

16 March 2023



Bresact Pty Ltd
C/- Cynlass Pty Limited 293 Victoria Road
MARRICKVILLE NSW 2204

Dear Sir/Madam

Application Number: Mod2022/0575
Address: Lot 1 DP 216273 , 11 The Corso, MANLY NSW 2095
Proposed Development: Modification of Development Consent DA2019/1535 granted for the use of premises as a bookstore and licensed small bar

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,



Nick Keeler
Planner

NOTICE OF DETERMINATION

Application Number:	Mod2022/0575
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Bresact Pty Ltd
Land to be developed (Address):	Lot 1 DP 216273 , 11 The Corso MANLY NSW 2095
Proposed Development:	Modification of Development Consent DA2019/1535 granted for the use of premises as a bookstore and licensed small bar

DETERMINATION - APPROVED

Made on (Date)	15/03/2023
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The request to modify the above-mentioned Development Consent has been approved as follows:

A. Modify Condition No. 22 - Hours of Operation to read as follows:

The hours of operation are to be restricted to:

Bookstore:

Monday – Saturday: 9.00am – 12.00 midnight
Sunday and Public Holidays: 9.00am – 10.00pm

Bar:

Monday – Saturday: 12.00pm – 12.00 midnight
Sunday and Public Holidays: 12.00pm – 10.00pm

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: To ensure that no liquor is sold, supplied or consumed at the premises until all minors have exited the premises and to ensure that amenity of the surrounding locality is maintained.

B. Modify Condition No. 26 - Compliance with the Plan of Management to read as follows:

Operations must comply with the Plan of Management submitted with the development application DA2019/1535, as amended by the Plan of Management submitted with the modification application Mod2022/0575.

The Plan of Management submitted with the modification application Mod2022/0575 must be updated to include Crime Scene Preservation, including the following:

1. Immediately after the person in charge of the Licensed Premises becomes aware of an incident involving an act of violence causing injury to a person on the premises, the person must;
 - i) Take all practical steps to preserve and keep intact the area where the act of violence occurred,
 - ii) Retain all materials and implements associated with the act of violence in accordance with the Crime Scene Preservation guideline issued by the NSW Police,
 - iii) Make direct and personal contact with the Local Area Command or his/her delegate and advise the Commander or delegate of the incident, and
 - iv) Comply with any directions given by the Commander or delegate to preserve or keep intact the area where the violence occurred.

Reason: Effectively manage operational outcomes to minimise any detrimental impacts on amenity.

C. Modify Condition No. 28 - Minors to read as follows:

Before 10:00pm, minors may only be permitted in the licensed area of the premises during meal service and in the company of a responsible adult, unless a Minors Authorisation is granted by Liquor & Gaming NSW.

The conditions of any Minors Authorisation granted by Liquor & Gaming NSW prevail to extent of any inconsistency with this condition.

Reason: To ensure compliance with liquor licencing requirements.

D. Modify Condition No. 30 - Security to read as follows:

At least one security guard must be employed at the venue on Friday and Saturday evening from 7:00pm until close or when the last patron has left the vicinity (whichever occurs last).

Reason: Public safety.

Important Information

This letter should therefore be read in conjunction with **DA2019/1535** dated 09/05/2020, **Mod2020/0194** dated 13/05/2020 and **Mod2020/0613** dated 16/12/2020

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 Nick Keeler, Planner

Date 15/03/2023