
Sent: 16/10/2023 9:09:31 PM

Subject: TRIMMED: DA2023/0720 - Re-notification of Notice of Proposed Development

Attachments: 26 Vista Avenue - Updated submission for DA2023-0720 - Swindley & McKenzie 16.10.23.pdf; Submission_-_McKenzie_&_Swindley 05 July 2023.pdf;

For the attention of the Northern Beaches Council: Development Assessment team,

Dear Sir/Madam,

We refer to the Northern Beaches Council letter dated 20 September, regarding the Re-notification of the Notice of Proposed Development for alterations and additions to the Bareena Tennis Club outdoor recreation facility.

Michele and I live at 26 Vista Avenue, which is directly opposite the tennis courts.

We made an initial submission by way of our letter dated 05 July 2023.

We resubmit that same letter so that it is also registered as part of the re-notification.

In July 2023, renovation works to our property had not started, so we were not able to show the full views to/from our new first floor addition.

At time of writing this email, the new first floor and roof have been constructed, as have the layouts of the new first floor bedrooms at the front (west side) of the house..

In the absence of any light/noise modelling by the Applicant in their original submission, we believe it is extremely important for the Development Assessor / Planners at NB Council to be able to visualize the potential impacts to our property of the invasive light and noise.

We have taken several photographs from our new first floor bedrooms looking west over the tennis courts and also from the tennis club looking east towards our house.

These are included in the attached pdf file ('Updated submission').

To give context to the height of the proposed floodlights, the top of the lights will be approx. 3.5m above head height when standing on our new first floor.

If you think it would be of benefit to see the views first-hand, we would be happy to arrange a site visit under the supervision of our builder.

Once again, we confirm our rejection of the proposed development, for the reasons stated in our original letter dated 05 July 2023.

If you have any questions or would like to arrange a site visit, please let us know.

Kind regards

Giles Swindley and Michele McKenzie

26 Vista Avenue

Balgowlah Heights

NSW 2093

Date: 16 October 2023

Subject: Notice of Proposed Development – re-notification

Application No: DA2023/0720

Proposal: Alterations and additions to recreation Facility Outdoors

26 Vista Avenue, Balgowlah Heights, NSW 2093

The following four photographs relate to the approved residential development at the above address. These recent images, give context to our previous submission (dated 05 July 2023), and show where the intrusive lighting will fall or where it will be seen from.

Photo 1 (below) – View from new first floor Master Bedroom and balcony.



Photo 2 – View from new first floor Bedroom No. 2



Photo 3 – View from tennis club looking east towards new first floor of 26 Vista Avenue.



Photo 4 – View from tennis club looking east towards 26 Vista Avenue (zoomed)

- A. Master Bedroom and balcony - are on the left (under the gable roof).
- B. Bedroom No.1 – is in the centre of the new first floor.
- C. Bedroom No.2 – is on the right of the new first floor.



Giles Swindley and Michele McKenzie

16 October 2023

Sent: 6/07/2023 11:28:21 AM
Subject: Bareena Tennis Club - DA2023/0720 - Olivia Ramage
Attachments: Bareena Tennis Club DA2023-0720.pdf;

Hello, hope you are well.

I would like to submit the attached objection to the above DA and have attached a letter for your files.

Many thanks for your help.

Kind regards

Michele Mckenzie

05 July 2023

26 Vista Avenue
Balgowlah Heights
NSW 2093

Northern Beaches Council Development Application Services

Via: electronic upload to Northern Beaches Council Planning Portal

For the attention of: Olivia Ramage – Planning Officer

Dear Olivia,

DEVELOPMENT APPLICATION DA2023/0720

BAREENA PARK TENNIS CLUB - Proposed tennis court lights and extended operating hours.

We refer to your letter dated 15 June 2023 notifying us of the Development Application submitted by Bareena Park Tennis Club for Lots 1431 and 1432, DP 752038.

We live directly opposite the Bareena Park Tennis Club and have lived here for the last eight years. We acknowledge the important role the tennis club plays in our community and their desire for extended playing hours, which includes the need for floodlights to facilitate play in hours of darkness beyond dusk.

We have reviewed the DA documentation and we formally confirm our objection to the proposal. Furthermore, we do not believe the DA adequately addresses many key issues. These are listed as follows:

1. Extended Operating Hours

Whilst we may support reasonable extended hours, any approval would be subject to specific conditions. We certainly do not support playing until 10:00pm at night or the associated wrap up of 10:10pm. This is far too late, especially in the middle of a residential neighbourhood environment. If people wish to play tennis after dark, there is an ample number of local tennis clubs which are not surrounded by residents' houses and therefore permit play until 10pm – a selection is listed below:

- Manly Lawn Tennis Club
- Keirle Park Tennis Centre, Manly
- North Manly Tennis Academy
- Voyager Tennis, Seaforth
- Koobilya Tennis, Seaforth
- Rawson Park Tennis Centre
- Naraweenah Tennis Club
- Collaroy Tennis Club/Evolve Tennis Academy
- Northern Beaches tennis Academy, North Narrabeen

Furthermore, the proposed extended hours apply to every night of the week. There is no consideration given to residents for any respite. This is unacceptable and must be reconsidered.

2. Lighting nuisance

The assessment of light (Compliance Report) by the specialist lighting consultant (Shine On) is contained in just one drawing (No. #SO-01, Rev C). This plan view only shows lighting calculations within the boundary of the tennis courts and at the front face of the overlooking properties. There is no context to help residents understand what compliance means in the specialist discipline of lighting. This is inadequate and unacceptable. Furthermore, there is no light gradient from the edge of the courts to the front of the affected properties (gardens and houses). The front of our property is only 27m away from the edge of the tennis courts and the proposed east-facing lights will shine directly towards our property.

We request that the calculations and lighting gradients are shown on revised plans. We would also request at what height on the property relative to the source light were the calculations undertaken.

3. Development of 26 Vista Avenue

A DA has been approved for a first-floor addition to our property. These works are due to commence in August 2023. The first-floor level will house four bedrooms, three of which are at the front of the house and have large windows facing Vista Avenue and overlooking the tennis courts.

The floor level of the new first-floor addition is approx. RL 65.260. The top of the proposed 8m tall tennis court lights will be approx. RL 70.700. Therefore, the lights will be 5.44m higher than the new first floor level.

Assuming an average height person (say 1.7m tall) on first floor then the lights are approx. 3.7m above their eye level.

Whilst we acknowledge the proposed use of new technology lighting, we are extremely concerned that light pollution will intrude into our front garden, across our front veranda, onto the front (west side) of our house and into our house.

Therefore, we request that the Architect/lighting specialist produces a 3D model (or similar) showing the light poles, area of lighting, light spill (i.e., outside the tennis court fence) and areas of darkness lines. Note – the large tree in our front garden will be removed in August as part of the approved DA. This will no longer provide shade from lighting and so should be disregarded in the model.

These perspectives should be produced from the following locations, all of which are facing west from the front of our property looking towards the tennis courts and clubhouse:

- a. Front garden
- b. Front veranda – Ground floor
- c. Living Room – Ground floor
- d. Office – Ground floor
- e. Front balcony – On the new first floor off the Master bedroom
- f. Front bedroom 2 – First floor
- g. Front bedroom 3 – First floor

We believe this exercise should be done for all affected properties. This will allow everyone to visualise important aspects of the proposed lighting such as:

- i. What the lighting will look like from different angles, (and from different levels)
- ii. How far the lighting will extend to (intensity, light coverage and light spill)
- iii. The line of sight to the lights themselves (this is particularly important with respect to the east-facing lights, as Nos. 1, 3, 5, 8, 10 and 12 shine directly towards our property).
- iv. Given the earlier point that the lights are at least 7.4m above eye level from ground floor and 3.7m above eye level from first floor and it is important to gauge the light pollution for our perspective. Residents have been overlooked here. It is not acceptable for a consultant to simply run a theoretical desktop model on a plan view only with no consideration of residents. Council should address this with the Applicant.

4. Noise

The Statement of Environmental Effects (SEE) is contradictory in its statements. On one hand in Section 6.1 (i), it states that the proposal achieves the objectives of RE1 – Public Recreation 1 Zoning by:

- (i) *'ensuring the proposal compliments the existing streetscape and the existing surrounding properties'* and
- (ii) *'retaining the existing amenity to the surrounding residences'*

However, in Section 6.2, Part 3.2, Objective 2 of the document it acknowledges that *'The potential impacts on the streetscape from new lighting and extended tennis court playing hours in the evening and into the night include noise and light glare'*.

There is no explanation as to:

- a) how the proposal compliments the existing streetscape and the existing surrounding properties when impacts of increased noise and light glare have been clearly acknowledged,
- b) how the new lighting, lighting glare and extended playing hours into the night retains the amenity to surrounding residences and
- c) how the noise into the night and light glare are classed as *'potential impacts'*. They are not potential impacts; they are real impacts. There will be light glare and there will be noise into the night.

It is unacceptable for a Development Application to make these broad and biased assertions, especially with no supporting evidence. Council should request a clear explanation and supporting evidence be provided by the Applicant or the statements be withdrawn.

5. Screening

SEE, Section 6.2, Part 3.1, Objective 2 states that *'The potential impacts are mitigated....by way of court fence screening and new tree planting'*. The East Elevation of Courts #1-3 on Du Plessis Drawing No. A.04, Rev C indicates fence screening to be provided for privacy, wind and light. There are currently no design details of the type and composition of the fence screens. Are we to assume it will be like the current green shade cloth on the northern fence line or is it proposed to be a more effective screen?

Furthermore, the drawing indicates the extent of the screens, but the indicative design has large gaps. It is unclear if it is intended to leave gaps, as this may jeopardise the mitigation against privacy, wind and light. Clarification of these details should be requested of the Applicant by Council.

Given that the screens would directly face Vista Avenue and will be directly opposite our house, the screens will significantly impact the streetscape. Therefore, these design details should be clearly specified as part of the application and communicated via a revised application or response to submissions.

In the SEE, it also mentions the screens are mitigation for noise. However, there is no explanation of how a potentially pervious screen of green shade cloth can provide any noise abatement. Clarification of this statement should be requested of the Applicant by Council.

6. Privacy

Objective 1 of Manly DCP, Section 3.4 is to minimise loss of privacy by appropriate design for privacy (both acoustically and visual) including screening and mitigating direct between outdoor living areas.

Currently, sound during the day includes noise from tennis players/courts and road traffic. At night, there is a very low level of traffic noise with zero noise from the tennis courts. The document states that noise at night from courts and parking will generate additional disturbance. It then immediately concludes '*As such there are no unreasonable privacy issues*'. This again is an unfounded and biased statement and is unacceptable.

How does one reach this conclusion, when there is no apparent reasonable test? It seems in this case the conclusion regarding privacy issues is for the convenience of the Application/author with little or no consideration given to the privacy issues of residents. There is no evidence that any studies have been done to assess the current or anticipated noise levels. This is unacceptable and must be reviewed and adequately addressed.

In the case of tennis coaching and playing, (and we see/hear this every day), the coach stands at one end of the court with a basket of 100+ balls and shouts instruction to the player(s) about 25 metres away at the other end of the court. (This is about the same distance to the front of our house). It is also commonplace for players to yell in celebration of winning (or missing) shots, others grunt and groan when playing shots, kids scream and shout. At night with minimal background sounds, these noises will be magnified, especially from Court 3 which is directly opposite our house and bedrooms.

Sleep, particularly undisturbed sleep is extremely important part of healthy living as it is to mental health. Evening times are for relaxing and unwinding. Studies have shown that the hour and a half before sleep should be quiet and peaceful. Therefore, tennis should stop no later than 8:00pm to allow residents time before sleeping. (This does not consider young children's sleep patterns or those of shift workers which must be a consideration for all families).

As we have stated in section 1 of this letter, we are not opposed to playing tennis, we are opposed to playing tennis into the night.

7. Earthworks and Trees

SEE, Section 6.1, Clause 6.2 – states that all works are within and on Courts nos. 1-3. This is not strictly correct. The proposed trees for screening are outside the site boundary of the tennis courts and within the council road verge. There are several questions relating to the proposed trees:

- a. Size – what is the proposed size of the trees when planted?
- b. Growth – what is the expected growth (height and width) per year?
- c. Max size – what plans are proposed to maintain the tree's shape and size?
- d. Who will be responsible for the maintenance – NBC or BPTC?

Existing council verge – it is not yet clear what investigations have been done to determine the material in the verge. Towards the north-east corner of the tennis courts, the ground is sandstone which in areas can be seen at ground level. It is not clear what provisions are being made to excavate rock in the council verge. Suitable ground would be required to allow planting to survive and grow. It would not be acceptable to have trees planted for screening as mitigation, only for them to perish due to inadequate ground conditions, lack of soil and/or water or lack of long-term stability on a steep slope.

8. Consultation

The Statement of Environmental Effects Section 2, states that '*BPTC have consulted the owners of the neighbouring houses adjoining the tennis club*'. There is only one house (33 Vista Avenue) which adjoins BPTC Courts 1-3. If the statement was meant to extend to nearby houses as well as adjoining houses, then this statement is incorrect. We have not been consulted by BPTC regarding the proposed new lighting and neither were our neighbours to both sides.

We look forward to Council addressing the issues raised with the Applicant and providing answers to the questions and concerns we have raised.

Meanwhile we reaffirm our rejection of the proposal.

Yours sincerely



Giles Swindley



Michele McKenzie