

To: The Northern Beaches Council

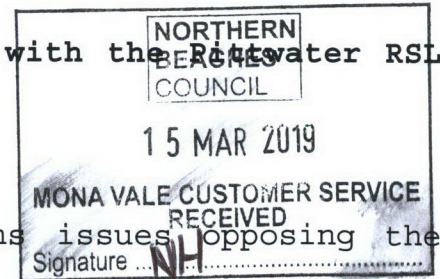
14 March 2019

Application Number: DA2019/0123

Use of part of the car parking area associated with the Pittwater RSL Club for the purposes of an organic food market.

Attention Claire Ryan Assessing Officer.

The following points are included as objections issues opposing the Development Application.



1. I object to the proposed organic food markets because they will create problems with noise, parking and traffic congestion.
2. I was not notified by Council of the proposal, my residence is just 5 houses way from the club. Why is this so when I will be greatly affected.
3. Pittwater RSL has lost it's purpose of being a local club and is now a hollow shell business in search of money at any cost to it's neighbours amenity. The Diggers would be ashamed.
4. With it's hundreds of poker machines, it is a casino, draining those who can't afford losses of all their money, leaving them at 3.30am 7 days a week to rage drunk and drugged through the surrounding streets.
5. Two years ago, I was bashed outside the Pittwater RSL Club in Foley Lane at 3.30am while investigating the noise and shouting that woke me up outside the club. I would have been killed, except for an alert and brave neighbour who also had been woken up coming to my assistance.
6. The RSL Club refused to pay the ambulance bill.
7. Eight or nine years earlier a man similarly bashed outside Pittwater RSL Club in Foley Lane at 3.30am died of his injuries.
8. Locals now call Foley Lane "The RSL Killing Fields".
9. There have been numerous other bashing incidents at 3.30am in the "RSL Killing Fields".
10. When Minister Paul Landa unexpectedly announced the Warriewood Industrial Land Release, Warringah Council assured the local residents "There will be no loss of residential amenity".
11. Pittwater RSL Club is a law unto itself, and this application is just another example of this. It is time that Council started to supervise the clubs activities.
12. The carpark is presently well used, with 3.30am club closing, bowls during the day, futsal courts until 10pm at night, the RSL





carpark is currently used as a bus depot with 5.30am starts, and a container recycling depot as well.

13. I note the applicant is Organic Food Markets, not the RSL Club.
14. Markets here will be in direct conflict with the existing markets held at North Narrabeen Reserve - Pittwater Rugby Park more colloquially known as "Rat Park" and appear to be a ploy by the applicant to degrade the "Rat Park" markets.
15. Markets at Pittwater RSL Club will create excessive traffic and unworkable congestion in Foley Lane and Jubilee Avenue.
16. Foley Lane is not wide enough to be classified as a normal street. It carries the Warriewood Road traffic since Warringah Council sold Warriewood Road extension to Mona Vale Road to, you guessed it, to Pittwater RSL Club !
17. Foley Lane is two lanes only: no parking on either side and no proper footpaths due to it's confined width. When a bus is stopped at either bus stop on opposing sides of the lane, traffic must also stop and as it is illegal for drivers to cross the double white unbroken centre lines running the entire length of Foley Lane, vehicles as a result bank back into Mona Vale Road to the north and through the intersection with Jubilee Avenue to the south. The same thing happens every week when URM trucks collect waste from kerb side bins. This is not orderly planning and approving the DA for the Markets will exacerbate terribly this already unsafe situation with considerably more traffic in Foley Lane.
18. With the car park taken over by markets where will the club patrons and people visiting the markets park?
19. The already untenable traffic volume, traffic noise, people parking across driveways, the noise from the futsal courts, the car park now is used as a bus depot, the drug couriers at night, drunk and drugged RSL patron noise is already making peoples life that live close to the RSL unbearable.
20. The SOEE conforms the markets may operate on either Wednesdays or Sundays, or even both days. Locals here have to put up now with intolerable noise of industrial premises not abiding by consent conditions and producing noise outside their consent hours. Sunday is the only peaceful day here, it is simply unfair and unjust to permit this day of rest will be turned into a day of noise and havoc if these markets are approved.
21. I note the Statement of Environmental Effects has no identity as to who wrote it, no Company Name, no contact details, no indication who the author is or that they can be reasonably relied upon for accuracy of the statements. I find this most unusual for a development application of a commercial nature as is proposed here and Council should be asking questions as to its validity.



22. I note many of the submissions for support on Council's website are from people well outside this local catchment area with samples given of Sefton and Wentworthville shown on submissions. I consider it is inappropriate for council to count these letters of support for the markets, as they are not local residents. Infact a submission of support just in dated 12/03/2019 is from a market trader who writes to support the DA. Interesting thing is the trader comes from Croydon, so Northern Beaches Residents going to the markets and buying products aren't necessarily supporting local people. And another Trader 13/03/2019 writes in to support the DA and comes from Coleambally.
23. I find the SOEE is out of touch when it quotes the following "*No loss of amenity to local residents is expected*". Really, I note the author has not bothered to canvas local residents and ask their opinion on this. It is therefore questioned how they arrive at this unfounded conclusion.
24. I would like to know what commercial arrangement and financial remuneration and benefit Pittwater RSL Club will gain from Organic Food Markets for their use of the clubs car park, toilets and the like.
25. In this submission numerous issues of noise impact and loss of amenity to local residents have been raised. Of further considerable concern is in the SOEE it states Organic Food Markets arrange live music to be played from 8.30am until 12.30pm at their markets. This is yet another adverse noise impact that is not fair or just on residential properties near the club.
26. The SOEE quotes between 70 and 100 stalls will be erected on each day. I do not consider this is to be a low key operation by any means.
27. The SOEE quotes there is no practical possibility of traffic backing up to Mona Vale Road due to market activities and no back up is expected on other surrounding roads. This statement is farcical when any local will tell you what really happens and Council is invited to attend a meeting with locals here to discuss on site these and other concerns.
28. The SOEE confirms trucks up to 5 tons will be used to set up the markets and dismantle them at the end of the day. This noise will start minimally as stated in the SOEE at 6.30am with reversing beepers and the like disturbing local residents Sunday sleep in. Not to mention as always happens this will not be policed and the noise will more likely start at 6am or earlier.
29. This concern is supported where in the SOEE 1. Site Suitability there is a clear contradiction. It states the market is proposed to trade Wednesday / Sunday with access hours of 6.30am and trading hours from 7.30am. On the next page it states traders



will arrive approximately 90 minutes before the commencement for shoppers. This automatically sets the access and setup time 90 minutes earlier and puts it at 6am.

30. The SOEE has other issues, which support my concern of inadequate on site parking and both RSL and Market patrons will be forced to park in the surrounding streets. On page 3 it states up to 100 stalls will be catered for. Also on page 3 it states the RSL car park has approximately 452 spaces spread across the site. It states a number of these will be used by the markets, however this should be less than or equal to 100 parking spaces and therefore have negligible effect on the venues ability to handle expected traffic levels. I consider what will likely happen is a stall will be allocated a parking space and a number for that stall assigned. A stall will not be smaller than the width of a car space. In fact some larger stalls may require 2 or 3 parking spaces in width. This immediately raises concern that many more than 100 car spaces will be taken for the stalls. Further the SOEE quotes we expect up to 100 stalls however I interpret this does not mean it will be limited to 100 stalls thereby once again requiring more than 100 car spaces.
31. The SOEE quotes - It is expected that all traders vehicles will be located and/or parked inside the market area. We expect some 70 - 100 stalls when the market is full. I find the traders vehicle and stall will not both fit into a car space and if this is what the applicant is stating then I dispute this. It has already been shown that one stall per car space is 100 car spaces gone just for the stalls themselves. Larger stalls will use more car spaces. This could be an additional 30 or more. It is clear that 100 stalls means 100 cars, one for each stall required to bring the tables, chairs, items for sale etc to the markets and then pack up etc. We now are told that these 100 or more cars/ vehicles up to 5 ton trucks will be parked on site. This now totals approx 230 car spaces gone just for the stalls and one stall owner vehicle parked on site. That's literally half the available car spaces of 452 gone and this isn't allowing for any customer on site parking. Note further in this submission the Traffic and Parking report is shown to indicate there are only 397 car spaces spread across the RSL site so the number quoted as car spaces left over in the SOEE for club patrons will be far less when the starting figure of 397 instead of 452 is used.
32. It is therefore not agreed with that these markets will not interfere with the RSL clubs regular activities and patrons on market days.
33. The SOEE quotes - The application is being made under the temporary use provision of the Pittwater LEP. Currently this specifies a maximum number of days per year of 42 but ideally the use would be 50 days a year. I find already the application is to go outside and beyond what the LEP permits in the number



of days. This instantly translates to unwarranted, unjust and unexpected impacts not permitted or envisaged by the LEP.

34. The SOEE quotes - The consent is being sought for the maximum number of days permissible under the Clause from time to time as it is envisaged that the current limit of 42 days will in due course be raised to 52 days and ideally the market will be held each Sunday save for a short break at Christmas. I find this is ambitious and into what crystal ball is the applicant looking to come to the conclusion the LEP will be changed to suit their desire.
35. The SOEE quotes - The only structure on site will be gazebos and will be purely temporary in nature being removed at the end of each market day. I find this leads to a concern of safety. How will these gazebos be anchored to prevent them all flying up and away when the weather changes and high winds prevail? If in a park or soft ground anchor pegs can be driven into the ground to prevent this. How will this be achieved in a car park that is bitumen sealed and no anchoring can be achieved for safety?
36. The consent is being sought under Clause 2.8 of the Pittwater LEP "Temporary Use of Land". Development consent must not be granted under this clause unless the consent authority is satisfied that:
  - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this Plan and any other applicable environmental planning instrument, and
  - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
  - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
  - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.

The proposal I find is inconstant with (b), as it will adversely impact on adjoining land in both Jubilee Avenue and Foley Lane together with an adverse impact of the amenity of the neighbourhood in general.

Another issue also needs to be raised here and that is the definition of "temporary". The definition of this is lasting for only a limited period of time; not permanent. A case can be argued that temporary could mean a music event held in a park over a weekend and not held in that park again. Similar 'temporary' events could be thought of as well. However in this case the operator wishes to go beyond what the LEP permits to have the markets from a controlled maximum of 42 to having them



50 times a year if held on just one of the days or 100 times a year if held on both Wednesday and Sunday as has been eluded to in submitted material by the applicant. This is not considered temporary. Whilst the stalls take 90 minutes to set up and another 90 minutes to pull down and are gone they are back again the next week if once a week or in a few days if held twice a week. It is considered this is not by true intended definition "temporary". It is a permanent booking of the use of the car park every week of the year. I consider this to be a valid issue and certainly a point that can be argued in the Land and Environment Court if necessary.

37. The Traffic and Parking Report quotes - Greys Consulting has been engaged by Organic Food Markets to prepare a Parking and Traffic Impact Assessment (TIA) report to support developer's application for a Sunday and/or Wednesday Market located within Pittwater RSL Club. This immediately raises concern the operators of the markets will not be limiting the markets to 1 day of the week but will infact make another application once up and running to operate on 2 days Wednesday and Sunday.
38. The Traffic and Parking Report quotes - Proposed development is a Sunday (Wednesday) Organic Food Market which will be accommodating approximately 90 Stalls. This is not accurate as the SOEE quotes up to 100 stalls. Therefore traffic impact and parking will be 10% greater that the Report quotes for stall owners for set up, parking and market customers.
39. The Traffic and Parking Report states another area put forward as "A" could be used for the markets. This includes two upper car parks plus the car park under the overhang from the clubhouse. I find this is not practical, as the markets will be spread out over multi levels of the car park area. It also makes for confusion in assessing the application in that which area "A" or "B" does the applicant want to be assessed. It's like putting two completely different building designs forward in a DA and saying the applicant will accept either for approval. The DA process simply does not work this way.
40. The Traffic and Parking Report states - The Sunday market is proposed to operate between 6:30am to 1:30pm with stall owners arriving after 6:30am. Trading hours will be between 8:00am and 12:30pm. Traders will leave the site by 1:30pm. This is not consistent with the SOEE 1. Site Suitability there is a clear contradiction. It states - The markets are proposed to trade Wednesday / Sunday with access hours of 6.30am and trading hours from 7.30am, yet on the next page the SOEE states traders will arrive approximately 90 minutes before the commencement for shoppers. This automatically sets the access and setup time 90 minutes earlier and puts it at 6am. There is a total contradiction throughout this DA of what the times will actually be. The statement of 'Traders will leave the site by 1.30pm' is also not factual as 90 minutes as revealed in the Report is required to take the stalls down clearly shows it will be at least 2pm before the site is clear of the markets. 6am to 2pm is



8 hours on Sundays and Wednesdays that the markets will impact on the RSL Club patrons, local traffic and residents. This is considered unreasonable and unjust.

41. The Traffic and Parking Report states - *Foley Street is a local collector, unclassified road which is primarily used to provide vehicular and pedestrian access to frontage of residential, recreational land uses within. It carries two traffic lanes in each direction, with restricted kerbside parking (No Stopping) on both sides of the road.* This statement is factually incorrect. Foley Lane carries ONE TRAFFIC LANE IN EACH DIRECTION, not two as the report states. With inaccuracies like this it raises serious questions as to the validity of the whole report. This incorrect statement is again repeated for Vineyard Street and Warriewood Road, which are also only one traffic lane in each direction, not two as the Report states. Furthermore the reference to 'Restricted Kerbside Parking' is also factually incorrect as there is NO KERBSIDE PARKING at all with "No Stopping" signs as stated in the report. Restricted kerbside parking would be for instance 'No Parking' which permits a short stay, Drop, Kiss and Go zones outside a school, 10 minute parking etc, none of which apply in Foley Lane, it is No Stopping which means No Parking at all.
42. The Traffic and Parking Report states - *Pittwater RSL club supplies 397 parking spaces for customers.* This is not consistent with the SOEE which quotes the RSL car park has approximately 452 spaces spread across the site. Which Report is accurate? Which figures are to be relied upon? This is of great concern as these are submitted as professional reports.
43. The Traffic and Parking Report goes on to state 118 spaces are assumed to be sacrificed for the food market space in Scenario A and 153 spaces in Scenario B. Already this is now inconsistent with the SOEE which quotes - "Our own review of parking availability at this location we counted some 452 parking spaces spread across the site. A number of these will be used by the market, however, this should be less than or equal to 100 parking spaces and therefore have a negligible effect on the venues ability to handle expected traffic levels". The 100 or less car spaces lost as quoted in the SOEE is grossly under the 153 the Traffic and Parking Report quotes will be lost. But this does not include the parking of 100 vehicles, one per stall that will also be parked on site as stated in the SOEE. The Traffic and Parking Report only assumes the customers to the markets parking on site, not the stall owners as well. It goes on to state - *Therefore, 279 (244 in Scenario B) remaining parking spaces must be shared between the RSL Club patrons and the food market customers.* This confirms stall owner parking on site has not been included. Option "B" will consume 153 car spaces for the market stalls. Then another 100 (minimum) car spaces must be given over to the vehicles associated with each stall that will be parked on site as per SOEE quote. This results in the market using 253 spaces out of 397. The result is 144 spaces remaining to be shared between RSL Club patrons and market customers. The



Traffic and Parking Report I find is therefore not accurate in stating there will be 244 spaces to be shared. This clearly will result in patrons to the RSL Club and Markets being forced to park in local streets.

44. The Traffic and Parking Report states - *Stall owners are anticipated to own 43 vehicles. Absolutely not, each stall will require a vehicle to transport the merchandise and tables etc to the market place. The vehicle will also be used at pack up time. It must therefore be assumed at least 100 vehicles (1 per stall) will be parked on site by stall owners. Furthermore even if the 43 vehicles (some will be 5 ton trucks) are used in the scenario this has not been factored in to the calculations in the Report.*
45. The Traffic and Parking Report states - *3.3 Parking demand analysis results show that ample parking spaces will be available at all times for both the RSL Club and proposed organic food market customers and in case of occasional temporary parking shortfall, new parking spaces will free up shortly by stall owners and market customers leaving the RSL Club premises before midday. Therefore, it is concluded that proposed Sunday organic food market will not have negative parking impact on the surrounding local road network. The Report now clarifies there could easily be not enough parking spaces to cater for both club and market patrons. And this is with the already pointed out in this submission of not using the correct numbers of vehicles that will be parked on the site for the markets. What all this means is the local surrounding streets will suffer and be parked out by the markets customers and RSL Club patrons.*
46. The Traffic and Parking Report has a table as shown here;

**Table 4-1 Projected Nett Increase in Peak Hour Traffic Generation Potential**

Land Use	Generation Rate	Arrival Trips	Departure Trips
Wednesday AM Peak (8:00am-9:00am)	244	120	124
Sunday midday Peak (12:00pm-13:00pm)	353	156	197

But this is just for one hour of Wednesday 8am to 9am and Sunday 12pm to 1pm. What about the traffic generation in the other trading hours and set up arrivals and takedowns departure for the market owners. The generation rates of 244 and 353 for a 1 hour period will be ten fold when all of this is factored in. This could result in well over 3,000 extra vehicles movements on a market day. I do not believe this has accurately been factored into the future traffic generations in the Report.

47. The timing of the green turn arrow from Mona Vale Road into Foley Lane currently satisfies the local traffic. The current timing will clearly not be adequate for the additional traffic generated by the markets. This has not been considered adequately in the Report 4.3.2 with the statement "No Signal Changes".



48. It is considered Council must engage an independent Traffic Consultant to assess this DA and not simply rely on the Report supplied by the applicant, and it does state very clearly on 2 separate occasions in the Report:

- "Greys Consulting has been engaged by Organic Food Markets to prepare a Parking and Traffic Impact Assessment (TIA) report to support developer's application for a Sunday and/or Wednesday Market located within Pittwater RSL Club.
- Greys was engaged by Organic Food Market to perform a traffic impact and parking assessment in support of a development application for a proposed Sunday/Wednesday Organic Food Market at the existing Pittwater RSL Club in Mona Vale. The premises are located at 82 Mona Vale Road, Mona Vale.

After all, it would not be considered a desirable outcome for a Report commissioned and paid for by the applicant to be negative and not support the Development Application, would it?

49. Council must not approve these markets at Pittwater RSL, especially noting that elected Councillors now have no input into planning decisions with this new Council.

50. In my view "Pittwater **R\$Hell Club**" is out of control, is a "den of iniquity" and needs it's current problems fixed, without adding more and starting another 'Carpark Business'.

51. "Lest We Forget !"

Yours Faithfully

Phil Walker  
184 Warriewood Road  
Mona Vale NSW 2103

#### Exhibit Photo

Foley Street (Lane) with width ranging from 6 to 7 metres is very narrow is the same width as the 'Dunny Cart' lanes that are spread out through Mona Vale. It currently provides great difficulties for drivers when a bus pulls up on either side at the bus stops, as vehicles are not permitted to cross the double white unbroken lines to get around the bus.

This happens on garbage collection days as well and when any vehicle stops illegally at the kerbside in the traffic lane. There is NO STOPPING on both sides of Foley Lane as the signs show and the traffic report is factually incorrect saying there is limited parking on the street and that there are two traffic lanes in each direction, clearly there is only one lane in each direction. The club currently opens at 9.30am as shown by the sign, the markets will open at 7.30am with setup time commencing at 6am on Wednesdays and Sundays.



Photo included below.





