

10 October 2022

The Chief Executive Officer
Northern Beaches Council

Dear Sir / Madam,

**STATEMENT OF ENVIRONMENTAL EFFECTS
SEVENTH DAY BREWING COMPANY
Temporary use of land for a fundraiser event at 14/54 Wattle Road, Brookvale**

1 Introduction

Development consent is sought for temporary use of the land for a fundraiser event which involves utilisation of the existing approved *artisan food and drink industry*, albeit with an increased development footprint, with increased patron numbers and installations of a temporary nature (minor physical works).

This DA follows a similar development consent approved by Council in October 2019 under DA 2019/0963.

Having assessed the proposal we find that it is consistent with the provisions of LEP clause 2.8, and within the environmental capacity of the property. There are no statutory planning matters preventing the approval of the application.

2 Environmental Assessment

2.1 Site description and property features

Development Consent DA2018/0571 was approved by Council on 17 July 2018 for use of the premise as a brewery and *industrial retail outlet*.

Development Consent DA2021/1375 was approved by Council on 23 December 2021 for, inter-alia, increased patrons, and use of the premise as an *artisan food and drink industry*.

The existing development is located within Lot 51 (and subsequent parking lots 51, 56, 57, 58, 59) in Strata Plan 50167 (the premise) within SP 38006 (the complex), Brookvale. The subject unit has a floor area of approximately 482m².

The land is developed with strata titled, industrial unit complex containing 45 tenancies. A range of manufacturing, warehousing and recreation uses take place within the local context.

The subject premise (Figure 1) has frontage to Powells Road and is within an industrial context.

2.2 Zoning

The property is zoned IN1 General Industrial under the Warringah Local Environmental Plan 2011 as is most of the surrounding land.

2.3 Existing Brewery and artisan food and drink industry Use

The following characteristics of the approved Brewery and *artisan food and drink industry* are noted:

- 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

- 5pm - Midnight (Friday)
- 12pm - Midnight (Saturday)
- 12pm - 10pm (Sunday)

- DA2018/0571 was approved subject to compliance with the following expert reports:

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Noise Impact Assessment	14/3/2018	Acoustic Logic
BCA Assessment Report	27/3/2018	Private Certifiers Australia
Odour Assessment	26/3/2018	The Odour Unit Pty Ltd
Traffic and Parking Assessment Report	19/3/2018	Varga Traffic Planning Pty Ltd
Operational Management Plan	26/6/2018	Seventh Day Brewery
NSW Police - Northern Beaches Area Command Referral Comments	2/07/2018	NSW Police

- DA 2021/1375 was approved subject to compliance with the following expert reports:

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
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



Figure 1 – aerial photograph of the property known as 54 Wattle Road, Brookvale (source: Northern Beaches Council).

3 Proposed Development

3.1 Overview

This proposed development involves 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.

The proposed event is to raise money for a registered charity called ‘Waves for Water’ (ABN:79609199144).

Installations of a temporary nature are proposed, for example, a skate ramp, Portaloos (minor physical works).

Utilisation of the existing approved food and beverage facility for up to 400 people inside and outside the premise within the current liquor licensing boundaries.

Decommissioning of nominated car parking spaces (see section 4.3 below) adjacent to the site's Powells Road frontage from 12pm on 5 November to 12am on 6 November.

3.2 Key aspects of the proposal

Key aspects of the proposal are described as follows:

- Preparation of the event area from 9am on Saturday 16 November 2019
- Temporary use starting time: 12 pm
- Temporary use closing time: 12am
- The event will be for up to 400 people
- The event site being secured with existing fencing to provide a single-entry point on the northern side, as marked on the event plans
- Commissioned security to ensure a safe and orderly operating environment
- Food will be provided by Sale Pepe which is a licensed food premise and part of the proposed temporary use site
- Audio visual screen inside the venue, as marked on the event plans
- Live music inside the venue, as marked on the event plans
- Designated children's area with skateboard ramp within the car parking area outside the venue, as marked on the event plans
- Artist wall – located outside the venue, as marked on the event plans
- Portaloos to be provided on site for the temporary event, as marked on the event plans
- Decommissioning of the event site by 12pm on Sunday 6 November 2022.

4 Statement of Environmental Effects

4.1 Overview

The following Statement of Environmental Effects considers the nature of the proposed temporary use of land and the potential impact on environmental planning grounds.

The following matters for consideration are relevant to the consideration of the proposal as set-out in S4.15 of the Environmental Planning and Assessment Act 1979.

4.2 Matters for consideration

4.2.1 Warringah LEP 2011

Planning considerations from the Warringah LEP relevant to the proposal are noted and addressed as follows.

4.3 LEP Clause 2.8 Temporary use of land

The subject application is made under LEP Clause 2.8 - Temporary use of land. The provisions of the clause and the manner in which the proposal addresses these provisions is addressed below:

- 1) *The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.***

Response –

The proposed temporary use is a single, 12-hour event, with preparation and decommissioning of the event site before and after within the weekend that the event is scheduled. Therefore, the proposal will not compromise the established industrial and business functions that take place within the site and the local context during regular daytime business hours, or the future development of the land.

The existing *artisan food and drink industry* is approved on the property conditional upon satisfying various recommendations in the accompanying assessment reports. The event can mostly operate within the limitations of these reports; the following key exceptions are noted.

Use of the proposed inside and outside areas

The proposed temporary use comprises an expanded patron area of the *artisan food and drink industry* and an outside area comprising the car park as shown on the accompanying event plans.

Based on the area of the proposed temporary use the:

- Inside area – will be managed to not contain more than 200 persons at any one time
- Outside area - will be managed to not contain more than 400 persons at any one time.

Food and beverage service

In addition to the existing service areas, a ‘portable bar’ serving beverages within (draught beer) will be provided outside. It will facilitate orderly service of beverages, avoid excessive patron queuing, and assist in managing the numbers of attendees inside and outside of the *artisan food and drink industry* venue.

Existing and proposed bathroom amenities

The Building Code Compliance assessment for 2021/1375 (Council’s assessment report) established that there are compliant bathroom amenities on site for the existing use. Port-a-loos to be provided on site to accommodate the additional demand for the temporary use.

Given the single proposed day of the temporary use and its relatively short duration, the proposal is not anticipated to have any significant detrimental environmental impacts. Given the purpose of the event, the proposal is anticipated to have positive social and economic impacts. Based on the above it is concluded that the proposal satisfies provision (1) of clause 2.8.

2) Despite any other provision of this Plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

Response –

- The proposed temporary use is for 1 event and is within the maximum limits established by cl2.8 (2) and the proposal satisfies provision (2) of clause 2.8.

3) 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

Response –

The proposed temporary use will not prejudice the subsequent carrying out of development on the land.

The proposal involves decommissioning of the car parking spaces allocated to the premises, some nearby units within the complex and utilisation of a portion of the car parking area for the event including outdoor entertainment, the serving and consumption of food and beverages.

Other unit lessees (Unit 15 'Harbord Beach Station' 3 spaces, Unit 22 'Aluxor' 6 spaces, 'Sale Pepe' 1 space, and Unit 23 'Brookvale Auto Service' 3 spaces) and the Owners Corporation for the strata complex have agreed to the utilisation of 13 car parking spaces (and the access to these spaces) which are proposed for use as part of the event space as shown on the event plan.

The temporary use will be undertaken at a time during the weekend when other businesses within the subject site are not operating. Existing site gates to be shut preventing access to all other areas of the strata complex.

Based on the above it is concluded that the proposal satisfies provision 3(a) of clause 2.8 and will not prejudice the subsequent carrying out of development on the land.

Development consent must not be granted unless the consent authority is satisfied that:

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

Response –

The existing artisan food and drink industry and car parking provision

The existing *artisan food and drink industry* is approved on the property conditional upon satisfying various recommendations in the accompanying assessment reports. The event can mostly operate within the limitations of these reports, an exception being the outdoor use of the car parking area and the resulting deficiency in on-site car parking for the time of the event.

The event involves decommissioning of 23 car spaces in total: 10 car parking spaces allocated to the premise and 13 car parking spaces associated with 4 other businesses adjacent to the site's Powells Road frontage from 12pm on 5 November to 12am on 6 November. As previously referenced, the relevant unit lessees and the Owners Corporation for the strata complex have agreed to this arrangement.

In support of this deficiency the following key points are noted:

- Operation of the event for twelve (12) hours on Saturday 5 November 2022.
- Operation of the event will be outside of regular business hours being 9-to-5 Monday to Friday.
- The close proximity of the site to the various bus routes operating along Pittwater Road
- The availability of on street parking during this time of the week being after 12pm on the Saturday when it is reasonable to expect that businesses within the industrial area are closed.
- Being a licensed event, attendees will be encouraged to carpool or catch other forms of public transport rather than utilising private vehicles. This message will be communicated on promotional material for the event.

Noise

The proposal appropriately responds to the relevant amenity considerations and has considered the provisions of DCP Part D3 - Noise.

The proposed temporary use of the land has considered the potential for acoustic impacts on the neighbouring properties and any sensitive nearby land uses. The proposed temporary use of the land satisfies the DCP's objectives as provided below:

- The property is located within an established and built-up General Industrial zone.
- The premise is appropriately separated from any sensitive residentially zoned land being approximately 120m to the nearest area which is to the south side of the industrial complex on the site.
- The location of the premises is compatible with its context noting the industrial nature of adjoining and nearby business uses (along with their hours of operation) within the industrial zone.

- The proposal does not involve a place of 'late night' entertainment, the proposed temporary use will close at 11.30pm; the hours of operation will not facilitate late night revelry or anti-social behaviour.
- The proposed patronage associated with the temporary event will not involve a significant change to the existing nature of operations but enable a reasonable intensification of these operations for a single event over a 12-hour period.
- The NSW Industrial Noise Policy establishes limitations for the types of noise and the hours that noise is unacceptable. Up until 10pm is regarded as daytime hours within which it is acceptable for some audible noise to be heard from other properties. The proposed temporary use until 12.00am for a single event in this location is considered a reasonable proposal worthy of support.
- Based on the above it is concluded that the proposal satisfies provision 3(b) of clause 2.8.

(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

Response –

The following characteristics are noted:

- The proposal will involve the installation of minor temporary structures within a developed area (concrete surfaced carpark) of the property and utilisation of the existing approved *artisan food and drink industry*.
- The land does not contain known sensitive environmental attributes or features and the proposal will not increase the risk of natural hazards that affect the land.
- Based on the above it is concluded that the proposal satisfies provision (b) of clause 2.8.

(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.

Response –

- The proposed temporary use will be decommissioned by 12pm on the day following the temporary use/event.
- The land owner and applicant will ensure that the site is restored to the condition in which it was before the event.
- Based on the above it is concluded that the proposal satisfies provision (b) of clause 2.8.

4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.

Response – Not applicable to the subject matter.

- 5) Subclause (3) (d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

Response – Not applicable to the subject matter.

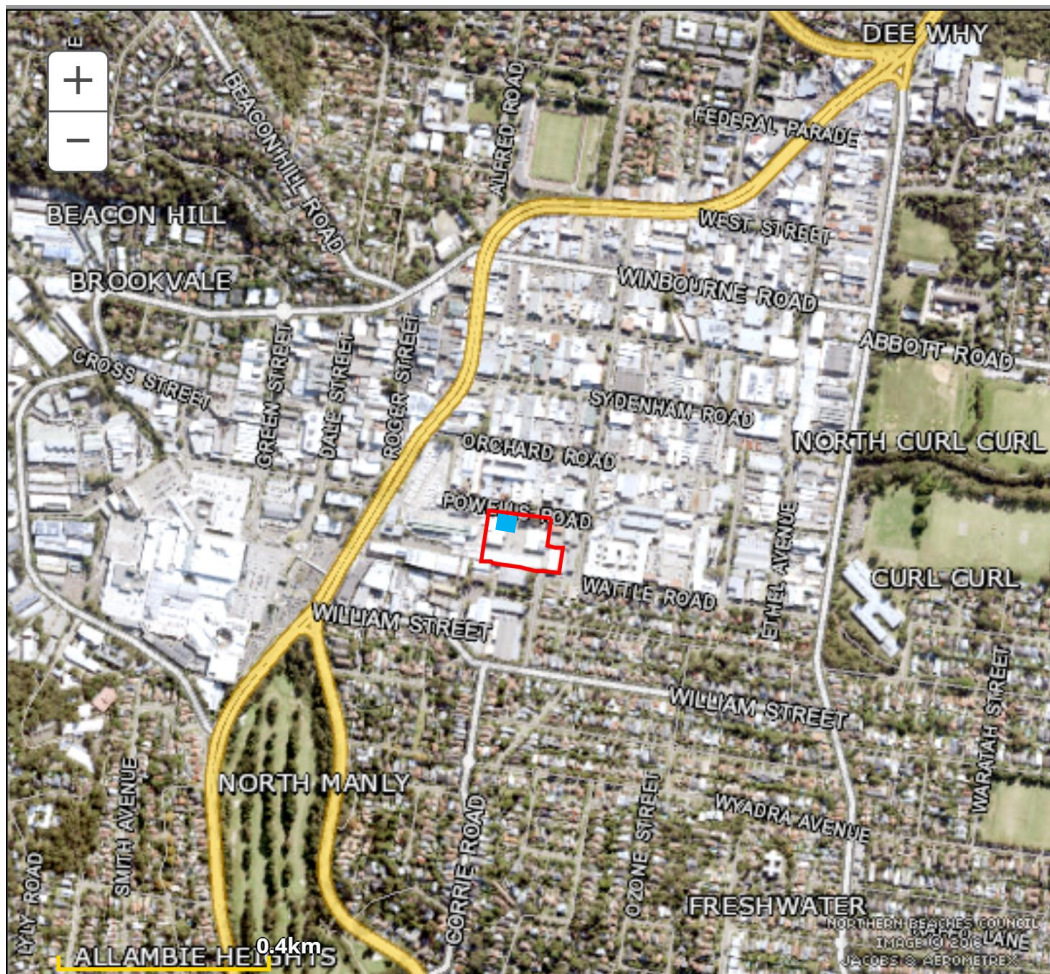


Figure 4 - The premise is separated from sensitive residential land

5 Section 4.15 Matters for Consideration

The proposal has been assessed having regard to the matters for consideration pursuant to S4.15(1) of the Act, and to that extent, Council can be satisfied that:

- The site is appropriate for accommodating the proposed temporary land use. The amenity considerations in relation to noise are satisfactory. Appropriate transport, access and car

parking provision is available. There will be no significant or unreasonable adverse environmental impacts arising from the proposal.

- The proposal is permissible and consistent with the objectives of the zone, pursuant to the LEP. The proposal satisfies the relevant planning provisions relating to the site.
- The proposal is anticipated to not result in any significant unacceptable impacts that limit the use or enjoyment of nearby or adjoining land.
- Given the single proposed day of the temporary use and its relatively short duration, the proposal is not anticipated to have any significant detrimental environmental impacts and offers potential positive social and economic impacts.
- Given the site's location and established function, the site is assessed as being entirely suitable for the proposed temporary land use.

6 Conclusion

The proposed temporary land use of the land at 14/54 Wattle Road, Brookvale, for a fundraiser event, represents an appropriate temporary intensification of the approved *artisan food and drink industry* on the site.

It is our considered opinion that the proposed temporary land use is satisfactory and is worthy of being approved by Council.

Yours sincerely,



Michael Haynes
Director - BBF Town Planners



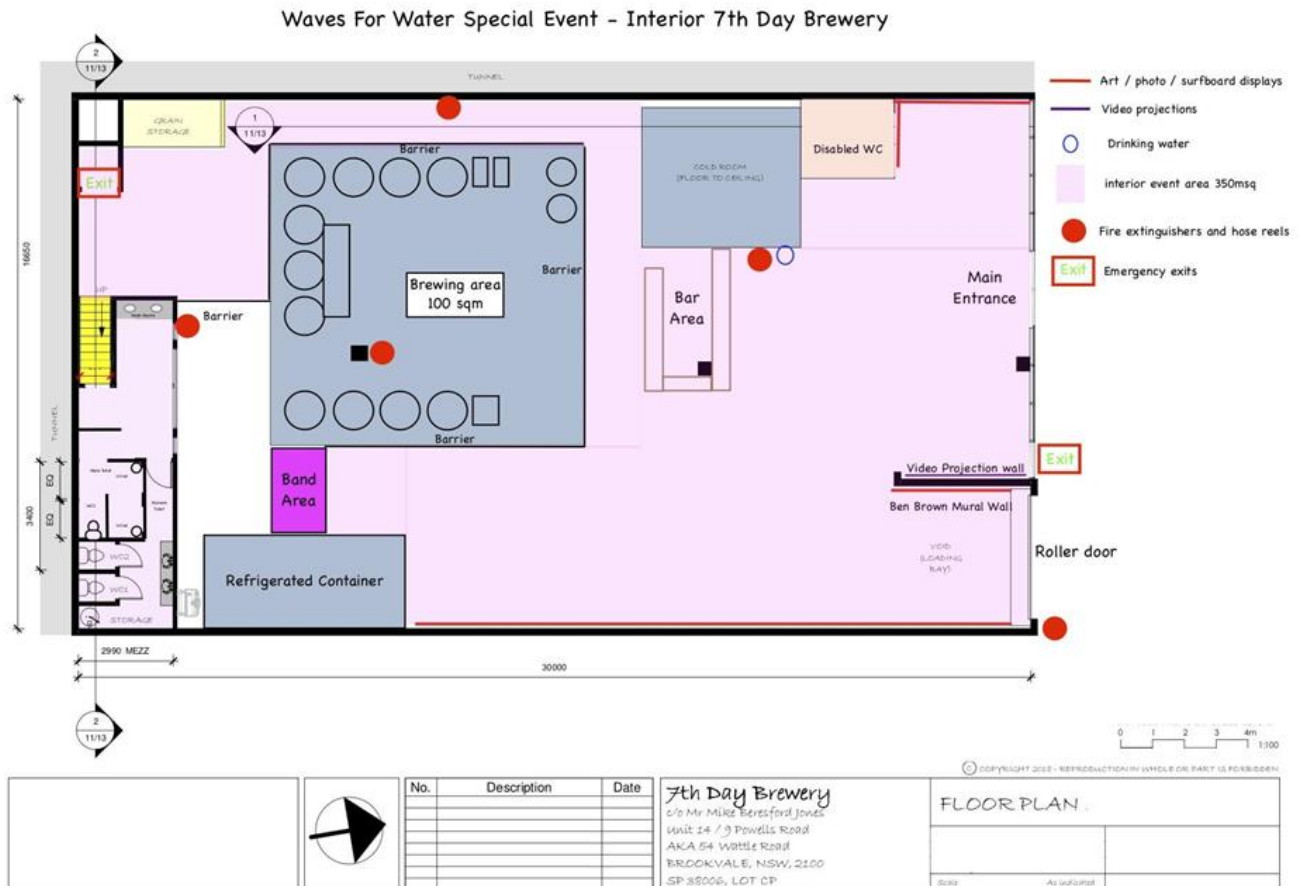


Figure B – excerpt of the event plan – indoor area