

DEVELOPMENT NO.:	21042273
APPLICANT:	Larissa Jennings, City of Holdfast Bay
ADDRESS:	44 FOLKESTONE RD SOUTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Installation of six light poles in association with tennis court
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • General Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Hazards (Flooding) • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE:	5 Jan 2022
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Dean Spasic Development Officer - Planning

CONTENTS:

APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 2:	Representations
ATTACHMENT 1:	Application Documents	ATTACHMENT 3:	Response to Representations

DETAILED DESCRIPTION OF PROPOSAL:

The proposal comprises the installation of six light poles in association with the tennis courts. The proposed lights have a height of up to 12 metres and the lighting is via LED floodlights designed to direct lighting directly to the tennis court surface.

SUBJECT LAND & LOCALITY:

Site Description:

Location reference: 44 FOLKESTONE RD SOUTH BRIGHTON SA 5048

Title ref.: CT 5558/563 **Plan Parcel:** D642 AL109 **Council:** CITY OF HOLDFAST BAY

Location reference: 44 FOLKESTONE RD SOUTH BRIGHTON SA 5048

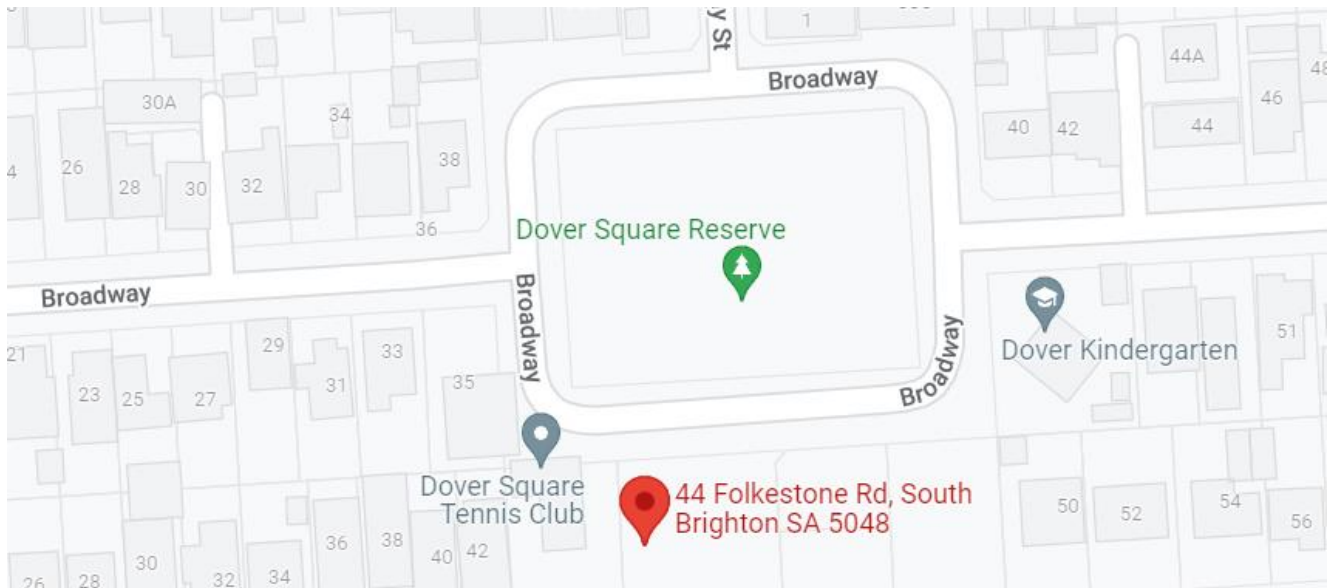
Title ref.: CT 5558/563 **Plan Parcel:** D642 AL110 **Council:** CITY OF HOLDFAST BAY

The subject site is a longstanding recreational space south of Dover Square in South Brighton, which comprises the Dover Square Reserve and Dover Square Tennis Club.



Locality

The locality is predominately residential, save for the Dover Kindergarten, east of Dover Square.



CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:** Other - Community - Tennis Court lights and Posts: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
The application is not listed as a class of development in Table 5 Procedural Matters of the Zone and therefore is subject to notification
- **LIST OF REPRESENTATIONS**
Miriam Gloyn of 41 Folkestone Road, South Brighton supports the development with some concerns (however not specified)
Ian McLoughlin of 37 Broadway, South Brighton supports the development with some concerns:
 - Would like the curfew to be 9:30pm; and
 - Vehicle movements on Folkestone Road
- **SUMMARY**
Larissa Jennings from City of Holdfast Bay replied to the representations with the following summary:
 - Lighting complies with the relevant Australian Standards;
 - The 10pm curfew is consistent with lighting on other Council facilities;
 - Traffic management is outside of the planning considerations for sports lighting.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Zone

The General Neighbourhood Zone envisages various land uses that are compatible with residential. Among the list of appropriate land uses, includes '*recreation area*', which includes sporting facilities. The tennis club is a longstanding use, whereby the proposal is sought to increase the usability, particularly during evenings.

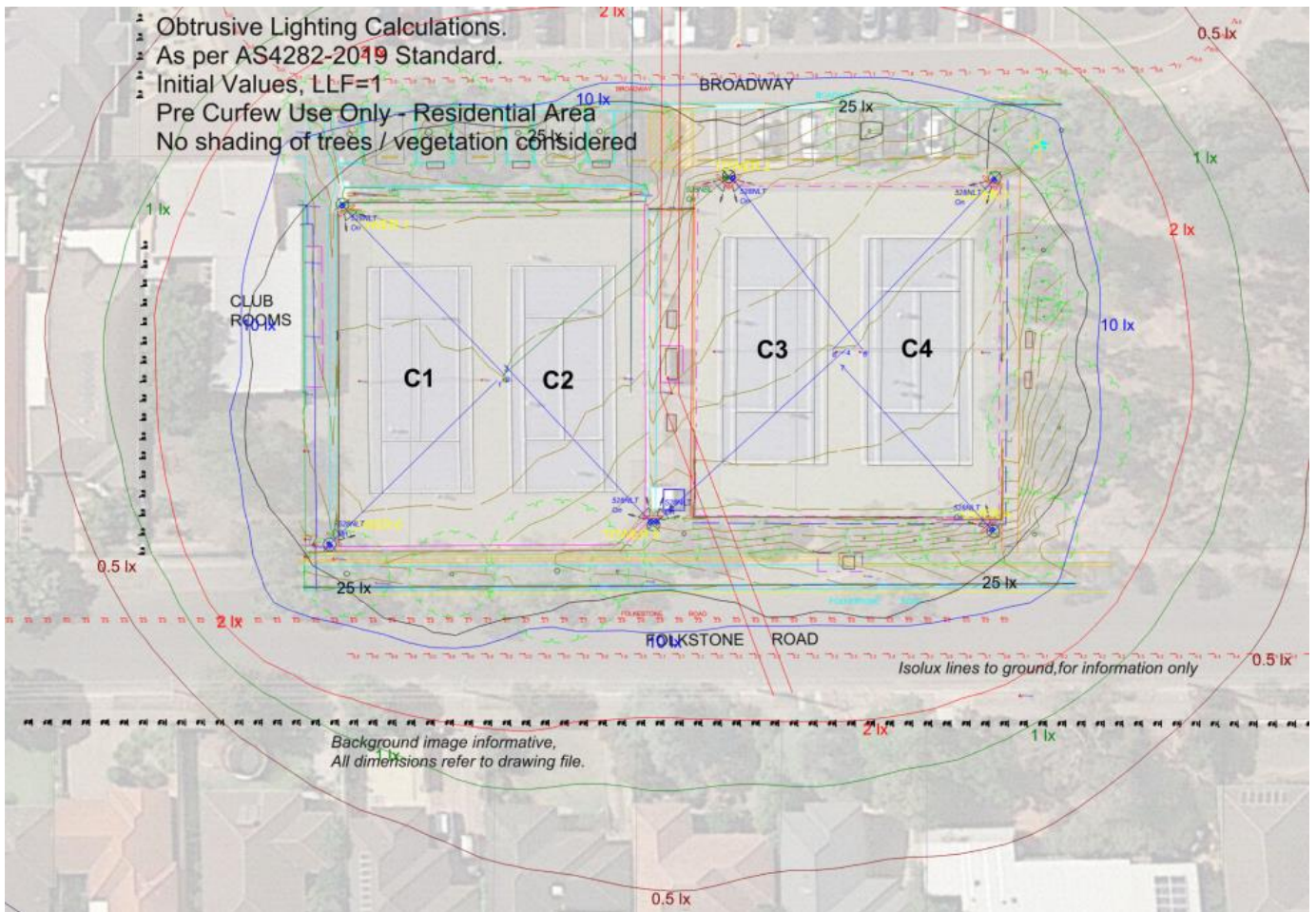
Height and Appearance

The light poles are proposed at a height of 12 metres, and are located around the perimeter of 4 existing tennis courts. The southern street boundary of the site contains several mature gum trees, which will mostly obstruct the view of the light poles as viewed from southern adjacent residential properties. To give context, the proposed light poles will visually present no differently to typical street lights fixed to stobie poles.



Light Spill

Documentation submitted by the applicant (as per Attachment 1) demonstrates the light spill, including reference to the Lux levels over southern adjacent residential properties during pre-curfew use, which shows a maximum of 2 Lux on the northern allotment boundary of the southern adjacent properties. These levels have been measured without consideration to the existing street trees, which will in reality, further block light spill.



A condition of planning consent is included to ensure that lighting is switched off, and remains off, between 10:00pm and sunrise the following day.

In addition, a condition is also included to ensure that light spill levels are not more than 5 Lux when measured at the window of any adjacent dwelling.

CONCLUSION

The proposed poles are ancillary to the existing land use and are sought to contribute to improvement in lighting, which will facilitate proper use of the land during the evenings. As seen with other light poles over recent years, the technology is such that the lighting is specifically designed to cover a specific area, with light spill being avoided on nearby sensitive land uses, such as dwellings. The poles are visually unobtrusive and are not considered to adversely impact on the locality.

RECOMMENDATION

It is recommended that the Council Assessment Panel/SCAP resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and

2. Development Application Number 21042273, Larissa Jennings is Granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Lighting is switched off, and remains off, between 10:00pm and sunrise the following day.
3. Light spill levels from the light herein approved are not more than 5 Lux when measured at the window of any adjacent dwelling.

ADVISORY NOTES

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.
4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).
5. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
 - b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

OFFICER MAKING RECOMMENDATION

Name: Dean Spasic

Title: Development Officer - Planning,

Date: 06/04/2022