

DETERMINATION AND STATEMENT OF REASONS

WILLOUGHBY LOCAL PLANNING PANEL

DATE OF DETERMINATION	16 July 2024
PANEL MEMBERS	Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson
DECLARATIONS OF INTEREST	None

Electronic determination on 16 July 2024.

Papers circulated electronically 9 July 2024. Electronic communication sent between 9 and 16 July 2024.

MATTER DETERMINED

DA-2024/62 at Hampden Road, Artarmon NSW 2064. Installation of additional lighting upon the existing fence posts along Tennis Court 4.

PANEL CONSIDERATION AND DECISION

The Panel considered the matters listed at item 6, the material listed at item 7, the material presented at the meeting and briefings and the matters observed at site inspections listed at item 8 in Schedule 1 of this Determination and Statement of Reasons.

Development application

The Panel determined to **approve** the development application pursuant to section 4.16 of the *Environmental Planning and Assessment Act 1979* subject to the recommended conditions, including additional and amended conditions as outlined below.

The decision was unanimous.

REASONS FOR THE DECISION

1. **Improvement to the lighting will increase the availability of the courts for night time competition use for the local community.**
2. **The proposed lighting and conditioned mitigation measures will provide the mechanism to avoid and address potential impacts from light overspill to adjoining properties.**

CONDITIONS

The development application was approved subject to the conditions in the Council assessment report as amended below and supplementary conditions outlined below that addresses the concerns of the neighbours.

Condition 9 to be amended to read as follows:

PRIOR TO COMMENCEMENT AND ONGOING USE

9. TENNIS COURT LIGHTING

- (a) **This consent is for the installation of lights with a maximum power of 200W, angled at a maximum of 45 degrees to the playing surface.**
- ~~(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)~~
- ~~(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)~~
- ~~(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. **Any required mitigation measures shall consider the attachment of hoods to the lights to prevent overspill to nearby residences.**
- ~~(d)~~
- ~~(d)~~
- ~~(e)~~
- ~~(e)~~ **If required, this consent allows the attachment of hoods to the lights, or other minor adjustments to the satisfaction of Council to achieve compliance with this condition.**

(Reason: Amenity and compliance)

Conditions 10, 11 and 12 are added as follows:

PRIOR TO COMMENCEMENT AND ONGOING USE

10. LIGHTING

The lights serving Courts 4 – 6 must be automated to switch off no later than 9.00pm. Any safety lighting used for the purposes of assisting users of the court to vacate the premises safely at 9.00pm, must have a reduced intensity and brightness and must cut out no later than 9.15pm.
(Reason: Residential amenity, safety)

11. ENSURE ONGOING COMPLIANCE WITH INSTALLATION DETAILS

In the event that the lights or fittings are impacted or otherwise moved out of position, the operator of the tennis courts shall ensure that the light fittings are re-adjusted to comply with the conditions of this consent.
(Reason: Amenity)

12. LIGHT NUISANCE

At any time during the life of this consent, in the event that Council receives substantiated complaints in relation to light nuisance, Council may require the operator of the tennis courts to engage a qualified and competent person to prepare a review of the Light Impact Assessment.

The review is to be assessed against the requirements of Australian Standard AS2560.2:2021 Sports Lighting Part 2: Sports Lighting.

The report is to provide recommendations on any light attenuation measures to achieve compliance with the relevant Australian Standards.





If it is demonstrated that there is a justified complaint in relation to light nuisance, the use shall cease until such time as the nuisance has been rectified. Any rectification works may require separate approval or modification of this consent.
(Reason: Amenity)

CONSIDERATION OF COMMUNITY VIEWS

In coming to its decision, the Panel considered written submissions made during the public exhibition. The Panel noted that key issues of concern included:

- Light overspill
- Acoustic impact
- Operational compliance

The Panel considered that concerns raised by the community have been adequately addressed in the assessment report and additional conditions outlined above.

PANEL MEMBERS	
 ELIZABETH KINKADE (CHAIR)	 JASON PERICA
 ROBERT MONTGOMERY	 EMMA ROGERSON

SCHEDULE 1		
1)	DA NO.	DA-2024/62
2)	PROPOSED DEVELOPMENT	Installation of additional lighting upon the existing fence posts along Tennis Court 4.
3)	STREET ADDRESS	Hampden Road, Artarmon NSW 2064
4)	APPLICANT/OWNER	Ssmg Voyager Operations Pty Limited / The State of New South Wales.
5)	REASON FOR REFERRAL	Conflict of Interest: <ul style="list-style-type: none"> • Council Owned (care control and management) land
6)	RELEVANT MANDATORY CONSIDERATIONS	<ul style="list-style-type: none"> • Environmental planning instruments: <ul style="list-style-type: none"> ○ <i>Willoughby Local Environmental Plan 2012.</i> • Draft environmental planning instruments: Nil • Development control plans: <ul style="list-style-type: none"> ○ <i>Willoughby Development Control Plan 2023</i> • Provisions of the <i>Environmental Planning and Assessment Regulation 2021.</i> • Provisions of the <i>Environmental Planning and Assessment Act 1979.</i> • Planning agreements: Nil • The likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality. • The suitability of the site for the development. • Any submissions made in accordance with the <i>Environmental Planning and Assessment Act 1979</i> or regulations. • The public interest, including the principles of ecologically sustainable development.
7)	MATERIAL CONSIDERED BY THE PANEL	<ol style="list-style-type: none"> 1) Council assessment report: 2 July 2024 2) Clause 4.6 variation requests: Nil 3) Written submissions during public exhibition: 2
8)	MEETINGS, BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspections were undertaken individually by Panellists at their discretion due to COVID-19 precautions. • Panel Members: Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson. • Papers circulated electronically 9 July 2024. • Panel briefing held on 16 July 2024. • Attendees: <ul style="list-style-type: none"> ○ Elizabeth Kinkade (Chair), Jason Perica, Robert Montgomery, and Emma Rogerson. ○ Council staff: Anthony Blue and Ritu Shankar.
9)	COUNCIL RECOMMENDATION	Approval
10)	DRAFT CONDITIONS	Attached to the Council assessment report