

52.21 PRIVATE TENNIS COURT

Purpose

To ensure that tennis courts used in association with a dwelling are sited and constructed to minimise the effects of the development on nearby properties.

To ensure that the use of tennis courts in association with a dwelling does not cause unreasonable disturbance to adjoining residents or adversely affect the residential amenity of adjoining areas.

Scope

This clause applies to any private tennis court which is used in association with a dwelling.

This does not apply where the land is identified in the planning scheme as:

- Land within a Heritage Overlay.
- Land within an Urban Floodway Zone, a Rural Floodway Overlay or a Land Subject to Inundation Overlay.
- Land within an Environmental Significance Overlay, a Vegetation Protection Overlay or a Significant Landscape Overlay.
- Land listed in the Schedule to Clause 52.03 (Specific sites and exclusions).

Permit not required

No permit is required to construct, use or illuminate a private tennis court if the performance requirements in the Code of Practice - Private Tennis Court Development March 1999 are met.

Permit required

A permit is required to construct, use or illuminate a private tennis court if any of the performance requirements specified in the Code of Practice - Private Tennis Court Development March 1999 are not met.

Application requirements

Unless the circumstances do not require, an application under this clause must be accompanied by the following information:

- A copy of title of the land.
- A layout plan to a scale of not less than 1:200.
- The location of dwellings on adjoining land within 10 metres of the court site showing habitable room windows.
- Existing and proposed site levels.
- Location of vegetation to be removed.
- Proposed landscaping.
- Illumination levels and the position and height of light poles and fencing.
- Description of fencing material.
- The location of easements.
- Volume of excavated material to be brought to or removed from the site.
- Means of access to the site.
- Construction method and timing.

Exemption from notice

An application for a permit under this Clause is exempt from the notice requirements of Section 52(1)(a), (b) and (d) of the Act. In accordance with Section 52(1)(c) of the Act notice of an application under this Clause must be given by ordinary post to the owners and occupiers of adjoining and opposite properties.

Decision guidelines

Before deciding on an application under this Clause, in addition to the decision guidelines in Clause 65, the responsible authority must consider the relevant objectives and considerations specified in the Code of Practice - Private Tennis Court Development March 1999.