



**Unit 14/9 Powells Road  
Brookvale  
(also known as 54 Wattle Road)**

**STATEMENT OF ENVIRONMENTAL EFFECTS FOR ALTERED HOURS OF OPERATION,  
NUMBER OF PATRONS, PARKING AND OUTDOOR SEATING**



Report prepared for  
**Seventh Day Brewery**  
May 2021

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## **1.0 Introduction**

**1.1** This is a statement of environmental effects to increase the number of patrons from 70 to 150 people, allow for outdoor seating and to extend the opening hours from Friday to Sunday.

**1.2** The report describes how the application addresses and satisfies the objectives and standards of the Warringah Local Environmental Plan 2011, the Warringah Development Control Plan and the heads of consideration listed in Section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended).

**1.3** This statement of environmental effects has been prepared with reference to the following:

- Site visit
- Architectural drawings by Demont Design
- Traffic Report by VARGA TRAFFIC PLANNING Pty Ltd
- Acoustic Report prepared by Acoustic Logic
- Operational Management Plan by Seventh Day Brewery

**1.4** The proposed development is primarily compliant with Council controls, fully compliant with the objectives of all controls and considerate of neighbouring properties. It is an appropriate development worthy of Council consent.

## 2.0 The Site and its Locality

- 2.1 The site is located on the southern side of Powells Road in Brookvale, approximately 80 metres west of its intersection with Mitchell Road.
- 2.2 The site is known as 54 Wattle Street, Brookvale (and 9 Powells Road). The site is located with access to both Wattle and Powells Road and has vehicular access from both streets. The subject unit fronts Powells Road and is adjacent the vehicular ramp leading to the first-floor tenancies which are part of the larger industrial complex, which in total includes 45 tenancies.
- 2.3 The site, being unit 14, is currently occupied by a brewery and industrial retail outlet known as Seventh Day Brewery. The approved brewery has a total floor area of 482m<sup>2</sup> and has 15 allocated off-street car spaces.
- 2.4 The site is surrounded by industry in all directions. It is in close proximity to Warringah Mall Shopping Centre in Brookvale and the Pittwater Rd precinct with shopping and public transport freely available.



Figure 1. The site and it's immediate surrounds





Figure 2. Aerial photograph of the site



Figure 3. Aerial photograph zoomed in on carpark area of brewery



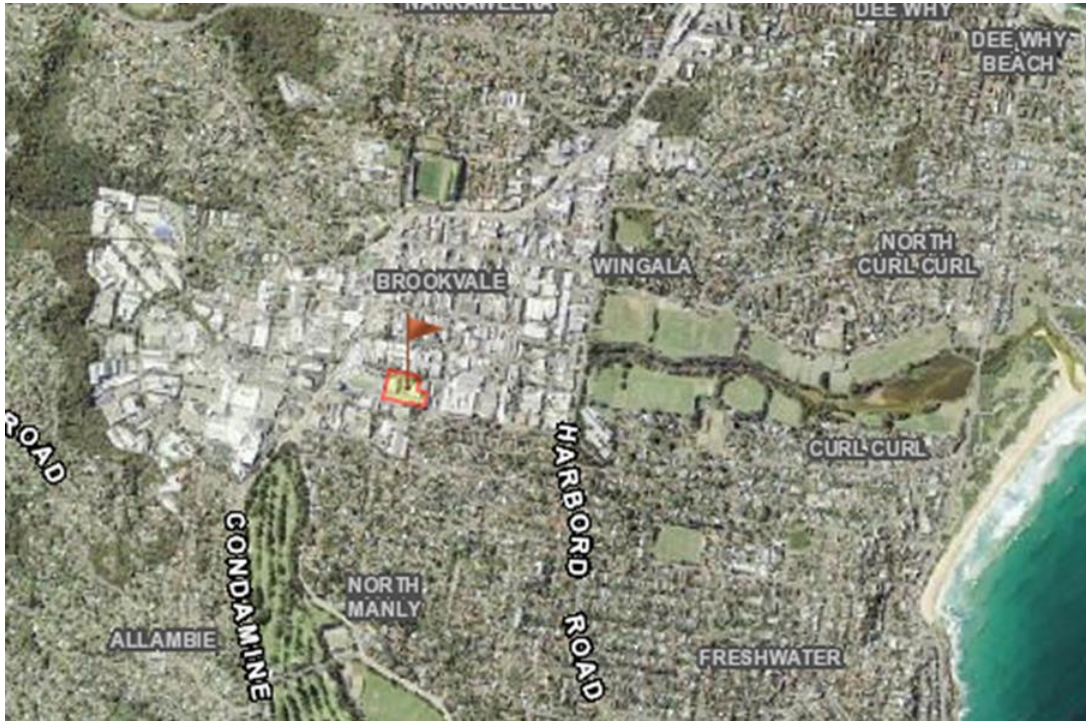


Figure 4. Aerial photograph of the site and its surrounds



Figure 5. Photograph looking towards subject site





Figure 6. Photograph looking towards Powell Road



Figure 7. Existing outdoor seating area and site of proposed extension of outdoor seating

### **3. Proposed Development**

- 3.1** The proposed development requests variations to the approved use with regard to number of patrons, outdoor seating, parking and hours of operation as detailed below.

#### **Number of Patrons**

The number of patrons on a Friday, Saturday and Sunday from 5pm is proposed to increase from seventy (70) to one hundred and fifty (150) patrons during specified times. At all other times a cap of seventy (70) patrons is proposed to be maintained.

The retail space is currently highly underutilised with adequate space to easily house the additional numbers of persons.

The maximum number proposed is not anticipated to be reached frequently as there are key peak periods where the brewery is at its busiest e.g. Friday evenings, Saturday lunch and evenings, Sunday lunch. High periods are brief, but a raised number will allow for a business which is more likely to be economically viable.

A revised liquor licence will also be required.

#### **Outdoor seating**

From 5pm Fridays until close of business Sundays only, it is proposed to remove 6 parking spaces and relocate disabled to loading bay as shown on the accompany plan and utilise these spaces for seating for up to 50 patrons. This space will allow for an area which can be utilised by families with children and other patrons who wish to be in an outdoor space. On weekend days there are many patrons with younger children frequenting the venue and the current parking is located immediately at the entry to the site is considered to be a safety risk. The outdoor seating with a small play space for children will be to the vast benefit of the venue and the local community.

We note that the Brewery sits immediately adjacent an Italian Restaurant with reciprocal licencing, meaning that food is ordered in this restaurant and eaten in the Brewery area, with patrons frequently walking through the carpark. The outdoor seating and pedestrianisation of this space will resolve this possible safety risk.



The use of the outdoor area would be restricted to 50 people and hours limited to a 10pm close time.

No outdoor seating is proposed outside these hours.

Given the current Covid concerns, the establishment of outdoor seating is a positive which will be to the benefit of the community and provide additional seating alternatives in an external area.

### **Parking**

Parking will be reduced from Friday at 5pm until close of business Sundays by 5 spaces (5 removed, 1 relocated) and the number of patrons will be increased to 150. The remainder of the week (Monday to 5pm Friday), the parking and number of patrons will remain unchanged and available for the brewery use.

A traffic and parking report has been provided in support of these amendments. We note that in the original Development Application, Council's Traffic engineer supported the application including a shortfall of 2 spaces. Specifically, they stated:

*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. 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 commences 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 raises no objection provided Development Engineer is addressed and is satisfied with the parking shortfall.*

The applicant, in fact, proceeded without a shortfall and without the outdoor area and 15 spaces were provided. Accordingly, the reduced number of spaces, has for a large part already been supported by Council's engineers.

Additionally, the plan of management has been amended to address these matters and ensure that appropriate means to safely ensure transport of all patrons is in place.

As the venue is licenced, most clientele do not drive. Those that do, tend to car share. The site is located with immediate proximity to Pittwater Road and a high frequency bus route. The operators of the venue have plans in place to encourage bicycle use and use of ride share companies such as uber.

### **Hours of Operation**

The original development consent approved the following hours of operation:

#### *Brewery (Industrial Premises)*

- *Monday to Sunday – 8am – 5pm*

#### *Taproom (Industrial retail outlet)*

- *Monday to Wednesday – 11.00am – 10.00pm*
- *Thursday to Saturday – 11.00am – 12 midnight*
- *Sunday – 11.00am – 10.00pm*

It is proposed to extend these to also permit outdoor seating as detailed below.

#### *Brewery (Industrial Premises)*

- *Monday to Sunday – 8am – 5pm*

#### *Taproom (Industrial retail outlet)*

- *Monday to Wednesday – 11.00am – 10.00pm*
- *Thursday to Saturday – 11.00am – 12 midnight*
- *Sunday – 11.00am – 10.00pm*

#### **Outdoor seating**

- *Friday 5pm – midnight*
- *Saturday – 11.00 am - midnight*
- *Sunday – 11.00am – 10.00pm*

**3.2** The existing venue has ample area to house the additional patrons. The services on site including bathroom facilities, accessibility and security and staffing are at a level appropriate to cater for the additional volume of patrons.

**3.3** The original Development Application for the use was referred to each of the following Council/ external departments. Comments are made below with regard to the proposal considering the previous assessment comment.

### **Building Assessment – Fire and Disability Upgrades**

Compliance with the Building Code of Australia is to be maintained as part of the proposed modification.

**Environmental Health (Acid Sulphate)**

No issues were raised in the previous application and no issues arise as a part of the proposed modification.

**Environmental Health (Industrial)**

No changes to the manufacturing component of the brewery are proposed and accordingly odour will be unaffected in entirety.

A traffic and parking report has been provided in support of the number of patrons and possible vehicle movements. The applicant is confident that traffic noise would not be an issue in the industrial location with limited movements at night and patrons encouraged to use public transport and ride share services. The Plan of Management has been updated to reflect these proposals.

Live music will be wholly contained in the internal area and no change to noise related to music will occur.

Outdoor seating is time limited and will close at 10pm at night. Noise resulting from people using this area is acceptable in the industrial location.

The number of people permitted in the venue will be controlled with appropriate counts undertaken, adequate security and staff on site to control the venue at all times.

We note that the proprietors have had no noise issues to date as part of the operation of the premises.

**Environmental health (Food Premises, Skin Penetration)**

No issues arise as part of the modified development with food preparation unchanged.

**NECC (Development Engineering)**

No issues arise as part of the modified development.

**NECC (Stormwater & Floodplain Engineering – Flood Risk)**

No issues arise as part of the modified development.



### **Strategic & Place Planning**

No issues arise as part of the modified development with no works to the existing building proposed.

### **Traffic Engineer**

The parking levels will become non-compliant as a result of the proposed modification. This is a reasonable result for the following reasons:

- Peak times for the use are when there is ample parking available on the public street as other surrounding uses are closed including Friday night, Saturday night and Sunday lunch time.
- Peak times for the use are when other lots within the industrial complex are not operating. The tenancy has agreement for shared use of additional spaces during evening and weekend times as was detailed in the original Development Application
- The modified development allows for 6 bike spaces on the site
- A majority of patrons are not driving as the premises is licensed and people tend to take public transport, use ride share, walk or travel together.
- The applicant intends to apply for an uber drop off zone on the site.
- A revised Plan of Management further enhances the staff training and signage on site to encourage ride share use and public transport.
- Currently there is parking available on site most of the time the premises is operational.
- The site is in immediate proximity of the B-line bus services.
- The venue will become a safer environment for pedestrians with bollards installed to define an outdoor space and ensure no conflict of vehicular and pedestrian traffic.

### **Ausgrid**

No issues arise as part of the modified development.

### **NSW Police – Local Command**

The premises currently have appropriate securities measures in place and intends to keep these up to date. The increase in the number of patrons will be subject to liquor licencing and the applicant will ensure to have ample staff and security to always allow for a safe environment for staff and patrons.

A revised liquor licence will be sought to match the number of patrons and hours of operations sought.

#### 4. Background

- 4.1 The site has an existing development consent for *“Use of premises as a brewery and industrial retail outlet at unit 14, no 54 Wattle Road, Brookvale”*, Development Application DA-2018/0571) which was granted consent by Northern Beaches Council by Notice dated 17 July 2018.

The consent was issued for a Brewery (General Industry) and associated tap room (Industrial Retail Outlet and allowed a maximum of 70 patrons.

- 4.2 In 2019, the venue was the location for a one-off event for 400 people which was approved via DA2019/0963. This temporary fund-raising event was a successful occurrence and did not result in any complaints or issues.

The venue operators successfully managed the larger number of persons and the space on site easily catered for the volume of people. Photographs of the “Waves for Water” fundraiser are provided below.





- 4.3 The Seventh Day Brewery has been operating since October 2018 with no complaints made to Council and no issues arising with security or liquor licencing. The operators of the premises are dedicated to ensuring a safe and secure space with ample staff and security to ensure a venue which is a desirable location for visitors and locals of the Northern Beaches.
- 4.4 In 2020 a Modification application was lodged and subsequently withdrawn for the same purposes as this new Development Application, with a total of 200 people sought.
- 4.5 A pre lodgement meeting was then attended on 23 June 2020, where it was advised that should more than 120 people be proposed, this would be the subject of a Development Application, not a modification.

The key issues raised in this meeting are discussed below.

Issues	Response
Environmental Health	



1. Sanitary facilities would need to comply with the BCA depending on finally agreed to numbers of patrons and directional signage from the external area to the toilets.	The proposal complies with ample sanitary facilities provided on site currently. Directional signage is provided.
2. An amended and comprehensive Management Plan for the increase in patron numbers and hours of operation.	An updated Management Plan is provided.
3. The existing acoustic report being suitably amended to deal with the proposed changes, including patron numbers, hours of operation and ongoing management of amplified music, particularly when doors are opened for entry/exit of patrons.	An updated Acoustic report is provided.
4. No music/entertainment is to be allowed in the outdoor area.	No music is proposed in the outdoor area.
5. Compliance with our normal food safety requirements such as food being protected and under temperature control during transfer to the venue from an external service provider (as proposed in lieu of a kitchen).	Noted
6. Access through the building to the Wattle Road area being restricted at night to prevent a "short cut" to parking in the residential area.	This will be included in the Plan of management.
7. A BCA report should be provided that addresses the maximum number of patrons the premises can physically accommodate based on the amenities available.	A BCA report is included with the application.
<b>Traffic</b>	
The applicant will require a traffic and parking study to demonstrate the reduction in parking spaces can continue to service the proposed use. Further surveys of patrons required to establish how many people drive to the venue and	A traffic and parking report is provided with the application.
<b>Planning</b>	

<p><b>Patron Numbers and Licensing Police</b></p> <p>During the meeting, the issue of the number of patrons that the establishment is seeking to be increased was discussed. It is noted that the current patron numbers (maximum of 70) were determined in conjunction with the NSW Licencing Police. Any application seeking an increase in patron numbers will require a referral back to the NSW Licensing Police for their direction and input. It is recommended that the Applicant initiate their own liaison with NSW Licensing Police in order to guide any increase in numbers.</p>	<p>The applicant has liaised with licensing. Refer to Plan of Management.</p>
<p><b>Parking</b></p> <p>An increase in patron numbers wherever that number lands will require additional parking to be available on the site.</p> <p>A Traffic and Parking Assessment is required to identify what the parking demand will be and how many spaces are available on site during the hours proposed for the taproom sales. It was identified during the meeting that there are spaces available after hours within the industrial complex that could be available for use by the brewery during this time. These spaces must be identified and details relating to which industrial unit they are associate with.</p> <p>In addition, documented consent from the Strata body must be provided confirming the use of these spaces for the brewery after the core industrial unit hours of operation.</p> <p>A plan clearly identifying all spaces allocated for use by the brewery</p>	<p>Noted</p> <p>A traffic and parking assessment is included with the application.</p> <p>Spaces are identified on the plans and strata consent is provided.</p>

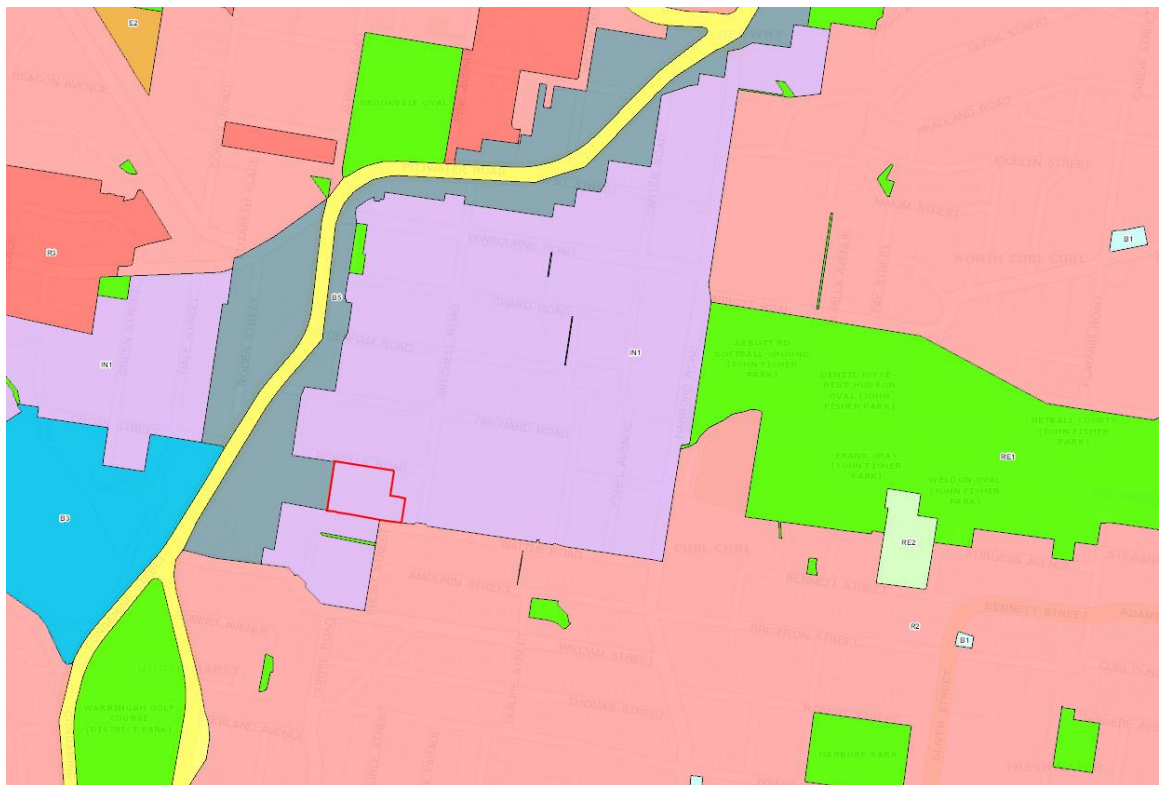
<p>should accompany any development or modification application.</p> <p>The proposed works seek to expand patron areas into the existing parking area located adjacent to the entrance of the brewery.</p>	
<p><b>Noise</b></p> <p>An updated noise assessment is required to reconfirm the closest residential receptors and anticipate the increase noise impacts from proposed live music. The noise report should contain recommendations on treatments such as noise limiters and management requirements which would need to be incorporated into the Operational Management Plan for the premises.</p>	<p>A revised acoustic report is provided and recommendations are included in the Plan of management.</p>



## 5. Statutory Framework

### 5.1 Warringah Local Environmental Plan 2011

The subject site is currently zoned IN2 Light Industrial under the provisions of the Warringah Local Environmental Plan 2011 (WLEP) and as detailed within the mapping zone extract below. The proposed use (artisan food and drink industry) is permissible as light industry with development consent within this zone.



**Figure 6 – Land Use Zoning Map Extract**

The applicable controls under the provision of the WLEP are included in the table below.

Standard	Requirements	Proposed	Compliant/Comment
Zoning		Brewery and bar	Yes

	IN2 Light Industrial	(food and drink industry)	
Minimum lot size	4000m <sup>2</sup>	-	N/A
Height of buildings	9m	No change proposed	N/A

The relevant sections of the Warringah Local Environmental Plan are discussed below.

### Land Use Zones

The subject site is located in the IN2 Light Industrial

#### Land Use Table – IN2 Light Industrial

Under the provisions of the WLEP, the objectives for the IN2 zone are as follows:

- *To provide a wide range of light industrial, warehouse and related land uses.*
- *To encourage employment opportunities and to support the viability of centres.*
- *To minimise any adverse effect of industry on other land uses.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.*
- *To support and protect industrial land for industrial uses.*
- *To maintain the industrial character of the land in landscaped settings.*

The proposed development is a compliant and compatible use providing services which will utilize the light industrial nature of the location and maintain and support the character of the location. The alteration proposed will provide employment and add to the vitality of the local light industrial area, whilst not being to the detriment of surrounding uses and zones.

### Minimum subdivision lot size

No subdivision is proposed.

### Height of Buildings

The existing height of the building will be unchanged.

### Floor Space Ratio

The existing gross floor area of the building will be unchanged.

### **Heritage Conservation**

The site is not nominated as an item of Environmental Heritage within Schedule 5 of the WLEP or located within a heritage conservation area.

## **5.2 Warringah Development Control Plan**

The Warringah Development Control Plan has been considered regarding the minor changes proposed for Unit 14/9 Powells Road, Brookvale. Majority of the Controls from the previous development application, DA 2018/0571 remain unchanged.

The key considerations of the proposal are reviewed below.

### **C2 Traffic access and Safety**

A traffic and parking report in support of the proposal is provided under separate cover. Additionally, it is considered that the provision of an outdoor area will provide for a safer space at the frontage of the premises, encouraging families to attend the premises and creating a safer and more pedestrian friendly space.

### **C3 Parking Facilities**

A traffic and parking report in support of the proposal is provided under separate cover.

### **C9 Waste Management**

Bins for the premises are to be relocated as shown on the revised site plan.

### **D3 Noise**

To date the operation of the brewery has resulted in no noise complaints. This includes the event where 400 people were in attendance and the entire carpark / outdoor area utilised. It is considered that the raising of patron numbers to 150 on Fridays, Saturdays and Sundays and use of the outdoor space for up to 50 people (until 10pm) would have a minimal and appropriate impact. The site is located in an industrial area and the impacts of this change to the consent is reasonable, particularly considering the favourable operation of the Seventh Day Brewery over the last 3 years.

### **D20 Safety and security**

Safety and security will be maintained as is detailed earlier in the report. Numbers of patrons would be controlled, security and service staff would be at adequate numbers to cater for the volume of people proposed.



## **6.0 SECTION 4.15 CONSIDERATIONS**

The following matters are to be taken into consideration when assessing an application pursuant to section 4.15 of the Environmental Planning and Assessment Act 1979 (as amended):

### **6.1 The provision of any planning instrument, draft environmental planning instrument, development control plan or regulations**

This report clearly and comprehensively addresses the statutory regime applicable to the application and demonstrates that the proposed development is complimentary and compatible with adjoining development. The proposal achieves the aims and standards within Warringah Local Environmental Plan 2011 and Warringah Development Control Plan.

The development is permissible in the zone.

### **6.2 The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality**

#### **Context and Setting**

*What is the relationship to the region and local context in terms of:*

- *the scenic qualities and features of the landscape?*
- *the character and amenity of the locality and streetscape?*
- *the scale, bulk, height, mass, form, character, density and design of development in the locality?*
- *the previous and existing land uses and activities in the locality?*

These matters have been discussed in detail in the body of the statement.

*What are the potential impacts on adjacent properties in terms of:*

- *relationship and compatibility of adjacent land uses?*
- *sunlight access (overshadowing)?*
- *visual and acoustic privacy?*
- *views and vistas?*
- *edge conditions such as boundary treatments and fencing?*

The proposal to extend hours and use of the existing brewery will be appropriate for the site and the zone, with minimal, physical works proposed and the use not being to the detriment of the neighbouring uses' amenity or privacy.

### **Access, transport and traffic**

*Would the development provide accessibility and transport management measures for vehicles, pedestrians, bicycles and the disabled within the development and locality, and what impacts would occur on:*

- *travel demand?*
- *dependency on motor vehicles?*
- *traffic generation and the capacity of the local and arterial road network?*
- *public transport availability and use (including freight rail where relevant)?*
- *conflicts within and between transport modes?*
- *traffic management schemes?*
- *vehicular parking spaces?*

It is not anticipated that the extended use will have a detrimental impact on access, traffic and transport. The premises are in close proximity to public transport and will draw much of their clientele from the local community. The hours of operation will result in the key operation of the business being out of normal business hours, with visitors to the premises concentrated in evenings and on weekends.

### **Public domain**

The proposed development will have no impact on the public domain with no changes proposed.

### **Utilities**

There will be no impact on the site, which is already serviced.

### **Flora and fauna**

There will be no impact.

## **Waste**

Enhanced and specific waste measures associated with the use are detailed in the waste management plans and have been designed to ensure compliance and appropriate impacts for the site and neighbours.

## **Natural hazards**

The site is not affected by any known hazards other than flood.

## **Economic impact in the locality**

There will be the creation of a small amount of employment with increased patron numbers requiring more staff.

## **Site design and internal design**

*Is the development design sensitive to environmental conditions and site attributes including:*

- *size, shape and design of allotments?*
- *the proportion of site covered by buildings?*
- *the position of buildings?*
- *the size (bulk, height, mass), form, appearance and design of buildings?*
- *the amount, location, design, use and management of private and communal open space?*
- *landscaping?*

No external building works are proposed, the interchangeable outdoor seating arrangement is of a suitable design and style.

*How would the development affect the health and safety of the occupants in terms of:  
lighting, ventilation and insulation?*

- *building fire risk – prevention and suppression*
- *building materials and finishes?*
- *a common wall structure and design?*
- *access and facilities for the disabled?*
- *likely compliance with the Building Code of Australia?*

No building works are proposed. The facilities and building materials will remain the same. It is believed that the development is compliant and any condition of consent from Council will be complied with.

### **Construction**

*What would be the impacts of construction activities in terms of:*

- *the environmental planning issues listed above?*
- *site safety?*

No construction works are proposed.

### **6.3 The suitability of the site for the development**

*Does the proposal fit in the locality?*

- *are the constraints posed by adjacent developments prohibitive?*
- *would development lead to unmanageable transport demands and are there adequate transport facilities in the area?*
- *are utilities and services available to the site adequate for the development?*

The brewery use will remain the same. It is seen to be beneficial and appropriate development for the people who work in and visit the area. The site is well located with bus services easily accessible and available. The neighbouring uses will not be detrimentally impacted. The use will fit well in the location proposed and is considered to be an asset to the locality.

*Are the site attributes conducive to development?*

The site is appropriate for the proposed alterations.

### **6.4 Any submissions received in accordance with this Act or the regulations**

It is envisaged that the consent authority will consider any submissions made in relation to the proposed development.



## **6.5 The public interest**

The proposal is in the public interest as it allows for a use compatible with the site and the locality.

## **7. CONCLUSIONS**

- 7.1** The proposed development application for the alteration of existing use represents substantially the same development as was approved by Council in Development Consent 2018/0571. The proposed modifications will have no significant environmental impact.
- 7.2** When assessed under the relevant heads of consideration of s4.15 of the Environmental Planning and Assessment Act, the proposed development is meritorious and should be granted consent.
- 7.3** Considering all the issues, the development is considered worthy of Council's consent.