

PANEL SUBMISSION: MOD2021/0047

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.

Introduction

Please note that although the agenda item indicates a Council recommendation to refuse the Council is issuing an addendum recommending approval with the exception of the request to remove condition 12.

We are the applicant. In 2019 the site of Australia's first Organic Food Market at the Parkway Hotel in Frenchs Forest was lost to development. That market was established in 1995 and was a catalyst for the 'farmers market' movement in Australia. It was attended by thousands of Northern Beaches residents over the years and clearly established itself a local institution.

Privately owned locations that are suitable for markets are very rare but we were fortunate to be invited to move the market to Pittwater RSL and did so on 1 September 2019 without any break in trading. The bulk of the stalls and customers from Frenchs Forest come to the new market location together with new customers from the immediate vicinity.

We wish to outline the history and continuity of this market, as this application may appear to be for the establishment of a new market. It is for the continuation of the oldest established 'food market' in Australia. The extension of the current DA is to cover the originally envisaged five years, with leave to reapply, and will protect an important Northern Beaches institution.

We have continuously faced opposition from a very small number of neighbours, sometimes of an extreme nature. There was an incident of one of them pushing an RSL employee to the ground, they lodged spurious complaints with the Council concerning trading out of hours and noise - all of which were investigated by Rangers and dismissed. They even went so far as to remove and withhold our acoustic consultant's equipment and he was forced to ask the Police to intervene to recover it.

We believe all their objections are spurious and that the technical reports that have been provided prove this. We know there is very considerable local support for the market as thousands of Northern Beaches residents shop and socialise there building a sense of community. In addition, it plays an important commercial role for the many stallholders and employees of stallholders.

Planning Issues

A market may create planning issues. The three major heads in relation to the market at the RSL are:

- Traffic congestion and parking
- Noise

The reports we have lodged demonstrate that the market is not creating problems in any of these areas:

Traffic Congestion and parking

Our Traffic Engineer, Greys, undertook a study and prepared a report that was submitted with the application and is listed in the documents on the Council website (Report - Traffic and Parking, 9 February).

It clearly shows that:

- Save as explained below there is no back up on the local roads or at traffic lights. For a few minutes (app 7:30 am – 7:37 am) on set up there is a back up on Jubilees as the stallholders enter but it is managed in a very orderly manner and cleared expeditiously.
- Throughout the day there is always parking space for the public available within the site.

We did not find any adverse comment from the Council's Traffic Engineer after the lodging of this report and we had assume it was accepted. However, we now understand that Council wishes to see the 'traffic warden' clause maintained. We still believe the reports provide the basis for requesting the removal of the additional condition 12 as the problems that the condition was envisaged to resolve have not arisen.

Noise

Councils Environmental Health Referral Response - industrial use (10 March 2021) suggested there was insufficient data to support a recommendation. Our acoustic consultant had prepared a report which was also submitted and is listed on the Council's website amongst the papers (Report – Acoustic 9 February 2021). Following discussions with Council a further study was undertaken which provided further data and took advantage of the fact that the market was not held at the RSL on Easter Sunday (4 April). This allowed measurement and direct comparison of the noise in the area on a Sunday when the market was operating and on a Sunday when it was not operating. Following further discussions with Angus Crichton at Council a further study was prepared and submitted. As neither of these reports appear listed on the Council's website copies accompany:

- ANIS. DA2019-0123. .Annexure to Noise impact Review No2.0. 120421_12042021(1).pdf
- NIS. DA2019-0123. .Organic Food Market Noise impact Review No2.0. 040421_07042021.pdf

We understand from our acoustic consultant that in discussions as recently as Monday, Council's Environmental Officer accept the market is not contributing to environmental noise and from our own discussions with Louise Kerr, Director of Planning and Place at the Council that Council are now supporting the application with the exception of the request to remove condition 12.

Conclusions

This market plays an important social and commercial role on the Northern Beaches and continues the traditions of an institution that is over 25 years old to the benefit of the overwhelming majority of people who interact with the market.

We request all our modifications be granted to allow this tradition to continue. The idea the market should end on 30 June 2021 given it's role and longevity is almost unthinkable notwithstanding the objections of several residents.

Stephen Choularton, Director, 13 April 2021
Organic Food Markets,