

MODIFIED CONDITIONS OF CONSENT:

Amend the Description of the development on Page 1 of the consent as follows:

Development	Staged Development: Artisan Food and Drink Industry
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Delete Conditions 30 and 40, and amend and insert the following conditions in the appropriate order:

3. Existing building/s to be bought into compliance with fire safety provisions

In accordance with Clause 94 of Environmental Planning & Assessment Regulation 2000, the existing building is to be bought into compliance with the fire protection and structural provisions of the Building Code of Australia.

In this regard, a full Clause 94 upgrade is required to address Parts A, B, C, D, E of the BCA, prior to the issue of a Construction Certificate for the development.

3A. Staged Development

The development is to be carried out in the following stages:

Stage 1: 50,000L maximum combined production of Beer & Kombucha
Stage 2: 75,000L maximum combined production of Beer & Kombucha

Where conditions are required to be satisfied prior to a particular event, those conditions are the conditions relevant to the works being carried out in the stage.

The relevant conditions are the conditions deemed necessary, by the Principal Certifying Authority (PCA) appointed for the development, or, where pursuant to the issue of a Construction Certificate, the relevant consent authority.

13A. Amended Plan of Management (POM)

The application for a Construction Certificate is to include a Plan of Management (POM) that provides sufficient information detailing how the operations will be managed in relation, but not limited to: traffic, parking, courtesy bus, noise, patron behaviour, staffing, crime prevention and other operational requirements. Preparation of the POM must be in accordance with Council's DCP D4.2.10 (4) by a suitably qualified person.

The POM must include operational noise levels approved by Council.

The application for a Construction Certificate is to include details of the catchment area for operation of the courtesy bus, including pick-up/drop-off locations and schedules. This information must be provided to Council for approval and shall form part of the Plan of Management.

The courtesy bus must be:

- capable of servicing patrons from Byron Bay (Chapter E5, DCP 2014), Suffolk Park Urban Area (Chapter E1, DCP 2014) and the rural areas of the shire within a 10km radius of the subject site;
- provided and in-place with a minimum seating capacity of 12 seats including the driver;
- owned and maintained at all times by the owner/operator of the brewery; and

- registered and appropriately insured for customer/passenger; and
- in operation at all times after 5pm on Thursdays and Fridays and all day Saturday and Sunday.

The amended Plan of Management is to be approved by Council prior to the issue of the Construction Certificate.

17. Certificate of Compliance – s307 Water Management Act 2000

Prior to issue of any Construction Certificate, a Certificate of Compliance under Section 307 of the Water Management Act 2000 must be obtained upon payment of developer charges for water and sewer as calculated in accordance with Byron Shire Council and Rous Water Development Servicing Plans. Where staging of the Construction Certificate occurs, a separate s307 Compliance Certificate must be obtained for each stage.

Byron Shire Council acts as Rous Water's agent in this matter and will issue a Certificate of Compliance on behalf of Rous Water upon payment of the Rous Water Development Servicing Charge to this Council.

***Note:** For issue of the Certificate of Compliance, an application form and associated fee must be lodged via Council's website. Copies of Byron Shire Council's Development Servicing Plans are available via Council's website.*

Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment. A check must be made with Council to ascertain the current rates by contacting Council's Principal Engineer Systems Planning, Utilities on 02 6626 7000. Applicable charges can also be found on Council's website: <https://www.byron.nsw.gov.au/Services/Water-sewer/Plumbers-and-developers/Calculate-the-cost-of-an-Equivalent-Tenement#section-3>

The contributions payable will be adjusted in accordance with relevant plan and the amount payable will be calculated on the basis of the contribution rates that are applicable at the time of payment.

Payment by Personal or Company Cheque will not be Accepted

49. Restriction on Production Rate

Production of beer at the premises is to be limited to **961.54 Litre per week for Stage 1** and **1442.31 Litre per week for Stage 2**. Any increase in production rate will require further consent from Council.

52. Maximum patron capacity & trading hours

The maximum patron numbers and trading hours for the premises may operate as follows:

Trading Hours and Restriction on Patron Numbers:

- Maximum patronage and hours of operation for the tasting room and takeaway sales is restricted to the following:
 - a) maximum of twenty (20) patrons during:
 - Monday to Wednesday – 10:00am to 6:00pm
 - Thursday and Friday – 10:00am to 5:00pm

- Saturday – 10:00am to 12:00pm
- b) maximum of fifty (50) patrons during:
 - Thursday and Friday – 5:00pm to 10.00pm
 - Saturday – 12.00pm to 10.00pm
 - Sunday – 10.00am to 8.00pm

Courtesy bus must be in use during the set times in accordance with the Plan of Management and other conditions of this consent.

Trading Hours Brewery Production:

- Monday to Sunday, from 7.00am to 10.00pm

Operations must cease as specified and all patrons and staff must leave the site within half an hour of the times specified on any day.

53. Notification of commencement of operations, Compliance with Patron Numbers

The owner/operator of the Brewery must advise Council in writing specifying the commencement date of operation for the tasting room and takeaway sales.

In order to enable proper monitoring of compliance with the maximum patron numbers, the operator must keep a log of all patrons attending the premises. The records of patron numbers must be available to Council upon request at any time.

54. Noise limitations

The noise level emitted from the development must not exceed the background noise level plus 5dB (A) between the hours of 5:00 pm and 10:00 pm. The noise level emitted from the development between 10.00 pm and 7:00 am must not exceed the background noise level. No correction for tonality is applied. Measurement is taken from the boundary of the nearest affected residence.

55. Amplified music

Amplified noise is limited to background music from small indoor speakers. Amplified music including live bands and DJ's is not permitted on the site (indoors and outdoors) at any time.

59. Amended Plan of Management (POM)

All operations shall strictly comply with the Plan of Management (POM) as approved by Council.

60. Courtesy Bus

The courtesy bus must at all times be:

- provided and in-place with a minimum seating capacity of 12 seats including the driver;
- owned and maintained at all times by the owner/operator of the brewery; and
- registered and appropriately insured for customer/passenger; and

- in operation after 5pm on Thursdays and Fridays and all day Saturday and Sunday.

Amend the Water Payment note to read:

Water payments under the Water Management Act 2000

Charges will be calculated based on the additional water and sewerage load that the proposed development generates, shown in Equivalent Tenements (ET) by the following table:

ADDITIONAL WATER & SEWER LOAD OF DEVELOPMENT
(ET Policy 2018)

	Stage 1	Stage 2
Bulk Water	3.24 ET	1.07 ET
Sewer	7.14 ET	0.97 ET

NB: Information regarding Development Servicing charges can be found on the Byron Shire Council website (<http://www.byron.nsw.gov.au/development-contributions-plans-section-94-and-64>). These charges will enable you to calculate the total contribution charges payable when you are ready to pay them. Developer charges will be calculated in accordance with the Development Servicing Plan applicable at the date of payment.