

Environmental Health Referral Response - industrial use

Application Number:	DA2024/0675
Proposed Development:	Alterations and additions to existing building and use as a recreational facility (outdoor)
Date:	24/09/2024
To:	Anne-Marie Young
Land to be developed (Address):	Lot 52 DP 1237461 , 80 - 82 Mona Vale Road MONA VALE NSW 2103

Reasons for referral

This application seeks consent for large/and or industrial development.

And as such, Council's Environmental Investigations officers are required to consider the likely impacts.

Officer comments

General Comments

This application is seeking consent for use of the rooftop carpark as 6 pickleball courts, lighting, acoustic measures and chain wire fencing at 80-82 Mona Vale Road, Mona Vale.

The proposed hours of operation are Monday to Sunday 8:00am to 9:00pm (excluding Christmas).

Lights are proposed to be turned off by 9:30pm nightly - lights to be dimmed at 9:00pm. Courts are to be vacated by players and club staff by 9:30pm.

There will be 4 players per court and up to an extra 3 players on the sidelines of each court (a potential total of 54 people if all courts are in use and including 3 persons on the sideline of each court).

The Statement of Environmental Effects dated May 2024 has stated:

No alcohol is permitted on the courts. Consumption of alcohol within the pickleball court area is not proposed as part of the DA.

No mechanical equipment e.g. speakers or other mechanical plant to be used in conjunction with the pickleball courts.

An acoustic report has been prepared by Acoustic Dynamics dated 11 April 2024 reference number 5360R004.LM.240325.

The acoustic report states:

To ensure the noise emission objective is based on typical background noise levels for the area, Acoustic Dynamics has correlated the results of the attended measures with noise logging data conducted at a site within close proximity (i.e a residential site located 220 meters to the south west of the RSL. Can the consultant please provide further information in relation to this noise logging data. For how long did the noise logging occur? What time of the day/night did it occur? Precisely at what property was the noise logging conducted?

On page 10 of the Acoustic Report, the following is stated: *Based on the background noise measurements conducted on site and previous long-term and short-term measurements conducted in*

similar types of areas - where are these similar types of areas?

The Plan of Management will need to be updated to include further details on the effective management of noise on the pickleball courts. This can be conditioned as part of the DA.

The pickleball board, when hit by the ball, vibrates back and forth creating a louder sound than if it were a tennis ball and racket. The closest residential receiver is within 60 meters of the proposed courts. Environmental Health caution the use of the courts to 9:00pm especially in relation to noise and lighting with residential receivers within 60m across the Mona Vale Road. Operation of the courts Monday to Sunday provides no respite in the evening time period.

Environmental Health recommends refusal at this time.

Update 24/09/2024

A response has been provided in relation to concerns raised previously by Environmental Health.

As part of the response, monitoring data and locations for unattended monitoring have been provided.

As part of the response the amended Statement of Environmental Effects now describes the hour of use up to 8pm as opposed to 9pm previously.

An updated Plan of Management has also been provided.

Accordingly, the proposal is now supported with a recommendation for several conditions of consent to be included assist with noise mitigation measures.

Recommendation

Approval - subject to conditions

The proposal is therefore supported.

Note: Should you have any concerns with the referral comments above, please discuss these with the Responsible Officer.

Recommended Environmental Investigations Conditions:

CONDITIONS TO BE SATISFIED PRIOR TO THE ISSUE OF THE CONSTRUCTION CERTIFICATE

Acoustic Design Recommendations

Prior to the issuing of any Construction Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that design recommendations within the acoustic report titles Operational Noise Emission Assessment by Acoustic Dynamics dated 11 April 2024 document number 5360R004.LM.240325 have been implemented / incorporated into the design of the premises.

Reason: To prevent noise nuisance by using mitigation measures in design.

CONDITIONS WHICH MUST BE COMPLIED WITH PRIOR TO THE ISSUE OF THE OCCUPATION CERTIFICATE

Acoustic Design Recommendations

Prior to the issuing of an Occupation Certificate, documentation is to be submitted to the satisfaction of the Principal Certifier that recommendations within the acoustic report have been implemented.

Reason: To prevent noise nuisance by using mitigation measures in design.

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

Plan Of Management

Compliance with the Plan of Management by JSF Consulting dated 10/09/2024 is to be complied with on an ongoing basis.

Reason: To prevent a noise nuisance to any neighbouring residential receiver.