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## MEMORANDUM

**DATE:** 13 February 2024

**TO:** Northern Beaches Local Planning Panel

**CC:** Steve Findlay, Manager, Development Assessments

**FROM:** Claire Ryan, Principal Planner

**SUBJECT:** Mod2023/0476 – 22 Jubilee Avenue, Warriewood, 80-82 and 84 Mona Vale Road, Mona Vale

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Three submissions have been received in response to the Assessment Report:

1. Stephen Choularton (Applicant)
2. Dr Peter William McDonald 10 / 6 Foley Street MONA VALE NSW 2103
3. Ms Valerie Jensen 185 Warriewood Road WARRIEWOOD NSW 2102

The issues raised are addressed as follows:

### **Re-iterated Concerns**

Two objectors re-iterated concerns raised in earlier submissions, regarding updated supporting reports, the Foley Street footpath, the structures on site, owner's consent, compliance with conditions of consent, alleged illegal parking, and adherence to approved hours of operation.

#### Comment:

These matters are addressed in the Assessment Report, and the Assessment Report for DA2019/0123.

### **Consent Period**

The Applicant seeks reconsideration of the recommendation to allow for indefinite consent.

#### Comment:

The assessment finds that indefinite approval is considered to result in a permanent part-time use (which would not be permissible), rather than a temporary use.

### **Traffic Management Plan**

The Applicant seeks deletion of the recommended Traffic Management condition, or if it is to remain, minor re-wording such that the Applicant is not held to delays that may arise from Council assessment of the required Traffic Management Report.

#### Comment:



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Council's Traffic Engineer is not supportive of removing the condition for a Traffic Management Plan (TMP). As such, the Traffic Management condition remains in the recommendation however additional time (12 weeks) has been given in the draft condition below to submit and have the new TMP approved. The condition should be amended to read as follows:

### **1B Traffic Management**

*The applicant is to prepare a Traffic Management Plan (TMP) for the control of traffic and pedestrian movements to and from the markets on days that the markets operate. The TMP to be submitted to and approved by Council's Traffic Engineer within 12 weeks of the date of this consent.*

*The traffic controls outlined in the TMP must be implemented by the applicant between the hours of 7:15am and 2:45pm on any day that the markets operate to ensure safety and minimise the effect of the markets on adjoining pedestrian and vehicular traffic systems. These procedures and systems must be in accordance with AS 1742.3 2009 Manual of Uniform Traffic Control Devices and the RMS' Manual – "Traffic Control at Work Sites.*

*The TMP must include, as a minimum:*

- Measures to manage traffic movements into and out of the RSL driveways used by stallholders and patrons of the markets. Such traffic control to be conducted by certified traffic controllers.*
- Details of the times for bump in and bump out and any procedures or strategies to minimise congestion during these times.*
- The proposed method of access to and egress from the site for stallholder's vehicles, including the size of vehicles and access routes to and from the site and Mona Vale Road and the location and type of traffic control measures, including any staggering of stallholder arrivals, for the purpose of minimising traffic congestion in the area.*
- Measures to redirect traffic as required to reduce queueing and delays in Foley Street, Warriewood Road, Jubilee Avenue and Vineyard Street.*
- Measures to physically prevent illegal parking activity on nature strips.*
- Traffic Guidance Scheme(s) prepared by a person with suitable RMS accreditation for any activities involving the management of vehicle and pedestrian safety.*

*All fees and charges associated with the review of this plan is to be in accordance with Council's Schedule of Fees and Charges and are to be paid at the time that the Traffic Management Plan is submitted.*

*A copy of the approved TMP must be kept on-site at all times while the markets are being carried out.*

*Reason: To ensure pedestrian safety and continued efficient network operation.*

### **Conclusion**

There are no changes to the assessment report resulting from the additional 2 objections from adjoining property owners.



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In regards to the submission by the applicant, it is not supported to delete the condition for a TMP, however additional time has been provided to have the TMP approved by Council.

### **Recommendation**

Condition 1B be amended as follows:

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