

DEVELOPMENT APPLICATION ASSESSMENT REPORT

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| Application Number: | DA2019/0123 |
| Responsible Officer: | Claire Ryan |
| Land to be developed (Address): | Lot 27 DP 5055, 22 Jubilee Avenue WARRIEWOOD NSW 2102 Lot 120 DP 135512, 84 Mona Vale Road MONA VALE NSW 2103 Lot 26 DP 654262, 80 - 82 Mona Vale Road MONA VALE NSW 2103 |
| Proposed Development: | Use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market |
| Zoning: | B7 Business Park B7 Business Park R2 Low Density Residential SP2 Infrastructure |
| Development Permissible: | Yes, under Clause 2.8 Temporary Use of Land of the PLEP 2014 |
| Existing Use Rights: | No |
| Consent Authority: | Northern Beaches Council |
| Delegation Level: | NBLPP |
| Land and Environment Court Action: | No |
| Owner: | Pittwater RSL Club Ltd |
| Applicant: | Organic Food Markets |
| Application lodged: | 14/02/2019 |
| Integrated Development: | No |
| Designated Development: | No |
| State Reporting Category: | Other |
| Notified: | 03/06/2019 to 17/06/2019 |
| Advertised: | Not Advertised |
| Submissions Received: | 198 |
| Recommendation: | Deferred Commencement Approval |
| Estimated Cost of Works: | \$ 0.00 |

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

Pittwater Local Environmental Plan 2014 - 2.8 Temporary use of land

SITE DESCRIPTION

| | |
|-----------------------------------|--|
| Property Description: | <p>Lot 27 DP 5055 , 22 Jubilee Avenue WARRIEWOOD NSW 2102</p> <p>Lot 120 DP 135512 , 84 Mona Vale Road MONA VALE NSW 2103</p> <p>Lot 26 DP 654262 , 80 - 82 Mona Vale Road MONA VALE NSW 2103</p> |
| Detailed Site Description: | <p>The Assessing Officer carried out a site inspection on 24 May 2019.</p> <p>The subject site consists of three (3) allotments located to the south-west of Mona Vale Road, north-west of Foley Street, and north of Jubilee Avenue.</p> <p>The site is irregular in shape with frontages of 267m along Mona Vale Road, 200m along Foley Street, and 100m along Jubilee Avenue. The site has an area of approximately 39,319m².</p> <p>The site is zoned part R2 Low Density Residential and part B7 Business Park and accommodates the Pittwater RSL Club development, comprised of the club, sportsfields, bowling club and associated parking.</p> <p>The site slopes approximately 20m from east to south-west, and contains significant vegetation around the existing buildings, facilities and parking areas.</p> <p>Detailed Description of Adjoining/Surrounding</p> |

Development

Adjoining and surrounding development is characterised by industrial, commercial and low-density residential development.

Map:



SITE HISTORY

The land has been used for commercial purposes for an extended period of time. A search of Council's records has revealed the following relevant recent history:

- DA2019/0006 for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market was rejected on 1 February 2019 under staff delegation due to inadequate Statement of Environmental Effects, plans, operational management plan, signage details, and waste management plan.
- DA2019/0046 for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market was rejected on 22 February 2019 under staff delegation due to inadequate plans and owners consent.

PROPOSED DEVELOPMENT IN DETAIL

The proposal seeks consent for use of part of the existing Pittwater RSL Club car park for markets, as follows:

- Up to 100 stalls;
- Up to 42 days per year (Wednesdays or Sundays); and
- Hours of operation: 7:30am-12:30pm.

Note: The application included varying proposed hours of operation between the Application Form, the

Statement of Environmental Effects, the Plan of Management and the Traffic Report. The hours stipulated on the application form are taken to be the proposed hours of operation.

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 | Pittwater 21 Development Control Plan 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 Regulation 2000) | <p><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 via a condition of consent.</p> <p><u>Clause 50(1A)</u> of the EP&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&A Regulation 2000, Council requested additional information and has therefore considered the number of days taken in this assessment in light of this clause within the Regulations. No additional information was requested.</p> <p><u>Clause 92</u> of the EP&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&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&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&A Regulation 2000 requires the consent authority to consider the provisions of the</p> |

| Section 4.15 Matters for Consideration' | Comments |
|--|--|
| | <p>Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&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) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the /Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p> |
| 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 process council is in receipt of 198 submission/s from:

| Name: | Address: |
|------------------|----------------------------------|
| Scott John Riley | 20 Ocean Grove COLLAROY NSW 2097 |

| Name: | Address: |
|------------------------------|---|
| Kris Deamer | 2 The Avenue NEWPORT NSW 2106 |
| Ric Simpson | |
| Ms Tracy May Cronan | PO Box 3606 PARRAMATTA NSW 2124 |
| Susanne Jacobs | 11 Hollywood Road NEWPORT NSW 2106 |
| Mrs Suzanne Patricia Diamond | 4 Mirrabooka Street BILGOLA PLATEAU NSW 2107 |
| Janine Pares | |
| Claudio Mangifesta | |
| Paul Clarke | |
| Joanne Bell | |
| Teresa Rutherford | |
| Martin Vella | |
| Sally Joann Woerndl | 6 Kay Close MONA VALE NSW 2103 |
| Samantha Caller | 179 Powderworks Road ELANORA HEIGHTS NSW 2101 |
| Mrs Michelle Gae Burns | 30 Griffin Road NORTH CURL CURL NSW 2099 |
| Nicole Kayclough | |
| Mrs Bianca Leanne Ipschwitz | 3 Arrabri Place WARRIEWOOD NSW 2102 |
| Monique Gray | |
| Valerie Mona McLeod | 3 / 81 Howard Avenue DEE WHY NSW 2099 |
| Ms Joan Spinney | 9 Tyrone Avenue FORESTVILLE NSW 2087 |
| Tara Hoare | 3 / 59 Lagoon Street NARRABEEN NSW 2101 |
| Tess Cowley | |
| Natesh Pai | |
| Victoria Chambers | |
| Prue Eccleston | |
| Kate Newton | |
| Richard Wentworth-Ping | |
| Jason Gray | |
| John Walton | 15 Booyong Avenue LUGARNO NSW 2210 |
| Mrs Michelle Linda Stone | 20 Waterview Street MONA VALE NSW 2103 |
| Mrs Deborah Stracey | 77 The Esplanade FRENCHS FOREST NSW 2086 |
| Shannon Young | |
| Mrs Savannah Carys Baker | 34 McDonald Street FRESHWATER NSW 2096 |
| Jorja Vicary | |
| Mr Geoffrey Russell Walsh | 188 Warriewood Road WARRIEWOOD NSW 2102 |
| Mrs Ann Carolyn Hogan | 111 Plateau Road BILGOLA PLATEAU NSW 2107 |
| Sue Toso | 119 Plateau Road BILGOLA PLATEAU NSW 2107 |
| Paul Casper | 76 Mona Vale Road MONA VALE NSW 2103 |
| Mrs Ann-Marie Bayliss | 57 Towradgi Street NARRAWEENA NSW 2099 |
| Danielle Danswan | |
| Mr Josef Belevi | 49 A Vineyard Street MONA VALE NSW 2103 |

| Name: | Address: |
|--|---|
| Mrs Penelope Ruttyn Mr Anthony Ruttyn | 11 / 6 Foley Street MONA VALE NSW 2103 |
| Michelle Eisele | 3 / 6 Foley Street MONA VALE NSW 2103 |
| Mrs Jayne Smytheson | |
| Mr Deepak Damji Wadher | 83 Mona Vale Road MONA VALE NSW 2103 |
| Mr Ian Littleton | PO Box 418 STUBBO NSW 2852 |
| Mr Robert Bergqvist | 4 Brinawa Street MONA VALE NSW 2103 |
| Julie Hutchings | 2 Jeanette Avenue MONA VALE NSW 2103 |
| Elizabeth Clare Halls | 2 / 6 Foley Street MONA VALE NSW 2103 |
| Ms Ronda Lea Schweinsberg | 46 Palmgrove Road AVALON BEACH NSW 2107 |
| Mrs Patricia Janet Johnston | 64 Vineyard Street MONA VALE NSW 2103 |
| Mr Neil Burleigh | |
| Ms Elizabeth Diedre Wall | 25 / 237 Macpherson Street WARRIEWOOD NSW 2102 |
| Ms Maraya Sunshine Bell | 1 Fazzolari Avenue MONA VALE NSW 2103 |
| Ms Julie Buckroyd | 6/16 Waratah Street MONA VALE NSW 2103 |
| Ms Lauren Alice Bailey | 3 Wallaby Circuit MONA VALE NSW 2103 |
| Ms Michelle Anne Louise Carter | 4 Shearwater Drive WARRIEWOOD NSW 2102 |
| Ms Sara Daisy Bell | 1 Fazzolari Avenue MONA VALE NSW 2103 |
| Janice Leach | 36 Hillside Road NEWPORT NSW 2106 |
| Ms Amber Robyn Fawn Jones | 63 Emma Street MONA VALE NSW 2103 |
| Mrs Tracie Francis | 47 Vineyard Street MONA VALE NSW 2103 |
| Rebecca Svenoy | 330 / 79 - 91 Macpherson Street WARRIEWOOD NSW 2102 |
| Ms Jane Marie Argue | 24 / 237 Macpherson Street WARRIEWOOD NSW 2102 |
| Maria Skarparis | Invalid Address NSW |
| Ms Jackie Black | 5 Lakeview Parade WARRIEWOOD NSW 2102 |
| Mr Dale Marc Cohen | 75 Whale Beach Road WHALE BEACH NSW 2107 |
| Ms Kylie Elizabeth Perrin | 10 Hunter Street South WARRIEWOOD NSW 2102 |
| Ms Janine Elizabeth Clark | 16 Lake Park Road NORTH NARRABEEN NSW 2101 |
| Mrs Ann Asker | 5 Briony Place MONA VALE NSW 2103 |
| Mrs Sarah Jane Mawson | 18 Wallaby Circuit MONA VALE NSW 2103 |
| Mrs Sally Louise-Walker Brandt | 34 C Samuel Street MONA VALE NSW 2103 |
| Rachel Rumery | |
| Earl Moran | |
| Mrs Kerryn Elizabeth O'Dell | 6 Brands Lane WARRIEWOOD NSW 2102 |
| Ms Alison Brookbanks | 36 Loquat Valley Road BAYVIEW NSW 2104 |
| Shayna Price | |
| Amy Radel | 7 Alexandra Crescent BAYVIEW NSW 2104 |
| Mrs Catherine Elizabeth | 25 Eastview Road CHURCH POINT NSW 2105 |

| Name: | Address: |
|---|---|
| Nicholl | |
| Vicki Hoogland | |
| Craig O'Brien | |
| Jordan Bracher | 9 / 11 Soldiers Avenue FRESHWATER NSW 2096 |
| Norman Fuller | |
| Mrs Robyn Suzanne Murray | 2 / 3 Vineyard Street MONA VALE NSW 2103 |
| Ann Margaret Burleigh | 5 Kay Close MONA VALE NSW 2103 |
| Nick Burleigh | |
| Mr David James Remedios Mrs Vivienne Mary Remedios | 14 / 6 Foley Street MONA VALE NSW 2103 |
| Mrs Cassandra Diane Thomas | 62 Mona Vale Road MONA VALE NSW 2103 |
| Ms Elizabeth Ann Reilly | 15 Orana Road MONA VALE NSW 2103 |
| Mrs Moya Lorraine Lapish | 13 Judith Street SEAFORTH NSW 2092 |
| Jack Small | 4 Harst Place BELROSE NSW 2085 |
| Lucille Hassen | 9 / 7 Osborne Road MANLY NSW 2095 |
| Ms Fiona Mary Murphy | 1 / 21 Angophora Circuit WARRIEWOOD NSW 2102 |
| Helen Louise Conn | 70 Lane Cove Road INGLESIDE NSW 2101 |
| Mrs Jemma Browne | 9 Buena Vista Avenue MONA VALE NSW 2103 |
| Mrs Michele Deborah Wienstien | 7 / 13 - 19 Angophora Circuit WARRIEWOOD NSW 2102 |
| Mr Colin Rex Bilton Mrs Janice Lynette Bilton | 8 / 6 Foley Street MONA VALE NSW 2103 |
| Mrs Christina Anne Dominique Giannakakis | 36 Marinna Road ELANORA HEIGHTS NSW 2101 |
| Kim Ollerton | 75 Suffolk Avenue COLLAROY NSW 2097 |
| Amanda Hewitt-Park | |
| Mrs Mayu Shimoda | 1 Redgum Place FRENCHS FOREST NSW 2086 |
| Frank Kardos | |
| Mrs Jacqueline Noelle Morgan | 13 Wimbledon Avenue NORTH NARRABEEN NSW 2101 |
| Mr David Norman Edgley | 30 / 5 Ponderosa Parade WARRIEWOOD NSW 2102 |
| Ulla Kofoed Krause | 5 / 319 Condamine Street MANLY VALE NSW 2093 |
| Mr James Evangelidis | 3 Jabiru Close MONA VALE NSW 2103 |
| Robert Pfrogner | |
| Noah Weinberg | |
| Carrie Kirsten | |
| Amanda Nielsen | |
| Brinley Meyer | |
| Angela Jones | |
| Greg Newell | |
| Mrs Tracey Lee O'Brien | 6 Bertana Crescent WARRIEWOOD NSW 2102 |

| Name: | Address: |
|-----------------------------|---|
| Cameron Russell | |
| Tina Gozin | |
| Malcolm Leyland | |
| Ms Susan Lee Mason | 9 / 123 - 125 Lagoon Street NARRABEEN NSW 2101 |
| Nick Orrock | |
| Mrs Tracey O'Sullivan | C/- Vaughan Milligan Development Consulting Pty Ltd PO Box 49 NEWPORT BEACH NSW 2106 |
| Donald Smith | 13 Foraker Drive EAGLE HEIGHTS NSW 4272 |
| Becci Watson | |
| Ms Julie Maree Constable | 11 Ilford Road FRENCHS FOREST NSW 2086 |
| Christopher Tarr | |
| Ms Samantha Jane Sheppard | 179 Barrenjoey Road NEWPORT NSW 2106 |
| Ms Justine Helen Lobb | 32 Grandview Parade MONA VALE NSW 2103 |
| Mr John Broadbent | 19 Timaru Road TERREY HILLS NSW 2084 |
| Rosemary Johnston | 1278 Lachlan Valley Way JEMALONG NSW 2871 |
| Shirley Hoffman | |
| Vicky Pantelas | |
| Ms Valerie Jensen | 185 Warriewood Road WARRIEWOOD NSW 2102 |
| Susannah Malyon | |
| Ms Clare Trevena | 68 Parr Parade NARRAWEENA NSW 2099 |
| Francesca Gaspar | |
| Tanya Falecki | |
| Daniel Acheson | 20 Douglas Street ST IVES NSW 2075 |
| Xuanhong Dai | |
| Clare Mason | |
| Dejan Bubalo | 18 Campbell Avenue CROMER NSW 2099 |
| Mrs Judith Ann McPhee | 9 Forbes Place ALLAMBIE HEIGHTS NSW 2100 |
| Mrs Gail Lesley Goff | 35 Mathews Street DAVIDSON NSW 2085 |
| Mr Jacob Boutros Khouri | 6 Sefton Road THORNLEIGH NSW 2120 |
| Emily Jean Bianco | 3 Queens Avenue AVALON BEACH NSW 2107 |
| Katarina Sopko | 26 Acacia Circuit WARRIEWOOD NSW 2102 |
| Michael Shafran | |
| Mac Lasseter | |
| Mr David Anthony Murphy | 3 Wallaby Circuit MONA VALE NSW 2103 |
| Sarah Harvey | |
| Mr Owyn David Prandle | 84 Whale Beach Road AVALON BEACH NSW 2107 |
| Rita Ayoub | |
| Mrs Natalie Claudine Moffat | 1 Myrtle Street NORTH BALGOWLAH NSW 2093 |
| Mr Andrew Palummo | 55 Emma Street MONA VALE NSW 2103 |
| Ms Mary Phillips | 185 Warriewood Road WARRIEWOOD NSW 2102 |
| Barbara Anna Hermann T/AS | 1/25 Avalon Parade AVALON BEACH NSW 2107 |

| Name: | Address: |
|--|--|
| Avalons Organics | |
| Mrs Barbara Anna Hermann | 116 Barrenjoey Road MONA VALE NSW 2103 |
| Jack Mitri | |
| Ms Lauren Grace Walker | 155 Pacific Road PALM BEACH NSW 2108 |
| Kumar Bimalendra | 23 The Crescent HOMEBUSH NSW 2140 |
| Carl James Brandes De Roos | PO Box 579 NEWPORT BEACH NSW 2106 |
| Ms Barbara Bryan | 32 Baronbali Street DUNDAS NSW 2117 |
| Lisa Steele | |
| David Turner | 6 Sierra Place UPPER COOMERA NSW 4209 |
| Michael Perroux | |
| Belinda Wilcox | 66 Grace Avenue FRENCHS FOREST NSW 2086 |
| Susannah Paterson | |
| Dominique Simone Fletcher | 1 Mallowa Road DUFFYS FOREST NSW 2084 |
| Mr Nigel Bennett Bramley | 3 Narrabeen Park Parade NORTH NARRABEEN NSW 2101 |
| Boston McArthur | 7 Carefree Road NORTH NARRABEEN NSW 2101 |
| Mr Alan McNamara | 40 Milham Crescent FORESTVILLE NSW 2087 |
| Mr Simon Christopher Reinhardt Mallender | 100 Wyuna Avenue FRESHWATER NSW 2096 |
| Mrs Alison Kokou | 16 Macpherson Street WARRIEWOOD NSW 2102 |
| Mrs Sally Anne Cannon | 191 Powderworks Road ELANORA HEIGHTS NSW 2101 |
| Ms Casey Kilgour | 13/3 Arndill Avenue BAULKHAM HILLS NSW 2153 |
| Mrs Rika Vytupil | 3 / 3 Fantail Avenue WARRIEWOOD NSW 2102 |
| Mr David O'Neill | 4 Foley Street MONA VALE NSW 2103 |
| Chantal Bristow | 40 Burchmore Road MANLY VALE NSW 2093 |
| Monte Dwyer | |
| Lee Murphy | 4 / 15 - 17 Kalinya Street NEWPORT NSW 2106 |
| Mr Steven Jon McInnes | 35 Elanora Road ELANORA HEIGHTS NSW 2101 |
| Ms Loretta Woodhead | 24 Abernethy Street SEAFORTH NSW 2092 |
| Ms Caroline Graham | 94/81 Willandra Road CROMER NSW 2099 |
| Benjamin Thomas Clinch | Po Box 296 MONA VALE NSW 1660 |
| Ms Stefani Thornthwaite | 31 Trevor Road NEWPORT NSW 2106 |
| Mr Kai Hedley Cooper | 6 / 6 Foley Street MONA VALE NSW 2103 |
| Mr Simon Peter Gillespie Elaine Gillespie | 91 Mona Vale Road MONA VALE NSW 2103 |
| Mr Peter William McDonald | 10 / 6 Foley Street MONA VALE NSW 2103 |
| Kevin Eade | |
| Mrs Donna Louise Giles | 80 Vineyard Street MONA VALE NSW 2103 |
| Nina Aitken | |
| Mrs Lynette Marie Czinner | 12 Orchard Street WARRIEWOOD NSW 2102 |
| Rebecca Murray | 2 / 3 Vineyard Street MONA VALE NSW 2103 |
| Michele Thompson | 2/9 Arthur Street CROYDON NSW 2132 |

| Name: | Address: |
|--------------------------|--|
| Ron Bode | 19 Jubilee Avenue WARRIEWOOD NSW 2102 |
| Timothy Ryan | 22 Jubilee Avenue WARRIEWOOD NSW 2102 |
| Peter McDonald | 6 Foley Street MONA VALE NSW 2103 |
| Roy Alexander Duffell | Farm 1005 Four Corners Road COLEAMBALLY NSW 2707 |
| Lindsay Frazer | C/- 51 Binburra Avenue AVALON BEACH NSW 2107 |
| Mr Kevin John Lee | 89 Mona Vale Road MONA VALE NSW 2103 |
| Mr Philip Charles Walker | 184 Warriewood Road WARRIEWOOD NSW 2102 |

The application received 198 submissions. Approximately 80% of the submissions are in support of the proposed development. The issues raised in the remaining 20% are addressed below:

Note: Council is receipt of one submission relating to this application that was made by a Council officer who is a local resident and who is not involved in the assessment of applications under the Environmental Planning and Assessment Act.

Traffic and Parking

Objections raised concern that the proposed development will result in insufficient onsite and on-street parking, traffic congestion, illegal parking, and vehicular/pedestrian conflicts. Objections called for Jubilee Avenue to be closed, roads to be upgraded and Council rangers to patrol the market events.

Comment:

The Applicant provided an amended Parking & Traffic Impact Assessment Report and traffic modelling to the satisfaction of Council's Traffic Engineer. Council's Traffic Engineer raised no concern in relation to parking, traffic congestion or traffic safety, subject to optimised signal phasing at the intersection of Foley Street and Mona Vale Road and the upgrading of footpaths (as required by conditions of consent). Further, the proposed markets are to trade between 8:30am and 12:30pm, with the peak of market goes attending in the morning, when demand for parking for RSL patrons is lower. Closure of Jubilee Avenue, upgrade of the roads and ranger patrols during the market events is not necessary.

Impact on Local Business

Some submissions raised concern that the proposed development would lead to competition with existing markets in the Northern Beaches area. Objections raised concern that the markets will not support local business or regional farmers.

Comment:

The Northern Beaches area is not to subject of an oversupply of markets, indicating that competition is not unreasonable. The markets currently held in Warriewood run on Fridays, while the proposed markets at the Pittwater RSL site are to run on Wednesdays or Sundays. As such, there would be no overlap in operation of these markets. The markets provide opportunity for local businesses (and small businesses from across the state) to access a greater customer market. Further, submissions (including from local business owners) also raised that the markets would support local business.

Noise Impacts

Objections raised concern that the markets would result in an invasion of acoustic privacy with unreasonable noise impacts during morning set up, with no noise impact statement supporting the application. Some objections mistook the set up time to be from 3am, 4am or 5am. Concern was also raised in relation to the use of amplified sound systems and noise from operation of the RSL. One objection called for installation of a noise barrier.

Comment:

An acoustic report is not required to be submitted with this application. The proposal is supported by a Plan of Management, which details noise and complaints management measures. Additionally, Council's Environmental Health Officer has reviewed the proposal, and raised no objections in relation to noise nuisance, subject to conditions of consent (which limit amplified noise). As per conditions of consent, the proposed markets are to commence set-up at 7:00am, trade from 8:30am-12:30pm, and conclude pack down by 2:00pm. Installation of a noise barrier is not necessary in this case. Noise impacts arising from use or operation of the RSL club are not relevant considerations for this application.

Organic Markets

Objections raised concern that the markets are not actually 'organic', and that trading should be limited to organic foods only.

Comment:

The intention of the markets is for organic produce only. The Plan of Management stipulates that any misuse of the term 'organic' by an operating trader is to be reported to a director for action.

Impacts from Use of the Site

Objections raised concern that running of the markets would lead to littering and property devaluation. Concern was also raised that market gazebos are a safety concern in poor weather.

Comment:

Littering will be limited through the use of bins around the market site. Property value is not a relevant consideration under the *Environmental Planning and Assessment Act 1979*. The Plan of Management details that gazebos are to be weighted to prevent movement, and require taking down in strong winds.

Errors in Documentation

Objections raised concerns regarding the submitted supporting information as follows:

- Parking & Traffic Impact Assessment Report relied on incorrect methodology, incorrect road widths, incorrect surrounding land uses and incorrect parking rates;
- Plans did not show correct driveway configuration on Foley Street, properties across the roads bounding the site, nor bus stops on Foley Street;
- Application included inconsistency in proposed trading hours; and
- Statement of Environmental Effects did not include details of its author.

Comment:

The Applicant provided an amended Parking & Traffic Impact Assessment Report to the satisfaction of Council's Traffic Engineer. This amended report is relied upon for assessment. Incorrect driveway configuration on the plans is noted. The omission of nearby properties and bus stops does not preclude full assessment of the proposal. The hours of operation stipulated on the Development Application Form are relied upon for assessment, being 7:30am to 12:30pm. A Statement of Environmental Effects can be prepared by any individual or group. As such, exclusion of the author's name is not problematic in assessment of the proposal.

Previous Markets

Objections raised concern that the markets at Frenchs Forest (run by the same operator, and to conclude shortly with the markets at Pittwater RSL taking their place) attracted complaints. Objections also raised concern about the ethics of the market operator. Objections raised that the current markets at Frenchs Forest are less intense than the proposed markets and the two should not be compared. Objections called for the same trading hours for the current markets at Frenchs Forest to be applied to the proposed markets.

Comment:

Complaints relating to existing markets and the ethics of the market operator are not relevant planning matters for consideration under the *Environmental Planning and Assessment Act 1979*. The Plan of Management submitted in support of the proposal includes the method for dealing with complaints arising in relation to the proposed markets. As required by conditions of consent, the Plan of Management is to be updated to include further detail in relation to complaints handling and registration, and contact details. The markets at Frenchs Forest do not present a less intense use than the proposal, as the Frenchs Forest site is slightly larger, but includes double the number of stalls as proposed in this application. The hours of operation of the Frenchs Forest markets do not have to be applied to this proposal.

Site Suitability

Objections raised concern that the site is not suitable given a lack of services (electricity and water) and that marketgoers would need RSL membership to access toilets. Objections noted that the Pittwater RSL site is located further away for some customers and that other locations would be more suitable. Objections also raised concern about the relocation of the 'Return and Earn' recycling facility currently in the subject RSL car park.

Comment:

The subject site includes access to services, as evidenced by power poles, lights and toilets. Toilets to be used by marketgoers are to the north of the car park and do not require RSL membership for access. The proposed development does not relate to land other than land occupied by the Pittwater RSL Club. Hypothetical consideration of other land for suitability is not a relevant planning matter for consideration under the *Environmental Planning and Assessment Act 1979*. The 'Return and Earn' recycling facility is a temporary structure that can be relocated elsewhere onsite.

Temporary Use

Some submissions raised concern that the proposal would exceed the limit for temporary use under the LEP.

Comment:

The proposed development seeks consent for markets to occur on up to 42 days within any period of 12 months on Wednesdays and/or Sundays, in accordance with Clause 2.8 Temporary Use of Land of the Pittwater LEP 2014. Upon conclusion of 42 days within a 12-month period (regardless of which day or days the occasions occur), the markets must cease until the following 12-month period commences. The Plan of Management shall record the detail of the temporary use of the land.

Notificationpublically

Objection was raised that the application was not notified widely enough.

Comment:

The application was notified in accordance with Clause A5.1 Exhibition, Advertisement and Notification of Applications of the P21 DCP.

Note: The proposed development was re-notified from 30 May 2019 to 17 June 2019, as the property description in the original notification documentation did not include a reference to the complete area of land the subject of the application. The prior notification only included 80 to 82 Mona Vale Rd, Mona Vale, whereas the notification description should have included additional land at 84 Mona Vale Rd, Mona Vale and 22 Jubilee Ave, Warriewood. The proposed development and location itself has not changed, despite the re-notification. The outcome of the further notification period will be reported to the Northern Beaches Local Planning Panel, and will be available to the public prior to the meeting.

REFERRALS

| Internal Referral Body | Comments |
|--|---|
| Building Assessment - Fire and Disability upgrades | <p>The application has been investigated with respects to aspects relevant to the Building Certification and Fire Safety Department. There are no objections to approval of the development subject to inclusion of the attached conditions of approval and consideration of the notes below.</p> <p><i>Note: The proposed development may not comply with some</i></p> |

| Internal Referral Body | Comments |
|--------------------------------------|--|
| | <p><i>requirements of the BCA and the Premises Standards. Issues such as this however may be determined at Construction Certificate Stage.</i></p> <p><u>Assessing Officer's Comment:</u> The referral response recommended conditions of consent that have not been applied, as no permanent works are proposed, nor is the use proposed to be carried out within a building. The conditions were recommended as follows:</p> <p>Change of Use/Fire Safety Upgrade</p> <p><i>The existing levels of fire safety within the premises are to be upgraded to achieve an adequate level of fire safety in accordance with the provisions of clause 94 of the Environmental Planning and Assessment Regulation 2000.</i></p> <p><i>The fire safety upgrading works are to be included in the Construction Certificate and be implemented prior to occupation of the new building or part.</i></p> <p><i>Reason: To ensure adequate provision is made for fire safety in the premises for building occupant safety.</i></p> <p>Fire Safety Matters <i>At the completion of all works, a Fire Safety Certificate will need to be prepared which references all the Essential Fire Safety Measures applicable and the relative standards of Performance (as per Schedule of Fire Safety Measures). This certificate must be prominently displayed in the building and copies must be sent to Council and the NSW Fire Brigade. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Interim / Final Occupation Certificate. Each year the Owners must send to the Council and the NSW Fire Brigade an annual Fire Safety Statement which confirms that all the Essential Fire Safety Measures continue to perform to the original design standard.</i> <i>Reason: Statutory requirement under Part 9 Division 4 & 5 of the Environmental Planning and Assessment Regulation 2000.</i></p> |
| Environmental Health (Industrial) | <p>General Comments</p> <p>Proposed Food Market Issues: Noise, food safety, water pollution.</p> <p>The set up time will be from 7 am and it will be more distant from adjoining residential properties than the higher sloping car park closest to the Club main entrance. Provided sellers don't arrive earlier and heavy vehicles are not involved excessive noise should be avoided.</p> |

| Internal Referral Body | Comments |
|------------------------|--|
| | <p>With regard to noise some aspects are unknown such as generators, amplified music etc; but this can be dealt with by way of conditions prohibiting such.</p> <p>It is noted that the toilets proposed to be used are those within a clubs' adjoining bowling club , however there is no information on toilet numbers here or that the club will open their facilities at 7 am if needed.</p> <p>Food retailing comments; all food stall holders will require a temporary food premises permit as a condition of operating to maintain a standard of food safety and hygiene, many of the former Frenches Forest stall holders probably already hold these approvals already although this is on private land this requirement will provide some standard of approval , monitoring the foods on sale and vendors.</p> <p>Any run-off of pollutants i.e. portable cool room condensation, food spillage, disposal of ice and the like must be cleaned up on site and prevented from entering the storm water system, this can be dealt with by way of a condition</p> <p>As a condition of approval all temporary food premises must have an approval to operate by the Northern Beaches Council to ensure that the preparation and storage and sale of food , food labeling requirements can be inspected/monitored to protect the public from potential serious risk.</p> <p>Recommendation</p> <p>APPROVAL - subject to conditions</p> <p><u>Assessing Officer's Comment:</u></p> <p>The application included varying proposed hours of operation between the Application Form, the Statement of Environmental Effects, the Plan of Management and the Traffic Report. The hours stipulated on the application form are taken to be the proposed hours of operation for the purpose of this assessment. The application stipulates a 90-minute period for stall set up, which would require set up commencing at 6:00am. Conditions of consent have been applied to commence site access and set up from 7:00am in accordance with the NSW Environmental Protection Authority's Noise Policy for Industry 2017 daytime trading hours, and in consideration of no acoustic assessment being provided to indicate that operation outside daytime hours is acceptable.</p> <p>The recommendation of this report includes market trading hours of 8:30am-12:30pm, with market set up between 7:00am and 8:30am. This recommendation minimises noise disturbance to nearby properties, by limiting set up and trading to daytime hours.</p> <p>The toilets proposed to be used are located to the north of the market</p> |

| Internal Referral Body | Comments |
|---|---|
| | area and are not within the RSL building. |
| Environmental Health (Food Premises, Skin Pen.) | <p>General Comments</p> <p>Applicant proposes to hold a weekly market at Pittwater RSL Club carpark. Environmental Health has reviewed the application and recommends Approval without conditions. N.B. We did not place a condition for food licensing on the referral as we believe it is the responsibility of the individual food stall holders to have the appropriate licences to sell food at the market.</p> <p>Recommendation</p> <p>APPROVAL - no conditions</p> |
| NECC (Development Engineering) | No Development Engineering objections with no conditions subject to approval from Council's Traffic Engineer. |
| Traffic Engineer | <p>The proposal is for a Sunday Markets to operate within the car park of the local RSL.</p> <p><u>Original Comments:</u></p> <p>Parking: The Traffic Report indicates that the RSL can accommodate 397 parking spaces. 43 will be allocated to the Stall owners for parking their vehicles, whilst 118 will be submitted for erection of the market stalls. This leaves 236 parking spaces available for the use of customer and the RSL patrons. However the Applicant's Traffic consultant has identified that there will be 244 or 279 available. The numbers are not consistent and the validity of the report is therefore questionable. The applicant will be required to review and amend to provide a consistent submission.</p> <p>The Traffic consultant has assumed a 20% trip and parking reduction based on linked trips by the RSL patrons. 20% is deemed very optimistic. Evidence to support this assumption has not been identified. In this instance, it would be expected that, at most, 20% of the RSL patrons would be attending the markets. i.e. 30 patrons would relate to 6 attending the markets. $6/197 = 3\%$. Therefore a 5% trip and parking reduction is considered reasonable. Council cannot accept 20% without substantial supporting evidence.</p> <p>Traffic: SIDRA digital files have been requested by RMS. Council will require a copy of all the information being provided to assess impacts to the local streets.</p> <p><u>Comments following consideration of amended Traffic Report:</u></p> <p>Pedestrian: The applicant is proposing to upgrade all footpaths along all frontages of the site to the nearest Bus Stop.</p> |

| Internal Referral Body | Comments |
|------------------------|---|
| | <p>Servicing: The applicant will be expected to engage with the RSL to ensure waste is managed onsite. This can be conditioned.</p> <p>Parking: The amended traffic report has adopted the 5% parking reduction suggested to account for RSL patrons also attending the markets. The applicant has demonstrated by comparison with parking operations at the Frenchs Forest markets and parking data from the RSL site that the parking available at the RSL will be sufficient to cater for anticipated parking demand generated by the RSL and market operations</p> <p>Traffic Generation: The SIDRA analysis has demonstrated that although there will be increased traffic demand generated at the intersection of Foley Street/Mona Vale Road with extensive queuing on Foley Street a possibility, these queues can be mitigated by the signals controlling system SCATS adjusting the phase length in response to the increased delays on the Foley Street leg. If this did not occur quickly enough many drivers using the RSL and seeking to access Mona Vale Road would also have the option of doing so via the Ponderosa street roundabout as such traffic generation concerns are not raised.</p> <p>No further concerns raised subject to conditions.</p> <p><u>Assessing Officer's Comment:</u> In relation to the above 'Pedestrian' response from the Traffic Engineer, conditions of consent include footpath construction/upgrade to the Foley Street frontage only. The Mona Vale Road and Jubilee Avenue street frontages are adequately serviced by footpaths. Additionally, the Foley Street frontage contains the nearest bus stops.</p> |

| 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. |
| NSW Police - Local Command (CPTED) | The proposal was referred to NSW Police, who raised no objections to the proposal and did not recommend the application of any conditions. A condition of consent has been included in the recommendation by the Assessing Officer, prohibiting the sale of alcohol on the premises. |
| Concurrence – NSW Roads and Maritime Services (s100 – Dev. on proposed classified road) | <p>The proposal was referred to NSW Roads and Maritime Services, who commented on the proposal as follows:</p> <p><i>Reference is made to Council's correspondence dated 22 February 2019 with regard to the abovementioned Development Application, which was referred to Roads and Maritime Services (Roads and</i></p> |

| External Referral Body | Comments |
|------------------------|--|
| | <i>Maritime) for comment. Roads and Maritime has no comment for Council's consideration in the determination of the application.</i> |

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)

SEPP 55 - Remediation of Land

Clause 7 (1) (a) of SEPP 55 requires the Consent Authority to consider whether land is contaminated. Council records indicate that the subject site has been used for commercial purposes for a significant period of time with no prior land uses. In this regard it is considered that the site poses no risk of contamination and therefore, no further consideration is required under Clause 7 (1) (b) and (c) of SEPP 55 and the land is considered to be suitable for the commercial land use.

SEPP (Infrastructure) 2007

Ausgrid

Clause 45 of the SEPP requires the Consent Authority to consider any development application (or an application for modification of consent) for any development carried out:

- within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists).
- immediately adjacent to an electricity substation.
- within 5.0m of an overhead power line.
- includes installation of a swimming pool any part of which is: within 30m of a structure supporting an overhead electricity transmission line and/or within 5.0m of an overhead electricity power line.

Comment:

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.

Roads and Maritime Service (RMS)

Clause 104 and Schedule 3 of the SEPP requires that the following development(s) are referred to the RMS as Traffic Generating Development:

| Purpose of Development | Size or Capacity (Site with access to any road) | Size of Capacity (Site with access to classified road or to a road that connects to classified road if access is within 90m of connection, measured along alignment of connecting road) |
|--|--|--|
| Premises licensed under the <i>Liquor Act 1982</i> or the <i>Registered Clubs Act 1976</i> | 200 or more motor vehicles | 50 or more motor vehicles |

Note: Under Clause 104(2) of the SEPP, 'relevant size of capacity' is defined as meaning:

“(2) (a) in relation to development on a site that has direct vehicular or pedestrian access to any road - the size or capacity specified opposite that development in Column 2 of the Table to Schedule 3, or

(b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection - the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.”

Comment:

The application was referred to the RMS who did not raise any objection to the proposal.

Pittwater Local Environmental Plan 2014

| | |
|--|---|
| Is the development permissible? | Zone R2 : No Zone B7 : No Zone SP2: No |
| After consideration of the merits of the proposal, is the development consistent with: | |
| aims of the LEP? | Yes |
| zone objectives of the LEP? | Zone R2 : Yes Zone B7 : Yes Zone SP2: Yes |

Principal Development Standards

There are no principal development standards under Part 4 of the PLEP 2014 to consider as part of this assessment.

Compliance Assessment

| Clause | Compliance with Requirements |
|---------------------------|------------------------------|
| 2.8 Temporary use of land | Yes |

Detailed Assessment

2.8 Temporary use of land

The subject site is zoned R2 Low Density Residential, B7 Business Park and SP2 Infrastructure

(Classified Road). The proposal is wholly contained within the R2 and B7 zoned land, and does not impact upon the SP2 zoned portion of land. The proposed development is not permissible in the R2 or B7 zones. The proposal relies on Clause 2.8 Temporary Use of Land of the PLEP 2014 for permissibility. 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 market events, 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. Objections to the proposal raised concern regarding traffic and noise impacts. These matters are responded to in the section of this report relating to Submissions. 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 markets 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 markets only. Given the temporary nature of the structures, at the cessation of operation of the markets, 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.

Pittwater 21 Development Control Plan

Built Form Controls

There are no built form controls under Part D14 Warriewood Locality of the P21 DCP to consider as part of this assessment.

Compliance Assessment

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A1.7 Considerations before consent is granted | Yes | Yes |
| A4.14 Warriewood Locality | Yes | Yes |
| | | |

| Clause | Compliance with Requirements | Consistency Aims/Objectives |
|---|------------------------------|-----------------------------|
| A5.1 Exhibition, Advertisement and Notification of Applications | Yes | Yes |
| B3.6 Contaminated Land and Potentially Contaminated Land | Yes | Yes |
| B6.3 Off-Street Vehicle Parking Requirements | Yes | Yes |
| B6.7 Transport and Traffic Management | Yes | Yes |
| C2.2 Safety and Security | Yes | Yes |
| C2.21 Food Premises Design Standards | Yes | Yes |
| D14.1 Character as viewed from a public place | Yes | Yes |
| D14.2 Scenic protection - General | 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

Pittwater Section 94 Development Contributions Plan

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;
- Pittwater Local Environment Plan;
- Pittwater 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

DEFERRED COMMENCEMENT APPROVAL

A. THAT Council as the consent authority grant a Deferred Commencement Development Consent being subject to a Five (5) year time frame for Deferred Commencement Consents detailed within Section 95 of the EPA Act 1979 to DA2019/0123 for Use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market on land at Lot 27 DP 5055,22 Jubilee Avenue, WARRIEWOOD, Lot 120 DP 135512,84 Mona Vale Road, MONA VALE, Lot 26 DP 654262,80 - 82 Mona Vale Road, MONA VALE, subject to the conditions printed below:

B. THAT once the matters detailed within the Deferred Commencement Development Consent conditions are satisfactorily addressed then an operational development consent be issued subject to the time frames detailed within Part A of this recommendation.

DEFERRED COMMENCEMENT CONDITIONS

1. Signal Phasing - Approval

The applicant is to obtain approval from RMS to optimise the signal phasing for the intersection of Foley Street and Mona Vale Road.

Reason: to ensure a efficient intersection operation.

Evidence required to satisfy the deferred commencement condition/s must be submitted to Council within five (5) years of the date of this consent, or the consent will lapse in accordance with Section 95 of the Environmental Planning and Assessment Regulation 2000. This evidence is to be submitted along with a completed 'Deferred Commencement Document Review Form' (available on Council's website) and the application fee, as per Council's Schedule of Fees and Charges.

Upon satisfaction of the deferred commencement condition/s, the following conditions apply:

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

2. 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 |

| | | |
|---------------------------------|------------------|-------------------------|
| DA1000 Site Plan | 13 February 2019 | Bureau SRH Architecture |
| DA1001 Indicative Market Layout | 13 February 2019 | Bureau SRH Architecture |

| Reports / Documentation – All recommendations and requirements contained within: | | |
|---|----------------------------|----------------------|
| Report No. / Page No. / Section No. | Dated | Prepared By |
| Parking & Traffic Impact Assessment Report | Greys Consulting Australia | 7 April 2019 |
| Operational Management Plan | January 2019 | Applicant |
| Risk Management Plan | Undated | Organic Food Markets |

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

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

d) The development is to be undertaken generally in accordance with the following:

| Waste Management Plan | | |
|------------------------------------|--------------|--------------------|
| Drawing No/Title. | Dated | Prepared By |
| Waste Management Plan and Addendum | Undated | Applicant |

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

3. Toilet / Sanitary facilities

1. Details of exact toilet facilities numbers in the adjacent bowling facility building, to ensure adequacy of numbers of toilets for customers and stall holders must be provided to Council before commencement.
2. The Applicant must provide signage to direct customers to toilet facilities from the market area.

Reason: To ensure ongoing toilet facilities and ready access for vendors and market customers.

4. Approval of Food Vendors

All food vendors are to have an approval to operate a temporary food stall or mobile food van as issued by the Northern Beaches Council before commencing operation on site.

Reason: To enhance risk management and comply with legislation and standards in relation to the sale of food.

5. Amendment to Plan of Management

The submitted Plan of Management is to be amended to include:

- Hours of Operation, being:
 - Access for stall traders: 7:00am-2:00pm; and
 - Trading hours: 8:30am-12:30pm.
- Methods for restricting access to the site prior to 7am and in relation to trading hours;
- Complaints Register: A complaints register is to be kept up to date at all times, logging complaints received, and action taken;
- Complaints Contact: A contact person is to be nominated in the Plan of Management, along with a phone number;
- Stall Numbers: Market events are not to exceed 100 stalls at any time; and
- Market events must not exceed 42 days in 12 months.

Reason: To ensure appropriate amenity, complaints resolution and consistency with the consent.

6. Submission of Engineering Plans

The submission is to include four (4) copies of Civil Engineering plans for the design of footpath construction/upgrades along the Foley Street frontage. 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. Details demonstrating compliance are to be submitted to the Certifying Authority prior to the issue of the Construction Certificate. Section 138 and/or 139 applications are to be submitted to Council for Local Traffic Committee approval.

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

7. Signal Phasing - Implementation

The applicant is to undertake the signal phasing upgrades for the intersection of Foley Street and Mona Vale Road as per RMS processes, at no cost to Council. The phasing must be operational prior to the commencement of any market event.

Reason: To ensure the intersection will continue to run efficiently.

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

8. Water Pollution

All condensate, cleaning water, disposed ice and spillage, as well as litter and rubbish shall be prevented from discharge to the car park surface (which drains to a water body) at all times and provision is to be made to deal with any accidents/incidents.

Reason: To eliminate the risk of water pollution.

9. Noise Minimisation

1. External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes if audible from the boundary of any residential premises.
2. Set up of stalls is not to commence before 7:00am.
3. Refrigeration motors/generators and the like not being audible from the boundary of any residential premises.

Reason: To protect the acoustic amenity of neighbouring properties.

10. **Hours of Operation**

The hours of operation are to be restricted to:

- Wednesdays / Sundays:
 - Set Up: 7:00am-8:30am
 - Trading: 8:30am to 12:30pm
 - Pack Down: 12:30pm-2:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no patrons shall be permitted entry and all customers on the premises for the purpose of the markets shall be required to leave. Stallholders and site managers may commence set up from 7:00am and must vacate the site by 2:00pm. No access to the site for the purpose of market stall set up is permitted before 7:00am.

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

11. **Log Book**

A log book detailing each market event is to be kept up to date for inspection by Council at any time. The markets are not to occur on more than 42 days within a 12-month period.

Reason: To ensure consistency with Clause 2.8 temporary Use of Land of the Pittwater LEP 2014.

12. **Stall Numbers**

The maximum number of stalls at any one market event is not to exceed 100 at any time.

Reason: To ensure consistency with the consent.

13. **Post-Implementation Review**

The applicant is to provide assessment of the signal phasing upgrade for the intersection of Foley Street and Mona Vale Road and the performance of the intersection for the first four weeks of operation of the markets. Should the data identify that the intersection is not performing as prescribed in the Traffic Impact Assessment, the applicant will be required to reduce the number of stalls being erected at the market event accordingly.

Reason: To ensure the network continues to operate efficiently.