

20 February 2020



Organic Food Markets
3/1741 Pittwater Road
MONA VALE NSW 2103

Dear Sir/Madam

Application Number: Mod2019/0547
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: Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market

Please find attached the Notice of Determination for the above mentioned Application.

Please be advised that a copy of the Assessment Report associated with the application is available on Council's website at www.northernbeaches.nsw.gov.au

Please read your Notice of Determination carefully and the assessment report in the first instance.

If you have any further questions regarding this matter please contact the undersigned on 1300 434 434 or via email quoting the application number, address and description of works to council@northernbeaches.nsw.gov.au

Regards,



Rodney Piggott
Manager Development Assessments

NOTICE OF DETERMINATION

Application Number:	Mod2019/0547
Determination Type:	Modification of Development Consent

APPLICATION DETAILS

Applicant:	Organic Food Markets
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:	Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market

DETERMINATION - REFUSED

Made on (Date)	05/02/2020
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Reasons for Refusal:

1. Pursuant to Section 1.3(c) of the *Environmental Planning and Assessment Act 1979*, the proposed extension of operating hours does not represent an orderly development of land.
2. Pursuant to Section 4.15(1)(a)(i) of the *Environmental Planning and Assessment Act 1979*, the proposed modification does not demonstrate that the proposed temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, as required by Clause 2.8 Temporary Use of Land of the *Pittwater Local Environmental Plan 2014*, particularly in relation to noise impacts.
3. Pursuant to Section 4.15(1)(e) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not in the public interest in relation to acoustic amenity.
4. Pursuant to Section 4.55(1A) of the *Environmental Planning and Assessment Act 1979*, the proposed development is not of minimal environmental impact in relation to acoustic amenity.
5. Insufficient information was submitted with the application in relation to the acoustic impact of the proposed extended operating hours on the adjoining residential area. In this regard, no acoustic report was lodged that addresses the proposal.

Important Information

This letter should therefore be read in conjunction with DA2019/0123.

Please note that on site works cannot proceed unless a Construction Certificate application for the modified proposal has been lodged with and approved by Council or an accredited certifier, and relevant conditions of the Development Application have been carried out.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

Right of Appeal

Section 8.10 of the Environmental Planning and Assessment Act confers on an applicant who is not satisfied with the determination of the Consent Authority a right of appeal to the Land and Environment Court within 6 months of determination.

NOTE: A fee will apply for any request to review the determination.

Signed On behalf of the Consent Authority



Name Rodney Piggott, Manager Development Assessments

Date 05/02/2020