

**JOINT REGIONAL PLANNING PANEL
(Sydney East Region)**

JRPP No	2013SYE109
DA Number	LDA2013/0495
Local Government Area	City of Ryde
Proposed Development	Alterations and additions to the Top Ryde Shopping Centre
Street Address	109-129 Blaxland Road, Ryde
Applicant	Winim Developments Pty Ltd
Number of Submissions	No submissions received
Recommendation	Approval with Conditions
Report by	Sandra Bailey, Team Leader Major Development

Assessment Report and Recommendation

1. EXECUTIVE SUMMARY

The following report is an assessment of a development application for alterations and additions to the Top Ryde Shopping Centre (TRSC) at 109-129 Blaxland Road, Ryde. In summary the development proposes changes to accommodate a new major tenant, the provision of additional restaurants, changes to accommodate an internal pedestrian walkway and entrance off La Strada and the addition of a travelator and escalator within the shopping centre.

The development has been assessed in respect of the relevant planning instruments and the application complies with the planning controls with the exception of car parking. The development will result in a shortfall of 28 car parking spaces. This variation is acceptable based on the occurrence of linked and multi purpose trips.

During the notification period, Council received no submissions in respect of the development.

The development application is therefore recommended for approval subject to appropriate conditions of consent provided in Attachment 1 of this report.

2. APPLICATION DETAILS

Name of applicant: Winim Developments Pty Ltd.

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Owner of site: Bevillesta Pty Limited (receivers and managers appointed).

Estimated value of works: \$23,500,000.

Disclosures: No disclosures with respect to the Local Government and Planning Legislation Amendment (Political Donations) Act 2008 have been made by any persons.

3. SITE DESCRIPTION

The site is known as 109 to 129 Blaxland Road, Ryde and the legal description of the land is Lot 1 in DP 1134255. The site is bounded by Devlin Street, Blaxland Road, Tucker Street and Pope Street. Figure 1 demonstrates an aerial photograph of the site.



Figure 1. Aerial photograph of the site.

4. SITE DETAILS

Total site area:	33,555m ²
Frontage to Devlin Street:	243m
Frontage to Blaxland Road:	38m
Frontage to Pope Street:	194m
Frontage to Tucker Street:	213m
Land use Zone:	B4 Mixed Use under Ryde Local Environmental Plan 2010.

5. PROPOSAL

The development proposes alterations and additions to the Top Ryde Shopping Centre. The works proposed include:

- Conversion of three retail shop tenancies on level 1 into restaurants and the construction of an associated outdoor balcony and awning facing the Plaza. These tenancies all overlook the Plaza in the northern portion of TRSC. The tenancies will be reconfigured internally by moving the shop front forward into the mall circulation space by 2.5m. A 2m balcony extension will project partially over the existing awning along the northern elevation. Bi-fold doors will then be set back from the existing façade to create a terrace that has a width of 5.1m. These tenancies will be converted into three restaurants which will be subject to a separate application for fitout. These works are demonstrated in Figure 2. Figure 3 illustrates a photomontage showing the restaurants and balcony as viewed from the Plaza.

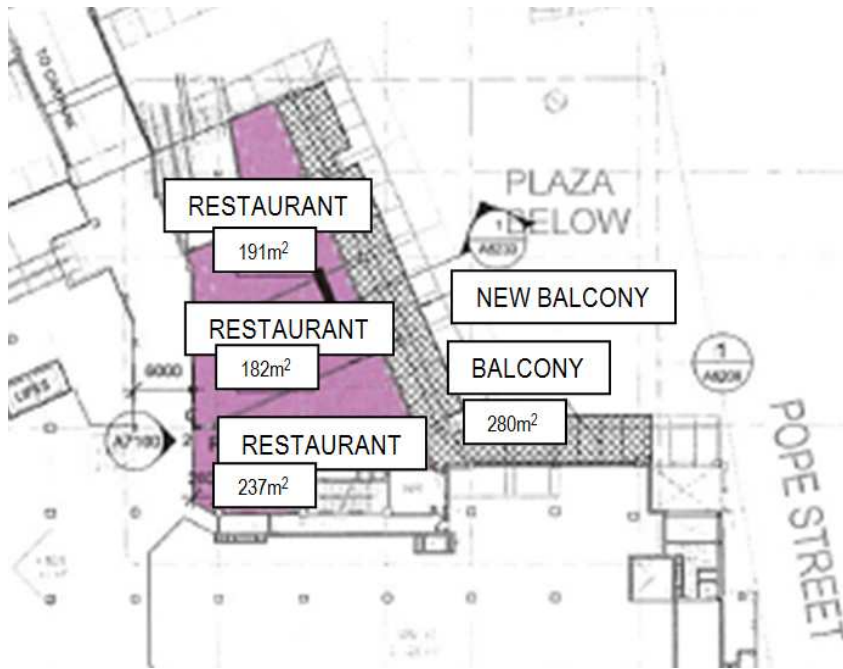


Figure 2. Changes to level 1 to provide three new restaurants and an associated balcony.



Figure 3. Photomontage showing the restaurants and balcony on level 1 as viewed from the Plaza.

- Alterations to the configuration of the tenancy layouts at the south western end of the lower ground level 2 (LG2) to accommodate a new major retail tenant. This will involve the replacement of the IGA, Pharmacy 4 Less and The Reject Shop and three other smaller tenancies. The shopfront will also be extended into the mall circulation space with the removal of several kiosks. The floor space for the major retail tenant will be 5,104m².

To accommodate the major tenant, the existing loading bay area on LG2 will be extended by 183m² to include additional service areas. The new tenancy and extension to the loading bay is demonstrated on Figure 4.

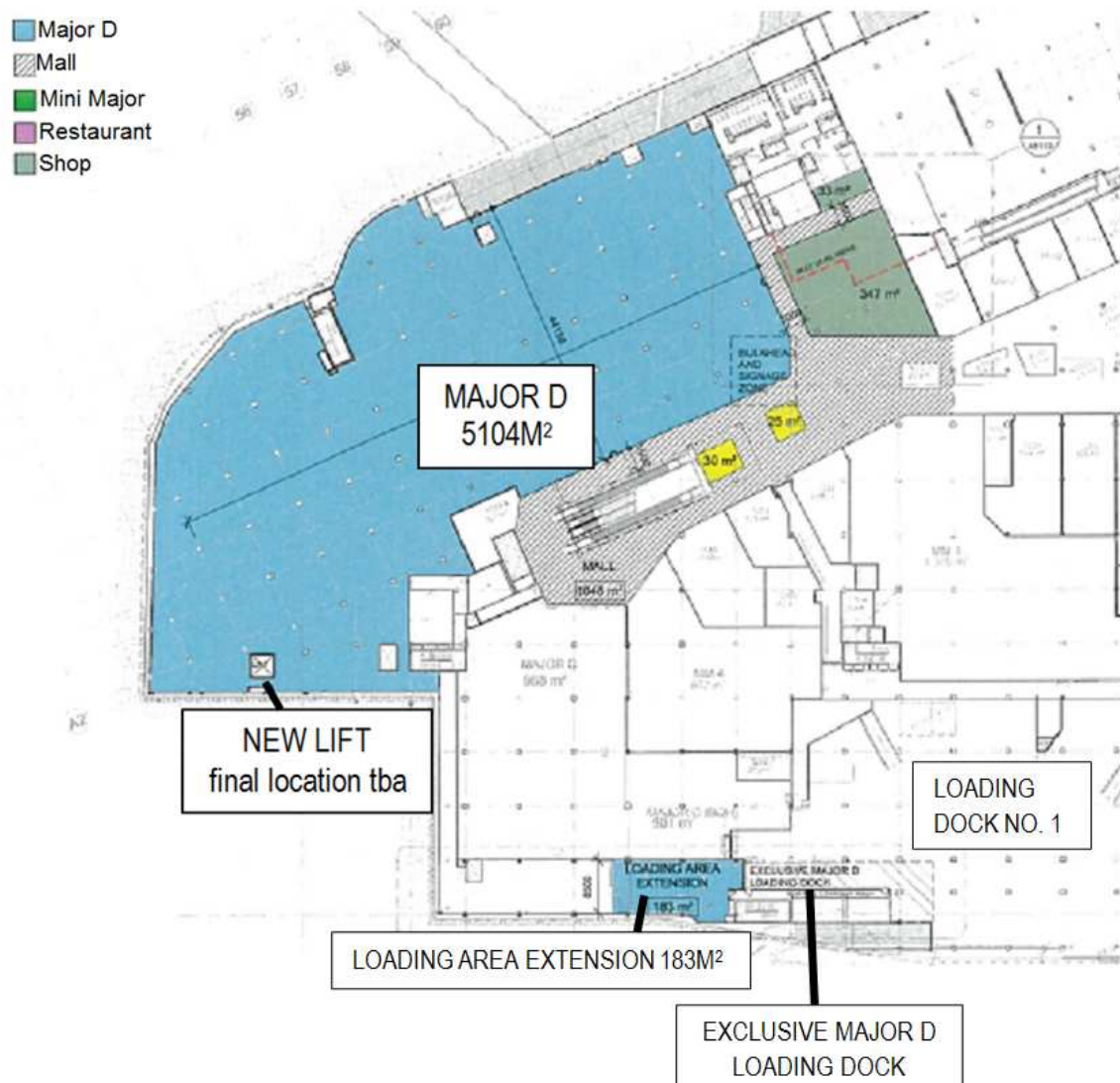


Figure 4. Changes proposed to the lower ground level 2 including the provision of a new major tenant and extension of the loading dock.

The existing storage area on basement car park level 1 (BP1) will be enlarged to provide storage space for the new major retail tenant. This enlargement will involve the removal of the adjacent third vehicle entry lane at BP1 which has never been used since the opening of the TRSC. The storage space will be increased from 288m² to 554m². A lift will be provided to connect this storage space with the tenancy on LG2. This is demonstrated on Figure 5.

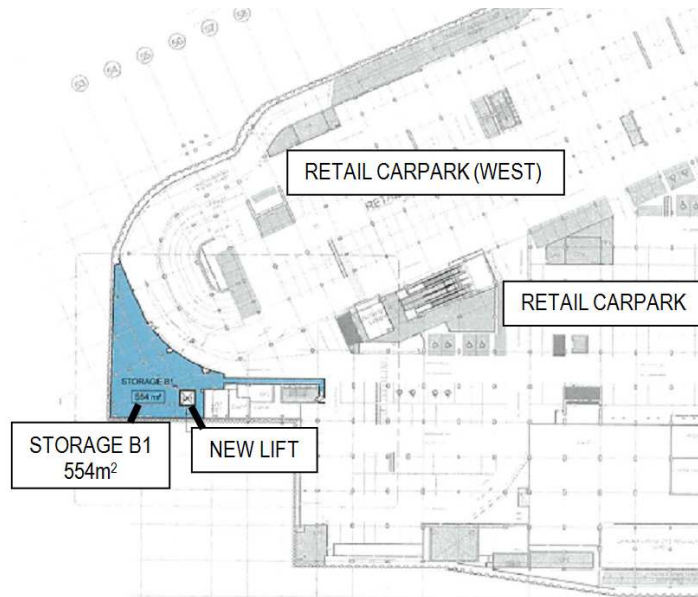


Figure 5. Enlargement of the storage area for the new major tenant on basement car park level 1.

- The development also proposes to reconfigure the access arrangements to the amenities and car park on lower ground level 2 (LG2). The tenancy space will be amended by enlarging it into the mall circulation space. Access to the amenities and car park will be via a 3m wide walkway. These changes are illustrated on Figure 4.
- One of the tenancies in the northern portion of lower ground 2 (LG2) will be enlarged by 94m². This will result in the loss of six car parking spaces.
- Reconfiguration of various retail tenancies at the ground level (GL) along La Strada. The alterations will set back the shopfront from La Strada to allow for an internal pedestrian through link between shops to the north and south of the centre. A new kiosk and a minor extension to Rebel Sports store will also occur in this area. These changes are demonstrated in Figure 6.

The exterior façade of La Strada in this location will also be amended to incorporate upper level glazing to match that existing along the eastern façade of La Strada. This is demonstrated in Figure 7.



Figure 8. Travelator across La Strada.

6. **BACKGROUND**

Development consent 2006/672 was granted by the City of Ryde Council on 8 May 2007 for the redevelopment of the TRSC. The development comprised a total of 128,715m² of net useable floor area. The retail component of the development comprises a mix of shops, refreshment rooms, commercial premises, recreation areas, community facilities, cinemas, child care facilities and a public place of worship. The application also included concept approval for residential and commercial development above the podium.

The shopping centre has been constructed and the retail component is now operational. Most of the residential development has been completed with the final two buildings currently under construction.

7. **APPLICABLE PLANNING CONTROLS**

The following planning policies and controls are of relevance to the development:

- State Environmental Planning Policy (State and Regional Development) 2011
- Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005
- Ryde Local Environmental Plan 2010
- Draft Ryde Local Environmental Plan 2013
- Ryde DCP 2010

8. PLANNING ASSESSMENT

State Environmental Planning Policy (State and Regional Development) 2011

As the proposed development has a Capital Investment Value of \$23,500,000, the development application is required to be determined by the Joint Regional Planning Panel.

Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005

Deemed SEPP Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 applies to the subject site and has been considered in this assessment.

The site is located within the designated hydrological catchment of Sydney Harbour and therefore is subject to the provisions of the above planning instrument. However, the site is not located on the foreshore or adjacent to the waterway and therefore, with the exception of the objective of improved water quality, the objectives of the planning instrument are not applicable to the proposed development. The objective of improved water quality is satisfied through compliance with the provisions of Part 8.2 of DCP 2010. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

Ryde Local Environmental Plan 2010

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2010.

Clause 2.3 Zone Objectives and Land Use Table

The site is zoned B4 Mixed Use under the provisions of the LEP 2010. The development is permitted in this zoning.

The consent authority must have regard to the objectives for development in a zone when determining a development application in respect of land within that zone. The objectives for the B4 Mixed Use zone are as follows:

- To provide a mixture of compatible land uses;
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximize public transport patronage and encourage walking and cycling;

- To create vibrant, active and safe communities and economically sound employment centres.
- To create safe and attractive environments for pedestrians.
- To recognize topography, landscape setting and unique location in design and land use.

The existing TRSC currently achieves the above objectives. The changes proposed to the TRSC as a result of this development will not impact on any of the above objectives.

Clause 4.3 Heights of Buildings

The height of a building on any land is not to exceed the maximum height shown for the land on the Height of Buildings Map.

A maximum height of RL91 was approved for the site as part of the Stage 1 development (LDA2006/672) through amalgamation of all the respective allotments. The development will not change the height of the existing shopping centre.

Clause 5.10 Heritage Conservation

The consent authority must, before granting consent under this clause, consider the effect of the proposed development on the heritage significance of the heritage item or heritage conservation area concerned.

The site is identified as a local heritage item as well as the site being in the vicinity of a number of heritage items. Draft LEP 2013 does not identify the site as a local heritage item. The current listing relates to the previous shopping centre which was demolished under LDA2006/672. In regard to the potential heritage impact arising from the proposed development on the setting of other heritage items, consideration needs to be given to Ryde Public School, Ryde Park, Hattons Cottage at 158 Blaxland Road and the Masonic Temple at 142 Blaxland Road.

The application was reviewed by Council's Heritage Officer who raised no objections to the proposed development.

Clause 6.7 Planning Controls for Ryde Town Centre

Development consent must not be granted for development on land in a precinct unless the consent authority is satisfied that the development complies with the planning controls for the precinct set out in Schedule 6. The Top Ryde Shopping Centre is located in precinct 2 – town core. The requirements stipulated within Schedule 6 are as follows:

The total net useable floor area in Precinct 2 must not exceed 150,000m² and must have the following land use mix:

- (a) A minimum 15% being residential development;
- (b) A maximum 45% being developed for the purpose of shops;
- (c) The remainder, if any, being uses permitted on land in Precinct 2.

As approved, the entire Top Ryde Shopping Centre including the residential development component has a NUFA of 133,670m². The current development application will result in an increase of 531m² of NUFA. This will result in an overall NUFA being increased to 134,201m². This is well under the maximum 150,000m² of NUFA permitted on the site.

The NUFA for the residential development will not be changed as a result of this development.

Based on a NUFA of 150,000m², the retail component of the development is not to exceed 67,500m². The applicant has advised that the NUFA of the retail component will be increased to 56,759m² which is well below the maximum permitted area.

Subclause (3) of Schedule 6 requires the consent authority to have consideration to various issues such as access management, public domain enhancement, economic impact, social impact, design quality, arts and cultural facilities, staging and construction management. The clause also identifies requirements for the integrated traffic solution for the precinct, required dimensions for the plaza, La Strada, the library and long day care centre and requirements for the pedestrian bridges over Devlin Street. Subclause (6) of Schedule 6 states that if the consent authority is satisfied that compliance with subclause (3) is not necessary for subsequent applications, development consent may be granted to the subsequent applications without compliance with subclause (3). The issues in subclause (3) were all addressed in the original DA for the shopping centre and will not be affected by this development application. For this reason, it is not necessary to consider the issues in subclause (3).

Draft Ryde Local Environmental Plan 2013

A Section 65 Certificate enabling the formal exhibition of Draft Local Environmental Plan 2013 was issued by the Department of Planning and Infrastructure on 23 April 2012. The Draft Plan was placed on public exhibition between 30 May 2012 and 13 July 2012 and adopted by Council at its meeting held on 12 March 2013. Under this Draft LEP, the zoning of the property is B4 Mixed Use. The proposed development is

permissible with consent within this zoning under the Draft LEP and it is considered that the proposal is not contrary to the objectives of the Draft LEP

Draft LEP 2013 was adopted by Council on 12 March 2013 and is awaiting gazettal by the Planning and Infrastructure, as such LEP 2013 can be considered certain and imminent.

Ryde DCP 2010

Council adopted City of Ryde DCP 2010 on 16 June 2009 and its provisions became effective on 30 June 2010. The following sections of DCP 2010 are relevant to the proposed development.

Part 4.4 of DCP 2010 – Ryde Town Centre

The aim of this part of the DCP is to facilitate the revitalisation of Ryde Town Centre as a vibrant, attractive and safe urban environment with a diverse mix of retail, commercial, residential and leisure opportunities. Many of the controls in the DCP relate to the already approved shopping centre and were addressed in the assessment for that development. The following table provides an assessment against the applicable sections of the DCP.

Ryde DCP 2010	Comments	Comply
Pedestrian Access and Through-site <ul style="list-style-type: none"> Provide pedestrian through-site routes and public domain areas in accordance with the Public Domain Control Drawing. 	The drawing identifies the plaza as well as La Strada as being pedestrian thoroughfares. The current development application will not affect either of these pedestrian routes in respect to their size or function.	Yes
3.2 Environmental management and the public domain <ul style="list-style-type: none"> Provide solar access to no less than 80% of the ground floor plane for at least 2 hours between 10am and 2pm on 21 June to identified public domain areas, plazas and squares. 	The proposed development results in a minor change to the external envelope of the existing shopping centre. This change is restricted to the provision of the new balcony on level 1 of the building. As this is located on the northern elevation, there will be no impact in terms of overshadowing to the plaza and public domain areas.	Yes
3.3 Active frontage <ul style="list-style-type: none"> Provide ground level active uses where indicated on the Active Frontage Control Drawing. 	The development will not affect any of the active frontages as required by the Active Frontage Control Drawing. La Strada has not been identified on this drawing as an active frontage. Despite this, the changes proposed to La	Yes

Ryde DCP 2010	Comments	Comply
	Strada will create a more prominent entrance than what currently exists as well as allowing for an internal pedestrian link between shops to the north and south of the centre.	
3.5 Access and the public domain <ul style="list-style-type: none"> • If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the Developer. • All development must comply with Australian Standards 1428 and Part 9.2 of the DCP with respect to accessibility. • Loading docks must be located so that vehicles do not stand on any public road, footway, laneway or service road and vehicles entering and leaving the site move in a forward direction. 	<p>The public domain was upgraded as part of a VPA in conjunction with LDA2006/672. This application does not require any further public domain upgrading.</p> <p>The applicant has provided an access report which has demonstrated that the development will be compliant with the relevant controls for access.</p> <p>The extension to the loading dock will not affect the adjoining road or footpath. This space has been created by the internal layout of LG2 being reorganised.</p>	Yes
6.3 Waste Management <ul style="list-style-type: none"> • To minimise noxious waste problems through appropriate storage and collection of waste and good design of facilities. 	The proposed development will utilise the existing storage facilities and the existing waste collection arrangements of the current shopping centre.	Yes

Part 7.2 of DCP 2010 Waste Minimisation and Management

The DCP requires that the development is to have a dedicated waste and recycling storage room or area, which has adequate storage space to meet the needs of the land use activity. The existing development has been approved with five common waste areas. The current development application will utilise these existing waste rooms. The new major tenant will employ a contractor to remove waste and the other tenants will utilise the existing waste systems that are already put in place. The development will still provide adequate waste areas and the alterations will have minimal impact on waste. Council's Manager Waste has raised no objections to these arrangements.

Part 9.2 of DCP 2010 Access for People with Disabilities

Council's Access DCP requires where there is structural alterations, major refurbishment or significant change of use affecting a substantial proportion of the

gross floor area of the premises, the development must comply with all applicable provisions of this Part.

The applicant has provided an Access Report which demonstrates that the accessible features and paths of travel to and within the development will provide compliant access for persons with disabilities by complying with the BCA, the relevant Australian Standards, Disability Discrimination Act and Part 9.2 of DCP 2010.

A condition of consent will be imposed requiring that the development comply with the Access Report. (See condition number 25).

Part 9.3 of DCP 2010 Parking Control

Condition 198 of LDA2006/672 (as modified) required the provision of 3002 car parking spaces. The TRSC currently provides 3003 spaces. (This figure excludes the car parking for the residential development on the site). The parking provisions in Council's DCP and RMS documents are based on unrestrained demand and assume that the land use is isolated from adjacent developments. The RMS document 'Guide to Traffic Generating Developments' specifies that trip generation is reduced by the occurrence of linked and multi purpose trips by up to 25%. As the size of retail centres increase, the level of parking demand can also be reduced by the occurrence of linked and multi purpose trips. The RMS document accepts that the parking provision can be reduced by up to 15%.

At the time of the original development consent for the shopping centre, a 12% discount was applied to the required car parking rate due to multi purpose trips by patrons. Since this time various Section 96 applications have been approved by Council which have made slight adjustments to the net useable floor space within the shopping centre. As a consequence of these, the development as existing has provided a reduction in parking equivalent to 14.4% less than what would strictly be required by Council's DCP.

The proposed development will result in an increase in the GFA of 531m² as a consequence of the increased retail space and the restaurants. Based on Part 9.3 of DCP 2010- Car Parking, both the restaurants and the retail space require car parking to be provided at the rate of 1 space per 25m² of GFA. The additional floor space would require the provision of an extra 22 car parking spaces. The development will also result in 6 existing car parking spaces being removed due to the enlargement of one tenancy on the lower ground level 2. No additional car parking spaces are being provided within the TRSC. This results in the development being deficient by 28

additional car parking spaces. This is equivalent to a 15.1% parking concession based on the original development consent.

Although the development exceeds the original 12% parking concession, the 15.1% parking concession is acceptable as per the RMS guidelines.

Council's Traffic Engineer has also raised no objections to the reduction in car parking numbers.

As a consequence of this application, the total car parking within the development will be reduced to 2997 spaces. It is recommended that condition 198 of LDA2006/672 should be amended to read:

198. A total of 2997 parking spaces shall be provided for the shopping centre component (Stage 1 Development).

(See condition 2).

Section 94 Development Contributions Plan 2007 (Amendment 2010)

A Voluntary Planning Agreement (VPA) between Ryde City Council and Bevillesta Pty Ltd was signed on 14 May 2007. The VPA has been registered against the title of the property. The terms of the VPA commits the developer to contributions which include the design, construction and commissioning of the City of Ryde Centre, the public domain works and plaza at the cost of the developer.

Clause 15 of the VPA (as amended in 2008) specifies that Section 94 and 94A of the Act will apply to any subsequent development application if that development application will increase the net useable floor area of the development at the completion of Stage 1. In other words, the Developer is required to pay additional contributions if after the completion of Stage 1 of the development the net effect of all Section 96 modifications or development applications is that the net useable floor area of Stage 1 of the development is greater than the net useable floor area as applied for in the original development application.

The VPA defined Stage 1 as meaning the retail component of the development as depicted in Development Application No. 672/2006. Stage 1 of this development is now completed.

As the current development exceeds the NUFA of the original DA and Stage 1 is completed, the additional floor space is subject to Council's Section 94 Contribution Plan.

The contributions that are payable with respect to the increased floor area are based on the following figures being outside Macquarie Park:

Contribution Plan	Contributions	Total
Community and Cultural Facilities	\$10,102.83	
Open Space and Recreation Facilities	\$0	
Civic and Urban Improvements	\$16,069.82	
Roads and Traffic Management Facilities	\$4,527.33	
Cycleways	\$1,370.20	
Stormwater Management Facilities	\$6,257.44	
Plan Administration	\$366.23	
Grand Total		\$38,693.84

- The January 2014 rates have been applied to the development.

Condition 16 requiring the payment of a Section 94 contribution has been included in the recommendation of this report which will further be indexed at the time of payment if not paid in the same quarter. This condition has required the Section 94 Contribution to be paid prior to the issue of any Construction Certificate.

LIKELY IMPACTS OF THE DEVELOPMENT

Many of the impacts associated with the proposed development have already been addressed in the report. Other likely impacts include:

Traffic and Parking Impacts

At the time of the original approval for the shopping centre, it was necessary for an Integrated Traffic Management Solution to be developed for Precincts 1 and 2 within the Town Centre. Precinct 1 relates to the Council's Civic Centre site and Precinct 2 relates to the subject site. The traffic flow modelling was based on a maximum 150,000m² NUFA as this was the maximum floor space permitted for Precinct 2 under the applicable planning controls.

The proposed development will result in the NUFA being increased to 134,201m² which is well below the maximum 150,000m² permitted by the planning controls. The traffic generation from this development application is well within the maximum

NUFA that was modelled for in the Integrated Traffic Management Solution. The development will have no appreciable effect on external or internal traffic flow efficiency considerations.

Construction Impacts

The applicant has submitted a preliminary Construction Management Plan to address the impact of the demolition and construction works. The majority of the construction will occur between the following hours:

- Mondays to Fridays – 7am to 5pm
- Saturdays- 7.30am to 3.30pm
- Sundays and Public Holidays – no work.

These hours are consistent with Council's standard hours for construction with the exception of Saturdays. Council's policy restricts construction from 8am to 4pm on Saturdays. The applicant has raised no objections to a condition being imposed to ensure that Saturday construction occurs between 8am and 4pm.

The applicant is also seeking approval for night works. The applicant has advised that the following works are proposed to be constructed at night:

- Demolition of the façade to the L1 restaurants.
- L1 to L1A travelator and switchback stairs.
- Demolition for and installation of the GF south escalator.
- The installation of the lift to the LG2 major tenant.

The night works are proposed to be limited to between 6.30pm and 10.00pm from Monday to Friday. The likely timeframe for the initial night works will be the first six weeks from the date of construction commencement. The installation of the travelator will however occur outside of this six week period and is likely to take a further two weeks. At this stage it is not known when this part of the works would be completed.

As part of the submitted Construction Management Plan, the applicant intends to undertake community consultation to the nearby commercial offices, Council and the retail outlets of the construction via a letter drop. The applicant has advised that a procedure will be put in place to address any complaints about noise. The procedures as suggested by the applicant fail to consider the residential properties that are located above the shopping centre. These residences would be affected by

noise outside of normal working hours more so than any adjoining commercial offices and the majority of the retail outlets within the shopping centre.

Council's Officers do not support the extended hours as suggested by the applicant. Night works have previously occurred within the shopping centre for works approved under Complying Development Applications. As part of the approval for this work, all work is required to cease at 8pm on weeknights. Since this work has begun, Council has received approximately 10 complaints from nearby residents and NSW Police in respect of the works occurring as late as 1am. This matter has been addressed separately with the applicant being directed to cease all works by 8pm.

In the past, there have clearly been adverse impacts on the amenity of the residential properties due to night works. For this reason, greater consideration needs to be given to the extended hours as suggested by the applicant. Some of the works to be completed are entirely internal works. This work would however involve the use of jack hammers which would affect the residential properties due to structural noise. While no objection would be raised to the internal works ceasing at 10pm, any jack hammering would be required to cease at 8pm. The external works however, are more likely to have an adverse impact on the residential properties. For this reason it is recommended that all external works cease at 8pm. It is recommended that the following conditions be included on any consent in respect to hours of construction:

1. **Hours of work.** Building activities (including demolition) for any internal works (ie works that are enclosed behind the doors of the centre or below ground) may only be carried out between 7.00am and 10.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday. Any jack hammering or other similar noisy works for the internal works must cease at 8pm. This work can only be completed from Mondays to Fridays.

Building activities (including demolition) for all external works may only be carried out between 7.00am and 8.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

If any night works beyond the above periods are to be conducted, it will be necessary for the applicant to make a submission to Council for the extended hours. No work is to occur unless the Council approves the request for the extended hours in writing. No extension will be granted for any extension of hours during the first month of construction.

2. **Neighbour Notification.** At least fourteen (14) days before the start of work, the site manager must notify the occupiers of all (residential and commercial)

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premises within a 200 metre radius of the site of all relevant information about the work.

The notification must be in writing and include the following relevant information:

- (a) a brief description of the work, including the proposed starting and finishing times;
 - (b) a summary of the measures proposed to manage the impacts on neighbouring occupiers; and
 - (c) the complaint hotline number set up for the afterhours work.
3. **Complaints Hotline.** The site manager must set up a telephone hotline to receive complaints during the work.
4. **Responding to Noise Complaints.** On receipt of a complaint, a written record of the complaint is taken and the site manager is immediately notified of the details.

As soon as practical after being notified of a complaint, the site manager or their alternate must monitor the sound level at the location of the complaint.

Where an item of plant or work is found to be emitting excessive noise, the cause is to be rectified as soon as possible. Where work practices within established guidelines are found to result in excessive noise being generated then the guidelines should be modified so as to reduce noise emissions to acceptable levels. Where guidelines are not being followed, the additional training and counselling of employees should be carried out.

Measurement or other methods shall validate the results of any corrective actions arising from a complaint where applicable.

5. **Noise Emission.** All feasible and reasonable practices must be implemented to control the emission of noise.

Noise Impacts

The applicant has provided an acoustic report in respect of the likely noise impacts as a result of the development. The acoustic report identified that noise from the development was likely due to the restaurants and the plant room. The acoustic report completed an assessment based on the nearest noise receivers for the proposed restaurants being the residential apartments on Level 5 of Building C, Top Ryde City and the residential buildings immediately across Pope Street. This report has provided the following recommendations in respect of the development:

Restaurants

- Bi folding glazing between terrace and restaurant shall be full height minimum 10.38mm laminated glazing with acoustic seals along all junctions. The STC rating of the proposed bi folding door shall be minimum 26.
- The bi fold doors are to be closed from 10pm onwards except for the purpose of patron travel between the restaurant and the terrace.
- Maximum acceptable background music noise levels are below:

Space	Maximum Noise Level SPL
Inside Restaurants	65 dB(A) – before 10pm
Terrace	No music after 10pm

- Install imperforated retractable awning over the proposed terrace. The material for the retractable awning shall be equal to 3kg/m² Vinyl or 2mm thick PVC. The width of the awning shall be extended a minimum 0.6m from the footprint of the balustrade of the terrace. The retractable awning shall be extended during operation of the restaurants in the evening hours from 6pm onwards.
- Balustrade around the terrace shall be a minimum of 1.2m high imperforated structure.
- Trading of the proposed restaurants shall cease at midnight.
- Prominent notices shall be placed to remind patrons that a minimum amount of noise is to be generated when leaving the premises.
- It is recommended that the management keep a complaint register on site and that noise complaints are registered and what course of remedial action has been taken. This register should be stored on site and be accessible at all times.
- Management controls should be utilised to manage patron departure particularly at night and at closing times to ensure that patrons leave the development in a prompt and orderly manner. This would include the placement of security staff outside of the building near closing time, and at other times as required, to direct and quickly disperse patrons away from the premises.

Remaining Areas

- No mechanical design or equipment selections are available at this time. It is recommended to limit the plant noise emission levels as contained in Table 5 to any nearest noise receivers. Detailed plant noise emission assessment shall be carried out at CC stage.

Council's Environmental Health Officer has examined the report and is satisfied with the methodology and findings of the report. It is proposed to include the above matters as conditions on the consent. (See condition numbers 23, 49 to 55). The

trading hours will be consistent with condition 278 of Development Consent LDA2006/672 which states:

278. Once operational the development may trade from 6.00am to 12 midnight, Monday to Saturday and 6.00am to 11.00pm Sunday.

Potential noise could also occur with the use of the enlarged loading dock on the lower ground level 2. This loading dock is currently used throughout the night by the major tenants within the shopping centre being Aldi, Woolworths and IGA with deliveries currently occurring between 11pm and 5am. Development consent 2006/672 placed no restrictions on the use of this loading dock other than that trucks are to exit the site turning right out of the dock onto Tucker Street and leave the area via Blaxland Road. The extension to the loading dock will operate in the same way as what currently exists. The same condition in respect to trucks exiting the site will also be imposed on any development consent. This should ensure minimal impacts in respect of noise on the surrounding area.

SUITABILITY OF THE SITE FOR THE DEVELOPMENT

The site is considered suitable for the proposed development. This conclusion has been reached given that the site already contains a regional shopping centre and the changes are intended to enhance the shopping centre.

THE PUBLIC INTEREST

The development is considered to be in the public interest as it is consistent with the desired future character of the area.

REFERRALS

Internal Referrals:

Senior Development Engineer

No objections have been raised to the development.

Environmental Health Officer

No objection has been raised to the development subject to appropriate conditions of consent.

Traffic Engineer

No objections have been raised to the proposed development.

Waste

JRPP (Sydney East Region)

No objections have been raised to the proposed development.

Building Surveyor

No objections have been raised to the proposed development.

PUBLIC NOTIFICATION AND SUBMISSIONS

The proposed development was notified and advertised in accordance with Development Control Plan 2010 – Part 2.1, Notification of Development Applications. The application was advertised on 18 December 2013 in the Northern District Times. Notification of the proposal was from 18 December 2013 until 22 January 2014 and 29 January 2014 until 14 February 2014. During this period, no submissions were received.

CONCLUSION

The development application complies with Council's requirements with the exception of car parking numbers. The variation to car parking numbers can be supported based on RMS documents which permit a reduction in car parking provision due to the occurrence of linked and multi purpose trips.

The applicant has requested approval for certain night works. This however has not been supported due to likely adverse impacts to the residential development on top of TRSC. Council has no objections to the hours of construction being extended to 8pm on Mondays to Fridays.

The development application is recommended for approval subject to appropriate conditions of consent.

RECOMMENDATIONS

Pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979, the following is recommended:

- A. That the Sydney East Region Joint Regional Planning Panel grant consent to development application LDA2013/0495 for the construction of alterations and additions to the existing Top Ryde Shopping Centre at 109 to 129 Blaxland Road, Ryde subject to the Conditions of Consent in Attachment 1 of this report.

Report prepared by:

JRPP (Sydney East Region)

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Report approved by:

Liz Coad
Manager Assessment

Dominic Johnson
Group Manager - Environment and Planning

ATTACHMENT 1

CONDITIONS OF CONSENT

GENERAL

The following conditions of consent included in this Part identify the requirements, terms and limitations imposed on this development.

1. **Approved Plans/Documents.** Except where otherwise provided in this consent, the development is to be carried out strictly in accordance with the following plans (stamped approved by Council) and support documents:

Document Description	Revision and Date	Plan Number
Cover	B 20/11/13	A0000
Demolition – Level BP1	A 20/11/13	A0020
Demolition – Level LG2	A 20/11/13	A0021
Demolition – Level GL	A 20/11/13	A0023
Demolition – Level L1	A 20/11/13	A0024
Proposed – Level BP1	A 20/11/13	A0030
Proposed – Level LG2	A 20/11/13	A0031
Proposed – Level GL	A 20/11/13	A0033
Proposed – Level L1	A 20/11/13	A0034
Proposed – Level L1A	A 20/11/13	A0035
BP1 and Loading Dock	A 20/11/13	A5009
Ground Floor South	A 20/11/13	A6001
Ground Floor South Proposed Elevation – Facing West	B9/12/13	A6004
Ground Floor South New Facade – 3D View	B 20/11/13	A6005
Travelators plans – Level L1 to L1A	A 20/11/13	A6110
Travelators – Section	A 20/11/13	A6111
Travelators – Building Elevations	A 20/11/13	A6112
View of Travelators and New Lobby	A 20/11/13	A6114
L1 Restaurants overall Demolition Plan	A 20/11/13	A6221
L1 Restaurants Demolition Plan and Elevation Facing North	A 20/11/13	A6222
L1 Restaurants Demolition Plan and Elevation Facing East	A 20/11/13	A6222
L1 Restaurants Demolition Sections	A 20/11/13	A6223
L1 Restaurants Proved Overall Plan	A 20/11/13	A6230
L1 Restaurants Proposed Plan and Elevation Facing North	B 9/12/13	A6231
L1 Restaurants Proposed Plan and Elevation	A 20/11/13	A6232

Facing East		
L1 Restaurants Proposed Section	B 9/12/13	A6233
L1 restaurants View From Plaza	A 20/11/13	A6235
South Escalators – New Pair from GL to L1	A 20/11/13	A6400
View of New Escalators from GL to L1	A 20/11/13	A6401
L1A Parking Stairs	A 20/11/13	A6500

2. **Amendment to LDA2006/672.** In accordance with Clause 80A(1)(c) of the Environmental Planning and Assessment Act, 1979, condition 198 of Development Consent No. 2006/672 is modified to adjust the number of car parking spaces. The modified condition will read as follows:

198. A total of 2997 parking spaces shall be provided for the shopping centre component (Stage 1 Development).
3. **Building Code of Australia.** All building works approved by this consent must be carried out in accordance with the requirements of the Building Code of Australia.
4. **Signage.** This consent does not authorise the erection of any signs or advertising structures. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
5. **Hours of work.** Building activities (including demolition) for any internal works (ie works that are enclosed behind the doors of the centre or below ground) may only be carried out between 7.00am and 10.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday. Any jack hammering or other similar noisy works for the internal works must cease at 8pm. This work can only be completed from Mondays to Fridays.

Building activities (including demolition) for all external works may only be carried out between 7.00am and 8.00pm Monday to Friday (other than public holidays) and between 8.00am and 4.00pm on Saturday. No building activities are to be carried out at any time on a Sunday or a public holiday.

If any night works beyond the above periods are to be conducted, it will be necessary for the applicant to make a submission to Council for the extended hours. No work is to occur unless the Council approves the request for the extended hours in writing. No extension will be granted for any extension of hours during the first month of construction.
6. **Hoardings.**
 - (a) A hoarding or fence must be erected between the work site and any adjoining public place.
 - (b) An awning is to be erected, sufficient to prevent any substance from, or in connection with, the work falling into the public plaza.

- (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
7. **Public space.** The public way including The Plaza must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
 8. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RTA, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
 9. **Separate Approvals** - A separate approval must be submitted to Council for the fitout and use of any proposed future food shops.
 10. **Kitchen Exhaust Systems** - Adequate provision must be made for the installation of kitchen exhaust systems in any future food and drink premises.
 11. **Ventilation of rooms** – Every habitable room, sanitary compartments or other room occupied by a person for any purpose must be provided with adequate natural ventilation or an approved system of mechanical ventilation.
 12. **Plumbing and Drainage Work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation.

DEMOLITION CONDITIONS

The following conditions are imposed to ensure compliance with relevant legislation and Australian Standards, and to ensure that the amenity of the neighbourhood is protected.

A Construction Certificate is not required for Demolition.

13. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
14. **Waste management plan.** Demolition material must be managed in accordance with the approved waste management plan.
15. **Disposal of demolition waste.** All demolition waste must be transported to a facility or place that can lawfully be used as a waste facility for those wastes.

PRIOR TO CONSTRUCTION CERTIFICATE

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A Construction Certificate must be obtained from a Principal Certifying Authority to carry out the relevant building works approved under this consent. All conditions in this Section of the consent must be complied with before a Construction Certificate can be issued.

Council Officers can provide these services and further information can be obtained from Council's Customer Service Centre on 9952 8222.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with the conditions in this Section of the consent.

Details of compliance with the conditions, including plans, supporting documents or other written evidence must be submitted to the Principal Certifying Authority.

16. **Section 94.** A monetary contribution for the services in Column A and for the amount in Column B shall be made to Council prior to the issue of any **Construction Certificate**:

A – Contribution Type	B – Contribution Amount
Community & Cultural Facilities	\$10,102.83
Open Space & Recreation Facilities	\$0
Civic & Urban Improvements	\$16,069.82
Roads & Traffic Management Facilities	\$4,527.33
Cycleways	\$1,370.20
Stormwater Management Facilities	\$6,257.44
Plan Administration	\$366.23
The total contribution is	\$38,693.84

These are contributions under the provisions of Section 94 of the Environmental Planning and Assessment Act, 1979 as specified in Section 94 Development Contributions Plan 2007 (2010 Amendment) adopted by City of Ryde on 16 March 2011.

The above amounts are current at the date of this consent, and are 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 JRPP (Sydney East Region)

the Consumer Price Index published by the Australian Bureau of Statistics (Catalogue No 5206.0) – and may result in contribution amounts that differ from those shown above.

A copy of the Section 94 Development Contributions Plan may be inspected at the Ryde Planning and Business 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>.

17. **Compliance with Australian Standards.** The development is required to be carried out in accordance with all relevant Australian Standards. Details demonstrating compliance with the relevant Australian Standard are to be submitted to the Principal Certifying Authority prior to the issue of the **Construction Certificate**.
18. **Security deposit.** The Council must be provided with security for the purposes of section 80A(6) of the *Environmental Planning and Assessment Act 1979* in a sum determined by reference to Council's Management Plan prior to the release of the **Construction Certificate**. (category: other buildings with delivery of bricks or concrete or machine excavation)
19. **Fees.** The following fees must be paid to Council in accordance with Council's Management Plan prior to the release of the **Construction Certificate**:
 - (a) Infrastructure Restoration and Administration Fee
 - (b) Enforcement Levy
20. **Long Service Levy.** Documentary evidence of payment of the Long Service Levy under Section 34 of the Building and Construction Industry Long Service Payments Act 1986 is to be submitted to the Principal Certifying Authority prior to the issuing of the **Construction Certificate**.
21. **Sydney Water – quick check.** The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre, prior to the release of the **Construction Certificate**, to determine whether the development will affect any Sydney Water assets, sewer and water mains, stormwater drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped.

Please refer to the website www.sydneywater.com.au for:

- Quick Check agents details - see Building, Developing and Plumbing then Quick Check; and
- Guidelines for Building Over/Adjacent to Sydney Water assets - see Building, Development and Plumbing then Building and Renovating.

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Or telephone 13 20 92.

22. **Details of Mechanical Ventilation Systems** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted to Council or an accredited private certifier with the application for the **Construction Certificate**. Such details must include:
- (a) Plans (coloured to distinguish between new and existing work) and specifications of the mechanical ventilation systems;
 - (b) A site survey plan showing the location of all proposed air intakes exhaust outlets and cooling towers, and any existing cooling towers, air intakes, exhaust outlets and natural ventilation openings in the vicinity; and
 - (c) A certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and setting out the basis on which the certificate is given and the extent to which the certifier has relied upon relevant specifications, rules, codes of practice or other publications
23. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report (**Acoustic Logic, Project No.20131073.1 - November 2013**) must be implemented. The following details are to be shown on the Construction Certificate Plan:
- Bi fold glazing between the terrace and the restaurant shall be full height minimum 10.38mm laminated glazing with acoustic seals along all junctions. The STC rating of the proposed bi folding door shall be a minimum of 26.
 - A imperforated retractable awning is to be installed over the proposed terrace. The material for the retractable awning shall be equal to 3kg/m² vinyl or 2mm thick PVC. The width of the awning shall be extended a minimum 0.6m from the footprint of the balustrade of the terrace.
 - The balustrade around the terrace is to be a minimum 1.2m high imperforated structure.
24. **Kiosk Fitout.** The final design and fitout for the new kiosk adjacent to La Strada is to include operable façade elements. These are to be provided along the majority of the proposed kiosk façade that adjoins La Strada. Details are to be provided with the Construction Certificate.
25. **Disabled Access.** Disabled access is to be provided to and within the development in accordance with the recommendations contained within the Updated DA Access Audit prepared by ILC Access dated 25 November 2013. Details indicating compliance with these recommendations are to be submitted to the Principal Certifying Authority (PCA) prior to the construction certificate

being issued. Prior to occupation of the development, a suitably qualified access consultant is to certify that the development complies with Australian Standard 1428 and the Building Code of Australia.

PRIOR TO COMMENCEMENT OF CONSTRUCTION

Prior to the commencement of any demolition, excavation, or building work the following conditions in this Part of the Consent must be satisfied, and all relevant requirements complied with at all times during the operation of this consent.

26. Site Sign

- (a) A sign must be erected in a prominent position on site, prior to the commencement of construction:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work,
 - (ii) showing the name of the principal contractor (if any) or the person responsible for the works and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.
- (b) Any such sign must be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.

27. Safety fencing. The site must be fenced prior to the commencement of construction, and throughout demolition and/or excavation and must comply with WorkCover New South Wales requirements and be a minimum of 1.8m in height.

28. Neighbour Notification. At least fourteen (14) days before the start of work, the site manager must notify the occupiers of all (residential and commercial) premises within a 200 metre radius of the site of all relevant information about the work.

The notification must be in writing and include the following relevant information:

- (a) a brief description of the work, including the proposed starting and finishing times;
- (b) a summary of the measures proposed to manage the impacts on neighbouring occupiers; and
- (c) the complaint hotline number set up for the afterhours work.

DURING CONSTRUCTION

Unless otherwise specified, the following conditions in this Part of the consent must be complied with at all times during the construction period. Where applicable, the requirements under previous Parts of the consent must be implemented and maintained at all times during the construction period.

29. **Critical stage inspections.** The person having the benefit of this consent is required to notify the Principal Certifying Authority during construction to ensure that the critical stage inspections are undertaken, as required under clause 162A(4) of the *Environmental Planning and Assessment Regulation 2000*.
30. **Construction materials.** All materials associated with construction must be retained within the site.
31. **Complaints Hotline.** The site manager must set up a telephone hotline to receive complaints during the work.
32. **Responding to Noise Complaints.** On receipt of a complaint, a written record of the complaint is taken and the site manager is immediately notified to of the details.

As soon as practical after being notified of a complaint, the site manager or their alternate must monitor the sound level at the location of the complaint.

Where an item of plant or work is found to be emitting excessive noise, the cause is to be rectified as soon as possible. Where work practices within established guidelines are found to result in excessive noise being generated then the guidelines should be modified so as to reduce noise emissions to acceptable levels. Where guidelines are not being followed, the additional training and counselling of employees should be carried out.

Measurement or other methods shall validate the results of any corrective actions arising from a complaint where applicable.

33. **Noise Emission.** All feasible and reasonable practices must be implemented to control the emission of noise.

PRIOR TO OCCUPATION CERTIFICATE

An Occupation Certificate must be obtained from a Principal Certifying Authority prior to commencement of occupation of any part of the development, or prior to the commencement of a change of use of a building.

Prior to issue, the Principal Certifying Authority must ensure that all works are completed in compliance with the approved construction certificate plans and all conditions of this Development Consent.

Unless an alternative approval authority is specified (eg Council or government agency), the Principal Certifying Authority is responsible for determining compliance with conditions in this Part of the consent. Details to demonstrate compliance with all conditions, including plans, documentation, or other written evidence must be submitted to the Principal Certifying Authority.

34. **Fire safety matters.** At the completion of all works, a Fire Safety Certificate must be prepared, which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of the Interim/Final Occupation Certificate.

Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

35. **Sydney Water – Section 73.** A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to the Building Developing and Plumbing section of the web site www.sydneywater.com.au then refer to “Water Servicing Coordinator” under “Developing Your Land” or telephone 13 20 92 for assistance.

Following application a “Notice of Requirements” will advise of water and sewer infrastructure to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer infrastructure can be time consuming and may impact on other services and building, driveway or landscape design.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Interim/Final Occupation Certificate.

36. **Certifying of mechanical ventilation systems** -Where any mechanical ventilation systems have been installed or altered, a certificate from a professional mechanical services engineer certifying that the systems comply with the approved plans and specifications must be submitted to the Principal Certifying Authority before the issue of an **Occupation Certificate**.
37. **Acoustical Report** - A report from a qualified acoustical consultant demonstrating compliance with the noise criteria specified in this consent must

be submitted to the Principal Certifying Authority (and Council, if Council is not the PCA) before the issue of an **Occupation Certificate**.

OPERATIONAL CONDITIONS

The conditions in this Part of the consent relate to the on-going operation of the development and shall be complied with at all times.

38. **Loading areas.** Loading areas are to be used for the loading and unloading of goods, materials etc. waste collection and general servicing access only and no other purpose.
39. **Loading areas.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
40. **Truck Movements.** Delivery and loading truck movements associated with the site shall not egress through Pope Street and Smith Street during evening and night time periods (8.00pm to 7.00am) to ensure a minimal level of disturbance is maintained for the benefit of surrounding residents during night time hours.
41. **Vehicles in the loading dock.** All truck and vehicle engines shall be switched off during loading and unloading in all loading docks and service bays.
42. **Waste.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
43. **Waste.** An adequate number of suitable waste containers must be provided on the premises for the storage of all wastes generated on the premises between collections.
44. **Recycling Wastes.** Wastes for recycling must be stored in separate bins or containers and be transported to a facility where the wastes will be recycled or re-used.
45. **Rubbish Removal.** No rubbish removal activities associated with the site are allowed in Pope Street and Smith Street during night time (8.00pm-7.00am) period to ensure a minimal level of disturbance is maintained for the benefit of surrounding residents during night time hours, except where Council operate outside of these hours.
46. **Hours of Operation.** Once operational the development may trade from 6.00am to 12 midnight, Monday to Saturday and 6.00am to 11.00pm Sunday.
47. **Offensive noise** –The use of the premises must not cause the emission of ‘offensive noise’ as defined in the *Protection of the Environment Operations Act 1997*.

48. **Air Pollution** -The use of the premises, including any plant or equipment installed on the premises, must not cause the emission of smoke, soot, dust, solid particles, gases, fumes, vapours, mists, odours or other air impurities that are a nuisance or danger to health.
49. **Retractable Awning.** To ensure compliance with the Environmental Noise Impact Assessment Report completed by Acoustic Logic, revision 4 and dated 27/11/13, the retractable awning is to be extended during the operation of the restaurants in the evening hours from 6pm onwards.
50. **Use of the terrace adjacent to the restaurants.** To reduce the impact on noise on the nearby residents, the bi fold doors between the restaurants and the terrace are to be closed from 10pm onwards except for the purpose of patron travel between the restaurant and terrace.
51. **Background Noise limits.** To reduce the impact of noise on the nearby residents, the maximum acceptable background noise levels are to be as per the Environmental Noise Impact Assessment completed by Acoustic Logic, Revision 4 and dated 27/11/13 as detailed below:

Space	Maximum Noise Level SPL
Inside Restaurants	65 dB(A) – all the operation time period
Terrace	60 dB(A) – before 10pm No music after 10pm

52. **Noise Notices.** Prominent notices shall be placed within the restaurants to remind patrons that a minimum amount of noise is to be generated when leaving the premises.
53. **Complaint Register.** Centre Management for the Top Ryde Shopping Centre is to keep a complaint register on the site. Any noise complaints are to be registered including what course of remedial action has been taken. This register is to be available to Council and any other interested parties at all times.
54. **Management Controls.** Management controls should be utilised to manage patron departure particularly at night and at closing times to ensure that patrons leave the development in a prompt and orderly manner. This would include the placement of security staff outside the building near closing times, and at other times as required, to direct and quickly disperse patrons away from the premises.

55. **Noise and vibration from plant and equipment** – Unless otherwise provided in this consent, the operation of any plant or machinery installed on the premises must not cause:

- (a) The emission of noise that exceeds the background noise level by more than 5dBA when measured at the most affected noise sensitive location in the vicinity, which includes other tenancies. Modifying factor corrections must be applied for tonal, impulsive, low frequency or intermittent noise in accordance with the New South Wales Industrial Noise Policy (EPA, 2000).
- (b) An internal noise level in any adjoining occupancy that exceeds the recommended design sound levels specified in Australian/New Zealand Standard AS/NZS 2107:2000 *Acoustics – Recommended design sound levels and reverberation times for building interiors*.
- (c) The transmission of vibration to any place of different occupancy.