



City of Ryde 1 Pope Street, Ryde
Locked Bag 2069, North Ryde NSW 1670
cityofryde@ryde.nsw.gov.au
Telephone 9952 8222

Development Consent

Applicant: S Tan
8 Moss St
WEST RYDE NSW 2114

Consent No: LDA2022/0293

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: 8 Moss St West Ryde Lot 44 DP 1257
Development: Home-based industry - Chinese food business

subject to the conditions 1 to 15 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 LDA2022/0293: -

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):

Plan Description and Reference	Prepared by	Date
Ground Floor Plan/Kitchen Floor Plan (3 pages)	-	Submitted to Council on 3 November 2022.

Reason: To ensure the development is consistent with the determination.

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.

Reason: Statutory Requirement.

3. **Home Industry.** The proposal is to comply with the definition set out in the Ryde Local Environmental Plan 2014 as follows:

***home industry** means an industrial activity, whether or not involving the sale of items online, carried on in a dwelling, or in a building ancillary to a dwelling, by 1 or more permanent residents of the dwelling and not involving the following—*

- (a) the employment of more than 2 persons other than the residents,*
 - (b) interference with the amenity of the neighbourhood because of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise,*
 - (c) the exposure to view, from adjacent premises or from a public place, of unsightly matter,*
 - (d) the exhibition of signage, other than a business identification sign,*
 - (e) the retail sale of, or the exposure or offer for retail sale of, items, whether goods or materials, not produced at the dwelling or building, other than by online retailing,*
- but does not include bed and breakfast accommodation or sex services premises.*

4. **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”.

Reason: No signage is to be erected as not approved under this consent.

5. **Construction and fit-out of food premises.** All proposed food premises (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.

Note: Copies of AS 4764 - 2004 may be obtained from Standards Australia. Copies of the Food Standards Code may be obtained from Australia and New Zealand Food Authority.

Reason: To ensure design of the premises meets relevant public health standards.

PRIOR TO OCCUPATION OR COMMENCEMENT OF SITE OPERATION

6. **Registration of premises.** The operator of the business must register the premises with Council's Environmental Health Unit before trading commences.

Reason: Statutory requirement.

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.

7. **Food premises** - The operation of the premises is to comply with the relevant provisions of the Food Act 2003, Food Regulation 2015 and the Australia New Zealand Food Authority Food Standards Code.

Reason: To ensure operation of the premises complies with the relevant legislation and standards.

8. **Use is not to cause air impurities** - The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.

Reason: To prevent loss of amenity to the area.

9. **Use is not to cause offensive noise or vibration** - The use of the premises not giving rise to:

- a) transmission of unacceptable vibration to any place of different occupancy,
- b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an LAeq,15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning &

Reason: To prevent loss of amenity to the area.

10. **Staffing.** The operation of the home business is restricted to only three employees, consisting of one permanent resident of the dwelling and no more than two staff not residing on the premises.

Reason: To ensure the development is consistent with the determination.

11. **Restriction on food produced by Home Based Business:** The premises is restricted to serving 70 meals per week and shall not exceed this number without further consent from Council. Records are to be kept of the amount of meals produced by the premises each week and the amount of food produced by the business.

Reason: This is to ensure that the size of the kitchen is suitable for handling the amount of food produced.

12. **Delivery of Meals.** All meals are to be delivered to the customers with no pick up of meals from the premises by the customers.

Reason: To ensure there is minimal impact on the amenity and on the demand for off street carparking.

13. **Waste storage/disposal – method.** All wastes generated on the premises must be stored and disposed of in an environmentally acceptable manner.

Reason: To ensure waste is disposed of appropriately.

14. **Remove putrescible waste at sufficient frequency.** All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

Reason: To ensure waste is disposed of appropriately.

15. **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 *Noise Policy for Industry (EPA, 2017)*.
- (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 ensure reasonable standards of amenity for occupants of neighbouring properties.

ADVISORY NOTES

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.

End of consent