

## DEVELOPMENT APPLICATION ASSESSMENT REPORT

<b>Application Number:</b>	DA2019/0963
<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 44 SP 38006, 44 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot CP SP 38006, 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 premises for fundraising event
<b>Zoning:</b>	<p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p> <p>Warringah LEP2011 - Land zoned IN1 General Industrial</p>
<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>	Powells 15 Pty Limited

<b>Applicant:</b>	7th Day Brewery Pty Ltd
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<b>Application Lodged:</b>	04/09/2019
<b>Integrated Development:</b>	No
<b>Designated Development:</b>	No
<b>State Reporting Category:</b>	Other
<b>Notified:</b>	01/10/2019 to 15/10/2019
<b>Advertised:</b>	Not Advertised
<b>Submissions Received:</b>	0
<b>Clause 4.6 Variation:</b>	Nil
<b>Recommendation:</b>	Approval

<b>Estimated Cost of Works:</b>	\$ 3,000.00
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## PROPOSED DEVELOPMENT IN DETAIL

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

- One event: 16 November 2019;
- Up to 400 patrons;
- Hours of operation: 5:00pm to 11:30pm

## 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

Warringah Local Environmental Plan 2011 - 2.8 Temporary use of land

**SITE DESCRIPTION**

<p><b>Property Description:</b></p>	<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 44 SP 38006 , 44 / 54 Wattle Road BROOKVALE NSW 2100</p> <p>Lot CP SP 38006 , 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>
<p><b>Detailed Site Description:</b></p>	<p>The Assessing Officer visited the site on 26 September 2019.</p> <p>The subject site consists of two (2) strata allotments located on the northern side of Wattle Road, Brookvale.</p> <p>The site is irregular in shape with frontages of approximately 44m along Wattle Road and 120m along Powells Road, and a depth of approximately 103m. 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> <p>Adjoining and surrounding development is characterised by</p>

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 recent history:

- DA2018/0571 for Use of Premises as a brewery and industrial retail outlet was approved on 17 July 2018 under staff delegation.

## 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	None applicable.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	Warringah Development Control Plan 2011 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 2000 (EP&A	<u>Division 8A</u> of the EP&A Regulation 2000 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed

Section 4.15 Matters for Consideration'	Comments
Regulation 2000)	<p>via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&amp;A Regulation 2000 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 54 and 109</u> of the EP&amp;A Regulation 2000 allow Council to request additional information. Additional information was requested in relation to traffic, acoustic impacts, waste management and event management. All requested information has been received.</p> <p><u>Clause 92</u> of the EP&amp;A Regulation 2000 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 93 and/or 94</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 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 98</u> of the EP&amp;A Regulation 2000 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). This clause is not relevant to this application.</p> <p><u>Clause 143A</u> of the EP&amp;A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</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 2011 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 economic impact on the locality considering the nature of the</p>

Section 4.15 Matters for Consideration'	Comments
	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 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition of the application Council received no submissions.

## REFERRALS

Internal Referral Body	Comments
Building Assessment - Fire and Disability upgrades	<p>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.</p> <p>Note: The proposed development may not comply with some requirements of the BCA. Issues such as these however may be determined at Construction Certificate stage.</p>
Environmental Health (Industrial)	<p><b>General Comments</b></p> <p>As a one off event we have no objections.</p> <p><b>Recommendation</b></p> <p>APPROVAL - subject to conditions</p>
Environmental Health (Food Premises, Skin Pen.)	<p><b>General Comments</b></p> <p>As a special one off charity event we have no objections.</p>



Internal Referral Body	Comments
	<b>Recommendation</b>  APPROVAL - subject to conditions
NECC (Development Engineering)	Application for a fund raiser.  Development Engineering raise no objection provided there is no damage to Council infrastructure.
NECC (Stormwater and Floodplain Engineering – Flood risk)	The proposed development is not considered to increase flood risk.
Traffic Engineer	The application is for a temporary use of part of the carpark area of 54 Wattle Road for a fundraising event on 16 November 2019 estimated to attract up to 400 people. As the event will be taking place from 5pm to approximately 11:30pm on a Saturday 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	Council requires people holding events on public land to comply with its single use plastic reduction policy and guidelines available here  <a href="https://www.northernbeaches.nsw.gov.au/sites/default/files/2017-237768-nbc-event-waste-management-guidelines.pdf">https://www.northernbeaches.nsw.gov.au/sites/default/files/2017-237768-nbc-event-waste-management-guidelines.pdf</a>  People holding events on private land are encouraged to comply with the guidelines also and Council's waste education team are very willing to assist where possible.  The applicant should also ensure the street outside the event is litterpicked after the event and left clean and free of litter.

External Referral Body	Comments
Ausgrid: (SEPP Infra.)	The proposal was referred to Ausgrid. No response has been received within the 21 day statutory period and therefore, it is assumed that no objections are raised and no conditions are recommended.

## ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)\*

All, Environmental Planning Instruments (SEPPs, REPs 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, REPs 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)

Nil

## 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
6.3 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 and removed for use



during operation of the single fundraising event only. 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 and removed for use during operation of the fundraising event only. 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.

## 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
C3 Parking Facilities	Yes	Yes
C9 Waste Management	Yes	Yes
D3 Noise	Yes	Yes

## THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The proposal will not significantly effect 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 2019

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 2000;
- 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 DA2019/0963 for Temporary use of premises for fundraising event 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 44 SP 38006, 44 / 54 Wattle Road, BROOKVALE, Lot CP SP 38006, 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 (except as amended by any other condition of consent) with the following:

#### a) Approved Plans

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

7th Day Special Event Interior Plan	Undated	Applicant
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Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Event Management Plan	24 September 2019	7th Day Brewery

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

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.

## CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

### 2. Rectification of Damage to Road Reserve

The Applicant shall submit to Council a photographic or video record of the condition of the road reserve surrounding the event site prior to commencement of the event. The Applicant shall be responsible for the cost of repair to any Council infrastructure found to have been damaged as a result of event activities.

Reason: Protection of Council infrastructure.

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

### 3. Litter Removal and Compliance with Waste Reduction Policy

The street in front of the event must have litter removed and be left clean and clear of litter following the event. The Applicant is encouraged to comply with Council's Event Waste Management Guidelines (<https://www.northernbeaches.nsw.gov.au/sites/default/files/2017-237768-nbc-event-waste-management-guidelines.pdf>). The Guidelines are required to be followed for events held on public land, and people holding events on private land are encouraged to comply and reduce the use of single use plastics.

Reason: To maintain the amenity of the surrounding area and reduce waste.

### 4. Provision of Toilets and Signage

Two additional temporary toilets shall be provided for the event. Clear signage is to be put in place to direct attendees to the other toilets located inside the premises.

Reason: To ensure adequate toilet facilities are provided.

### 5. Compliance with Food Safety

The vendor of the food is responsible for health and safety related matters until the food is actually supplied to the customer.

Reason: To ensure food safety from the time of preparation through to receipt by customer.

### 6. Noise from the Event

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.

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

**7. Hours of Operation**

The hours of operation are to be restricted to:

- Saturday 16 November 2019:
  - Set Up: 9:00am - 5:00pm
  - Event: 5:00pm - 11:30pm
- Sunday 17 November 2019:
  - Pack Down: 7:00am - 12midday

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: Information to ensure that amenity of the surrounding locality is maintained.

**8. Patron Numbers**

The maximum number of patrons on premises during the event is not to exceed 400 at any one time.

Reason: To ensure consistency with the consent.

**9. Event Operation - Plan of Management**

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

Reason: To ensure consistency with the consent.

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

**Signed**



**Claire Ryan, Planner**

The application is determined on 17/10/2019, under the delegated authority of:



**Matthew Edmonds, Manager Development Assessments**