



STATEMENT OF ENVIRONMENTAL EFFECTS

***“Use of rooftop car park (34 spaces) as
pickleball courts (6 courts), lighting, acoustic
measures and chain wire fencing”***

PITTWATER RSL CLUB

**80-82 Mona Vale Road,
MONA VALE**

May 2024

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1.0 INTRODUCTION

- 1.1 This Statement of Environmental Effects has been prepared by Andrew Martin Planning Pty Ltd at the request of Paynter Dixon on behalf of Pittwater RSL to accompany a Development Application to the Northern Beaches Council ('the Council') for a change of use of the roof top car park to pickleball courts. The proposal includes the erection of lights, acoustic wall (2.5m high), and chain wire fencing to a height of 3m.
- 1.2 The Pittwater RSL Club site is located on the western edge of the Mona Vale town centre. The site, which has a significant change in levels, has frontages to the southern side of Mona Vale Road and the north-western side of Foley Street. The adjoining and surrounding uses include industrial/mixed use area adjoining to the west, older style residential dwellings to the north, east and south, new residential dwellings to the north-west and south-west in the Warriewood Valley redevelopment.
- 1.3 The existing club building, which is located on the eastern part of the site, has a total public floor area of some 4,500m² with parking spaces principally at-grade but also in a decked parking area. In 2021, the Club made permanent the previous (Covid) temporary use of part of the rooftop carpark for outdoor dining and beverage consumption and this resulted in a parking provision of 400 spaces (DA2021/1724 and DA2022/1542).
- 1.4 This proposal seeks approval to use of part of the existing rooftop parking area as six pickleball courts, removing 34 parking spaces. Traffic impact assessments conducted pre and post Covid has found that club patronage peaks on a Friday evening and is only using some 32% of the available onsite carparking. Therefore, there is ample parking available, even with the loss of the 34 spaces.
- 1.5 The pickleball courts are to be located on the rooftop parking area (refer to the DA plan set for onsite location). A 2.5m high acoustic fence (solid) is to be erected around the perimeter of the courts with a 3m high black chain mesh inside the noise barrier. The courts will be illuminated with appropriately designed lighting to ensure compliance with the Australian Standard for Outdoor Lighting. Lights will be turned off by 9.30PM nightly (we note that lights will be dimmed at 9.00pm and then completely off by 9.30PM as this allows for lighting during the clean and pack of the courts).
- 1.6 The DA package includes the DA plan set, Traffic Impact Assessment, Acoustic Report, Lighting report and Plan of Management (POM). The conclusions, recommendations and/or plans are proposed to be implemented on an ongoing basis by the Club.
- 1.7 The POM will be adopted and implemented by Club management to ensure operational compliance in relation to hours of operation, bookings, noise emissions, no alcohol on the courts, security and complaint handling.
- 1.8 Consumption of alcohol within the pickleball court area is not proposed as part of the DA. There is no change to the area covered by the current liquor license. The area will be monitored by the staff allocated to the operation and management of the courts.

- 1.9 This statement is prepared pursuant to s.4.12(9) of the *EP&A Act 1979* and cl.47 and Schedule 1, Part 1, cl.2 (c) of the Environmental Planning and Assessment Regulation 2000, and reviews the applicable environmental planning instruments and development control plans that apply to the subject property as well as the natural and built environmental impacts of the proposal with particular reference to the relevant heads of consideration listed under s.4.15 of the *EP&A Act 1979*.
- 1.10 The subject proposal is not Integrated or Designated Development pursuant to the *EP&A Act, 1979*. The proposal is to be assessed as local development under Part 4 of the *EP&A Act, 1979*.
- 1.11 Therefore, it is with confidence and high expectation of support that the DA is submitted to Council.

2.0 SUBJECT SITE

The site is legally known as Lot 52 in DP 1237461, 80-82 Mona Vale Road, Mona Vale. It is a triangular shaped property and located on the corner of Mona Vale Road and Foley Street (refer to Figure 1). Erected on the site is a large Club building, open at grade and multi-storey car parking. Associated bowling greens and entertaining areas not subject of this application are located on Club lands to the west legally identified as Lot 27 DP 5055 and Lot 51 DP 1277461.

The Club building is set hard against the Foley Street frontage which gives the Club a street address to Foley Street. Setbacks from Mona Vale Road are quite substantial. The site is surrounded by residential development to the south, north and east and commercial development to the west.

The existing club building, which is located on the eastern part of the site, has a total public floor area of some 4,155sqm floor area. Car parking areas comprising a total 400 spaces are located on the central and southern parts of the site with vehicle accesses on the Foley Street and Jubilee Avenue frontages.

The area of this application is the upper level on the north eastern side of the Club building, closest to the Mona Vale Road frontage (refer to Figure 2). The area of the car park is adjacent to the approved outdoor dining area on eastern side of the Club premises.



Figure 1: Location of subject site, showing location of proposed pickleball courts

3.0 THE PROPOSAL

This DA seeks consent for the use of the north-eastern roof top car park as six (6) pickleball courts for use by members and their guests.

There is minimum site works required to convert this hardstand area from parking spaces to pickleball courts, as follows:

- Remove car parking line marking
- Line mark 6 pickleball courts in accordance with standard dimensions (6.1m x 13.41m) with sufficient area around each court to allow participants to move freely.
- Construct a 2.5m high solid acoustic wall above the upper ground level of the car park, extending the full length of the northern boundary (construction materials to comply with recommendations of the acoustic consultant)
- Construct a 3m high black chain wire fence inside the noise barrier
- Install lighting for the courts – low glare full cut-off luminaires with a horizontal light-emitting face and shielding on 6m poles.

Court Operations

The courts are proposed to be used by players from 8am to 9pm, daily (plus 30mins clean up time so that courts are vacated by players and Club staff by 9.30PM).

Lights will be turned off by 9.30pm nightly, allowing 30mins after close of the courts for staff to tidy up and secure the area.

Bookings will be made through the Club or future pickleball committee.

The courts are to be illuminated to provide for use after sunset all year rounds.

There will be up to four (4) players per court and up to an extra (3) players on the sidelines of each court at any one time.

Patron entry/exit to the courts shall be permitted from the existing ingress/egress points.

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

No alcohol is to be taken onto or consumed in the pickleball court designated area.

Plan of Management

A draft Operational Plan of Management has been prepared by the Club Management to address the operational requirements of the pickleball courts.

The Recommendations in Section 7 of the Acoustic Assessment are to be adopted and inserted into the final version of the POM.

Traffic Impact Assessment

A Traffic Impact Assessment, prepared by Transport and Traffic Planning Associates, (ttpa), Ref 248/2021, Issue A, dated March 2024 is submitted with the DA package.

Parking surveys were undertaken in January 2023. These identified that only 32% of the available onsite parking spaces were occupied at peak times. The proposed loss of 34 spaces can be absorbed by the Club operations without changes to the overall onsite parking demand. 366 parking spaces are retained.

Acoustic Assessment

An Operational Noise Emission Assessment, prepared by *Acoustic Dynamics*, is submitted with the DA package. It addresses the use of the pickleball courts in accordance with the relevant acoustic criteria of the Northern Beaches Council, the NSW OLG, NSW EPA, POEO Act and the international standards.

The recommendations of the report regarding construction of an appropriate acoustic barrier for the courts is to be adopted and is incorporated into the DA plan set for approval.

The Acoustic Report recommends the following:

7.2 ACOUSTIC BARRIER

Acoustic Dynamics advises an acoustic barrier extending **2500 mm** above the upper car park ground level and the **full length** of the northern perimeter of the pickleball courts (the existing locations marked on the plans in **Appendix A**) is required to sufficiently attenuate noise transmission from the development to the nearest receivers. The effectiveness of an acoustic barrier is determined by its height, constructed materials and density.

The acoustic barrier must meet the following specifications:

1. The acoustic barrier must provide a minimum surface density of **15 kg/m²** and contain **no gaps** along the surface. All gaps are to be adequately sealed using a flexible mastic sealant. Acoustic Dynamics advises that the acoustic barrier could be constructed to be:
 - A double layer Colorbond™ (or equivalent) construction;
 - Masonry (brick or concrete) construction;
 - A minimum 9mm thick compressed fibre-cement sheeting on a timber or steel stud;
or
 - Other suitable material (minimum surface density of **15 kg/m²**) such as Perspex or equivalent;
2. The acoustic barrier must extend 2500 mm above the upper ground level of the car park and extend the **full length** of the northern boundary (as marked on the plans in **Appendix A**) of the pickleball courts. Acoustic Dynamics advises the upper area of the barrier may be constructed to be Perspex™; and
3. The non-transparent (lower) areas of the acoustic barrier must be lined internally with a suitably weather resistant and durable outdoor acoustic absorption material (such as Stratocell Whisper™ or Megasorber FM50™).



Figure 2: Location of proposed temporary outdoor dining area
(Source: Curtin Architects, Project No. 6774/PRL0145, dated Feb 2024)

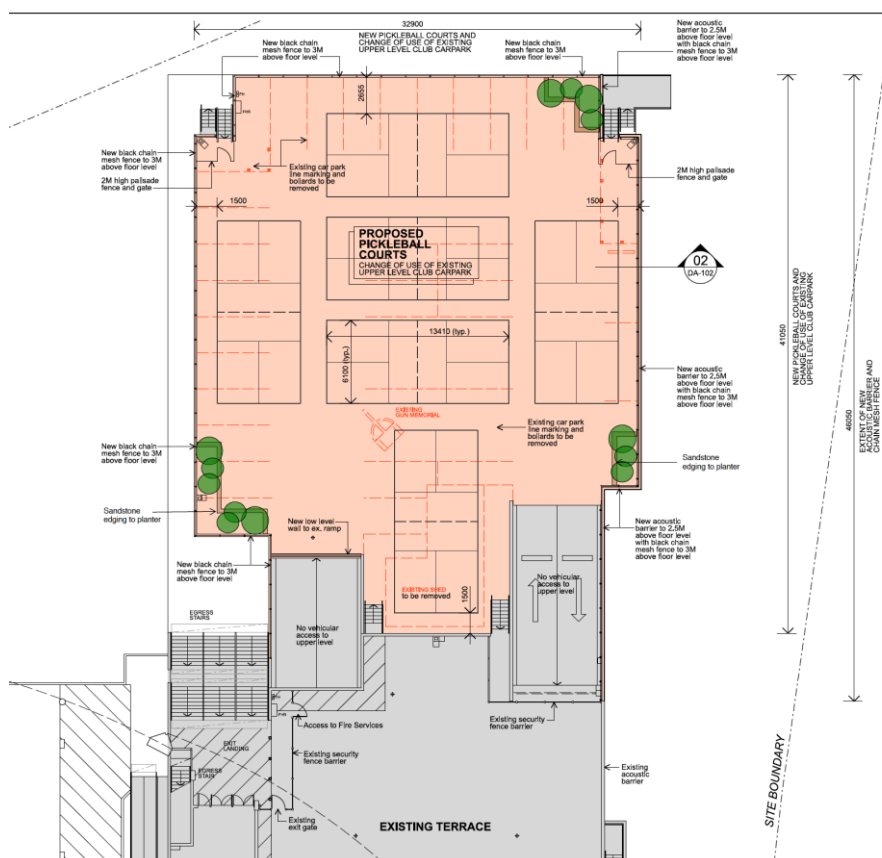


Figure 3: Proposed layout of the Pickleball court area
(Source: Curtin Architects, Project No. 6774/PRL0145, dated 15.4.2024)

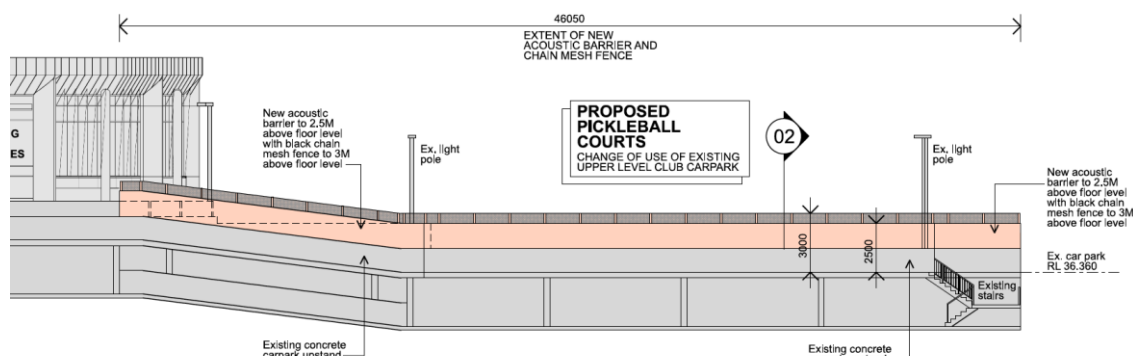


Figure 7: Extract of elevation of car park area showing proposed noise barrier (2.5m, solid construction) and 3m black chain wire fence)
(Source: Curtin Architects, Project No. 6774/PRL0145, Drawing No: DA-102 Issue A, dated 15.4.2024)

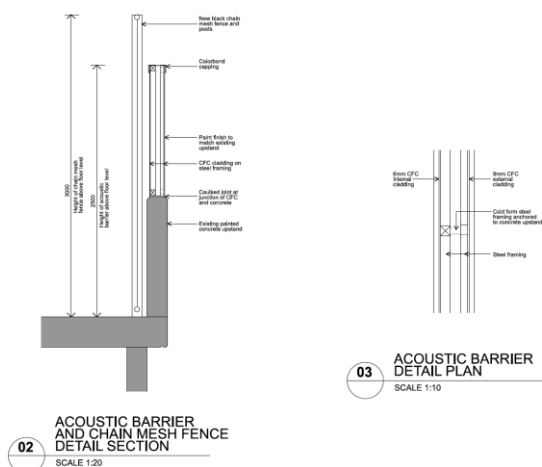


Figure 7A: Extract of elevation of car park area showing proposed noise barrier section and detail (2.5m, solid construction) and 3m black chain wire fence)
(Source: Curtin Architects, Project No. 6774/PRL0145, Drawing No: DA-102 Issue A, dated 15.4.2024)

4.0 ASSESSMENT – SECTION 4.15 OF THE EP&A ACT 1979

This section of the report considers the proposed development assessed against the relevant heads of consideration of Section 4.15 of the *EP&A Act, 1979*:

4.15 Evaluation

(1) *Matters for consideration—general*

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

- (a) the provisions of:*
 - (i) any environmental planning instrument, and*
 - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
 - (iii) any development control plan, and*
 - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
 - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph),*
 - (v) (Repealed) that apply to the land to which the development application relates,*
- (b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- (c) the suitability of the site for the development,*
- (d) any submissions made in accordance with this Act or the regulations,*
- (e) the public interest.*

4.1 Any Environmental Planning Instruments (EPI's)

In accordance with Section 4.15 of the *EP&A Act, 1979* Council in determining a development application must take into consideration provisions of any EPI's. In this regard the following EPI's must be considered:

4.1.1 Pittwater LEP 2014

The relevant clauses of the LEP are provided below:

1.2 Aims of Plan

(2) The particular aims of this Plan are as follows—

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to promote development in Pittwater that is economically, environmentally and socially sustainable,*
- (b) to ensure development is consistent with the desired character of Pittwater's localities,*
- (c) to support a range of mixed-use centres that adequately provide for the needs of the Pittwater community,*
- (d) to retain and enhance land used for employment purposes that is needed to meet the economic and employment needs of the community both now and in the future,*
- (e) to improve access throughout Pittwater, facilitate the use of public transport and encourage walking and cycling,*
- (f) to encourage a range of housing in appropriate locations that provides for the needs of the community both now and in the future,*
- (g) to protect and enhance Pittwater's natural environment and recreation areas,*
- (h) to conserve Pittwater's European and Aboriginal heritage,*
- (i) to minimise risks to the community in areas subject to environmental hazards including climate change,*
- (j) to protect and promote the health and well-being of current and future residents of Pittwater.*

Comment: The proposal aligns with the overarching aims of the Pittwater LEP 2014. The outdoor recreational offer for patrons of the Club provides for the ongoing satisfaction of leisure and social needs of the local community in a manner which is safe and accords with likely future health advice of the NSW Government and Ministry of Health.

The operation of the courts together with the adjoining outdoor dining (since the end of 2021) encourages outdoor activity within a safe and separate area. The outdoor dining area has been well received by patrons, catering for a variety of families and groups. The pickleball courts will compliment this area as pickleball is able to be played by a large variety of people and abilities.

Zoning and Permissibility

The subject site is zoned R2 Low Density Residential under Pittwater LEP 2014.

The objectives of the zone are:

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a limited range of other land uses of a low intensity and scale, compatible with surrounding land uses.

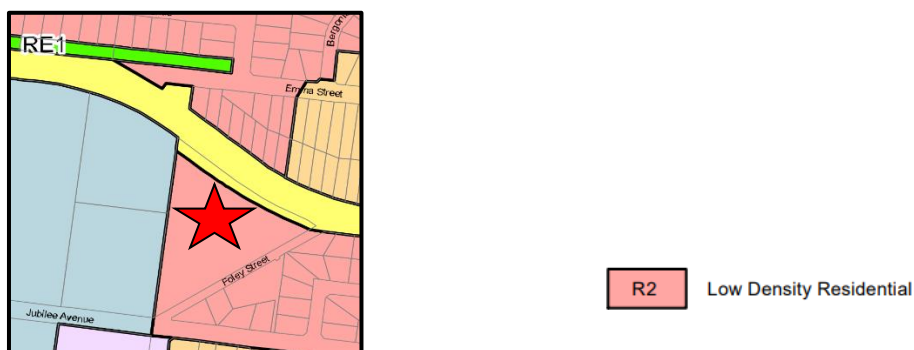


Figure 8 – Extract from Pittwater LEP Zoning Map LZN_012

Comment: The use of the site as a Registered Club is not permissible with consent, however, the club operates under long held and acknowledged of existing use rights (EURs). The use of part of an existing carpark for ancillary recreational use of the site is considered reasonable and acceptable in this case. It represents a relatively modest change to the configuration and operation of the club and can be undertaken with the consent of the Council. Previous consent and others for works at the Club establish the existing use rights. Therefore, it is not necessary to complete a historical review to demonstrate EURs for this DA as past DAs have confirmed EURs.

Clause 4.3 Height of Buildings

Comment: The proposal does not require any changes to the main building. The construction of the noise barrier and security fence is lower than the roof level of the existing premises. On a merit assessment basis, the proposal is acceptable.

Clause 4.4 Floor Space Ratio

The site is shown as white on the FSR map. No requirements.

Clause 5.10 Heritage Conservation

The site is not a listed heritage item, is not located within a heritage conservation area and is not in proximity to any locally listed heritage items under Schedule 5 of the LEP.

Clause 5.1A Development on land intended to be acquired for public purposes

This clause applies to sites shown on the LEP Land Reservation Acquisition Map. The subject site has its north-eastern boundary along Mona Vale Road and is subject to the acquisition clause.



Figure 9: Land Reservation Acquisition Map - Sheet LRA_012

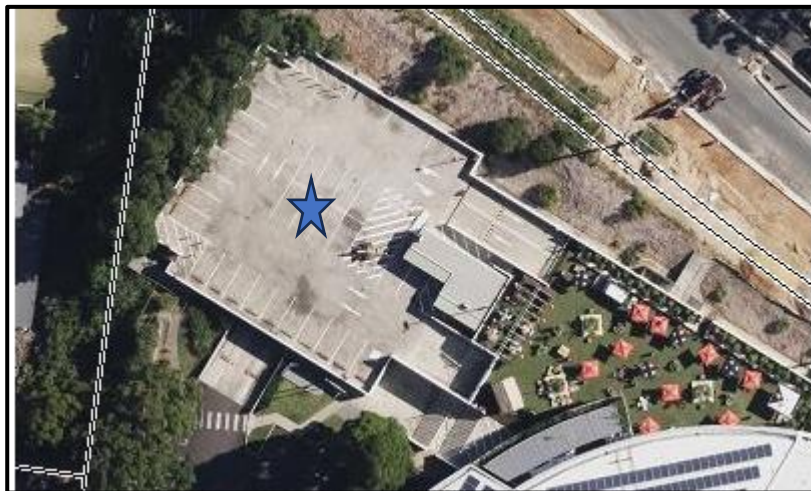


Figure 10: Location of pickleball court area relative to the existing outdoor dining area and to the Mona Vale Road reserve acquisition adjoining Club's north-eastern property boundary

Comment: The above map, sourced from Sixmaps NSW shows that the site of the pickleball courts is not impacted by acquisition of the strip of land fronting Mona Vale Road. No requirements.

4.2 Non-Statutory Development Control Plans

In accordance with s4.15(1)(a)(iii) of the *EP&A Act 1979* Council is to take into consideration any development control plan. In this regard the provisions of the following DCP's are relevant:

4.2.1 Pittwater Development Control Plan 21 (DCP 21)

The relevant sections of the PDCP 21 as amended 18 January 2021 are discussed below:

A3.4 Key objectives of the Pittwater 21 Development Control Plan

*'Integrating our Built Environment is about the need to create a sustainable and relaxed living environmental including appropriate development effective transport choices and efficient support services.
(Pittwater Council Management Plan 2008-2012)'*

Ecologically Sustainable Development

In Pittwater 21, ecologically sustainable development means development that maintains the ecological processes on which life depends while meeting the needs and improving the total quality of life of the present generation, without compromising the ability of future generations to do the same.

Comment: The proposal does not require the removal of any vegetation or natural land forms. The courts are to be located on the existing hardstand roof top car park structure. The proposal makes best use of the site and existing built form areas and satisfies ESD principles.

Environmental Objectives

The proposal satisfies the environmental objectives given that:

- The ecological integrity, biodiversity, wildlife corridors, aquatic habitats, water quality, environmental heritage and environmental significance of the area is maintained as a result of the proposal.
- The proposal has no adverse impact upon any naturally occurring land forms and is deemed to be sustainable.
- The site as a whole minimises as far as practically possible the impacts upon the environment and surrounding amenity.
- The impacts generated on the site are for the most part internalised so as to minimise potential impacts on nearby residential development. In particular, noise impacts from use of the court area have been duly assessed, with recommended operational measures to be implemented as part of the development consent (2.5m high acoustic barrier around the edge of the courts), hours of operation, lighting, no service or consumption of alcohol in the court area, security of the area over night, no speakers or amplification in the area without further acoustic assessment.

Social Objectives

The proposal achieves the social objectives of Pittwater 21 given that:

- The proposal meets the ongoing leisure, recreational and social needs of the local community while providing the Club with the ability to encourage outdoor activities that able to played by a wide variety of patrons.

- The court area provides a safe and socially distanced space for patrons to enjoy an outdoor activity, being a different offer by the Club.
- The use is not in conflict with adjoining land uses as the acoustic measures and ongoing operational management of the Club premises as a whole preserve residential amenity.
- The establishment of the outdoor dining area adjacent the courts has proven that patrons want outdoor activities that complements their lifestyle, in a suitably separated from areas of environmental sensitivity but remains well-connected to other areas of the Club.

Economic Objectives

The proposal satisfies the economic objectives of the area given that:

- The proposed use of the carpark area for outdoor recreational purposes will underpin the financial viability of the Club's operations on an ongoing basis, beyond the current entertainment and dining offers on the site.
- The pickleball courts provides the Club with the opportunity to provide a different outdoor leisure and recreational offer that reflects the current trend of this sport across Australia. There are already some 20,000 people playing pickleball as a sport and it is one of the fastest growing activities for a variety of people across generations in Australia (Source: Pickleball Australia Association).

A4.14 Warriewood Locality

The subject site is located within the Warriewood locality and as such the following is relevant to the assessment of the application. In our opinion the proposal is consistent with the character objectives. The existing Club building forms part of the existing character.

Land within the Locality

*"Land within the Warriewood Locality is identified on the Warriewood Locality Map. From the 1920s, the Warriewood locality area expanded as a farming district as new settlers, including many from former Yugoslavia, moved into the area. The rural character of the valley remained until the 1980s, when land was subdivided for industrial/commercial and townhouse development in the vicinity of Macpherson Street, Ponderosa Parade and Vuko Place. **The locality has developed with a mix of residential, retail/commercial, industrial, recreational, and educational land uses.** Mona Vale Road is identified as a major road." (emphasis added)*

The proposal has no impact on the noted significant areas such as the Warriewood Escarpment, Warriewood Wetlands, Narrabeen Lagoon, and Katandra Bushland Sanctuary. The courts are to be established on previously disturbed areas of the site, being the upper-level of the car park.

Desired Character: The following extracts from the 'elements of character' have been identified as being relevant to the subject site.

"The Warriewood locality will remain characterised by a mix of residential, retail, commercial, industrial, recreational, and educational land uses."

"Retail, commercial, service business and light industrial land uses will be employment generating, and will serve the community."

"Existing and new native vegetation, including canopy trees, will be integrated with the development."

Hazards, Natural Environment and Heritage

Hazards: The Warriewood Locality is affected by various hazards. Land affected in the Warriewood Locality is shown on the hazard maps held in the offices of Council.

Comment: The site is not affected by any known natural hazards seeking to limit the extent of the proposal. Consent conditions limit potential impacts upon surrounding properties. Play ceases at 9.00pm which is not within the night-time acoustic period.

Natural Environment: The Warriewood Locality includes vegetation areas, threatened species, or areas of natural environmental significance. Land affected in the Warriewood Locality is shown on the natural environment maps held in the offices of Council.

Comment: The proposal does not require the removal of any natural vegetation or landforms.

Heritage: The Warriewood Locality may include Heritage items and/or conservation areas. Land affected in the Warriewood Locality is shown on the Heritage Map held in the offices of Council.

Comment: The site is not heritage and no heritage listed property are in proximity to the site.

D14 WARRIEWOOD LOCALITY

D14.1 Character as viewed from a public place

Land to which this control applies:

- Warriewood Locality - P21DCP-D14MDCP700

Comment: The change in use from temporary to permanent outdoor dining in the old car park area does not alter any physical component of the Cub building. The acoustic wall has been established as part of DA2021/1724 (refer to the photos of before and after in Section 2 of this Statement). The wall extension is barely discernible when viewed from the public domain within Mona Vale Road and beyond. The built form of the external wall is compatible with the remainder of the external appearance of the Club premises.

D14.2 Scenic Protection - General

Site is not within a scenic protection zone.

D14.3 Building colours and materials

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

No building works as part of this application. The acoustic wall extension to the old car park is completed.

D14.4 Height - General

No change the Club building premises.

D14.7 Front building line

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

No change to the established setbacks of the existing structure.

D14.8 Side and rear building line

Land to which this control applies

- Warriewood Locality - P21DCP-D14MDCP700

No changes to the established side or rear building line setbacks proposed.

D14.11 Building envelope

Land to which this control applies

- Land in the Warriewood Locality zoned Residential other than land in the Warriewood Valley Land Release Area zoned 2(f) (Urban Purposes – Mixed Residential) - P21DCP-D14MDCP707

The permanent use of the approved outdoor dining area refers to an established area of the old upper- level car park which is contained within the existing footprint of the Club development.

4.3 The likely impacts of that development and the suitability of the site

The impacts on the natural and built environments are negligible as the area has been occupied and utilised by the Club as a car park for many years. In this instance, the impact level is not to the extent that would require refusal or modification of the current proposal. The following additional comments are made in relation to traffic, parking, noise, safety and accessibility.

4.3.1 Traffic and Parking

The Traffic and Parking Report makes the following comments regarding the context and current club conditions and provides conclusions as follows:

Parking surveys were undertaken at the Club on Friday 20.01.2023 for the period between 4.0pm and 1.0am. The results of those surveys are provided in Appendix B indicating that the maximum occupancy of the available 400 parking spaces was only 32%. Recent observations at the peak club trading times reveal that the parking demand remains about the same with only some 35% of spaces ever occupied.

The use of the proposed pickle courts will essentially be limited to Club members who already visit the site and the proposal will not result in any perceptible increased parking demand.

It is apparent therefore that the loss of the 34 parking spaces (366 spaces retained) will not have any adverse parking implications, and there will continue to be a very significant number of existing accessible spaces available.

There will be a minor change to the existing circulation arrangement with the closure of the rooftop parking, however generous access, manoeuvring and parking arrangements will be retained and the design will be compliant with the criteria specified in AS2890.1.

The traffic generation of the Club has not caused any adverse traffic issues in the past and it is not expected that these generated movements will return to the former level for some significant time. It is apparent therefore that the proposal will result in any adverse traffic implications.

Given the above Council can be satisfied that the approval of the pickleball courts will not adversely impact the site or surrounding road network.

4.3.2 Acoustics

An independent acoustic assessment, prepared by *Acoustic Dynamics*, dated 11 April 2024 supports the application for the use of the car park area as an outdoor recreational area – pickleball courts.

The Acoustic Assessment determines the likely impact of noise generated by the use of the rooftop car park area can occur without undue impacts on surrounding residential properties, subject to the implementation of those measures outlined in the Acoustic Assessment recommendations. Those measures include the construction of a 2-2.5m metre high solid acoustic barrier around the edge of the courts, as per the recommendations of the Acoustic report.

With the adopted measures in place, the use will comply with the LAB and DECC environmental noise control criteria.

No speakers or other amplification is proposed with this application. Should announcements or other amplification be deemed a requirement for the court area in the future, a full noise emission assessment by an appropriately qualified acoustic consultant will be carried out and any mitigation measures like siting, orientation, size and capacity of speakers will be identified at that time.

4.4 The public interest

Given that the relevant issues have been addressed with regard to the public interest as reflected in the relevant planning policies and codes, the development is unlikely to result in any adverse impact to the public interest in the circumstance of the case.

5.0 CONCLUSION

The proposal seeks approval for the use of the north-eastern upper-level car park area as pickle ball courts (6 courts). The proposal will result in the loss of 34 parking spaces. Conditions will be applied to any future consent to limit impacts and to achieve compliance with noise and light spill criteria. It includes the construction of an appropriate noise barrier and security fencing around the edge of the court area and the operation of the courts will be managed by the Club.

Given the relevant planning policies, codes and requirements of the *EP&A Act 1979* have been duly satisfied the proposed development is on balance worthy of approval.



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