior to the commencement of the works, the Applicant shall forward to the Department and Council a 24 hour telephone number to be operated for the duration of the construction works.

Hazardous Materials

C8 Removal of Hazardous Materials

All hazardous materials shall be removed from the site and shall be disposed of at an approved waste disposal facility in accordance with the requirements of the relevant legislation, codes, standards and guidelines, prior to the commencement of any building works. Details demonstrating compliance with the relevant legislative requirements, particularly the method of containment and control of emission of fibres to the air, are to be submitted to the satisfaction of the PCA prior to the removal of any hazardous materials.

C9 Site Audit

Prior to the commencement of building works, a Site Audit conducted by a suitably qualified person shall be undertaken to ascertain that all identified hazardous materials have been removed from the site and shall be submitted to the PCA.

Compliance

C10 Compliance Report

Prior to the commencement of works, the Applicant, or any party acting upon this consent, shall submit to the Department and Council, a report addressing compliance with all relevant conditions of this consent.

END OF PART C.

PART D—DURING CONSTRUCTION

Site Maintenance

D1 Erosion and Sediment Control

All erosion and sediment control measures are to be effectively maintained at or above design capacity for the duration of the construction works and until such time as all ground disturbed by the works has been stabilised and rehabilitated so that it no longer acts as a source of sediment.

D2 Disposal of Seepage and Stormwater

Any seepage or rainwater collected on-site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.

Structural Works

D3 Setting Out of Structures

The pedestrian bridge shall be set out by a registered surveyor to verify the correct position of each structure in relation to property boundaries and the approved alignment levels. The registered surveyor shall submit a plan to the PCA certifying that structural works are in accordance with the approved development application.

Construction Management

D4 Approved Plans to be On-site

A copy of the approved and certified plans, specifications and documents incorporating conditions of approval and certification shall be kept on the site at all times and shall be readily available for perusal by any officer of the Department, Council or the PCA.

D5 Site Notice

A site notice(s) shall be prominently displayed at the boundaries of the site for the purposes of informing the public of project details. The notice(s) is to satisfy all but not be limited to, the following requirements:

- (1) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
- (2) The notice is to be durable and weatherproof and is to be displayed throughout the works period;
- (3) The approved hours of work, the name of the site/project manager, the responsible managing company (if any), its address and 24 hour contact phone number for any inquiries, including construction/noise complaint are to be displayed on the site notice; and

- (4) The notice(s) is to be mounted at eye level on the perimeter hoardings/fencing and is to state that unauthorised entry to the site is not permitted.

D6 Contact Telephone Number

The applicant shall ensure that the 24 hour contact telephone number is continually attended by a person with authority over the works for the duration of the development.

D7 Public Way to be Kept Clear

The public way must not be obstructed and the roadway and footway is to be kept clear at all times. All loading/unloading of vehicles is take place inside the designated loading/unloading zone approved under condition C3 of this consent.

D8 External Lighting

External Lighting shall comply with AS4282: 1997 *Control of the Obtrusive Effects of Outdoor Lighting*. Upon installation of lighting, but before it is finally commissioned, the applicant shall submit to the consent authority evidence from an independent qualified practitioner demonstrating compliance in accordance with this condition.

D9 Dust Control Measures

Adequate measures shall be taken to prevent dust from affecting the amenity of the neighbourhood and rail operations during construction. In particular, the following measures must be adopted:

- (1) All vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material,
- (2) Covers are to be adequately secured,
- (3) Cleaning of footpaths must be carried out regularly,
- (4) Roadways must be kept clean,
- (5) Gates are closed between vehicle movements,
- (6) Gates are fitted with shade cloth,
- (7) The site is hosed down when necessary, and
- (8) Wheel washes shall be installed for all vehicles exiting the site.

Noise and Vibration**D10 Hours of Work**

The hours of construction, including the delivery of materials to and from the site, shall be restricted as follows:

- (1) Between 7:00 am and 6:00 pm, Mondays to Fridays inclusive;
- (2) Between 8:00 am and 1:00 pm, Saturdays;

- (3) No work on Sundays and public holidays or the Saturday and Sunday of long weekends.

Works may be undertaken outside these hours where:

- (1) The delivery of materials is required outside these hours by the Police or other authorities;
- (2) It is required in an emergency to avoid the loss of life, damage to property and/or to prevent environmental harm;
- (3) The work is approved through the Construction Noise and Vibration Management Plan; and
- (4) Residents likely to be affected by the works are notified of the timing and duration of these works at least 48 hours prior to the commencement of the works.

D11 Construction Noise Objective

The construction noise objective is to comply with AS 2436-1981 "Guide to Noise Control on Construction".

The Applicant shall implement all feasible noise mitigation and management measures with the aim of achieving the construction noise objective.

Any activities that have the potential for noise emissions that exceed the objective must be identified and managed in accordance with the approved Construction Noise and Vibration Management Plan.

If the noise from a construction activity is substantially tonal or impulsive in nature (as described in Chapter 4 of the NSW Industrial Noise Policy), 5dB(A) must be added to the measured construction noise level when comparing the measured noise with the construction noise objective.

D12 Construction Noise Management

The Applicant shall:

- (1) schedule rock breaking, rock hammering, sheet piling, pile driving and any similar activity only between the following hours unless otherwise approved in the Construction Noise and Vibration Management Plan:
 - (a) 9 am to 12 pm, Monday to Friday;
 - (b) 1pm to 4pm Monday to Friday; and
 - (c) 9 am to 12 pm, Saturday
- (2) ensure that wherever practical, and where sensitive receivers may be affected, piling activities are completed using bored piles. If driven piles are required they must only be installed where approved in the Construction Noise and Vibration Management Plan.

D13 Vibration Criteria

Vibration caused by construction at any residence or structure outside the subject site must be limited to:

- (1) for structural damage vibration, German Standard DIN 4150 Part 3 Structural Vibration in Buildings. Effects on Structures; and
- (2) for human exposure to vibration, the evaluation criteria presented in British Standard BS 6472- Guide to Evaluate Human Exposure to Vibration in Buildings (1Hz to 80 Hz) for low probability of adverse comment.

These limits apply unless otherwise approved in the Construction Noise and Vibration Management Plan.

D14 Vibration Management

Vibratory compactors must not be used closer than 30 metres from residential buildings unless vibration monitoring confirms compliance with the vibration criteria specified above.

Compliance

D15 Compliance Report

The Applicant, or any party acting upon this consent, shall, for the duration of construction period, submit to the Department and Council a three monthly report addressing compliance with all relevant conditions of this consent.

END OF PART D.

PART E—PRIOR TO SUBDIVISION OR STRATA SUBDIVISION

Not applicable.

PART F—PRIOR TO OCCUPATION OR COMMENCEMENT OF USE

Structural Inspection

F1 Structural Inspection Certificate

A Structural Inspection Certificate or a Compliance Certificate must be submitted to the satisfaction of the PCA prior to the issue of an Occupation Certificate and/or use of the premises. A copy of the Certificate with an electronic set of final drawings (contact consent authority for specific electronic format) shall be submitted to the consent authority and the Council after:

- (1) The site has been periodically inspected and the Certifier is satisfied that the Structural Works is deemed to comply with the final Design Drawings; and,
- (2) The drawings listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.

F2 Asset Damage

The cost of repairing any damage caused to Council or other Public Authority's, including State's, assets in the vicinity of the subject site as a result of construction works associated with the approved development, is to be met in full by the applicant/developer prior to the issue of an Occupation Certificate.

Note: Should the cost of damage repair work not exceed the road maintenance bond, Council will automatically call up the bond to recover the costs. Should the repair costs exceed the bond amount; a separate invoice will be issued.

Security

F3 Security Plan

The Applicant shall prepare a Plan of Security Measures dealing with community crime and anti-social activity prevention measures in the detailed design, operation and management of the pedestrian bridge. This Plan should address, but not necessarily be limited to, the following:

- (1) The detailed security measures that will be introduced to ensure the security and safety of users of the pedestrian bridge, in particular the connection between the bridge and the Rhodes Waterside Shopping Centre;
- (2) The number of security officers to be employed, their hours of operation and the method of deployment of such officers for the development;
- (3) Technical security measures, including camera surveillance position and security control room monitoring;
- (4) Security associated with the closure of the pedestrian bridge; and
- (5) Measures of dealing with anti-social behaviour within and at either end of the pedestrian bridge.

Prior to the issue of an Occupation Certificate, the Applicant shall submit the Plan of Security Measures to the PCA for approval. A copy of this Plan shall also be forwarded to the Department and Council.

Maintenance

F4 Maintenance Plan

The Applicant shall prepare a Plan of Maintenance addressing the maintenance measures and specific timeframes for implementing maintenance measures for the pedestrian bridge. This Plan should address, but not necessarily be limited to, the following measures, including proposed time intervals and authority/person who will undertake each:

- (1) Clearing the pedestrian bridge of rubbish and debris;
- (2) Checking the bridge for washing and replacing signage and removing graffiti;
- (3) Checking lights and replacing light bulbs;
- (4) Checking flooring, including slip resistance; and
- (5) Repainting and replacing broken glass and material surfaces.

Prior to the issue of an Occupation Certificate, the Applicant shall submit the Maintenance Plan to Council for approval. A copy of the approved Plan shall also be forwarded to the Department.

Illumination

F5 Illumination Report

The Applicant shall prepare an Illumination Report, in consultation with a qualified consultant, dealing with the illumination within the pedestrian bridge and the ameliorative measures that will be implemented, if necessary, to prevent any adverse lighting impacts on the amenity of the surrounding land uses, particularly the Railway Station.

The Report shall be submitted to RailCorp and the Certifying Authority for approval prior to the issue of Occupation Certificate for the pedestrian bridge. A copy of the approved report shall be forwarded to Council.

Signage

F6 Directional Signage

Directional signage shall be erected in a prominent location at the connection point of the pedestrian bridge to Rhodes Waterside Shopping Centre for exit points from the Shopping Centre, to the car park, into the Shopping Centre, and for disabled users to lifts/ramps.

Details of this signage and its location shall be submitted to the PCA for approval prior to the issue of an Occupation Certificate.

Second Dilapidation Report

F7 Post-Construction Dilapidation Report

- (1) The Applicant shall engage a suitably qualified person to prepare a Post-Construction Dilapidation Report at the completion of the construction works. This report to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads.
- (2) The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:
 - (a) compare the Post-Construction Dilapidation Report with the Pre-Construction Dilapidation Report required by Condition B6, and
 - (b) have written confirmation from the relevant authority/s that there is no adverse structural damage to their infrastructure and roads.
- (3) A copy of this report is to be forwarded to the Department, Council and RailCorp.

Section 94 Off-set

F8 Section 94 Off-set

As agreed to by Council prior to the determination of this consent, the Applicant is entitled to an off-set of monetary contributions due under Section 94 of the Act to the amount detailed in the relevant contribution plans. Prior to the issue of the Occupation Certificate for the pedestrian bridge and in order to obtain this off-set, the Applicant shall enter into a long-term deed of agreement with Council that the Applicant, and as applicable, Rhodes Waterside Shopping Centre, or any subsequent owner or beneficiary of Lot 22 DP 1049524, will create an easement in favour of Council for ownership of the bridge under the terms of this consent and at no cost to Council for a period of time to be agreed with Council but not less than 50 years.

END OF PART F.

PART G—POST OCCUPATION

Hours

G1 Hours of Operation

The hours of operation of the pedestrian bridge shall be those times that the Rhodes Waterside Shopping Centre is open and security personnel are in attendance, and otherwise between the following:

| Day | Commencement time | Cessation time |
|-----------------|--------------------------|-----------------------|
| Monday | 6.00 am | 12 midnight |
| Tuesday | 6.00 am | 12 midnight |
| Wednesday | 6.00 am | 12 midnight |
| Thursday | 6.00 am | 12 midnight |
| Friday | 6.00 am | 12 midnight |
| Saturday | 6.00 am | 12 midnight |
| Sunday | 6.00 am | 12 midnight |
| Public Holidays | 6.00 am | 12 midnight |

Notwithstanding the above, the hours of operation of the pedestrian bridge shall be no less than the following:

Monday to Saturday: 7.00 am to 7.00 pm; and
 Sunday and Public Holidays: 8.00 am to 5.00 pm.

Public Access

G2 Public Way to be Unobstructed

The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances.

Maintenance

G3 Ongoing Maintenance

The Applicant is required to maintain the pedestrian bridge in accordance with the Plan of Maintenance required under Condition F4 of this consent or any other maintenance arrangements made in agreement with Council.

Compliance

G4 Compliance Report

The Applicant, or any party acting upon this consent, shall submit to the Department and Council a report addressing compliance with all relevant conditions of this consent within 6 months of occupation of the pedestrian bridge.

END OF PART G.

ADVISORY NOTES

AN1 Requirements of Public Authorities for Connection to Services

The applicant shall comply with the requirements of any public authorities (e.g. Energy Australia, Sydney Water, Telstra Australia, AGL, etc) in regard to the connection to, relocation and/or adjustment of the services affected by the construction of the proposed structure. Any costs in the relocation, adjustment or support of services shall be the responsibility of the applicant. Details of compliance with the requirements of any relevant public authorities are to be submitted to the satisfaction of the PCA prior to the issue of the Construction Certificate.

AN2 Compliance with Building Code of Australia

The applicant is advised to consult with the PCA about any modifications needed to comply with the BCA prior to submitting the application for a Construction Certificate.

AN3 Application for Hoardings and Scaffolding

A separate application shall be made to Council for approval under Section 68 of the *Local Government Act, 1993*, to erect a hoarding or scaffolding in a public place. Such an application shall include:

- (1) Architectural, construction and structural details of the design in accordance with the relevant Policy of Council,
- (2) Structural certification prepared and signed by a suitably qualified practising structural engineer.

The applicant shall provide evidence of the issue of a Structural Works Inspection Certificate and structural certification shall be submitted to the satisfaction of the PCA prior to the commencement of works.

AN4 Use of Mobile Cranes

The applicant shall obtain all necessary permits required for the use of mobile cranes on or surrounding the site, prior to the commencement of works. In particular, the following matters shall be complied with to the satisfaction of the PCA:

- (1) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council and/or Rail Corp, as applicable:
 - (a) at least 48 hours prior to the works for partial road closures which, in the opinion of Council and/or Rail Corp will create minimal traffic disruptions, and
 - (b) at least 4 weeks prior to the works for full road closures and partial road closures which, in the opinion of Council and/or Rail Corp, will create significant traffic disruptions.

- (2) The use of mobile cranes must comply with the approved hours of construction and shall not be delivered to the site prior to 7.30am without the prior approval of Council.

AN5 Construction Inspections

Compliance certificate/s shall be issued by the Principal Certifying Authority and submitted to Council in accordance with the mandatory inspection requirements of the *Building Legislation Amendment—Quality of Construction Act, 2002* for each stage of construction, such as the following:

- (1) Foundations,
- (2) Footings,
- (3) Damp proof courses and waterproofing installation,
- (4) Structural concrete, including placing of reinforcement and formwork prior to pouring,
- (5) Structural beam and column framing,
- (6) Timber wall and roof framing, and
- (7) Stormwater disposal.

Any Compliance Certificate issued for the above stages of construction shall certify that all relevant ancillary or dependent work has been undertaken in accordance with the Building Code of Australia and any other conditions of consent.

AN6 Noise Generation

Any noise generated during the construction of the development shall not exceed the limits specified in the *Protection of the Environment Operations Act, 1997* or exceed approved noise limits for the site.

AN7 Rights to Advertising

A separate development application may be required for advertising on the pedestrian bridge.

AN8 Application under Part 4A of the Act

An application under Part 4A of the Act shall be submitted to the consent authority or the council along with a plan of subdivision prepared by a registered surveyor, for certification prior to the issue of the Subdivision Certificate.

AN9 Compliance with Conditions

The applicant will be required to submit, documentary evidence that the property has been developed in accordance with plans approved by Development Application No. 196-8-2004 and of compliance (or a Compliance Certificate) with the conditions of that consent, prior to the issuing of Strata Plan of Subdivision.

END OF CONDITIONS
