

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

<b>JRPP No</b>	2015SYE049
<b>DA Number</b>	LDA2015/143
<b>Local Government Area</b>	City of Ryde
<b>Proposed Development</b>	Alterations to the Top Ryde Shopping Centre
<b>Street Address</b>	109-129 Blaxland Road, Ryde
<b>Applicant</b>	Anthony Barrios – Winim Developments Pty Ltd
<b>Number of Submissions</b>	Two submissions received objecting to the development
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	General Development over \$20 Million
<b>List of All Relevant S79C(1)(a) Matters</b>	<ul style="list-style-type: none"> <li>• State Environmental Planning Policy (State and Regional Development) 2011</li> <li>• Deemed State Environmental Planning Policy Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005</li> <li>• Ryde Local Environmental Plan 2014</li> <li>• Ryde DCP 2014</li> </ul>
<b>List all documents submitted with the report for the panel's consideration</b>	Conditions of Consent
<b>Recommendation</b>	Approval
<b>Report by</b>	Sandra Bailey Team Leader Major Development
<b>Date</b>	1/6/15

**Assessment Report and Recommendation**

**1. EXECUTIVE SUMMARY**

The following report is an assessment of a development application for alteration to the retail component of the Top Ryde Shopping Centre at 109-129 Blaxland Road, Ryde. In summary the development proposes internal changes mostly on the ground level and first floor level to provide for a mix of tenancies to suit future demand.

The development is fully compliant with the Council's planning instruments.

During the notification period, Council received two submissions objecting to the development. The issues raised in the submissions generally related to concerns

with Myer leaving the centre and the impact that this would have on the shopping experience; conflicting information submitted with the DA; and impacts on the accessible path of travel. These matters are addressed in full detail in Section 12 of this report.

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

## **2.APPLICATION DETAILS**

**Name of applicant:** Anthony Barrios – Winim Developments Pty Ltd

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

**Estimated value of works:** \$22,500,000.

**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 <sup>2</sup>
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 internal alterations to the Top Ryde Shopping Centre (TRSC). The works include the following:

##### Lower Ground Level (LG1)

The existing loading dock on this level assigned to the Myer Department Store will be reassigned for the exclusive use of the supermarket tenancy on Level L1. New walls are proposed to be provided in part of the loading dock area to create a new storage area for the supermarket.

It is also proposed to fill in a void area adjacent to the existing escalators at the southern side of the centre. This will provide more circulation space to the existing food court.

These works are demonstrated in Figure 2.

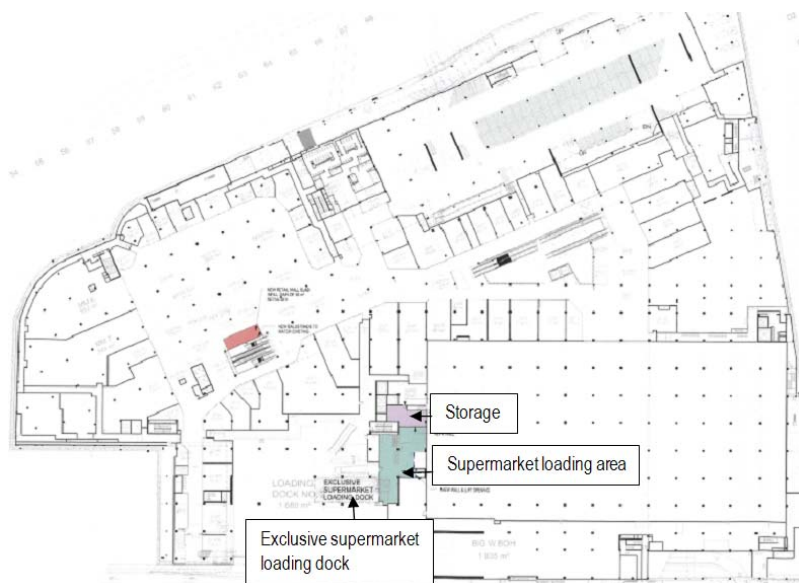


Figure 2. Proposed Lower Ground Level of the Shopping Centre.

### Ground Level (GL)

The existing department store tenancy and a number of adjoining tenancies will be reconfigured to accommodate a new major and one mini major tenancy, five speciality shops and two kiosk sites. To enable this reconfiguration, the existing escalators within the major tenancy (Myer) will be removed. The new layout is demonstrated in Figure 3.

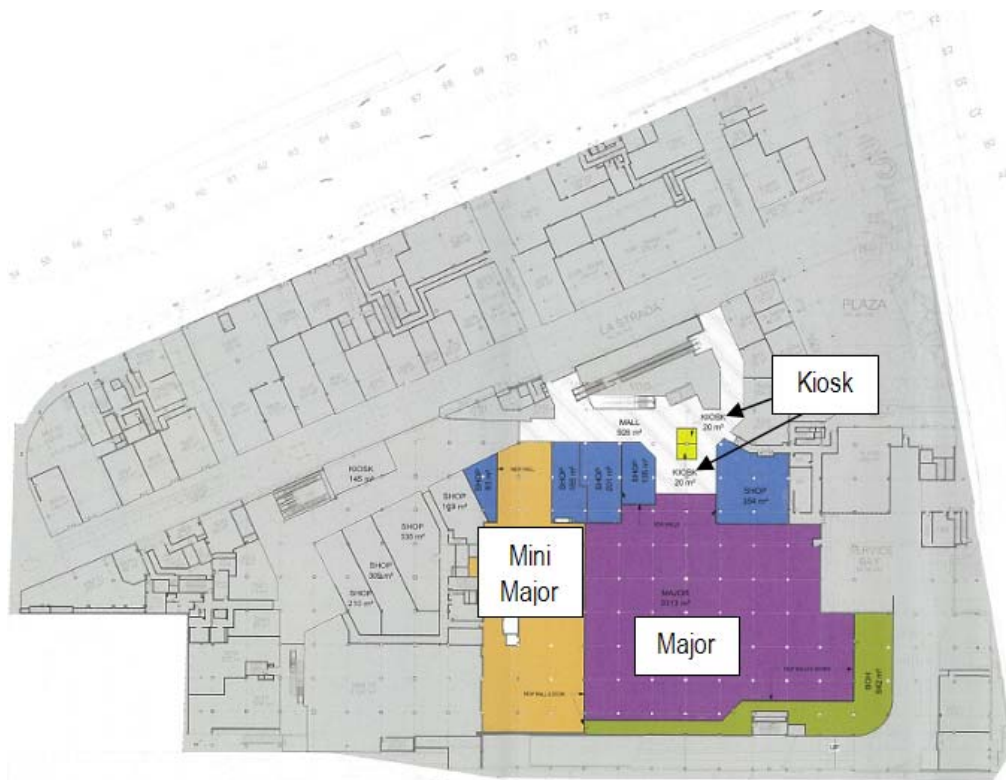


Figure 3. Proposed Ground Level of the Shopping Centre.

### Level 1 (L1)

The upper floor of the existing department store and a number of the adjoining tenancies are to be reconfigured to accommodate a new supermarket, two mini major tenancies, seven retail specialty shops, one restaurant and three kiosks. To enable this work to occur the existing escalators within the existing department store will be removed and the infill of the resultant voids. A new trolley hoist to Level L2 and associated lift core structure is proposed to be included. The new layout is demonstrated in Figure 4.

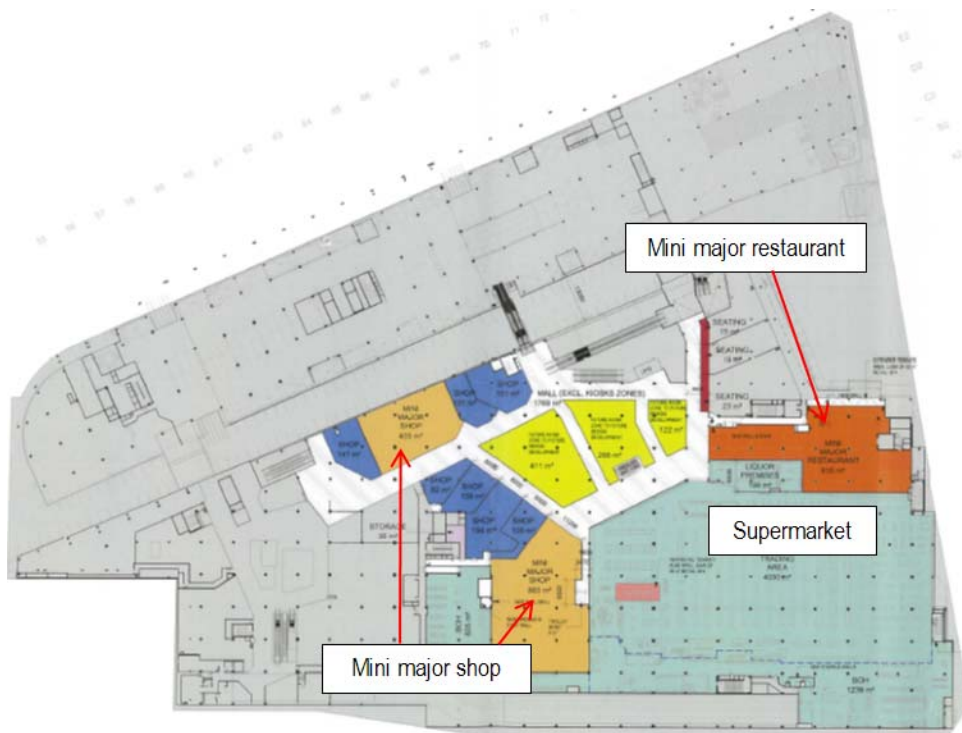


Figure 4. Proposed Level 1 of the Shopping Centre.

As part of this development application approval is also sought for the fitout works of the supermarket tenancy. This will include the installation of aisles and checkouts, food preparation areas including a bakery, deli and butcher, staff rooms and amenities, store rooms, back of house areas including sorting and collection areas and the provision of a liquor licenced premises. The proposed hours of operation of the supermarket are as follows:

- 6.00am to midnight Monday to Saturday; and
- 6.00am to 11.00pm Sunday.

#### Level 1A (L1A)

The stairs to the existing plant room at Level L1A from Level 1 are proposed to be relocated.

#### Level 2 (L2)

The development proposes the removal of the existing department store tenancy escalators from level L1 to Level 2, infill of the escalator void and removal of the retail lobby area to the car park. It is also proposed to construct a new plant space, trolley hoist and trolley storage area on this level.



## **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 128,715m<sup>2</sup> 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 is operational. All of the residential development has also been completed.

On 12 March 2014, the Sydney East Joint Regional Planning Panel approved LDA2013/0495. This development application proposed a number of alterations and additions to the TRSC including:

- Conversion of a variety of retail shop tenancies on Level 1 into restaurants and the construction of an associated outdoor balcony and awning facing the Plaza.
- Alteration to the tenancy layout at the south western end of the Lower Ground Level 2 to accommodate a new major tenant and associated Level B1 store room.
- Reconfiguration of various retail tenancies at the Ground Level along La Strada to allow for an internal pedestrian through link between shops to the north and south of the centre.
- The stairs between Ground Level and Level 1 will be replaced with an escalator.
- Installation of a travelator bridge linking 1A mezzanine car park with Level 1 across La Strada.

## **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 2014
- Ryde DCP 2014

## **8. PLANNING ASSESSMENT**

### **State Environmental Planning Policy (State and Regional Development) 2011**

As the proposed development has a Capital Investment Value of \$22,500,000, 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. As the works are internal, water quality will not be affected. The proposed development raises no other issues and otherwise satisfies the aims and objectives of the planning instrument.

### **Ryde Local Environmental Plan 2014**

The following is an assessment of the proposed development against the applicable provisions from the Ryde Local Environmental Plan 2014.

#### **Clause 2.3 Zone Objectives and Land Use Table**

The site is zoned B4 Mixed Use under the provisions of RLEP 2014. 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; and
- 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.

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). The development will not change the height of the existing shopping centre.

### Clause 4.4 Floor Space Ratio

The floor space ratio on any land is not to exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map. The maximum floor space ratio permitted for the site is 5:1.

RLEP 2014 calculates the floor space ratio using gross floor area. The previous approvals required NUFA under the applicable planning instruments. The following table demonstrates the NUFA and the equivalent GFA.

	DA Approved NUFA	Equivalent GFA DA Approved
Retail Shops	56,759m <sup>2</sup>	72,764m <sup>2</sup>
Refreshment Rooms	3,470m <sup>2</sup>	3,470m <sup>2</sup>
Non-retail Commercial	8,165m <sup>2</sup>	8,165m <sup>2</sup>
Recreation Area (Gym and Monkey Mania)	4,880m <sup>2</sup>	5,022m <sup>2</sup>
Community Facilities	3,341m <sup>2</sup>	3,448m <sup>2</sup>
Place of Public Worship	3,549m	3,549m <sup>2</sup>
Child Care Centre	1,479m <sup>2</sup>	1,479m <sup>2</sup>
Residential GFA	52,558m <sup>2</sup>	52,558m <sup>2</sup>
<b>Total</b>	134,201m <sup>2</sup>	150,455m <sup>2</sup>

Table 1. Gross floor area and net useable floor area of the Top Ryde Shopping Centre.

Based on a total site area of 34,230m<sup>2</sup>, the existing approved FSR of the site equates to 4.4:1.

As a result of the development application, there will be various increases and decreases in the GFA. These changes are demonstrated below:



	<b>Current Proposed DA Modification GFA (m<sup>2</sup>)</b>
Level LG1 – Infill void in food court at escalators in south end of centre for use as retail mall	46
Level L1 – Infill department store escalator void for use as retail tenancy	55
Level L1 – Demolish existing retail tenancy slab for trolley hoist core	-9
Level L1 – Convert portion of retail tenancy to outdoor terrace area	-42
Level L2 – Delete department store lobby	-99
Level L2 – New retail storage area	49
<b>Total Net Impact</b>	<b>0</b>

Table 2. Changes in the gross floor area level by level.

Based on the above, the development results in a zero net impact between the existing development and the amended development in terms of the gross floor area. As such there will be no change to the FSR.

### **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 any heritage items within the vicinity of the site. In this respect, 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.

As all of the works are internal works, there will be no adverse impact on the heritage significance of the above items.

### **Ryde DCP 2014**

Council adopted City of Ryde DCP 2014 on 28 May 2013 and its provisions became effective on 12 September 2014. The following sections of DCP 2014 are relevant to the proposed development.

### **Part 4.4 of DCP 2014 – 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.

<b>Ryde DCP 2014</b>	<b>Comments</b>	<b>Comply</b>
<b>3.1 Pedestrian Access and Through-site</b> <ul style="list-style-type: none"> <li>Provide pedestrian through-site routes and public domain areas in accordance with the Public Domain Control Drawing.</li> </ul>	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
<b>3.5 Access and the public domain</b> <ul style="list-style-type: none"> <li>If required by Council, footpath improvements in accordance with the Ryde Town Centre Public Domain Plan are to be implemented by the Developer.</li> <li>All development must comply with Australian Standards 1428 and Part 9.2 of the DCP with respect to accessibility.</li> </ul>	<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>	Yes
<b>6.3 Waste Management</b> <ul style="list-style-type: none"> <li>To minimise noxious waste problems through appropriate storage and collection of waste and good design of facilities.</li> </ul>	The proposed development will utilise the existing storage facilities and the existing waste collection arrangements of the current shopping centre.	Yes

Table 3. Part 4.4 of DCP 2014.

### **Part 7.2 of DCP 2014 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 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 2014 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 30).

### **Part 9.3 of DCP 2014 Parking Controls**

The Car Parking DCP only requires additional car parking where there is an increase in the gross floor area. As previously demonstrated, the development will not result in any change to the overall gross floor area of the development. For this reason, no additional car parking is required.

The development will however result in the removal of 14 car parking spaces. These spaces are all proposed on level L2. The deletion of these spaces is due to a new plant room, a new retail storage area and the provision of a trolley hoist and trolley storage area. These 14 spaces will be replaced with 14 additional car parking spaces also on level L2 due to the deletion of the department store lobby. The development will result in no changes to the amount of on site car parking.

### **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 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. All public benefits required under this VPA have been completed by the applicant.

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 demonstrated in table 2, there is no increase in the gross floor area as a result of the current DA. However, for the purposes of the VPA it is necessary to consider the net useable floor area. The development will result in an increase of 101m<sup>2</sup> of nufa and a decrease of 150m<sup>2</sup> of nufa. Overall there is a minor reduction of 49m<sup>2</sup> of nufa. In these circumstances, it is not necessary to impose a Section 94 contribution on the development.

## **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:

### **Construction Impacts**

The shopping centre is intended to remain open during construction. Accordingly, the applicant has requested a variation to Council's standard hours for construction. Given that the site is located in close proximity to residential properties, the amenity of these properties needs to be considered when determining the appropriate construction hours.

The same issue was considered in the assessment of LDA2013/0495. In respect to this application the following condition was imposed in respect to construction hours:

**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.

This application also included other conditions of consent to enable any complaints about construction noise to be addressed immediately. The conditions included the requirement for neighbour notification of the proposed works, a complaints hotline as well as details of how any complaints are to be addressed.

At the time of this approval, the application originally requested longer construction hours but at the time Council was unwilling to consider longer hours due to previous complaints from the residential properties above the Top Ryde Shopping Centre.

For this development application, the applicant has requested that the above construction hours with the exception of one amendment be imposed on this application. This amendment relates to the use of jack hammering or other similar noisy works for internal works. As originally proposed this work was to cease at 8pm on Mondays to Fridays. The applicant has requested that these works also be permitted on Saturdays until 4pm. The applicant also proposed to implement the other requirements that were imposed to address any complaints about construction noise.

Council's standard hours allows works including jack hammering or other similar noisy works to occur up to 4pm on Saturdays. For this reason, no objection is raised to the amendment to the condition to permit work until 4pm on Saturdays. Council does however intend to amend the above condition to limit the jack hammering or other similar noisy works to 7pm rather than 8pm on Mondays to Fridays. This adjustment to the condition is required to protect the amenity of the residents living above TRSC. This change has been discussed with the applicant who has agreed to the change. The condition in terms of construction hours is intended to read as follows:

- **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 7pm on Monday to Friday and 4.00pm on Saturdays.

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.

### Hours of Use

Condition 278 on development consent 2006/672 restricts the hours of operation in the Top Ryde Shopping Centre to the following:

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

The proposed hours of operation of the supermarket are consistent with the above condition. It is proposed to include the above condition on this consent to ensure the entire centre has the same hours of operation.

### Noise

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 provision of one restaurant 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:

#### Restaurant

- Proposed glazing between the terrace and restaurant shall be a minimum 10.38mm laminated glazing with acoustic seals along all junctions. The STC rating of the proposed door shall be a minimum 26.
- The external 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

- Trading of the proposed restaurants shall be closed before 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. The approval of LDA2013/0495 included 3 restaurants and the construction of an associated outdoor balcony facing the Plaza on level 1. The acoustic report that accompanied this LDA included the requirement that no music was allowed on the balcony after 10pm. It is considered appropriate to include this requirement as well as the above requirements as conditions of consent. (See condition numbers 66 to 70).

#### **Loading Dock**

The TRSC has two loading docks. Currently, the loading dock at level LG1 is used exclusively by Myer and the rest of the centre uses the other loading dock located at level L1. The supermarket tenancy is proposed to exclusively utilise the loading dock used by Myer. The rest of the tenancies will utilise the loading dock on level L1.

The applicant has provided information to demonstrate that both loading docks have sufficient size and capacity to accommodate the expected uses within the shopping centre.

#### **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 subject to appropriate conditions of consent.

**Building Surveyor:** No objections have been raised subject to the construction hours for jack hammering and other similar noisy activities being limited to 7pm Monday to Friday. This has been conditioned on the consent. (See condition number 4).

**Environmental Health Officer:** No objections have been raised subject to appropriate conditions of consent. (See condition numbers 12 to 18, 20 to 22, 31 to 33, 48 to 53, 58 to 63 and 71 to 76).

**Traffic Engineer:** No objections have been raised to the proposed development subject to a condition of consent requiring a construction traffic management plan.

**Waste Officer:** No objections have been raised to the development application.

**External Referrals:**

**NSW Police:** No objections have been raised to the development subject to appropriate conditions of consent. (See condition numbers 43 and 44).

## **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 period of exhibition extended from 13 April 2015 till 13 May 2015. During this time, Council received one objection and one late objection was received after this date. The issues raised in this submission are discussed below:

- *If Myer closes it will change the whole shopping experience. The original shopping centre had Myer and as soon as it went the whole centre started to suffer. There needs to be a mix of experiences and if we break the large space into small shops I feel that the centre will suffer. This may increase rental income however it will become a bit market like in appearance.*

**Comment:** The issue of Myer leaving the centre is an economic decision by that company and is not a relevant planning decision. The new retail mix including the new supermarket will still contribute to the centre being a regional shopping centre.

- *My kiosk is still in doubt as to whether I must vacate or not. This matter will be determined by the arbitration courts. If I am able to stay, my seating is directly opposite the soft lease area adjacent to the restaurants on Level 1. This will*

*result in the development not achieving the required minimum width for a continuous path of travel.*

**Comment:** The applicant has provided an access report which clearly demonstrates that the proposed development will comply with the BCA, AS1428, AS1735, AS/NZS2890, DDA and Part 9.2 of DCP 2014. A condition of consent is included to ensure that the development complies with the requirements of this access report. The issue of the seating associated with the kiosk and whether this is to be removed is a private matter between the TRSC and the leasee. If the seating is required to remain until the end of the lease period (sometime in 2018), it may not be possible to provide the seating as indicated unless it can be demonstrated that the development achieves the required access.

- *Information that I have received from the Centre conflicts with information provided with the DA. On page 5 of the SEE it states “With the exception of the removal of some minor internal walls and infill works at various levels, there will be no structural changes to the TRSC building....” A letter from the lawyers representing the Centre refutes that the work is minor. This letter states “The proposed works are not, as you state, some minor removal of the internal walls and infill works.” It appears that information has potentially been withheld from Council or to me.*

**Comment:** The paragraph quoted in the SEE was referring to structural changes to the TRSC building. The SEE provides a clear description of all of the work being proposed. There is adequate information to enable this DA to be determined without the need to seek any further details.

## **CONCLUSION**

This report considers an application for alterations to the retail component of the Top Ryde Shopping Centre. The key areas of the centre where the alterations are proposed primarily relate to the ground level and the first floor level. As a consequence of Myer vacating the centre a new fresh food supermarket is proposed on level one and a major tenancy will be provided on the ground level. The development also involves a revised configuration for other tenancies in the vicinity.

The development complies with all of Council’s planning requirements and does not raise any issues in respect to bulk and scale, traffic and car parking. The development proposes to undertake work outside of Council’s standard construction hours but conditions have been imposed to limit the effect of this work on the amenity of the nearby residential, commercial and retail properties.

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

## **RECOMMENDATION**

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 LDA2015/0143 for the construction of alterations to the existing Top Ryde Shopping Centre at 109-129 Blaxland Road, Ryde subject to the Conditions of Consent in Attachment 1 of this report.
- B. That the objector be advised of the decision of the Sydney East Region Joint Regional Planning Panel.

### **Report prepared by:**

Sandra Bailey  
Team Leader Major Development

### **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	Date	Plan No/Reference
Cover Plan	17/12/14	DA000 Rev A
Demolition plan – Level – LG1	17/12/14	DA025 Rev A
Demolition plan – Level LG	17/12/14	DA026 Rev A
Demolition plan – Level L1	17/12/14	DA027 Rev A
Demolition plan – Level L1A	17/12/14	DA027A Rev A
Demolition plan – Level L2	17/12/14	DA028 Rev A
Proposed plan – Level LG1	17/12/14	DA035 Rev A
Proposed plan – Level LG	17/12/14	DA036 Rev A
Proposed plan – Level L1	17/12/14	DA037 Rev A
Proposed plan – Level L1A	17/12/14	DA037A Rev A
Proposed plan – Level L2	17/12/14	DA038 Rev A
Proposed Supermarket Loading Dock Fitout Plan	17/12/14	DA045 Rev A
Proposed Supermarket Fitout Plan – Level L1	17/12/14	DA047 Rev A

2. **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.
3. **Signage – not approved unless shown on plans.** This consent does not authorise the erection of any signs or advertising structures not indicated on the approved plans. Separate approval must be obtained from Council for any additional signs, unless such signage is “exempt development”.
4. **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 7pm on Monday to Friday and 4.00pm on Saturdays.

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.

5. **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 place.
  - (c) Any hoarding, fence or awning erected pursuant this consent is to be removed when the work has been completed.
6. **Public space.** The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances, without prior approval from Council.
7. **Public Utilities.** Compliance with the requirements (including financial costs) of any relevant utility provider (e.g. Energy Australia, Sydney Water, Telstra, RMS, Council etc) in relation to any connections, works, repairs, relocation, replacements and/or adjustments to public infrastructure or services affected by the development.
8. **Design and Construction Standards.** All engineering plans and work inside the property shall be carried out in accordance with the requirements of the relevant Australian Standard. All Public Domain works or modification to Council infrastructure which may be located inside the property boundary, must be undertaken in accordance with Council's 2014 DCP Part 8.5 "Public Domain Works", except otherwise as amended by conditions of this consent.
9. **Service Alterations.** All mains, services, poles, etc., which require alteration shall be altered at the applicant's expense.
10. **Restoration.** Public areas must be maintained in a safe condition at all times. Restoration of disturbed road and footway areas for the purpose of connection to public utilities will be carried out by Council following submission of a permit application and payment of appropriate fees. Repairs of damage to any public stormwater drainage facility will be carried out by Council following receipt of payment. Restoration of any disused gutter crossings will be carried out by Council following receipt of the relevant payment.



11. **Road Opening Permit.** The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) required within the road reserve. No works shall be carried out on the footpath without this permit being paid and a copy kept on the site.
12. **Construction and fit-out of food premises – All proposed food premises** including the areas used for storage of food for sale (other than retail meat premises) must be constructed and fitted-out in accordance with the requirements of:
- (a) Food Safety Standard 3.2.3: *Food Premises and Equipment*; and
  - (b) Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*.

The walls of all proposed food premises must be constructed of brick, concrete blocks, preformed panels filled with suitable material or other solid materials.

13. **Provision for installation of kitchen exhaust systems** - Adequate provision must be made for the installation of kitchen exhaust systems to the proposed food premises.

All fresh air intake vents must be located in a position that is free from contamination and at least 6 metres from any exhaust air discharge vent or cooling tower discharge.

The kitchen exhaust vent must be located above roof level:

- (a) at least 6 metres from any fresh air intake vent or natural ventilation opening;
  - (b) at least 6 metres or, where the dimensions of the allotment make this impossible, the greatest possible distance from any neighbouring property boundary; and
  - (c) at least 8 metres from any cooling tower.
14. **Installation, operating and maintenance requirements** - All air-handling and water systems regulated under the *Public Health Act 2010* must be installed, operated and maintained in accordance with the requirements of the *Public Health Regulation 2012*.

Safe easy access must be provided for the inspection and maintenance of all plant, equipment and components covered by Australian/New Zealand Standard AS/NZS 3666.2: 2011 *Air-handling and water systems of buildings - Microbial control - Operation and maintenance*.

15. **Registration of water-cooling systems** - All water-cooling regulated under the *Public Health Act 2010* must be registered with Council's Environmental Health Unit within one (1) month of installation.  
  
Registration forms may be obtained from Council's Customer Service Centre on Tel. 9952 8222.
16. **Plumbing and drainage work** - All plumbing and drainage work must be carried out in accordance with the requirements of Sydney Water Corporation and the NSW Department of Fair Trading.
17. **Installation of grease trap** - A grease trap must be installed if required by Sydney Water Corporation. The grease trap must be located outside the building or in a dedicated grease trap room and be readily accessible for servicing. Access through areas where exposed food is handled or stored or food contact equipment or packaging materials are handled or stored is not permitted.
18. **Construction and fit-out of retail meat premises** - All retail meat premises must be constructed and fitted-out in accordance with the requirements of the *New South Wales Standard for the construction and hygienic operation of retail meat premises* published by the NSW Meat Industry Authority (1999).

## 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.

19. **Compliance with Australian Standards.** All demolition work is to be carried out in accordance with the requirements of the relevant Australian Standard(s).
20. **Waste management plan** - The waste management plan submitted with the development application does not meet the requirements of Section 7.2 of Council's *Development Control Plan 2010*.  
  
Prior to work commencing a new waste management plan must be submitted to and approved by Council. The new plan must include the types and estimated volumes of waste materials that will be generated; the proposed method of reuse, recycling or disposal; and the name and address of the recycling facility or landfill site if the waste is to be recycled or disposed of off site. Reuse and recycling must be maximized.
21. **Storage and removal of wastes** - All demolition and construction wastes must be stored in an environmentally acceptable manner and be removed from the site at frequent intervals to prevent any nuisance or danger to health, safety or the environment.

22. **Transportation of wastes** - All wastes must be transported in an environmentally safe manner in compliance with the Protection of Environment Operations Act 1997 and Regulations thereunder, to a facility or place that can lawfully be used as a waste facility for those wastes. Copies of the disposal dockets must be kept by the applicant for at least 3 years and be submitted to Council on request.

## **PRIOR TO CONSTRUCTION CERTIFICATE**

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.

23. **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**.
24. **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).
25. **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
26. **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**.

27. **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](http://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.

Or telephone 13 20 92.

28. **Vehicle Access & Parking.** All internal driveways, vehicle turning areas, garages and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Offstreet Parking standards).
29. **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:
- The proposed glazing between the terrace and the restaurant shall be a minimum 10.38mm laminated glazing with acoustic seals along all junctions. The STC rating of the proposed door shall be a minimum of 26.
30. **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.
31. **Supermarket fitout plans** - The supermarket fitout plans submitted with the development application do not meet the requirements of Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fitout of food premises*.
- Amended plans demonstrating compliance with AS 4674 and Standard 3.2.3 must be submitted for approval with the application for the Construction Certificate. The amended plans must include:
- (a) The proposed floor layout and use of each room or area;

- (b) The proposed floor, wall and ceiling finishes;
  - (c) Details of all proposed fixtures fittings and equipment (including the proposed method of installation); and
  - (d) Lighting, ventilation and drainage details.
32. **Mechanical ventilation details** - Details of all proposed mechanical ventilation systems, and alterations to any existing systems, must be submitted for approval 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; and
  - (b) A design certificate from a professional mechanical services engineer certifying that the mechanical ventilation systems will comply with the *Building Code of Australia* and the conditions of this Consent.
33. **Grease trap room details** - Details of any proposed grease trap room must be submitted for approval with the application for the Construction Certificate.

#### **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.

34. **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.
35. **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.
36. **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.

- 37. **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*.
- 38. **Construction materials.** All materials associated with construction must be retained within the site.
- 39. **Noise control measures** - All noise and vibration control measures nominated in the acoustical consultant's report which was prepared by Acoustic Logic Consultancy Titled "Proposed Alterations and Additions, Top Ryde City External Noise Emission Assessment" Revised on 11/3/2015 Project number : 20150231.1 and any related project documentation must be implemented.
- 40. **Complaints Hotline.** The site manager must set up a telephone hotline to receive complaints during the work.
- 41. **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.

42. **Noise Emission.** All feasible and reasonable practices must be implemented to control the emission of noise.
43. **CCTV for premises licenced to sell liquor.** For all new premises that are licensed to sell liquor must have a CCTV system with the following being the minimum standard.
- (a) It must maintain a closed-circuit television system on the premises in accordance with the following requirements:
    - (i) The system must record continuously from opening time until one hour after the premises are required to close (or, in the case of premises that are not required to cease trading, continuously at all times),
    - (ii) Recordings must be in digital format and at a minimum of 15 frames per second,
    - (iii) Any recorded image must specify the time and date of the recorded image,
    - (iv) The system's cameras must cover the following areas:
      - All entry and exit points on the premises,
      - All publicly accessible areas (other than toilets) on the premises.
  - (b) It must also:
    - (i) Keep all recordings made by the CCTV system for at least 30 days, and
    - (ii) Ensure that the system is accessible by at least one member of staff at all times it is in operation, and provide any recordings made by the system to a police officer or inspector within 24 hours of any request by a police officer or inspector to provide such recordings.
44. **CCTV for the rest of the centre.** For the rest of the shopping centre, it will be necessary to install CCTV cameras as outlined below:
- (a) The applicant shall install and maintain surveillance cameras and recorders to monitor and record all entrance and exit points to the building. Recordings should be made 24 hours a day 7 days a week, irrespective of opening and closing times.
  - (b) As a minimum CCTV cameras at entry and exit points to the premises must record footage of a nature and quality in which it can be used to identify a person recorded by the camera. All other cameras must record footage of a nature and quality in which it can be used to recognise a person recorded by the camera.
  - (c) The time and date must automatically be recorded on all recordings made whilst it is recording. All recordings are to be kept for a minimum period of 28 days before they can be reused or destroyed. Any recordings made are to be promptly delivered to police as soon as

possible following request. Notwithstanding this requirement, should any footage exist, regardless of whether it falls within the 28 day period, it must be supplied to police upon request.

- (d) If requested by police, the applicant is to archive any recording until such time as they are no longer required.
- (e) Recordings are to be made in a common media format such as Windows Media Player or similar, or should be accompanied by applicable viewing software to enable viewing on any windows computer.
- (f) The CCTV control system should be located within a secured area of the premises and only accessible by authorised personnel. In addition, at all times whilst trading an authorised person must be on the premise with access to the system and ability to use the system and make copies of any recordings at the request of the police or any other regulatory officer.
- (g) If the CCTV system is not operational, immediate steps are to be taken by the applicant to ensure that it is returned to a fully operational condition as soon as possible.

## **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.

45. **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 any 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.

46. **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](http://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 Occupation Certificate.

47. **Compliance Certificates – Engineering.** To ensure that all engineering facets of the development have been designed and constructed to the appropriate standards, Compliance Certificates must be obtained for the following items and are to be submitted to the Accredited Certifier prior to the release of any Occupation Certificate. All certification must be issued by a qualified and practising civil engineer having experience in the area respective of the certification unless stated otherwise.
- a) Confirming that all components of the parking areas contained inside the site comply with the relevant components of AS 2890 and the City of Ryde DCP 2014, Part 9.3 “Car Parking”.
48. **Certification of fit-out work** - Where Council is not the Principal Certifying Authority, the PCA must inspect the completed fit-out and issue a compliance certificate certifying that the fit-out complies with Food Safety Standard 3.2.3: *Food Premises and Equipment* and Australian Standard AS 4674-2004: *Design, construction and fit-out of food premises*, and a copy of the compliance certificate must be submitted to Council, before the issue of an Occupation Certificate.

*Note: Prior to issuing a compliance certificate, the PCA is advised to engage a consultant eligible to hold full membership with Environmental Health Australia (EHA) to prepare a report including premises inspections, outlining the compliance of the fitout of the subject premises with AS4674:2004 and Food Standards Code 3.2.2. A copy of this report shall be submitted to Council.*

49. **Certification of mechanical ventilation work** - Where any mechanical ventilation systems have been installed or altered, an installation 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.

## **BEFORE OCCUPATION OR SITE OPERATIONS COMMENCE**

50. **Registration of premises** - The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.
51. **Notification of business details** - The operator of the business must notify their business details to the NSW Food Authority before trading commences. Notifications may be lodged on-line at [www.foodnotify.nsw.gov.au](http://www.foodnotify.nsw.gov.au).
52. **Licensing of retail meat premises** - The operator must contact the NSW Food Authority regarding the issue of a licence before trading commences.
53. **Liquor licensing requirements** - The proposal must meet the requirements of the Liquor Administration Board.

## 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.

54. **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.
55. **Loading areas.** All loading and unloading in relation to the use of the premises shall take place wholly within the property.
56. **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.
57. **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.
58. **Waste.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.
59. **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.
60. **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.
61. **Disposal of liquid wastes** - All liquid wastes generated on the premises must be treated and discharged to the sewerage system in accordance with the

requirements of Sydney Water Corporation or be transported to a liquid waste facility for recycling or disposal.

62. **Trade waste permit** - The applicant must contact Sydney Water Corporation to determine whether a Trade Waste Permit is required before discharging any trade wastewater to the sewerage system.
63. **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.
64. **Hours of Operation.** Once operational the development may trade from 6.00am to 12 midnight, Monday to Saturday, and 6.00am to 11.00pm Sundays.
65. **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*.
66. **Use of the terrace adjacent to the restaurant.** To reduce the impact on noise on the nearby residents, the doors between the restaurant and the terrace are to be closed from 10pm onwards except for the purpose of patron travel between the restaurant and terrace.
67. **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

68. **Noise Notices.** Prominent notices shall be placed within the restaurant to remind patrons that a minimum amount of noise is to be generated when leaving the premises.
69. **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.
70. **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.

71. **Council may require acoustical consultant's report.** Council may require the submission of a report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.
72. **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.
73. **Clean water only to stormwater system** - Only clean unpolluted water is permitted to enter Council's stormwater drainage system.
74. **Clean-up materials to be kept on premises** - An adequate supply of suitable clean up materials must be kept on the premises for cleaning up accidental spills.
75. **Cleaning wastes and spills** - All cleaning wastes and spills must be collected and disposed of in an environmentally acceptable manner.
76. **Duty to notify** - Pollution incidents causing or threatening harm to the environment must be reported to Council as soon as practicable on Tel. 9952 8222.

## ADVISORY NOTES

1. **Inspections and fees** - Council officers may carry out periodic inspections of the premises to ensure compliance with relevant environmental health standards and Council may charge an approved fee for this service in accordance with Section 608 of the *Local Government Act 1993*.  
  
The approved fees are contained in Council's Management Plan and may be viewed or downloaded at [www.ryde.nsw.gov.au](http://www.ryde.nsw.gov.au).
2. **Saturated and trans fats** - To minimise the risk of cardiovascular disease in the community, fats and cooking oils that are high in saturated and/or trans fats



should not be used in the preparation or cooking of food. Alternatively, instead of deep frying, change to healthier cooking methods such as baking, grilling, steaming or microwaving or use mono/polyunsaturated fats or oils such as canola, olive, sunflower, soybean and safflower oils and margarines.