

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2022/1737
<b>Responsible Officer:</b>	Claire Ryan
<b>Land to be developed (Address):</b>	<p>Lot 15 SP 38006, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 52 SP 50167, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 56 SP 50167, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 57 SP 50167, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 58 SP 50167, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 59 SP 50167, 15 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 54 SP 50167, 22 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 23 SP 38006, 23 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot 44 SP 38006, 44 / 54 Wattle Road BROOKVALE NSW 2100</p> <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>Proposed Development:</b>	Temporary use of land for the purposes of a fundraiser event with a capacity of 400 people on Saturday, 5 November 2022
<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>	<p>Scott Edward Hines</p> <p>Quay Advisory Services Pty Ltd</p> <p>Lmnicastru Pty Ltd</p> <p>GMJ Superannuation Fund Pty Ltd</p>

	Powells 15 Pty Limited
<b>Applicant:</b>	7th Day Brewery Pty Ltd

<b>Application Lodged:</b>	12/10/2022
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Commercial/Retail/Office
<b>Notified:</b>	17/10/2022 to 31/10/2022
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	1
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 4,410.00
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## PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for temporary use for the purpose of a fundraising event, as follows:

- Hours of operation: 12:00pm (midday) to 12:00am (midnight) on Saturday 5 November 2022
- Decommissioning of event by 12:00pm (midday) on Sunday 6 November 2022
- Up to 400 patrons

## 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

## SITE DESCRIPTION

<p><b>Property Description:</b></p>	<p>Lot 15 SP 38006 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 52 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 56 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 57 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 58 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 59 SP 50167 , 15 / 54 Wattle Road BROOKVALE NSW 2100          Lot 54 SP 50167 , 22 / 54 Wattle Road BROOKVALE NSW 2100          Lot 23 SP 38006 , 23 / 54 Wattle Road BROOKVALE NSW 2100          Lot 44 SP 38006 , 44 / 54 Wattle Road BROOKVALE NSW 2100          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</p>
<p><b>Detailed Site Description:</b></p>	<p>The subject site consists of five strata allotments within No. 54 Wattle Road, located between Powells Road to the north and Wattle Road to the south, Brookvale.</p> <p>The site is irregular in shape with frontages of approximately 44 metres along Wattle Road and 120 metres along Powells Road, and a depth of approximately 103 metres. The site has an area of approximately 13,745m<sup>2</sup>.</p> <p>The site is located within the IN1 General Industrial zone and accommodates several industrial tenancies.</p> <p>The site is relatively level with street tree planting along Powells Road.</p> <p><b>Detailed Description of Adjoining/Surrounding Development</b></p>

Adjoining and surrounding development is characterised by industrial premises and low density residential development.

Map:



## SITE HISTORY

The land has been used for industrial purposes for an extended period of time. A search of Council's records has revealed the following relevant history:

- DA2018/0571 for use of premises as a brewery and industrial retail outlet was approved by Council on 17 July 2018.
- DA2019/0963 for temporary use of premises for fundraising event was approved by Council on 17 October 2019.
- DA2021/1375 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 was approved by Council on 23 December 2021.

## 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	There are no current draft environmental planning instruments.

Section 4.15 Matters for Consideration	Comments
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 2021 (EP&A Regulation 2021)	<p><u>Part 4, Division 2</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via a condition of consent.</p> <p><u>Clause 29</u> of the EP&amp;A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application.</p> <p><u>Clauses 36 and 94</u> of the EP&amp;A Regulation 2021 allow Council to request additional information. Additional information was requested in relation to owners consent and a waste management plan. Requested information was satisfactorily provided in October 2022.</p> <p><u>Clause 61</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider AS 2601 - 1991: The Demolition of Structures. This clause is not relevant to this application.</p> <p><u>Clauses 62 and/or 64</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. This clause is not relevant to this application.</p> <p><u>Clause 69</u> of the EP&amp;A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p>
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</p>

Section 4.15 Matters for Consideration	Comments
	economic impact on the locality considering the nature of the existing and proposed land use.
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.

## 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 17/10/2022 to 31/10/2022 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition process council is in receipt of 1 submission/s from:

Name:	Address:
Mr William Mark Duckworth	153 Crown Road QUEENSCLIFF NSW 2096

The submission received provided support for the proposed event and is noted.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	The application has been investigated with respect to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development as a one off Charity event
Environmental Health (Industrial)	Existing Brewery and artisan food and drink industry Use: The following characteristics of the approved Brewery and artisan food and drink industry are : ▪ The current hours of operation are: Brewery - – Monday to Sunday 8.00am to 5.00pm Taproom - – 11am to 12am Monday to Saturday – 11am to 10pm Sunday Outdoor Seating Area



Internal Referral Body	Comments
	<p>– 5pm - Midnight (Friday) – 12pm - Midnight (Saturday) – 12pm - 10pm (Sunday)</p> <p>Key aspects of this proposal are described as follows:</p> <ul style="list-style-type: none"> <li>▪ Preparation of the event area from 9am on Saturday 5 November 2022</li> <li>▪ Temporary use starting time: 12 pm</li> <li>▪ Temporary use closing time: 12am</li> <li>▪ The event will be for up to 400 people</li> <li>▪ The event site being secured with existing fencing to provide a single-entry point on the northern side, as marked on the event plans</li> <li>▪ Commissioned security to ensure a safe and orderly operating environment</li> <li>▪ Food will be provided by Sale Pepe which is a licensed food premise and part of the proposed temporary use site</li> <li>▪ Audio visual screen inside the venue, as marked on the event plans</li> <li>▪ Live music inside the venue, as marked on the event plans</li> <li>▪ Designated children's area with skateboard ramp within the car parking area outside the venue, as marked on the event plans</li> <li>▪ Artist wall – located outside the venue, as marked on the event plans</li> <li>▪ Portaloos to be provided on site for the temporary event, as marked on the event plans</li> <li>▪ Decommissioning of the event site by 12pm on Sunday 6 November 2022.</li> </ul> <p>The Plan of Management in part states:</p> <p>Noise Management</p> <p>All doors (entry or to outdoor area) are to remain closed during live music. All live music is to cease operation prior to 12am as per our current license. 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 to exceed 90dB(A)L10 when measured within the space.</p> <p>The external roller shutter is to remain closed during any live music event.</p> <p>All bottle/garbage removal to be done during business hours.</p> <p>The following music is due to take place inside the brewery on the stage located on the above interior map (exact schedule TBC) – local artists only</p> <ul style="list-style-type: none"> <li>- acoustic artist – 2pm-4pm</li> <li>- live band - 5-7pm</li> <li>- DJ – 7pm-9pm</li> </ul> <p>A similar event was carried out in 2019 without any noise issues. An acoustic assessment has not been carried out however a condition</p>

Internal Referral Body	Comments
	<p>could be included: Noise emissions from licensed premises, noise emissions must comply with the acoustic requirements imposed by the Liquor &amp; Gaming NSW. These guidelines relate to noise generated by patrons and by music. The requirements are set out below:</p> <ul style="list-style-type: none"> <li>• That the L10 noise level emitted from the premises shall not exceed 5dB above the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) between the hours of 7.00am to 12.00 midnight when assessed at the boundary of the nearest affected residential premises.</li> <li>• L10 noise level emitted from the premises shall not exceed the background L90 sound level in any Octave Band Centre Frequency (31.5kHz to 8kHz inclusive) after midnight when assessed at the boundary of the nearest affected residential premises.</li> <li>• After midnight, noise emissions from the Place of Public Entertainment are to be inaudible within any habitable rooms in nearby residential properties.</li> </ul> <p>As one off event sound level monitoring of that condition by Council or Police is not likely and the condition of no immediate value in these circumstances. The event is not a rock concert but a large fund raising group essentially with "background live music" inside the building (not facing any residential premises) with a proven history of compliance for the last event.</p> <p>Environmental Health supports the proposal subject to conditions.</p>
Environmental Health (Food Premises, Skin Pen.)	Proposed one off event with external caterer (premises next door). Environmental Health supports the proposal subject to conditions.
NECC (Stormwater and Floodplain Engineering – Flood risk)	<p>Development consent is sought for temporary use of the land for a fundraising event which involves an expansion of the approved artisan food and drink industry for operation during a 12 hour period on Saturday 5 November 2022 from Midday – Midnight. Temporary installations such as a skate ramp and portaloos are also proposed.</p> <p>The southern edge of the property, at the rear of the main building, is affected by the 1% AEP flood event. The main building is partially affected by a Flood Life Hazard Category of H3. However the majority of the property including the location for the temporary installations is outside the Low Flood Risk Precinct. If there happened to be a 1% AEP or PMF event on this particular day, it would be easy to evacuate to Powells Rd which is also not flood affected. No flood related objections.</p>
Traffic Engineer	The application is for a temporary use of the 7th Day Brewery Premises at 54 Wattle Road for a fundraising event on 5 November



Internal Referral Body	Comments
	2022 estimated to attract up to 400 people. The event will be ticketed which will limit numbers and will be wholly contained on site so should not require specific traffic or pedestrian management measures. As the event will be taking place from 12pm to approximately 11:59pm on Saturday 15th November when traffic volumes and parking demands in the area are low it is not anticipated that the event will have an unacceptable impact on traffic or parking conditions in the area.
Waste Officer	<p><b>Waste Services Referral</b></p> <p>Supported with conditions:</p> <ul style="list-style-type: none"> <li>- Standard Northern Beaches Council Event Waste Management Guidelines plus:</li> <li>· The sale or distribution of packaged water is prohibited. This includes water in steel and aluminium cans, plastic and glass bottles and cardboard tetra packs.</li> <li>· Tap water station to be available with adequate capacity for the anticipated crowd size.</li> <li>· “Bio-plastic” or biodegradable plastic products must not be sold or distributed at the event such as cups, bowls, cutlery and straws. Paper/Cardboard serving ware is fine. Bamboo or wooden cutlery is fine.</li> <li>· Single use plastic glasses/cups (including wine glasses) are prohibited.</li> <li>· Any item individually wrapped in plastic (including cutlery) is prohibited from being distributed.</li> </ul> <p>The event organiser is supplying waste bins and associated servicing and removal of waste.</p>

External Referral Body	Comments
Ausgrid - SEPP (Transport and Infrastructure) 2021,	The proposal was referred to Ausgrid who provided a response stating that the proposal is acceptable subject to compliance with the

External Referral Body	Comments
s2.48	relevant Ausgrid Network Standards and SafeWork NSW Codes of Practice. These recommendations will be included as a condition of consent.
NSW Police - Crime Prevention Office (Local Command matters)	The application was referred to NSW Police with reference to crime prevention. As no comment was received within 14 days in accordance with the Memorandum of Understanding between Council and NSW Police dated 2 January 2020, it is assumed no objections are raised.
NSW Police - Licensing (Clubs, Hotels, Pubs)	The application was referred to NSW Police with reference to the licensed premises. As no comment was received within 14 days in accordance with the Memorandum of Understanding between Council and NSW Police dated 2 January 2020, it is assumed no objections are raised.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs 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 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 (Transport and Infrastructure) 2021

#### Ausgrid

Section 2.48 of Chapter 2 requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

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

#### Comment:

The proposal was referred to Ausgrid who raised no objections, subject to conditions which have been included in the recommendation of this report.

### SEPP (Resilience and Hazards) 2021

#### **Chapter 4 – Remediation of Land**

Sub-section 4.6 (1)(a) of Chapter 4 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for industrial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under sub-section 4.6 (1)(b) and (c) of this Chapter and the land is considered to be suitable for the industrial land use.

#### **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**

There are no principal development standards under Part 4 of the WLEP 2011 to consider as part of this assessment.

#### **Compliance Assessment**

Clause	Compliance with Requirements
2.8 Temporary use of land	Yes
5.21 Flood planning	Yes

#### **Detailed Assessment**

##### **2.8 Temporary use of land**

The proposal is lodged in relation to Clause 2.8 Temporary Use of Land of the WLEP 2011. Clause 2.8 requires that development consent must not be granted unless the consent authority is satisfied that:

*(a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and*

#### **Comment:**

The proposed development will not prejudice the subsequent carrying out of development on the land, as the use of the site will not involve any permanent physical works. Upon cessation of the single fundraising event, the land will be returned to its former state without any unreasonable impact.

*(b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and*

#### **Comment:**

Subject to adherence to conditions of consent and the Plan of Management, the proposed development will not result in unreasonable impacts on the amenity of adjoining land or the neighbourhood. The proposal does not pose any unreasonable view loss, overshadowing or visual privacy impacts.

*(c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and*

Comment:

The proposed development will involve temporary structures only, to be set up for use during operation of the single fundraising event only and subsequently removed in due course. In this way, the proposed development will not involve alteration to features of the land, nor increase the risk of natural hazards that may affect the land.

*(d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.*

Comment:

As above, the proposed development will involve temporary structures only, to be set up for use during operation of the fundraising event only and removed in due course. Given the temporary nature of the structures, at the cessation of operation of the single fundraising event, the land will be restored to the condition in which it was before the use commenced.

The proposed development satisfies the requirements of this Clause.

## **5.21 Flood planning**

Under this clause, development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development:

- (a) is compatible with the flood function and behaviour on the land, and*
- (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and*
- (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and*
- (d) incorporates appropriate measures to manage risk to life in the event of a flood, and*
- (e) will not adversely affect the environment or cause avoidable erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.*

Comment:

The subject site is partially classified as flood prone land (low to medium risk). The proposed development has been reviewed by Council's Stormwater and Floodplain Engineering team, who are supportive of the proposal, subject to recommended conditions of consent. As such, the consent authority can be satisfied that the proposed development is acceptable in relation to the matters above at (a) through (e).

In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters:

- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,*
- (b) the intended design and scale of buildings resulting from the development,*
- (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,*
- (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.*

Comment:

The subject site is partially classified as flood prone land (low to medium risk). The proposed development has been reviewed by Council's Stormwater and Floodplain Engineering team, who are supportive of the proposal, subject to recommended conditions of consent. As such, the consent authority can be satisfied that the proposed development is acceptable in relation to the matters above at (a) through (d).

## Warringah Development Control Plan

### Built Form Controls

There are no built form controls under the WDCP 2011 to consider as part of this assessment.

### Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
A.5 Objectives	Yes	Yes
C2 Traffic, Access and Safety	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes

## 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 2022

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 2021;
- 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 DA2022/1737 for Temporary use of land for the purposes of a fundraiser event with a capacity of 400 people on Saturday, 5 November 2022 on land at Lot 15 SP 38006, 15 / 54 Wattle Road, BROOKVALE, Lot 52 SP 50167, 15 / 54 Wattle Road, BROOKVALE, Lot 56 SP 50167, 15 / 54 Wattle Road, BROOKVALE, Lot 57 SP 50167, 15 / 54 Wattle Road, BROOKVALE, Lot 58 SP 50167, 15 / 54 Wattle Road, BROOKVALE, Lot 59 SP 50167, 15 / 54 Wattle Road, BROOKVALE, Lot 54 SP 50167, 22 / 54 Wattle Road, BROOKVALE, Lot 23 SP 38006, 23 / 54 Wattle Road, BROOKVALE, Lot 44 SP 38006, 44 / 54 Wattle Road, BROOKVALE, 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 with the endorsed stamped plans and documentation listed below, except as amended by any other condition of consent:

#### a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
Site Plan - Internal	Undated	Applicant
Site Plan - Outdoor	Undated	Applicant

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Event Management Plan	Undated	7th Day Brewery

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

Waste Management Plan		
Drawing No/Title.	Dated	Prepared By
Event Waste Management Plan	19 October 2022	Joel Freeme



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. **Compliance with Other Department, Authority or Service Requirements**

The development must be carried out in compliance with all recommendations and requirements, excluding general advice, within the following:

Other Department, Authority or Service	EDMS Reference	Dated
Ausgrid	Ausgrid Referral Response	26 October 2022

(NOTE: For a copy of the above referenced document/s, please see Application Tracking on Council's website [www.northernbeaches.nsw.gov.au](http://www.northernbeaches.nsw.gov.au))

Reason: To ensure the work is carried out in accordance with the determination and the statutory requirements of other departments, authorities or bodies.

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

3. **Patron Numbers**

The maximum number of patrons on premises during the event is not to exceed 400 at any one time. In accordance with Section 73 Maximum Capacity Signage of the *Environmental Planning and Assessment Regulation 2021*, a sign must be displayed in a prominent position in the building stating the maximum number of persons that are permitted on the premises.

Reason: To ensure consistency with the consent.

4. **Event Operation - Event Management Plan**

The event is to operate in accordance with the approved Event Management Plan.

Reason: To ensure consistency with the consent.

5. **Food Safety**

- A. The vendor of the food is responsible for health and safety related matters until the food is supplied to the customer.
- B. The food vendor is to be appropriately notified to Council by way of a Food Premises Number supplied to the event organiser.

Reason: To ensure food safety, from the time of preparation, through to receipt by customer and by a legal food business.

6. **Noise from the Event**

- A. The use of the premise including any amplified music must be controlled so that any emitted noise is at a level so as not to create an "offensive noise" as defined in the Protection of the Environment Operations Act 1997 to any affected receiver.
- B. Staff shall monitor noise to ensure amplified music is contained and directed internally within the building and patron behaviour managed to reduce any yelling, cheering, whistling, or the like.

C. Compliance with the approved Event Management Plan.

Reason: To ensure that any noise generated does not cause a nuisance to residential receivers in neighbouring streets

**7. Provision of Toilets and Signage**

The proposed temporary toilets shall be provided for the event. Clear signage is to be put in place to direct attendees to the existing toilets located inside the premises.

Reason: To ensure adequate toilet facilities are provided and clearly accessible.

**8. Event Hours of Operation**

The hours of operation for the event are to be restricted to:

- Saturday 5 November 2022:
  - Set Up: 7:00am to 12:00pm
  - Event: 12:00pm (midday) to 12:00am (midnight)
- Sunday 6 November 2022:
  - Pack Down: 7:00am to 12:00pm (midday)

Upon expiration of the permitted event 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: To ensure that amenity of the surrounding locality is maintained.

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

**Signed**



**Claire Ryan, Principal Planner**

The application is determined on 01/11/2022, under the delegated authority of:



**Adam Richardson, Manager Development Assessments**