

22 February 2021

Planik Pty Ltd
PO Box 577
GYMEA NSW 2227

Dear Sir/Madam

Application Number: Mod2020/0644
Address: Lot 1 DP 34753 , 158 Pacific Parade, DEE WHY NSW 2099
Proposed Development: Modification of Development Consent DA2015/0667 granted for alterations to an existing building and use of premises as a restaurant

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,



Jordan Davies
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2020/0644
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Planik Pty Ltd
Land to be developed (Address):	Lot 1 DP 34753 , 158 Pacific Parade DEE WHY NSW 2099
Proposed Development:	Modification of Development Consent DA2015/0667 granted for alterations to an existing building and use of premises as a restaurant

DETERMINATION - APPROVED

Made on (Date)	22/02/2021
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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:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Sheet No. 100, Site Plan, Rev F	6 November 2020	Larry Weston Architect
Sheet No. 101, Existing, Rev F	6 November 2020	Larry Weston Architect
Sheet No. 102, Demolition, Rev F	6 November 2020	Larry Weston Architect
Sheet No 103, Proposed, Rev F	6 November 2020	Larry Weston Architect

b) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

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

B. Add Condition 4A - 'Outdoor Dining Approval' under the heading 'Development Consent Operational Conditions' to read as follows:

Prior to operation of any outdoor dining, and Outdoor Dining Area Approval shall be obtained from Council. The Outdoor Dining Area Approval form, and Outdoor Dining and Footpath Merchandise Guide are available from Council's website.

Reason: To ensure that outdoor dining on the public footpath is appropriately regulated under the provisions of the Roads Act 1993.

C. Add Condition No 25A - 'Acoustic Report Certification' under the heading 'Conditions which must be complied with prior to the issue of the Occupation Certificate' to read as follows:

Prior to any Occupation Certificate being issued, acoustic compliance testing is to be undertaken by a qualified and experienced person(s) to confirm that the findings within the Acoustic Report by West and Associates, referenced as Job No. 2196/5 and dated 3 July 2015, will not be compromised by the installed closed bi-fold door. Any recommendations made by the acoustic consultant to archive compliance through soundproofing of the closed bi-fold door must be implemented prior to issuing the Occupation Certificate. Results of compliance testing and recommendations are to be submitted to the satisfaction of the Principal Certifying Authority for certification.

Reason: To protect the acoustic amenity of neighbouring properties.

Important Information

This letter should therefore be read in conjunction with DA2015/0667, dated 19 October 2015.

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 should be submitted to Council within 3 months 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.

Signed On behalf of the Consent Authority



Name Jordan Davies, Planner

Date 22/02/2021