



Development Consent

Applicant: J Lin
459 Victoria Road
GLADESVILLE NSW 2111

Consent No: LDA2020/0367

Consent Date: 14 December 2022 **Valid until:** 14 December 2027

The City of Ryde, as the consent authority under the provisions of the Environmental Planning and Assessment Act, 1979 hereby consents to the development as follows:

Property: 459 Victoria Rd Gladesville Lot 2 DP 1008105

Development: Extension of operating hours for the cafe from 7am-7pm to 6am-10pm Monday to Sunday.

subject to the conditions 1 to 7 specified in this consent.

You are advised that failure to observe any condition of approval set out in the consent is an offence and legal proceedings may be instituted by Council.

This Consent does not guarantee compliance with the Disability Discrimination Act and you should, therefore, investigate your liability under the Act.

You are advised of your right of appeal to the Land and Environment Court under Section 8.7 of the Environmental Planning & Assessment Act and your right to request a review of the determination to Council under Division 82, of the Environmental Planning & Assessment Act within 6 months after you have received the Consent.

An objector does not have a right of appeal against this determination however, any person may bring proceedings against this determination before the court under section 9.45 of the EP&A Act.

Sandra McCarry
Assessment Officer

The fees quoted at the time of issue of this Consent may be subject to variation. Council's annual fees and charges are published in the Management Plan. To confirm fees please contact Customer Service on 9952-8222.

Conditions of Consent for LDA2020/0367: -

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.

1. **Hours of operation for Café.** The hours of operation for the existing Café are restricted to:

- 6am to 10pm (7 days/week).

The hours of operation for the other uses on site remain the same as previous approvals, being 7am to 7pm daily in accordance with Development Consent 2003/307 and LDA2019/195.

(Reason: To restrict the hours of operation to ensure that there is acceptable amenity to the surrounding locality).

2. **Café Use.** The operation of the café is not to be used for hiring out for private functions. Serving of alcohol is not permitted at any time.

(Reason: To prevent loss of amenity to the area).

3. **Noise and vibration from plant or equipment.** Unless otherwise provided in this Consent, the operation of any plant or equipment 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, or computed for, the most affected point, on or within the boundary of the most affected receiver. 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.

(Reason: To prevent loss of amenity to the area).

4. **No 'offensive noise'.** Noise and vibration from the use and operation of any plant and equipment and/or building services associated with the premises shall not give rise to 'offensive noise' as defined by the Protection of the Environment Operations Act 1997.

(Reason: To reduce noise levels).

5. **Noise Limits (noise must not be audible).** Notwithstanding compliance with any other noise conditions of this consent, noise from the premises or related activities must not be audible in any habitable room in any residential premises between the hours of 10pm and 7am daily.

(Reason: To maintain appropriate amenity to nearby occupants).

6. **Council may require acoustical consultant's report.** Upon receipt of a justified customer request, Council may require the submission of an acoustic report from an appropriately qualified acoustical consultant demonstrating compliance with the relevant noise and vibration criteria.

(Reason: To demonstrate compliance with relevant legislation).

7. **Conditional requirements of LDA2003/307.** The proposed use is subject to the conditional requirements of the approved building under development consent LDA2003/307 in relation to lighting, emergency egress, fire safety and maintenance, BCA and AS. The development consent does not approve any changes to stormwater management or waste management. No additional staff numbers are approved as part of this consent.

(Reason: To ensure the partial use of the development approved pursuant to LDA2003/307 is not contrary to the conditional requirements of the approved built form in which it operates).

End of Consent.