

**Item No:** R3 Recommendation to Council  
**Subject:** **PROPOSED LOCAL PLANNING CONTROLS FOR BASKETBALL AND SPORTS COURTS**  
**Author:** Eleanor Smith, Strategic Planner  
**Approvers:** Anne White, Manager Strategic Planning & Place  
Scott Pedder, Director Planning & Place  
**File No:** 24/35176  
**Purpose of the Report:** To respond to a resolution requesting staff to investigate new controls for basketball courts.  
**Alignment to Delivery Program:** Strategy 4.1: Encourage and plan for sustainable, high quality planning and urban design outcomes.

**Recommendation:**

THAT Council:

- A. Receive and note the report on proposed local planning controls for basketball and sports courts.
- B. Resolve to exhibit *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* as contained at **Attachment 1** of the report to the Environmental Planning Committee of 2 April 2024.

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**Executive Summary:**

This report responds to a decision of the Environmental Planning Committee (EPC) from 6 February 2023 requesting staff to investigate new development control plan (DCP) controls relating to basketball courts (including associated structures and facilities).

The Woollahra Development Control Plan 2015 (Woollahra DCP 2015) does not currently contain any controls in relation to basketball courts on residential properties. The provision of basketball courts in residential areas has the potential to impact upon the amenity of the streetscape and neighbouring properties.

In response, staff have reviewed the current controls contained in Section B3.7.4 *Ancillary development* of the Woollahra DCP 2015, and recommend the introduction of new controls for basketball courts and sports courts to ensure they are appropriately located and designed. The proposed amendments are set out in *Draft Woollahra DCP (Amendment No. 26)* at **Attachment 1**. We recommend that Council endorse the Draft DCP for the purposes of public exhibition.

**Discussion:**

Background

On 6 February 2023, the EPC considered a report on the *Woollahra Local Planning Panel Register of Planning Decisions and Analysis*. This report contained the following information:

*In the last review period, the Panel has provided feedback that Council should investigate new DCP controls relating to basketball courts (including associated structures and facilities). In particular, the Panel has expressed that any new controls should consider:*

- *the siting of basketball courts (including associated structures) being within the rear yard of the site*
- *the height of any screening/netting*
- *visual and acoustic impacts*

*This issue has also been raised by Councillor Regan with the Strategic Planning Team who have included this research into their work program.*

Subsequently, on 6 February 2023 the EPC resolved (under delegation):

- A. *THAT the register of planning decisions of matters determined by the Woollahra Local Planning Panel (WLPP) for the period 6 October 2022 to 15 December 2022 be received and noted.*
- B. *THAT Council notes and endorses the commentary provided by the Woollahra Local Planning Panel (WLPP) in terms of Council investigating new Development Control Plan (DCP) controls relating to basketball courts (including associated structures and facilities) and that a report on this matter will be prepared and tabled by Council's Strategic Planning Team to a future Environmental Planning Committee meeting.*

#### Private residential basketball courts and sports courts

Tennis courts, basketball courts and other court sports (such as squash, racquetball, and badminton) typically comprise a hard court surface and other associated structures such as a net or hoop. When constructed or installed in the private open space of a residential dwelling, the court is often a modified size.

The provision of private outdoor recreation areas and exercise facilities, such as sports courts, within residential properties supports a healthy and active lifestyle, and can contribute to the enjoyment and wellbeing of residents. However, the provision of sports courts within a residential location has the potential to impact negatively on the amenity of neighbouring properties and the streetscape due to:

- noise generation (e.g. frequent ball bouncing),
- obtrusive outdoor lighting,
- fencing and associated structures having detrimental visual, solar access, and view impacts, and
- a loss of trees and deep soil landscaping.

#### Current Woollahra DCP 2015 controls

Section B3.7.4 (*Ancillary development – swimming pools, tennis courts, and outbuildings*) in Chapter B3 (*General Development Controls*) of the Woollahra DCP 2015 provides controls for ancillary residential development. Whilst section B3.7.4 includes controls to mitigate the impact of tennis courts, there are currently no controls for basketball courts or other sports courts making it more difficult to assess development applications (DAs) for such development.

#### Proposed amendments to Woollahra DCP 2015

Staff have identified that there is scope to introduce basketball and sports courts controls in the Woollahra DCP 2015 to ensure that the design and location of such courts considers the impact upon the amenity of the neighbouring properties and the character of the area. This would be achieved by modifying the existing controls under section B3.7.3 to expand their application to also apply to basketball and other sports courts. The proposed amendments to the Woollahra DCP 2015 are included at **Attachment 1**

In summary, the proposed amendments replace the title and introduction to the current tennis court controls under section B3.7.4 of the DCP and:

- provide a description of typical sports courts,
- identify the benefits, but also potential amenity impacts from the provision of private outdoor recreation areas,
- include controls relating to basketball and other sports courts, and

- highlight the importance of ensuring that the location and design of sports courts considers potential amenity impacts.

As amended, the proposed controls and objectives require that:

- sports courts do not compromise the amenity of adjoining and adjacent properties, or the desired future character or streetscape,
- courts retain trees and vegetation of landscape value, deep soil landscaped area, and private open space areas,
- the court level be a maximum of 1.2m above or below existing ground level to limit excavation,
- courts incorporate stormwater drainage to ensure that adequate provision has been made for the disposal of stormwater,
- the court playing surface be made from a material that minimises light reflection,
- sports courts are located to the rear of the site and setback 1.5m from property boundaries,
- fencing and netting is to be recessive in colour, and designed and located to consider neighbouring, views, solar access and outlook, and
- outdoor lighting is provided in accordance with the Australian Standards and ceases to operate between 9.00pm and 7.00am by automatic timer.

The draft amendments to the Woollahra DCP 2015 seek to ensure that applicants consider the design and location of sports courts so that amenity impacts to neighbouring properties and impacts on the character of the area are minimised.

#### **Options:**

As a consequence of this report, Council may resolve to make amendments to the Woollahra DCP 2015 to provide controls for basketball and sports courts to minimise their adverse impacts on neighbouring properties and the character of the area. This is the staff recommendation.

Alternatively, Council may decide to take no further action, or resolve in a different manner.

#### **Community Engagement and / or Internal Consultation:**

This report was prepared in consultation with Council's Development Assessment, Development Engineering, Open Space and Recreation Planning, and Building and Compliance staff.

If Council supports the proposed amendments to Woollahra DCP 2015, the next step is to exhibit *Draft DCP Amendment No. 26*. The process for exhibiting a Draft DCP is set out in the *Environmental Planning and Assessment Act 1979*, the *Environmental Planning and Assessment Regulation 2021*, and the *Woollahra Community Participation Plan 2019*. The Draft DCP must be publicly exhibited for a minimum of 28 days. Public notice will be given in the *Wentworth Courier* each week of the exhibition and on Council's website. The outcome of the public exhibition will be reported to a future meeting of Council.

#### **Policy Implications:**

Should Council resolve to progress the draft DCP, there will be policy implications as Woollahra DCP 2015 will be amended.

#### **Financial Implications:**

If Council adopts the recommendation to make an amendment to Woollahra DCP 2015, there will be financial costs associated with preparing and exhibiting the Woollahra DCP 2015 amendment.

### Resourcing Implications:

If Council adopts the recommendations to make an amendment to Woollahra DCP 2015, there will be resourcing implications associated with staff time to prepare, exhibit and report on the Woollahra DCP 2015 amendment.

### Conclusion:

In response to the resolution from 6 February 2023, staff propose amendments to the Woollahra DCP 2015 to introduce controls for basketball and sports courts in residential areas.

The *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* seeks to provide reasonable and practical solutions to enable the provision of basketball and sports courts within residential areas to contribute to a healthy lifestyle and the enjoyment of residents, while also protecting the amenity of neighbouring properties and the character of the area.

Staff recommend that Council resolve to exhibit the *Draft Woollahra Development Control Plan 2015 (Amendment No. 26)* as contained in **Attachment 1**.

### Attachments

1. Draft Woollahra Development Control Plan 2015 (Amendment No. 26) [!\[\]\(e6ddc77b791299d975007937cebef274\_img.jpg\) !\[\]\(ab52e27d061d76db54e182891376cff5\_img.jpg\)](#)



# Draft Woollahra Development Control Plan 2015 (Amendment 26)

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Prepared Date:	April 2024
Adopted:	TBC
Commenced:	TBC
Division/Department:	Strategic Planning and Place
HPE CM Record Number:	24/36470

Acknowledgment of Country

Woollahra Council acknowledges that we are on the land of the Gadigal and Birrabirragal people, the Traditional Custodians of the land. We pay our respects to Elders past, present and emerging.

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## Woollahra Development Control Plan 2015 (Amendment No 26)

### Part 1 Preliminary

#### 1.1 Background

Private outdoor recreation and exercise contributes to a healthy lifestyle and the enjoyment of residents. However, noise generated from people playing court sports in residential areas can sometimes impact on the acoustic privacy of adjoining neighbours. The associated fencing and lighting can also have detrimental amenity impacts.

The Woollahra Development Control Plan 2015 (Woollahra DCP 2015) does not currently contain any controls in relation to basketball courts on residential properties.

On 06 February 2023, the Environmental Planning Committee resolved in part (under delegation):

*THAT Council notes and endorses the commentary provided by the Woollahra Local Planning Panel (WLPP) in terms of Council investigating new Development Control Plan (DCP) controls relating to basketball courts (including associated structures and facilities) and that a report on this matter will be prepared and tabled by Council's Strategic Planning Team to a future Environmental Planning Committee meeting.*

This draft DCP seeks to amend section B3.7.4 - *Ancillary development* of the Woollahra DCP 2015, which addresses ancillary residential tennis court development. The amendment updates the objectives and controls to include basketball and sports courts, and ensures that the size, location and design of any court considers potential amenity impacts, and upholds excavation, tree and deep soil landscaping objectives.

#### 1.2 Name of plan

This plan is the *Woollahra Development Control Plan 2015 (Amendment No 26)*.

#### 1.3 Objectives of the plan

The objectives of the plan are:

- a) To provide recreational opportunities for playing tennis, basketball or other court sports without compromising the amenity of adjoining and adjacent properties, or the desired future character or streetscape.
- b) To retain trees and vegetation of landscape value, and deep soil landscaped and private open space areas.
- c) To ensure that adequate provision has been made for the disposal of stormwater.

#### 1.4 Land to which this plan applies

This plan applies to land within the Woollahra Municipality where chapter B3 - *General Development Controls* of the Woollahra DCP 2015 applies.

#### 1.5 Relationship of this plan to the Act, Regulation and other plans or environmental planning instruments

This plan has been prepared under Part 3, Division 3.6 of the *Environmental Planning and Assessment Act 1979* and Part 2, Division 2 of the *Environmental Planning and Assessment Regulation 2021*.



*Woollahra Local Environmental Plan 2014* (Woollahra LEP 2014) applies to land to which this plan applies. In the event of an inconsistency between this plan and the Woollahra LEP 2014, the Woollahra LEP 2014 prevails.

#### **1.6 Approval and commencement of this plan**

This plan was approved by Woollahra Council on TBC and came into effect on TBC.

#### **1.7 How this plan amends Woollahra DCP 2015**

This plan amends Woollahra DCP 2015 in the manner set out in Part 2 of this plan.

Part 2 Amendments to Woollahra Development Control Plan 2015

This plan amends Woollahra DCP 2015 in the following manner:

Insertions – identified in blue and underlined  
Deletions – ~~identified in red and strikethrough~~

Chapter A1 Introduction

2.1 Amendments to clause A1.1.9 Savings and transitional provisions relating to development applications

2.1.1 Insert at the end of the clause

This DCP (as commenced on 23 May 2015) continues to apply to development applications, applications to modify consents under section 4.55 of the EP&A Act and applications for review of determination under Division 8.2 Reviews of the EP&A Act that were made prior to but not determined before the commencement of Amendment No 26 to this DCP.

2.2 Amendments to clause A1.4 List of amendments

2.2.1 Insert at the end of the clause

Amendment	Date of approval and Commencement	Description of amendment
No 26	<u>Date approved – TBC</u>  <u>Date commenced - TBC</u>	<u>Amend Chapter A1 by inserting additional savings and transitional provisions.</u>  <u>Amend Part B, Chapter B3, section B3.7.4, 'ancillary development – tennis courts' to include basketball and sports courts, and ensure they are appropriately located and designed.</u>

## Chapter B3 General Development Controls

### 2.3 Amendments to section B3.7.4 Ancillary development – tennis courts

2.3.1 Amend the title on page 62 to reference basketball and sports courts.

B3.7.4 Ancillary development – swimming pools, tennis, [basketball and sports](#) courts and outbuildings

2.3.2 Amend the title and replace the introduction to include specific reference to basketball courts and other sports courts, and more clearly articulate Council's broad expectations regarding basketball and sports courts.

**Tennis, [basketball and sports](#) courts**

~~Tennis courts are rectangular recreational areas, approximately 24m x 11m, with a low net stretched across the centre. They are usually fenced to retain balls on the court during play.~~

Tennis courts, basketball courts and other court sports typically comprise of a hard court surface and other associated structures such as a net, hoop, and lighting. When constructed or installed in the private open space of a residential dwelling, the court is often a modified size and fenced to contain balls on the court during play.

Private outdoor recreation and exercise contributes to a healthy lifestyle and the enjoyment of residents. However, noise generated from people playing court sports in a residential area can sometimes impact on the acoustic privacy of adjoining neighbours. The associated fencing and outdoor lighting can also have detrimental amenity impacts.

When a tennis court, basketball court, or other sports court is proposed, it is important that the size, location and design of the court considers potential amenity impacts, and the excavation, tree and deep soil landscaping objectives are met.

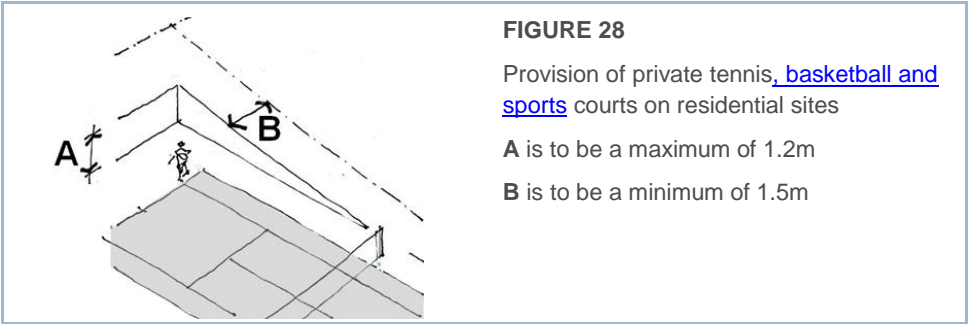
2.3.3 Amend the table title on page 63 to reference basketball and sports courts.

B3.7 External areas – 3.7.4 Ancillary development – tennis, [basketball and sports](#) courts

2.3.4 Amend the existing objectives, controls and figure for tennis courts (under section B3.7.4) to include basketball and other sports courts, and ensure that the design and location of such courts considers the amenity of neighbouring properties, the streetscape, and the desired future character of the area, so that impacts are minimised.

Objectives	Controls
O1 To provide recreational opportunities for playing tennis, <a href="#">basketball or other court sports</a> without compromising the amenity of adjoining and adjacent properties, <a href="#">or the desired future character or streetscape</a> .	C1 The <del>tennis</del> court level is a maximum of 1.2m above or below the existing ground level (refer to Figure 28). C2 The <del>tennis</del> -court is: a) <a href="#">located at the rear of the site; and</a> b) at least 1.5m from property boundaries (refer to <a href="#">example at</a>
O2 To limit excavation.	

O3	To retain trees and vegetation of landscape value, <u>deep soil landscaped area, and private open space areas.</u>	Figure 28).
		C3 The court playing surface is made from a material that minimises light reflection.
O4	<u>To ensure that adequate provision has been made for the disposal of stormwater.</u>	C4 The height, <del>and</del> location <u>and materials of court fencing, netting or other forms of ball containment</u> does not unreasonably compromise: <ul style="list-style-type: none"> <li>a) sharing of views from surrounding properties; or</li> <li>b) solar access to adjoining properties; or</li> <li>c) <u>outlook from surrounding properties.</u></li> </ul>
		C5 Fencing, <u>netting or other forms of ball containment must comprise of a material which</u> is a recessive colour.
		C6 Where <del>flood</del> <u>court</u> lighting is proposed, the lighting <del>does</del> <u>must</u> not unreasonably impact on the amenity of adjoining or adjacent properties. <u>The lighting must be designed to comply with AS/NZS 4282: Control of the obtrusive effects of outdoor lighting. No private tennis, basketball, or sports court lighting must operate between 9.00pm and 7.00am and lights must, by automatic timer, switch off at the 9.00pm curfew.</u>
		C7 The location of the <del>tennis</del> -court and associated works does not adversely impact on prescribed trees (refer to Chapter E3 Tree Management).
		<u>C8 The court must not reduce the deep soil landscaped area, and the private open space areas below the minimum required for development, as specified in Section 3.7.1 Landscaped areas and private open space.</u>
		<u>C9 Surface water or runoff is disposed of by a drainage system that is connected to the main stormwater drainage system (refer to Chapter E2 Stormwater and Flood Risk Management).</u>





## Political Donations: Matters to be considered by Councillors at Council and/or Committee Meetings

