

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2021/1375
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<b>Responsible Officer:</b>	Catriona Shirley
<b>Land to be developed (Address):</b>	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
<b>Proposed Development:</b>	Use of premises as an artisan food and drink industry with outdoor seating, increased patron numbers and hours of operation for the outdoor seating area.
<b>Zoning:</b>	Warringah LEP2011 - Land zoned IN1 General Industrial
<b>Development Permissible:</b>	Yes
<b>Existing Use Rights:</b>	No
<b>Consent Authority:</b>	Northern Beaches Council
<b>Land and Environment Court Action:</b>	No
<b>Owner:</b>	Powells 15 Pty Limited
<b>Applicant:</b>	Michael Robert Beresford-Jones

<b>Application Lodged:</b>	12/08/2021
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	20/08/2021 to 03/09/2021
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 0.00
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### PROPOSED DEVELOPMENT IN DETAIL

The proposed development seeks consent for the use of the existing carpark area as outdoor seating area to service the industrial retail outlet (taproom) for brewery tastings, increase in the number of patrons and amendment to the existing parking arrangement.

The original proposal sort approval for a outdoor seating area of approximately 74sqm, an increase of patrons from 70 patrons to maximum of 150 patrons (100 patrons inside and 50 patrons in the outside area) and an amended parking arrangement. However, after a planning assessment and referral responses from the NSW Police it was determined that the site is constrained and limited in its ability to accommodate such substantial intensification of use via an outdoor taproom area for 70 patrons, with insufficient parking arrangements.

As a result, an amended design was received by Council that demonstrated a more modest and conservative approach. The amended proposal demonstrates a more suitable and appropriate form and scale of development to accommodate the intended use of the site.

Therefore, the amended proposal utilised in the assessment report below includes the following:

- Utilisation of the existing car parking area to provide an outdoor seating area 28sqm in size.
- Amendment to the parking arrangement to provide 7 spaces allocated to 7th Day (including a disabled and "ride share" parking space) plus the utilisation of 12 car parking spaces for after hours use from neighbouring tenancies Harbord Beach Service Station and Aluxor. Therefore, the total parking numbers on site for the afterhours operations is 19 car parking spaces.
- Increase in the maximum number of patrons to one hundred (100) patrons at any one time.

The application also includes the following hours of operation:

**Brewery**

8am - 5pm (Monday to Sunday) - No Change

**Taproom**

11am - 12midnight (Monday to Saturday) - No Change

11am - 10pm (Sunday) - No Change

**Outdoor Seating Area**

5pm - Midnight (Friday)

12pm - Midnight (Saturday)

12pm - 10pm (Sunday)

The application also includes a new definition of '*artisan food and drink industry*' to provide greater clarity and reflect the true nature of the use for the artisan and craft food and drink industry. See further explanation in part Zone IN1 General Industrial of the assessment report below.

No signage is included as part of the application.

The changes to the hours of operation and patronage numbers also necessitated the preparation of supporting documentation including an amended Plan of Management and Acoustic Report and Traffic Report which were submitted as part of the application.

## **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 - Zone IN1 General Industrial

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

Warringah Development Control Plan - C3 Parking Facilities

Warringah Development Control Plan - D3 Noise

## SITE DESCRIPTION

<b>Property Description:</b>	<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>
<b>Detailed Site Description:</b>	<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 containing 45 tenancies, the subject application is within Unit 14.</p>

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

A search of Council's records has revealed the following relevant history:

- Development Application **DA2019/0963** for the temporary use of premises for fundraising event was approved by Council on the 17/10/2019.
- Development Application **DA2018/0571** for the use of a premises as a brewery and industrial retail outlet was approved by Council on the 17/07/2018.

A Pre-lodgement Meeting **PLM2020/0119** was held on 23/06/2020 for the Modification of consent DA2019/0963 to increase patron numbers and include additional outdoor tables. The meeting notes conclude that a new Development Application should be lodged, and specific amendments to the proposal, including Noise, Parking and BCA Assessments will need to be undertaken to ensure the proposal complies with appropriate planning controls. It was advised in order for Council support approval from the NSW Licensing Police will also be required.

### 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	<p>Draft State Environmental Planning Policy (Remediation of Land) seeks to replace the existing SEPP No. 55 (Remediation of Land). Public consultation on the draft policy was completed on 13 April 2018. The subject site has been used for residential purposes for an extended period of time. The ground floor (the subject of this proposal), has been used for brewery and taproom purposes.</p> <p>The development occurs at the ground level and does not require any works to be conducted which would otherwise disturb the existing concrete pad of the car park.</p> <p>Council's Environmental Health Officer has reviewed the report and does not raise any objection to the proposal nor impose any conditions.</p> <p>In this regard it is considered that the site poses no risk of contamination.</p>
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)	<p><u>Division 8A</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clauses 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. No additional information was requested in this case.</p> <p><u>Clause 92</u> of the EP&amp;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&amp;A Regulation 2000 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter has been addressed via a condition of consent.</p> <p><u>Clause 98</u> of the EP&amp;A Regulation 2000 requires the consent</p>



Section 4.15 Matters for Consideration	Comments
	authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.
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) <b>Environmental Impact</b> 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) <b>Social Impact</b> The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) <b>Economic Impact</b> 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 site for the development	The site is considered suitable for the proposed 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.

There is no change to the previously approved capacity within application DA2018/0571 that demonstrated that approximately 150,000 litres of alcoholic products would be brewed annually and approximately 410 litres per day. This continues to be 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:**

The proposed development is making no change to the previously approved brewing capacity. Therefore, the application is not expected to give rise to any additional adverse odour impacts to the neighbouring dwellings or result in odour impacts that are likely 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 traffic generating demand of the utilisation of a outdoor seating area as part of the taproom tastings. It is important to note that the traffic report is based on an increase in the maximum patrons to 130. The proposal has been amended to include maximum patronage of 100 persons at any one time.

The outdoor seating area is anticipated to result in peak patronage levels after hours on Friday, Saturday and Sunday evenings with the arrival and departure of patrons to be dispersed over the period of several hours. The proposal will provide a specified car space for ride share, and the use of neighbouring tenancies Harbord Beach Service Station and Aluxor car parking spaces after hours.

It is likely that the additional number patrons (30 patrons) would be expected to commute via public transport/taxis or by any other forms of transport.

In summary, the proposed change of use of the car parking area and increase in patronage is not expected to have any unacceptable parking and traffic implications.

**Waste:**

There is no change to the previously approved Waste Management Plan prepared by 7th Day Brewery Pty. Ltd which outlined 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 continue to be removed by 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 previously approved wastewater treatment plan will continue as part of this proposal.

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

#### BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

#### NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited from 20/08/2021 to 03/09/2021 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the Community Participation Plan.

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

#### REFERRALS

Internal Referral Body	Comments
Environmental Health (Contaminated Lands)	<p>This proposal is for an outdoor seating area, increased patronage and hours of operation of an existing approved use.</p> <p>There are no issues in relation to contamination/previous site use.</p> <p>The proposal is supported with no additional conditions to be applied.</p>
Environmental Health (Industrial)	<p>In summary the proposal is to increase hours and patron numbers (70 to 100)</p> <p><b>Hours of Operation</b> The original development consent approved the following hours of operation: <u>Brewery (Industrial Premises)</u> • Monday to Sunday – 8am – 5pm</p> <p><u>Taproom (Industrial retail outlet)</u> • Monday to Wednesday – 11.00am – 10.00pm • Thursday to Saturday – 11.00am – 12 midnight • Sunday – 11.00am – 10.00pm</p> <p>It is proposed to extend these to also permit outdoor seating as detailed below.</p> <p><u>Outdoor seating</u> • Friday 5pm – midnight</p>



Internal Referral Body	Comments
	<ul style="list-style-type: none"> <li>• Saturday – 12.00 noon- midnight</li> <li>• Sunday – 12.00 noon – 10.00pm</li> </ul> <p>As the premises are located in an industrial area, with all building openings facing away from the adjacent residential area, noise is not expected to be an issue where the business is properly managed.</p> <p>All music is to be within the building and not in the outdoor seating area.</p> <p>The acoustic assessment by Acoustic Logic 21/8/20 was previously assessed on up to 150 patrons and is considered suitably current considering all circumstances, providing all recommendations are carried out.</p> <p>There is a vehicular entrance (tunnel) from the site to the nearest residential area. Should issues develop in future gates could be potentially be provided to restrict pedestrian access.</p> <p>On this basis no objections are raised and the application is supported.</p>
Environmental Health (Food Premises, Skin Pen.)	<p>This referral deals with preparation and/or sale of food on premises and suitability of premises including sanitary facilities.</p> <p>NB. Noise and other requirements are dealt with the "industrial" referral to Environmental Health.</p> <p><u>Sanitary Facilities:</u> The SEE advises that there will be an increase from 70 to 150 patrons but with respect to sanitary facilities only advises that there "<i>will be directional signage from the external area to the toilets</i>".</p> <p>The Management Plan however states:</p> <p><u>Toilet Facilities</u></p> <p><i>Based on BCA 2.3 class 6, restaurants, cafes, bars, 70 patrons per toilet, at a ratio of about 1/50 male and 1 / 50 female. There are 2 female pans, one male pan and two urinal toilets at the rear and one unisex toilet at the front of 7th Day. As such we believe 7th Day would be fully compliant with BCA requirements for the proposed number of 200.</i></p> <p>However the approved plans for the brewery as per DA2018/0571 show:</p> <ul style="list-style-type: none"> <li>• Ground floor : 1 U/Sex Toilet- no urinals</li> <li>• Mezzanine : 4 U/Sex Toilets</li> </ul> <p>The plan accompanying this proposal do not show the provision of</p>

Internal Referral Body	Comments
	<p>additional toilets to comply with the BCA for 150 patrons plus staff.</p> <p>Sanitary facilities can be provided in a range of combinations/sharing, however there is a requirement for 3 Female toilets, 1 Male toilet and 2 urinals.</p> <p>The provision of adequate sanitary facilities needs to be clarified by the applicant potentially with amended plans in view of increased patronage.</p> <p><b>Update Response 28/9/2021</b></p> <p><u>Toilet Facilities</u> Amended plans showing adequate sanitary facilities have been submitted to Council. As a result, there are no objections to the proposal.</p> <p><u>Food</u> The consent will by its nature allow food to be prepared/stored and sold on site. The applicant is proposing for all food to be sourced off site at this time.</p> <p>Our recommendation is that any areas on the premises used for food-preparation/handling; food storage; delivery of food for sale must comply with Food Standards and Food Premises fit-out standards.</p> <p>As a result, there are no objections to the proposal.</p>
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development generally complies with the flood requirements of the LEP and DCP.
Traffic Engineer	<p><u>Amended comments on amended plans and operational plan - 21/12/21</u></p> <p>The amended proposal has reduced the area of the proposed outdoor seating area to 28sqm and has reduced their proposed peak patronage level from 150 to 100 persons. These changes have reduced the parking demands expected to be generated by the expanded operations.</p> <p>It is also noted that the proposed increase in patrons is only sought for Friday evenings and on weekends when parking demands in the surrounding Industrial area will be reduced.</p> <p>The amended parking layout reveals non-conformities that are required to be addressed.</p> <p>The disabled parking space is not sized or marked as per the requirements of AS2890.6. In addition the ride share space is poorly</p>

Internal Referral Body	Comments
	<p>sited where drivers would need to manoeuvre into the adjacent "buffer zone" in order to enter or exit from the space in a forwards direction. The dedicated ride share space is to be relocated (to space 8) and the current ride share space reallocated as a hatched shared zone adjacent to the disabled parking space.</p> <p>These changes would bring the total parking numbers on site for afterhours operations to 19 car spaces (7 spaces allocated to 7th Day, plus 12 spaces from Harbord Beach Service Station and Aluxor permitting after hours use).</p> <p>Subject to the above amendments being undertaken the parking supply is considered to be acceptable given the reduced size of the outdoor seating area and reduced maximum patron numbers.</p> <p>The Transport Network team supports the proposal subject</p> <p><u>Initial Traffic comments - 12/10/21</u></p> <p>The proposal is for the extension of the liquor licensed area into the car parking area from 4pm on Friday through the closing time on Sunday.</p> <p>The proposal includes increasing the maximum capacity to 150 patrons while 6 parking spaces are to be removed due to the expansion of the licensed area.</p> <p>The proposed gross floor areas are measured as below:</p> <ul style="list-style-type: none"> <li>• The total gross floor space is 479m<sup>2</sup>.</li> <li>• The proposed gross floor area for the industrial retail outlet (tap room) is 121m<sup>2</sup> for the indoor area</li> <li>• The proposed gross floor area for the industrial retail outlet (tap room) is 73.9m<sup>2</sup> for the outdoor area</li> </ul> <p>It is noted that the existing use was approved for a brewery, 121 m<sup>2</sup> of tasting room, and a maximum capacity of 70 patrons, while 15 parking spaces were allocated to the use.</p> <p>Reviewing the proposal, the following concerns are raised:  <b>Parking provision:</b> Following the receipt of several Artisan Food and Drink proposals, particularly in the Brookvale industrial area, Council's Transport team has been adopting the following parking rate for liquor licensed areas as a consistent approach:</p> <p><i>"For premises greater than 120m<sup>2</sup> GFA (liquor licensed area) the requirement is for 15 parking spaces for every 100m<sup>2</sup> of the licenced area"</i></p> <p>This equates to the proposed licensed area being required to provide</p>

Internal Referral Body	Comments
	<p>30 parking spaces.</p> <p>Given the location of the proposed use within an industrial complex, any parking shortfall in allocated parking spaces shall be accommodated within the industrial complex. The applicant is required to obtain and submit to Council a written agreement from adjacent business premises within the industrial complex for the ongoing exclusive use of parking spaces during the proposed extended period. The agreement shall be submitted to Council for consideration.</p> <p>If the above cannot be obtained an alternative option will be to reduce the approved patronage numbers.</p> <p>Proposed parking layout: the proposed parking layout is not supported due to the following:</p> <ul style="list-style-type: none"> <li>• Disabled parking space: The provision of a mobile disabled parking space is not supported. The disabled parking space must be linemarked and signposted in compliance with Australian Standards AS2890.1:2004 to ensure it is accessible, appropriately sized and always available for use. In addition, installation of a bollard within the shared area as required by AS2890.1:2004 is also considered necessary.</li> <li>• Parking space No.1 located adjacent to the temporary fencing raises a safety concern. The space also appears to be non-compliant with Australian Standards due to being very close to the fence/bollards and therefore of inadequate width.</li> <li>• A minimum of one parking space is to be allocated as an Uber/Ride Share pick-up/drop off space.</li> <li>• The applicant shall provide a dimensioned plan demonstrating a detailed car parking area that includes all parking spaces linemarked and signposted in accordance with Australian Standards. The plan shall clearly denote the parking spaces which will not be in use during the proposed extension to the licensed area. This should include a safe buffer between the car parking/manoeuvring area and the seating area as well as the provision of appropriate separation fencing.</li> </ul> <p>Given that the proposal is for changes outside of the peak traffic period, when traffic volumes in the industrial area are low, the traffic generated is not considered to have unreasonable adverse impact on the road network.</p> <p>In view of the above, further information addressing the concerns above is required.</p> <p>As a result, the transport team does not support the proposal.</p>

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. A response was received on the 24 August 2021 that stated there are no objections and no conditions recommended.
NSW Police – Crime Prevention Office (Local Command matters)	<p>As the proposed development will result in a new licenced areas on the premises, the application was referred to the NSW Police for comment in accordance with Council's referral procedure.</p> <p>The NSW police provided an initial response which raised serious concern with the proposal. The full details of the NSW police response is available as an attachment to this report.</p> <p>The NSW Police initial concerns were regarding:</p> <ul style="list-style-type: none"> <li>• Patron numbers</li> <li>• Access and safety</li> <li>• Children being unsupervised</li> <li>• Location to the car parking and loading area</li> <li>• Fencing and bollards</li> <li>• Security</li> </ul> <p>In response the initial NSW Police submission and planning assessment, the applicant submitted amended plans and an amended plan of management (POM) addressing many of these initial concerns. The amended proposal was referred back to NSW Police for further comment. NSW Police responded that they were satisfied with the amendments and supportive of the application subject to an additional conditions to ensure area outside has conditioned maximum number of 30 patrons outside any one time, and the patrons are to be seated.</p> <p>Conditions addressing each of these concerns have been provided within this assessment.</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 commercial purposes for a significant period of time with no prior land uses. The ground floor (the subject of this proposal, has been used for brewery and taproom purposes).

The development occurs at the ground level (within the existing car park) and does not require any works to be conducted at ground level which would otherwise disturb the existing concrete pad.

Council's Environmental Health Officer has reviewed the report and does not raise any objection to the proposal nor impose any conditions.

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 mixed land use.

### **SEPP (Infrastructure) 2007**

The proposal was referred to Ausgrid. A response was received on the 24 August 2021 that stated there are no objections and no conditions 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 the 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
6.2 Earthworks	Yes
6.3 Flood planning	Yes
6.4 Development on sloping land	Yes

### Detailed Assessment

### **Zone IN1 General Industrial**

In 2018 the NSW Department of Planning and Environment exhibited five strategic amendments to



retail land uses from 3 April 2018 to 18 May 2018.

The proposed definition amendments included a new definition of '*artisan food and drink industry*' to provide greater clarity and reflect the true nature of the use for the artisan and craft food and drink industry.

The Warringah Local Environment Plan 2011 was amended to reflect the additional definition of '*artisan food and drink industry*' on 27 July 2018.

Development Application DA2018/0571 for the site was approved by Council on the 18 July 2018 prior to the incorporation of the '*artisan food and drink industry*' definition.

Accordingly, the approved use of the tenancy was granted for a '*general industrial premises*' (brewery) and '*industrial retail outlet*' (taproom) rather than the more current and appropriate definition of a '*artisan food and drink industry*'.

As a result, this proposal also includes a change in the definition of the use to reflect the more appropriate '*artisan food and drink industry*' definition.

#### 5.4 Controls relating to miscellaneous permissible uses

The total gross floor space is 479m<sup>2</sup>. Accordingly, the maximum floor area permitted for retail sales (taproom) is 33% or 158.1m<sup>2</sup>. The proposed gross floor area for the artisan retail outlet (tap room) is 149sqm (121sqm indoor area + 28sqm outdoor area) which is approximately 31.1% 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.

#### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C3 Parking Facilities	No	Yes
C4 Stormwater	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
D12 Glare and Reflection	Yes	Yes
D18 Accessibility and Adaptability	Yes	Yes

Clause	Compliance with Requirements	Consistency Aims/Objectives
D20 Safety and Security	Yes	Yes
E10 Landslip Risk	Yes	Yes
E11 Flood Prone Land	Yes	Yes

### Detailed Assessment

#### **C3 Parking Facilities**

Development for the purpose of an artisan food and drinks industry does not have a specific parking requirement under the provisions of WDCP 2011.

Following the receipt of several Artisan Food and Drink proposals, particularly in the Brookvale industrial area, Council's Transport team has been adopting the following parking rate for liquor licensed areas as a consistent approach:

*"For premises greater than 120m<sup>2</sup> GFA (liquor licensed area) the requirement is for 15 parking spaces for every 100m<sup>2</sup> of the licensed area"*

*(Fact sheet FS3149: Special licensing option for micro-breweries & small distilleries Liquor & Gaming NSW)*

This equates to the proposed licensed area of the tenancy being required to provide 23 car parking spaces.

The proposal includes increasing the maximum capacity from 70 patrons to 100 patrons, and extension of the liquor licensed area into the car parking area from Friday 5pm till 12 midnight, Saturday from midday till midnight and Sunday from midday till 10pm. Four (4) parking spaces will be unavailable during these designated times to accommodate the outside seating licensed area.

The application is accompanied by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd which references 200 patrons with a larger outdoor area. However, it is acknowledged that the maximum patrons onsite at any one time will be 100 patrons not 200 patrons, with the outdoor area to be only 28sqm, meaning the impacts identified in the Traffic Report will be effectively be lower.

The applicant has obtained and submitted to Council written agreement from adjacent business premises within the industrial complex (Harbord Beach Service Station and Aluxor) for the ongoing exclusive use of parking spaces during the proposed extended period. Therefore, an additional 12 car parking spaces will be available for after hours use.

The proposal will therefore provide a total of 19 parking spaces on site (7 spaces allocated to 7th Day Brewery, plus the 12 spaces permitting after hours use from Harbord Beach Service Station and Aluxor) corresponding with the proposed afterhours operations of the outdoor seating area. Meaning, the proposal is deficient by 4 car parking spaces.

The reduced the area of the proposed outdoor seating to 28sqm and reduction in patronage to 100 persons have reduced the parking demands expected to be generated by the expanded operations. Also as the venue is licenced, most clientele do not drive to the location. Those that do, tend to ride share. The proposal includes a ride share car space in order to promote the use of car ride share companies such as Uber. The site is also located with immediate proximity to Pittwater Road and a high frequency public transport bus routes that provide access to Palm Beach, Chatswood and the

City.

The use of the outdoor area is only sought for Friday evenings and on weekends when parking demands in the surrounding Industrial area will be reduced. Given that the proposal is for changes outside of the peak traffic period, when traffic volumes in the industrial area are low, the traffic generated is not considered to have adverse impact on the road network.

Council's Traffic Engineers have reviewed the details of the proposed development with regards to off street parking and traffic generation. Based on the details provided with the application, Council's Traffic Engineers are satisfied that the development will not have an adverse impact based on the proposed use, hours of operation and operational details of the development. Full comments can be found earlier within this report from Council's traffic team.

Whilst there is a deficiency in parking onsite the development will remain consistent with the objectives of this control, as follows:

- *To provide adequate off street car parking.*

Comment:

The proposed development provides adequate off-street parking to accommodate the intensification of use. The patronage and operational hours for the outdoor area means that there will be sufficient on-street parking spaces available within the surrounding area during the hours of operation.

Furthermore, the applicant has also obtained a consent from the adjoining sites to use 12 parking spaces of this lot's car parking area for patron use.

Ample on-street parking is also available in the vicinity of the site, with high clearance rates during the peak times proposed.

- *To site and design parking facilities (including garages) to have minimal visual impact on the street frontage or other public place.*

Comment:

Not applicable - The proposal does not involve any changes to the siting and design of parking facilities.

- *To ensure that parking facilities (including garages) are designed so as not to dominate the street frontage or other public spaces.*

Comment:

Not applicable - The modification does not involve any changes to the design of parking facilities.

Based on the above, the proposed development is consistent with the outcomes of the control, subject to recommended conditions.

### **D3 Noise**

An acoustic report has been submitted with the development application.

The Acoustic Report prepared by Acoustic Logic dated 21 August 2020, references a 150 patrons (70 patrons indoors and 80 patrons outdoors) with a larger outdoor area. However, the maximum patrons

onsite at any one time will be 100 patrons, with the outdoor area to be 28sqm.

Council's environmental health officer has reviewed the submitted acoustic report and is satisfied the development will not have an unreasonable impact with regard to noise. Furthermore, no submissions were received regarding the proposed outdoor use of the carpark area.

### **Hours of Operation**

The proposed hours of operation include the use of the outdoor area from 5pm Friday 5pm - Midnight (Friday), 12pm - Midnight (Saturday) and 12pm - 10pm (Sunday). The outdoor area will not be utilised from a Monday to Thursday. There is no change to the previously approved hours of operation for the indoor taproom area.

The hours proposed for the outdoor seating area are consistent with the hours of operation for similar developments within the vicinity.

### **Acoustic Report**

The Acoustic Report prepared by Acoustic Logic has provided a 'worst case scenario' assessment, based on higher patron numbers, 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.

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 on site management are considered to adequately address potential noise concerns from the proposed development.

### **Operational Management Plan (OMP) for the Outdoor Seating Area**

The OMP has incorporated the recommendations provided in the Acoustic Report in relation to management of noise from the premises.

The OMP for the proposed development has provided adequate mechanisms for the physical and strategic management of the outdoor area subject to additional conditions requiring this area to be for a maximum of 30 patrons and the patrons must be seated.

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.

### **THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES**

The proposal will not significantly affect 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**

## **Northern Beaches Section 7.12 Contributions Plan 2021**

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 DA2021/1375 for Use of premises as an artisan food and drink industry with outdoor seating, increased patron numbers and hours of operation for the outdoor seating area. 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

<b>Architectural Plans - Endorsed with Council's stamp</b>		
<b>Drawing No.</b>	<b>Dated</b>	<b>Prepared By</b>
Site Plan	14/12/2021	Unauthored
Floor Plan Mez Proposed	27/3/2018	Demont Designs

<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>
Acoustic Report	31/8/2020	Acoustic Logic
Traffic Report	30/3/2020	Varga Traffic Planning Pty Ltd
BCA Assessment Report	27/3/2018	Private Certifiers Australia

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

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.

2. **Approved Land Use**

Nothing in this consent shall authorise the use of tenancies as detailed on the approved plans for any land use of the site beyond the definition of a artisan food and drink industry.

A artisan food and drink industry is defined as:

"artisan food and drink industry means a building or place the principal purpose of which is the making or manufacture of boutique, artisan or craft food or drink products only."

The premises includes the following—

- (a) a retail area for the sale of the products,
- (b) facilities for holding tastings, tours or workshops.

(development is defined by the Warringah Local Environment Plan 2011 (as amended) Dictionary)

Any variation to the approved land use and/occupancy of any unit beyond the scope of the above definition will require the submission to Council of a new development application.

Reason: To ensure compliance with the terms of this consent.

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.

#### 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) Should any asbestos be uncovered on site, its demolition and removal must be carried out in accordance with WorkCover requirements and the relevant Australian Standards.
- (c) 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.
- (d) 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.
- (e) 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.
- (f) 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.
- (g) The applicant shall bear the cost of all works associated with the development that occurs on Council's property.
- (h) No skip bins, building materials, demolition or excavation waste of any nature, and no hoist, plant or machinery (crane, concrete pump or lift) shall be placed on Council's footpaths, roadways, parks or grass verges without Council Approval.
- (i) Demolition materials and builders' wastes are to be removed to approved waste/recycling centres.
- (j) 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.
- (k) 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.

- (l) A "Road Opening Permit" must be obtained from Council, and all appropriate charges paid, prior to commencement of any work on Council property. The owner/applicant shall be responsible for all public utilities and services in the area of the work, shall notify all relevant Authorities, and bear all costs associated with any repairs and/or adjustments as those Authorities may deem necessary.
- (m) The works must comply with the relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice.

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

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

### 5. **Vehicle Access & Parking**

All internal driveways, vehicle turning areas and vehicle parking space/ loading bay dimensions must be designed and constructed to comply with the relevant section of AS 2890 (Off-street Parking standards).

With respect to this, the following revision(s) must be undertaken;

- The proposed rideshare spot shall be relocated to the parking denoted as space 8 on the site plan issued 12 December 2021.
- The space currently denoted as the rideshare spot should be reallocated as a hatched shared zone area adjacent to the disabled space in compliance with AS2890.6

Plans prepared by a suitably qualified Engineer shall be submitted to the Council for endorsement and such endorsement provided to the Certifying Authority prior to the issue of a Construction Certificate.

Reason: To ensure compliance with Australian Standards relating to manoeuvring, access and parking of vehicles.

### 6. **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.

**7. 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.

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

**8. Allocated Parking Spaces (retail/commercial)**

Parking allocated to this development must be clearly signposted and linemarked as being for the exclusive use of this development. Details demonstrating compliance are to be submitted to the Principal Certifying Authority prior to the issue of any Occupation Certificate.

Reason: To ensure parking availability.

**9. Disabled Parking Spaces**

Where disabled parking spaces are provided they must be in accordance with AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

**10. Shared Zone Bollard**

A bollard is to be provided at the shared zone adjacent to the disabled space in accordance to Australian Standards AS2890.6:2009.

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

Reason: To ensure compliance with Australian Standards.

**11. Design, construction and fit out of food premises certification**

Prior to the issuing of any occupation certificate, certification is to be provided from a suitably qualified person that the design, construction and fit out of food premises 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 Food Premise complies with the design requirements of AS 4674.

## **ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES**

**12. No Live or Amplified Music in the outdoor area**

No live or amplified music to be played in the outdoor dining area at any time.

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

**13. Minors in the Outdoor Seating Area**

Minors within the outdoor seating area must be under the direct supervision of a responsible adult at all times.

Reason: To ensure safety and security of patrons.

**14. Noise management**

1. The Operational Management Plan for the business shall be updated and include reference to and recommendations of the Acoustic Assessment (by Acoustic Logic Noise Assessment (21.8.20)) including the following requirements:

- No live or amplified music to be played in the outdoor dining area
- No live music in the premises after 10pm
- The roller shutter is to remain closed during any live music event.
- All doors (entry or to outdoor area) are to remain closed during live music
- A noise limiter is to be installed to ensure the sound pressure level from the operation of the sound reinforcement system or amplified band does not exceed 90dB(A)L10 when measured within the space.

2. The Operational Management Plan shall be kept on site for ease of access.

Reason: To ensure noise is properly managed to avoid nuisance ongoing.

**15. Allocation of Spaces**

The car parking spaces shall be provided, made accessible, and maintained, at all times. The spaces shall be allocated as follows:

6 - Commercial

1 - Spaces for persons with a disability

Car-parking provided shall be used solely in conjunction with the uses contained within the development. Each car parking space allocated to a particular unit / tenancy shall be line marked and numbered or signposted to indicate the unit / tenancy to which it is allocated.

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

Reason: To ensure that adequate parking facilities to service the development are provided on site.

**16. Maximum Patron Numbers in the Premises & within the Outdoor Seating Area**

The maximum total number of patrons permitted within the premises at any one time is One Hundred (100) persons.

The maximum total number of patrons permitted within the outdoor seating area at any one time is Thirty (30) persons.

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

17. **Hours of Operation**

The hours of operation are to be restricted to:

**Brewery**

8am - 5pm (Monday to Sunday)

**Taproom**

11am - 12midnight (Monday to Saturday)

11am - 10pm (Sunday)

**Outdoor Seating Area**

5pm - Midnight (Friday)

12pm - Midnight (Saturday)

12pm - 10pm (Sunday)

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.

18. **Commercial Waste Collection**

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

Reason: To protect the acoustic amenity of surrounding properties.

19. **Outdoor Seating of Patrons**

All patrons within the designated outdoor seating area must be seated.

The designated outdoor is not to be utilised for only vertical consumption of any alcohol (i.e. standing area only).

The maximum total number of patrons permitted within the outdoor seating area at any one time is Thirty (30) persons.

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

20. **Storage and Collection of Waste**

Waste from the outdoor area 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.

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

**Signed**





**Catriona Shirley, Planner**

The application is determined on 23/12/2021, under the delegated authority of:



**Rodney Piggott, Manager Development Assessments**