

8 October 2021



Bucketty's Brewery Pty Ltd  
9 Manuela Place  
CURL CURL NSW 2096

Dear Sir/Madam

**Application Number:** Mod2021/0439  
**Address:** Lot A DP 413126 , 26 Orchard Road, BROOKVALE NSW 2100  
**Proposed Development:** Modification of Development Consent DA2020/0160 granted for use the premises as an artisan food and drink industry and associated 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](http://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](mailto:council@northernbeaches.nsw.gov.au)

Regards,



Rebecca Englund  
**Principal Planner**

## NOTICE OF DETERMINATION

<b>Application Number:</b>	Mod2021/0439
<b>Determination Type:</b>	Modification of Development Consent

### APPLICATION DETAILS

<b>Applicant:</b>	Bucketty's Brewery Pty Ltd
<b>Land to be developed (Address):</b>	Lot A DP 413126 , 26 Orchard Road BROOKVALE NSW 2100
<b>Proposed Development:</b>	Modification of Development Consent DA2020/0160 granted for use the premises as an artisan food and drink industry and associated signage

### DETERMINATION - APPROVED

<b>Made on (Date)</b>	08/10/2021
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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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
DA2 - Proposed Ground Floor, revision B	25 August 2021	[unknown]

<b>Reports / Documentation – All recommendations and requirements contained within:</b>		
<b>Report No. / Page No. / Section No.</b>	<b>Dated</b>	<b>Prepared By</b>
Operational Management Plan	8 May 2021	[unknown]
Operational Noise Emission Assessment	10 May 2021	Acoustic Dynamics

##### 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. Modify Condition 2 'Compliance with Other Department, Authority or Service Requirements' to read as follows:**

The development must be carried out in compliance with all recommendations and requirements of the NSW Police contained within the following:

Correspondence	EDMS Reference	Dated
NSW Police	2020/180780	19 March 2020
NSW Police	2020/417324	16 July 2020
NSW Police	2021/584598	4 August 2021

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

**C. New Condition 2A 'Amended Operational Management Plan' to read as follows:**

The Operational Management Plan referenced in Condition 1A is to be amended to reflect strict consistency with the conditions of this modified consent, including those requirements of the NSW Police. The Amended Operational Management Plan is to be provided to and endorsed by Council prior before the activation of this modified consent, and before any extension of trading hours and/or increase to capacity is acted upon.

Reason: To ensure the appropriate management of the premises.

**D. New Condition 2B 'Dedicated ride share pick up and drop off zone' to read as follows:**

Prior to the activation of this modified consent, the applicant is to apply under section 138 of the Roads Act for approval via the Northern Beaches Council Local Traffic Committee for a dedicated ride share pick up and drop off zone along the frontage of the site in Orchard Road.

Reason: To address the parking deficiency created by the increase in patrons.

**E. Delete Condition 33 'Compliance with Acoustic Report'.**

**F. New Condition 33A 'Ongoing Noise Management' to read as follows:**

The Premises shall comply with the following:

- a. No live amplified music after 10pm Sunday to Thursday (except for public holidays).
- b. Southern roller door is to be closed prior to 10pm on evenings where live amplified music is permitted after 10pm.
- c. Amplified music (including live music) shall not exceed a maximum reverberant noise level of 90 dB(A) within the bar service area.
- d. Notwithstanding compliance with the above, The LA10\* noise level emitted from the premises shall not exceed the background noise level in any Octave Band Centre Frequency (31.5Hz–8kHz inclusive) by more than 5dB between 7:00 am and 12:00 midnight at the boundary of any affected residence.

For the purpose of this condition, the LA10 can be taken as the average maximum deflection of the noise emission from the premises. This is a minimum standard.

Reason: To protect the amenity of the surrounding area.

**G. Modify Condition 35. 'Hours of Operation and Maximum Capacity' to read as follows:**

The hours of operation and maximum capacity of the premises is to be restricted to:

Hours of Operation		Maximum Capacity
<u>Industrial Operations for Brewery &amp; Distillery</u>		
-	6:00 AM to 4:00 PM Monday to Friday	
<u>Taproom/Cellar Door Hours</u>		
Weekday Lunch		
-	Thursday to Friday (12:00 PM - 4:00 PM)	20 Patrons
Weekday Dinner & Evenings		
-	Monday to Friday (4:00 PM to 7:00 PM)	130 Patrons
-	Monday to Friday (7:00 PM to 12:00 AM)	200 Patrons
Weekend Lunch & Dinner		
-	Saturday to Sunday (12:00 PM - 4:00 PM)	130 Patrons
-	Saturday (4:00 PM - 12:00 AM)	200 Patrons
-	Sunday (4:00 PM - 10:00 PM)	200 Patrons
-	Public Holidays (12:00 PM - 4:00 PM)	130 Patrons
-	Public Holidays (4:00 PM - 12:00 AM)	200 Patrons
<u>Takeaway Sales</u>		
-	Monday to Saturday (12:00 PM to 11:00 PM)	
-	Sunday (11:00 AM to 10:00 PM)	

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 amenity of the surrounding locality is maintained.

**H. Delete Condition 40 'Maximum Patron Capacity'.**

**I. New Condition 47 'Adherence with Operational Management Plan' to read as follows:**

The premises shall be managed in accordance with the Operational Management Plan referenced in Condition 1, as amended by any conditions of this consent. No changes are to be made to the Amended Operational Management Plan without the consent of Council.

Reason: To ensure the appropriate management of the premises.

**Important Information**

This letter should therefore be read in conjunction with DA2020/0160 dated 7 August 2020 and

MOD2020/0408 dated 11 September 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 submitted to Council 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                      Rebecca Englund, Principal Planner

Date                      08/10/2021