

**DA NO:** DA-2024/62  
**ADDRESS:** HAMPDEN ROAD, ARTARMON NSW 2064  
**PROPOSAL:** INSTALLATION OF ADDITIONAL LIGHTING UPON THE EXISTING FENCE POSTS ALONG TENNIS COURT 4  
**RECOMMENDATION:** APPROVAL  
**ATTACHMENTS:**  

1. SITE DESCRIPTION AND AERIAL PHOTO
2. DEVELOPMENT CONTROLS, STATISTICS, DEVELOPER CONTRIBUTION & REFERRALS
3. SUBMISSIONS TABLE
4. SECTION 4.15 (79C) ASSESSMENT
5. SCHEDULE OF CONDITIONS
6. NOTIFICATION MAP

**RESPONSIBLE OFFICER:** RITU SHANKAR - TEAM LEADER  
**AUTHOR:** ANTHONY BLUE - CONTRACTOR: SENIOR DEVELOPMENT ASSESSMENT PLANNER  
**REPORT DATE:** 2 JULY 2024  
**MEETING DATE FOR ED** ELECTRONIC DETERMINATION

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## 1. PURPOSE OF REPORT

The purpose of this report is to seek determination by Willoughby Local Planning Panel (WLPP) of Development Application DA-2024/62 for installation of additional lighting upon the existing fence posts along Tennis Court 4 at Hampden Road, Artarmon.

The application is required to be referred to the WLPP for determination because of a Conflict of interest, as Council is effectively the owner, as it has care control and management of the Crown reserve on which the tennis courts are located.

## 2. OFFICER'S RECOMMENDATION

**THAT the Willoughby Local Planning Panel:**

**2.1 Approve DA-2024/62 for installation of additional lighting upon the existing fence posts along tennis court 4 at Hampden Road, Artarmon, subject to conditions contained in Attachment 5, for the following reasons:**

**2.1.1 Improvement to the lighting will increase the availability of the courts for night time competition use for the local community.**

**2.1.2 The proposed lighting has been designed to avoid impacts from light overspill to adjoining properties.**

## 3. BACKGROUND

A description of the site and surrounding area, including an aerial photograph is contained in **Attachment 1**.

The site is the Artarmon Tennis Centre located on the corner of Hampden Road and Barton Road in Artarmon within Cleland Park.

History of Consents and Approvals

On 22 June 2011, Development Consent DA-2011/150 was granted for “Change of hours of operation of Cleland Tennis Club”.

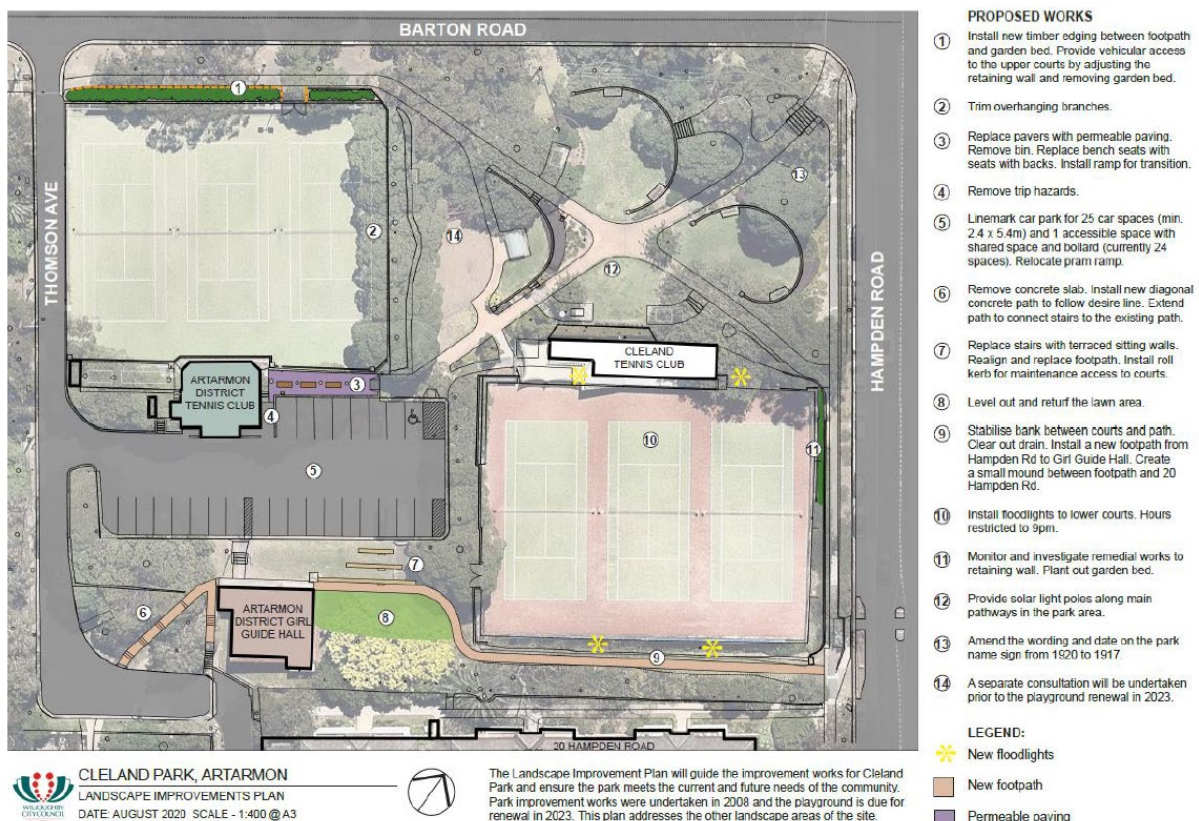
On 4 April 2012, Development Consent DA-2011/150/A was approved for “Modification of Condition 3 regarding the hours of operation of Cleland Tennis Club

Voyager Tennis took over the lease to manage and operate both tennis courts in October 2021 from Council when put out to tender.

Cleland Park was identified for landscape renewal and improvements in Council’s Park Asset Management Plan.

A draft *Landscape Improvements Plan* for Cleland Park was prepared, involving and consultation with the local community and stakeholders. Council received feedback for the draft Plan, including general support and also some concerns about future floodlighting to the courts and the extended hours of operation. Feedback from the community was consolidated and issues raised were addressed in the final *Landscape Improvements Plan*. The Landscape Improvements Plan shows for the lower courts: “Install floodlights to lower courts. Hours restricted to 9pm”.

On 10 August 2020 Council adopted the Landscape Improvement Plan (LIP) for Cleland Park.



**Figure 1 Cleland Park Landscape Improvement Plan**

Courts are maintained on an ongoing basis. The lighting to Court 1-3 have been changed and designed to meet the Australian Tennis Standards for Club Competitions and commercial tennis venues between 250 - 350 lux.

On 6 December 2022, consent was issued to DA 2022/227 for Installation of new pylon mounted spotlights to Courts 4-6 and extension to operating hours to be 7am to 9pm. Figure 2 shows the location of the approved light poles along the western and eastern boundaries of Courts 4 to 6. The LIP shows the location of the light poles along the southern and northern boundaries.

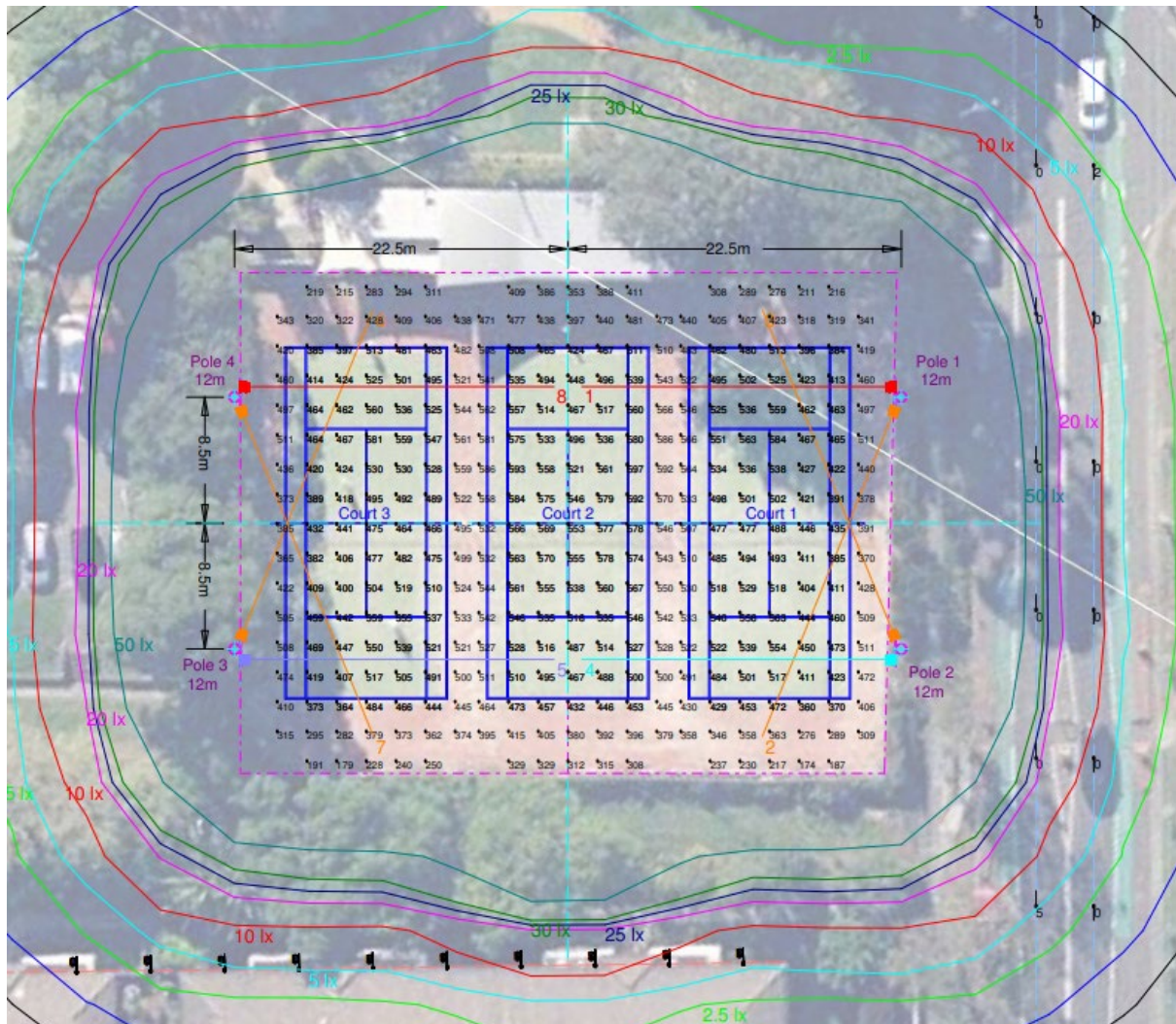


Figure 2 Approved Plan DA 2022/227: New Light Poles

Post installation of the lights, it was found that the existing vegetation along the western side of court 4 cast shadows on court 4, limiting its suitability for competition purposes. The operator undertook consultation with the Council and confirmed that trimming of the trees would not be supported. Figure 3 shows the location of the light poles and intervening vegetation.





Figure 3 Light Poles and Tree Vegetation

On 19 March 22024, the current application was lodged.

Description of Proposal

The proposed development is for the installation of four spotlights to the existing fence posts along the western side of Court 4. The proposed locations for the four spotlights are shown in Figures 4 and 5.

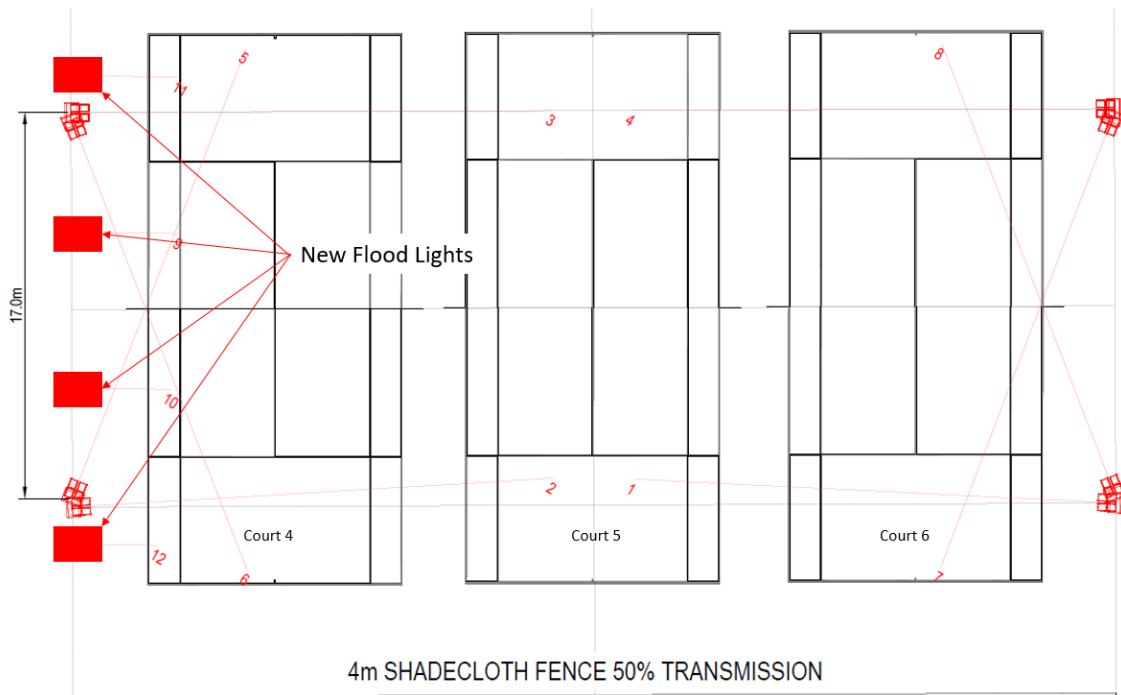


Figure 4 Proposed location of additional spotlights



Figure 5 Photomontage of proposed location of spotlights

#### 4. DISCUSSION

The controls and development statistics that apply to the subject land are provided in **Attachment 2**.

A table of the issues raised in the submissions objecting to the proposal and the assessing officer's response is contained in **Attachment 3**.

A detailed assessment of the proposal for approval is provided in **Attachment 4**.

The **plans** used for this assessment can be found in a file named **WLPP Plans** under the DA tracking functionality for this application on Council's website:

<https://eplanning.willoughby.nsw.gov.au/Pages/XC.Track/SearchApplication.aspx?id=537726>

#### 5. CONCLUSION

The Development Application DA-2024/62 has been assessed in accordance with Section 4.15 (79C) of the *Environmental Planning and Assessment Act 1979*, *WLEP 2012*, *WDCP*, and other relevant codes and policies. It is considered that the proposal is acceptable in the particular location, subject to the consent conditions included in **Attachment 5**.



ATTACHMENT 1: SITE DESCRIPTION AND AERIAL PHOTO



Figure 6 Site Location

The site is the Artarmon Tennis Centre located on the corner of Hampden Road and Barton Road in Artarmon. It is formally known as Lot 73078 in DP 1143035. It has a site area of 7,530m<sup>2</sup>. It is zoned RE1 Public Recreation and is surrounded by R3 Medium Density zone land.

Adjoining the site to the south is 20-22 Hampden Road, a 3-storey residential flat building with apartments that face the tennis courts.

**ATTACHMENT 2: CONTROLS & DEVELOPMENT STATISTICS AND REFERRALS**

<b><i>Willoughby Local Environmental Plan 2012 Zoning:</i></b>	RE1 Public Recreation
Permissibility	Recreation Facilities (outdoor) permissible with consent. The proposed lighting is ancillary to this use.
Existing Use Rights	No
Additional Permitted Use	No
Conservation area	No
Aboriginal Heritage	No
Heritage Item	No
Vicinity of Heritage Item	No
Natural Heritage Register	No
Bushfire Prone Area	No
Foreshore Protection Area	No
Flood related planning control	No
Adjacent to classified road	No
Road/lane widening	No
BASIX SEPP	N/A
Acid Sulphate Soil Category	5
Development near Lane Cove Tunnel	No
Contaminated Land	No
Adjacent / above Metro	No
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	Division 12 Parks and other public reserves applies
Other relevant SEPPs	NA
Relevant policies and resolutions	WDCP


**REFERRALS**

Building services	No comments or conditions.
Engineering	No comments, standard conditions only.


**ATTACHMENT 3: SUBMISSIONS TABLE**

Council was in receipt of two individual submissions from

- Unit 18, 17 Hampden Rd and
- Unit 7, 20 Hampden Rd.

Issues raised	Response	
Trees should be trimmed back in line with the tennis court fence	Figure 7 shows the extent of vegetation that would need to be removed if the trees were to be trimmed back in line with the fence. This would likely have a significant impact on the health of the trees and their symmetry, generally.	 <p data-bbox="1061 1137 1358 1198"><b>Figure 7 Light Pole and Intervening Vegetation</b></p>
Tree trimming is preferred to achieve required lighting rather than more lights	The extent of tree trimming required is considered to have an unacceptable impact on the trees.	
Tree trimming required due to noise of scraping on light poles	This is an issue that the objector should pursue directly with Council and is not the responsibility of the applicant. The amount of trimming to prevent scraping noise is likely to be minimal compared to the extent required to achieve the desired lighting outcome. .	
Light overspill	<p>The direction of the lights is to be towards the eastern boundary, however, the face is proposed to be angled down at a 45° to the playing surface. Contact with the lighting contractor confirms that these lights are designed to be directional with minimal light spill out of the directed angle of lighting.</p> <p><u>No 20 Hampden Road (adjoins on southern side)</u>                      In the absence of directional control on the lights, there may be some angular spill towards the residential units at No. 20 Hampden Road. There is some screening provided by vegetation that exists between the courts and No 20 Hampden Road, and there is some translucent screening attached to the tennis court fence. There is some potential for overspill although it is unlikely to be significant. If subsequent to installation it was determined that there was an obtrusive light overspill, there would be an opportunity to fit directional hoods to the spotlights.</p> <p><u>No 17 Hampden Road (eastern - opposite side of Hampden Road)</u>                      The nearest dwelling is about 70m from the proposed location of the spot lights. There is a substantial row of Pencil Pines along the frontage of No 17 Hampden Road that would provide some substantial screening from light overspill. The lights are angled down and it is considered there will be no light overspill that would be regarded as intrusive.</p>	



Issues raised	Response	
	 <p style="text-align: center;"><b>Figure 8 Frontage of 17 Hampden Court</b></p>	
<p>Light emissions report based on 200W lights, SEE and specifications refer to 300W</p>	<p>The SEE and plans incorrectly indicated 300W lights. The applicant was contacted and has submitted amended plans that confirm 200W lights are proposed.</p>	
<p>Consider alternative location of lights so that they face into the site</p>	<p>Placing the spotlights along the rear of the courts is likely to interfere with the sight lines for players on the court, and would not be located directly adjacent the shadowed area that is the problem area.</p>	
<p>Are translucent screens adequate and appropriate</p>	<p>The screens appear to provide a reasonable reduction in light transmission. As noted above, if necessary, directional hoods may be able to be mounted on the spotlights but this is unlikely to be necessary.</p>	
<p>Consider screens on Hampden Road frontage side being the direction the lights face</p>	<p>This may be a consideration if necessary however, the screens may not be a desirable visual addition to the street elevation. Given the angular mounting of the spotlights, there unlikely to be any intrusive light that will impact the residents at 17 Hampden Road.</p>	
<p>Evening time limit on lights not adequately enforced</p>	<p>This is a compliance issue and not a reason for refusal of the proposal.</p>	
<p>Impact on traffic safety on Hampden Road</p>	<p>The lights are at 90<sup>0</sup> to the direction of car travel on Hampden Road, and at 45<sup>0</sup> to the playing surface. There will not be an impact on traffic safety.</p>	

ATTACHMENT 4: SECTION 4.15 ASSESSMENT

Considered and Satisfactory ✓ and Not Relevant N/A

(a)(i)	The provisions of any environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>• <i>State Environmental Planning Policies (SEPP)</i></li> </ul>	✓
	<ul style="list-style-type: none"> <li>• <i>Local Environmental Plans (LEP)</i></li> </ul>	✓
	<p><b>Comment:</b></p> <p><u><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></u>            Division 12 Parks and other public reserves provides that certain development may be carried out by or on behalf of a public authority without consent on land owned or controlled by the public authority including lighting provided light spill and artificial sky glow is minimised in accordance with the Lighting for Roads and Public Spaces Standard. The development was deemed to be proposed by the private operator of the tennis club and not able to be carried out without consent.</p> <p>An assessment of lighting overspill has been provided by the applicant demonstrating compliance with AS/NZS 4282:2019 (see Figure 9 on following page).</p> <p>Consent condition recommended requiring light spill and artificial sky glow is minimised in accordance with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting.</p> <p>The proposal does not contravene any relevant matters for consideration under the provisions of any <i>SEPP</i>.</p> <p>The proposal is considered to be compliant with the provisions of <i>WLEP 2012</i>.</p>	✓
(a)(ii)	The provision of any draft environmental planning instrument (EPI)	
	<ul style="list-style-type: none"> <li>• <i>Draft State Environmental Planning Policies (SEPP)</i></li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• <i>Draft Local Environmental Plans (LEP)</i></li> </ul>	✓
	Comment: There are no relevant draft <i>SEPPs</i> or <i>LEPs</i> that apply to the subject land.	✓
(a)(iii)	Any development control plans	✓
	<ul style="list-style-type: none"> <li>• <i>Development control plans (DCPs)</i></li> </ul>	✓
	<p><b>Comment:</b></p> <p><u><i>Willoughby WDCP 2023</i></u>            There are no relevant controls in <i>WDCP 2023</i> that relate to lighting of recreational facilities (outdoor) or development within the RE1 Zone.</p>	✓
(a)(iv)	Any matters prescribed by the regulations	✓
	<ul style="list-style-type: none"> <li>• Clause 61 EP&amp;A Regulation-Demolition</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• Clause 62 EP&amp;A Regulation-Fire Safety Considerations</li> </ul>	N/A
	<ul style="list-style-type: none"> <li>• Clause 64 EP&amp;A Regulation-Fire Upgrade of Existing Buildings</li> </ul>	N/A
	<b>Comment:</b> None relevant	✓
(b)	The likely impacts of the development	✓
	<ul style="list-style-type: none"> <li>• Context &amp; setting</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Access, transport &amp; traffic, parking</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Servicing, loading/unloading</li> </ul>	NA
	<ul style="list-style-type: none"> <li>• Public domain</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Utilities</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Heritage: loss of trees listed on natural heritage register.</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Privacy</li> </ul>	✓
	<ul style="list-style-type: none"> <li>• Views</li> </ul>	NA
	<ul style="list-style-type: none"> <li>• Solar Access</li> </ul>	NA
	<ul style="list-style-type: none"> <li>• Water and draining</li> </ul>	NA

**Considered and Satisfactory ✓ and Not Relevant N/A**

	• Soils	NA
	• Air & microclimate	NA
	• Flora & fauna	✓
	• Waste	✓
	• Energy	✓
	• Noise & vibration	✓
	• Natural hazards: Overland flowpath	NA
	• Bushfire - RFS	NA
	• Safety, security crime prevention	✓
	• Social impact in the locality: potential impact from light overspill	✓
	• Economic impact in the locality	✓
	• Site design and internal design	✓
	• Construction	✓
	• Cumulative impacts	✓
	<b>Comment:</b> The lights are at a low level, angled towards the ground and not toward any residential property. The risk has been assessed by the applicant (see Figure 9) and there is no significant risk of light overspill. Consent condition recommended requiring demonstration of compliance with AS S/NZS4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and AS2560.2:2021 Sports Lighting following installation and prior to full use.	✓
(c)	The suitability of the site for the development	✓
	• Does the proposal fit in the locality?	✓
	• Are the site attributes conducive to this development?	✓
	<b>Comment:</b> The issue of inadequate lighting on court 4 has arisen due to the location of existing trees. It is unfortunate that this issue was not identified before the light poles were installed, and the location is contrary to that shown in the adopted Landscape Improvements Plan for Cleland Park. It is unclear why there was a departure from the adopted plan, but it may have been related to proximity to the playing surface and available space for footings. However, while the proposal is not an ideal solution to the lighting of the tennis courts, it is considered a reasonable solution in the circumstances.	✓
(d)	Any submissions made in accordance with this Act or the regulations	✓
	• Public submissions	✓
	• Submissions from public authorities	N/A
	<b>Comment:</b> Two submissions received. See Attachment 3 for detailed assessment.	✓
(e)	The public interest	✓
	• Federal, State and Local Government interests and Community interests	✓
	<b>Comment:</b> It is considered that it is in the broader public interest to increase the availability to the local community of use of the tennis courts in the evening.	✓





Figure 9 Obtrusive Light Assessment

**ATTACHMENT 5: SCHEDULE OF CONDITIONS**

**CONDITIONS OF CONSENT:** (including reasons for such conditions)

**GENERAL CONDITIONS**

Condition
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**1. APPROVED PLAN/DETAILS**

The development must be in accordance with the following consent plans electronically stamped by Council:

Type	Plan No.	Revision/ Issue No	Plan Date (as Amended)	Prepared by
Lighting Alterations Elevations Plan	E07	RO	30.01.24	Rees Sports Lighting
Title Page	REE01867-E01-1	-	25/06/2024	Rubidium Light
Lighting General Arrangement	REE01867-E01-2			
Lighting Obtrusive Light Analysis	REE01867-E01-3			

the application form and any other supporting documentation submitted as part of the application, except for:

- (a) any modifications which are “Exempt Development” as defined under S.4.1(1) of the *Environmental Planning and Assessment Act 1979*;
- (b) otherwise provided by the conditions of this consent.  
(Reason: Information and ensure compliance)

**BEFORE WORKS COMMENCE**

Condition
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**2. DAMAGE DEPOSIT**

Prior to the commencement of works, the applicant shall lodge a Damage Deposit of **\$0** (GST Exempt) to Council against possible damage to Council’s assets and any infrastructure within the road reserve/footway during the course of the building works. The deposit will be refundable subject to inspection by Council after the completion of all works relating to the proposed development. For the purpose of inspections carried out by Council Engineers, an inspection fee of **\$260** (GST Exempt) is payable to Council. Any damages identified by Council shall be restored by the applicant prior to release of the Damage Deposit.

**Total Payable = \$0 + \$260 = \$260**

(Reason: Protection of public asset)

**3. REPORT EXISTING DAMAGES ON COUNCIL’S PROPERTY**

Prior to commencement of any works on site, submit to Council and the Principal Certifier a report with digital photographs of any existing damages to Council’s assets fronting the property and the immediate adjoining properties. Failure to do so will result in the applicant being liable for any construction related damages to these

assets. In this respect, the damage deposit lodged by the applicant may be used by Council to repair such damages.

(Reasons: Protection of Council's Infrastructure)

#### **4. PERMITS AND APPROVALS REQUIRED**

Application is to be made to Council's Infrastructure Services Division for the following approvals and permits as appropriate:

- (a) Permit to erect Builder's hoarding where buildings are to be erected or demolished within 3.50m of the street alignment. Applications are to include current fees and are to be received at least 21 days before commencement of the construction.
- (b) Permit to stand mobile cranes and/or other major plant on public roads. Applications are to include current fees and security deposits and are to be received at least seven days before the proposed use. It should be noted that the issue of such permits may also involve approval from the NSW Police Force and TfNSW. A separate written application to work outside normal hours must be submitted for approval.  
It should also be noted that, in some cases, the above Permits may be refused and temporary road closures required instead which may lead to longer delays due to statutory advertisement requirements.
- (c) Permit to open public roads, including footpaths, nature strip, vehicular crossing or for any purpose whatsoever. All applications are to include current fees. (Minimum one (1) weeks' notice required.)
- (d) Permit to place skip/waste bin on footpath and/or nature strip. (Maximum three (3) days).
- (e) Permit to work and/or place building materials on footpath and/or nature strip. (Maximum two (2) weeks).
- (f) Permit to establish Works Zone on Public Roads adjacent to the Development including use of footpath area. Applications must be received by Council at least twenty-one days prior to the zone being required. The application will then be referred to the Council's Local Traffic Committee for approval, which may include special conditions.
- (g) Permit to construct vehicular crossings over Council's footpath, road or nature strip.
- (h) Permit to install ground anchors beneath the road reserve.

The public footway must not be obstructed at any time unless written approval has been granted by Council. Council's footpath and footway shall be maintained in a safe condition for pedestrians and the general public at all times.

(Reason: Legal requirements)

#### **5. UNDERGROUND UTILITY SERVICES**

Where excavation is proposed, locate and establish the size and levels of all utility services in the footpath and road reserve. Contact "Dial Before You Dig" Service" prior to commencement of any works.

All adjustments to public utilities' mains and services as a consequence of the development and associated construction works shall be at the full cost to the applicant.

(Reason: Protection of utilities)



## DURING WORKS

Condition
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### 6. SWEEP & CLEAN PAVEMENT

Sweep and clean pavement surface adjacent to the ingress and egress points of earth, mud and other materials at all times and in particular at the end of each working day or as directed by Council.

(Reason: Legal requirement)

### 7. STREET SIGNS

The applicant is responsible for the protection of all regulatory / parking / street signs fronting the property. Any damaged or missing street signs as a consequence of the development and associated construction works are to be replaced at full cost to the applicant.

(Reason: Protection of public assets)

## PRIOR TO COMMENCEMENT AND ONGOING USE

Condition
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### 8. PUBLIC INFRASTRUCTURE RESTORATION

Prior to the release of the Damage Deposit, any damaged public infrastructure caused as a result of the construction and development works on the subject site (including damage caused by, but not limited to, delivery vehicles, waste collection, contractors, sub-contractors, concrete delivery vehicles) must be fully repaired in accordance with Council's specification and AUS-SPEC at no cost to Council.

(Reason: Protection of public assets)

### 9. TENNIS COURT LIGHTING

(a) All tennis court lighting shall comply with Australian Standard AS S/NZS4282:2019 Control of the Obtrusive Effects of Outdoor Lighting and AS2560.2:2021 Sports Lighting.

(b) Immediately following installation, the applicant shall engage an appropriately qualified person to provide a Light Impact Assessment and demonstrate that the installation complies with this condition. The Assessment Report is to be submitted to Council prior to commencement of use of the lights.

(c) Where the assessment does not demonstrate compliance with this condition, the use shall not commence until such time as the applicant provides mitigation measures to the satisfaction of Council to achieve compliance with this condition.

(Reason: Amenity and compliance)

ATTACHMENT 6: NOTIFICATION MAP



Record of Neighbour Notifications sent relating to:

DA: 2024/62

At: Hampden Road, ARTARMON NSW 2064

