

14 February 2023



Ingham Planning Pty Ltd
54 Waters Road
CREMORNE NSW 2090

Dear Sir/Madam

Application Number: Mod2022/0655
Address: Lot 1 DP 127472 , 577 Sydney Road, SEAFORTH NSW 2092
Proposed Development: Modification of Development Consent DA2021/1021 granted for Alterations and additions to an existing shop top housing development, conversion of garage to a cafe and strata subdivision

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Maxwell Duncan
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0655
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Ingham Planning Pty Ltd
Land to be developed (Address):	Lot 1 DP 127472 , 577 Sydney Road SEAFORTH NSW 2092
Proposed Development:	Modification of Development Consent DA2021/1021 granted for Alterations and additions to an existing shop top housing development, conversion of garage to a cafe and strata subdivision

DETERMINATION - APPROVED

Made on (Date)	30/01/2023
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Add Condition No.1A - Modification of Consent - Approved Plans and supporting Documentation to read as follows:

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Impact Report	16 February 2022	Acoustic Noise and Vibration Solutions

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

B. Modify Condition No.27 - Hours of Operation - to read as follows:

The hours of operation are to be restricted to:

- Monday to Saturday – **6:00am** - 5:00pm
- Sunday and Public Holidays – 7:00am - 4:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises shall be required to leave within the following 30 minutes.

Reason: Information to ensure that amenity of the surrounding locality is maintained.

C. Add Condition No. 27A - Openings - to read as follows:

All windows and doors to Sydney Road are to be closed between 6:00am and 7:00am Monday to Saturday, with the exception of patrons and staff entering and exiting the premises.

Reason: To maintain acoustic amenity

D. Add Condition No. 22A - Acoustic certification - to read as follows:

Prior to any occupation certificate being issued, details are to be provided to the Certifier demonstrating compliance with section 6 of the acoustic report by Acoustic Noise & Vibration solutions P/L referenced as 2022-046 and dated 16 February 2022.

Reason: To maintain acoustic amenity and protect surrounding residence from any noise generated by the operation of the development.

E. Add Condition No. 27B - Acoustic requirements - to read as follows:

All requirements and recommendations specified in Section 6 of the acoustic report by Acoustic Noise & Vibration solutions P/L referenced as 2022-046 and dated 16 February 2022 are to be in place for the life of the development.

Reason: To maintain acoustic amenity and protect surrounding residence from any noise generated by the operation of the development.

Important Information

This letter should therefore be read in conjunction with DA2021/1021 dated 1 February 2022.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application must be lodged on the NSW Planning portal within 28 days of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.



northern
beaches
council

Signed On behalf of the Consent Authority

A handwritten signature in black ink, appearing to read 'M. Duncan', positioned above a horizontal line.

Name Maxwell Duncan, Planner

Date 30/01/2023