
Sent: 2/03/2022 10:59:32 AM

Subject: DEVELOPMENT ASSESSMENT - RESPONSE TO Modification No:
Mod2021/0983 - THERE MUST BE AN INDEPENDENT TRAFFIC SAFETY
AUDIT: SIGNAGE - ENFORCEMENT - FOOTPATHS - ZONES FOR
DELEIVERY VEHICLES

Attachments: Northern Beaches Council - NBC - Customer Charter.pdf;



PEDESTRIAN COUNCIL OF AUSTRALIA

SAFETY - AMENITY - ACCESS - HEALTH

The Walking Class

Patron: Dame Quentin Bryce AD CVO

The CEO
Northern Beaches Council

Dear Sir

Attention: DEVELOPMENT ASSESSMENT - RESPONSE TO Modification No: Mod2021/0983

THERE MUST BE AN INDEPENDENT TRAFFIC SAFETY AUDIT: SIGANGE – ENFORCEMENT – FOOTPATHS – ZONES FOR DELEIVERY VEHICLES

Our concerns are primarily about dangerous parking and no enforcement.

To understand the issues better, please see our letter to Ms Azmeena Kelly of 18 June 2021 (below) to which we have received no reply nor acknowledgement.

The NBC Customer Charter states:

When you write to us:

- for general requests and enquiries, your correspondence will be responded to within ten working days
- for complex matters, it will take time to investigate and get the right response to you. In these cases, we will acknowledge your correspondence and keep you informed and updated with progress and expected completion timeframe every 20 working days

As of today's date, there have been over 180 working days since 18 June 2021 – over 9 times the required response time.

Yet Ms Kelly is entrusted with the safety of road users throughout the NBC and the enforcement of our laws.

First, we have no objection to the building.

However, we have very serious concerns about delivery vehicles being able to service this development.

As everyone knows NBC is only interested in Customer Parking.

The more customers, the more valuable the development, the higher the rates, the higher the remuneration for Council employees.

So they rarely if ever consider the needs of the suppliers, throughout the NBC. They only take up valuable Customer Parking space.

The Boathouse Cafe combined with Moby Dick's is an incredibly busy area for motor vehicles.

There's rarely a parking space within cooee.

But there's not one Loading Zone or Truck Zone with two kms.

So, the vans and ute drivers are expected to park illegally and dangerously either double parked near double lines, or in the School Bus Stop or the No Stopping zones.

There's never ever anywhere else for delivery agents to park legally. Deliveries often take place on the road.

So although the Rangers pass these locations every day on their way to booking people in the revenue-raising WB carpark, they are "required" to comply with the "Wilful Blindness" policy which applies to all illegal parking by comm3rcial vehicles throughout the NBC.

It's Eyes Wired Shut on steroids.

COMMERCE: ONE

SAFETY: ZERO





Worse, the signs are in conflict and actually invite illegal behaviour such as this No Parking sign in Surf Road which invites motorists to STOP for up to 2 minutes wholly within 3 metres of double lines when it's illegal to STOP there even for a second.

But Rangers are too busy with parking meters to ever report these irritating inconsistencies.

Saturday, 26 February 2022 at 11:09:28 am
237–239 Whale Beach Rd
Whale Beach NSW 2107



This zone across the road could be made 1 Hour Parking especially as the motor-bike on the right has not been registered for over two years (Rangers are too busy with their carparks to worry about the hundreds of unregistered vehicles throughout the NBC, occupying valuable parking space). The weeds are a giveaway, but it's simply not on their radar.



And of course as we pointed out below, these two No Stopping signs are in conflict, so they are totally unenforceable.

In over 180 working days, Azmeena has done absolutely nothing to fix these signs which have enabled illegal STOPPING (More CUSTOMER PARKING) for over two decades.

NO STOPPING POSTAL VEHICLES EXCEPTED (and large Black SUV's owned by people with a certain sense of entitlement)



And 100 metres north, a NO STOPPING SIGN (in contradiction)



The Rangers have NEVER issued a PIN in this location which is nearly always occupied by illegally parked CUSTOMERS.

Yet Azmeena could have fixed this in 5 minutes by adopting the signage at Palm Beach in Iluka Rd.



It could be a Loading Zone – there's adequate room with no safety issues. The mail is only collected late in the afternoons as at Palm Beach.

But no, Azmeena has chosen to do absolutely nothing about fixing these anomalies.

At least she fixed the School Bus Zone signs across the road, which now allows parking for over 90% of the time, where before it was illegal most of the time.

But our major concern is Surf Rd between Whale Beach Rd and The Strand.

Three consecutive Councils have failed to build a footpath on this blind corner requiring pedestrians to walk on the road, next to a building which should have been condemned a decade ago and facing traffic in a 40 km/h zone

It's Utter Contempt for the rights and safety of the largest and most vulnerable road user group in Australia.

At least our efforts and advocacy resulted in most of the Car Parks being turned into 10 km/h Shared Zones in many of the NBC carparks, where before the speed limits had been the same as the adjacent roads and motorists had right of way.

Put simply, this section of Surf Road:

- 1 must be a 10 km/h Shared Zone
- 2 must have footpaths on both sides
- 3 must be No Stopping
- 4 must have double lines

Finally as most AWDs today are registered as Wagons and because the NSW Government has recently extended the period in Loading Zones from 15 mins to 30 mins, practically every AWD can now occupy zones which were originally designed for delivery vehicles.

A Porsche Cayenne, Maseratti AWD and a Range Rover can legally park in Loading Zones

We have a recommendation based on the very successful initiative (in which we were involved) where NBC installed No Parking Motor Vehicles Excepted signs along Barrenjoey Rd at Careel Bay. All the trailers were gone in a week.

We recommend trialling a signage system: No STOPPING VANS AND UTILITY VEHICLES EXCEPTED to overcome these delivery problems.

We are available to assist and advise on any or all of these issues.

Please confirm receipt of this objection.

Regards



Harold Scruby
Chairman/CEO



Pedestrian Council of Australia Limited

The Walking Class

Registered Charity (ACNC) No: 18075106286

Telephone: (02) 9968-4555 - Mobile: (0418) 110-011

Email: mail@walk.com.au - Internet: www.walk.com.au

PO Box 500 - NEUTRAL BAY NSW 2089 – AUSTRALIA - ABN 18 075 106 286

From: PCA [<mailto:mail@walk.com.au>]

Sent: Friday, 18 June 2021 10:03 AM

To: 'azmeena.kelly@northernbeaches.nsw.gov.au'; 'louise.kerr@northernbeaches.nsw.gov.au'

Cc: 'Paul Crossan'; 'Liz Reeves'; 'phillip.devon@northernbeaches.nsw.gov.au'

Subject: Rangers reporting damaged, incorrect, contradictory, missing or non-enforceable parking signs and markings etc

Ms Azmeena Kelly
Executive Manager Environmental Compliance
Northern Beaches Council

Dear Ms Kelly

In your letter to us of 30 November 2020, you claimed: "Parking officers are encouraged to report damaged

parking signs and defective line markings to our Transport Network team for rectification.”

This has not been my experience.

I will send you examples in due course, which I hope will ensure that you change the word “encouraged” to “required”.

This is the Aus Post No Stopping zone outside the Boathouse at Whale Beach. During business hours it’s almost always occupied by illegally parked vehicles, mostly very large, black 4WDs

As you can see, it’s not only obstructed by vegetation ...





But it's NOT CLOSED.

It's in conflict with a standard NO STOPPING sign about 50 metres to the north – and hence unenforceable.

I reckon it's been like this for probably a decade.

Have any Rangers reported it or hasn't there been enough "encouragement"?



Across the road is a classic example of utter contempt for pedestrians.

But worse for our children – our most precious asset.

Name me one person who would be happy for their children to get on or off a bus here.

But again, there's vegetation obstructing the main sign, which states SCHOOL SERVICES ONLY ... whatever that means

And it's in conflict with two other signs stating SCHOOL ZONE

This is usually occupied by an illegally parked vehicle or two as well, during business hours.

Have any Rangers reported these issues, or hasn't there been enough "encouragement" over the past decade or

SO.

WHY DO WE HAVE THIS SIGNAGE ON THE EAST SIDE OF THE ROAD



AND THIS SIGNAGE DIAGONALLY OPPOSITE



Across the road, we had a serious road safety issue, with every man and his dog parking within 3 metres of the double lines, which are on the crest of a hill and at an intersection.

After about two years of lobbying Phil Devon, he put in these signs, which are correct.

Unfortunately, there's been no change in behaviour because it's NEVER enforced. It's a veritable full time truck/loading zone along with the mandatory giant black 4WDs



IT'S SIGN-POSTED "NO STOPPING" BECAUSE IT'S WITHIN 3 METRES OF DOUBLE LINES ON THE CREST OF A HILL AT AN INTERSECTIONM

YET IT'S A VERITABLE FULL TIME "TRUCK ZONE" – THE FINES ARE VERY HIGH BUT TRUCK DRIVERS ONLY BEHAVE LIKE THIS BECUASE THEY KNOW THERE'S NO CHANCE OF BEING BOOKED

IT'S NEVER, REPEAT, NEVER ENFORCED – BECAUSE NBC IS ONLY CONCERNED WITH PARKING FOR CUSTOMERS – NEVER SUPPLIERS

RANGERS ARE EXPECTED TO TURN A BLIND EYE TO THE POTENTIALLY LETHAL BEHAVIOUR THROUGHOUT THE NBC

SO WHY NOT MAKE THE FIRST SPACE (UP TO THE ORANGE TROLLEY) A TRUCK ZONE WHNE IT'S NOT A BUS ZONE BECAUSE AT THE MOMENT THERE'S NOWHERE FOR TRUCKS TO PARK

ESPECIALY AS IT'S NOT WITHIN 3 METRES OF THE DOUBLE LINES



CONSIDER MAKING PART OF THIS ZONE 1 HOUR PARKING – MANY OF THESE VEHICLES HAVEN'T MOVED FOR MONTHS



THIS VW IS PARKED IN THE BUS ZONE NEARLY EVERY DAY AND THERE ARE NEARLY ALWAYS VEHICLES IN THE NO STOPPING MAIL ZONE



THERE ARE MANY DRIVERS HERE WHO HAVE A CERTAIN SENSE OF ENTITLEMENT – NORMALLY THEY OWN VERY EXPENSIVE CARS

AND THEY KNOW THERE'S NO CHANCE OF BEING BOOKED



Even though Rangers pass this area regularly to patrol the carpark, in over a decade, I've only once seen a Ranger there who walked down in his fluro, everyone ran out from the cafe and he gave them all verbal warnings.

Things went straight back to normal and all boxes were ticked.

Have a look at the Case Study below at this very location.

We've been trying to get WorkCover interested in the illegal and dangerous behaviour of truck drivers. They may be able to assist with an enforcement solution, because it's literally out of control.

May I offer some suggestions:

1. REQUIRE don't ENCOURAGE all Rangers to report ALL damaged, incorrect, contradictory, missing or non-enforceable parking signs and markings etc and hold them accountable if they fail to do so
2. Trim the vegetation on both sides of the road outside the cafe
3. Fix the contradictory No Stopping signs – It seems most unreasonable this should Be No Stopping all day when they usually come after 6PM – make it 1 hour parking until then
4. Refer the Bus Zone on the western side to the Traffic Committee. It's just far too dangerous for young children to get out there with no footpath and cross where there are double lines
5. Consider making the first position on the south east side of the road (just south of the cafe) a Truck Zone – if it's a Loading Zone, every SUV defined as a Wagon on the Peninsula will park there
6. Consider making some of the section on the west side, south of the Bus Zone, a 1 hour zone
7. Conduct regular Audits of Signage throughout the NBC. Faulty signage costs the NBC a lot of money because it's unenforceable. It can also have serious potential for harm where the parking is defined a PUBLIC SAFETY.

It took nearly two years to get you to fix the No Stopping zone at the north of the carpark. We literally had to beg to get it done. And not one Ranger reported it until very late in the day. At last it seems to be working.

The system is screaming out for a major overhaul.

We have numerous examples, which we will pass on to you in due course.

Let's work together and put safety before commerce.

We look forward to your detailed reply in due course. In the meantime, please acknowledge receipt of this email.

Regards



Harold Scruby
Chairman/CEO



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**PLEASE NOTE, THIS IS THE WAY THIS TRUCK DRIVER DRIVES AND PARKS WITH UTTER IMPUNITY
TRUCK DRIVERS AREN'T PAID A LOT, THE PENALTIES ARE HIGH AND THEY ONLY BEHAVE LIKE THIS WHEN
THERE'S LITTLE OR NO CHANCE OF ENFORCEMENT
WE HAVE SEEN HIM PARK LIKE THIS ON NUMEROUS OCCASIONS – FEW TRUCK DRIVERS HERE PARK LEGALLY
THE ENTIRE SYSTEM REQUIRES A MAJOR INDEPENDENT REVIEW**

From: PCA [mailto:mail@walk.com.au]

Sent: Wednesday, 14 April 2021 4:56 PM

To: Peter Dunphy <Peter.Dunphy@transport.nsw.gov.au>

Cc: Bernard Carlon <Bernard.Carlon@transport.nsw.gov.au>

Subject: SAFEWORK - Formal Complaint - Passing the Parcel

CAUTION: This email is sent from an external source. Do not click any links or open attachments unless you recognise the sender and know the content is safe.

Hi Peter

Now you are wearing your Road Safety hat, and you have extraordinary experience with SafeWork, it would be really great if you could help us resolve this issue.

I'm certain they are responsible for the behaviour of drivers outside Worksites.

Otherwise, why are they required to wear fluoros all the time.

This is confirmed beyond doubt in the SMH article attached (quote):

WorkCover is responsible for policing safety on worksites. But what is a worksite? The NSW courts decided a decade ago that when trouble spills from a worksite to the footpath outside, then the footpath is part of that worksite too. WorkCover knew Lola Welch was killed on the footpath outside Gleneagles. But the inspector thought the truck had emerged some hundreds of metres away at 273 Mona Vale Road. "The fatality was initially regarded as a road traffic accident," WorkCover confirmed to the Herald this week. For 18 months the agency had refused to investigate safety conditions at Gleneagles because of a ridiculous error. Welch rang WorkCover when he discovered this detail among the coroner's papers and spoke to the inspector, Les Blake. Welch says: "He nearly dropped the phone." Difficult as the next three years were for Welch, he began to score some big wins. After a fresh investigation, WorkCover prosecuted the Gleneagles builder, Christopher John O'Keefe, and his company, CJ & SJ O'Keefe Building Pty Ltd. After 11 days of hearings over four months in the Industrial Relations Commission they were both found guilty in December 2004 of breaching the Occupational Health and Safety Act. Justice Wayne Haylen might almost have been quoting Welch when he declared the builder responsible for protecting all pedestrians crossing the Gleneagles driveway: "Not only the alert and active but also people who were elderly, frail and suffering from some disability [and] exuberant children using the footpath who might be oblivious to the dangers presented by a large truck leaving or returning to the building site."

But they still keep denying responsibility (proving conclusively that Denial Ain't Just and Egyptian River) and passing the parcel to Councils and Police.

We must resolve this.

Please read the complaint below and the reply from WorkCover.

I'll send you the other complaints to follow

Many thanks

PS: Here he is again a few weeks later:

Drive across double lines (when parking)
Drive on wrong side of the road (to park)
Park Facing wrong way
Park within 3 metres of double lines (forcing motorists over double lines at an intersection on the crest of a hill)
Stop in No Stopping zone
Leave vehicle unattended with windows open
Leave vehicle unattended with motor running
Drive across double lines (when leaving) with total blind spot – no line of sight of oncoming traffic
Drive on wrong side of the road (to leave)

And he does this every few days knowing there is little if any chance of any enforcement

Wed, Mar 24 2021
11:58:53
194 Whale Beach Road
Whale Beach NSW 2107



Wed, Mar 24 2021
11:59:32
194 Whale Beach Road
Whale Beach NSW 2107



Regards

Harold Scruby
Chairman/CEO



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Email: mail@walk.com.au - Internet: www.walk.com.au

PO Box 500 - NEUTRAL BAY NSW 2089 – AUSTRALIA - ABN 18 075 106 286

From: Damien Bromly [<mailto:Damien.Bromly@safework.nsw.gov.au>]

Sent: Wednesday, 10 March 2021 10:12 AM

To: mail@walk.com.au

Subject: Safework NSW - ref 1-428033. Attention Harold Scruby.

Dear Mr Scruby.

With regard to the matter you have raised with Safework NSW (reference 1-428033) I am the Inspector allocated. You have referred to poor driver behaviours, which are a road traffic issue and which you may wish to notify to NSW Police as the relevant enforcement agency. Safework NSW has no powers of compliance regarding road traffic issues.

You have also referred to potential breaches of parking regulations, which are likely to be administered by the Northern Beaches Council. Safework NSW has no powers of compliance regarding road parking issues. I note that this Council has a local Traffic Management Committee, to which you may wish to raise particular concerns about traffic issues at the location you have mentioned.

<https://www.northernbeaches.nsw.gov.au/council/meetings/committees/northern-beaches-council-local-traffic-committee>

Regards

Damien

Damien Bromly

Principal Inspector, Work Health & Safety – Metro North

SafeWork NSW

Compliance and Dispute Resolution

Better Regulation Division | Department of Customer Service

p 02 4321 5249 | **m** 0413 788 504

e damien.bromly@safework.nsw.gov.au | www.safework.nsw.gov.au

Level 3, 92-100 Donnison Street Gosford NSW 2250



SafeWork NSW

From: PCA [<mailto:mail@walk.com.au>]

Sent: Tuesday, 16 February 2021 2:53 PM

To: 'Lisa Foley'

Cc: 'Peter Dunphy'; 'Bernard Carlon'

Subject: SAFEWORK - Formal Complaint

Ms Lisa Foley

SafeWork

Dear Ms Foley

I tried making a complaint regarding this matter using your online system, but it failed to go through.

It appears to have a glitch, especially if you try to upload a PDF.

This is a formal complaint regarding the driver of a truck registered number CH-65-VS

The vehicle had advertisements for Frico Cheese painted on it.

The complaint is:

On Whale Beach Road at Whale Beach at about 11 AM on 10 Feb 2021, the driver drove in a northerly direction across double lines and on the wrong side of the road.

He stopped and parked his vehicle for around ten minutes in a No Stopping zone.

He parked the vehicle facing the wrong way.

He parked within 3 metres of double lines forcing other drivers to cross the double lines, on the crest of a hill, at an intersection

He left the vehicle open.

He left the engine running.

When he had completed his deliveries, he drove the vehicle, again on the wrong side of the road where he could not see oncoming vehicles because another truck was parked to his north, blocking his line of sight.

The three driving offences all attract heavy penalties and three demerit points each.

The three parking offences are all defined by the DLG as Public Safety Parking Offences and all attract penalties exceeding \$270.

He committed at least EIGHT offences.

Photographic, time stamped evidence is attached.

It appears, by the cavalier manner in which he drove and parked, that this is his normal behaviour.

His behaviour endangers the lives and limbs of many other road users and himself.

One of the main reasons for using this as a Case Study is that it is not uncommon to see this behaviour around NSW, especially around Worksites.

Please investigate our complaint and take the required action.

Please advise us of your findings and actions.

The attached article in the SMH of 27 December 2007, suggests that in spite of years of denial, SafeWork (formerly WorkCover) certainly has responsibility in this area.

There can be no doubt the driver was at work and no doubt he was putting the lives and limbs of others (and himself) in danger (quote):

Difficult as the next three years were for Welch, he began to score some big wins. After a fresh investigation, WorkCover prosecuted the Gleneagles builder, Christopher John O'Keeffe, and his company, CJ & SJ O'Keeffe Building Pty Ltd. After 11 days of hearings over four months in the Industrial Relations Commission they were both found guilty in December 2004 of breaching the Occupational Health and Safety Act.

Justice Wayne Haylen might almost have been quoting Welch when he declared the builder responsible for protecting all pedestrians crossing the Gleneagles driveway: "Not only the alert and active but also people who were elderly, frail and suffering from some disability [and] exuberant children using the footpath who might be oblivious to the dangers presented by a large truck leaving or returning to the building site."



Wed, Feb 10 2021
11:10:26
11-13 Surf Road
Whale Beach NSW 2107



Regards

Harold Scruby
Chairman/CEO



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Registered Charity (ACNC) No: 18075106286

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Northern Beaches Council Customer Charter

This charter sets out our standards of customer service as we aim to deliver a wide range of accessible, high quality services to meet your needs. We are committed to continually improving our service by measuring our performance. Please treat our staff with the same respect and professionalism that we offer to you.

Our commitment to you:

- fair, friendly, polite and respectful service delivery
- resolve your enquiry at first contact or let you know the course of action to be taken
- listen to your comments, suggestions and complaints
- respect confidentiality

Help us help you:

- treat our people with courtesy and respect
- respect the privacy and rights of other customers
- provide us with complete and accurate information
- work with us to resolve problems and allow us an opportunity to address your concerns
- provide constructive feedback so we can improve your customer experience

When you telephone:

- answer your call to the Customer Service Centre within 30 seconds
- give you our name and welcome you in a polite and courteous manner
- take a message if the person you need to speak to is unavailable
- return phone calls within two working days

When you use social media:

- monitor social media and respond if action is required within 24 hours

When you write to us:

- for general requests and enquiries, your correspondence will be responded to within ten working days
- for complex matters, it will take time to investigate and get the right response to you. In these cases, we will acknowledge your correspondence and keep you informed and updated with progress and expected completion timeframe every 20 working days

When you visit:

- attend to you within five minutes of your arrival at the Customer Service Counter
- show you amenities if meeting with one of our staff
- explain if your appointment time is delayed

When you use the website for online requests:

- provide you with an online reference number/ acknowledgement
- refer your request to the relevant area within one working day

Feedback

We welcome your feedback to help us improve our service to the community.

Our service centres

Manly:	1 Belgrave Street, Manly
Dee Why:	725 Pittwater Road, Dee Why
Mona Vale:	1 Park Street, Mona Vale
Avalon:	59A Old Barrenjoey Road, Avalon Beach

Phone or Online

1300 434 434
northernbeaches.nsw.gov.au

