

Apartment 10, 6 Foley Street, Mona Vale NSW 2013
m: +61 414 452 231

6 December 2019

Ms Claire Ryan
Acting Manager, Development Assessments
Northern Beaches Council
c/o Village Park, 1 Park Street
Mona Vale NSW 2103

Dear Claire,

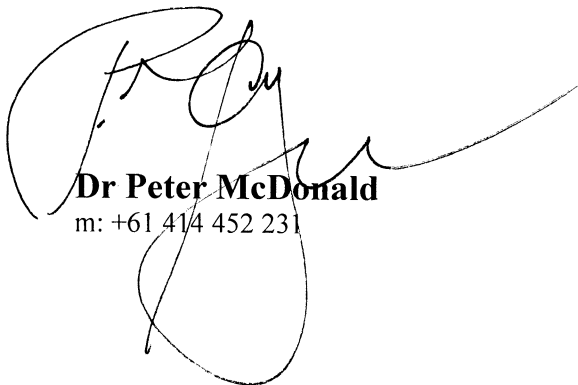
Re: **'Mod2019/0547 – DA2019/0123 – Mona Vale Market.'**

While finalizing this Submission I have been contemplating the full effect of Environmental Health's Updated (5 December 2019) Recommendation and the relevant Regulation that underpins it.

In truth, if this trial is to continue, the central issue of this modification application now becomes:

Traders Not Allowed Access to the Market Area before 8.00am on Any Sunday.

Yours Sincerely,



Dr Peter McDonald
m: +61 414 452 231

Email: teamjest@bigpond.com

Submission

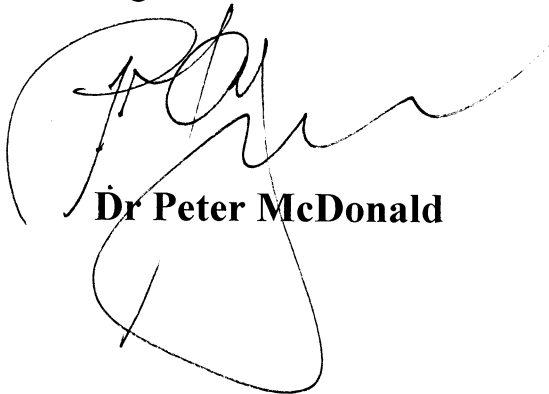
Application No: MOD2019/0547 - DA2019/0123

Address: Lot 26 DP 654262 80-82 Mona Vale Road
MONA VALE

Table of Contents

1. Reasons NOT to Allow 6am Access to Traders at the Mona Vale Market (Pages 1 to 4)
2. Separate List of 9 Attachments at Page 5 (total of 19 Pages)

Signed:

A handwritten signature in black ink, appearing to be 'Dr Peter McDonald', written over a large, loopy flourish.

Dr Peter McDonald

Reasons NOT to Allow 6am Access To Traders at the Mona Vale Market

MOD2019/0547 – DA2019/0123 – Mona Vale Market at Pittwater RSL Club

Preamble

The modification application (MOD2019/0547) submitted on 7 November 2019 makes a mockery of the Council's DA process which culminated in a NBLLP on 19 June 2019. Initial documents submitted are either anonymous in authorship, undated or embarrassingly outdated (ie; Applicant Letter dated 4 February 2019), hence lack any credibility.

Robo-acceptance of this Application would be a slap-in-the-face of all 4 panellists, especially the 3 who bring many years of high-level Land & Environment Court expertise to the table (viz; Peter Briscoe, Graham Brown, and Annelise Tuor).

Putting these fundamental procedural issues aside, I will now deal with most of the matters raised in the Applicant's absurd letter, liberally littered with falsehoods.

1. NBC's DA Process Determined a Trial Period of 18mths NOT 2.5mths.

The Notice of Determination issued on 19 June 2019 was crystal clear with reasons stated – a trial period of 18 months (not 2.5 months) with restricted Sunday hours of operation (refer Attachment 1, Items 6, 7, and 10).

While allowing for a possible modification application to extend the expiry date (from 18mths) to 5 years it makes **NO** mention of allowing any modification application to permit earlier trader access and trading time.

To have allowed such a modification application would have negated the reason for the 18 month trial:

'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'.

Also, it is worth mentioning that in reaching its determination the NBLLP Minutes record that the Panel unanimously rejected the request for earlier trader access at 6.30am and market trading from 7.30am.

2. Excessive Noise (plus More) Have Negatively Impacted Resident Amenity on Sunday Mornings.

The loss of Sunday morning amenity due to excessive noise, sleep disturbance, risk of personal safety, insufficient off-street parking and so forth is amply expressed by residents objecting to this modification application.

Many of these issues were foreshadowed in my 10 March - DA2019/0123 submission (refer Attachment 2) which I later reprised for the NBLLP members, on 19 June 2019.

“In line with well supported research that the best predictor of future behaviour is past behaviour, extracts from ‘verified reviews’ in 2017/2019 of Guests at the Parkway Hotel (previous location of the Mona Vale Market) indicated that noisy traders repeatedly chose to ignore the operator’s plan of management and set up extremely early on Sunday mornings. Set-up times ranged from 00.00am/midnight Saturday to 6am Sunday with a median set-up time of 3am.”

When challenged by the Panel about these ‘very early set-up times’, the market operator responded as follows:

“... Even the market you go to at 9am on a Sunday morning, some people have probably been there since 5am or 6am, building things up.” – Stephen Choularton, NBLLP Webcast, 19 June 2019

Hence, from the past trader behaviour and market operator comments, we can deduce that if Sunday trading were to start at 7.30am then some traders would be setting up at 3.30am or 4.30am. Ridiculous as it might seem, traders setting up very early on Sundays are evidently the norm and would be acceptable to this market operator but clearly NOT to residents close to such a ‘food’ market.

3. NONE of Market Operator’s 11 x Established Markets Trade Before 9am

In the centre of the Market Operator’s homepage www.organicfoodmarkets.com.au there is an option to ‘Click to Print’ a list of Markets, Times and Locations.

A brief perusal of all 11 x ‘established’ markets operated by the market operator in nine locations revealed on 30/11/19 that, regardless of day of the week, NONE of them trade before 9am (refer Attachments 3 and 4).

Although the ‘new’ Mona Vale Market (‘on –trial’ at Pittwater RSL Club), currently trades from 8.30am the long ‘established’ market it has replaced, Frenchs Forest Market (at Parkway Hotel) also traded from 9am for 25 years.

4. Customers Were Misinformed About Mona Vale Market’s Trading Hours

Any frustration and/or disappointment caused by **FOMO** customers arriving at the market site at 7.30am or 8.00am was *exacerbated* by both Pittwater RSL along with the Northern Beaches Council heavily pre-promoting market trading hours of **8.00am –12.00pm** in July, August, and early September - until advised that this breach needed to be corrected (refer Attachments **5, 6, 7, 8**).

Inexplicable, given the RSL’s CEO (Jason Manning) *actively* participated in the 19 June NBLLP meeting and many of the Council’s Development Assessments staff observed this meeting as well as signed-off on the Notice of Determination.

5. Market Operator Advised by Fair Trading to Cease Misleading & Deceptive Market Promotion

While more fully discussed in Part **5** of my 10 March 2019 - DA2019/0123 submission, this issue remained speculative until observing how this ‘new’ market was *actually* being identified and promoted.

Needless to say **Fair Trading** agreed that to refer to this market as an ‘Organic’ market is *clearly in breach* of Section **18**, Australian Consumer Law and failure by the market operator to fully comply would result in a hefty \$ fine.

Attachment **9** is a copy of the ‘courtesy’ email (minus the relevant attachment) sent to the Council’s CEO, Ray Brownlee to inform him that, in fact, the market operator bears full responsibility to ensure compliance by any other parties who might seek to *misrepresent* this ‘new’ market as an ‘Organic’ one.

6. An Empty Complaints Register Is Not Cause for Celebration!

In today’s volatile, connected world it is *facile* to use the lack of complaints as a measure of success, especially in terms of an emotion-laden experience such as shopping at a local ‘food’ market.

Smart businesses work hard to create an open, safe environment that encourages feedback, both good and not so good. This helps them identify vital areas for service improvement, new business opportunities, as well as build customer loyalty.

The Mona Vale Market is of a size, level of personal interaction and weekly occurrence for the market operator to be able to readily harvest '*real-time*' feedback *direct* from its customers – both traders and shoppers.

This is a privilege many service businesses can only dream about! Instead large sized service businesses opt to further distance themselves from *untouchable* customers by using Robo-call centres and primitive one-way feedback options such as a Complaints Register.

Importantly, when something 'new' is being tried, founders/leaders of retail businesses derive most value from *direct* customer feedback by being regularly present in the store, in the restaurant, at the market and so forth. There is usually too much at stake to rely entirely on the *hearsay* and/or *miscommunication* of others who may report what he/she thinks the boss *wants* to hear not what the boss *needs* to hear!

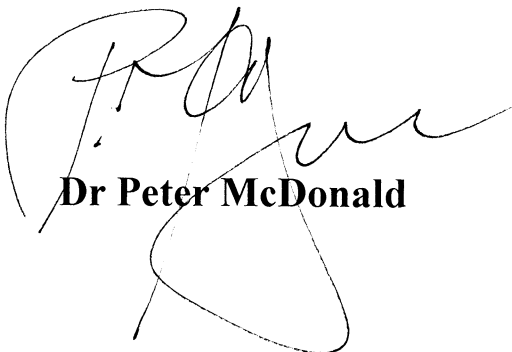
Just take a moment to reflect upon the commercial value the Mona Vale Market operator could have derived from the spontaneous 2017/2019 *negative* comments made by Parkway Hotel guests about the **French Forest Market**.

Firstly, some guests obviously cared enough about the Parkway Hotel to take the time to provide feedback and, on average, favourably rated their hotel experience.

Secondly, these guests showed how much more they cared by spending extra time explaining how *inconsiderate* trader behaviour had caused them to leave earlier than expected and, in some cases, meant that they were never likely to stay at the Parkway Hotel again.

In net, it would seem that no one from **OFM** was either listening to and/or looking for such commercially valuable (prospective guests') feedback. Consequently, *bad behaviours* developed over 25 years at the **Frenchs Forest Market** are now being repeated at the 'on-trial' Mona Vale Market, located at the Pittwater RSL Club.

Signed:



Dr Peter McDonald

PMcD – 6 December 2019

List of Attachments

Modification Application No: Mod2019/0547
Address: Lot 26 DP 654262 80-82 Mona Vale Road
MONA VALE

- 1. Notice of Determination – DA2019/0123 (5 Pages) – 19 June 2019**
- 2. Part 4 – DA2019/0123 Submission (‘Excessive Noise on Sunday Mornings Will Impact Resident Amenity’, 4 Pages) – Updated 8 June 2019**
- 3. Homepage of the OFM Website (‘Click to Print’) - 30 November 2019**
- 4. List of OFM Market – Times/Locations – 30 November 2019**
- 5. RSL (Think Local) Ad Promoting Market Start Time – 31 August 2019**
- 6. RSL (Instagram) Ad Promoting Market Start Time – 31 August 2019**
- 7. NBC (What’s On) Online Promoting Trading Hours – 31 August 2019**
- 8. NBC Letter Confirming ‘Trading Hours’ Corrective Action (2 Pages) – 2 September 2019**
- 9. Email Exchange Updating Fair Trade Status of ‘Misleading & Deceptive’ Market Promotion (3 Pages) – 15 October 2019**

NOTICE OF DETERMINATION

Application Number:	DA2019/0123
Determination Type:	Development Application

APPLICATION DETAILS

Applicant:	Organic Food Markets
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

DETERMINATION - APPROVED

Made on (Date)	19/06/2019
Consent to operate from (Date):	19/06/2019
Consent to lapse on (Date):	19/06/2024

Detail of Conditions

The conditions, which have been applied to the consent, aim to ensure that the Environmental Impacts of Development are minimised and the Health and Safety of the community is maintained in accordance with the relevant standards and the Building Code of Australia.

Note:

If the works are to be certified by a Private Certifying Authority, then it is the certifier's responsibility to ensure all outstanding fees and bonds have been paid to Council prior to the issue of the Construction Certificate or as otherwise specified by Consent conditions.

DEVELOPMENT CONSENT OPERATIONAL CONDITIONS

1. Approved Plans and Supporting Documentation

The development must be carried out in compliance (except as amended by any other condition of consent) with the following:

a) Approved Plans

Architectural Plans - Endorsed with Council's stamp		
Drawing No.	Dated	Prepared By
DA1000 Site Plan	13 February 2019	Bureau SRH Architecture
DA1001 Indicative Market Layout	13 February 2019	Bureau SRH Architecture

Reports / Documentation – All recommendations and requirements contained within:		
Report No. / Page No. / Section No.	Dated	Prepared By
Parking & Traffic Impact Assessment Report	Greys Consulting Australia	7 April 2019
Operational Management Plan	January 2019	Applicant
Risk Management Plan	Undated	Organic Food Markets

b) Any plans and / or documentation submitted to satisfy the Deferred Commencement Conditions of this consent as approved in writing by Council.

c) Any plans and / or documentation submitted to satisfy the Conditions of this consent.

d) The development is to be undertaken generally in accordance with the following:

Waste Management Plan		
Drawing No./Title.	Dated	Prepared By
Waste Management Plan and Addendum	Undated	Applicant

In the event of any inconsistency between conditions of this consent and the drawings/documents referred to above, the conditions of this consent will prevail.

Reason: To ensure the work is carried out in accordance with the determination of Council and approved plans.

CONDITIONS THAT MUST BE ADDRESSED PRIOR TO ANY COMMENCEMENT

2. Toilet / Sanitary facilities

- Details of exact toilet facilities numbers in the adjacent bowling facility building, to ensure adequacy of numbers of toilets for customers and stall holders must be provided to Council before commencement.
- The Applicant must provide signage to direct customers to toilet facilities from the market area.

Reason: To ensure ongoing toilet facilities and ready access for vendors and market

customers.

3. **Approval of Food Vendors**

All food vendors are to have an approval to operate a temporary food stall or mobile food van as issued by the Northern Beaches Council before commencing operation on site.

Reason: To enhance risk management and comply with legislation and standards in relation to the sale of food.

4. **Amendment to Plan of Management**

The submitted Plan of Management is to be amended to include:

- Hours of Operation, being:
 - Access for stall traders: 7:00am-2:00pm; and
 - Trading hours: 8:30am-12:30pm.
- Methods for restricting access to the site prior to 7am and in relation to trading hours;
- Complaints Register: A complaints register is to be kept up to date at all times, logging complaints received, and action taken;
- Complaints Contact: A contact person is to be nominated in the Plan of Management, along with a phone number;
- Stall Numbers: Market events are not to exceed 100 stalls at any time; and
- Market events must not exceed 42 days in 12 months.

Reason: To ensure appropriate amenity, complaints resolution and consistency with the consent.

ON-GOING CONDITIONS THAT MUST BE COMPLIED WITH AT ALL TIMES

5. **Water Pollution**

All condensate, cleaning water, disposed ice and spillage, as well as litter and rubbish shall be prevented from discharge to the car park surface (which drains to a water body) at all times and provision is to be made to deal with any accidents/incidents.

Reason: To eliminate the risk of water pollution.

6. **Noise Minimisation**

1. External sound amplification equipment or loud speakers must not be used for the announcement, broadcast, playing of music (including live music) or similar purposes if audible from the boundary of any residential premises.
2. Set up of stalls is not to commence before 7:00am.
3. Refrigeration motors/generators and the like not being audible from the boundary of any residential premises.

Reason: To protect the acoustic amenity of neighbouring properties.

7. **Hours of Operation**

The hours of operation are to be restricted to:

- Sundays:
 - Set Up: 7:00am-8:30am
 - Trading: 8:30am to 12:30pm
 - Pack Down: 12:30pm-2:00pm

Upon expiration of the permitted hours, all service (and entertainment) shall immediately cease, no 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.

8. **Log Book**

A log book detailing each market event is to be kept up to date for inspection by Council at any time. The markets are not to occur on more than 42 days within a 12-month period.

Reason: To ensure consistency with Clause 2.8 temporary Use of Land of the Pittwater LEP 2014.

9. **Stall Numbers**

The maximum number of stalls at any one market event is not to exceed 100 at any time.

Reason: To ensure consistency with the consent.

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.

Right to Review by the Council

You may request Council to review this determination of the application under Division 8.2 of the Environmental Planning & Assessment Act 1979. Any Division 8.2 Review of Determination application should be submitted to Council within 3 months of this determination, to enable the assessment and determination of the application within the 6 month timeframe.

NOTE: A fee will apply for any request to review the determination.

Right of Appeal

If you are dissatisfied with this decision Division 8.3 of the Environmental Planning & Assessment Act 1979 may give you the right to appeal to the Land and Environment Court within 6 months after the date on which you receive this notice.

Signed On behalf of the Consent Authority



Name Matthew Edmonds, Manager Development Assessments

Date 19/06/2019

4. Excessive Noise on Sunday Mornings Will Severely Impact Resident Amenity!

In the absence of a Noise Impact Report we are unable to fully appreciate these Sunday Markets *real-time* impact on the sleep disturbance and amenity of nearby residents.

However, in line with well documented research '*that the best predictor of future behaviour is past behaviour*' we discovered and extracted spontaneous comments about the Frenchs Forest Markets within 'verified reviews' of Guests' overall Parkway Hotel experience. Let me underscore that 'verified' means the person providing the review *actually* stayed overnight as a paying Guest at the Parkway Hotel versus a non-Guest *fake* review from a person without any such experience.

Visit <https://www.booking.com/reviews/au/hotel/parkway.html> to read these 'extracted' Frenchs Forest Markets' comments and the entire 'verified reviews'. Over the two years in which these unsolicited comments were made, only one was positive, whilst the other fourteen comments in the following pages were negative, despite a Guest rating his/her *overall* hotel experience (in parantheses) from **2.9** to **9.6** out of 10, with an overall average of **5.7**.

Taken as a whole they raise three fundamental issues:

1. Noisy traders chose to ignore the market operator's operational management plan and set up *extremely early* on a Sunday morning without thinking about disturbing the sleep of the Parkway Hotel's paying guests.
2. Uncontrolled 24/7 access to the Parkway Hotel carpark (same applies to the Pittwater RSL Club carpark) has allowed traders to arrive as early as they like and then idle for a few hours until the bump-in officially starts.
3. Parkway Hotel had either no interest in monitoring any 'guest experience' reviews or chose not to advise the market operator of the *negative* comments about the Frenchs Forest Markets they had found.

Extracts of Negative Comments Made about the Frenchs Forest Markets Made
Within ‘Verified Reviews’ of the Parkway Hotel.

26 June 2017

“Markets on in carpark Sunday morning. Stall holders arrived and setting up at 1am”. **Jenny (5.8)**

20 October 2017

“Didn’t get sleep as market people were setting up tents outside door at 1am right through to 5am”. **Anonymous (6.7)**

5 November 2017

“We were told there was going to be a farmers’ market on the following day and it would be advisable to park our vehicle around the side of the building to avoid getting blocked in as they began setting up at 6am. This was quite acceptable to us and we complied. The real problem arose when trucks and people started arriving in trucks around 2.45am on Sunday morning and they started setting up. The trucks had loud reversing alarms, the motors were left running in many vehicles and the people were very noisy as they were unloading and setting up. The result of this was that we were unable to get back to sleep. Around 5.30am we got up, had breakfast and left the premises to drive back to Newcastle. As we hadn’t had much sleep I had a bit of trouble staying awake and had to keep stopping to recover”. **Terrence O’Brien (6.7)**

15 January 2018

“Was not told upon check-in that we would be woken up at 3am by market stalls setting up. We left at 5am looking for another place to sleep”. **Greg (3.8)**

26 February 2018

“I hated the fact that there is a farmers’ market there on Sunday morning and wasn’t told about it, they started setting up at 4am which with a small child isn’t great. Not to mention my car was backed in, very hard to get out”. **Ellie (2.9)**

26 February 2018

“Being woken up at 4.30am by the people setting up the stall for the farmers’ market (was a negative)”. **Brendan (8.8)**

4 June 2018

*“Only advised of farmers’ markets after check-in. Stall holders don’t care how much noise they make at **3am** in the morning. Avoid at all costs”.* **Letitia (4.2)**

30 July 2018

*“There are markets on Sunday in the carpark of the Hotel. They are supposed to start setting up at 5.30am, not the case when we stayed. One person started putting up his marquee at **12.50am**. The hotel advises you not to park your car out the front as it will be blocked in. You will have to wait until the markets are over before you can leave”.* **Nicole (5.4)**

5 August 2018

*“Hopeless- have stayed there before and put up with the Organic Markets and their noise from **4am** on Sunday morning”.* **Greg (4.2)**

26 November 2018

*“Then on Saturday night we got home to them setting up the Sunday markets they have on the property. From **midnight** on we got no sleep due to the noise coming from the stall people setting up right outside our door. There was a tap outside our door that the market people use, this was constantly in use all night. They give no thought to the people staying in the rooms what so ever. They tell you nothing about the markets and all the noise, either at reception or on booking.com”.*

Anonymous (4.6)

31 January 2019

*“Sunday market set up in carpark next to room had people setting up and making noise from **before 6am**, which is unacceptable”.* **Anthony (4.2)**

11 February 2019

*“People were setting up for the markets from **1am** Sunday morning and very noisy”.* **Anonymous (4.2)**

3 March 2019

*“The only this I can comment negative was the Sunday market rocks up at **5.30am** outside your door to set up and wakes you up”.* **Tim (9.6)**

18 March 2019

*“The Sunday morning market stall holders setting up in the carpark adjacent to the room at **3.30am** in the morning wakes you up”.*

Allan (9.2)

These Guest *negative* comments only provide a *reflective* sense of what it feels like to have your sleep disturbed when the stillness of very early Sunday morning is *completely smashed* by the thoughtless behaviour of some traders.

Gauging the noise effects of the likely 10-fold increase in the flow of vehicle Entry/Exit movements, as well as the *hubbub* of passenger/market customer movements throughout the market's **7** hours of operation, remain to be examined and revealed.

Markets Times and Locations

SUBURB	DAY/TIME	LOCATION
Double Bay	Thursday (10.00 am to 2 pm)	Double Bay Guilfoyle Park, Guilfoyle Avenue, Double Bay, 2028
Hornsby	Thursday (9.00 am to 2:30 pm)	Hornsby Hornsby Mall, Florence Street & Hunter S, Hornsby, 2077
Kings Cross	Saturday & Sunday (10.00 am to 2 pm)	Kings Cross Fitzroy Gardens, Macleay Street, Kings Cross, 2011
Leichhardt	Saturday (9.00 am to 1 pm)	Orange Grove Public School Cnr Perry Street & Balmain Road, Leichhardt, 2040
Marrickville	Sunday (10.00 am to 3 pm)	Marrickville 142 Addison Road, Addison Road Centre, Marrickville, 2204
Marrickville	Sunday (10.00 am to 3:00 pm)	Marrickville Hall 142 Addison Road, Addison Road Centre, Marrickville, 2204
Mona Vale	Sunday (9.00 am to 12:30 pm)	Mona Vale Pittwater RSL, 82 Mona Vale Road, Mona Vale, 2103
Mosman	Wednesday (9.00 am to 2:00 pm)	Middle Head Next to Middle Head Cafe, 1110 Middle Head Road, Mosman, 2088
Newcastle	Thursday and Friday (10.00 am to 3 pm)	Newcastle Hunter Street Mall, Hunter Street, Newcastle, 2300
Rouse Hill	Saturday (10.00 am to 2 pm)	Rouse Hill Market Sq, Cnr Market Ln and Tempus St, Rouse Hill, 2155
The Entrance	Saturdays (10.00 am to 2:00 pm)	The Entrance Memorial Park, Marine Parade, The Entrance, 2261

Teamjest Pty Ltd

From: Matthew Edmonds <Matthew.Edmonds@northernbeaches.nsw.gov.au>
Sent: Monday, September 2, 2019 2:00 PM
To: teamjest@bigpond.com
Subject: FW: DA2019/0123 - Sunday Markets Trial at Pittwater RSL - Trading Hours' Breach.
Attachments: RSLMarketsTradingHours~1Sep19.pdf; NoticeOfDeterminationPkg~20June19.pdf
Importance: High

Dear Dr McDonald,

Thank you for your email.

Council's website has been amended to reflect the approved hours of operation.

Staff have also been in contact with the operator to reinforce the hours of trading.

Regards,

Matthew Edmonds
Manager Development Assessments

Development Assessment
t 02 9970 1162 m 0417 021 314
matthew.edmonds@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: Teamjest Pty Ltd <teamjest@bigpond.com>
Sent: Monday, 2 September 2019 8:27 AM
To: Matthew Edmonds <Matthew.Edmonds@northernbeaches.nsw.gov.au>
Cc: Ray Brownlee <Ray.Brownlee@northernbeaches.nsw.gov.au>; Anna Williams <Anna.Williams@northernbeaches.nsw.gov.au>; Lillian Warnes <Lillian.Warnes@northernbeaches.nsw.gov.au>; 'Valerie' <velika@optusnet.com.au>
Subject: re: DA2019/0123 - Sunday Markets Trial at Pittwater RSL - Trading Hours' Breach.
Importance: High

Dear Matthew,

As monitored yesterday, the above Sunday Markets' Trial commenced trading at 8.00am in accordance with the Trading Hours (of 8.00am to 12.00pm) published on the Council's website as well as online media used by the market operator and Pittwater RSL (refer attached).

This behaviour and published misinformation is a clear breach of the Trading Hours approved by the NBLPP and documented in the Notice of Determination (Page 5, Items 4, 7) issued on 20 June 2019 (also attached).

To avoid continuation of this breach, would you and/or the relevant NBC person responsible for ensuring compliance with the terms of this NOD correct this operational matter and any future publication of same.

Yours Sincerely,

Dr Peter McDonald

Apt 10, 6 Foley Street
Mona Vale NSW 2103
m: +61 414 452 31

Northern Beaches Council

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Northern Beaches Council

Teamjest Pty Ltd

From: Liz Reeves <Liz.Reeves@northernbeaches.nsw.gov.au>
Sent: Tuesday, November 5, 2019 12:39 PM
To: teamjest@bigpond.com
Subject: RE: Promotion of New Weekly Market at Pittwater RSL is Misleading & Deceptive - Fair Trading UPDATE.

Dear Peter

Thank you for your email regarding the below

Kind regards
Liz

Liz Reeves
Executive Assistant to Chief Executive Officer

CEO
t 02 9942 2430 m 0434 606 138
liz.reeves@northernbeaches.nsw.gov.au
northernbeaches.nsw.gov.au



From: Teamjest Pty Ltd <teamjest@bigpond.com>
Sent: Tuesday, 15 October 2019 1:09 PM
To: Ray Brownlee <Ray.Brownlee@northernbeaches.nsw.gov.au>
Cc: 'Val' <velika@optusnet.com.au>
Subject: re: Promotion of New Weekly Market at Pittwater RSL is Misleading & Deceptive - Fair Trading UPDATE.
Importance: High

Hello Ray,

As a courtesy, I have attached a copy of my 27 September 2019 formal complaint to Fair Trading regarding the above breach of Section 18, Australian Consumer Law.

In today's discussion with Fair Trading, I was told the Market Operator had disavowed the market promotion of others, saying that it is called the Mona Vale Markets.

However, Fair Trading has pushed back on the Market Operator and firmly stated he does in fact bear responsibility if others represent this market in a 'misleading and deceptive' manner.

To ensure there is no doubt, Fair Trading is **NOW** providing the Market Operator with the 'promotion' examples (incl. the NBC website) which formed part of my formal complaint.

Kind Regards,

Dr Peter McDonald

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

Northern Beaches Council

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[Northern Beaches Council](#)

Apartment 10, 6 Foley Street, Mona Vale NSW 2013
m: +61 414 452 231

27 September 2019

NSW Fair Trading
PO Box 972
Parramatta
NSW 2124

Dear Mr/Mrs/Ms,

Re: **'Misleading & Deceptive Promotion' – 'Organic Market/s'.**

Attached is the fully completed General Complaint Form plus relevant supporting documentation regarding the 'misleading & deceptive' promotion of a new weekly traders' market as an 'Organic' Market.

Would you please note that this complaint was readily accessible to the market operator concerned from 11 March 2019 onwards, as it was part of my submission to the Northern Beaches Council opposing Approval of this market on six grounds.

Furthermore, it was tabled at the Northern Beaches Local Planning Panel session on 19 June when those For/Against this development (DA 2019/0123) were given an opportunity to personally state their case.

Yours Sincerely,



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