
Sent: 24/01/2021 2:22:04 PM
Subject: re: OBJECTION to REV2020/0029 (DA2019/0123).
Attachments: REV2020_0029_ObjectionSubmission(1)~24Jan21.pdf;

Hello Thomas,

As earlier foreshadowed, attached is my '**OBJECTION**' submission which fully supports **NBC Environmental Health's REFUSAL** of the above **REV** for the 'market-location' noise breach reasons outlined in their 08/01/2021 Referral Response.

To quote **Acoustic Consultant, Ian McGrath (08/10/2020)** – *"The constant presence of the contribution to the noise environment by existing local traffic movements is significant and can't easily be ignored it would be remiss to do so"*.

When possible, would you please ensure that this email plus attachment is uploaded to the **REV 2020/0029** site.

Kind Regards,

Dr Peter McDonald
Apt 10, 6 Foley Street
Mona Vale NSW 2103
m: +61 414 452 231

Objection

Submission

REV2020/0029 (DA2019/0123)

Address: Lot 120 DP135512 & Lot 27 DP5055 & Lot 26 DP654262
80-82 & 84 Mona Vale Road MONA VALE
and 22 Jubilee Avenue WARRIEWOOD

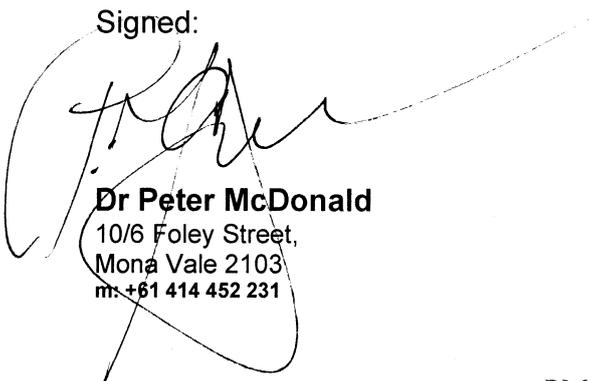
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2. Assessment Report 'Submissions' Extract – DA2019/0123
3. Assessment Report 'Submissions' Extract – MOD2019/0547
4. Assessment Report 'Submissions' Extract – MOD2020/0175

Signed:



Dr Peter McDonald
10/6 Foley Street,
Mona Vale 2103
m: +61 414 452 231

PMcD – 24 January 2021

Submission

REV2020/0029(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

We agree with NBC Environmental Health's 8 January 2021 REFUSAL of the Applicant's REV

A. Brief Background

Since August 2010, my wife (Janne) and I have lived in one of the seventeen apartments in the block located at 6 Foley Street, directly opposite Pittwater RSL.

Before re-locating to Mona Vale, we spent 30 years raising our family in Killarney Heights and occasionally on Sunday morning visited the Frenchs Forest market, the genesis of the Mona Vale market.

Over the past 2 years I have submitted documents to Northern Beaches Council vigorously objecting to DA2019/0123, MOD2019/0547, and MOD2020/0175. I have also voiced our various objections at the related NBLPP meetings held (live/online) on Wednesdays 9 June 2019, 5 February, and 29 July 2020.

Right at the start, I re-visited Frenchs Forest market on Sunday 3 March 2019 from 9.00am to 9.45am to experience *first-hand* the sights, sounds, smells of what we might shortly thereafter have only 50metres from our front door.

B. Many Not a Few People Actually Objected to DA2019/0123

By 21 March 2019 a net total of **38** people submitted an objection to this DA, the great majority of whom were NBC residents living within minutes of this market.

While **15** near-residents submitted an objection to MOD2019/0547 wherein the Applicant was requesting an earlier Set-Up time of 6.00am versus 7.00am.

And **11** mostly near-residents submitted an objection to MOD2020/0175 wherein the applicant was requesting an earlier Trading time of 8.00am versus 8.30am.

In the interests of complete transparency at this point in time, I have captured the exact number of Objectors and Supporters by DA/MOD in the following Table.

Table 1 – Objectors & Supporters x DA/MOD – Address Provided or Not

<u>DA2019/0123</u>	<u>Home Address</u>	<u>Nil Address</u>	<u>Totals</u>
Objectors	32	6	38
Supporters	100	58	158
	<u>132</u>	<u>64</u>	<u>196</u>
<u>MOD2019/0547</u>			
Objectors	15	0	15
Supporters	37	34	71
	<u>52</u>	<u>34</u>	<u>86</u>
<u>MOD2020/0175</u>			
Objectors	11	0	11
Supporters	0	4	4
	<u>11</u>	<u>4</u>	<u>15</u>

Note: above figures exclude a ‘supporter’ submission made to each MOD by the Applicant.

There can be many reasons (e.g. conflict of interest, negligence, non-NBC address, privacy, returning a favour) why people did not disclose address details as shown in Table 1. Although I will not speculate on the specific reason/s for such non-disclosure, it is fair to suggest that sole focus on the Totals is very misleading.

Also, I have listed full name and address details of the 38 Objectors to this DA in attached Exhibit 1. Importantly, attached Exhibits 2-4 are the relevant pages of the complete Objector and Supporter details simply extracted from the DA and MOD Assessment Reports – all three prepared by the same Responsible Officer.

C. Market Location Breaches Amenity + Intrusive Noise Criteria

Of the 38 Objectors to DA2019/0123, concerns about the build-up of *existing* traffic in Foley and adjacent streets were raised by 11 of those who provided home addresses. Here is an example –

“Given that this is already a busy intersection in a residential neighbourhood, we don’t feel the need for a market to add to the congestion or noise. The entry and exits for Pittwater RSL already cause confusion and delay traffic.”

Mrs Chantal Bristow, B2/3 Vineyard St (10/3/2019)

While this resident’s observation was emblematic of the Foley St Level of Service results SIDRA modelled in the Greys Consulting 7/4/2019 Report (pages 16, 17).

Greys calculated the following ‘Foley St x Sunday Midday LoS peaks:

1. Existing/December 2018 LoS result was **E** (average delay of 65.0sec/veh).
2. Future/Market development, normal/no signal change LoS result crashed to **F** (average delay of 168.7sec/veh) - the lowest LoS level!

Furthermore, with the ‘trial’ market actually in operation, **6** (of the 15) MOD2019/0547 Objectors raised similar traffic concerns, for example -

“The markets themselves do not impact on us but the traffic is the issue. Cars bank up on the western side of Foley St waiting for the lights to change. There is also the problem of cars accessing entry to (the RSL) carpark from both directions and when they have to wait to get into the carpark it causes impatience to through traffic who then beep cars waiting to turn in.”

Mrs Janice Bilton, Apt8, 6 Foley St, (2/12/2019)

Recognising that traffic issues are not the responsibility of NBC but **RMS**, I sent them the following ‘Enquiry’ email on 25 July 2020 -

“At various times of the day we observe a build-up of traffic that stretches from the Foley St/Mona Vale Rd intersection, to the intersection of Jubilee and Vineyard Avenues. Would you please advise whether any changes on any day of the week have been made to the phasing of the Foley St/Mona Vale Rd traffic lights (Traffic Controller 3945) – since January 2020.”

On 28 July 2020, RMS Customer Relations referred me to the Network Operations team that manage SCATS ‘*who make any necessary adjustments to the timings to ensure the signals are working to maximum efficiency*’. Later that day, I spoke to a Network Operations Officer (have his Name and Mobile details) who explained that: *“no signals’ changes have been made, there is a road capacity issue which is unresolvable at present - we will monitor from time to time.”*

This ‘road capacity issue’ was part of my MOD2019/0547 ‘objection’ online/ phone discussion with the 29 July 2020 **NBLPP** and may conceivably have led to their inclusion of ‘trial’ Condition **12** – ‘Appointment of SafeWork NSW qualified Traffic Wardens’ - which the Applicant did not adopt or request be removed.

In net, the Network Operations Officer’s explanation not only vindicates the traffic noise concerns repeatedly raised by ‘nearby-market’ residents but also supports NBC Environmental Health’s **REFUSAL** of the Applicant’s REV2020/0029 for the ‘market-location’ noise breach reasons in their 08/01/2021 Referral Response.

To quote Acoustic Consultant, Ian McGrath – *“The constant presence of the contribution to the noise environment by existing local traffic movement is significant and can’t easily be ignored, it would be remiss to do so.”*

Appendix

List of Attachments

REV2020/0029 (DA2019/0123)

Address: Lot 120 DP135512 & Lot 27 DP5055 & Lot 26 DP654262
80-82 & 84 Mona Vale Road MONA VALE
and 22 Jubilee Avenue WARRIEWOOD

1. Summary of 'Objector' Name/Address Details – DA2019/0123
2. Assessment Report 'Submissions' Extract – DA2019/0123
3. Assessment Report 'Submissions' Extract – MOD2019/0547
4. Assessment Report 'Submissions' Extract – MOD2020/0175

Summary of "Objector" Details by DA and MODs Lodged - 2019-2020 - Exhibit 1.

<u>Objector Name/s</u>	<u>Home Address</u>	<u>DA2019/0123</u>	<u>MOD2019/0547</u>	<u>MOD2020/0175</u>
Mr Timothy Ryan	22 Jubilee Avenue, Warriewood NSW 2102	✓		
Mr Ron Bode	19 Jubilee Avenue , Warriewood NSW 2102	✓	✓	✓
Ms Valerie Jensen & Mary Phillips	185 Warriewood Road, Warriewood NSW 2102	✓	✓	✓
Mr Geoffrey & Carol Walsh	188 Warriewood Road, Warriewood NSW 2102	✓	✓	✓
Mr Josef Belevi	49A Vineyard Street, Mona Vale NSW 2103	✓		
Mrs Penelope & Tony Rufftyn	Apt11, 6 Foley Street, Mona Vale NSW 2103	✓		
Mr Deepak Damji Wadher	83 Mona Vale Road, Mona Vale NSW 2103	✓		✓
Mr Robert Bergqvist	4 Brinawa Street, Mona Vale NSW 2103	✓		
Michelle Eisele	Apt3, 6 Foley Street, Mona Vale NSW 2103	✓		
Julie Hutchings	2 Jeanette Avenue, Mona Vale NSW 2103	✓		
Elizabeth Clare Halls	Apt2, 6 Foley Street, Mona Vale NSW 2103	✓		
Ms Ronda Lea Schwienberg	Apt5, 6 Foley Street Mona Vale NSW 2103	✓	✓	
Mrs Patricia Janet Johnston	64 Vineyard Street, Mona Vale NSW 2103	✓		
Sally Joann Woerndl	6 Kay Close, Mona Vale NSW 2103	✓	✓	
Ann Margaret & Neil Burleigh	15 Kay Close, Mona Vale NSW 2103	✓	✓	✓
Nick Burleigh]			
Mrs Robyn Suzanne Murray	2/3 Vineyard Street, Mona Vale NSW 2103	✓		
Mr David & Vivien Remedios	Apt14, 6 Foley Street, Mona Vale NSW 2103	✓		
Mrs Janice & Colin Bilton	Apt8, 6 Foley Street, Mona Vale NSW 2103	✓	✓	✓
Mr David & Louise Edgley	30/5 Ponderosa Parade, Warriewood NSW 2102	✓	✓	✓
Mrs Barbara Anna Hermann (2)	16 Barrenjoey Road, Mona Vale NSW 2103	✓	✓	
Mr David O'Neill	4 Foley Street, Mona Vale NSW 2103	✓		
Mr Philip Charles Walker	184 Warriewood Road, Warriewood NSW 2102	✓		✓
Mr Lindsay Frazer	51 Binburra Avenue, Avalon Beach NSW 2107	✓		
Simon & Elaine Gillespie	91 Mona Vale Road, Mona Vale NSW 2103	✓		
Dr Peter & Janne McDonald (2)	Apt10, 6 Foley Street, Mona Vale NSW 2103	✓	✓	✓
Mrs Donna & Daniel Giles	80 Vineyard Street, Mona Vale NSW 2103	✓	✓	✓
Chantal Bristow	40 Burchmore Road, Manly Vale NSW 2093	✓		
Mrs Lynette Marie Czinner	12 Orchard Street, Warriewood NSW 2102	✓		
<u>Objectors + Addresses- sub-totals:</u>		28+27	11+11	10+10

DEVELOPMENT APPLICATION ASSESSMENT REPORT

Application Number:	DA2019/0123
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 27 DP 5055, 22 Jubilee Avenue WARRIEWOOD NSW 2102 Lot 120 DP 135512, 84 Mona Vale Road MONA VALE NSW 2103 Lot 26 DP 654262, 80 - 82 Mona Vale Road MONA VALE NSW 2103
Proposed Development:	Use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market
Zoning:	B7 Business Park B7 Business Park R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes, under Clause 2.8 Temporary Use of Land of the PLEP 2014
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Pittwater RSL Club Ltd
Applicant:	Organic Food Markets

Application lodged:	14/02/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Other
Notified:	03/06/2019 to 17/06/2019
Advertised:	Not Advertised
Submissions Received:	198
Recommendation:	Deferred Commencement Approval

Estimated Cost of Works:	\$ 0.00
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ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

Section 4.15 Matters for Consideration'	Comments
	<p>Building Code of Australia (BCA). This matter has been addressed via a condition of consent.</p> <p>Clause 143A of the EP&A Regulation 2000 requires the submission of a design verification certificate from the building designer prior to the issue of a Construction Certificate. This clause is not relevant to this application.</p>
<p>Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality</p>	<p>(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the /Pittwater 21 Development Control Plan section in this report.</p> <p>(ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal.</p> <p>(iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.</p>
<p>Section 4.15 (1) (c) – the suitability of the site for the development</p>	<p>The site is considered suitable for the proposed development.</p>
<p>Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs</p>	<p>See discussion on “Notification & Submissions Received” in this report.</p>
<p>Section 4.15 (1) (e) – the public interest</p>	<p>No matters have arisen in this assessment that would justify the refusal of the application in the public interest.</p>

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 198 submission/s from:

Name:	Address:
Scott John Riley	20 Ocean Grove COLLAROY NSW 2097

Name:	Address:
Kris Deamer	2 The Avenue NEWPORT NSW 2106
Ric Simpson	
Ms Tracy May Cronan	PO Box 3606 PARRAMATTA NSW 2124
Susanne Jacobs	11 Hollywood Road NEWPORT NSW 2106
Mrs Suzanne Patricia Diamond	4 Mirrabooka Street BILGOLA PLATEAU NSW 2107
Janine Pares	
Claudio Mangifesta	
Paul Clarke	
Joanne Bell	
Teresa Rutherford	
Martin Vella	
Sally Joann Woerndl	6 Kay Close MONA VALE NSW 2103
Samantha Caller	179 Powderworks Road ELANORA HEIGHTS NSW 2101
Mrs Michelle Gae Burns	30 Griffin Road NORTH CURL CURL NSW 2099
Nicole Kayclough	
Mrs Bianca Leanne Ipschwitz	3 Arrabri Place WARRIEWOOD NSW 2102
Monique Gray	
Valerie Mona McLeod	3 / 81 Howard Avenue DEE WHY NSW 2099
Ms Joan Spinney	9 Tyrone Avenue FORESTVILLE NSW 2087
Tara Hoare	3 / 59 Lagoon Street NARRABEEN NSW 2101
Tess Cowley	
Natesh Pai	
Victoria Chambers	
Prue Eccleston	
Kate Newton	
Richard Wentworth-Ping	
Jason Gray	
John Walton	15 Booyong Avenue LUGARNO NSW 2210
Mrs Michelle Linda Stone	20 Waterview Street MONA VALE NSW 2103
Mrs Deborah Stracey	77 The Esplanade FRENCHS FOREST NSW 2086
Shannon Young	
Mrs Savannah Carys Baker	34 McDonald Street FRESHWATER NSW 2096
Jorja Vicary	
Mr Geoffrey Russell Walsh	188 Warriewood Road WARRIEWOOD NSW 2102
Mrs Ann Carolyn Hogan	111 Plateau Road BILGOLA PLATEAU NSW 2107
Sue Toso	119 Plateau Road BILGOLA PLATEAU NSW 2107
Paul Casper	76 Mona Vale Road MONA VALE NSW 2103
Mrs Ann-Marie Bayliss	57 Towradgi Street NARRAWEENA NSW 2099
Danielle Danswan	
Mr Josef Belevi	49 A Vineyard Street MONA VALE NSW 2103

Name:	Address:
Mrs Penelope Ruttyn Mr Anthony Ruttyn	11 / 6 Foley Street MONA VALE NSW 2103
Michelle Eisele	3 / 6 Foley Street MONA VALE NSW 2103
Mrs Jayne Smytheson	
Mr Deepak Damji Wadher	83 Mona Vale Road MONA VALE NSW 2103
Mr Ian Littleton	PO Box 418 STUBBO NSW 2852
Mr Robert Bergqvist	4 Brinawa Street MONA VALE NSW 2103
Julie Hutchings	2 Jeanette Avenue MONA VALE NSW 2103
Elizabeth Clare Halls	2 / 6 Foley Street MONA VALE NSW 2103
Ms Ronda Lea Schweinsberg	46 Palmgrove Road AVALON BEACH NSW 2107
Mrs Patricia Janet Johnston	64 Vineyard Street MONA VALE NSW 2103
Mr Neil Burleigh	
Ms Elizabeth Diedre Wall	25 / 237 Macpherson Street WARRIEWOOD NSW 2102
Ms Maraya Sunshine Bell	1 Fazzolari Avenue MONA VALE NSW 2103
Ms Julie Buckroyd	6/16 Waratah Street MONA VALE NSW 2103
Ms Lauren Alice Bailey	3 Wallaby Circuit MONA VALE NSW 2103
Ms Michelle Anne Louise Carter	4 Shearwater Drive WARRIEWOOD NSW 2102
Ms Sara Daisy Bell	1 Fazzolari Avenue MONA VALE NSW 2103
Janice Leach	36 Hillside Road NEWPORT NSW 2106
Ms Amber Robyn Fawn Jones	63 Emma Street MONA VALE NSW 2103
Mrs Tracie Francis	47 Vineyard Street MONA VALE NSW 2103
Rebecca Svenoy	330 / 79 - 91 Macpherson Street WARRIEWOOD NSW 2102
Ms Jane Marie Argue	24 / 237 Macpherson Street WARRIEWOOD NSW 2102
Maria Skarparis	Invalid Address NSW
Ms Jackie Black	5 Lakeview Parade WARRIEWOOD NSW 2102
Mr Dale Marc Cohen	75 Whale Beach Road WHALE BEACH NSW 2107
Ms Kylie Elizabeth Perrin	10 Hunter Street South WARRIEWOOD NSW 2102
Ms Janine Elizabeth Clark	16 Lake Park Road NORTH NARRABEEN NSW 2101
Mrs Ann Asker	5 Briony Place MONA VALE NSW 2103
Mrs Sarah Jane Mawson	18 Wallaby Circuit MONA VALE NSW 2103
Mrs Sally Louise-Walker Brandt	34 C Samuel Street MONA VALE NSW 2103
Rachel Rumery	
Earl Moran	
Mrs Kerryn Elizabeth O'Dell	6 Brands Lane WARRIEWOOD NSW 2102
Ms Alison Brookbanks	36 Loquat Valley Road BAYVIEW NSW 2104
Shayna Price	
Amy Radel	7 Alexandra Crescent BAYVIEW NSW 2104
Mrs Catherine Elizabeth	25 Eastview Road CHURCH POINT NSW 2105

Name:	Address:
Nicholl	
Vicki Hoogland	
Craig O'Brien	
Jordan Bracher	9 / 11 Soldiers Avenue FRESHWATER NSW 2096
Norman Fuller	
Mrs Robyn Suzanne Murray	2 / 3 Vineyard Street MONA VALE NSW 2103
Ann Margaret Burleigh	5 Kay Close MONA VALE NSW 2103
Nick Burleigh	
Mr David James Remedios Mrs Vivienne Mary Remedios	14 / 6 Foley Street MONA VALE NSW 2103
Mrs Cassandra Diane Thomas	62 Mona Vale Road MONA VALE NSW 2103
Ms Elizabeth Ann Reilly	15 Orana Road MONA VALE NSW 2103
Mrs Moya Lorraine Lapish	13 Judith Street SEAFORTH NSW 2092
Jack Small	4 Harst Place BELROSE NSW 2085
Lucille Hassen	9 / 7 Osborne Road MANLY NSW 2095
Ms Fiona Mary Murphy	1 / 21 Angophora Circuit WARRIEWOOD NSW 2102
Helen Louise Conn	70 Lane Cove Road INGLESIDE NSW 2101
Mrs Jemma Browne	9 Buena Vista Avenue MONA VALE NSW 2103
Mrs Michele Deborah Wienstien	7 / 13 - 19 Angophora Circuit WARRIEWOOD NSW 2102
Mr Colin Rex Bilton Mrs Janice Lynette Bilton	8 / 6 Foley Street MONA VALE NSW 2103
Mrs Christina Anne Dominique Giannakakis	36 Marinna Road ELANORA HEIGHTS NSW 2101
Kim Ollerton	75 Suffolk Avenue COLLAROY NSW 2097
Amanda Hewitt-Park	
Mrs Mayu Shimoda	1 Redgum Place FRENCHS FOREST NSW 2086
Frank Kardos	
Mrs Jacqueline Noelle Morgan	13 Wimbledon Avenue NORTH NARRABEEN NSW 2101
Mr David Norman Edgley	30 / 5 Ponderosa Parade WARRIEWOOD NSW 2102
Ulla Kofoed Krause	5 / 319 Condamine Street MANLY VALE NSW 2093
Mr James Evangelidis	3 Jabiru Close MONA VALE NSW 2103
Robert Pfrogner	
Noah Weinberg	
Carrie Kirsten	
Amanda Nielsen	
Brinley Meyer	
Angela Jones	
Greg Newell	
Mrs Tracey Lee O'Brien	6 Bertana Crescent WARRIEWOOD NSW 2102

Name:	Address:
Cameron Russell	
Tina Gozin	
Malcolm Leyland	
Ms Susan Lee Mason	9 / 123 - 125 Lagoon Street NARRABEEN NSW 2101
Nick Orrock	
Mrs Tracey O'Sullivan	C/- Vaughan Milligan Development Consulting Pty Ltd PO Box 49 NEWPORT BEACH NSW 2106
Donald Smith	13 Foraker Drive EAGLE HEIGHTS NSW 4272
Becci Watson	
Ms Julie Maree Constable	11 Ilford Road FRENCHS FOREST NSW 2086
Christopher Tarr	
Ms Samantha Jane Sheppard	179 Barrenjoey Road NEWPORT NSW 2106
Ms Justine Helen Lobb	32 Grandview Parade MONA VALE NSW 2103
Mr John Broadbent	19 Timaru Road TERREY HILLS NSW 2084
Rosemary Johnston	1278 Lachlan Valley Way JEMALONG NSW 2871
Shirley Hoffman	
Vicky Pantelas	
Ms Valerie Jensen	185 Warriewood Road WARRIEWOOD NSW 2102
Susannah Malyon	
Ms Clare Trevena	68 Parr Parade NARRAWEENA NSW 2099
Francesca Gaspar	
Tanya Falecki	
Daniel Acheson	20 Douglas Street ST IVES NSW 2075
Xuanhong Dai	
Clare Mason	
Dejan Bubalo	18 Campbell Avenue CROMER NSW 2099
Mrs Judith Ann McPhee	9 Forbes Place ALLAMBIE HEIGHTS NSW 2100
Mrs Gail Lesley Goff	35 Mathews Street DAVIDSON NSW 2085
Mr Jacob Boutros Khouri	6 Sefton Road THORNLEIGH NSW 2120
Emily Jean Bianco	3 Queens Avenue AVALON BEACH NSW 2107
Katarina Sopko	26 Acacia Circuit WARRIEWOOD NSW 2102
Michael Shafran	
Mac Lasseter	
Mr David Anthony Murphy	3 Wallaby Circuit MONA VALE NSW 2103
Sarah Harvey	
Mr Owyn David Prandle	84 Whale Beach Road AVALON BEACH NSW 2107
Rita Ayoub	
Mrs Natalie Claudine Moffat	1 Myrtle Street NORTH BALGOWLAH NSW 2093
Mr Andrew Palummo	55 Emma Street MONA VALE NSW 2103
Ms Mary Phillips	185 Warriewood Road WARRIEWOOD NSW 2102
Barbara Anna Hermann T/AS	1/25 Avalon Parade AVALON BEACH NSW 2107

Name:	Address:
Avalons Organics	
Mrs Barbara Anna Hermann	116 Barrenjoey Road MONA VALE NSW 2103
Jack Mitri	
Ms Lauren Grace Walker	155 Pacific Road PALM BEACH NSW 2108
Kumar Bimalendra	23 The Crescent HOMEBUSH NSW 2140
Carl James Brandes De Roos	PO Box 579 NEWPORT BEACH NSW 2106
Ms Barbara Bryan	32 Baronbali Street DUNDAS NSW 2117
Lisa Steele	
David Turner	6 Sierra Place UPPER COOMERA NSW 4209
Michael Perroux	
Belinda Wilcox	66 Grace Avenue FRENCHS FOREST NSW 2086
Susannah Paterson	
Dominique Simone Fletcher	1 Mallowa Road DUFFYS FOREST NSW 2084
Mr Nigel Bennett Bramley	3 Narrabeen Park Parade NORTH NARRABEEN NSW 2101
Boston McArthur	7 Carefree Road NORTH NARRABEEN NSW 2101
Mr Alan McNamara	40 Milham Crescent FORESTVILLE NSW 2087
Mr Simon Christopher Reinhardt Mallender	100 Wyuna Avenue FRESHWATER NSW 2096
Mrs Alison Kokou	16 Macpherson Street WARRIEWOOD NSW 2102
Mrs Sally Anne Cannon	191 Powderworks Road ELANORA HEIGHTS NSW 2101
Ms Casey Kilgour	13/3 Arndill Avenue BAULKHAM HILLS NSW 2153
Mrs Rika Vytopil	3 / 3 Fantail Avenue WARRIEWOOD NSW 2102
Mr David O'Neill	4 Foley Street MONA VALE NSW 2103
Chantal Bristow	40 Burchmore Road MANLY VALE NSW 2093
Monte Dwyer	
Lee Murphy	4 / 15 - 17 Kalinya Street NEWPORT NSW 2106
Mr Steven Jon McInnes	35 Elanora Road ELANORA HEIGHTS NSW 2101
Ms Loretta Woodhead	24 Abernethy Street SEAFORTH NSW 2092
Ms Caroline Graham	94/81 Willandra Road CROMER NSW 2099
Benjamin Thomas Clinch	Po Box 296 MONA VALE NSW 1660
Ms Stefani Thornthwaite	31 Trevor Road NEWPORT NSW 2106
Mr Kai Hedley Cooper	6 / 6 Foley Street MONA VALE NSW 2103
Mr Simon Peter Gillespie Elaine Gillespie	91 Mona Vale Road MONA VALE NSW 2103
Mr Peter William McDonald	10 / 6 Foley Street MONA VALE NSW 2103
Kevin Eade	
Mrs Donna Louise Giles	80 Vineyard Street MONA VALE NSW 2103
Nina Aitken	
Mrs Lynette Marie Czinner	12 Orchard Street WARRIEWOOD NSW 2102
Rebecca Murray	2 / 3 Vineyard Street MONA VALE NSW 2103
Michele Thompson	2/9 Arthur Street CROYDON NSW 2132

Name:	Address:
Ron Bode	19 Jubilee Avenue WARRIEWOOD NSW 2102
Timothy Ryan	22 Jubilee Avenue WARRIEWOOD NSW 2102
Peter McDonald	6 Foley Street MONA VALE NSW 2103
Roy Alexander Duffell	Farm 1005 Four Corners Road COLEAMBALLY NSW 2707
Lindsay Frazer	C/- 51 Binburra Avenue AVALON BEACH NSW 2107
Mr Kevin John Lee	89 Mona Vale Road MONA VALE NSW 2103
Mr Philip Charles Walker	184 Warriewood Road WARRIEWOOD NSW 2102

The application received 198 submissions. Approximately 80% of the submissions are in support of the proposed development. The issues raised in the remaining 20% are addressed below:

Note: Council is receipt of one submission relating to this application that was made by a Council officer who is a local resident and who is not involved in the assessment of applications under the Environmental Planning and Assessment Act.

Traffic and Parking

Objections raised concern that the proposed development will result in insufficient onsite and on-street parking, traffic congestion, illegal parking, and vehicular/pedestrian conflicts. Objections called for Jubilee Avenue to be closed, roads to be upgraded and Council rangers to patrol the market events.

Comment:

The Applicant provided an amended Parking & Traffic Impact Assessment Report and traffic modelling to the satisfaction of Council's Traffic Engineer. Council's Traffic Engineer raised no concern in relation to parking, traffic congestion or traffic safety, subject to optimised signal phasing at the intersection of Foley Street and Mona Vale Road and the upgrading of footpaths (as required by conditions of consent). Further, the proposed markets are to trade between 8:30am and 12:30pm, with the peak of market goes attending in the morning, when demand for parking for RSL patrons is lower. Closure of Jubilee Avenue, upgrade of the roads and ranger patrols during the market events is not necessary.

Impact on Local Business

Some submissions raised concern that the proposed development would lead to competition with existing markets in the Northern Beaches area. Objections raised concern that the markets will not support local business or regional farmers.

Comment:

The Northern Beaches area is not to subject of an oversupply of markets, indicating that competition is not unreasonable. The markets currently held in Warriewood run on Fridays, while the proposed markets at the Pittwater RSL site are to run on Wednesdays or Sundays. As such, there would be no overlap in operation of these markets. The markets provide opportunity for local businesses (and small businesses from across the state) to access a greater customer market. Further, submissions (including from local business owners) also raised that the markets would support local business.

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2019/0547
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Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 27 DP 5055, 22 Jubilee Avenue WARRIEWOOD NSW 2102 Lot 120 DP 135512, 84 Mona Vale Road MONA VALE NSW 2103 Lot 26 DP 654262, 80 - 82 Mona Vale Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market
Zoning:	B7 Business Park
Development Permissible:	Yes, under Clause 2.8 Temporary Use of Land of the PLEP 2014
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Pittwater RSL Club Ltd
Applicant:	Organic Food Markets

Application Lodged:	07/11/2019
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Commercial/Retail/Office
Notified:	26/11/2019 to 10/12/2019
Advertised:	Not Advertised
Submissions Received:	87
Clause 4.6 Variation:	Nil
Recommendation:	Refusal

EXECUTIVE SUMMARY

The Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market seeks an extension to the approved operating hours. DA2019/0123 was determined by the Northern Beaches Local Planning Panel (NBLPP). As such, MOD2019/0547 is also referred to the NBLPP for determination.

patrons shall be permitted entry and all customers on the premises for the purpose of the markets shall be required to leave. Stallholders and site managers may commence set up from 7:00am and must vacate the site by 2:00pm. No access to the site for the purpose of market stall set up is permitted before 7:00am.

Reason: Information to ensure that amenity of the surrounding locality is maintained. At the public meeting, the applicant indicated that approval was only being sought to operate the market on Sundays.

- **10. Trial Period**

This consent expires in 18 months from the date of commencement of operation of the market on site unless, by no later than 13 months after the date of commencement, the applicant lodges a modification application to extend the expiry date to 5 years and Council thereafter approves the modification.

Reason: To monitor the operation of the consent to ensure no adverse impact on any adjoining land or the amenity of the neighbourhood and the temporary use of the land in accordance with the consent.

It can be established (given the inclusion of Condition 7) that the NBLPP were concerned with the potential impact on nearby residential properties with the proposed hours of set up commencing at 6.00am and the hours of operation commencing at 7:30am every Sunday morning. The Assessment Report for DA2019/0123 recommended set up from 7:00am and trading from 8:30am, in order to provide greater consistency with the NSW Environmental Protection Authority's Noise Policy for Industry 2017 "Daytime Trading Hours for Sundays", and in consideration of the fact that no acoustic assessment was provided by the Applicant to demonstrate that operation outside of the hours deemed 'daytime' by the NSW EPA is acceptable. This recommendation was acceptable to the NBLPP.

No further acoustic assessment has been provided for this modification application, other than written comment by the Applicant. Inadequate justification has been provided in this regard to demonstrate that the extended hours are suitable.

The intention of Condition 10 is to monitor the impacts of the operation of the site for the purpose of markets in its approved state for an extended period of time. To modify the consent to include increased hours of operation after a relatively short period months is contrary to the intention of Condition 10. Given an insufficient period of operation has elapsed, and that sufficient justification for the extended hours has not been provided, the proposed modification is not demonstrated to be 'orderly' development as required by the Act.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 87 submission/s from:

Name:	Address:
Bambi Coleman	Address Unknown
Grant Jackson	Address Unknown
Mrs Jessica Drummond Wardlaw	15 Bergonia Street MONA VALE NSW 2103
Gwenda Miles	Address Unknown
Hilik Mirankar	Address Unknown
Michele Lyons	Address Unknown
Ann Margaret Burleigh Mr Neil Burleigh	5 Kay Close MONA VALE NSW 2103
Susannah Malyon	Address Unknown
Igor Kovacevic	Address Unknown
Sally Joann Woerndl	6 Kay Close MONA VALE NSW 2103
Naoko Konishi	Address Unknown
Mr Stephen Choularton	10 Chiltern Road INGLESIDE NSW 2101
Mrs Anne Marie McInnes	35 A Alameda Way WARRIEWOOD NSW 2102
Pod Cuisine	Attn: Clara Mason Po Box 1250 ROZELLE NSW 2039
Ms Rachel Crane	48 Prince Alfred Parade NEWPORT NSW 2106
Mr Geoffrey Russell Walsh	188 Warriewood Road WARRIEWOOD NSW 2102
Ms Ronda Lea Schweinsberg	5 / 6 Foley Street MONA VALE NSW 2103
Becci Watson	Address Unknown
Mr Mark William Gilbertson	73 Vineyard Street MONA VALE NSW 2103
Kate Berridge	Address Unknown
Mrs Janice Lynette Bilton	8 / 6 Foley Street MONA VALE NSW 2103
State Transit Authority Mona Vale Depot	58 Darley Street MONA VALE NSW 2103
Mrs Barbara Anna Hermann Laura Baierl	1 / 12 - 14 Angophora Circuit WARRIEWOOD NSW 2102
Ron Bode	19 Jubilee Avenue WARRIEWOOD NSW 2102
Mr Anthony Hilliger	11 Buena Vista Avenue MONA VALE NSW 2103
Mr Kevin John Lee	89 Mona Vale Road MONA VALE NSW 2103
Mrs Emily Jane Aquino	20 / 46 The Crescent DEE WHY NSW 2099
Michelle Phipps	Address Unknown
Karmen Sindermann	53 Elimatta Road MONA VALE NSW 2103
Elsa Jeppesen	Address Unknown
Mr Trevor Lindsay Ings Ms Courtney Mae Ings	88 Warriewood Road WARRIEWOOD NSW 2102
NICOLE GRUEL	Address Unknown
Mrs Linda Geraldine McWhirter	55 Mona Vale Road MONA VALE NSW 2103
Mr Robert Leeson	Address Unknown
Tony Batchelor	Address Unknown

Name:	Address:
Margit Batchelor	
Mr Norbert Blick Veronique Lydie Blick	42 Londonderry Drive KILLARNEY HEIGHTS NSW 2087
Paul Touma	Address Unknown
Mrs Clare Luchetti	28 Inglebar Avenue ALLAMBIE HEIGHTS NSW 2100
Sherree Lisa Maniks	9 Spring Road NORTH CURL CURL NSW 2099
Georgia Fletcher	77 Rednal Street MONA VALE NSW 2103
Mrs Lynda May Hensley	118 Plateau Road BILGOLA PLATEAU NSW 2107
Storme Elizabeth Paige Mirika Poutama	6 Marcus Place FRENCHS FOREST NSW 2086
Mrs Brenda Singleton	Address Unknown
Ms Kathleen Chapman	6 Yuruga Place ALLAMBIE HEIGHTS NSW 2100
Janene Taylor	Address Unknown
Dolfi Benesh	10 Windsor Place ST IVES CHASE NSW 2075
Golden Gozleme	7 Lawrence Street SEVEN HILLS NSW 2147
Jesmin Patel	Address Unknown
Naresh Patel	Address Unknown
Lyn Kirk	Address Unknown
Jeff Delaney	Address Unknown
Tania Elder T/A Newport Yoga Centre	93 A Myola Road NEWPORT NSW 2106
Mr Milan Debelak	67 Bungan Head Road NEWPORT NSW 2106
MS SHELLEY FARRISS	Address Unknown
Karen Elizabeth Oakley	19 Collaroy Street COLLAROY NSW 2097
Amanda Choularton	Address Unknown
Paul Christie	4 Sunrise Road PALM BEACH NSW 2108
Common Ground Bakery	1580 Remembrance Drive PICTON NSW 2571
Ms Belinda Brodie	Address Unknown
Mrs Louise Berkeley Edgley	30 / 5 Ponderosa Parade WARRIEWOOD NSW 2102
Martin Vella	16/117-119 Homer Street EARLWOOD NSW 2206
Mrs Linda Bennett	134 Pringle Avenue BELROSE NSW 2085
Angelique Tomkins	Address Unknown
Bobby Saini	Address Unknown
Julie Taylor	Address Unknown
Caitlin Haigh	Address Unknown
Eurolink Proprietary Ltd	2/78 Brighton Boulevard BONDI NSW 2026
Ms Anne Elizabeth Ohlback	125 Wyadra Avenue NORTH MANLY NSW 2100
Mr Daniel Glen Giles	80 Vineyard Street MONA VALE NSW 2103
Mrs Jane Elizabeth King	118 Cabarita Road AVALON BEACH NSW 2107
Ms Halyna Van Ewyk	16 Elphinstone Place DAVIDSON NSW 2085
Joshua Beck	Address Unknown

Name:	Address:
Miss Jessica Marie Carrier	12 / 31 Seaview Avenue NEWPORT NSW 2106
Michael Min	Address Unknown
Mr Ian Ivor Littleton	PO Box 418 STUBBO NSW 2852
Anonymous	N/A
Mr John Michael O'Neill	10 C Ponderosa Parade WARRIEWOOD NSW 2102
Mr Grant Tomkins	22 B Heath Street MONA VALE NSW 2103
Vicky Pantelas	1 Rosella Street PRESTONS NSW 2170
Alison Clinch	3 Orlando Road CROMER NSW 2099
Mr Timothy Charles Clarke	63 Powderworks Road NORTH NARRABEEN NSW 2101
Peter McDonald Mr Peter William McDonald	6 Foley Street MONA VALE NSW 2103
Lauren Sharma	Address Unknown
Durga Devi	Address Unknown
Ms Valerie Jensen Ms Mary Phillips	185 Warriewood Road WARRIEWOOD NSW 2102
Cheese On Wheels	6 Macmahon Street NORTH WILLOUGHBY NSW 2068
Hannah Clark	Address Unknown

The application received 87 submissions, comprised of 15 against and 72 in support. The issues raised in the submissions are addressed as follows:

ISSUES RAISED AGAINST EXTENSION OF HOURS

Previous Application Recommendations

One submission raised concern that the recommendations from the previous Assessment Report and Memorandum in relation to formalisation of the footpath along Foley Street and have not been enforced.

Comment:

The previous Assessment Report and Memorandum in relation to the original development application made recommendations for the consideration of the Northern Beaches Local Planning Panel (NBLPP). Recommendations in an Assessment Report and/or Memorandum may or may not be accepted by the NBLPP. The NBLPP considered a trial period of 18 months to be suitable for the proposal, so that the operation of the markets could be monitored in relation to its impacts, with the intention of the consent being extended to a maximum period of five years, if proven to be acceptable. Given a trial period was issued, the NBLPP considered the recommendation for upgraded footpath works to be onerous, and that this matter could be reconsidered at such time an extension of the trial period to five years was sought.

Traffic, Parking, and Safety

Submissions raised concern that the current use of the markets makes parking for RSL patrons difficult, and leads to several traffic impacts, including increased cars on the road, increased noise, illegal parking, and increased risk to pedestrian safety. The submission from the State Transit Authority raised concern that the bus stop on Foley Street is impacted by illegal parking and that issuance of infringements has not resolved this matter.

Comment:

EXHIBIT 4.

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2020/0175
Responsible Officer:	Claire Ryan
Land to be developed (Address):	Lot 27 DP 5055, 22 Jubilee Avenue WARRIEWOOD NSW 2102 Lot 51 DP 1237461, 84 Mona Vale Road MONA VALE NSW 2103 Lot 52 DP 1237461, 80 - 82 Mona Vale Road MONA VALE NSW 2103
Proposed Development:	Modification of Development Consent DA2019/0123 granted for use of part of the carparking area associated with the Pittwater RSL Club for the purposes of an organic food market
Zoning:	B7 Business Park B7 Business Park R2 Low Density Residential SP2 Infrastructure
Development Permissible:	Yes, under Clause 2.8 Temporary Use of Land of the PLEP 2014
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Delegation Level:	NBLPP
Land and Environment Court Action:	No
Owner:	Pittwater RSL Club Ltd
Applicant:	Organic Food Markets

Application Lodged:	08/05/2020
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Residential - Other
Notified:	18/05/2020 to 01/06/2020
Advertised:	Not Advertised
Submissions Received:	16
Clause 4.6 Variation:	Nil
Recommendation:	Approval

EXECUTIVE SUMMARY

The Modification of Development Consent DA2019/0123 granted for use of part of the carparking area

trading to be recorded and assessed.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2000 and the relevant Development Control Plan.

As a result of the public exhibition process council is in receipt of 16 submission/s from:

Name:	Address:
Ron Bode	19 Jubilee Avenue WARRIEWOOD NSW 2102
Mr Peter William McDonald	10 / 6 Foley Street MONA VALE NSW 2103
Mr Deepak Damji Wadher Mrs Hansa Wadher	83 Mona Vale Road MONA VALE NSW 2103
Shanti Burn	Address Unknown
Mr Stephen Choularton	10 Chiltern Road INGLESIDE NSW 2101
Grant Jackson Jessica Jackson	Address Unknown
Mrs Janice Lynette Bilton	8 / 6 Foley Street MONA VALE NSW 2103
Ric Simpson	Address Unknown
Kim Osborne	Address Unknown
Mr Philip Charles Walker	184 Warriewood Road WARRIEWOOD NSW 2102
Mr Geoffrey Russell Walsh	188 Warriewood Road WARRIEWOOD NSW 2102
Ms Valerie Jensen Ms Mary Phillips	185 Warriewood Road WARRIEWOOD NSW 2102
Mr Daniel Glen Giles	80 Vineyard Street MONA VALE NSW 2103
Mr Neil Burleigh	5 Kay Close MONA VALE NSW 2103
Mr David Norman Edgley	30 / 5 Ponderosa Parade WARRIEWOOD NSW 2102
Ms Courtney Mae Ings	88 Warriewood Road WARRIEWOOD NSW 2102

The application received 16 submissions, comprised of 11 against and 5 in support. The issues raised in the submissions are addressed as follows:

ISSUES RAISED AGAINST THE APPLICATION

Noise

Objections raised concern that the proposed hours set up hours and noise levels are not compliant with NSW Environmental Protection Authority's Noise Policy for Industry 2017 "Daytime Trading Hours for Sundays". Noise levels have disrupted sleeping of nearby residents.