

STATEMENT OF ENVIRONMENTAL IMPACTS PITTWATER RSL CLUB, MONA VALE, SYDNEY

REQUEST FOR REVIEW

September 2020

Introduction

Organic Food Market (OFM) have been operating a market in the car park of the Pittwater RSL since 1 September 2019. The original application was strongly opposed by a small group of neighbours. In the event a consent was granted for a trial period of 18 months with leave to apply for an extension prior to six months before the DA's expiry.

Throughout this period this small group have continued to be highly hostile filming our activities, complaining to Rangers and even on one occasion coming on site and pushing an employee of the RSL to the ground. Throughout this period we have complied with all time restriction placed upon the market and have enjoyed good relations with the Rangers and the support of a large number of customers of the market and the market traders as well as the RSL.

The most recent review (Mod2020/0175) introduced further restrictions on opening hours and on traffic management:

- pushing the on site time back from 7 am to 7:30 am, and
- providing that we must have traffic wardens.

This appears to be based on the Panel accepting this hostile group's view of the market as a noisy, congestion creating activity that they wish to see closed whatever the cost to others including the people employed there directly and indirectly (over 100) and the customers who have been able to come and purchase food out of doors during this difficult time.

We presented evidence with this Request for Review that demonstrates that traffic and parking are not a problem and that any noise created by the market does not affect the neighbours in any material way. Indeed it is difficult to pick it up above the ambient noise level. To support this Request for Review we have commissioned new acoustic and traffic reports which accompany.

Acoustic Report

The report prepared by Ian McGrath concludes:

- The noise data with direct observation of the market's operation indicates that any noise generated by the operation of the Organic Markets within 22 Jubilee Avenues is low to inaudible at the nearest sensitive receiver 185 Warriwood Rd and across Foley Street masked by the movement of through local traffic, including a bus route, on the crossroad junction of Jubilee Ave and Foley Street is significant.
- The entry and exit by the vendors are orderly and brief. The behavior of the patrons inside the markets is observed as mingling as opposed to hustle and bustle, therefore low noise emissions.
- The source of breaches of the Amenity Criteria and or the Intrusive Criteria being prescribed as L10 level \leq rating background level or (L90), plus 5, are in the environment under study

most likely generated by local through traffic movements at the crossroad not from the markets activity itself.

- The constant presence of the contribution to the noise environment by existing local traffic movement is significant and can't easily be ignored it would be remis to do so.

Traffic and Parking Report

The report prepared by Greys Australia concludes:

- Bump-in traffic extends along Jubilee Avenue to Ponderosa Parade. The queue disappears in about five minutes in the morning. No action would be required as Stall Holders are required to enter the market in an orderly manner to avoid safety hazards.
- Bump-out traffic queue coincides with road network peak hour traffic on Foley Street.
- It is recommended that traffic controllers at exit points encourage patrons and stall holders to turn left onto Jubilee Avenue and access Mona Vale Road via Ponderosa Parade which has ample capacity to accommodate this traffic volume with minimum delay time.
- No safety hazards to vulnerable road users were observed during the site visit.
- Ample parking spaces are always available within RSL Club premises and on-street parking usage by some patrons is a personal choice which can only be rectified/enforced via application of regulatory or temporary signs on market days.

Conclusions

It is clear the market has been subject to a continuing and totally unjustified campaign by a few neighbours and the professional advise is that this is totally without foundation:

- The contribution to sound in the area is dwarfed by other noise already present from the use of the local roads and does not contribute to any reduction in the noise amenity.
- Traffic is managed and parked effectively and has minimal impact on the local roads.

We would ask that the provisions relating to a trial period Condition 10) now be removed as clearly the market has been trialled and is working very satisfactorily. We request the DA to run for five years with leave to reapply within six months of that new expiry date.

We ask that the traffic warden provision (Condition 12) be removed as traffic and parking are not a cause of concern in the report..

In addition we would ask for the maximum number of days per year be phrased as 'Market events may be increased to the maximum number of days provided in any relevant LEP from time to time from the current approved maximum of 42.' Markets are basically a weekly even and give the expense (over \$25,000) that the applicant has had to incur owing to the totally unjustified complaints it has faced it would be appropriate to assist them incurring the extra expense to apply once again when the new LEP for the Northern Beaches is promulgated.

We hope the panel can place the market in a position to operate into the future. It has proved invaluable in discharging the essential service of supplying food to the area and creating jobs.