
Sent: 24/01/2024 11:01:09 PM
Subject: Submission opposing revised DA2023/0720
Attachments: Submission opposing revised DA2023-0720.pdf;

Dear Ms Ramage,

Please find attached our submission expressing continuing opposition to the revised DA2023/0720 from Bareena Park Tennis Club.

Regards,
David Simmonds
33 Vista Avenue,
Balgowlah Heights

24 January 2024

Re: DA2023/0720 Bareena Park Tennis Club Revised Application to light 3 courts and extend operations at night

Attn: Ms Olivia Ramage, Planning Officer

Dear Councillors,

We are writing to express our continuing opposition to the revised development application from Bareena Park Tennis Club (BPTC) to light the three tennis courts closest to Vista Avenue and to introduce night-time tennis playing. We urge you to not be swayed by this revision with its slanted analyses and presentations favouring the application and instead to consider the harm this proposal would cause immediate neighbours of the tennis club. Ask yourself, would it be appropriate to have night-time tennis like this operating within 8 metres of your home?

On each of the two previous occasions when BPTC applied to install lights and night-time tennis, the tennis club claimed it needed to expand to attract younger players and to ensure the viability of the club. The full council of two different Manly Councils considered those applications and both Councils fully rejected each application. Those Councils recognised that because this particular club is nestled amongst homes in a quiet neighbourhood, the harm caused to the nearby residents and members of the community through the introduction of lights, outweighed the claimed benefits to the club members. Now, years after the last refusal, and despite its claims about poor future prospects, the tennis club has once again continued to prosper and grow. This club clearly has a healthy membership. It enjoys a strong junior membership, with 23 junior teams in the Saturday morning competition and describes itself as a successful vibrant club. Previous rejections of lighting applications and night-time tennis have not stopped these achievements. And yet, the current application again claims lights are necessary for the club's future (see Report Plan of Management – Amended). The club's own history demonstrates such a claim is far too pessimistic and is not supported by their own experience.

Were this claim about restriction of growth valid, there is nothing stopping Bareena Park Tennis Club from collaborating with other nearby courts (for example, Balgowlah, Manly, Manly Vale, Wakehurst Golf Club) to provide out of hours training and playing times.

This revised DA includes some new analyses of expected impacts from this proposed development. In spite of the commentary for those analyses being heavily slanted towards supporting this application, the results actually confirm the negative and unacceptable effects of this proposal for our amenity and the quality of life inside our house. I would like to outline this below.

1. Acoustic Impact Analysis

The acoustic impact analysis compares the sound of tennis play activities over eleven days in November, a summer month, against the ambient noise levels for that time in summer.

During a review period for one of the previous applications, Councillors were invited to come and observe tennis play for themselves. Rather than witnessing play between younger players, or anyone striking a ball with force, or grunting when doing so, or shouting encouragement or objections, players on the courts that day were all elderly ladies. Their style of play was much more subdued. In the case of the present analysis, we do not know how representative the monitored tennis play has been compared to actual tennis activities that would happen if the courts were lit, but we can expect winter nights, with less outside activities across the community, to be quieter than summer nights. And when compared with the quieter evenings of winter, the random and penetrating noises of tennis play would be far more noticeable and intrusive. Instead of comparing the additional din of tennis-related activities against background noise in summer, the relevant comparison is how much louder our night-times would be in winter than they are now without night-time tennis. Even when assessed against noisier summer time ambient levels, this new analysis acknowledges that our home would be most significantly affected by this development. It dismisses that impact by incorrectly assuming the intermittent noises coming through our house are drowned out by traffic noises on our quiet street. We can respond that this assumption is not valid. Noises from the street are not sufficient to mask the noises of tennis activities.

2. Parking Needs Analysis

The analysis of parking needs clearly lacks impartiality. It claims there is adequate parking for nine cars, or even 12 cars, and that only 40% of the people using these courts come to the courts by cars. This is flawed. Firstly, it assumes only four people play on each hired court for the entire night. If hirings are on an hourly basis, every hour a new group of four people will arrive, for each court. Assuming all early bookings leave the courts and do not socialise with later arrivals, or that larger groups do not come to share a booking, the parking needs are at least twice those assumed in this analysis because one group will arrive before the previous group departs. And both will need parking.

That analysis also contains other errors. It claims the street outside our property has space for two vehicles and that one was vacant during a survey period monitoring street usage. That is not correct. Over the entire period covered by this assessment, all parking in that location was fully occupied by a boat. There is no vacant parking next to that boat and yet this newly supplied analysis says there was.

Furthermore, the parking needs of residents adjoining BPTC are not always met by their own off-street facilities, as claimed in this submission. Many families have more than one car and also need off-street parking when returning from work in an evening, when they would be competing with any cars from people coming to the tennis courts.

Another problem with the analysis of parking needs is it relies on a survey that asked current tennis club members how they come to the courts. Even if the tennis club respondents were impartial to this application, the question they were asked is not. It was asked in summertime and would leave respondents thinking about the present. That question did not ask, "how would you come to the courts at night in the dark, in winter?". A far higher proportion of players could be expected to travel by car at night in the winter

than do in the light in summer, especially when children are involved. That is certainly the behaviour we have observed when evening meetings are held at the club. The street is then filled with cars..

3. Lighting Impacts

The analysis of lighting impacts gives results for illumination levels on a selection of neighbouring properties. We have searched this report several times but can find no commentary or “Pass” designation for the lighting effects on our house. Like the photo that hides the proximity of our house to the tennis courts by obscuring it with a carefully positioned telegraph pole, this analysis also hides the lighting impacts for us from Councillor consideration of this development proposal. The supplied lighting report has entirely excluded results for our property. Our house is no more than 8 metres from court 3, and will be very significantly affected by any introduction of lights. No doubt our house has “Failed” this assessment, confirming the unacceptability of this proposal, and that is the reason for excluding our dwelling from the results.

With lights proposed on 8 metre poles, and our living room and balcony around 6 metres above the court level, the intended lights would be shining down directly into our house and living spaces. And that is before emissions reflected from other lights around the courts enter our house.



Photo of our boundary adjoining Bareena Park Tennis Club



North view from our balcony across courts Bareena Park Tennis Club seeks to light at night.

AS-2560 is the standard cited in the report to assess the effects of the proposed lights. AS-2560 has three levels of lighting thresholds, in recognition of the deleterious physiological and psychological effects of unwanted lighting and the proximity of neighbouring dwellings. Although these tennis courts are closer to our house than backyard courts for almost every other residential neighbour across the Northern Beaches, the lighting level chosen by BPTC, against which this application is assessed, is not the Recreational & Residential standard. It is a brighter standard which permits 40% more light for the principal play area (PPA 350 vs 250lux) and 67% more total play area illumination (TPA 250 vs 150lux). This application says the proposal complies with Australian lighting standards but does not say it is a standard for competition play, not residential use. The standard selected by BPTC is one defined to satisfy the needs of tennis courts away from nearby neighbours, not one defined to protect the amenity of those neighbours. It is not a standard for this location but likely does produce a greater number of "Pass" results for across the neighbouring properties.

This proposal claims it is creating no nuisance, that is not already present during summer. It assumes that because BPTC activities are endured by residents surrounding the courts in summer, these people should not object to further intrusions in winter. It does not recognise that neighbours to BPTC already put up with many impositions from the existing operations of BPTC. Not complaining about existing impacts does not mean an expansion of that intrusion, and its clearly negative consequences, is acceptable. This application is about expanding tennis club activities into periods beyond their existing times, by taking away the

amenity and remaining night-time peace of its neighbours. It is rightly described as an industrial expansion in a quiet residential area.

Finally, we are surprised there has been no recognition of the bandicoot sightings we mentioned in previous submissions (Mark Simmonds, 19 July 2023 and photos provided 8 August 2023). The photos shared in that later submission were taken at night in our front yard on 24 and 25 July 2023. Evidence of bandicoot presence continues to the time of this submission. Here again is a photo we managed to capture of a bandicoot in our front yard.



We would hope and expect that the Council takes seriously a responsibility to investigate the impact of any development proposal on native animal life and biodiversity.

Any responsible council officer is welcome to come and inspect the evidence of bandicoots on our property. We can also attempt to secure more photos if needed. Our photos demonstrate native wildlife habitats extend beyond the designated corridor at the back of Bareena Park Tennis Club and include our property. Is this not also a consideration for the BPTC application?

Should this new application be approved, we can clearly anticipate a time very soon when the tennis club will claim extended hours or lighting on other courts is needed for its future viability. It will argue, as it is doing now, that because a level of harm is already being inflicted on, and tolerated by, its neighbours, a new expansion is justified. We urge you to prevent that damaging future by completely rejecting the current proposal, as two previous councils have done before you, and to not allow our neighbourhood to be industrialised by increments. Previous submissions (Simmonds, 19 July 2023; Austen, 19 July 2023) have

demonstrated there is already an over-supply of night-time tennis courts very close to Bareena Park Tennis Club. Night-time tennis opportunities are already readily available. Please do not allow our quality of life to be reduced for such an unnecessary reason.

Regards,
David & Mark Simmonds
33 Vista Avenue,
Balgowlah Heights