

APPLICATION FOR MODIFICATION ASSESSMENT REPORT

Application Number:	Mod2024/0667
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Responsible Officer:	Krystal Narbey (Consultant Planner - GAT & Associates)
Land to be developed (Address):	Lot 1431 and 1432 in DP 752038 0 Vista Avenue BALGOWLAH HEIGHTS NSW 2093
Proposed Development:	Modification of Development Consent DA2023/0720 granted for Alterations and additions to Recreation Facility Outdoors
Zoning:	Manly LEP2013 - Land zoned RE1 Public Recreation
Development Permissible:	Yes
Existing Use Rights:	No
Consent Authority:	Northern Beaches Council
Land and Environment Court Action:	No
Applicant:	Eugene Du Plessis

Application Lodged:	19/12/2024
Integrated Development:	No
Designated Development:	No
State Reporting Category:	Refer to Development Application
Notified:	13/01/2025 to 10/02/2025
Advertised:	Not Advertised
Submissions Received:	0
Clause 4.6 Variation:	Nil
Recommendation:	Approval

EXECUTIVE SUMMARY

This development application seeks consent for the modification of an approved development (DA2023/0720) for “*alterations and additions to Recreation Facility Outdoors*”, specifically relating to the installation of eight (8) 7.0m high lighting structures consisting of twelve (12) lights, to three (3) tennis courts, and an extension of operational hours for the use of the premises, at the site known as 0 Vista Avenue, Balgowlah Heights (Lot 1431 and 1432 in DP 752038).

This modification (MOD2024/0667) is assessed pursuant to **Section 4.55 (1A) Modifications Involving Minimal Environmental Impact**, as it solely relates to the discrepancy notated on the architectural plans, which illustrated and nominated RLs for the height of the light poles to be 7.0m, and thus Condition 5, which relates to the height of structures. Documents submitted with the application identify that a pole height of between 8.120m and 8.150m is required, with 8.0m as the minimum height for the base of the light fixtures in accordance with relevant Australian Standards (specifically AS 2560.2.1 for Sporting Lighting).

In accordance with the management statement prepared for this application to manage perceived and known risks, the DA has been externally assessed by an independent planning consultant and MOD2024/0667

exhibited for 28 days.

No submissions were received during the exhibition period.

Assessment issues focused on ensuring the proposed amendment for the 8.15m high lighting poles and height of light fixtures at a minimum of 8.0m (in lieu of 7.0m) continued to achieve the approved amenity outcomes, given the direct relationship between the subject site and adjoining dwellings, and that the discrepancy was otherwise consistent with documentation assessed under DA2023/0720.

The proposed development is not considered to result in any unacceptable impacts to adjoining properties and is deemed suitable for the site.

This assessment finds that the assessment issues raised have been resolved. Having regard to the matters for consideration under Section 4.15 of the EP&A Act, it is recommended that Development Application MOD2024/0667 be approved, subject to the amended conditions of consent.

This report concludes with a recommendation that the Northern Beaches Council grant approval to the development application, subject to conditions (as amended).

PROPOSED DEVELOPMENT IN DETAIL

Development Consent was granted on the 7th February 2024 under Development Application DA2023/0720 for “*alterations and additions to Recreation Facility Outdoors*” (specifically for lighting to Tennis Courts 1, 2 and 3).

The development proposed under MOD2024/0667 is lodged pursuant to **Section 4.55 (1A) Modifications Involving Minimal Environmental Impact** of the Environmental Planning and Assessment Act 1979. The proposed modification seeks to amend the approved light structure height (approved at 7.0m) to a maximum of 8.15m for the light pole and a minimum of 8.0m to the underside of the lighting fixtures.

- The **approved** architectural plans indicate the top of the light pole heights at 7.0m (both by measured scale off the plans, and by RL measurement calculation from ground RL63.00 to top-of-light fitting RL70.00).
- The **amended** architectural plans have modified the height to the underside of the light fittings to be RL71.00 (i.e. 8.0m).

Consequently, the following conditions of consent require amendment:

- **Condition 1:** Approved Architectural Plans
- **Condition 5:** Height of Lighting Structures

Condition 5 reads as follows:

5. Height of Lighting Structures The proposed lighting structures from the existing ground level to the top of the lighting protection antennae are restricted to a height of 7.0m. Reason: To ensure the height of the lighting structures is consistent with the submitted documentation.

No other modifications have been outlined by the Applicant or identified within the assessment of the application.

APPLICANT'S JUSTIFICATION FOR THE MODIFICATION

The applicant has stated in the Statement of Modification that the proposed modification is a result inconsistency in the documentation, whereby the architectural plans detail the light fitting height (to the top of the fixture) is 7.0m. The following notes and comments were provided by the Applicant:

- *“The base of the luminaire should be no less than 8m from the FFH as per clause 2.1.1.2.4.2 of Australian standard.*
- *Effectively the poles would be approx. 8150mm to allow for horizontally mounted fixtures or otherwise will need a 60mm spigot protruding from the top to achieve min 8m to base of fixture.*
- *The back shields will protrude lower than the top of the fitting, not higher.*
- *There is no “antenna” for these fixtures, unless you plan on having us install bird deterrent spikes on them.*
- *With this modification application we apply for Condition of Consent No.5 – Height of Lighting Structures to be modified as required to mount the new court lights 8m above the court surface level to comply with the below Australian Standard clause for club lights as referred to in the DA Obstrusive Light Report & Condition of Consent No.12 prior to the issue of the Construction Certificate”*

ASSESSMENT INTRODUCTION

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations. In this regard:

- An assessment report and recommendation has been prepared (the subject of this report) taking into account all relevant provisions of the Environmental Planning and Assessment Act 1979, and the associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon the subject site and adjoining, surrounding and nearby properties;
- Notification to adjoining and surrounding properties, advertisement (where required) and referral to relevant internal and external bodies in accordance with the Act, Regulations and relevant Development Control Plan;
- A review and consideration of all submissions made by the public and community interest groups in relation to the application;
- A review and consideration of all documentation provided with the application (up to the time of determination);
- A review and consideration of all referral comments provided by the relevant Council Officers, State Government Authorities/Agencies and Federal Government Authorities/Agencies on the proposal.

SUMMARY OF ASSESSMENT ISSUES

Manly Development Control Plan - Amenity

SITE DESCRIPTION

Property Description:	Lot 1431 and 1432 in DP 752038 0 Vista Avenue BALGOWLAH HEIGHTS NSW 2093



Subject site as viewed from Vista Avenue entry
Source: GAT & Associates site inspection 26th March 2025



Subject site as viewed from Vista Avenue – Relationship between 33 Vista Avenue and Courts 1, 2 and 3

Source: GAT & Associates site inspection 26th March 2025



Subject site as viewed from the western side (looking eastward) of Courts 1, 2, 3
Source: GAT & Associates site inspection 26th March 2025



Relationship between Courts 1, 2, 3 and the access pathway
Source: GAT & Associates site inspection 26th March 2025

Detailed Site Description:

The subject site (Bareena Park Tennis Club building and Courts 1, 2 and 3) consists of two (2) allotments located on the western side of Vista Avenue. To the north is Bareena Park, located on the corner of Curban Street and Vista Avenue. To the south are six (6) residential dwellings fronting Vista Avenue, and the Balgowlah Bowling Club fronting Bareena Drive.

The site is generally regular in shape with a frontage of 45.06m along Vista Avenue and a depth of 89.915m. The site has a total surveyed area of 4,051.40m².

The site and facilities are located within the RE1 Public Recreation zone and accommodate five (5) existing Tennis Courts, with community buildings

(clubhouse). The development is only relevant to Courts 1, 2 and 3 on the eastern side, closest to Vista Avenue.

The site distinctly declines in slope from the south towards the north. Tennis Courts 1,2 and 3 are level with one another, though notably stepped down from the southern side of the site. The community building (tennis clubhouse) is elevated above Courts 1, 2 3, and is accessed via tiered stairs and associated planter boxes and retaining walls.

The site is adjacent to Bareena Park. The lots relevant to the development are sparsely vegetated with low shrubs and lawn, however, the premises overall is densely vegetated in the north-western corner (adjacent to Courts 4 and 5).

Detailed Description of Adjoining/Surrounding Development

Adjoining and surrounding development is characterised by Bareena Park to the north, located on the corner of Curban Street and Vista Avenue. To the south are six (6) residential dwellings fronting Vista Avenue, and the Balgowlah Bowling Club (zoned RE2 Private Recreation) fronting Bareena Drive. Surrounding development, including the eastern side of Vista Avenue is otherwise characterised as low-density residential development consisting predominantly of single and two-storey detached dwelling houses, reflective of the R2 Low Density Residential zone.

Map:



SITE HISTORY

A search of Council's records has revealed the following relevant history (with respect to lighting):

DA 68/1999 - Refused

Development is described as the installation of lights on 3 tennis courts.

DA 60/2008 - Refused

Development is described as the installation of tennis court lighting on courts 4 and 5 (the western two courts elevated above the existing clubhouse building, to the west) with illumination until 10:30pm. The application was pursuant to the former Manly Local Environmental Plan 1988.

The application was refused on the 16 June 2008 on the following grounds:

- Inconsistent with Objective 4(d)(1) of the MLEP88.
- Inconsistent with Open Space Zone objectives 1(a) of Clause 10 of the MLEP88.
- Detrimental impact on the amenity of the area in relation to:
 - Additional noise resulting from the night use of the courts and clubhouse;
 - Noise from people/cars leaving the club;
 - Impact on the privacy of surrounding residential properties;
 - Possible increase in anti-social behaviour;
 - Reduced security in surrounding residential properties;
 - Reflected light spillage onto adjoining residential properties;
 - Additional demand for street parking in the evenings.
- The site is considered unsuitable for the proposed use.
- The proposal is contrary to the public interest.

A Section 82A was lodged and subsequently withdrawn by the applicant.

DA2023/0720 – Approved

Development is described as “Alterations and additions to Recreation Facility Outdoors”, determined by way of approval on the 7th February 2024.

The proposed modification (**MOD2024/0667**) is to DA2023/0720.

Additional applications include:

DA 140/1999 – Approved

Described as enclosure of part of terrace to the club and refurbish.

DA 1010/1998 – Determination Unspecified.

Alterations and additions to toilets and shower.

The land has been used for recreational and community purposes for an extended period of time.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject development application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Northern Beaches Community Participation Plan 2019.

As a result of the public exhibition process, Council is in receipt of nil (0) submissions.

ENVIRONMENTAL PLANNING AND ASSESSMENT ACT, 1979 (EPAA)

The relevant matters for consideration under the Environmental Planning and Assessment Act, 1979, are:

The application has been assessed in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the associated Regulations.

In this regard:

- An assessment report and recommendation has been prepared and is attached taking into all relevant provisions of the Environmental Planning and Assessment Act 1979 and associated regulations;
- A site inspection was conducted and consideration has been given to the impacts of the development upon all lands whether nearby, adjoining or at a distance;
- Consideration was given to all documentation provided (up to the time of determination) by the applicant, persons who have made submissions regarding the application and any advice given by relevant Council / Government / Authority Officers on the proposal;

In this regard, the consideration of the application adopts the previous assessment detailed in the Assessment Report for **DA2023/0720**, in full, with amendments detailed and assessed as follows:

The relevant matters for consideration under **Section 4.55(1A)** of the Environmental Planning and Assessment Act, 1979, are:

Section 4.55(1A) – Modifications Involving Minimal Environmental Impact	Comments
A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if:	
(a) it is satisfied that the proposed modification is of minimal environmental impact, and	Yes The modification, as proposed in this application, is of minimal environmental impact for the following reasons: • There is no additional amenity impact (to either the public or private domain) as a result of the proposed lighting fixture height at a minimum of 8.0m, particularly as no additional light spill results from the lighting compared to the original assessment. • The proposal is consistent with the approved “<i>Obtrusive Light Assessment including Specification Sheet and the Obtrusive Light Compliance Report</i>”.

(b) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and	The consent authority can be satisfied that the development to which the consent as modified relates is substantially the same as the development for which the consent was originally granted under DA2023/0720 for the following reasons: • The modified development is consistent with the approved use and operations of the site, and does not impact upon any of the approved amenity outcomes; the development remains consistent with the impacts and extent of works assessed under DA2023/0270. • The modification is consistent with Condition 12, requiring the development to comply with Australian Standards. Part 9.4 of AS 2560.2.1 requires lighting for club competitions to be a minimum of 8.0m. • The location and number of lighting structures has not changed.
(c) it has notified the application in accordance with: (i) the regulations, if the regulations so require, or (ii) a development control plan, if the consent authority is a council that has made a development control plan under section 72 that requires the notification or advertising of applications for modification of a development consent, and	The application has been publicly exhibited in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021, and the Northern Beaches Community Participation Plan.
(d) it has considered any submissions made concerning the proposed modification within any period prescribed by the regulations or provided by the development control plan, as the case may be.	No submissions were received in relation to this application.

Section 4.15 Assessment

In accordance with Section 4.55 (3) of the Environmental Planning and Assessment Act 1979, in determining an modification application made under Section 4.55 the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application.

The relevant matters for consideration under Section 4.15 of the Environmental Planning and Assessment Act, 1979, are:

Section 4.15 'Matters for Consideration'	Comments
Section 4.15 (1) (a)(i) – Provisions of any environmental planning instrument	See discussion on “Environmental Planning Instruments” in this report.
Section 4.15 (1) (a)(ii) – Provisions of any draft environmental planning instrument	There are no current draft environmental planning instruments.
Section 4.15 (1) (a)(iii) – Provisions of any development control plan	The Manly Development Control Plan applies to this proposal.
Section 4.15 (1) (a)(iiia) – Provisions of any planning agreement	None applicable.
Section 4.15 (1) (a)(iv) – Provisions of the Environmental Planning and Assessment Regulation 2021 (EP&A Regulation 2021)	<u>Part 4, Division 2</u> of the EP&A Regulation 2021 requires the consent authority to consider "Prescribed conditions" of development consent. These matters have been addressed via the original conditions of consent. <u>Clause 29</u> of the EP&A Regulation 2021 requires the submission of a design verification certificate from the building designer at lodgement of the development application. This clause is not relevant to this application. <u>Clauses 36 and 94</u> of the EP&A Regulation 2021 allow Council to request additional information. No additional information was requested in this case. <u>Clause 61</u> of the EP&A Regulation 2021 requires the consent authority to consider AS 2601 - 2001: The Demolition of Structures. This clause is not relevant to this application. <u>Clauses 62 and/or 64</u> of the EP&A Regulation 2021 requires the consent authority to consider the upgrading of a building (including fire safety upgrade of development). This matter is not relevant to the proposed development.

Section 4.15 'Matters for Consideration'	Comments
	Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider insurance requirements under the Home Building Act 1989. These matters have been addressed via the original conditions of consent. Clause 69 of the EP&A Regulation 2021 requires the consent authority to consider the provisions of the Building Code of Australia (BCA). These matters have been addressed via the original conditions of consent.
Section 4.15 (1) (b) – the likely impacts of the development, including environmental impacts on the natural and built environment and social and economic impacts in the locality	(i) Environmental Impact The environmental impacts of the proposed development on the natural and built environment are addressed under the Manly Development Control Plan section in this report. (ii) Social Impact The proposed development will not have a detrimental social impact in the locality considering the character of the proposal. (iii) Economic Impact The proposed development will not have a detrimental economic impact on the locality considering the nature of the existing and proposed land use.
Section 4.15 (1) (c) – the suitability of the site for the development	The site is considered suitable for the proposed development.
Section 4.15 (1) (d) – any submissions made in accordance with the EPA Act or EPA Regs	No submissions were received in relation to this application.
Section 4.15 (1) (e) – the public interest	No matters have arisen in this assessment that would justify the refusal of the application in the public interest.

EXISTING USE RIGHTS

Existing Use Rights are not applicable to this application.

BUSHFIRE PRONE LAND

The site is not classified as bush fire prone land.

NOTIFICATION & SUBMISSIONS RECEIVED

The subject application has been publicly exhibited from 13/01/2025 to 10/02/2025 in accordance with the Environmental Planning and Assessment Act 1979, Environmental Planning and Assessment Regulation 2021 and the Community Participation Plan.

As a result of the public exhibition of the application Council received no submissions.

REFERRALS

Internal Referral Body	Comments				
Environmental Health	Supported with no change to conditions. Officer comments: General Comments - Existing conditions to remain Recommendation: APPROVAL - no new conditions The proposal is therefore supported. Assessing officer's comment: Correspondence occurred with Environmental Health to ascertain if there was any additional amenity or environmental impact from the lighting structures being a height of 8.0m instead of 7.0m. The response was that there was no difference regarding light spill. Note: The approved "<i>Obtrusive Light Assessment including Specification Sheet and the Obtrusive Light Compliance Report</i>" accounted for lighting structures (poles) to a height of 8.0m.				
Development Engineer	Assessing officer's comment: No formal referral was provided from Development Engineering. Correspondence occurred with Development Engineering to ascertain the details of Australian Standard AS 2560.2.1. The requirement for the height of the lighting poles to be a minimum of 8.0m has been identified as an Australian standard (Part 9.4 of AS 2560.2.1), replicated below: Further to the results of formula 9.1, it is recommended that floodlights be installed at not less than the following standard pole heights: <table data-bbox="488 1532 1118 1599"> <tr> <td>(i) Residential and recreational</td> <td>6 m</td> </tr> <tr> <td>(ii) Club competition and commercial and levels above</td> <td>8 m</td> </tr> </table> The above requirements are intended to ensure that an angle of at least 20° will be provided between the horizontal and a line from the centre of the illuminated area to the lowest floodlight so as to limit transient glare effects and to ensure a lit envelope of adequate height for the level of play. For a given lighting layout and floodlight aiming points, glare to participants and spectators will be further reduced by adopting mounting heights above the minimum values required. NOTE: In determining the required pole or tower height, it will be necessary to take into account any difference in elevation between the base of the pole and the playing surface and the length of pole or tower required above the lowest floodlight for the support of the remaining or proposed future additional floodlights on that pole or tower. As per the Australian Standard, lighting for club competitions is 8m. There is therefore conflict between the approved plans listed in Condition 1; Condition 12 relating to compliance with Australian Standards and; Condition 5, which restricts the height of the lighting structures.	(i) Residential and recreational	6 m	(ii) Club competition and commercial and levels above	8 m
(i) Residential and recreational	6 m				
(ii) Club competition and commercial and levels above	8 m				

ENVIRONMENTAL PLANNING INSTRUMENTS (EPIs)*

All Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the merit assessment of this application.

In this regard, whilst all provisions of each Environmental Planning Instruments (SEPPs and LEPs), Development Controls Plans and Council Policies have been considered in the assessment, many provisions contained within the document are not relevant or are enacting, definitions and operational provisions which the proposal is considered to be acceptable against.

As such, an assessment is provided against the controls relevant to the merit consideration of the application hereunder.

State Environmental Planning Policies (SEPPs) and State Regional Environmental Plans (SREPs)

Nil – assessment of SEPPs remains unchanged per DA2023/0720.

Manly Local Environmental Plan 2013

Is the development permissible?	Yes
After consideration of the merits of the proposal, is the development consistent with:	
aims of the LEP?	Yes
zone objectives of the LEP?	Yes

Principal Development Standards

The application seeks to modify the height of lighting structures.

There is no numerical standard for height of buildings for the site, and therefore the assessment of the height is based on merit. The modified height of the lighting structures has been found to have no additional amenity impact; is consistent with the approved "Obtrusive Light Assessment including Specification Sheet and the Obtrusive Light Compliance Report" and consistent with the requirements of the relevant Australian Standard.

The proposed modifications do not alter the assessment of principal development standards as undertaken under DA2023/0720.

Compliance Assessment

Clause	Compliance with Requirements
2.1 Land use zones (RE1 Public Recreation)	Yes.
4.3 Height of Buildings	N/A.
4.4 Floor Space Ratio	N/A.
5.10 Heritage Conservation	N/A.
5.21 Flood Planning	Yes.
5.23 Public Bushland	N/A.
6.1 Acid Sulfate	N/A.

Clause	Compliance with Requirements
6.2 Earthworks	Yes.
6.5 Terrestrial Biodiversity	Yes.

Manly Development Control Plan

Built Form Controls

Not applicable for this development application.

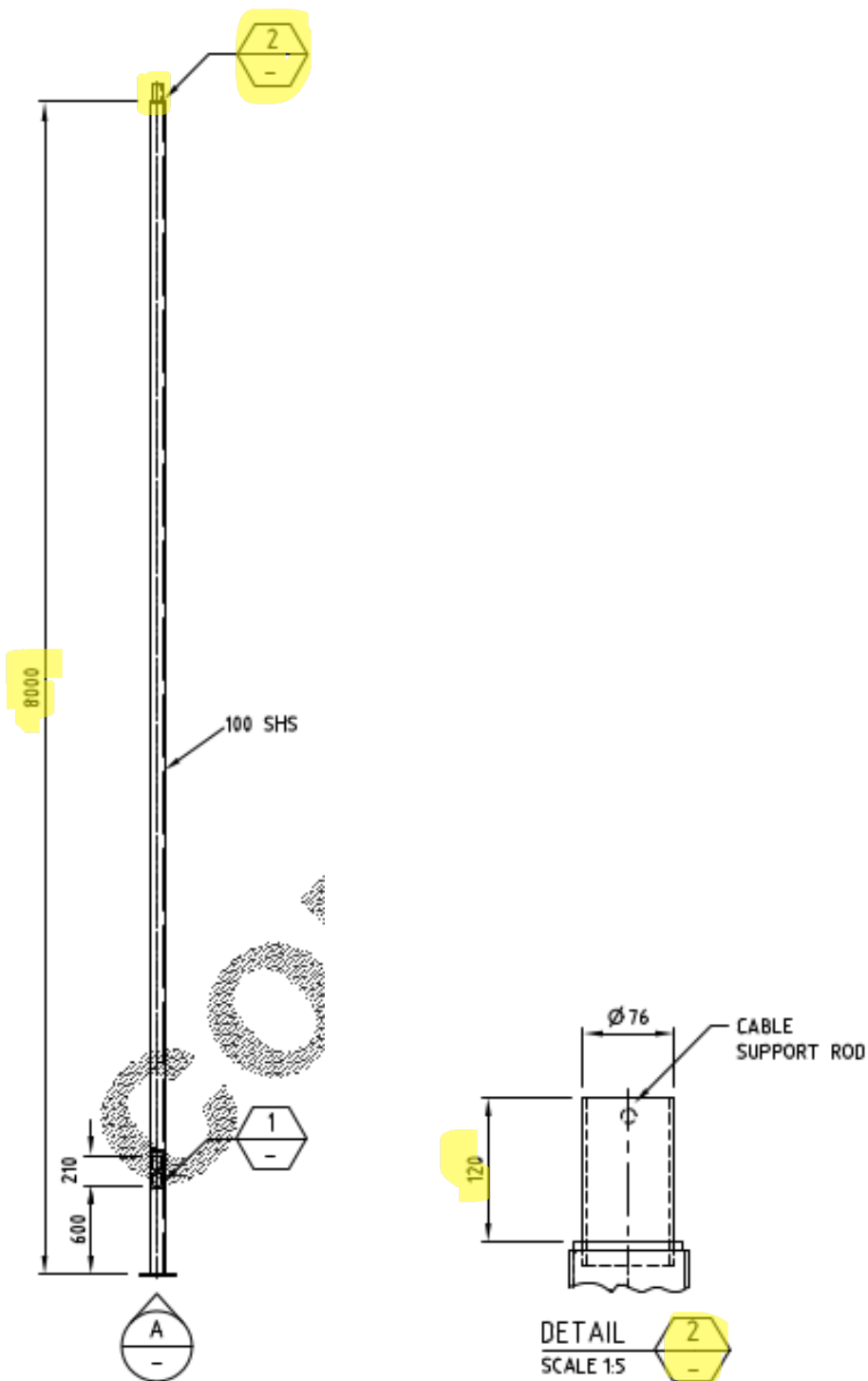
Compliance Assessment

Clause	Compliance with Requirements	Consistency Aims/Objectives
3.1 Streetscapes and Townscapes	N/A	N/A
3.2 Heritage Conservation	N/A	N/A
3.3.Landscaping	Yes	Yes
3.4 Amenity (Views, Overshadowing, Overlooking /Privacy, Noise)	Yes	Yes
3.5 Sustainability - (Greenhouse Energy Efficiency, Thermal Performance, and Water Sensitive Urban Design)	N/A	N/A
3.6 Accessibility	N/A	N/A
3.7 Stormwater Management	Yes	Yes
3.8 Waste Management	N/A	N/A
3.9 Mechanical Plant Equipment	N/A	N/A
3.10 Safety and Security	Yes	Yes
4.4.5 Earthworks (Excavation and Filling)	N/A	N/A
5.4 Environmentally Sensitive Land	Yes	Yes
Schedule 3 – Parking and Access	No	Yes

Detailed Assessment

The proposed modification to the height of the lighting structures does not modify the assessment or outcomes achieved against the objectives and controls of the Manly Development Control Plan.

The approved (per Condition 1) “*Obtrusive Light Assessment including Specification Sheet and the Obtrusive Light Compliance Report*” assessed the light structures (poles) at a height of 8.0m. The Australian Standard for Sports Lighting (AS2560.2.1) sets the standard for a minimum height to the base of the light fixture to be 8.0m for competitive tennis. The details (specification for the pole) submitted by the applicant identify that a maximum pole height of 8.120mm is required, with the additional 120mm accommodating a “support rod” to affix the lighting fixture to, with the lighting fixtures themselves set no less than 8.0m from finished floor level. While the applicant states a total pole height of *approximately* 8.15m, the specification provided is for a height of 8.12m. The details provided by the applicant are extracted below:



To enable some level of flexibility with the attachment of the lighting to the pole, Condition 5 is amended to reflect a pole height of 8.15m as a maximum (and as detailed in the statement of modification), being only 30mm (3cm) higher than the specification detail for 8.12m. This enables the installation of the mounting fixture for the lighting, while limiting the ultimate height of the lighting structures.

POLICY CONTROLS

Northern Beaches Section 7.12 Contributions Plan 2024

Section 7.12 contributions were levied on the Development Application.

Other Matters

The application has been externally assessed in accordance with the Northern Beaches Council “Council-related Development Applications Policy” and because its not required to be determined by the Northern beaches Local Planning Panel as it is a 4.55(1A) modification for transparency reasons will be determined by the Executive Manager Development Assessments.

CONCLUSION

The site has been inspected and the application assessed having regard to all documentation submitted by the applicant and the provisions of:

- Environmental Planning and Assessment Act 1979;
- Environmental Planning and Assessment Regulation 2021;
- All relevant and draft Environmental Planning Instruments;
- Manly Local Environment Plan;
- Manly Development Control Plan; and
- Codes and Policies of Council.

This assessment has taken into consideration the submitted plans, Statement of Modifications, all other documentation supporting the application and public submissions, and does not result in any unreasonable impacts on surrounding, adjoining, adjacent and nearby properties subject to the conditions contained within the recommendation.

In consideration of the proposal and the merit consideration of the development, the proposal is considered to be:

- Consistent with the objectives of the DCP
- Consistent with the zone objectives of the LEP
- Consistent with the aims of the LEP
- Consistent with the objectives of the relevant EPIs
- Consistent with the objects of the Environmental Planning and Assessment Act 1979

PLANNING CONCLUSION

The Modification Application seeks to increase the height of lighting structures that were detailed on the approved architectural plans, and therefore restricted by Condition 5 of the conditions of consent. The 7.0m (as detailed on the plans, and approved) was found to be inconsistent with the requirements of Australian Standard 2560.2.1 (Sports Lighting), in requiring a height of 8.0m to the underside of the light fitting.

No public submissions from the community were received, and the application is supported by Council’s Environmental Health Officer. It has been found there is no adverse amenity impact as a result of the additional lighting structure height. Council’s assessment has concluded that the proposed modifications are of minimal environmental impact and substantially the same as the approved development.

Council is also satisfied that the modified development is consistent with the reasons given by the

NBLPP for granting Development Consent DA2023/0720. Therefore, the Modification Application satisfies the jurisdictional requirements under Section 4.55 of the EP&A Act.

REASON FOR DETERMINATION

It is considered that the proposed development satisfies the appropriate controls and that all processes and assessments have been satisfactorily addressed.

RECOMMENDATION

THAT Council as the consent authority grant approval to Modification Application No. Mod2024/0667 for Modification of Development Consent DA2023/0720 granted for Alterations and additions to Recreation Facility Outdoors on land at Lot 1432 DP 752038 Lot 1431 DP 752038 Part Lot 7147 DP 1023285,0 Vista Avenue, BALGOWLAH HEIGHTS, subject to the conditions printed below:

Modification Summary

The development consent is modified as follows:

MODIFICATION SUMMARY TABLE

Application Number	Determination Date	Modification description
PAN-492487 MOD2024/0667 (first [subject] modification)	The date of this notice of determination	The modifications involve minor changes to the approved lighting structure heights to enable compliance with relevant Australian Standards - Add Condition 1A - Modify Condition 5

Modified conditions

A. Add Condition No.1A - Modification of Consent - Approved Plans to read as follows:

Development must be carried out in accordance with the following approved plans (stamped by Council), except where the conditions of this consent expressly require otherwise.

Approved Plans				
Plan Number	Revision Number	Plan Title	Drawn By	Date of Plan
A.01	E	Title Page Site Analysis	Du Plessis + Du Plessis Architects	25.11.2024
A.02	E	Site Plan	Du Plessis + Du Plessis Architects	25.11.2024
A.03	E	Courts #1-3 Light Pole Plan	Du Plessis + Du Plessis Architects	25.11.2024
A.04	E	Courts #1-3	Du Plessis + Du Plessis	25.11.2024

		Light Pole Elevation	Architects	
L-100	E	Landscape Plan	Du Plessis + Du Plessis Architects	25.11.2024

In the event of any inconsistency between the approved plans, reports and documentation, the approved plans prevail.

In the event of any inconsistency with the approved plans and a condition of this consent, the condition prevails.

Reason: To ensure all parties are aware of the approved plans and supporting documentation that applies to the development.

B. Modify Condition 5. Height of Lighting Structures to read as follows:

The proposed lighting structures are to be no more than 8.15m from the finished floor level of the tennis courts.

Reason: To ensure the height of the lighting structures is consistent with the submitted documentation.

In signing this report, I declare that I do not have a Conflict of Interest.

Signed



Krystal Narbey
Consulting Town Planner
GAT & Associates Pty Ltd

The application is determined on / under the delegated authority of:



Rodney Piggott, Manager Development Assessments **Date: 11/04/25**

I have reviewed the assessment and the determination and concur with the recommendation and the appropriate delegation to determine.



Peter Robinson, Executive Manager Development Assessment **Date: 11.04.2025**