

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2018/0571
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Responsible Officer:	Renee Ezzy
Land to be developed (Address):	Lot 51 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100 Lot 52 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100 Lot 56 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100 Lot 57 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100 Lot 58 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100 Lot 59 SP 50167, 14 / 54 Wattle Road BROOKVALE NSW 2100
Proposed Development:	Use of Premises as a brewery and industrial retail outlet
Zoning:	Warringah LEP2011 - Land zoned IN1 General Industrial Warringah LEP2011 - Land zoned IN1 General Industrial Warringah LEP2011 - Land zoned IN1 General Industrial Warringah LEP2011 - Land zoned IN1 General Industrial Warringah LEP2011 - Land zoned IN1 General Industrial Warringah LEP2011 - Land zoned IN1 General Industrial
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Owner:	Joshua Rubert Wolf Cara Mckinnon Young Wolf
Applicant:	Mike Beresford Jones

Application lodged:	11/04/2018
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Industrial
Notified:	27/04/2018 to 15/05/2018
Advertised:	Not Advertised
Submissions Received:	0
Recommendation:	Approval

Estimated Cost of Works:	\$ 79,000.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Warringah Local Environmental Plan 2011 - 5.4 Controls relating to miscellaneous permissible uses

SITE DESCRIPTION

Property Description:	<p>Lot 51 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 52 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 56 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 57 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 58 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 59 SP 50167 , 14 / 54 Wattle Road BROOKVALE NSW 2100</p>
Detailed Site Description:	<p>The subject site consists of Lots 51, 52, 56, 57, 58 and 59 in SP 50167 known as 54 Wattle Road, Brookvale. The site is set between Wattle Street and Powells Road and has vehicular access from both street frontages.</p> <p>The subject tenancy is located on the northern side of the industrial complex at ground level facing Powells Road adjacent to the ramp off Powells Road to the first floor industrial units.</p> <p>The site is located within the IN1 General Industrial zone and accommodates an existing industrial complex</p>

containing 45 tenancies, the subject application is within Unit 14.

The site contains boundary planting at the Powells Road and Wattle Road frontages.

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by one and two storey industrial/business premises to the north, industrial premises to the east and the Sydney Buses Brookvale Depot to the west. To the south, on the opposite side of Wattle Road are low density residential premises which have a physical separation of approximately 115m from the subject tenancy.

Map:



SITE HISTORY

CDC2011/0001 – A Complying Development Certificate application was refused for building alterations to an industry/warehouse on the 3 February 2011.

DA2014/0065 for removal of 16 trees within the Wattle Road frontage of the site was approved by Council on 11 February 2014.

PLM2017/0151 - A pre-lodgement meeting was held on 19 December 2017 for a change of use to an industrial retail outlet, brewing operation and take away food premises. The subject application is generally aligned with this PLM excluding the takeaway food premises.

DA2018/0571 - This development application is the subject of this assessment. There are no further relevant applications for the subject site.

PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for a change of use to a general industrial premises (brewery) and industrial retail outlet (taproom) for brewery tastings including associated internal fitout and new hours of operation. In addition, the proposal includes 15 off-street parking spaces within the industrial complex allocated to Unit 14.

The floor area of the industrial unit comprises the following:

Ground floor industrial floor area (excluding loading bay)	334m ²
Ground floor tap room area	121m ²
Mezzanine	27m ²
Total Floor Area	482m²

The new premises are proposed to have a maximum of seventy (70) patrons with the following hours of operation:

Brewery

8am - 5pm (Monday to Sunday)

Taproom

11am - 12midnight (Monday to Saturday)

11am - 10pm (Sunday)

In consideration of the application a review of (but not limited) documents as provided by the applicant in support of the application was taken into account detail provided within Attachment C.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on "Environmental Planning Instruments" in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2000 (EP&A Regulation 2000)	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.

Section 4.15 Matters for Consideration'	Comments
	<p><u>Clause 50(1A)</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 54 and 109</u> of the EP&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&A Regulation 2000 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This matter has been addressed via a condition of consent.</p> <p><u>Clauses 93 and/or 94</u> of the EP&A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 98</u> of the EP&A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p><u>Clause 143A</u> of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Warringah Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
Section 4.15 (1) (c) – the suitability of the	The site is considered suitable for the proposed

Section 4.15 Matters for Consideration'	Comments
site for the development	development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	See discussion on “Notification & Submissions Received” in this report.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATIONS

Clause 4 of the Environmental Planning and Assessment Regulation 2000, prescribes that ‘designated development’ is defined as ‘development described in Part 1 of Schedule 3 (of the Environmental Planning and Assessment Regulation 2000).

Part 1, Schedule 3 – 6 Breweries and distilleries, are defined as being designated development having consideration of the following:

Breweries or distilleries producing alcohol or alcoholic products:

(a) that have an intended production capacity of more than 30 tonnes per day or 10,000 tonnes per year, or

Comment: The proposed general industry use as a brewery is a relatively small-scale operation which is not proposed to generate alcoholic products above 30 tonnes a day or 10,000 tonnes per year. An operational management plan has been prepared to accompany the development application which prescribes that the development will have the capacity to brew approximately 150,000 litres of alcoholic products annually and approximately 410 litres per day which is below the capacity identified for this purpose.

(b) that are located within 500 metres of a residential zone and are likely, in the opinion of the consent authority, to significantly affect the amenity of the neighbourhood by reason of odour, traffic or waste, or

Comment: The subject Tenancy no. 14 in DP 38006 is located approximately 115 metres from the nearest adjoining residential dwelling at no. 9 Short Street, North Manly, and is therefore less than the required 500 metres to the neighbouring residential zone. In considering Part 1, Schedule 3 of the Environmental Planning and Assessment Regulation 2000 the consent authority must consider any adverse amenity impacts to the surrounding residential neighbourhood in respect to odour, traffic or waste.

Odour: An Odour Assessment Report has been prepared by The Odour Unit as required by the Northern Beaches Council as part of any prospective development application. The report defines all potentially significant odour emission sources from the subject premises through the proposed activities carried out on the subject site. The proposed development is not expected to give rise to any adverse odour impacts to the neighbouring dwellings or result in odour impacts that are unlikely to extend beyond the property boundaries. Council's Environmental Health section has not raised any objection to the proposal in this regard.

Traffic: A Traffic Report has been prepared by Varga Traffic Planning Pty. Ltd. which provides a detailed assessment of the proposed traffic generating demand of both the brewery and tap room uses of the development. The tap room is anticipated to result in peak patronage levels after hours on both Friday and Saturday evenings with the arrival and departure of patrons to be dispersed over the period of several hours. The report surmises that if the taproom brewery tasting room was filled to capacity with the arrival of patrons was dispersed over a period of say two hours, the taproom brewery tasting could be expected to generate approximately 14 vehicles per hour with an occupancy of 2.5 persons per vehicle.

It is likely that this number would be reduced given a number of patrons are expected to commute via public transport/taxis or by any other forms of transport. In summary, the proposed change of use development is not expected to have any unacceptable parking and traffic implications.

Waste: The proposed development is not expected to generate any significant waste impacts from the proposed brewery. A Waste Management Plan has been prepared by 7th Day Brewery Pty. Ltd. which outlines that the brewery will accumulate approximately 1 cubic metre of spent grains and hops sealed within grain storage bins and recycled as animal feed through local farmers. Other general waste will be removed from private waste contractors collected on a daily basis for waste collection removal.

On balance, the proposed operation is not considered to result in any significant impact on the neighbourhood due to odour, traffic or waste.

(c) that release effluent or sludge:

- (i) in or within 100 metres of a natural waterbody or wetland, or*
- (ii) in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils.*

Comment: The subject site is not located within 100 metres of a waterway; however it is identified as being within the 1 in 100 year Flood Hazard Map and is located within a Class 4 Acid Sulfate Soil Zone.

The proposal has been assessed as compliant with Council's LEP and DCP requirements in terms of flooding and no objection has been received in relation to Acid Sulfate Soils.

A wastewater treatment plan has been prepared by the operators of the brewery which outlines measures for removal of spent grains and hops from the fermenters and restoration of the pH balance from waste water without the addition of further chemicals.

Accordingly, the proposed application does not activate any of the criteria outlined within Schedule 3 and is therefore not considered designated development.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

MEDIATION

No requests for mediation have been made in relation to this application.

REFERRALS

Internal Referral Body	Comments	
Building Assessment - Fire and Disability upgrades	No objections subject to conditions to ensure compliance with the Building Code of Australia.	
Environmental Health (Acid Sulphate)	No objections in relation to Acid Sulphate Soils.	
Environmental Health (Industrial)	Is the proposal for an industrial use?	YES
	Was sufficient documentation provided appropriate for referral?	YES
	Are the reports undertaken by a suitably qualified consultant?	YES
	Have you reviewed the Statement of Environmental Effects, and consider ongoing use, such as: - Processes with emphasis on potential pollution (air, noise, water and land) - Hazardous Materials, liquids stored on site - Waste storage, disposal. - Mechanical ventilation	YES
	Have you Consider impact of noise, hours of operation, location to nearest residential, location of equipment, times of deliveries, noise management plans, acoustic reports etc.	YES
	If the proposal is a scheduled premises have you recommended that the DAO refer the proposal to OEH?	N/A
	General Comments Environmental Health has generally no objections to the proposal potentially subject to Conditions. Adequate information has been supplied in a very good application for us to consider following the preliminary meeting at Council. Odour (report satisfactory) can be managed- if problems arise . Traffic noise increase with normally driven vehicles would be acceptable at night but noisy vehicles would be a police matter. Liquor and Food Premises - (due to the tap room OLGR will require the supply of food so even if given away the food business will need to be registered with Council and comply with construction and Food Act requirements). However, The Operation Management Plan does not fully reflect recommendations in the Acoustic Report (generally satisfactory) - (including keeping doors closed during live music --- someone would need stand there the whole time to stop people arriving or leaving? Therefore is not an acceptable proposal and needs addressing) Noise complaint potential for live music especially post 10pm is considerable if not managed properly. One option the applicant may consider would be a double door system (with a void) to minimise noise through a single open door, people	

Internal Referral Body	Comments		
	<p>entering/leaving is most likely. Bass from music will need to be strictly managed as per acoustic report and conditions .</p> <p>Environmental Health will therefore require the applicant to update the Operational Plan to incorporate the acoustic report recommendations and in particular deal with the issue of the door opening especially post 10pm which may involve an additional wall/door or other measures.</p> <p>Once these issues are resolved favorable consideration to approval can be reviewed.</p> <table border="1" data-bbox="520 745 1431 931"> <tr> <td data-bbox="520 745 1155 931">Recommendation</td><td data-bbox="1155 745 1431 931">Refusal at this time (additional information required)</td></tr> </table> <p>Assessing Officer Comments:</p> <p>In relation to the concerns identified by Council's Environmental Health section in relation to potential for noise nuisance resulting from live music within the premises after 10pm the following assessment is provided:</p> <p><u>Hours of Operation</u></p> <p>The proposed hours of operation include trading till midnight Monday through to Saturday and till 10pm on a Sunday. It is a condition of this assessment that the hours of operation are amended to 10pm Monday to Thursday and till Midnight Friday and Saturday which is consistent with the hours of operation for similar developments within the vicinity.</p> <p><u>Acoustic Report</u></p> <p>The acoustic report prepared by Acoustic Logic has provided a 'worst case scenario' assessment of the proposed development in accordance with the requirements of Liquor and Gaming NSW which provides a maximum noise reading of 5dB above background levels at the boundary of the nearest residential premises. The closest residential property is No.9 Short Street to the south-east of the site and is approximately 115m from the openings at the entry of the site.</p> <p>The premises faces north, which is in the opposite direction to the closest residential dwelling and is at ground level facing onto Powells Road. The report provides noise predictions for the closest properties which comply with the requirements. The recommendations provided in relation to building modifications and on site management are considered to adequately address potential noise concerns from the proposed development.</p> <p><u>Operational Management Plan</u></p> <p>The OMP has incorporated the recommendations provided in the Acoustic Report in relation to management of noise from the</p>	Recommendation	Refusal at this time (additional information required)
Recommendation	Refusal at this time (additional information required)		

Internal Referral Body	Comments
	<p>premises.</p> <p>The OMP for the proposed development has provided adequate mechanisms for the physical and strategic management of the site addressing the concerns identified by Council's Environmental Health Section. The OMP will be incorporated within the proposed conditions of consent along with suitable specific conditions relating to noise management. Accordingly, subject to conditions the proposal is considered acceptable in terms of acoustic impacts and is recommended for approval.</p>
Environmental Health (Food Premises, Skin Pen.)	No objections subject to conditions.
NECC (Development Engineering)	The application proposes the internal change of use. Development engineer has no objection the application. No engineering condition is required.
NECC (Stormwater & Floodplain Engineering – Flood risk)	The proposed development generally complies with the flood requirements of the LEP and DCP.
Strategic & Place Planning	The application was reviewed by Council's Urban Designer who have indicated that there are no major urban design issues and are generally supportive of the proposed development.
Traffic Engineer	<p>Council at the pre-lodgement meeting requested that the applicant undertake a comparison of a similar site to determine the requirements for parking demand, particularly for a development anticipated to attract up to 70 patrons. The applicant has failed to provide adequate information. however Council has approved a similar development, hence the approved parking rates utilised in that report will be adopted for this review..</p> <p>The consultant has classified the whole development as an 'Industry' hoping to achieve parking compliance. Under an 'Industry' classification, the site will require parking provisions onsite for 6 car spaces. However, Council's review of the proposed development indicates that 361m² GFA will be associated with the brewery, whilst the remaining 149m² (to be used as a taproom and outdoor seating) shall be classified as a specialty shop.</p> <p>Based on the applicable rates, the proposed development is required to provide 15 parking spaces. The applicant is proposing to remove 2 of the existing 15 spaces to accommodate outdoor facilities. This therefore brings the total provision of parking to 13 spaces which represents a shortfall of 2 spaces.</p> <p>Concern is raised during the overlapping period between operation of the brewery and taproom. The operations of the brewery cease at 5.00pm. The operation of the taproom commence at 11.00am. Therefore there is a 6 hour window where maximum parking usage could be expected. Accommodating 2 spaces on street is considered minor. Therefore Traffic raise no objection provided Development</p>

Internal Referral Body	Comments
	<p>Engineer is addresses and is satisfied with the parking shortfall.</p> <p>Assessing Officer Comments: The current application does not seek consent for outdoor seating despite this being identified within the Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd. A condition of consent has been recommended for imposition clarifying that outdoor seating is not approved as part of this application. Accordingly, the full fifteen (15) on-site parking spaces will be available for the use of the brewery and taproom with no shortfall resulting.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.
NSW Police - Local Command (CPTED)	<p>The application was referred to NSW Police Local Area Command for comment. No objections were raised subject to the inclusion of a number of conditions including:</p> <ul style="list-style-type: none"> • Limiting patron numbers to a maximum of 70, • Installation of CCTV, • removal of any reference to outdoor drinking areas, • Minors on the premises • Smoking • Lighting • Crime Scene Procedures <p>Conditions addressing each of these concerns have been provided within this assessment. The proposal subject to conditions is considered acceptable.</p>

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All, Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs, REPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the industrial land use.

SEPP 64 - Advertising and Signage

In accordance with Clause 6 of SEPP 64, the proposed window signage will be visible from a public place (public road) and is therefore subject to the provisions of the SEPP.

Clauses 8 and 13 of SEPP 64 require Council to determine consistency with the objectives stipulated under Clause 3(1)(a) of the aforementioned SEPP and to assess the proposal against the assessment criteria of Schedule 1.

The objectives of the policy aim to ensure that the proposed signage is compatible with the desired amenity and visual character of the locality, provides effective communication and is of high quality having regards to both design and finishes.

In accordance with the provisions stipulated under Schedule 1 of SEPP 64, the following assessment is provided:

Matters for Consideration	Comment	Complies
1. Character of the area Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage is consistent and complimentary to the existing and desired future character of the industrial area.	YES
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage is consistent with business identification signage within this particular industrial estate and the broader industrial area.	YES
2. Special areas Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	There are no environmentally sensitive areas, heritage, natural, conservation, open space areas, waterways, rural landscapes or residential areas impacted by the proposed development.	YES
3. Views and vistas Does the proposal obscure or compromise important views?	There are no views affected by the proposed development.	YES
Does the proposal dominate the skyline and reduce the quality of vistas?	The proposed signage is at ground level of a two storey industrial estate and will be barely visible outside the estate except within the road reserve area adjacent to this site entry on Powells Road.	YES
Does the proposal respect the viewing	The proposed signage does not impact on any	YES

rights of other advertisers?	other advertising.	
4. Streetscape, setting or landscape Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The window signage is a laminated vinyl sticker on the existing glazed facade which will retain translucency into the premises.	YES
Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The proposed signage provides visual branding for the 7th Day Brewery and will provide visual interest within the estate setting.	YES
Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The signage is considered minor in nature and will not create a proliferation of signage.	YES
Does the proposal screen unsightliness?	There is no unsightliness screened by the proposal.	YES
Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage is at ground level and is attached to the glazed facade of the unit.	YES
5. Site and building Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signage is considered compatible with the character of the industrial estate.	YES
Does the proposal respect important features of the site or building, or both?	The signage will not conceal the appearance of the building within the streetscape.	YES
Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The proposed signage is complimentary to the building and will not dominate the appearance of the building.	YES
6. Associated devices and logos with advertisements and advertising structures Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	There are no safety devices or lighting proposed.	YES
7. Illumination Would illumination result in unacceptable glare, affect safety for pedestrians, vehicles or aircraft, detract from the amenity of any residence or other form of accommodation?	The proposed signage is not illuminated.	N/A
Can the intensity of the illumination be adjusted, if necessary?		N/A
Is the illumination subject to a curfew?		N/A
8. Safety Would the proposal reduce the safety for any public road, pedestrians or bicyclists?	The new signage will not compromise safety within the adjoining public road being Powells Road.	YES
Would the proposal reduce the safety	The proposed signage does not conceal or	YES

for pedestrians, particularly children, by obscuring sightlines from public areas?	obscure sightlines for vehicles or pedestrians entering or leaving the site.	
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Accordingly, the proposed signage is considered to be of a scale and design suitable for the locality. The proposal is therefore deemed to be consistent with the provisions of the SEPP and its underlying objectives.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

Warringah Local Environmental Plan 2011

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

No change is proposed to the existing height of the building or lease area and no subdivision is proposed.

Compliance Assessment

Clause	Compliance with Requirements
4.3 Height of buildings	Yes
5.4 Controls relating to miscellaneous permissible uses	Yes
6.1 Acid sulfate soils	Yes

Clause	Compliance with Requirements
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

Detailed Assessment

5.4 Controls relating to miscellaneous permissible uses

The total gross floor space is 479m². Accordingly, the maximum floor area permitted for an industrial retail outlet is 33% or 158.1m². The proposed gross floor area for the industrial retail outlet (tap room) is 121m² which is approximately 25.3% and therefore less than the maximum floor area requirement and acceptable.

Warringah Development Control Plan

Built Form Controls

No change is proposed to the existing and approved built form. Internal fitout works only are proposed.

Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
B6 Merit Assessment of Side Boundary Setbacks	Yes	Yes
B7 Front Boundary Setbacks	Yes	Yes
B10 Merit assessment of rear boundary setbacks	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	Yes	Yes
C4 Stormwater	Yes	Yes
C5 Erosion and Sedimentation	Yes	Yes
C6 Building over or adjacent to Constructed Council Drainage Easements	Yes	Yes
C8 Demolition and Construction	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes
D6 Access to Sunlight	Yes	Yes
D7 Views	Yes	Yes
D8 Privacy	Yes	Yes
D9 Building Bulk	Yes	Yes
D10 Building Colours and Materials	Yes	Yes
D11 Roofs	Yes	Yes
D12 Glare and Reflection	Yes	Yes
D14 Site Facilities	Yes	Yes
D18 Accessibility	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
D21 Provision and Location of Utility Services	Yes	Yes
D22 Conservation of Energy and Water	Yes	Yes
D23 Signs	Yes	Yes
E1 Preservation of Trees or Bushland Vegetation	Yes	Yes
E2 Prescribed Vegetation	Yes	Yes
E6 Retaining unique environmental features	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect threatened species, populations or ecological communities, or their habitats.

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

The proposal is consistent with the principles of Crime Prevention Through Environmental Design.

POLICY CONTROLS

Warringah Section 94A Development Contribution Plan

As the estimated cost of works is less than \$100,001.00 the policy is not applicable to the assessment of this application.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2000;
- All relevant and draft Environmental Planning Instruments;
- Warringah Local Environment Plan;
- Warringah Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Environmental Effects, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant Development Consent to DA2018/0571 for Use of Premises as a brewery and industrial retail outlet on land at Lot 51 SP 50167, 14 / 54 Wattle Road, BROOKVALE, Lot 52 SP 50167, 14 / 54 Wattle Road, BROOKVALE, Lot 56 SP 50167, 14 / 54 Wattle Road, BROOKVALE, Lot 57 SP 50167, 14 / 54 Wattle Road, BROOKVALE, Lot 58 SP 50167, 14 / 54 Wattle Road, BROOKVALE, Lot 59 SP 50167, 14 / 54 Wattle Road, BROOKVALE, subject to the conditions printed below:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
02/13 - Site/ Analysis Plan	17 November 2017	DeMont Design
03/13 - Floor Plan GF Existing	17 November 2017	DeMont Design
04/13 - Floor Plan GF Proposed	17 November 2017	DeMont Design
05/13 - Floor Plan Mez Existing	17 November 2017	DeMont Design
06/13 - Floor Plan Mez Proposed	17 November 2017	DeMont Design
07/13 - Brewery-Wet Area	17 November 2017	DeMont Design
08/13 - Tap Room Calc	17 November 2017	DeMont Design
10/13 - Elevation Front	17 November 2017	DeMont Design
11/13 - Sections	17 November 2017	DeMont Design

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Impact Assessment	14/3/2018	Acoustic Logic
BCA Assessment Report	27/3/2018	Private Certifiers Australia

Odour Assessment	26/3/2018	The Odour Unit Pty Ltd
Traffic and Parking Assessment Report	19/3/2018	Varga Traffic Planning Pty Ltd
Operational Management Plan	26/6/2018	Seventh Day Brewery
NSW Police - Northern Beaches Area Command Referral Comments	2/07/2018	NSW Police

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

c) The development is to be undertaken generally in accordance with the following:

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans. (DACPLB01)

2. **Limitation of Development Consent for Signage**

Pursuant to the provisions of State Environmental Planning Policy No 64-Advertising and Signage this development consent will expire 15 years after the date on which this Development Consent becomes effective and operates

Reason: Statutory requirement under State Environmental Planning Policy No 64-Advertising and Signage. (DACPLB08)

3. **Prescribed Conditions**

- (a) All building works must be carried out in accordance with the requirements of the Building Code of Australia (BCA).
- (b) BASIX affected development must comply with the schedule of BASIX commitments specified within the submitted BASIX Certificate (demonstrated compliance upon plans/specifications is required prior to the issue of the Construction Certificate);
- (c) A sign must be erected in a prominent position on any site on which building work, subdivision work or demolition work is being carried out:
 - (i) showing the name, address and telephone number of the Principal Certifying Authority for the work, and
 - (ii) showing the name of the principal contractor (if any) for any building work and a telephone number on which that person may be contacted outside working hours, and
 - (iii) stating that unauthorised entry to the work site is prohibited.

Any such sign is to be maintained while the building work, subdivision work or demolition work is being carried out, but must be removed when the work has been completed.
- (d) Residential building work within the meaning of the Home Building Act 1989 must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the following information:
 - (i) in the case of work for which a principal contractor is required to be appointed:

- A. the name and licence number of the principal contractor, and
- B. the name of the insurer by which the work is insured under Part 6 of that Act,
- (ii) in the case of work to be done by an owner-builder:
 - A. the name of the owner-builder, and
 - B. if the owner-builder is required to hold an owner-builder permit under that Act, the number of the owner-builder permit.

If arrangements for doing the residential building work are changed while the work is in progress so that the information notified under becomes out of date, further work must not be carried out unless the Principal Certifying Authority for the development to which the work relates (not being the Council) has given the Council written notice of the updated information.

- (e) Development that involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:
 - (i) protect and support the adjoining premises from possible damage from the excavation, and
 - (ii) where necessary, underpin the adjoining premises to prevent any such damage.
 - (iii) must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.
 - (iv) the owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: Legislative Requirement (DACPLB09)

4. **General Requirements**

- (a) Unless authorised by Council:
Building construction and delivery of material hours are restricted to:
 - 7.00 am to 5.00 pm inclusive Monday to Friday,
 - 8.00 am to 1.00 pm inclusive on Saturday,
 - No work on Sundays and Public Holidays.

Demolition and excavation works are restricted to:

- 8.00 am to 5.00 pm Monday to Friday only.

(Excavation work includes the use of any excavation machinery and the use of jackhammers, rock breakers, excavators, loaders and the like, regardless of whether the activities disturb or alter the natural state of the existing ground stratum or are breaking up/removing materials from the site).

- (b) At all times after the submission the Notice of Commencement to Council, a copy of the

Development Consent and Construction Certificate is to remain onsite at all times until the issue of a final Occupation Certificate. The consent shall be available for perusal of any Authorised Officer.

- (c) Where demolition works have been completed and new construction works have not commenced within 4 weeks of the completion of the demolition works that area affected by the demolition works shall be fully stabilised and the site must be maintained in a safe and clean state until such time as new construction works commence.
- (d) Onsite toilet facilities (being either connected to the sewer or an accredited sewer management facility) for workers are to be provided for construction sites at a rate of 1 per 20 persons.
- (e) Prior to the release of the Construction Certificate, payment of the Long Service Levy is required. This payment can be made at Council or to the Long Services Payments Corporation. Payment is not required where the value of the works is less than \$25,000. The Long Service Levy is calculated on 0.35% of the building and construction work. The levy rate and level in which it applies is subject to legislative change. The applicable fee at the time of payment of the Long Service Levy will apply.
- (f) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (g) No building, demolition, excavation or material of any nature and no hoist, plant and machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (h) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (i) No trees or native shrubs or understorey vegetation on public property (footpaths, roads, reserves, etc.) or on the land to be developed shall be removed or damaged during construction unless specifically approved in this consent including for the erection of any fences, hoardings or other temporary works.
- (j) Prior to the commencement of any development onsite for:
 - i) Building/s that are to be erected
 - ii) Building/s that are situated in the immediate vicinity of a public place and is dangerous to persons or property on or in the public place
 - iii) Building/s that are to be demolished
 - iv) For any work/s that is to be carried out
 - v) For any work/s that is to be demolished

The person responsible for the development site is to erect or install on or around the development area such temporary structures or appliances (wholly within the development site) as are necessary to protect persons or property and to prevent unauthorised access to the site in order for the land or premises to be maintained in a safe or healthy condition. Upon completion of the development, such temporary structures or appliances are to be removed within 7 days.

- (k) Requirements for new swimming pools/spas or existing swimming pools/spas affected by building works.

- (1) Child resistant fencing is to be provided to any swimming pool or lockable cover to any spa containing water and is to be consistent with the following;

Relevant legislative requirements and relevant Australian Standards (including but not limited) to:

- (i) Swimming Pools Act 1992

- (ii) Swimming Pools Amendment Act 2009
- (iii) Swimming Pools Regulation 2008
- (iv) Australian Standard AS1926 Swimming Pool Safety
- (v) Australian Standard AS1926.1 Part 1: Safety barriers for swimming pools
- (vi) Australian Standard AS1926.2 Part 2: Location of safety barriers for swimming pools.
- (2) A 'KEEP WATCH' pool safety and aquatic based emergency sign, issued by Royal Life Saving is to be displayed in a prominent position within the pool/spa area.
- (3) Filter backwash waters shall be conveyed to the Sydney Water sewerage system in sewered areas or managed on-site in unsewered areas in a manner that does not cause pollution, erosion or run off, is separate from the irrigation area for any wastewater system and is separate from any onsite stormwater management system.
- (4) Swimming pools and spas must be registered with the Division of Local Government.

Reason: To ensure that works do not interfere with reasonable amenity expectations of residents and the community. (DACPLB10)

FEES / CHARGES / CONTRIBUTIONS

5. **Security Bond**

A bond (determined from cost of works) of \$1,500 and an inspection fee in accordance with Council's Fees and Charges paid as security to ensure the rectification of any damage that may occur to the Council infrastructure contained within the road reserve adjoining the site as a result of construction or the transportation of materials and equipment to and from the development site.

An inspection fee in accordance with Council adopted fees and charges (at the time of payment) is payable for each kerb inspection as determined by Council (minimum (1) one inspection).

All bonds and fees shall be deposited with Council prior to Construction Certificate or demolition work commencing, details demonstrating payment are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

To process the inspection fee and bond payment a Bond Lodgement Form must be completed with the payments (a copy of the form is attached to this consent and alternatively a copy is located on Council's website at www.northernbeaches.nsw.gov.au).

Reason: To ensure adequate protection of Council's infrastructure.

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

6. **Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by Private Certifiers

Australia Pty Ltd, dated 27/03/2018 (final draft) are to be implemented to the building.

Details demonstrating proposed compliance are to be submitted with the Construction Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.

7. **Waste Management Plan**

A Waste Management Plan must be prepared for this development. The Plan must be in accordance with the Development Control Plan.

Details demonstrating compliance must be provided to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that any demolition and construction waste, including excavated material, is reused, recycled or disposed of in an environmentally friendly manner.

8. **Plans of Kitchen Design, construction and fit out**

Prior to any Construction Certificate (CC) being issued, detailed plans that demonstrate compliance with Standard 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises', must be submitted to and approved by the Certifying Authority. These plans are to be prepared by a suitably qualified person.

The plans must detail adequate provision for storage including separate storage of food, equipment, chemicals and personal belongings.

Reason: To ensure that the Food premise complies with the design construction and fit-out requirements.

9. **Flooding**

In order to protect property and occupants from flood risk the following is required:

Storage of Goods – D1

Hazardous or potentially polluting materials shall not be stored below the Flood Planning Level of 11.31 m AHD unless adequately protected from floodwaters in accordance with industry standards.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To reduce the impact of flooding and flood liability on owners and occupiers of flood-prone property and reduce public and private losses in accordance with Council and NSW Government policy.

10. **Compliance with Standards**

The development is required to be carried out in accordance with all relevant Australian Standards.

Details demonstrating compliance with the relevant Australian Standard are to be submitted to

the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure the development is constructed in accordance with appropriate standards.
(DACPLC02)

CONDITIONS TO BE COMPLIED WITH DURING DEMOLITION AND BUILDING WORK

11. **Waste Management During Development**

The reuse, recycling or disposal of waste during works must be done generally in accordance with the Waste Management Plan for this development.

Details demonstrating compliance must be submitted to the Principal Certifying Authority.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

12. **Fire Safety Upgrade**

The fire upgrading measures and works to upgrade the building as detailed and recommended in the Fire Safety and Building Code of Australia Audit Report prepared by Private Certifiers Australia Pty Ltd, dated 27/03/2018 (final draft) are to be implemented to the building.

Details demonstrating implementation are to be submitted to the Principal Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety. (DACBCF01)

13. **Registration of Food Business**

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority.

14. **Kitchen Design, Construction and Fitout of Food Premises**

The construction fit-out and finishes of the food premises must comply with Standard 3.2.2 and 3.2.3 of the Australian and New Zealand Food Standards Code, the Food Act 2003 and Australian Standard AS 4674 'Design, construction and fit out of food premises'. Prior to any Occupation Certificate (OC) being issued certification is to be provided by a suitably qualified person that the fit-out complies with the above requirement.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC1)

15. **Operational Management Plan**

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from the operator that the requirements of the Operational Management Plan have been implemented and are compliant.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure the premises are maintained in an appropriate manner in perpetuity.
(DACHPFPOC7)

16. Kitchen Design, construction and fit out of food premises certification

Prior to the issuing of any interim / final occupation certificate, certification is to be provided from a person who is eligible as a 'Member' of Environmental Health Australia (EHA) that the design, construction and fit out of food premises kitchen is compliant with the requirements of AS 4674 Design, construction and fit out of food premises.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority.

Reason: To ensure that the kitchen complies with the design requirements. (DACHPFPOC3)

17. Operational Management Plan

Prior to the issue of an Occupation Certificate (interim or final), the Operational Management Plan (OMP) approved by this consent must be amended and submitted to Council for approval which ensures that residential amenity is maintained and, as a minimum, addresses the following:

- Smoking - A specified smoking area needs to be identified for patrons and then outlined in the OMP. It must specify that no alcohol is permitted in the smoking area. Details outlining the management and monitoring of waste associated with smokers and smoking areas is to be included.
- Lighting - Lighting to illuminate the entry and exit to and from the premises.
- Crime scene prevention procedures to be outlined

The Plan shall be reviewed annually and submitted to Council.

Reason: To ensure compliance with NSW Police requirements (DACHPFPOC6)

18. Removal of All Temporary Structures/Material and Construction Rubbish

Once construction has been completed all silt and sediment fences, silt, rubbish, building debris, straw bales and temporary fences are to be removed from the site.

Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any interim / final Occupation Certificate.

Reason: To ensure bushland management. (DACPLF01)

19. Waste Management Confirmation

Prior to the issue of a Final Occupation Certificate, evidence / documentation must be submitted to the Principal Certifying Authority that all waste material from the development site arising from demolition and/or construction works has been appropriately recycled, reused or disposed of generally in accordance with the approved Waste Management Plan.

Reason: To ensure demolition and construction waste is recycled or reused and to limit landfill.

20. Fire Safety Matters

At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and Fire and Rescue NSW.

Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate.

Each year the Owners must send to the Council and Fire and Rescue NSW, an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.

Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000. (DACPLF07)

21. Registration of Food Premises

The food business must be registered with the Appropriate Regulatory Authority, prior to Occupation Certificate being issued.

Reason: Food premises are required to be registered with the Appropriate Regulatory Authority. (DACPLFPOC1)

22. Installation of CCTV

The front entry and facade of the premises must have a CCTV system installed which provides monitoring of the front of the brewery premises and the adjacent carpark area and maintained in accordance with the following:

1. The licensee must maintain a closed-circuit television (CCTV) system on the premises in accordance with the following requirements:
 - a. The system must record continuously from opening time until one hour after t
 - b. Recordings must be in a digital format and at a minimum of 15 frames per se
 - c. Any recorded image must specify the time and date of the recorded image.
 - d. The systems cameras must cover the following areas:
 - (i) All entry and exit points on the premises - must have facial recognit
 - (ii) The carpark area immediately adjacent to the premises, and
 - (iii) All publicly accessible areas (other than toilets) on the premises.
2. The licensee must also:
 - a. Keep all recordings made by the CCTV system for a minimum of 30 days.
 - b. Ensure that the CCTV system is accessible at all times the system is require
 - c. Provide any recordings made by the system to a police officer or Liquor and C
3. The CCTV cameras must not be obstructed by fixtures, furniture, movable signs etc. C

Detail demonstrating compliance are to be provided to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

Reason: To ensure adequate safety and surveillance is provided to the premises.

(DACPLFPOC2)

23. **Hours of Operation**

The hours of operation are to be restricted to:

Brewery (Industrial premises)

- Monday to Sunday—8.00am - 5.00pm

Taproom (Industrial retail outlet)

- Monday to Wednesday – 11.00am -10.00pm
- Thursday to Saturday – 11.00am - 12 midnight
- Sunday – 11.00am - 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: Information to ensure that amenity of the surrounding locality is maintained.
(DACPLG08)

24. **No Illumination**

No consent is given or implied for any form of illumination or floodlighting to any sign or building or other external areas other than that approved.

Reason: To ensure appropriate forms of illumination that are consistent with Council's controls, and do not interfere with amenity of nearby properties. (DACPLG13)

25. **Commercial Waste Collection (DACPLG18)**

Waste and recyclable material, generated by this premises, must not be collected between the hours of 10pm and 6am on any day.

Reason: To protect the acoustic amenity of surrounding properties.(DACPLG18)

26. **Loading and Unloading**

All loading and unloading of vehicles and the delivery of goods must be carried out wholly within the site.

Reason: To ensure that deliveries can occur safely within the site and does not adversely affect traffic or pedestrian safety and amenity. (DACPLG20)

27. **Storage and Collection of Waste**

Waste must be stored on site in appropriate bins in a manner that does not cause pollution or create risks and be adequately serviced.

Reason: prevent pollution and protect health and amenity (DACPLGOG2)

28. **Noise Impact on Surrounding Areas**

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined by the Environmental Protection Authority's NSW Industrial Noise Policy and any other appropriate legislation.

Reason: To ensure noise created from the property does not create offensive noise to adjoining

and surrounding properties.

29. **No Outdoor Seating**

No consent is given or implied for the use of any area outside of the premises (including within the adjoining carpark) for outdoor seating or the consumption of any alcohol

Reason: To ensure compliance with this consent

30. **Maximum Patron Numbers**

The maximum total number of patrons permitted within the premises at any one time is seventy (70) persons.

Reason: To ensure safety and amenity of the premises is maintained.

31. **Minors on the Premises**

Minors on the premise must be under the direct supervision of a responsible adult at all times.

Reason: To ensure safety and security of patrons.

32. **No Live or Amplified Music after 10pm**

All live and amplified music must cease by 10pm on any night.

Reason: To ensure the amenity of the surrounding area is protected.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed




Renee Ezzy, Principal Planner

The application is determined under the delegated authority of:




Anna Williams, Manager Development Assessments

ATTACHMENT A



















Notification Plan	Title	Date
 2018/232754	Plan - Notification	11/04/2018

ATTACHMENT B

Notification Document	Title	Date
 2018/259646	Notification Map	27/04/2018

ATTACHMENT C

Reference Number	Document	Date
 2018/232768	Report - Acoustic	20/03/2018
 2018/232781	Report - Traffic	20/03/2018
 2018/231999	Notes - Pre-lodgement Meeting Advice	26/03/2018
 2018/232823	Plans - Master Set	28/03/2018
 2018/232774	Report - Odour	28/03/2018
 2018/232770	Report - BCA and Access	28/03/2018
 2018/232772	Report - Fire Safety Statement	28/03/2018
 2018/232798	Report - Waste Management	28/03/2018
 2018/232817	Report - Water & Electrical Requirement	28/03/2018
 2018/232813	Report - Wastewater Treatment	28/03/2018
 2018/232780	Report - Operational Management of Plan	28/03/2018
 2018/231998	DA Quote Estimate	11/04/2018
 2018/231993	Lease - NSW Real Estate	11/04/2018
 2018/232758	Report - Statement of Environmental Effects	11/04/2018
 2018/232754	Plan - Notification	11/04/2018
 DA2018/0571	14/54 Wattle Road BROOKVALE NSW 2100 - Development Application - Change of Use	11/04/2018
 2018/229820	DA Acknowledgement Letter - Mike Beresford Jones	11/04/2018
 2018/231689	Development Application Form	12/04/2018
 2018/231696	Applicant Details	12/04/2018
 2018/231996	Confirmation of Lease Details	12/04/2018
 2018/258709	Environmental Health (Industrial) - Assessment Referral - DA2018/0571 - 14 / 54 Wattle Road BROOKVALE NSW 2100	26/04/2018
 2018/259211	Building Assessment - Fire and Disability upgrades - Assessment Referral - DA2018/0571 - 14 / 54 Wattle Road BROOKVALE NSW 2100 - PR	26/04/2018
 2018/259620	ARP Notification Map	27/04/2018
 2018/259635	DA Acknowledgement Letter (not integrated) - Mike Beresford Jones	27/04/2018
 2018/259646	Notification Map	27/04/2018
 2018/259739	Notification Letter - 443	27/04/2018
 2018/273836	Environmental Health Referral Response - industrial use	03/05/2018

	2018/280131	Building Assessment Referral Response	07/05/2018
	2018/281243	Request for Further Information - DA2018/0571	08/05/2018
	2018/290471	Engineering Referral Response	12/05/2018
	2018/293163	Natural Environment Referral Response - Flood	14/05/2018
	2018/309222	Follow up enquiry on behalf of SP 38006 - Notice of Proposed Development DA2018/0571 - 14/54 Wattle Road Brookvale	21/05/2018
	2018/313436	RE: SP 38006 - Notice of Proposed Development No DA2018/0571	21/05/2018
	2018/360232	Re: DA2018/0571 - Additional details and follow up from site meeting.	04/06/2018
	2018/348882	Follow Up - Request for Comments - DA2018/0571 - 14/54 Wattle Road BROOKVALE NSW 2100	07/06/2018
	2018/360221	DA2018/0571 -Common Seal and Minutes of EGMHi Renee,	08/06/2018
	2018/360639	Traffic Engineer Referral Response	12/06/2018
	2018/373104	Traffic Engineer Referral Response	12/06/2018
	2018/360242	7th Day Brewery Operational Management Plan	14/06/2018
	2018/375817	NSW Police LAC request for comments: DA2018/0571 - 14/54 Wattle Road, Brookvale: Application for a micro brewery	20/06/2018
	2018/375810	Strategic Urban Design Referral comments	20/06/2018
	2018/388161	Environmental Health (Food Premises, Skin Pen.) - Assessment Referral - DA2018/0571 - 14 / 54 Wattle Road BROOKVALE NSW 2100	25/06/2018
	2018/390540	Dated Operational Management Plan - Google Docs	26/06/2018
	2018/407037	NSW Police Referral Response - 7th Day Brewery [SEC=UNCLASSIFIED]	02/07/2018
	2018/407039	NSW Police comments - 7th Day Brewery	04/07/2018