

POLICY

TENNIS COURTS, HALF COURTS, SPORTS PATIOS AND THE LIKE – CONSIDERATION OF BUILDING APPLICATIONS

**Adopted 17 June 1986
Minute No 202
06/0548 and 06/0549**

Objective

To determine policy and guidelines which will:

1. Meet the requirements of the Local Government Act 1919 and Ordinances, pursuant to the Act.
2. Comply with Policy for the Control of Residential Development in Single Residential Areas.
3. Reflect the philosophy and objectives of the Council.
4. Expedite the consideration of building applications.
5. Assist ratepayers, builders and developers in becoming aware of possible impediments to approval.
6. Assist Development Control officers in their roles to give correct and consistent advice to interested parties.
7. Assist Development Control staff to provide meaningful information on the rights of neighbours, adjoining property owners and/or objectors.
8. Assist delegates to make a value judgement to exercise discretion with consistency in the best interests of the municipality.

That in respect of applications for the construction of the tennis courts, half courts, sports patios and the like, Council or its Delegate shall consider the following:

1.0 Amenity

In an effort to maintain and improve the existing amenity and environmental character of the area and the relationship and impact upon adjoining development the following must be considered:

- 1.1 Assessment of the effect on amenity is to be carried out in accordance with the Policy (P) adopted by Council on 17 June 1986 and the Policy (P) for Control of Residential Development in Single area as adopted by Council on 23 February 1988.
- 1.2 Courts shall be sites a minimum of 3.0 metres from the side or rear boundaries and comply with the existing or fixed building line to the front of the property.
- 1.3 Tennis courts are to be located 5.0 metres from any habitable area of any dwelling on an adjoining property.

- 1.4 Courts which are elevated above existing or natural ground levels should be set off the boundary a distance equal to one and half times the height above existing or natural ground level or 3.0 metres whichever is the greater.
- 1.5 The 3.0 metre setback of a court from the side boundaries shall be landscaped to the satisfaction of Council.
- 1.6 Proper consideration is to be given to trees of consequence on the site and the procedure, guidelines and reporting system as set down by the Manager Development Control is to be followed for all applications.
- 1.7 Court fences shall generally not exceed 3.8 metres in height. Council may require the fence to be chain wire, black or green in colour.
- 1.8 Council may in the interests of neighbourly amenity and privacy require fencing 1.8 metres in height as part of the court fencing system, details of such fencing to be to the satisfaction of Council.
- 1.9 Applicants are to note that use of tennis courts for any purpose other than normal domestic usage is prohibited by the Ku-ring-gai Planning Scheme Ordinance.

2.0 Lighting

Private Tennis Courts

- 2.1 Council will not approve temporary or permanent lighting of a private tennis court for night play. This is due to the possible unreasonable detrimental effect on the amenity of the neighbourhood:
 - 2.1.1 By causing additional noise at times when it would not otherwise occur, that noise being “offensive noise” as defined in the Noise Control Act 1975.
 - 2.1.2 By introducing illumination that would detract from the amenity of views of homes within the locality.
 - 2.1.3 By placing at risk the peace and quiet of the local environment.

3.0 Drainage

- 3.1 Council will not normally permit the construction of courts over drainage easements, watercourses and/or natural depressions. Under special circumstances Council may grant approval, subject to stringent conditions protecting Council’s interests, and those of the property owners upstream and downstream of the court.

- 3.2 The disposal of stormwater from tennis courts shall only be to the street gutter or watercourse following on site retention via easements, or direct.
- 3.3 If, for the purpose of drainage stormwater from the subsoil, surface or surrounds of the proposed tennis court it is necessary to cross private property to discharge these waters to either street gutter, watercourse, drainage easement or inter-allotment drainage system then a grant of easement for this purpose over the private property involved is required. Evidence of registration of this easement must be submitted with the building application for the tennis court in question.
- 3.4 All courts shall be designed as stormwater retention systems to achieve temporary pondage of peak rainfall intensities in accordance with guidelines set down by the Manager Development Control. Wherever possible, existing stormwater disposal from the whole site is to be via the retention system.
- 3.5 Where the proposal indicates courts with a bitumen base, Council may require the applicant to submit certification by a suitably qualified practising structural engineer that the court is designed to withstand ponding of stormwater resulting from the installation of the controlled discharge pit without damage to the bitumen base or surface of the court. Also, a further certificate maybe required from a qualified geo-technical engineer certifying the compaction level and moisture absorption level of the court fill material below the bitumen surface.
- 3.6 In the case of a court being used as a retention system and the potential depth of water exceeds 300mm, Council will require the court area to be enclosed with a suitable fence and self closing gates to make the area safe from small children and the erection of permanent signs warning of the use of the tennis court as a retention system.
- 3.7 Approval of any tennis court shall be subject to submission to Council of plans indicating provision for temporary drainage including silt traps sufficient to satisfy Council that no flooding or other inconvenience shall be caused to any property other than that of the applicant and such temporary drainage plans to be provided prior to the release of the approved building plans and be supported by bank guarantee of \$2000.00 to ensure satisfactory compliance.

4.0 General

- 4.1 The fact that the application complies with the Policy requirements does not necessarily mean the application will be approved, as each application will be dealt with by Council upon its individual merits under Section 313 of the Local Government Act. An applicant who is aggrieved by Council's decision may appeal to the Land and Environment Court.
- 4.2 The Manager Development Control or the Delegate shall not disapprove, or approve, or approve subject to conditions any application which is the subject

of a written or oral request by the General Manager or by a Councillor of the Council for the application to be referred to Council.

- 4.3 Details of tennis court applications to be made available in the Councillors Room for 14 days prior to determination.
- 4.4 Hit up walls, either masonry or timber, are not permitted.
- 4.5 The plans submitted to Council for the construction of tennis courts shall indicate the proposed levels of the surface of the court at the four corners and the levels of natural ground adjacent to those four corners.