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**Sent:** 29/05/2020 12:08:58 PM  
**Subject:** Online Submission

29/05/2020

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**RE: Mod2020/0175 - 22 Jubilee Avenue WARRIEWOOD NSW 2102**

Letter of Objection  
DA2019/0123 - Mona Vale Market  
Mod 2020/0175 - Change in Opening Time

Administrative Team  
Development Assessment  
Northern Beaches Council

29 May 2020

Attention: Claire Ryan

My family and I have actually enjoyed the Covid Lockdown over the last few weeks. For us it has meant a massive reduction in vehicle traffic in Warriewood during the week and particularly on the weekends. Most notably our Sunday mornings returned to the quietness we enjoyed before the Organic Food Markets commenced their "trial period" at Pittwater RSL.

Since the Covid Lockdown closed the Markets we have been able to once again sleep in on a Sunday morning. When we do wake we have enjoyed the silence. To be able to lie in bed and listen to no sound, to appreciate the luxury of rolling over and going back to sleep. Something we have been unable to do since the Markets began their trial period last September. Since the Markets resumed in May we are again being woken early and unable to get back to sleep.

The recent lockdown has reacquainted us with just how peaceful and quiet our Valley was before the Sunday morning Markets. If anything this lockdown has reinforce our resolve that the Market trial has been a failure and has been a noisy disruption to the amenity we once enjoyed on a Sunday morning and that they should never have been allowed to operate so close to residences.

Now we find Mr Chularton once again wants to try and open his markets earlier than Council authorised. In his previous application to Council in November - 'Proposed Change: Change in Opening Time' - Market Director Mr Stephen Choularton confirmed "There was some natural concern that the market would bring noise, traffic and disturbance into the area particularly early in the morning". And "As a consequence the opening times were set at 7 am for trader access and 8:30 am for trading". It is for this reason that Council stipulated traders arrival after 7am and start of trading not to begin until 8:30am at this Pittwater RSL venue - because Council was concerned with the lack of parking facilities at Pittwater RSL and limited parking in surrounding streets and concern for the amenity of the residents surrounding the RSL.

Mr Chularton now supplies a noise emission compliance report which states "The operator intends to adopt the noise controls and recommendations included in the report to ensure compliance with the specific criteria and to provide increased amenity". It is of particular interest to note in clause 6 "Patrons are directed to park in the covered RSL parking or as further away from the residential receivers as possible". Just how are the operators going to enforce this? Clearly the organisers have no control over where patrons park their cars. As we have seen these patrons continue to park wherever they like - across our driveways, in signposted bus zones, nose-to-fence in Jubilee Avenue completely blocking pedestrian footpath access and requiring people to walk on the road. This part of their compliance will remain unenforceable.

We will still be subjected to the constant disturbance from market patrons who slam their car doors, tailgates and boots; lock and unlock their cars with remotes that beep-beep. They drive up our driveways to execute three point turns. They blast their car horns at each other at the intersection and as they perform U turns outside our homes. They call out to each other in the street. As soon as one car leaves another is waiting to take its place. With all this constant noise and disruption it is impossible to get back to sleep. And this noise begins before the official opening time.

This application states "This application ask for a commencement of trading at 8:00 am. Experience indicates that set up is completed by 8 am. The site is not gated and customers begin to collect on site waiting for trading to commence. Allowing the traders to commence trading at 8:00 am will reduce bunching and queues".

This is particularly interesting as by his own admission in his previous submission to Council Mr Chularton stated "many customers are being frustrated by arriving at the site at 7:30 or 8 am and being refused service". Even now in this latest submission he states "The site is not gated and customers begin to collect on site waiting for trading to commence".

So if customers start arriving from 7:30am for an 8:30am trading time, does this follow that we will be woken by the arrival of patrons "collecting on site" at 7am for the new opening time of 8am? How exactly does an 8am start reduce bunching and queues? Won't they just start bunching and queuing half an hour earlier? Waking residents half an hour earlier.

This new application advises "Experience indicates that set up is completed by 8am". It also advises "All markets are operated in accordance with an established pattern of bump-in and bump-out and an Operational Management Plan was lodged with the original DA" and "Traders arrive in a time period of approximately 90 minutes before the advertised time of commencement for shoppers".

So with all the markets that this crowd run, do they need 90 minutes to setup as per their Operational Management Plan or can they setup in 60 minutes as "experience indicates"? Or is this a ploy to enable a future request for another revised Change In Operating Time in a few months because the stall owners find they are still setting up as customers start bunching and queuing and they feel the need to start setting up at 6:30am instead of 7am?

If it is so critical that these markets need to operate for an extra half hour then why don't they approach Pittwater RSL and ask to extend their closing time to 1pm?

If experience indicates they can setup in an hour, so it follows they should be able to pack up in an hour and be off site by the required 2pm as at present. Problem solved.

The absence of the Markets over the past weeks has reaffirmed just how they are impacting our amenity on an otherwise peaceful Sunday morning. The operators cannot control the movement and traffic congestion from noisy patrons and they never will be able to, no matter how many noise emission compliance reports they offer up. Surely Council cannot justify these

Markets to continue after this trial period expires.

We urge the Council to once again refuse this latest application based on their own original concerns - "that the market would bring noise, traffic and disturbance into the area, particularly in the early morning". The RSL car park trial has failed - it has proven this market site is inappropriate.

We also trust Council will not grant a five year extension after the expiration of this failed trial period.

GR & CF Walsh