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MEMORANDUM

DATE: 13 April 2021
TO: Northern Beaches Local Planning Panel
CC: Lashta Haidari, Manager Development Assessments
FROM: Tom Prosser, Planner
SUBJECT: MOD2021/0047 – 22 Jubilee Avenue, Warriewood.

Dear Panel,

Following is a supplement to the Assessment Report to address additional information that was submitted by the applicant. This additional information is a “*Noise Impact Statement Review No. 2 Organic Food Markets*” dated April 2021 and an “*Annexure to Noise Impact Statement Review No. 2 Organic Food Markets*” dated 12 April 2021.

Further referral from Environmental Health based on additional information

The “*Noise Impact Statement Review No. 2 Organic Food Markets*” and the annexure was referred to Council’s Environmental Health team for review. Council’s Environmental Health team have reviewed this further information and are now satisfied with the proposal and support the modification of consent providing the following comments:

Further comments - 12 April 2021

“Annexure to; Noise Impact Statement Review No.2 - Organic Food Markets” dated 12 April 2021 was provided to Council’s Environmental Health team for comment.

LAmx data provided and successfully characterises the noise present during the assessment in April 2021.

Based on the information provided we are confident the markets, operating as they currently are, will not have an adverse impact on residential receivers in relation to noise. Therefore, we support the application and recommend approval.

Note:

- *The consultants reports quotes trading hours as “7am-2pm”. We expect the set-up or “bump-in” times are to remain at 7.30-8.30am which will be enforceable in the case we receive further complaints they are in breach.*
- *This latest review does not address potential increases in the market’s stall holder and public attendance and, therefore, its intensity. Increased market activity could result in Council receiving further complaints which will be investigated to determine whether or not offensive and/or intrusive noise is occurring.*



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Recommendation

Approval - no conditions"

Comment in regard to Traffic Wardens

Council's Traffic Engineer, does not support the proposed changes to remove the requirement for a traffic warden on the site to control traffic movements. Further, the submitted Traffic and Parking Report by Greys Consulting dated October 2020 also suggests this requirement.

As such, it is recommended that condition 12 for Traffic Wardens, remains on the consent.

Deferred Construction of footpath

In the original approval the condition for construction of a footpath along the Foley Street for pedestrian safety was deferred by the Local Planning Panel subject to the trial period being successful and a 5 year consent being issued.

Reason: In relation to Condition 6, the Panel deferred consideration of the requirement for construction of a footpath until such time a modification application is lodged extending the consent period.

Given the acceptance of the additional information and support of the extension to the consent, the requirement for the construction of footpaths for pedestrians is recommended to be reinstated in the consent.

Change to Recommendation within the assessment report

The recommendation contained in the assessment report recommended refusal based on insufficient information to address the noise impact. The information has been submitted and assessed by Council's Environmental Health Officer, who now support the application. As such, this information sufficiently addresses the reason for refusal in the Assessment report.

Whilst Council's Traffic Engineer does not support the proposal, this is in regards to the removal of the condition for a traffic warden and this position is maintained with the condition recommended to remain on the consent.

The following is now presented to the panel as the recommendation:

RECOMMENDATION

The application is therefore recommended for **approval**

That the Northern Beaches Local Planning Panel, on behalf of Northern Beaches Council as the consent authority, approves Application No. Mod2021/0047 for Modification of Development Consent DA2019/0123 granted for use of part of the car parking area associated with the Pittwater RSL Club for the purposes of an organic food market at Lot 26 DP 654262, Lot 27 DP 5055 & Lot 120 DP 135512, 80-82 Mona Vale Road, Mona Vale subject to the following changes:



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A. Replace Condition 10 – Consent expiry date

This consent will expire 5 years after commencement of the market, being the 1 September 2024.

Reason: To limit the activity to a temporary use of the land.

Insert the following conditions:

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.

Completion of footpath works

The markets are not to occur after 1 July 2021 unless the footpath along the Foley Street frontage is constructed and completed to Council's satisfaction.

Reason: To provide safety for pedestrians

Regards,

Tom Prosser
Planner