

29 August 2019

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 Industrial Retail Outlet facility albeit with an increased development footprint, with increased patron numbers and installations of a temporary nature (minor physical works).

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.

The existing development is located within Lots 51-59 in Strata Plan 50167, Brookvale. The subject unit has a floor area of approximately 482m<sup>2</sup> and the Industrial Retail Outlet is approximately 121m<sup>2</sup> (or 33%) of the floor area of the premise.

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 frontages 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 Industrial Retail Outlet Use

The following characteristics of the approved Brewery and Industrial Retail Outlet 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

These hours are within those permitted by condition 18 of the development consent (copied in full below) which are: Monday to Friday: 4pm to 12 midnight and Saturday and Sunday: 12 midday to 12 midnight.

- The DA was approved subject to compliance with the following expert reports:

<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>
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



Figure 1 – aerial photograph of the property known as 54 Wattle Road, Brookvale (Northern Beaches Council). The approximate location of the subject tenancy at 14/54 Wattle Road is marked blue.



**Figure 2 – character of existing carpark area**



**Figure 3 – character of XXXXX**





**Figure 4 – character of the existing carpark area**



**Figure 4 – character of the streetscape and existing footpath for pedestrians**

### **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 Industrial Retail Outlet for operation during a 6 hour period on Saturday 16 November 2019.

The proposed event is to raise money for a registered charity called 'Waves for Water'.

Once DA approval is achieved, application will be made to Liquor and Gaming New South Wales for the liquor licensing of the event.

#### **3.2 Key aspects of the proposal**

Key aspects of the proposal are described as follows:

- Preparation of the event/ temporary use area from 9am on Saturday 16 November 2019
- Temporary use starting time: 5 pm
- Temporary use closing time: 11:30 pm
- The event will be for up to 400 people
- The site 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 17<sup>th</sup> November 2019

### **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, 6-hour event, with preparation and decommissioning of the event site before and after within the weekend that the event is scheduled. Therefore, the does 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 Industrial Retail Outlet 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 Industrial Retail Outlet 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 ‘can bar’ serving beverages within sealed containers (cans) will be provided outside, as marked on the event plans. It will facilitate orderly service of beverages, avoid excessive patron queuing, and assist in managing the numbers of attendees inside and outside of the Industrial Retail Outlet venue.

### **Existing and proposed bathroom amenities**

The Building Code Compliance report that accompanied DA2018/0571 establishes that there are compliant bathroom amenities on site for the existing use. Portaloos 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)
- Based on the above it is concluded that 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 and utilisation of a portion of the car parking area for outdoors entertainment, the serving and consumption of food and beverages. Furthermore, the strata complex has agreed to the utilisation of 19 car parking spaces (17 of which are proposed for use for event car parking) 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.

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 Industrial Retail Outlet and car parking provision**

The existing Industrial Retail Outlet 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. In support of this deficiency the following key points are noted:

- Operation of the event for six (6) hours on the Saturday evening of 16 November 2019
- Operation of the event 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 5 pm 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 a long established and built-up General Industrial zone.
- The premise is appropriately separated from any sensitive residentially zoned land being approximately:
- 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 11pm; 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 6-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 11pm 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 Industrial Retail Outlet facility.
- 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 –

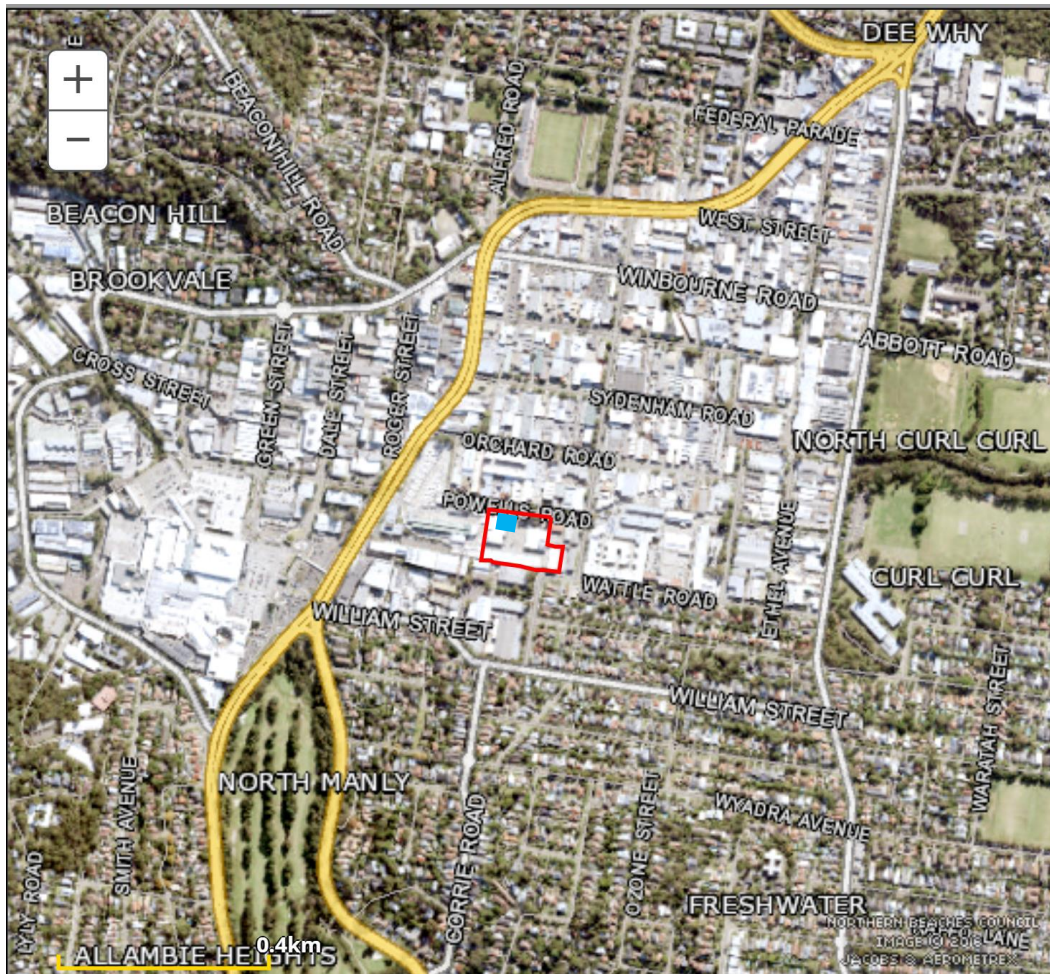
- The proposed temporary use will be decommissioned by 12pm on the day following the temporary use/event.
- The land owner and applicant will ensure that the site is restored to the condition in which it was before the commencement of the use.
- Based on the above it is concluded that the proposal satisfies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

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.

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**