

Independent Hearing and Assessment Panel Report | 10 December 2013

IHAP No.	Item 3
DA No.	DA-2013/1027
Proposal	Community markets - Tingara Park to be held on the second Saturday of each month
Property	Pt Lot 405 DP 881119, Lot 1 DP 964636 Thirroul Pool, 21 Cliff Parade, Thirroul, Lot 1 The Esplanade, Thirroul
Owner	Wollongong City Council
Applicant	Ms Kirrily Sinclair
Panel	Robert Montgomery (Chair), Helena Miller and Steve Fermio (Independent), Bernard Hibbard (Community Representative)
Staff in Attendance	Mark Riordan (Manager Development Assessment & Certification), John Wood (City Wide Development Manager), Jim Ponton (DPO), Jessica Saunders (DPO) and Lauren Wilson (IHAP Coordinator)

Pecuniary Interest

None of the Panel members had any pecuniary interests relating to this matter.

Panel Commentary:

The Panel inspected the site and surrounds, noting that the level of activity, traffic, car parking was much less than expected for weekends. The Panel was addressed by ten respondents who raised the following issues:

- traffic is already a major problem on weekends in this area and will be exacerbated by the proposal;
- the location of the markets is in an area of high activity on weekends leading to potential conflict between competing demands. In particular, a number of speakers spoke about the area being a popular location for family picnics;
- existing retailers report significant drop in sales on days when Coledale markets and the annual Thirroul Seaside markets are held;
- there is insufficient parking on weekends, which is likely to lead to pedestrian/vehicle conflict and traffic congestion in the immediate area;
- potential damage to grass by stall holders vehicles, as this area of park is reclaimed land which is subject to water logging;
- noise impacts on surrounding residents particularly during early setup of stalls;
- lack of community or public benefit arising from the use of community land for retail markets;
- the application provides insufficient assessment and no independent review of the potential economic impact for existing retailers;

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- prime purpose of the park is for community recreation;
- lack of amenities.

The applicants addressed the Panel and made the following points:

- a parking study was conducted over an area of 400 metres from the site which identified sufficient available parking in surrounding streets (the applicant conceded that this not was done during the warmer months). Parking will be monitored during the proposed twelve month period;
- the applicant will be assessing economic impact over six months during the proposed trial period;
- the markets are to be held one day per month and will not displace existing users;
- the proposal allows a 10 metre buffer from the pine trees, barbecue facilities and picnic tables, therefore, leaving space for other users;
- the stalls will be limited to Australian made and designed goods, handmade goods, and farmer direct produce and organic value added products;
- in response to question about considering alternate venues, the applicant advised that they considered Glastonbury Gardens however, there is insufficient parking.

The subject area of the park appears to be highly utilised and does not require additional activation. After hearing the matters raised by respondents, the Panel is concerned that during the warmer months of the year this area of the park has a high usage from locals, visitors and surf club events, the markets would displace pre-existing community users. Therefore, in this location, the proposal would be contrary to both the prime purpose of public open space and the objectives of the zone.

The Panel is of the view that there is an opportunity for the proposal to located at the southern extremities of the park, subject to an amended scheme which provides for an appropriate layout (ensuring no conflict with the existing bike path), reduced scale and restriction on type of goods sold, as stated by the applicant.

It is recognised that should an approval be issued, it would effectively be a time limited trial for a market in this general location. This would allow the applicant to demonstrate suitability and provide an evidence based review of economic and parking impacts.

The Panel finds that the application, in its current form, is unacceptable.

Recommendations

The applicant be invited to submit an amended proposal addressing the matters detailed above. Note that any amended plans should be renotified in accordance with Council's policy. This matter is required to be reported back to IHAP.

Voting

The voting in respect of this matter was 4/0.