
Sent: 18/05/2020 9:18:58 AM
Subject: re: MOD2020/0175- DA2019/0123 Application -SUBMISSION to REFUSE.
Attachments: MOD20120175_Submission(1)~18May20.pdf;

Dear Ms Ryan,

This latest **MOD** Application is a nonsense and for **non-compliance** reasons (refer attached) must be refused; there is **NO** justification to do otherwise.

Furthermore, the market operator's laissez-faire approach to *actually* executing the **COVID-19** guidelines is shameful and puts the community as a whole at risk!

Despite repeated pleas by all levels of Government, at yesterday's market there was scant regard for the **COVID-19** hygiene and social distancing requirements – no 'distancing' guides/markings, none of the market traders had sanitiser, only one bottle of sanitiser supplied by the market operator.

Kind Regards,

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Submission

Mod2012/0175-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

Not Compliant with Noise Policy for Industry and Protection of Environmental Operations Regulation October 2017

A. Intrusive Noise Levels Far in Excess of Measured RBL Levels

In DA (10/3/19) and Mod (6/12/09) detailed submissions plus presentation at NBLPP meetings on 19/6/19 and 5/2/20, evidence of excessive ‘early morning’ noise complaints about traders at its predecessor’s location illustrated the likely *real-time* impact on the sleep deprivation and amenity of Mona Vale Markets’ nearby residents. This analytical approach is consistent with well documented research ‘*that the best predictor of future behaviour is past behaviour.*’

At last we have some hard evidence of the Mona Vale Markets suburban ‘noise emission compliance’ (or lack thereof) in the 28/4/20 Report prepared by Rodney Stevens Acoustics (henceforth referred to as RSA).

Quoting RSA’s Report (page 5) – “*For assessing intrusiveness, the background noise needs to be measured. The intrusiveness noise level essentially means that the equivalent continuous noise level (LAeq) of the source should not be more than 5 dB (A) above the measured Rated Background Level (RBL), over any 15-minute period*”.

While Table 5.1 in this Report (page 7), indicates **non-compliance** as the measured intrusive noise level of market set-up activities (i.e. the source) at both ‘affected receiver’ locations (R1, R2) **exceed the RBL by more than double the 5 dB (A)**. For R1 it was **12 dB(A)** v’s the 5, for R2 **11** v’s the 5.

In net, we have hard evidence ‘noise emissions’ for this Market have **repeatedly been non-compliant** - Sunday morning after Sunday morning - since the Market opened on 1 September 2019, to date approx. **35-40** times!

B. Current Trader Bump-in Time Is Not Compliant with Noise Policy 2017

It would seem the author of RSA's Report is not aware the relevant guidelines in the Noise Policy 2017 do not permit vehicle noise before 8am or after 8pm on any Saturday, Sunday or public holiday.

On 6 December 2019 NBC's Environmental Health team advised there was an obvious conflict between the 2017 guidelines and the Market's current 'bump-in' time from 7.00am on Sundays. However, without having an acoustic Report from the market operator to demonstrate that the 7.00am 'bump-in' time is acceptable, the 5/2/20 NBLPP elected to ignore EH's attempts to have the 'bump-in' time comply with the Noise Policy 2017 guidelines. In effect maintaining, without justification, a *special dispensation* Mona Vale Market had earlier been granted.

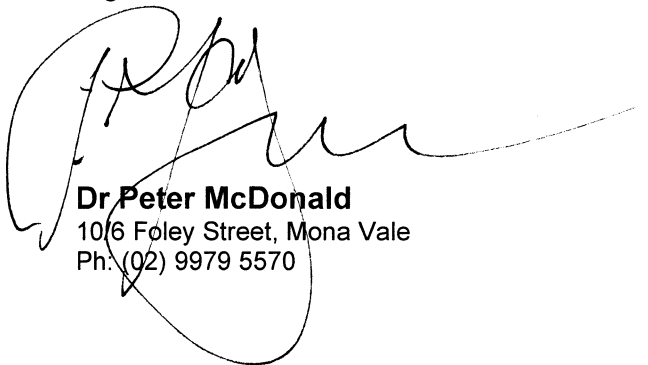
Now we have the author of RSA's Report sheepishly attempt to excuse the Market's gross exceedance of 'noise emissions compliance' on the basis it *'only occurs during the initial arrival and set-up period of approximately 7.00am-7.30am, and one day a week'*.

'Once your morning sleep is deprived, it is deprived there are no 'ifs or buts!'

A deplorable situation that does not merit any further dispensation.

Furthermore, the detrimental effects of sleep deprivation and the related mental health issues when each Sunday the morning stillness is completely smashed more than overwhelm any vacuous suggestion this Market *'provides a beneficial service to the community'*.

Signed:



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