

---

**From:** Teamjest Pty Ltd  
**Sent:** 13/10/2023 8:08:01 PM  
**To:** Claire Ryan  
**Cc:** Council Northernbeache Mailbo  
**Subject:** TRIMMED: re: Submission > Mod2023/0476 - DA2019/0123.  
**Attachments:** MOD2023\_\_0476\_Submission(initial)~13Oct23.pdf;  
Return\_N\_Earn(FB)~11Aug18.pptx;

Hello Claire,

Attached is my Submission based upon what is openly available in the **NBC** site for **Mod2023/0476 – DA2019/0123**.

It addresses three key areas:


- A. Indicative, Outdated, Incomplete, Missed Support Documents.
- B. Extending the Approval for the Conduct of Mona Vale Markets.
- C. Traffic Management – Revised Condition 12.

However, as mentioned yesterday depending upon what I receive (within 20 business days) as a result of my **Informal Information Request** I may lodge another Submission.

Kind Regards,

**Dr Peter McDonald**

10/6 Foley Street,  
Mona Vale NSW 2103



# **Submission in Detail**

## **Mod2023/0476 - DA2019/0123)**

Address: Lot 120 DP 135512 and Lot 27 DP 5055 and Lot 26 DP 654262 80-82 & 84 Mona Vale Road MONA VALE and 22 Jubilee Avenue WARRIEWOOD

### **A. Indicative, Outdated, Incomplete, Missed Support Documents**

After more than 4 years of operation it is ridiculous that the Applicant is relying upon indicative, outdated and incomplete support documents, as well as missed a very crucial one, to support this Modification Application.

- a) The 13 February 2019 ‘Indicative Market Layout’ (within the Master Plans) does not reflect today’s market reality nor was it valid at the time. On Sunday 1 October 2023 I was advised a total of only **34** stalls were in operation, significantly below the 100+ stalls Frenchs Forest market this food market was meant to replace.

While in August 2018, six months before the layout was produced, a Return & Earn installation (attached separately) occupying 4-5 of the indicative stalls was in full operation but it has never been reflected in this layout.

- b) ‘Outdated’ 7 October 2020 Traffic & Parking Report – In terms of Reports, NBC’s June 2023 Form 2060\* clearly states on page **3**:

*“If the original development application is supported by reports, the reports must be updated so they are relevant to the development as modified. Alternatively, a letter may be provided from the original author of the report/s stating that the recommendations of the original report, are still current for the proposed modification.”*

Hence, the Applicant’s passing remarks under Traffic & Parking, at the foot of page **1** in the Request for Modification, do not satisfy NBC’s minimum report requirements, as quoted in the previous paragraph.

- c) ‘Missed’ Owners Consent Form – NBC’s June 2023 Form 2060\* clearly states on page **2**:

*“Where the Applicant is not the owner, or where there are multiple owners, written land owners consent is required for all development applications. Refer to Council’s Forms page for (the) relevant Owners Consent Form to be completed.”*

*“Where a landowner is one of the following, the below (4 options given) additional supporting documentation must also be provided.”*

To date, no such documentation has been lodged and/or made available in the Mod2023/0476 site.

\* **Note:** Development Application & Modification Lodgement Requirements is the full title of NBC’s June 2023 Form 2060.

## **B. Extending the Approval for the Conduct of Mona Vale Markets**

All things considered, I would agree with the Traffic Engineer’s 9/10/23 response that it is prudent in these volatile times not to extend the approval on an open-ended basis.

Furthermore, I suggest Council would have some difficulty extending approval for any given number of years beyond 2024 unless it aligns with the yet to be supplied Land Owners’ Consent document.

Also let’s not forget what the Planner for Mod2021/0047 confirmed to that Mod’s Panel in his 13/4/21 Memo about ‘Deferred Construction of Footpath’.

*“In the original approval the condition for construction of a footpath along Foley Street for pedestrian safety was deferred by the NBLPP subject to the trial being successful and a 5yr consent being issued.”*

*“Reason: in relation to (this) Condition, the original Panel deferred consideration of the requirement for construction of the requirement of a footpath until such time a modification 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.”*

It must be mentioned that to remove any doubt about what DA2019/0123 intended, Council in its 19 June 2019 Memo to the original Panel clarified the ‘footpath’ requirement as follows:

*“DA2019/0123 does not propose footpath upgrades. However, Council’s Traffic Engineer recommends that the gravel portion of the Foley Street frontage (i.e. where there is not yet a formal footpath) be upgraded to ensure a clear and safe passage along the frontage of the site. The requirement fulfils a need in that the proposed development will attract additional foot traffic to the site, and the existing gravel may be a pedestrian issue.”*

### **C. Traffic Management – Revised Condition 12**

Over time the Applicant's adherence to the current version of this Condition has proven to be very problematic indeed.

For instance, although the long-time resident most affected, M/s Valerie Jensen, 185 Warriewood Road, Warriewood reported breaches of Condition 12 on 5 separate Occasions (30 August, 7&17 September, 7&8 October in 2020), Council did not confirm her reporting of them until 28 April 2021 – six months later. Nor was any action taken by the Council against the Applicant.

However, on 13 August 2021, M/s Jensen received a somewhat encouraging letter from M/s Louise Kerr, Director Planning & Place, advising that:

*“Council has written to the operator of the Markets seeking the submission of an application to implement traffic control, within 30 days. The application is to be supported by a traffic control plan prepared by a person holding the appropriate qualifications issued by SafeWork NSW.”*

*“We will provide you with an update, following the response from the operator of the Markets.”*

Indicating that nothing has actually changed, M/s Jensen mentions in her 10 October 2023 submission, that on Sunday 8 October she *‘had to call the rangers once again, cars were parking in the bus stop and outside my driveway. My access was blocked once again.’*

Consequently, I am very much in agreement with the approach taken by the Traffic Engineer to revise Condition 12 in the 9/10/23 Referral Response.

In particular, the inclusion of measures in the TMP to:

1. Manage traffic movements into and out of the RSL driveways.
2. Redirect traffic as required to reduce queueing & delays in the nearest streets.
3. Physically prevent illegal parking activity on nature strips.





Pittwater RSL August 11, 2018 ·

Return & Earn is at Pittwater RSL! Come down to the club with your recycling and earn some extra money. The Return & Earn Vending Machine can be found in the back of our car park and is easily accessible to the public. Containers that can be returned are 150ml to three litre bottles plastic, glass and aluminum. For every bottle return you will get 10 cents so start sorting your recycling. See you soon!

61 45 Comments 19 Shares

Like Comment Share

Most Relevant

- Comments from Anneke Connell, Michelle Parsons, Katie Page, Hayley Hoile, and Jacqui King.