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MEMORANDUM

DATE: 19 June 2019

TO: Northern Beaches Local Planning Panel

CC: Matthew Edmonds, Manager Development Assessment

FROM: Claire Ryan, Principal Planner

SUBJECT: DA2019/0123 – 80-82 and 84 Mona Vale Road and 22 Jubilee Avenue, Mona Vale – Condition Amendments

Dear Panel,

Further to the Assessment Report for DA2019/0123 at 80-92 and 84 Mona Vale Road and 22 Jubilee Avenue, Mona Vale:

Upon reviewing the Assessment Report, the Applicant raised concern regarding conditions of consent recommended by Council's Traffic Engineer, and a statement in the Assessment Report that the Applicant proposes footpath upgrades. The matters are clarified as follows:

- The Traffic Engineer referral comments in the Assessment Report state, "*The applicant is proposing to upgrade all footpaths along all frontages of the site to the nearest Bus Stop.*" This is incorrect – DA2019/0123 does not propose footpath upgrades. However, Council's Traffic Engineer recommends that the gravel portion of the Foley Street frontage (i.e. where there is not yet a formal footpath) be upgraded to ensure a clear and safe foot passage along the frontage of the site. Council's Traffic Engineer notes the upgrade may need to extend slightly beyond the gravel portion in order to smoothly adjoin existing footpath infrastructure. The requirement fulfils a need in that the proposed development will attract additional foot traffic to the site, and the existing gravel may be a pedestrian safety issue. The requirement is reasonable in that it only requires construction of footpath where there is none. The recommendation within the Assessment Report doesn't specify that footpaths are to be constructed, referring only to engineering design requirements. As such, the following condition amendments are recommended:
 - Add under Conditions That Must Be Addressed Prior To Any Commencement:

Footpath Construction
Prior to any commencement of the use for the markets, footpath is to be constructed along the portion of the Foley Street frontage that does not include formal footpaths.
Reason: To ensure pedestrian safety.
 - Amend Condition 6 to be deferred commencement condition 1A:

Submission of Engineering Plans
The submission is to include four (4) copies of Civil Engineering plans for the design of footpath construction along the Foley Street frontage, where there is currently no footpath. These are to be generally in accordance with the civil design approved with the Development Application and Council's specification for engineering works - AUS-SPEC #1 and or Council's Minor Works Policy. Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.



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Reason: To ensure compliance with Council's specification for engineering works.

- The Applicant also raised concern with the requirement to optimise the signal phasing at the intersection of Foley Street and Mona Vale Road. Upon reviewing the Applicant's correspondence, Council's Traffic Engineer is satisfied with replacement of conditions relating to the signal phasing with the following:
 - Replace Condition 1 (deferred commencement condition) with:

Intersection of Foley Street and Mona Vale Road SCATS Confirmation
The applicant is to provide correspondence from a suitably qualified person confirming that the SCATS system at the intersection of Foley Street and Mona Vale Road will automatically adjust to meet the demands of the future phasing identified in the Applicant's Parking & Traffic Impact Assessment Report. The correspondence must be submitted to and approved by Council prior to the consent becoming active.
Reason: To ensure the signal used intersection will accommodate future demands on the network.
 - Delete Condition 7
 - Delete Condition 13
- The Applicant requested a wording change to the conditions relating to the number of days the proposal operates for each year, from "42 days" to "42 days, or such larger number of days as specified from time to time in any applicable LEP." In this regard, while the request is understood, Council has no plans to amend the number of days allowable for temporary uses under the LEP in the foreseeable future. Should the LEP be amended to later the number of days, a modification application may be made accordingly.

Finally, a matter is raised by Council:

- It is noted that the recommendation effectively allows for a permanent part-time use, rather than a temporary use. As such, the following is recommended:
 - Add under Ongoing Conditions That Must Be Complied With At All Times:

Time-Limited Consent
The consent operates for 5 calendar years from the date of commencement of operation ('the consent period'). If the Applicant wishes to extend the consent period, the Applicant must lodge a modification application on or before three months prior to the end of the consent period to seek consent for such extension. In the event a modification application is lodged prior to the expiration of the consent period, the use may continue to operate in accordance with this consent until such time as that modification application is determined. In the event a modification application is not lodged prior to the expiration of the consent period, the use must cease at the end of the consent period.
Reason: To ensure the use is temporary in accordance with the consent.

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