

**STATEMENT OF ENVIRONMENTAL EFFECT**  
**Determination Amendment Request**

**LOCATION**

<b>UNIT:</b> 4	<b>NUMBER:</b> 137	<b>STREET:</b> Coreen Avenue	
<b>SUBURB:</b> Penrith	<b>STATE:</b> NSW	<b>POSTCODE:</b> 2750	<b>DA:</b> 21/016

**APPLICANT DETAILS**

<b>NAME:</b> MJ HEWETT MT LYONS (Company)	
<b>POSTAL ADDRESS:</b> POBOX131 Cranebrook NSW 2749	
<b>PHONE NUMBER:</b> 02 47 069 061	<b>MOBILE:</b> 0413950240
<b>EMAIL:</b> info@rustypennybrewing.com.au	<b>ACN:</b> 634726060

**DESCRIPTION OF PROPOSAL**

Amendment Sort in relation to the notice of determination regarding DA21/0016.

**2. Capacity**

We acknowledge that parking and traffic generated by this development is and should be a concern for the council. We request that the following capacities be revised, as to whether with the explanations below they would be accepted by the council regarding this DA.

Current capacity for the development is 80 persons including staff. We proposed a varying capacity depending on the needs of our neighbouring businesses who use the shared car park.

Our neighbours are Beaumont Tiles, Bridgestone Tyres and Vinnies. Vinnies is located at the rear of the property and is a drive thru bulk can return and earn service. Vinnies customers do not occupy the front car park or side car park as there is no access to their site from those locations. Due to this Vinnies does not impact the available parking at the site to be used by Rusty Penny Brewing.

Beaumont Tiles is a trade centre for tiling and bathroom construction supplies. We have spoken with management at that location and they have stated that during business hours their trade is a mix of both wholesale trade accounts and walk in retail sales. On Saturdays they do not operate in a trade capacity and are open for walk-in retail sales. Most of their retail customers are families who travel in one vehicle to look at bathroom items for renovations. Usually Beaumont tiles have 1 to 2 staff members working.

Bridgestone Tyres is a retail tyre supply and fitting service. Majority of their customers drive thru their building and do not use onsite parking. However, some of their customers use on site parking when making appointments or looking at the available stock for sale. Bridgestone during operating hours can have up to ten staff working.

Operating Hours of neighbouring businesses;

**Beaumont Tiles**

**Bridgestone Tyres**

Monday to Friday 8:30am - 5:00pm Saturday 9:00am - 4:00pm Sunday CLOSE	Monday to Friday 8:00am - 5:00pm Saturday CLOSED Sunday CLOSED
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In light of the above we respectfully request the capacity of is DA be amended to the following;

Monday to Friday

6:00am - 5:00pm (80 patron pax)

5:00pm - 10:00pm (120 patron pax)

Saturday

6:00am - 4:00pm (100 patron pax)

4:00pm - 10:00pm (120 Patron pax)

Sunday

10:00am - 10:00pm (120 patron pax)

These numbers are revised on the operating hours of neighbouring businesses. Also our own staff vehicles will be parked undercover at the rear of our building. Most staff use work vehicles that need to be secured due to storing alcoholic beverages for delivery. If staff are using personal vehicles they will also be permitted to park in that area to avoid using any available car spaces designated for customers.

We request that the above condition be trialed for a period of 12months, where at a review be conducted by the council. If at that time no issues of concern have arisen, this condition becomes permanent.

**7. No retail sale of goods or products, other than those produced on the site shall be conducted from the subject premises.**

We respectfully request this condition be reviewed and if deemed acceptable to read similar to;

No retail sale of goods or products, other than those produced on the site shall be conducted from the subject premises. However, the sale of ancillary items such as merchandise, soft drinks, brewing education and supply kits (from classes) are accepted.

**33. No amplified music is to be played on the premises.**

We are concerned that this condition in the form that it is would prohibit us from playing background music through a wireless speaker. We respectfully request this condition be reviewed and if deemed acceptable to read similar to;

No music is to be played from the premises that exceeds 5dB(A) above the background noise level when measured at the boundaries of the premises. The provisions of the Protection of the Environment Operations Act, 1997 apply to the development, in terms of regulating offensive noise.

We believe that controls in condition 32 will cover any issues that could arise from music being played.