

13 April 2023



Four Towns Pty Ltd
Po Box 361
BALGOWLAH NSW 2093

Dear Sir/Madam

Application Number: Mod2022/0568
Address: Lot 6 DP 30579 , 45 Mitchell Road, BROOKVALE NSW 2100
Proposed Development: Modification of Development Consent DA2020/0182 granted for Use of premises as an artisan food and drink premises and construction of signage

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,



Grace Facer
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0568
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Four Towns Pty Ltd
Land to be developed (Address):	Lot 6 DP 30579 , 45 Mitchell Road BROOKVALE NSW 2100
Proposed Development:	Modification of Development Consent DA2020/0182 granted for Use of premises as an artisan food and drink premises and construction of signage

DETERMINATION - APPROVED

Made on (Date)	13/04/2023
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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:

a) Modification Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA01 - Rev B - Ground Floor Plan	9 August 2022	HAO Designs
DA02 - Rev C - First Floor Plan	24 January 2023	HAO Designs
DA03 - Rev A - Signage	6 February 2020	HAO Designs

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Acoustic Report	23 June 2022	Acoustic Dynamics
Operational Management Plan	8 August 2022	Dad and Daves Brewing
Traffic and Parking Impact Assessment Report	September 2022	ML Traffic Engineers

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 No.18A - Acoustic Report Recommendations to read as follows:

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifying Authority that recommendations within the acoustic report by Acoustic Dynamics dated 23 June 2023 (4780R002.NW.220602) have been implemented/incorporated into the design of the premises.

Reason: To protect acoustic amenity of surrounding premises.

C. Add Condition No.19A - Acoustic Report Certification to read as follows:

Prior to any occupation certificate being issued, a further acoustic assessment is to be undertaken by a qualified and experienced person(s) to confirm compliance with recommendations within the Acoustic Report by Acoustic Dynamics dated 23 June 2023 (4780R002.NW.220602).

Any recommendations made by the consultant must be implemented prior to issuing the Occupation Certificate in order to achieve compliance with noted conditions of this consent.

The updated acoustic assessment is to be submitted to the satisfaction of the Principal Certifying Authority.

Reason: To protect acoustic amenity of surrounding premises.

D. Add Condition No.36 - Maximum Patron Capacity to read as follows:

The capacity of the premises for the tasting/cellar door shall be restricted to:

- Total maximum patron capacity of 100 persons between 4pm and 6pm on weekdays and between 12pm and 4pm on weekends
- Total maximum patron capacity of 140 persons after 6pm and on weekdays and after 4pm on weekends

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

E. Modify Condition No.30 - Hours of Operation to read as follows:

The hours of operation are to be restricted to:

Industrial operations for Brewery & Distillery

- 6:00am to 4:00pm Monday to Friday
- 8:00am to 12:00pm Saturday
- Closed Sunday

Tasting and Cellar Door

- 4:00pm to 10:00pm Monday to Wednesday
- 4:00pm to 12:00am Thursday and Friday

- 12:00pm to 12:00am Saturdays
- 12:00pm to 10:00pm Sunday and Public Holidays

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.

Important Information

This letter should therefore be read in conjunction with DA2020/0182 dated 24 August 2020.

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.

Signed On behalf of the Consent Authority



Name Grace Facer, Planner

Date 13/04/2023