

CAP Meeting Agenda

Presiding Member: Mr Brenton Burman

I write to advise of the Council Assessment Panel Meeting to be held on Tuesday 15 October 2024 at 6:00pm in the Unley Council Chambers, 181 Unley Road Unley.

my RCL

Gary Brinkworth Assessment Manager Dated: 01/10/2024

Members: Mr Brenton Burman, Ms Colleen Dunn, Mr Terry Sutcliffe, Mr Will Gormly, Professor Mads Gaardboe (Deputy)

KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinthi, ngadlu Kaurna yartangka inparrinthi. Ngadlurlu parnuku tuwila yartangka tampinthi.

Ngadlurlu Kaurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinthi. Parnuku yailtya, parnuku tapa purruna yalarra puru purruna.*

We would like to acknowledge this land that we meet on today is the Traditional Lands for the Kaurna people and that we respect their spiritual relationship with their Country.

We also acknowledge the Kaurna people as the Traditional Custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

*Kaurna Translation provided by Kaurna Warra Karrpanthi

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DEVELOPMENT NO.:	24008592	
APPLICANT:	Lisa Rickard	
ADDRESS:	8 ROGERS ST GOODWOOD SA 5034	
NATURE OF DEVELOPMENT:	Alterations and additions to the existing dwelling, including partial demolition and a second storey and demolition of ancillary structures	
ZONING INFORMATION:	 Zones: Established Neighbourhood Overlays: Airport Building Heights (Regulated) Building Near Airfields 	
	 Historic Area Prescribed Wells Area Regulated and Significant Tree Stormwater Management Urban Tree Canopy Technical Numeric Variations (TNVs): 	
	 Maximum Building Height (Metres) (Maximum building height is 5.7m) Minimum Frontage (Minimum frontage for a detached dwelling is 15m; semi-detached dwelling is 15m; row dwelling is 15m) Minimum Site Area (Minimum site area for a detached dwelling is 500 sqm; semi-detached dwelling is 500 sqm; row dwelling is 500 sqm) Maximum Building Height (Levels) (Maximum building height is 1 level) Minimum Side Boundary Setback (Minimum side boundary setback is 1m for the first building level; 3m for any second building level or higher) 	
LODGEMENT DATE:	4 Apr 2024	
RELEVANT AUTHORITY:	Assessment Panel	
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.5 14/03/2024	
CATEGORY OF DEVELOPMENT:	 Code Assessed – Performance Assessed PER ELEMENT: Dwelling alteration or addition Demolition Dwelling addition: Code Assessed - Performance Assessed Partial demolition of a building or structure: Code Assessed - Performance Assessed Fences and walls Building Alterations: Accepted Retaining wall: Code Assessed - Performance Assessed OVERALL APPLICATION CATEGORY: Code Assessed - Performance Assessed 	

	P&D Code
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Amelia De Ruvo
	Senior Planning Officer
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Heritage Consultant
	Arborist Consultant
RECOMMENDATION	Support with Conditions
ATTACHMENTS	Attachment 1 – Plan Set
	Attachment 2 – Representations - Round (Rd) 1 Public Notification (PN)
	Attachment 3 – Response to representations - Rd 1 PN
	Attachment 4 – Representations - Rd 2 PN
	Attachment 5 – Response to representations - Rd 2 PN

DETAILED DESCRIPTION OF PROPOSAL:

This proposal is for the demolition of ancillary structures, alterations and additions to the existing dwelling including partial demolition and a second storey addition. The proposed plans are contained within **Attachment 1**.

The proposal seeks to demolish the 1980's dwelling addition sited at the rear of the dwelling and a portion of the hip roof to the the original single fronted cottage as well as an outbuilding sited to the rear of the allotment. A two-storey contemporary dwelling addition will be constructed to the rear of the original cottage and will be constructed using a variety of materials including masonry brick, Scyon Acon cladding, aluminium battens and Colorbond roof sheeting.

The proposal will re-arrange the original building's floor layout, retaining the two existing bedrooms, however, it will alter the lounge room into a bathroom and laundry. The dwelling addition will be constructed on the northern boundary for an overall length of 9.26m, with a wall height of 3.39m, with the addition having an overall building height of approximately 7.15m when measured from natural ground level. The dwelling will be comprised of a master bedroom with an ensuite and walk in robe and an attached balcony, a study, bathroom, open plan kitchen (with walk in pantry), meals and living area and an outdoor living area.

SUBJECT LAND & LOCALITY:

Location reference: 8 ROGERS ST GOODWOOD SA 5034 Title ref.: CT 5117/480 Plan Parcel: F11094 AL45 Council: CITY OF UNLEY

Site Description

The subject land is located within the **Established Neighbourhood Zone** and subject to the **Historic Area Overlay**.

The subject land is sited on the western side of Rogers Street and is a somewhat rectangular shaped allotment with a frontage of 8.08m, a depth of 39.62m with an approximate site area of 304m². The subject land is relatively flat and has a Right of Way to the southern side of the property between 8 and 10 Rogers Street, Goodwood. There are no known encumbrances on the property.

The site currently contains a dwelling identified as a single fronted cottage circa 1880, a 1980's dwelling addition to the rear, a picket front fence and an outbuilding to the rear of the site. There is no on-site parking for this property.

The application was lodged prior to May 16th 2024, when the updated Regulated and Significant Tree legislation was amended. At the time of lodgment, the subject site contained no regulated or significant trees, however there is a regulated *Corymbia citriodora (Lemon Scented Gum)* on the adjacent property at 10 Rogers Street, Goodwood that may be impacted by the development. There is a mature street tree sited forward of the subject site on Rogers Street.



Figure 1: View of the subject land from Rogers Street.

Locality

When determining the locality of the subject land the general pattern of development and the extent to which the proposed development is likely to impact surrounding occupiers and landowners was considered. The locality is located entirely within the **Established Neighbourhood Zone**.

The locality is predominantly characterised by residential dwellings, apart from the Adelaide Metro tram line and bike way sited to the north of the subject site. The residential development within the locality is comprised of detached and semi-detached dwellings, with an example of a residential flat building within the wider locality. Dwellings are typically single storey in nature, however, it is noted that there are examples of two-storey dwellings located south of the subject site, sited on Rogers Street, Musgrave Street and Albert Street.

Rogers Street primarily consists of pre-war single and double fronted cottages with interspersed infill housing present in a form of conventional housing and 1960s walk up flats and modern interpretations of original buildings.

The allotment pattern in the locality is relatively consistent on the western side comprising of rectangular allotments with narrow street frontages and deep allotments boundaries. The eastern side of Rogers Street have wider street frontages with side boundaries varying in depth. Site areas in the locality range between 300m² and 700m².

The locality is well vegetated with regulated trees and mature vegetation seen both on private land as well as within the verge of Rogers Street.

Locality Plan

The representors live within the locality of the subject land



SERIOUSLY AT VARIANCE ASSESSMENT

The PDI Act 2016, Section 107 (2)(c) states that the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).

The Established Neighbourhood Zone Desired Outcome states:

DO 1 – A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

The proposal is for a two storey dwelling addition that is sympathetic to the built form character and development pattern of the locality.

The Established Neighbourhood Zone Performance Outcome states:

PO 1.1 – Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The proposal is for the construction of a dwelling addition which maintains the established development pattern of the neighbourhood.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes** with only minor variations noted against the respective **Designated Performance Features**. Therefore, this proposal is not considered to be seriously at variance with the Planning and Design Code.

PUBLIC NOTIFICATION

Due to an administrative error the application needed to be publicly notified twice. It was established after the initial notification period that the adjacent properties where not sent the required letter. Once this had been determined, the application was renotified.

• REASON

Established Neighbourhood Zone – Table 5 – Procedural Matter (PM) – Notification – Clause 3 (1) and (2)(a)&(b) the dwelling addition exceeds the maximum building height of DPF 4.1 and results in a boundary wall exceeding 8m in length and 3.2m in height when measured from natural ground and therefore is not an excluded form of development and requires to be publicly notified.

As part of the public notification process 40 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachments 2 & 4**.

During the notification period, Council received four representations, with one representor re-submitting a representation during the second round. All representors from both notification periods support the development with concerns, with one (1) representor seeking to be heard by the Panel.

Representations:

Initial notification period

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
	I support the development with some concerns	No	-

Secondary notification period

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
	I support the development with some concerns	No	-
	I support the development with some concerns	No	-

I support the development with some concerns	Yes	Self

Summary:

The matters of concern raised by the representors are as follows:

- Access and use of the Right of Way between 8 and 10 Rogers Street, Goodwood;
- Overall height of the development;
- Overshadowing;
- Overlooking;
- Bulk and scale of development;
- Tree-damaging activity;
- Liveability of the property during construction;
- Finished colours and materials;
- Site coverage; and
- Side setbacks.

The applicant provided a response to the representations which can be found in **Attachment 3 & 5**. During the assessment and to address the concerns of Council as well the representors, the applicant made the following alterations to the plans from initial lodgement.

- No alteration to the fence within the Right of Way;
- Provide 3D renders and confirmed balcony balustrade results in maximum 25% transparency;
- Altered the roof form and reduce the upper storey wall heights to lessen the bulk and scale and reduce the overall height of the addition from 7.77m to 7.15m;
- Provide additional overshadowing diagrams in cross-section form;
- Provide an arborist report;

The response to the representation as well as the amended plans by Clements Architecture were emailed to the representors.

AGENCY REFERRALS

None required

INTERNAL REFERRALS

Arborist Consultant

Council's consultant arborist undertook a site inspection to 10 Rogers Street, Goodwood and confirmed that the *Corymbia Citriodora (Lemon Scented Gum)* has a circumference of 2.76m, is sited 10m from a dwelling or swimming pool, and is therefore a regulated tree. It was confirmed that the Structural Root Zone and Tree Protection calculations of the applicant's arborist was correct, therefore the proposed level of encroachment into the Tree Protection Zone is considered minor given it is less than the 10% acceptable threshold.

It was concluded that no specific tree protection measures are required in this instance given the minor encroachments, with the existing boundary fence provided sufficient protection. *As the application was lodged prior to May 16th 2024 the development is assessed against the previous Regulated and Significant Tree legislation.*

Heritage Consultant

Councils Heritage Consultant review the proposed plans and noted that given the narrow allotment widths and that the addition is setback approximately 13m from the main frontage (20m from the street frontage), there are no heritage concerns with the proposed development as in perspective from the street the second storey addition will not 'loom over' or detract from the streetscape character. The lighter colours for the upper storey are also preferred to darker tones as this will also minimise how obvious the additions are.

RULES OF INTERPRETATION:

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **Planning & Design Code (the Code)**, which are found at the following link:

Planning and Design Code Extract

Demolition

Historic Area Overlay PO 7.3 states:

Buildings or elements of buildings that do not conform with the values described in the Historic Area Statement may be demolished.

To allow for the construction of the proposed dwelling addition the existing 1980's addition and outbuilding are to be demolished. The **Residential Compact Goodwood and Hyde Park Historic Area Statement (Un5)** includes eras from 1880 to 1930 and identifies dwelling styles such as Victorian, Turn of the Century single, double and attached cottages and villas and inter-war bungalows. The later dwelling addition does not conform to the values described in the **Historic Area Statement**. Additionally, the outbuilding is considered an ancillary structures that does not conform to the values described in the **Statement**.

As such all the later addition and outbuilding are supported to be demolished in accordance with **PO 7.3** of **Historic Area Overlay**

Dwelling Addition

Land Use

The subject site is located within the **Established Neighbourhood Zone** where the **Desired Outcome** (DO) and **Performance Outcome** (PO) are as follows:

DO 1 – Established Neighbourhood Zone

A neighbourhood that includes a range of housing types, with new buildings sympathetic to the predominant built form character and development patterns.

DO 2 – Established Neighbourhood Zone

Maintain the predominant streetscape character, having regard to key features such as roadside plantings, footpaths, front yards, and space between crossovers.

PO 1.1 – Established Neighbourhood Zone

Predominantly residential development with complementary non-residential activities compatible with the established development pattern of the neighbourhood.

The proposal seeks to construct a two storey dwelling addition. A dwelling is an envisaged form of development within the **Established Neighbourhood Zone** and in turn a dwelling addition is complementary to the established development pattern of the neighbourhood, satisfying the intent of **DO 1** and **PO 1.1** of the zone.

Design and Appearance

The **Desired Outcomes** and **Performance Outcomes** of the **Historic Area Overlay** and the **Established Neighbourhood Zone** seeks for new buildings to be sympathetic to the predominant built form character and streetscape within the locality. The proposal seeks to demolish the existing 1980's dwelling addition and construct a two-storey dwelling addition to the rear of the single fronted cottage finished with masonry brick, Scyon Axon cladding and aluminium battens. The dwelling addition is contemporary in style, which is in contrast with the existing villa on site.

Historic Area Overlay DO and PO's state:

DO 1 – Historic Area Overlay

Historic themes and characteristics are reinforced through conservation and contextually responsive development, design and adaptive reuse that responds to existing coherent patterns of land division, site configuration, streetscapes, building siting and built scale, form and features as exhibited in the Historic Area and expressed in the Historic Area Statement.

PO 1.1 – Historic Area Overlay

All development is undertaken having consideration to the historic streetscapes and built form as expressed in the Historic Area Statement.

PO 2.5 - Historic Area Overlay

Materials are either consistent with or complement those within the historic area.

PO 3.1 - Historic Area Overlay

Alterations and additions complement the subject building, employ a contextual design approach and are sited to ensure they do not dominate the primary façade.

PO 3.2 - Historic Area Overlay

Adaptive reuse and revitalisation of buildings to support retention consistent with the Historic Area Statement.

Established Neighbourhood Zone PO's state:

PO 4.1 – Established Neighbourhood Zone

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

PO 4.2 – Established Neighbourhood Zone

Additions and alterations do not adversely impact on the streetscape character.

The intent of the above-mentioned policies is to ensure that dwelling additions are contextually designed to complement the existing dwelling, ensuring that the primary façade and the streetscape are not adversely impacted.

Despite the contemporary style of the addition, the proposal is still considered to meet the intent of **PO 3.1** and **3.2** of **Historic Area Overlay** and **PO 4.1** and **4.2** of **Established Neighbourhood Zone** as the dwelling addition will be complementary, without replicating the historic characteristic of the cottage. The finished colours and materials of the proposed dwelling addition will be consistent and complementary with the finished colours of the original building stock fronting to Rogers Street and the use of lighter colours for the upper level will minimise the dominance of the additions when viewed from the public realm. Lastly, the contemporary addition provides a distinct delineation from the existing character dwelling, ensuring that the cottage clearly stands apart from the addition, whilst still having consideration for the features expressed in the **Historic Area Statement**.

Building Height, Scale and Streetscape

The representors raised concerns with the two-storey height of the dwelling. The proposal was altered dring the assessment reducing the wall and ridge height to 6m and 7.15m respectively.

Established Neighbourhood Zone PO 4.1 state:

PO 4.1 – Established Neighbourhood Zone

Buildings contribute to the prevailing character of the neighbourhood and complements the height of nearby buildings.

Although the corresponding **DPF 4.1** of the **Established Neighbourhood Zone** seeks a maximum building height of 5.7m and one building level, the proposed building height is acceptable in this instance given the small floor size of upper storey (52m²), the significant front and rear setbacks and the recessed side boundary setbacks of the upper storey walls. The building bulk and scale will not overwhelm the ground floor of the dwelling and will be a relatively minor building element when viewed from street level.

Whilst it is acknowledged that the upper level will be visible at some points when viewed from Rogers Street, the bulk and scale of the upper-level is not considered to detract from the streetscape which already contains three (3) two-storey developments along Rogers Street and two (2) that front to Albert Street.

For these reasons, the overall height and scale of the proposed dwelling will reasonably complement the height of nearby buildings and not detract from the prevailing character of the area, satisfying the intent of **PO 4.1** of the **Established Neighbourhood Zone**.

Setbacks

Historic Area Overlay and Established Neighbourhood Zone PO's states:

PO 2.4 - Historic Area Overlay

Development is consistent with the prevailing front and side boundary setback pattern in the historic area.

PO 7.1 – Established Neighbourhood Zone

Dwelling boundary walls and limited in height and length to manage visual and overshadowing impact on adjoining properties.

PO 8.1 – Established Neighbourhood Zone

Buildings are set back from side boundaries to provide:

- a) separation between buildings in a way that complements the established character of the locality;
- b) access to natural light and ventilation for neighbours.

PO 7.1 and **8.1** seek buildings to be offset from side boundaries to provide separation between buildings in a manner that complements the established character of the locality and manages visual and overshadowing impacts to adjoining properties. The corresponding **DPF's** seek for the proposed development to provide a minimum offset of 1m from side boundaries for the first building level and 3m for any second building level.

As discussed in the description of the development, the dwelling addition results in a boundary wall along the northern boundary. The boundary wall will be in a relatively similar location to the existing boundary wall, however extended by an additional 4.51m on the boundary. Overall, the boundary wall is limited in height and length and will predominantly abut a wall in close proximity to the common boundary between 6 and 8 Rogers Street reducing the visual impacts associated with boundary wall. As the boundary wall is sited on the northern boundary, all shadow impacts will be contained within the subject site.

While boundary development is not directly anticipated within the **Established Neighbourhood Zone**, it has been designed in a manner which is sympathetic to the streetscape and the Historic Character in accordance with **PO 7.1**.

With the exception of the boundary wall, the proposed addition will result in a setback from the northern boundary of 0.7m for first level and 1m for the second level. From the southern boundary the proposal will result in a 1m setback from the first level and a 1.9m setback from the second level, which do not satisfy **DPF 8.1** of the **Established Neighbourhood Zone**.

Although the quantitative requirements have not been satisfied, the reduced side boundary offsets are not considered to negatively impact adjoining properties nor the locality. The development has been designed with multiple articulations with varying setbacks from side boundaries and has been finished with differing materials between the lower and upper levels to provide some visual interest to adjoining properties reducing the bulk and scale of the proposal. The offset from side boundaries provides separation between buildings in a manner that is complementary to the established character of the locality. Lastly, the reduced upper storey setbacks maintain adjoining properties access to direct winter sunlight, to be discussed further below, in accordance with the Planning and Design Code.

For the reasons detailed above it has been considered that the proposed dwelling satisfies the intent of **PO 8.1** of **Established Neighbourhood Zone**.

Site Coverage

Established Neighbourhood Zone PO 3.1 states:

PO 3.1 - Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

The corresponding **DPF 3.1** seeks that development does not result in site coverage exceeding 50%. The proposed dwelling is to have a site coverage of 175m² which represents 58% of the subject site. The proposed site coverage exceeds the DPF by some 23m2.

Despite the increased site coverage, the proposed building footprint is generally consistent with the existing dwellings in Rogers Street that exceed the desired maximum of 50% site coverage. As to be discussed further below, the proposed development has provided an excess of private open space and soft landscaping from the desired minimums. In addition to this, the proposed development provides setbacks from boundaries consistent with the established development pattern and maintain adequate access to light and ventilation to neighbouring dwellings.

Given this, the proposed site coverage, whilst a departure from **DPF 3.1**, is consistent with the prevailing and emerging pattern of development and is considered to satisfy the intent of **PO 3.1** of the **Established Neighbourhood Zone**.

Overshadowing

General Development Policies – Interface between Land Uses PO 3.1 and PO 3.2 states:

PO 3.1 - Overshadowing of habitable room windows of adjacent residential land uses in:

- a) a neighbourhood-type zone is minimised to maintain access to direct winter sunlight;
- b) other zones is managed to enable access to direct winter sunlight.

PO 3.2 – Overshadowing of the primary area of private open space or communal open space of adjacent residential land uses in

- a) a neighbourhood type zone is minimised to maintain access to direct winter sunlight;
- b) other zones is managed to enable access to direct winter sunlight

With the corresponding **DPF's** seeking:

DPF 3.1 – North-facing windows of habitable rooms of adjacent residential land uses in a neighbourhood-type zone receive at least 3 hours of direct sunlight between 9:00am and 3:00pm on 21 June.

DPF 3.2 - Development maintains 2 hours of direct sunlight between 9.00 am and 3.00 pm on 21 June to adjacent residential land uses in a neighbourhood-type zone in accordance with the following:

- a) for ground level private open space, the smaller of the following:
 - *i.* half the existing ground level open space or
 - *ii.* 35m² of the existing ground level open space (with at least one of the area's dimensions measuring 2.5m)
- b) for ground level communal open space, at least half of the existing ground level open space.

Due to the east-west orientation of the subject land, shadows cast over the adjoining property to the south will be inevitable. Concerns regarding the extent of shadows from the proposed dwelling to adjoining properties was raised as a concern by the representors. The applicant provided overshadowing diagrams in both aerial and cross section form to demonstrate the extent of shadows cast over 10 Rogers Street, Goodwood. As seen in the cross-section shadow diagrams, refer to **Figure 2** below, the north facing windows to habitable rooms of 10 Rogers Street, Goodwood will receive 3hrs of direct sunlight between 9am and 12pm.

Figure 2: Cross-Section overshadowing diagrams



WINTER SHADOW JUNE 21 AT 9AM

Additionally, the proposal will ensure that over 60m² of the private open space to 10 Rogers Street, Goodwood will maintain access to direct winter sunlight between 12pm and 3pm during the winter solstice.

The proposed development is not considered to impede on the adjoining properties access to direct winter sunlight and it is considered to meet PO 3.1 & 3.2 of General Development Policies – Interface between Land Uses.

Overlooking

PO 10.1 and 10.2 of the General Development Policies – Design in Urban Areas seek:

PO 10.1 - Development mitigates direct overlooking from upper-level windows to habitable rooms and private open spaces of adjoining residential uses in neighbourhood-type zones.

PO 10.2 - Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

All three representors raised concerns regarding the loss of privacy due to the location and potential views from the upper-level windows and the rear facing balcony. The upper-level windows fronting to northern side boundary will be obscured to a height of 1.5m above the Finished Floor Level, to reduce the potential for overlooking to adjoining properties habitable rooms and private open space.

The corresponding **DPF 10.2(b)** states:

DPF 10.2(b) - all sides of balconies or terraces on upper building levels are permanently obscured by screening with a maximum 25% transparency/openings fixed to a minimum height of:

- *i.* 1.5*m* above finished floor level where the balcony is located at least 15 metres from the nearest habitable window of a dwelling on adjacent land; or
- *ii.* 1.7*m* above finished floor level in all other cases

In addition to obscuring the upper-level windows and in response to the concerns raised by the representors, the applicant provided additional plans and renders of the balcony screening. The aluminium battens will be 50mm in width with 15mm gaps resulting in 23% transparency satisfying the quantitative measures of **DPF 10.2(b)**. The Planning and Design Code seeks to mitigate, meaning to lessen or make less severe, direct overlooking to adjoining residential uses which has been achieved by the proposed development.

The proposal satisfies the intent PO 10.1 and PO 10.2 of Design in Urban Areas.

Soft Landscaping

PO 22.1 of the General Development Policies – Design in Urban Areas seek:

PO 22.1 - 'Soft landscaping is incorporated into development to:

- (a) minimise heat absorption and reflection
- (b) contribute shade and shelter
- (c) provide for stormwater infiltration and biodiversity
- (d) enhance the appearance of land and streetscapes.'

The corresponding **DPF** identifies that a dwelling with a site area between 201 – 450m² should provide a minimum of 20% of soft landscaping on site, including a minimum 30% of the land between the primary street boundary and the primary building line with soft landscaping. The proposed development has provided 20% of the site with areas for soft landscaping, with 60% of the area forward of the building line. The inclusion of areas for soft landscaping will enhance the appearance of the land, minimise heat absorption and allow for stormwater infiltration satisfying the intent of **PO 22.1** of **Design in Urban Areas**.

Private Open Space

PO 21.1 and 21.2 of the General Development Policies – Design in Urban Areas seek:

PO 21.1: Dwellings are provided with suitable sized areas of usable private open space to meet the needs of occupants.

PO 21.2: Private open space is positioned to provide convenient access from internal living areas.

The corresponding DPF sates:

DPF 21.1 - Private open space is provided in accordance with Design in Urban Areas Table 1 - Private Open Space.

Table 1 seeks that sites that exceed 301m² provide a minimum of 60m² of private open space. The proposed dwelling will be provided with approximately 56m² of private open space, sited to the rear of the proposed dwelling and directly accessible from the kitchen, meals and living area with an additional 6m² of Private Open Space to the upper-level balcony, accessible from the Master Bedroom. Overall, the dwelling is provided with over 60m² of Private Open space that is of a size that it is considered functional and useable for the residents of the dwellings satisfying the intent of **PO 21.1** and **PO 21.2** of **General Development Policies – Design in Urban Areas**.

Tree damaging activity

PO 1.1, PO 1.3 and 2.1 of Regulated and Significant Tree Overlay seek:

PO 1.1 – Regulated trees are retained where they:

- a) make an important visual contribution to local character and amenity
- b) are indigenous to the local area and listed under the National Parks and Wildlife Act 1972 as a rare or endangered native species
- c) provide an important habitat for native fauna.

PO 2.1 -Regulated and significant trees, including their root systems, are not unduly compromised by excavation and / or filling of land, or the sealing of surfaces within the vicinity of the tree to support their retention and health.

A representor raised concerns regarding the potential for tree-damaging activity to the regulated *Corymbia Citriodora (Lemon Scented Gum)* located on 10 Rogers Street, Goodwood. The proposed development results in an 8% encroachment within the Tree Protection Zone of Lemon Scented Gum which is a minor encroachment given the 10% acceptable threshold. A condition re-enforcing tree protective measures as well as an advisory note regarding the pruning of the regulated tree will be applied to the development.

Civil Matters

One of the representors raised concerns regarding the use of the right of way as well as the noise emitted during construction of the dwelling addition. Through informal discussions with the representor Council have advised that the matters of the Right of Way are Civil, however Council requested that the plans are altered to show that no further work / structures are sited within the Right of Way.

Lastly, construction noise will be managed through the *Environment Protection (Commercial and Industrial Noise) Policy 2023 (Noise Policy)* which go beyond the Planning Assessment.

CONCLUSION

Whilst the development does not satisfy some of the Designated Performance Features set out within the relevant Performance Outcomes, these shortfalls are not considered to be detrimental to the established pattern of development within the locality.

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered to satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- On balance the proposed development satisfies the relevant Performance Outcomes of the Established Neighbourhood Zone, Overlays and General Development Policies;
- The dwelling has been articulated to reduce the bulk and scale when viewed from adjoining sensitive receivers;
- The dwelling's use of materials and finished colours is complementary to the streetscape;
- The dwelling addition has been designed in a manner that maintains the character of the existing dwelling and the historic streetscape, whilst making the dwelling more conducive to contemporary living; and
- Direct overlooking from upper-level habitable rooms windows and balcony has been appropriately mitigated.

RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

- 1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
- 2. Development Application Number 24008592, by Lisa Rickard is granted Planning Consent subject to the following reasons/conditions/reserved matters:

CONDITIONS

Planning Consent

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

Condition 2

The materials used on the external surfaces of the building and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times to the satisfaction of Council.

Condition 3

All stormwater from the building and site shall be disposed of so as not to adversely affect any properties adjoining the site or the stability of any building on the site. Stormwater shall not be disposed of over a crossing place.

Condition 4

The permanently fixed obscure glazing as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the commencement of use of the building. The permanently fixed obscure glazing must be maintained in good condition and must be maintained as effective privacy controls thereafter.

Condition 5

The permanently fixed obscure balcony balustrading as shown on the approved plans and elevation drawings forming part of this consent, must be installed prior to the commencement of use of the building. The permanently fixed obscure balcony balustrading must be maintained in good condition and must be maintained as effective privacy controls thereafter.

Condition 6

The establishment of all landscaping shall occur no later than the next available planting season after substantial completion of the development. Such landscaping shall be maintained in good health and condition to the reasonable satisfaction of Council at all times. Any dead or diseased plants or trees shall be replaced with a suitable species.

Condition 7

A watering system shall be installed at the time landscaping is established and thereafter maintained and operated so that all plants receive sufficient water to ensure their survival and growth.

Condition 8

Tree Protection Zones shall be provided for the Regulated tree on the adjoining site that is to be retained. The development must be undertaken in accordance with Appendix E – Tree Protection Zone Guidelines, Tree Protection Zone General Specifications and Guidelines, protective fencing, other protection measures, installation of scaffolding within Tree Protection Area, Ground Protection, Paving Construction within a Tree Protection Zone as recommended within the Arboricultural Impact Assessment and Development Impact Report prepared by Arborman Tree Solutions, dated 21 June 2024.

Additionally:

- Nothing shall be attached to the canopy of the trees by any means;
- All underground services, such as but not limited to, storm water, sewer, water, telecom, NBN, electrical, gas, etc. are to be located outside of the TPZ or if sited within the TPZ all trenching excavation must be conducted using hydro-vac (or alternative tree sensitive techniques) under consultation with the projects arborist;
- Arboricultural supervision during demolition works within the TPZ and SRZ; and
- Existing boundary fence post holes are used with no additional post holes being located within the SRZ or TPZ.

ADVISORY NOTES

Planning Consent

Advisory Note 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.

Advisory Note 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.

Advisory Note 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.

Advisory Note 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).

Advisory Note 5

The development (including during construction) must not at any time emit noise that exceeds the relevant levels derived from the *Environmental (Noise) Policy 2007*.

Advisory Note 6

The applicant is reminded of the requirements of the Fences Act 1975. Should the proposed works require the removal, alteration or repair of an existing boundary fence or the erection of a new boundary fence, a 'Notice of Intention' must be served to adjoining owners. Please contact the Legal Services Commission for further advice on 1300 366 424 or refer to their web site at www.lsc.sa.gov.au.

Advisory Note 7

It is recommended that as the applicant is undertaking work on or near the boundary, the applicant should ensure that the boundaries are clearly defined, by a Licensed Surveyor, prior to the commencement of any building work.

Advisory Note 8

That any damage to the road reserve, including road, footpaths, public infrastructure, kerb and guttering, street trees and the like shall be repaired by Council at full cost to the applicant.

Advisory Note 9

You are advised that it is an offence to undertake *tree damaging activity* in relation to a regulated or significant tree without the prior consent of Council. *Tree damaging activity* means:

- The killing or destruction of a tree; or
- The removal of a tree; or
- The severing of branches, limbs, stems or trunk of a tree; or
- The ringbarking, topping or lopping of a tree; or
- Any other substantial damage to a tree, (including severing or damaging any roots),

and includes any other act or activity that causes any of the foregoing to occur but does not include maintenance pruning that is not likely to affect adversely the general health and appearance of a tree.

OFFICER MAKING RECOMMENDATION

Name: Amelia De Ruvo

- Title: Senior Planning Officer
- Date: 15 October 2024

ATTACHMENT 1

	DOCUMENTATION SCHEDULE				
Pg	DRAWING	SCALE	STATUS	CREATED	AMENDED
01	CONTENT PAGE	N/A		20.03.2024	30.09.2024
02	LOCATION PLAN	N/A		20.03.2024	30.09.2024
03	EXISTING SITE PLAN	1:200 on A3		20.03.2024	30.09.2024
04	DEMOLITION PLAN	1:100 on A3		20.03.2024	30.09.2024
05	EXISTING ROOF PLAN	1:100 on A3		20.03.2024	30.09.2024
06	EXISTING ELEVATIONS	1:100 on A3		20.03.2024	30.09.2024
07	PROPOSED SITE PLAN	1:200 on A3		20.03.2024	30.09.2024
08	LANDSCAPE PLAN	1:200 on A3		20.03.2024	30.09.2024
09	GROUND FLOOR PLAN	1:100 on A3		20.03.2024	30.09.2024
10	UPPER FLOOR PLAN	1:100 on A3		20.03.2024	30.09.2024
11	ROOF PLAN	1:100 on A3		20.03.2024	30.09.2024
12	ELEVATIONS	1:100 on A2		20.03.2024	30.09.2024
13	BALCONY SCREEN DETAIL	AS SHOWN on A3		12.09.2024	30.09.2024
14	MATERIAL SCHEDULE	N/A		20.03.2024	30.09.2024
15	PERSPECTIVES	N/A		20.03.2024	30.09.2024
16	PERSPECTIVES	N/A		20.03.2024	30.09.2024
17	PERSPECTIVES	N/A		20.03.2024	30.09.2024
18	SHADOW DIAGRAMS PROPOSED	1:500 on A3		13.05.2024	30.09.2024
19	SHADOW DIAGRAMS EXISTING	1:500 on A3		26.06.2024	30.09.2024
20	SHADOW ANALYSIS PROPOSED	N/A		26.06.2024	30.09.2024
21	SHADOW ANALYSIS EXISTING	N/A		26.06.2024	30.09.2024
22	SHADOW COMPARISON	1:500 on A3		24.07.2024	30.09.2024



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	ALL DRAWINGS COPYRIGHT TO CLEMENTS ARCHITECTURE
)	CONTRACTORS MUST VERIFY AL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS

LL	SITE BREAKDOWN m EXISTING HOUSE - REWORKED NEW GROUND LEVEL NEW OUTDOOR LIVING NEW UPPER FLOOR
	NEW UPPER BALCONY

DOWN m ² USE D LEVEL OR LIVING FLOOR BALCONY	12.60	

84.50 76.50 14.00 46.00	TOTAL SITE TOTAL BUILT COVERAGE (including verandahs)	303.00 175.00 57.00%
7.00 228.00	PRIVATE OPEN SPACE	60.00 20.00%

303.00

CLEMENTS ARCHITECTURE

CLIENT

RUTGER + SOPHIE ADDRESS 8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034 PROPOSAL ALTERATION & ADDITION

DRAWING SCALE DRAWN BY DRAWING COMMENCED 20.03.2024

LOCATION PLAN N/A on A3 LR

CURRENT DRAWING ISSUED:

30.09.2024



PRIVATE OPEN SPACE 60.00 20.00%

228.00

TOTAL STRUCTURES

ARCHITECTURE

EXISTING SITE PLAN 1:200 on A3 LR DRAWING COMMENCED 20.03.2024

CURRENT DRAWING ISSUED: 30.09.2024



84.50

76.50 14.00 46.00 7.00

228.00

12.60

TOTAL STRUCTURES

TOTAL BUILT COVERAGE (including verandahs)

PRIVATE OPEN SPACE 60.00 20.00%

175.00 57.00%



CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS

ADDRESS

CLE<u>MENTS</u>

ARCHITECTURE

DEMOLITION PLAN 1:100 on A3 LR DRAWING COMMENCED 20.03.2024

CURRENT DRAWING ISSUED: 30.09.2024



PRIVATE OPEN SPACE 60.00 20.00%

228.00

TOTAL STRUCTURES

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EXISTING ROOF PLAN 1:100 on A3 LR DRAWING COMMENCED 20.03.2024

PROPOSAL ALTERATION & ADDITION

CLEMENTS

ARCHITECTURE

CURRENT DRAWING ISSUED: 30.09.2024





DRAWING	SITE PLAN
SCALE	1:200 on A3
DRAWN BY	LR
DRAWING COMMENCED	20.03.2024

PROPOSAL ALTERATION & ADDITION

CLEMENTS

ARCHITECTURE

PRIVATE OPEN SPACE 60.00 20.00%

228.00

TOTAL STRUCTURES

CURRENT DRAWING ISSUED:

30.09.2024



PLANNING SET F 27

CURRENT DRAWING ISSUED: 30.09.2024



DEEMED TO SATISEY LANDSCAPING REQUIREMENTS TOTAL SITE = 303m2 (261m2 excl. RIGHT OF WAY)				
SIZE	ELEMENT			
48sqm 33sqm (68%) 15sqm (31%) 45.0sqm (23%)	TOTAL FRONT YARD NON PERMEABLE SURFACES (FRONT) PERMEABLE SURFACES (FRONT) TOTAL ONSITE LANDSCAPING			



ł	1,800	2,660	
+	1,800	1,000 / 1,660	-
*	1,800	1,000 × 1,660	_
*	1,800	, 1,000 / 1,660	-



CURRENT DRAWING ISSUED:

30.09.2024



84.50

76.50 14.00 46.00 7.00

228.00

12.60

TOTAL STRUCTURES

TOTAL BUILT COVERAGE (including verandahs)

PRIVATE OPEN SPACE 60.00 20.00%

175.00 57.00%



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CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS



R

UPPER FLOOR PLAN 1:100 on A3 LR DRAWING COMMENCED 20.03.2024

8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034

PROPOSAL ALTERATION & ADDITION

SCALE

DRAWN BY

ADDRESS

CLE<u>MENTS</u>

ARCHITECTURE

CURRENT DRAWING ISSUED:

30.09.2024



OF PLAN		
00 on A3		
3.2024		

CURRENT DRAWING ISSUED:

30.09.2024



RUTGER + SOPHIE ADDRESS 8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034 PROPOSAL ALTERATION & ADDITION

ELEVATIONS DRAWING SCALE 1:100 on A2 DRAWN BY LR DRAWING COMMENCED 20.03.2024

CURRENT DRAWING ISSUED: 30.09.2024





ALL DRAWINGS COPYRIGHT TO CLEMENTS ARCHITECTURE
CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS

SITE BREAKDOWN M ²	
EXISTING HOUSE - REWORKED NEW GROUND LEVEL NEW OUTDOOR LIVING NEW UPPER FLOOR NEW UPPER BALCONY	12.60

TOTAL STRUCTURES

	TOTAL SITE	303.00
84.50	TOTAL BUILT	175.00
76.50 14.00 46.00	COVERAGE (including verandahs)	57.00%
7.00	PRIVATE OPEN SPACE	60.00
228.00		20.00%



303.00



CLIENT RUTGER + SOPHIE 8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034 ADDRESS PROPOSAL ALTERATION & ADDITION DRAWING SCALE DRAWN BY DRAWING COMMENCED 20.03.2024

N 50x10mm \$	50x10mm SLATS FLAT				
NGLE (Degree)	GAP (MM)	PERMEABILITY LEVEL %			
) (FLAT)	15.00	23.00			

BALCONY SCREENING ANALYSIS AS SHOWN on A3 LR

CURRENT DRAWING ISSUED:

30.09.2024



KEY	TYPE+FINISH		
1	WALL TYPE 1	PGH BRICK	CENIZA OR SIM
2	WALL TYPE 2	SCYON AXON CLADDING 400 SMOOTH	NATURAL WHI
3	POSTS	POWDERCOATED CHS	WHITE OR SIM
4	WINDOW+DOOR FRAMES	POWDERCOATED ALUMINIUM FRAMES	WHITE OR SIM
5	ROOF TYPE 1	COLORBOND CORRUGATED ROOF SHEETING	COLOUR: TO M
6	BATTENS + BALUSTRADE	POWDERCOATED ALUMINIUM OR SIMILAR	WHITE OR SIM
7	OUTDOOR LIVING	EXPOSED CONCRETE AGGREGATE	COLOUR: HALI

ALL DRAWINGS COPYRIGHT TO CLEMENTS ARCHITECTURE CONTRACTORS MUST VERIEY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS	SITE BREAKDOWN m ² EXISTING HOUSE - REWORKED NEW GROUND LEVEL NEW OUTDOOR LIVING NEW UPPER FLOOR NEW UPPER BALCONY	12.60 84.50 76.50 14.00 46.00 7.00	TOTAL SITE TOTAL BUILT COVERAGE (including verandahs) PRIVATE OPEN SPACE	303.00 175.00 57.00%	C L E M E N T S	CLIENT ADDRESS PROPOSAL	RUTGER + SOPHIE 8 ROGERS STREET GODWOOD SOUTH AUSTRALIA 5034 ALTERATION & ADDITION	DRAWING SCALE DRAWN BY DRAWING COMMENCE	N L ED 2
	TOTAL STRUCTURES	228.00		20.00%	ARCHITECTURE				





ALL DRAWINGS COPYRIGHT TO CLEMENTS ARCHITECTURE CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO COMMENCING ANY WORK OR PREPARING SHOP DRAWINGS

SITE BREAKDOWN m ² EXISTING HOUSE - REWORKED NEW GROUND LEVEL NEW OUTDOOR LIVING NEW UPPER FLOOR NEW UPPER BALCONY	12.6
TOTAL STRUCTURES	

	TOTAL SITE	303.00
84.50	TOTAL BUILT	175.00
76.50 14.00 46.00 7.00	COVERAGE (including verandahs)	57.00%
1.00	PRIVATE OPEN SPACE	60.00 20.00%
~~~~		

303.00



CLIENT RUTGER + SOPHIE 8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034 ADDRESS PROPOSAL ALTERATION & ADDITION

DRAWING SCALE DRAWN BY DRAWING COMMENCED 20.03.2024

PERSPECTIVES N/A on A3 LR

CURRENT DRAWING ISSUED:

30.09.2024




#### PROPOSED



ARCHITECTURE

PRIVATE OPEN SPACE 60.00 20.00%

228.00

TOTAL STRUCTURES

DRAWING COMMENCED 20.03.2024

CURRENT DRAWING ISSUED:

PLANNING SET F 37

#### EXISTING



SUMMER SHADOW DECEMBER 21 AT 9AM



# WINTER SHADOW JUNE 21 AT 9AM



SUMMER SHADOW DECEMBER 21 AT 12PM



# WINTER SHADOW JUNE 21 AT 12PM





NORTH /	ALL DRAWINGS COPYRIGHT	SITE BREAKDOWN m ²		TOTAL SITE	303.00	~~~	CLIENT	RUTGER + SOPHIE	DRAWING
$\square$	TO CLEMENTS ARCHITECTURE	EXISTING HOUSE - REWORKED	12.60 84.50	TOTAL BUILT	175.00		ADDRESS	8 ROGERS STREET	SCALE
	CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE PRIOR TO	NEW GROUND LEVEL NEW OUTDOOR LIVING	76.50 14.00 46.00	(including verandahs)	57.00%			SOUTH AUSTRALIA 5034	DRAWN BY
	PREPARING SHOP DRAWINGS	NEW UPPER BALCONY	7.00	PRIVATE OPEN SPACE	60.00	CLEMENTS	PROPOSAL	ALTERATION & ADDITION	DRAWING COM
$\rightarrow$		TOTAL STRUCTURES	228.00		20.00%	ARCHITECTURE			

# WINTER SHADOW JUNE 21 AT 3PM

SHADOW ANALYSIS - EXISTING

1:500 on A3 LR

IMENCED 20.03.2024

CURRENT DRAWING ISSUED: 30.09.2024

PLANNING SET F 38



IEW GROUND LEVEL IEW OUTDOOR LIVING IEW UPPER FLOOR IEW UPPER BALCONY	76.50 14.00 46.00 7.00	COVERAGE (including verandahs) PRIVATE OPEN SPACE
OTAL STRUCTURES	228.00	

**60.00** 20.00%

C L E <u>M E N T S</u> ARCHITECTURE

8 ROGERS STREET GOODWOOD SOUTH AUSTRALIA 5034 ADDRESS PROPOSAL ALTERATION & ADDITION SCALE DRAWN BY DRAWING COMMENCED 20.03.2024

NTS on A3 LR

**PLANNING SET F** <u>39</u>





SCALE DRAWN BY DRAWING COMMENCED 20.03.2024



41



# Arboricultural Impact Assessment and Development Impact Report

Site: 8 Rogers Street, Goodwood

Date: Friday, 21 June 2024

ATS7717-008RogStDIR



# Contents

Executive Summary	1
Brief	2
Documents and Information Provided	2
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Assessment	5
Tree Assessment	5
Legislative Assessment	5
Retention Assessment	6
Encroachment and Impact Assessment	6
Conclusion	7
Recommendation	7
Tree Protection	7
Tree Protection	8
Definitions	9
References	9

Appendix A - Tree Assessment Methodology
Appendix B - Tree Assessment Findings
Appendix C - Mapping
Appendix D - Tree Assessment Summary
Appendix E - Tree Protection Zone Guidelines

Report Reference Number: ATS7717-008RogStDIR

Report prepared for Lisa Rickard, Clements Architecture

Author Tom Richardson, Consulting Arborist, Arborman Tree Solutions Pty Ltd



# **Executive Summary**

Arborman Tree Solutions has assessed the two identified trees at and adjacent to 8 Rogers Street, Goodwood. The assessment has identified the potential impacts to the trees from the proposed development and supporting infrastructure and recommended mitigation strategies where appropriate. The proposal involves an addition to the rear of the existing dwelling. This assessment provides recommendations in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites* (AS4970-2009).

The assessment considered two trees which are identified as *Corymbia variegata* (Northern Spotted Gum), Tree 1, and *Hymenosporum flavum* (Native Frangipani), Tree 2. These trees have been planted as part of the landscaping of the area. Both are considered to be in Good overall condition and have adapted to their local environment with long life expectancies.

The growing environment of the trees includes the landscaped garden and lawn areas of the residential allotments.

Tree 1 is a Significant tree as defined in the *PDI Act 2016* and the *Planning and Design Code (Regulated and Significant Tree Overlay)*. Tree 2 is within three metres of an existing dwelling and is therefore Exempt from control under the *PDI Act 2016*. Significant trees should be preserved if they meet aesthetic and/or environmental criteria as described in the *Planning and Design Code (Regulated and Significant Tree Overlay)*. When assessed against the relevant 'Desired Outcomes', 'Performance Outcomes' and 'Designated Performance Features', Tree 1 is considered to provide aesthetic and/or environmental benefit of good quality but not at a level that would be considered 'important' which would warrant its protection.

The Arboricultural Impact Assessment has identified that only Tree 2 in the area of the proposed development requires removal to facilitate development. As an Exempt tree with a Moderate Retention Rating, its removal is reasonable. The remaining Significant tree, Tree 1, in the neighbouring allotment will not be negatively impacted; the encroachment is less than 10% of the TPZ area and therefore it is highly unlikely that the proposed works will impact on the viability of this tree.

Whilst the viability of the subject tree is unlikely to be impacted by the proposed works there is a potential for incidental damage and as such, Tree Protection is recommended as part of this construction.

Arborman Tree Solutions was engaged by Clements Architecture to undertake an Arboricultural Impact Assessment and provide a Development Impact Report for the identified trees at 8 Rogers Street, Goodwood. The purpose of the Arboricultural Impact Assessment and Development Impact Report is to identify potential impacts the proposed development will have on the trees and provide mitigation strategies to minimise the impact where appropriate.

The proposed development includes an addition to the rear of the existing dwelling. This assessment will determine the potential impacts the proposal may have on the identified trees within and adjacent the site and recommend impact mitigation strategies in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites* (AS4970-2009) for trees to be retained.

In accordance with section 2.2 of the AS4970-2009 the following information is provided:-

- > Assessment of the general condition and structure of the subject trees.
- Identification of the legislative status of trees on site as defined in the Planning, Development and Infrastructure Act 2016 (PDI Act 2016), the Native Vegetation Act 1991.
- > Identify and define the Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) for each tree.
- Identify potential impacts the development may have on tree health and/or stability.
- > Recommend impact mitigation strategies in accordance with AS4970-2009 for trees to be retained.
- > Provide information in relation to the management of trees.

# **Documents and Information Provided**

The following information was provided for the preparation of this assessment:-

- Email instruction on Scope of Works.
- Design Drawings.
- Associated documents:
  - 🔒 8 Rogers Street Planning Set A
  - ☑ FW_ Quote 8 Rogers Street_ Goodwood
  - Page 8 of Planning Set A
  - 🗠 Quote 8 Rogers Street_ Goodwood
  - Request for Information Application 24008592 Planning Consent[63] copy





## Site Location

The trees are located in the rear garden of 8 Rogers Street, Goodwood and the neighbouring property at 10 Rogers Street, Goodwood.



Figure 1: Site Location - 8 Rogers Street, Goodwood



# Methodology

The proposed design was reviewed in association with the information supplied in the Design Drawings and CAD files as provided by Clements Architecture.

The potential impact of the proposed works on tree condition is considered in accordance with the guidelines in AS4970-2009 *Protection of trees on development sites* (AS4970-2009). When determining potential impacts of an encroachment into a Tree Protection Zone (TPZ), the following should be considered as outlined in AS4970-2009 section 3.3.4 *TPZ encroachment considerations:*-

- a) Location of roots and root development.
- b) The potential loss of root mass from the encroachment.
- c) Tree species and tolerance to root disturbance.
- d) Age, vigour and size of the tree.
- e) Lean and stability of the tree.
- f) Soil characteristics and volume, topography, and drainage.
- g) The presence of existing or past structures or obstacles affecting root growth.
- h) Design factors.

The impacts on a tree can be varied and are not necessarily consistent with or directly corelated to a particular level of encroachment, to assist in providing consistency the levels of impact have been classified into the following categories:-

No Impact -	no encroachment into the TPZ has been identified.
-------------	---------------------------------------------------

- Low <10% the identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.
- Low >10% the identified encroachment is greater than 10% of the TPZ area however there are factors that indicate the proposed development will not negatively impact tree viability.
- High >10% the identified encroachment is greater than 10% of the TPZ area and factors are present that indicate the proposed development will negatively impact tree viability. The impact is likely to lead to the long-term decline of the tree, however it is unlikely to impact on its short-term stability.
- Conflicted the identified encroachment is greater than 10% of the TPZ area and in most cases will also impact the Structural Root Zone (SRZ) and/or the trunk. There are factors present that indicate the proposed development will negatively impact tree viability to the point where its removal is required as part of the development.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'Low' have features or considerations identified in clauses in AS4970-2009 3.3.4 *TPZ encroachment considerations* which indicate these trees will be sustainable.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'High' do not have any features or considerations identified in clauses in AS4970-2009 3.3.4 and therefore alternative design solutions, additional root investigations and/or tree sensitive construction measures are required if the tree is to be retained. Where alternative protection methodologies are not available tree removal may be required to accommodate the development.

Trees with an Impact identified as 'Conflicted' are impacted over the majority of their root zone and/or over the SRZ or on the trunk, additional root investigations or tree sensitive construction measures are not available, and the only option is alternative designs or tree removal.

Regulatory Status, Tree Protection Zones and Development Impacts are shown in Appendix B.



### Assessment

Arborman Tree Solutions has assessed the two identified trees at and adjacent to 8 Rogers Street, Goodwood. The assessment has identified the potential impacts to the trees from the proposed development and supporting infrastructure and recommended mitigation strategies where appropriate. The proposal involves an addition to the rear of the existing dwelling. This assessment provides recommendations in accordance with Australian Standard AS4970-2009 *Protection of trees on development sites* (AS4970-2009).

#### Tree Assessment

The assessment considered two trees which are identified as *Corymbia variegata* (Northern Spotted Gum), Tree 1, and *Hymenosporum flavum* (Native Frangipani), Tree 2. These trees have been planted as part of the landscaping of the area. Both are considered to be in Good overall condition and have adapted to their local environment with long life expectancies.

The growing environment of the trees includes the landscaped garden and lawn areas of the residential allotments.

Botanic Name	Common Name	Number of Trees	Origin	Tree Numbers
Corymbia variegata	Northern Spotted Gum	1	Native	1
Hymenosporum flavum	Native Frangipani	1	Native	2

Findings on individual tree health and condition are presented in Appendix B - Tree Assessment Findings.

*Corymbia variegata* (Northern Spotted Gum) is very closely related to *Corymbia citriodora* and has previously been categorised as a sub species. It shares many similarities as *Corymbia citriodora* but lacks the obvious and distinct lemon scent, both populations overlap in their natural range of New South Wales and Queensland. It is a fast-growing species and well suited to parks and large gardens where it can reach its full potential.

*Hymenosporum flavum* (Native Frangipani). Pittosporaceae is the only Australian species of Hymenosporum and it is closely related to the Pittosporum genus, which it resembles in certain aspects. It is native to the coastal forests of Eastern Australia. It is a quick growing small evergreen, which is easily cultivated but requires copious watering in the early stages. It is not particular as to which soils and grows quite successfully in the cooler temperate climates of Melbourne and Adelaide. It is susceptible to strong winds and is best planted among other trees where it can receive their protection.

#### Legislative Assessment

Tree 1 is a Significant tree as defined in the *PDI Act 2016* and the *Planning and Design Code (Regulated and Significant Tree Overlay)*. Tree 2 is within three metres of an existing dwelling and is therefore Exempt from control under the *PDI Act 2016*. Significant trees should be preserved if they meet aesthetic and/or environmental criteria as described in the *Planning and Design Code (Regulated and Significant Tree Overlay)*. When assessed against the relevant 'Desired Outcomes', 'Performance Outcomes' and 'Designated Performance Features', Tree 1 is considered to provide aesthetic and/or environmental benefit of good quality but not at a level that would be considered 'important' which would warrant its protection. Tree 1 is however a third part asset and requires protection regardless of legislative status.

#### **Retention Assessment**

Trees that provide important environmental and/or aesthetic contribution to the area, are in good condition scored a High Retention Rating and conservation of these trees is encouraged. Trees that score a Moderate Retention Rating provide a level of environmental and/or aesthetic benefit, however not to an important level; these trees should be retained if they can be adequately protected. Trees identified as not suitable for retention or attained a Low Tree Retention Rating, displayed one or a number of the following attributes:-

- a) provide limited environmental/aesthetic benefit,
- b) short lived species,
- c) represent a material risk to persons or property,
- d) identified as causing or threatening to cause substantial damage to a structure of value,
- e) limited Useful Life Expectancy, and
- f) young and easily replaced.

Both trees are considered to be suitable for retention as they Moderate Retention Rating. The one Significant tree, Tree 1, that scored a that scored a Moderate rating, whilst partially meeting criteria within *the PDI Act 2016* does not do so to a level that identifies it as an important tree; however, it is worthy of consideration for retention if it can be adequately protected in an otherwise reasonable and expected development.

**Note**: There are no trees on site that are identified as 'Special Value' trees due to their cultural or environmental value that would override their retention rating.

#### Encroachment and Impact Assessment

Within AS4970-2009, relevant information is provided to assist with determining the impact on trees when developing in close proximity to them. Any tree that requires protection should be retained whilst remaining viable during and post development. Further guidance on how to suitably manage any proposed or encountered encroachments is identified in AS4970-2009. When assessing potential impacts, a Tree Protection Zone (TPZ) and Structural Root Zone (SRZ) are the principle means of protecting a tree and are provided in accordance with AS4970-2009 section 1.4.5 and 3.2. This standard has been applied to ensure trees identified for retention remain viable and the redevelopment is achievable.

The encroachment for the subject tree is less than 10% of the TPZ area and does not impact the SRZ, this type of encroachment is recognised as 'Minor' as defined in AS4970-2009 (See Appendix C - Mapping). This level of encroachment results in No or Low Impact and additional root investigations are not required, warranted and have not been recommended in this instance.

The encroachment for Tree 2 is within the proposed building footprint, it cannot be sustained and is therefore considered to be Conflicted by the proposed development.

Impact Number of Trees		Tree Numbers
Conflicted	1	2
Low	1	1

#### Table 2 - Development Impact



## Conclusion

The Arboricultural Impact Assessment has identified that only Tree 2 in the area of the proposed development requires removal to facilitate development. As an Exempt tree with a Moderate Retention Rating, its removal is reasonable. The remaining Significant tree, Tree 1, in the neighbouring allotment will not be negatively impacted the encroachment is less than 10% of the TPZ area and therefore highly unlikely that the proposed works will impact on the viability of this tree.

#### **Recommendation**

#### Tree Protection

Whilst the viability of the subject tree is unlikely to be impacted by the proposed works, there is a potential for incidental damage and as such, Tree Protection is recommended as part of this construction.

The following is recommended as a minimum:-

- 1. Ensure all work requirements/activities in the vicinity of these trees are discussed and designed in consultation with the Project Arborist, i.e. no machinery operation in the vicinity of the trees without a Tree Protection Plan.
- 2. A Tree Protection Zone fence is to be erected to ensure access to the remaining garden area is restricted for the purpose of preventing the storage of any chemicals or pollutants. The fence is to be installed prior to the commencement of all other site works including demolition.
- 3. If machinery access is required within the TPZ, ground protection is to be installed in consultation with the Project Arborist to ensure tree roots are not damaged.

These recommendations have been provided to ensure the balance between development and arboricultural management have been addressed and considered. If the recommendations are followed and adhered to the subject trees will not be negatively impacted by this proposal.

Thank you for the opportunity to provide this report. Should you have any questions or require further information, please contact me and I will be happy to be of assistance.

Yours sincerely,

TOM RICHARDSON Consulting Arborist Diploma of Arboriculture – AHC50516 VALID Tree Risk Assessment (VALID) Native Vegetation Council Trained Arborist ISA – Tree Risk Assessment Qualification





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## **Tree Protection**

Figure 2: Showing indicative position of fencing or barrier to prevent storage of materials, chemicals during construction phase.



# Definitions

Circumference:	trunk circumference measured at one metre above ground level. This measurement is used to determine the status of the tree in relation to the <i>Planning, Development and Infrastructure Act 2016</i> ( <i>PDI Act 2016</i> ).			
Diameter at Breast Height:	trunk diameter measured at 1.4 metres above ground level used to determine the Tree Protection Zone as described in Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> .			
Diameter at Root Buttress:	trunk diameter measured just above the root buttress as described in Australian Standard AS4970-2009 <i>Protection of trees on development sites</i> and is used to determine the Structural Root Zone.			
Tree Damaging Activity:	Tree damaging activity includes those activities described within the <i>Planning, Development and Infrastructure Act 2016 (PDI Act 2016),</i> such as removal, killing, lopping, ringbarking or topping or any other substantial damage such as mechanical or chemical damage, filling or cutting of soil within the TPZ. Can also include forms of pruning above and below the ground.			
Tree Protection Zone (TPZ):	area of root zone that should be protected to prevent substantial damage to the tree's health.			
Structural Root Zone (SRZ):	calculated area within the tree's root zone that is considered essential to maintain tree stability.			
Project Arborist:	a person with the responsibility for conducting a tree assessment, report preparation, consultation with designers, specifying tree protection measures, monitoring and certification. The Project Arborist must be competent in arboriculture, having acquired through training, minimum Australian Qualification Framework (AQTF) Level 5, Diploma of Horticulture (Arboriculture) and/or equivalent experience, the knowledge and skills enabling that person to perform the tasks required by this standard.			
Encroachment:	the area of a Tree Protection Zone that is within the proposed development area.			
Impact:	the effect on tree health, structure and/or viability as a result of required works associated with the proposed development within the TPZ or the vicinity of the tree(s).			

# References

Australian Standard AS4970–2009 Protection of trees on development sites: Standards Australia.

Matheny N. Clark J. 1998: *Trees and Development a Technical Guide to Preservation of Trees During Land Development*. International Society of Arboriculture, Champaign, Illinois, USA.



# Appendix A - Tree Assessment Methodology



# **Tree Assessment Form (TAF©)**

Record	Description
Tree	In botanical science, a tree is a perennial plant which consists of one or multiple trunks which supports branches and leaves. Trees are generally taller than 5 metres and will live for more than ten seasons, with some species living for hundreds or thousands of seasons.
Genus and Species	Botanical taxonomy of trees uses the binominal system of a genus and species, often there are subspecies and subgenus as well as cultivars. When identifying tree species, identification techniques such as assessing the tree's form, flower, stem, fruit and location are used. Identifying the right species is critical in assessing the tree's legalisation and environmental benefit. All efforts are made to correctly identify each tree to species level, where possible. Genus is the broader group to which the tree belongs e.g. <i>Eucalyptus, Fraxinus</i> and <i>Melaleuca</i> . Species identifies the specific tree within the genus e.g. <i>Eucalyptus camaldulensis, Fraxinus griffithi</i> or <i>Melaleuca styphelioides</i> . Trees will also be assigned the most commonly used Common Name. Common Names are not generally used for identification due to their nonspecific use, i.e. <i>Melia azedarach</i> is commonly known as White Cedar in South Australia but is also called Chinaberry Tree, Pride of India, Beadtree, Cape Lilac, Syringa Berrytree, Persian Lilac, and Indian Lilac; equally similar common names can refer to trees from completely different Genus e.g. Swamp Oak, Tasmanian Oak and English Oak are from the <i>Casuarina, Eucalyptus</i> and <i>Quercus</i> genus's respectively.
Height	Tree height is estimated by the arborist at the time of assessment. Tree height is observed and recorded in the following ranges; <5m, 5-10m, 10-15m and >20m.
Spread	Tree crown spread is estimated by the arborist at the time of assessment and recorded in the following ranges <5m, 5-10m, 10-15m, 15-20m, >20m.
Health	Tree health is assessed using the Arborman Tree Solutions - Tree Health Assessment Method that is based on international best practice.
Structure	Tree structure is assessed using Arborman Tree Solutions - Tree Structure Assessment Method that is based on international best practice.
Tree Risk Assessment	Tree Risk is assessed using Tree Risk Assessment methodology. The person conducting the assessment has been trained in the International Society of Arboriculture Tree Risk Assessment Qualification (TRAQ), Quantified Tree Risk Assessment (QTRA) and/or VALID Tree Risk Assessment (VALID). Refer to the Methodology within the report for additional information.
Legislative Status	Legislation status is identified through the interpretation of the <i>Development Act 1993</i> , the <i>Natural Resource Management Act 2004</i> , the <i>Native Vegetation Act 1991</i> and/or any other legislation that may apply.
Mitigation	Measures to reduce tree risk, improve tree condition, remove structural flaws, manage other conditions as appropriate may be recommended in the form of pruning and is listed in the Tree Assessment Findings (Appendix B). Tree pruning is recommended in accordance with AS4373-2007 <i>Pruning amenity trees</i> where practicable. Where measures to mitigate risk is not possible and the risk is unacceptable, then tree removal or further investigation is recommended.



# **Useful Life Expectancy (ULE)**

ULE Rating	Definition
Surpassed	The tree has surpassed its Useful Life Expectancy. Trees that achieve a surpassed ULE may do so due to poor health, structure or form. Additionally, trees that are poorly located such as under high voltage powerlines or too close to structures may also achieve a surpassed ULE. Trees that achieve this status will be recommended for removal as there are no reasonable options to retain them.
<10 years	The tree displays either or both Poor Health and/or Structure and is considered to have a short Useful Life Expectancy of less than ten years. Some short-lived species such as <i>Acacia sp.</i> may naturally achieve a short ULE.
>10 years	The tree displays Fair Health or Structure and Good Health or Structure and is considered to have a Useful Life Expectancy of ten years or more. Trees identified as having a ULE of >10, will require mitigation such as pruning, stem injections or soil amelioration to increase their ULE.
>20 years	The tree displays Good Health and Structure and is considered to have an extended Useful Life Expectancy of more than twenty years.

# Maturity (Age)

Age Class	Definition
Senescent	The tree has surpassed its optimum growing period and is declining and/or reducing in size. May be considered as a veteran in relation to its ongoing management. Tree will have generally reached greater than 80% of its expected life expectancy.
Mature	A mature tree is one that has reached its expected overall size, although the tree's trunk is still expected to continue growing. Tree maturity is also assessed based on species; as some trees are much longer lived than others. Tree will have generally reached 20-80% of its expected life expectancy.
Semi Mature	A tree which has established but has not yet reached maturity. Normally tree establishment practices such as watering will have ceased. Tree will generally not have reached 20% of its expected life expectancy.
Juvenile	A newly planted tree or one which is not yet established in the landscape. Tree establishment practices such as regular watering will still be in place. Tree will generally be a newly planted specimen up to five years old; this may be species dependent.

## **Tree Health Assessment (THA©)**

Category	Description
Good	Tree displays normal vigour, uniform leaf colour, no or minor dieback (<5%), crown density (>90%). When a tree is deciduous, healthy axillary buds and typical internode length is used to determine its health. A tree with good health would show no sign of disease and no or minor pest infestation was identified. The tree has little to no pest and/or disease infestation.
Fair	Tree displays reduced vigour abnormal leaf colour, a moderate level of dieback (<15%), crown density (>70%) and in deciduous trees, reduced axillary buds and internode length. Minor pest and/or disease infestation potentially impacting on tree health. Trees with fair health have the potential to recover with reasonable remedial treatments.
Poor	Tree displays an advanced state of decline with low or no vigour, chlorotic or dull leaf colour, with high crown dieback (>15%), low crown density (<70%) and/or in deciduous trees, few or small axillary buds and shortened internode length. Pest and or disease infestation is evident and/or widespread. Trees with poor health are highly unlikely to recover with any remedial treatments; these trees have declined beyond the point of reversal.
Dead	The tree has died and has no opportunity for recovery.



# **Tree Structural Assessment (TSA©)**

Category	Description
Good	Little to no branch failure observed within the crown, well-formed unions, no included bark, good branch and trunk taper present, root buttressing and root plate are typical. Trees that are identified as having good health display expected condition for their age, species and location.
Fair	The tree may display one or more of the following a history of minor branch failure, included bark unions may be present however, are stable at this time, acceptable branch and trunk taper present, root buttressing and root plate are typical. Trees with fair structure will generally require reasonable remediation methods to ensure the tree's structure remains viable.
Poor	History of significant branch failure observed in the crown, poorly formed unions, unstable included bark unions present, branch and/or trunk taper is abnormal, root buttressing and/or root plate are atypical.
Failed	The structure of the tree has or is in the process of collapsing.

# Tree Form Assessment (TFA©)

Category	Description
Good	Form is typical of the species and has not been altered by structures, the environment or other trees.
Fair	The form has minor impacts from structures, the environment or adjacent trees which has altered its shape. There may be slight phototropic response noted or moderate pruning which has altered the tree's form.
Poor	The tree's form has been substantially impacted by structures, the environment, pruning or other trees. Phototropic response is evident and unlikely to be corrected.
Atypical	Tree form is highly irregular due to structures or other trees impacting its ability to correctly mature. Extreme phototropic response is evident; or the tree has had a substantially failure resulting in its poor condition, or extensive pruning has altered the tree's form irreversibly.

# **Priority**

Category	Description
Low	Identified works within this priority should be carried out within 12 months.
Medium	Identified works within this priority should be carried out within 6 months.
High	Identified works within this priority should be carried out within 3 months.
Urgent	Identified works within this priority should be carried out immediately. Works within this priority rating will be brought to attention of the responsible person at the time of assessment.



## **Tree Retention Rating (TRR)**

The Tree Retention Rating is based on a number of factors that are identified as part of the standard tree assessment criteria including Condition, Size, Environmental, Amenity and Special Values. These factors are combined in a number of matrices to provide a Preliminary Tree Retention Rating and a Tree Retention Rating Modifier which combine to provide a Tree Retention Rating that is measurable, consistent and repeatable

#### **Preliminary Tree Retention Rating**

The Preliminary Tree Retention Rating is conducted assessing Tree Health and Structure to give an overall Condition Rating and Height and Spread to give an overall Size Rating. The following matrices identify how these are derived.

Condition Matrix						
Structure		Health				
Structure	Good	Fair	Poor	Dead		
Good	Good	Fair	Poor	Very Poor		
Fair	Fair	Fair	Poor	Very Poor		
Poor	Poor	Poor	Poor	Very Poor		
Failed	Very Poor	Very Poor	Very Poor	Very Poor		

Size Matrix							
Sprood	Height						
Spread	>20	15-20	10-15	5-10	<5		
>20	Very Large	Large	Medium	Medium	Medium		
15-20	Large	Large	Medium	Medium	Medium		
10-15	Medium	Medium	Medium	Medium	Medium		
5-10	Medium Medium Small Small						
<5	Medium	Medium	Medium	Small	Very Small		

The results from the Condition and Size Matrices are then placed in the Preliminary Tree Retention Rating Matrix.

Preliminary Tree Retention Rating						
Size	Condition					
Size	Good	Fair	Poor	Very Poor		
Very Large	High	Moderate	Low	Low		
Large	High	Moderate	Low	Low		
Medium	Moderate	Moderate	Low	Low		
Small	Moderate Low Low Low					
Very Small	Low Low Low Low					

The Preliminary Tree Retention Rating gives a base rating for all trees regardless of other environmental and/or amenity factors and any Special Value considerations. The Preliminary Tree Retention Rating can only be modified if these factors are considered to be of high or low enough importance to warrant increasing or, in a few cases, lowering the original rating.



#### **Tree Retention Rating Modifier**

The Preliminary Tree Retention Rating is then qualified against the recognised Environmental and Amenity benefits that trees present to the community thereby providing a quantitative measure to determine the overall Tree Retention Rating. Data is collected in relation to Environmental and Amenity attributes which are compared through a set of matrices to produce a Tree Retention Rating Modifier.

Environmental Matrix					
Origin	Habitat				
Ongin	High Habitat	Medium	Low	No Habitat	
Indigenous	High	Moderate	Moderate	Low	
Native	Moderate	Moderate	Low	Low	
Exotic	Moderate	Low	Low	Low	
Weed	Moderate	Low	Low	Low	

Amenity Matrix					
Aesthetics					
Character	High	Moderate	Low	None	
High	High	High	Moderate	Moderate	
Moderate	High	Moderate	Moderate	Low	
Low	Moderate Moderate Low Low				
None Moderate Low Low Low					

Tree Retention Rating Modifier					
Amonity	Environment				
Amenity	High	Moderate	Low		
High	High High Moderate				
Moderate	High Moderate Moderate				
Low Moderate Moderate Low					

#### Tree Retention Rating

The results of the Preliminary Tree Retention Rating and the Tree Retention Rating Modifier matrices are combined in a final matrix to give the actual Tree Retention Rating.

Tree Retention Rating Matrix					
Tree Retention Rating	Tree Retention Rating Preliminary Tree Retention Rating				
Modifier	High	Moderate	Low		
High	High	High	Moderate		
Moderate	Moderate	Moderate	Low		
Low Moderate Low Low					



#### **Special Value Trees**

Trees can have 'Special Value' for reasons outside of normal Arboricultural assessment protocols and therefore would not have been considered in the assessment to this point; to allow for this a Special Value characteristic that can override the Tree Retention Rating can be selected. Special Value characteristics that could override the Tree Retention Rating would include factors such as the following:

#### Cultural Values

Memorial Trees, Avenue of Honour Trees, Aboriginal Heritage Trees, Trees planted by Dignitaries and various other potential categories.

#### Environmental Values

Rare or Endangered species, Remnant Vegetation, Important Habitat for rare or endangered wildlife, substantial habitat value in an important biodiversity area and various other potential categories.

Where a tree achieves one or more Special Value characteristics the Tree Retention Rating will automatically be overridden and assigned the value of Important.

#### **Tree Retention Rating Definitions**

- **Special Value** These trees will in all instances be required to be retained within any future development/redevelopment. It is highly unlikely that trees that achieve this rating would be approved for removal or any other tree damaging activity. Trees will have either important cultural or environmental value, that warrant their protection regardless of other Arboricultural considerations.
- **High** These trees will in most instances be required to be retained within any future development/redevelopment. It is unlikely that trees that achieve this rating would be approved for removal or any other tree damaging activity. Trees in this category will provide a high level of amenity and/or environmental benefit and are still good overall condition.
- **Moderate** Trees with a moderate retention rating provide limited environmental benefit and amenity to the area. These trees may be semi mature or exotic species with limited environmental value. Moderate trees may also be large trees that display fair overall condition.
- Low These trees may not be considered suitable for retention in a future development or redevelopment. These trees will either be young trees that are easily replaced or in poor overall condition. Trees in this category do not warrant special works or design modifications to allow for their retention. Trees in this category are likely to be approved for removal and/or other tree damaging activity in an otherwise reasonable and expected development. Protection of these trees, where they are identified to be retained, should be consistent with Australian Standard AS4970-2009 *Protection of trees on development sites*.



## **Development Impact Assessment**

Potential development impacts were determined in accordance with Australian Standard 4970-2009 *Protection of trees on development sites.* The identification of the impact of development considers a number of factors including the following:

- a. The extent of encroachment into a tree's Tree Protection Zone by the proposed development as a percentage of the area.
- b. Results of any non-destructive exploratory investigations that may have occurred to determine root activity.
- c. Any required pruning that may be needed to accommodate the proposed development.
- d. Tree species and tolerance to root disturbance.
- e. Age, vigour and size of the tree.
- f. Lean and stability of the tree.
- g. Soil characteristics and volume, topography and drainage.
- h. The presence of existing or past structures or obstacles potentially affecting root growth.
- i. Design factors incorporated into the proposed development to minimise impact.

The impacts on a tree can be varied and are not necessarily consistent with or directly corelated to a particular level of encroachment, to assist in providing consistency the levels of impact have been classified into the following categories: -

No Impact - no encroachment into the TPZ has been identified.

- Low <10% the identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.
- Low >10% the identified encroachment is greater than 10% of the TPZ area however there are factors that indicate the proposed development will not negatively impact tree viability.
- High >10% the identified encroachment is greater than 10% of the TPZ area and factors are present that indicate the proposed development will negatively impact tree viability. The impact is likely to lead to the long-term decline of the tree however it is unlikely to impact on its short-term stability.
- Conflicted the identified encroachment is greater than 10% of the TPZ area and in most cases will also impact the SRZ and/or the trunk. There are factors present that indicate the proposed development will negatively impact tree viability to the point where its removal is required as part of the development.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'Low' have features or considerations identified in clauses in AS4970-2009 3.3.4 *TPZ encroachment considerations* which indicate these trees should be sustainable.

Trees with calculated encroachments greater than 10% and with an Impact identified as 'High' do not have any features or considerations identified in clauses in AS4970-2009 3.3.4 and therefore alternative design solutions, additional root investigations and/or tree sensitive construction measures are required if the tree is to be retained. Where alternative protection methodologies are not available tree removal may be required to accommodate the development.

Trees with an Impact identified as 'Conflicted' are impacted over the majority of their root zone and/or over the SRZ or on the trunk, additional root investigations or tree sensitive construction measures are not available and the only option is alternative designs or tree removal.



# Appendix B - Tree Assessment Findings

# Corymbia variegata

## Northern Spotted Gum

Inspected:	4 June 2024				
Height:	15-20 metres				
Spread:	15-20 metres				
Health:	Good				
Structure:	Good				
Form:	Good				
Trunk Circumference:	>2 metres				
Useful Life Expectancy:	>20 years				
Tree Protection Zone:	10.80 metres				
Structural Root Zone:	3.34 metres				

#### **Observations**

This tree displays a minor history of branch failure, however this has not noticeably impacted the tree's structure and it displays good health indicating it is in otherwise good condition. This tree is in the neighbouring allotment and its measurement has been estimated.





#### Legislative Status

This tree has a trunk circumference greater than two metres and is not subject to any exemption from regulation and therefore it is identified as a Significant Tree as defined in the PDI Act 2016.

#### **Retention Rating**

This tree has a Moderate Retention Rating and could be considered for retention if it can be protected. Tree damaging activity, including removal, may be approved if it is shown that reasonable alternative design solutions are not available.

#### **Development Impact**

The identified encroachment is less than 10% of the TPZ area and not expected to impact tree viability.

#### Action

Protect the root zone and crown in accordance with the recommendations and principles of AS4970-2009 Protection of trees on development sites.



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Low

Protect Root Zone

Significant

Moderate

Tree No:

# Hymenosporum flavum

## Native Frangipani

Inspected:	4 June 202
Height:	5-10 metre
Spread:	<5 metre
Health:	Goo
Structure:	Goo
Form:	Goo
Trunk Circumference:	>1 metre
Useful Life Expectancy:	>20 year
Tree Protection Zone:	4.44 metre
Structural Root Zone:	2.30 metre

#### Observations

The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.



Tree No:

#### Legislative Status

This tree is within 3 metres of a dwelling or inground swimming pool and is therefore exempt from control under the PDI Act 2016.

#### **Retention Rating**

This tree has a Moderate Retention Rating and could be considered for retention if it can be protected. Tree damaging activity, including removal, may be approved if it is shown that reasonable alternative design solutions are not available.

# Development Impact Conflicted The identified encroachment is greater than 10% of the TPZ area and will also impact the SRZ and/or the trunk. On that basis the proposed development will negatively impact tree viability to the point where its removal is required.

#### Action

Tree removal is required to facilitate the proposed development.



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## Moderate

**Removal Required** 

Exempt

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# Appendix C - Mapping







# Appendix D - Tree Assessment Summary



# **Tree Assessment Summary**

Tree No.	Botanic Name	Legislative Status	Retention Rating	Development Impact	TPZ Radius	Observations	Action
1	Corymbia variegata	Significant	Moderate	Low	10.80 metres	This tree displays a minor history of branch failure, however this has not noticeably impacted the tree's structure and it displays good health indicating it is in otherwise good condition. This tree is in the neighbouring allotment and its measurement has been estimated.	Protect Root Zone
2	Hymenosporum flavum	Exempt	Moderate	Conflicted	4.44 metres	The health and structure of this tree indicate it is in good overall condition and has adapted to its local environment.	Removal Required



# Appendix E - Tree Protection Zone Guidelines

## **Tree Protection Zone General Specifications and Guidelines**

The Tree Protection Zone(s) is identified on the site plan. The TPZ is an area where construction activities are regulated for the purposes of protecting tree viability. The TPZ should be established so that it clearly identifies and precludes development/construction activities including personnel.

If development activities are required within the TPZ then these activities must be reviewed and approved by the Project Arborist. Prior to approval, the Project Arborist must be certain that the tree(s) will remain viable as a result of this activity.

#### Work Activities Excluded from the Tree Protection Zone:

- a) Machine excavation including trenching;
- b) Excavation for silt fencing;
- c) Cultivation;
- d) Storage;
- e) Preparation of chemicals, including preparation of cement products;
- f) Parking of vehicles and plant;
- g) Refuelling;
- h) Dumping of waste;
- i) Wash down and cleaning of equipment;
- j) Placement of fill;
- k) Lighting of fires;
- I) Soil level changes;
- m) Temporary or permanent installation of utilities and signs, and
- n) Physical damage to the tree.

#### **Protective Fencing**

Protective fencing must be installed around the identified Tree Protection Zone (See Figure 1). The fencing should by chain wire panels and compliant with AS4687 - 2007 *Temporary fencing and hoardings*. Shade cloth or similar material should be attached around the fence to reduce dust, other particulates and liquids entering the protected area.

Temporary fencing on 28kg bases are recommended for use as this eliminates any excavation requirements to install fencing. Excavation increase the likelihood of root damage therefore should be avoided where possible throughout the project.

Existing perimeter fencing and other structures may be utilised as part of the protective fencing.

Any permanent fencing should be post and rail with the set out determined in consultation with the Project Arborist.

Where the erection of the fence is not practical the Project Arborist is to approve alternative measures.



- the TPZ.
- 4 Bracing is permissible within the TPZ. Installation of supports should avoid damaging roots.

Figure 1 Showing example of protection fencing measures suitable.

#### **Other Protection Measures**

#### General

When a TPZ exclusion area cannot be established due to practical reasons or the area needs to be entered to undertake construction activities then additional tree protection measures may need to be adopted. Protection measures should be compliant with AS4970-2009 and approved by the Project Arborist

#### Installation of Scaffolding within Tree Protection Area.

Where scaffolding is required within the TPZ branch removal should be minimised. Any branch removal required should be approved by the Project Arborist and performed by a certified Arborist and performed in accordance with AS4373-2007. Approval to prune branches must be documented and maintained.

Ground below scaffold should be protected by boarding (e.g. scaffold board or plywood sheeting) as shown in Figure below. The boarding should be left in place until scaffolding is removed.



Figure 2 – Showing scaffold constructed within TPZ.
#### **Ground Protection**

Where access is required within the TPZ ground protection measures are required. Ground protection is to be designed to prevent both damage to the roots and soil compaction.

Ground protection methods include the placement of a permeable membrane beneath a layer of noncompactable material such as mulch or a no fines gravel which is in turn covered with rumble boards or steel plates.



Figure 3 – Ground protection methods.

#### Document Source:

Diagrams in this document are sourced from AS4970-2009 Protection of trees on development sites. Further information and guidelines are available in within that document.

#### Paving Construction within a Tree Protection Zone

Paving within any Tree Protection Zone (TPZ) must be carried out above natural ground level unless it can be shown with non-destructive excavation (AirSpade® or similar) that no or insignificant root growth occupies the proposed construction area.

Due to the adverse effect filling over a Tree Protection Zone (TPZ) can have on tree health; alternative mediums other than soil must be used. Available alternative mediums include structural soils or the use of a cellular confinement system such as *Ecocell*®.

#### **Ecocell**®

Ecocell® systems are a cellular confinement system that can be filled with large particle sized gravels as a sub-base for paving systems to reduce compaction to the existing grade.

#### Site preparation

- Clearly outline to all contracting staff entering the site the purpose of the TPZ's and the contractors' responsibilities. No fence is to be moved and no person or machinery is to access the TPZ's without consent from the City of Unley and/or the Project Arborist.
- Fence off the unaffected area of the TPZ with a temporary fence leaving a 1.5 metre gap between the work area and the fence; this will prevent machinery access to the remaining root zone.

#### Installation of Ecocell® and EcoTrihex Paving®

- Install a non-woven geotextile fabric for drainage and separation from sub base with a minimum of 600mm overlap on all fabric seams as required.
- > Add Ecocell®, fill compartments with gravel and compact to desired compaction rate.
- If excessive groundwater is expected incorporate an appropriate drainage system within the bedding sand level.
- > Add paving sand to required depth and compact to paving manufacturer's specifications.
- Lay EcoTrihex Paving® as per manufactures specifications and fill gaps between pavers with no fines gravel.
- Remove all debris, vegetation cover and unacceptable in-situ soils. No excavation or soil level change of the sub base is allowable for the installation of the paving.
- Where the finished soil level is uneven, gullies shall be filled with 20 millimetre coarse gravel to achieve the desired level.



This construction method if implemented correctly can significantly reduce and potentially eliminated the risk of tree decline and/or structural failure and effectively increase the size of the Tree Protection Zone to include the area of the paving.

#### **Certificates of Control**

Stage in development	Tree management process			
Stage in development	Matters for consideration	Actions and certification		
Development submission	Identify trees for retention through comprehensive arboricultural impact assessment of proposed construction. Determine tree protection measures Landscape design	Provide arboricultural impact assessment including tree protection plan (drawing) and specification		
Development approval	Development controls Conditions of consent	Review consent conditions relating to trees		
Pre-construction (Section	s 4 and 5)			
Initial site preparation	State based OHS requirements for tree work	Compliance with conditions of consent		
	Approved retention/removal	Tree removal/tree retention/transplanting		
	Refer to AS 4373 for the	Tree pruning		
	requirements on the pruning of	Certification of tree removal and pruning		
	amenity trees			
	Specifications for tree protection measures	Establish/delineate TPZ		
		Install protective measures		
		Certification of tree protection measures		
Construction (Sections 4	and 5)			
Site establishment	Temporary infrastructure Demolition, bulk earthworks, hydrology	Locate temporary infrastructure to minimize impact on retained trees Maintain protective measures Certification of tree protection measures		
Construction work	Liaison with site manager, compliance Deviation from approved plan	Maintain or amend protective measures Supervision and monitoring		
Implement hard and soft landscape works	Installation of irrigation services Control of compaction work Installation of pavement and retaining walls	Remove selected protective measures as necessary Remedial tree works Supervision and monitoring		
Practical completion	Tree vigour and structure	Remove all remaining tree protection measures Certification of tree protection		
Post construction (Section	n 5)			
Defects liability/ maintenance period	Tree vigour and structure	Maintenance and monitoring Final remedial tree works Final certification of tree condition		

#### **Document Source:**

This table has been sourced from AS4970-2009 Protection of trees on development sites. Further information and guidelines are available in within that document.

# Tree Protection Zone

# NO ACCESS

# **Contact: Arborman Tree Solutions**



Arborman Tree Solutions Pty Ltd – Professionals in Arboriculture 23 Aberdeen Street Port Adelaide SA 5015 Appendix E - T Ph. 8240 5555 m: 0418 812 967

e: arborman@arborman.com.au

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Appendix E - Tree Protection Zone Guidelines

#### **ATTACHMENT 2**

# **Details of Representations**

# **Application Summary**

Application ID	24008592
Proposal	Alterations and additions to the existing dwelling, including partial demolition and a second storey
Location	8 ROGERS ST GOODWOOD SA 5034

# Representations

## Representor 1 -

Name	
Address	
Submission Date	09/07/2024 06:41 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

#### Reasons

which is adjacent to the proposed development. The property is one of 4 We own the property at single fronted cottages in a row on Rogers St and we have a shared driveway with 8 Rogers St that is proposing the development. The space between the houses is a shared space marked on both titles as a Right of Way in favour of . We are supportive of the development with the following key concerns: Height of Development: The proposal is substantial in height and will have a large impact on our property which is located to the south. The shadow drawings provided to date are not suitable to understand how much shadowing will occur in particular on our cottage windows on the north side of the property. The peaked roof and southern offset centreline exacerbate this shadowing and could easily be reduced with minimal internal liveability impact. Our yard will also be shadowed which may limit planting opportunities in our northern garden area. Given the heritage nature of the house itself and the adjacent properties a reduced height could be accommodated without impacting the internal functionality of the development. This would at least minimise the substantial impact of the current form of the proposal. Rear Balcony: The balcony space at the rear of the upper level will significantly overlook several backyards in the surrounding properties including ours. Although the plan states a maximum 25% transparency, from viewing other developments in the past this can provide very limited privacy improvement. The screening should ideally use a combination of frosting, depth of screening material (to prevent viewing at an angle) or moving the screening back/reducing balcony size such that the external wall provides screening. The pergola roof may achieve some of that for our backyard but the drawings do not show that to be complete screening. While other houses in the area have been built to 2 stories, none appear to have balconies or low/unscreened windows that overlook neighbouring back yards. Extent of Development: The proposed development is located in the middle of a row of 4 similar single fronted stone cottages. The expansion of the property to the west is significant and will drastically change the feel and openness of each of these cottage's rear spaces. It is requested that the development is reviewed to determine if its extension in to the back yard is appropriate given the surrounding properties. Our yard has a significant lemon scented gum tree in it and the new development should not impact on the health of the tree or on the ability of us and our neighbours to enjoy the natural space it creates. Other significant trees are located in neighbouring properties which make the area of high value to the neighbourhood for biodiversity and habitat.

Shared Driveway/Right of Way: The driveway between our house and the development is an unfenced shared space. The current plans show an extension of the fence in to this area which by definition of a right of way is not likely to be permissible despite the existing fences not necessarily following the right of way correctly or property boundary correctly. During construction the right of way should be the secondary access for construction workers and materials given its proximity to our bedroom and living spaces and their windows. The impact to the liveability of our house during construction will be severe due to this unusual proximity and shared access arrangement. The front door of the property should be the primary access with the right of way kept clear of construction materials and vehicles.

# **Attached Documents**

## ATTACHMENT 3



#### Response to representation

Dear Amelia,

Thank you for the details of representations dated 09/07/2024 for the proposal at 8 Rogers Street, Goodwood. We have summarised the comments of representation made by a summa

and responded where appropriate below.

#### **Representation**

- Right of way access and construction access
- Height and overshadowing
- Overlooking
- Structure extent to rear yard
- Impact to tree

#### 1-Right of way access

Current titles clearly show right of way access arrangements. The land belongs to 8 Rogers Street with right of way access to **access** to the rear of **access** to the rear of

The existing fencing between the properties does not follow this right of way easement. The proposal seeks to extend the fencing to create some privacy between the dwellings whilst still allowing the additional pedestrian access to the rear yard of **additional** upholding the intention of the right of way. This could also help alleviate any potential access and noise issues during construction by creating a clear delineation. Existing easement realignments are currently being negotiated formally and legally with both parties. If there is no eventuating agreement to alter the easement or to allow a continuation of the additional fencing as proposed, the existing fencing can remain without any adjustments of the dwelling footprint or planning application required. The fencing realignment is independent of this planning application.

Access and noise during construction concerns have been noted and will be relayed to the eventual builder. All standard building protocols and access requirements will be adhered to during the construction process.

#### 2-Height and overshadowing

Any reduction in the overall height of the proposed development poses minimal impact to the winter overshadowing to **an experimental proposed**. It can be seen in the attached shadow map analysis, dropping the height of the roof structure by 1.2m to 6.4m in height (flat roof to upper floor with 2.4m ceiling height) has an arbitrary effect to the shadow cast on **a contract of the roof**. This is partly due to the ability of a sloping roof to reduce the height of walls. Whilst the ridge extent of the roof is taller, the remaining roof sits progressively further away than the walls and progressively lower than the ridge height maximum. All efforts have been made to achieve upper wall side setbacks as far from boundaries as possible. The overall depth of the extension has been limited as much as possible, however, given the narrow allotment it has had to push into the backyard beyond that of the existing structure.

Further shadow analysis diagrams have been included in the updated drawing set and previous response back to council which should alleviate concerns of the effect of the development on the northern windows of . The overshadowing of these windows is created predominantly by the existing single storey structure and not by the proposed development.

East-west facing allotments will experience a greater degree of overshadowing towards the north due to their orientation. Dwellings orientated this way with a single storey setback will also experience overshadowing from boundary fencing and other single storey built forms. This is particularly evident with narrow terrace style allotments which are characteristic of the area. We would consider that the resultant and unavoidable overshadowing is in keeping with a level of overshadowing not contradictory to that envisaged from built form within the zone and maintains the neighbour's access to the required level of natural light and ventilation.

#### 3-Overlooking

The rear balcony will be screened to the transparency requirements with batten screening to the west and solid wall screening to the north and south eliminating any direct overlooking into neighbouring properties. As the screen is maintained to 1.7m in height there is no ability to look over at any point. Upper floor windows will be fixed and obscured as per planning policy to 1.5m.

#### 4-Structure Extent

With a rear set back of 8.1m to both the upper (balcony) and lower level, the proposed development achieves the envisaged setbacks for the area and is in keeping with new development and additions. The rejuvenation of the current 2 bedroom dwelling into a 3 bedroom family home will provide an adaptable home into the future whilst preserving the historic character of the home consistent with the Historic Area Statement.

#### 5-Impact to tree

Arborman Tree Solutions have provided an arboricultural assessment and report which has previously been submitted as requested. It is our understanding that there are no major issues with the proposed development and impact to the neighbouring tree is highly unlikely. A tree protection plan has been outlined to further reduce the potential for any incidental damage.

We thank you for your consideration of the proposal and welcome your feedback and further discussion. If you wish to discuss anything further or directly, please do not hesitate to contact me.

#### Kind Regards.

Lisa Rickard Designer





#### **ATTACHMENT 4**

# **Details of Representations**

# **Application Summary**

Application ID	24008592
Proposal	Alterations and additions to the existing dwelling, including partial demolition and a second storey
Location	8 ROGERS ST GOODWOOD SA 5034

# Representations

# Representor 1 -

Name	
Address	
Submission Date	08/09/2024 10:12 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns
<b>Reasons</b> See attached file	

# **Attached Documents**

We own the property at **the end** which is adjacent to the proposed development. The property is one of 4 single fronted cottages in a row on Rogers St and we have a shared driveway with 8 Rogers St that is proposing the development. The space between the houses is a shared space marked on both titles as a Right of Way in favour of **the development**. We are supportive of the development as we agree in principle with the concept of improving old housing stock and higher density living. However, we do have significant concerns as noted below:

#### Height of Development:

The proposal is substantial in height and will have a large impact on our property which is located to the south. The blocks here are narrow, houses are close together and the height of the renovation is extreme in these circumstances.

The shadow cast by the excessive height will significantly impact our ability to garden and enjoy sunlight in our backyard as well as reduce light availability to some of our windows. It should be noted that the latest shadow drawings include a bush on our northern boundary. This should not be included in any shadow assessment as the bush is not significant and has only grown above the fence height due to reduced pruning by the latest tenants.

Given the heritage nature of the house itself and the adjacent properties a reduced height could be accommodated without impacting the internal functionality of the development. This would at least minimise the substantial impact of the current form of the proposal. There is no reason for the property to need to maintain a 3m ceiling on the ground floor and also a 3.4m (peak of the raked height) ceiling on the upper story. Using a more reasonable 2.5m high ceiling for both floors would substantially reduce the impact of the height of the building.

There is no reason for the balcony to have an elevated roof line. This is a separate space and could easily have a lower flat roof which would greatly improve sunlight to our garden. The balcony could also have no roof.

#### Rear Balcony:

The balcony space at the rear of the upper level will significantly overlook several backyards in the surrounding properties including ours. Although the plan states a maximum 25% transparency, from viewing other developments in the area in the past this can provide very limited privacy improvement. The screening should ideally use a combination of frosting, depth of screening material (to prevent viewing at an angle) or moving the screening back/reducing balcony size such that the external wall provides screening. The pergola roof may achieve some of that for our backyard but the drawings do not show that to be complete screening.

While other houses in the area have been built to 2 stories, none appear to have balconies or low/unscreened windows that overlook neighbouring back yards. Any approval should clearly detail exactly the type of screening, depth, thickness, height and not just simply approve a 25% transparency. We request to see updated viewpoints from the balcony that show the view towards our property and other neighbouring properties which include a detailed model of the screening. The viewpoints should be from all corners of the balcony to

confirm how screened the view is. The approved plans should also include a 1:10 or similar drawing of the screening to confirm its appearance and confirm it meets the 25% maximum transparency.

#### Extent of Development:

The proposed development is located in the middle of a row of 4 similar single fronted stone cottages. The blocks are narrow and the houses are all very close together. The expansion of the property to the west is significant and will drastically change the feel and openness of each of these cottage's rear spaces. It is requested that the development is reviewed to determine if its extension in to the back yard is appropriate given the surrounding properties.

Our yard has a significant lemon scented gum tree in it and the new development should not impact on the health of the tree or on the ability of us and our neighbours to enjoy the natural space it creates. Other significant trees are located in neighbouring properties which make the area of high value to the neighbourhood for biodiversity and habitat. It should be expected that the canopy of the tree will over sail the new extension of the house and that there should be no right for the tree to be pruned as a result of the new development.

A tree protection plan is referenced, can this be provided since the tree is our tree to protect.

#### Shared Driveway/Right of Way:

The driveway between our house and the development is an unfenced shared space. The original plans show an extension of the fence in to this area which by definition of a right of way is not likely to be permissible despite the existing fences not necessarily following the right of way correctly or property boundary correctly. Based on the latest drawings it would appear that the existing fence is not correctly following the boundary and the fence should be replaced as part of the development.

During construction the right of way should be the secondary access for construction workers and materials given its proximity to our bedroom and living spaces and their windows. The impact to the liveability of our house during construction will be severe due to this unusual proximity and shared access arrangement. The front door of the property should be the primary access with the right of way kept clear of construction materials and vehicles.

The previous response on this matter indicates that the fence line is being negotiated to be extended and title boundaries adjusted. To date there is no agreement on this and progress has be slow and painful. There may not be an agreement ahead of the building works commencing so this should not be taken in to consideration in any approval of the development.

It should also be noted that the statement below is not correct and contradicts the definition of a right of way.

"The right of way is not free and unrestricted, meaning 8 Rogers Street have use of the land as long as access to the rear of the state If the right of way was free and unrestricted then the dominant tenement (**Detection**) would be allow to block the right of way (eg park a vehicle etc) however, the fact that it is not free and unrestricted does not imply that the servient tenement (8 Rogers St) can partially block the right of way (eg building materials or parked vehicles). The definition of a right of way states that the dominant tenement can pass freely over all land contained within the right of way.

## Representations

Representor 2 -

Name	
Address	
Submission Date	09/09/2024 08:43 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I support the development with some concerns

#### Reasons

Whilst I support this development for the family concerned, I am alarmed that a balcony facing the west with windows low enough to see into the surrounding properties is allowed in this development. Even though there are balustrades on the exterior of the balcony they are still able to view the neighbours properties. Other properties in this area were unable to have windows looking over neighbours properties and had to redesign with a higher window. This balcony will be visible from my back yard therefore the residents will have a view of my backyard.

## **Attached Documents**

# Representations

Representor 3 -

Name	
Address	
Submission Date	09/09/2024 11:52 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I support the development with some concerns
<b>Reasons</b> Please find attached document for details	

# **Attached Documents**

8-Rogers-St-Goodwood-1403717.pdf

#### 8 Rogers St Goodwood

My concerns are as follows:

- 1. Bulk and scale
- 2. Overlooking
- 3. Overshadowing
- 4. Colour my preference would be a colour that hides the upper storey
- 5. Tree damaging activity

The proposed development is occurring in the Zone: Established neighbourhood in an historic area

1. Bulk and scale – Site Coverage

Deemed to satisfy Maximum site coverage is 50% - plans are 57% Maximum building height is 5.7m – plans are 7.658m Maximum building height is 1 level – plans are for 2 levels Minimum side boundary set back is 1 metre first building level – does not comply Minimum side boundary set back is 3 metres for second building level – does not comply

Currently the property is 2 bedrooms and this development allows for one more bedroom and bathroom but the actual footprint is so much greater in bulk and scale. The photo below shows the small amount of 'landscaping'. The rest is development which is not consistent with neighbouring properties.



Codes written so that all people living in close proximity can have confidence that these 'rules' are followed to allow people to live in harmony together, reflecting a level of respect - not trying to push the rules as much as possible without consideration for the impact on others and the natural environment that we all share. This in turn provides improved quality of living and the ability to be able to live and enjoy our properties in peace without bearing down large-scale developments which has little regard for the 'established neighbourhood' zone. If this development proposal is allowed in this case, it could in time mean that all 4 row houses could have the same development – thus changing historical look of the area and contributing to heat map.

#### 2. Overlooking

PO. Development mitigates direct overlooking from balconies to habitable rooms and private open space of adjoining residential uses in neighbourhood type zones.

Not only is the height of the development 2 metres higher than 'deemed to satisfy', the design incorporates a balcony which faces directly into my backyard and living spaces (lounge and kitchen) in my home. These are the main windows I have in my house which look into my garden. Whilst this design 'deems to satisfy' by incorporating 25% transparency at 1.7 metres, by having a bank of west facing windows both on the 1st floor and 2nd floor will in effect cause significant heating of the house. Where that has been development of 2nd storey houses, having small windows (high in room) facing north, south and east provide light without impacting as much with neighbouring properties. The design has a skylight in the 2nd storey but this would not be required if there were smaller windows on the north and east sides. Whilst it might be nice for an owner to have a balcony, can it be explained to me why this is necessary when effectively they will be looking at vertical screens. Within 50 metres of the property is the Mike Turton Bikeway which provides a beautiful view to the west of sunsets etc. Balconies should be for properties which aren't facing someone's backyard and impacting on neighbours' ability to live an undisturbed existence in their backyards.

#### 3. 3. Overshadowing

Can the drawings on page 19 show the whole addition in height so there can be perspective?

#### 4. Colour of the 2nd storey

Can the consideration be for a colour that will blend into the surrounding landscape?

#### 5.Tree damaging activity

Whilst there are rules to protect the root zone of the significant tree in a development, has the tree itself been considered, particularly it's canopy size and what habitat it brings to the local area?

The *Corymbia citriodora* (Lemon Scented Gum) has a canopy area (approx. 310sqm) greater than the whole site of 8 Rogers St (303sqm) block – yet the size and scale is not reflected in any of the drawings. The way the plans are designed would mean that the significant tree is overhanging the second storey development. Can the drawings reflect the tree's size and actual canopy?

One of the attractive aspects of this area (between Musgrave and Rogers St) is the wildlife corridor which separates the houses in the area as shown on the photo below. Having a long established, significant tree overhanging neighbouring blocks provides an opportunity for biodiversity to flourish.

In the last 12 months, it has been noted that the Magpie Lark made a nest in the significant tree (Lemon Scented Gum) and managed to successfully have 2 small chicks. Also, the Southern Boobook

owl frequents the tree as a place to observe rodents to hunt at night. Grey-headed Flying Foxes and microbats also nest. Currently this is a dark space (no night light) and therefore there is minimal light pollution from houses in the area. There are many parrots and other birds too that are frequent visitors to this tree as it provides an abundance of nectar for birds.

By having a two storey development with large western facing windows situated within the canopy space of a significant tree will impact on the nocturnal wildlife's habitat which is rare in an urban environment. These features are one of the reasons why this area is so sought after by people to live here. Birds and animals may deem it a not appropriate place to nest and feed due to the light pollution and disturbance if there are large west facing windows with a balcony facing into the canopy.



#### **Desired Outcome**

(Page 51 of 78)

PO. 3.1 Building footprints are consistent with the character and pattern of the neighbourhood and provide sufficient space around buildings to limit visual impact, provide an attractive outlook and access to light and ventilation.

PO 4.1 Buildings contribute to the prevailing character of the neighbourhood and compliments the height of nearby buildings.

PO 7.1 Walls on boundaries are limited in height and length to manage visual and overshadowing impacts on adjoining properties.

7.2 Dwellings in a semi-detached row or terrace arrangement maintain space between buildings consistent with a low density suburban streetscape character.

Does this design meet the 'desired outcome'?

#### **ATTACHMENT 5**



#### Response to representation

Dear Amelia,

Thank you for the details of representations dated 10/09/2024 for the proposal at 8 Rogers Street, Goodwood. We have summarised the comments of representations made by

We have responded where appropriate below.

#### Representation considerations

- Height and overshadowing
- Overlooking
- Structure extent
- Impact to tree
- Right of way access and construction access
- Design Intent

#### <u>1-Height and overshadowing</u>

Any reduction in the overall height of the proposed development poses minimal impact to the winter overshadowing to the term overshadowing to the seen in the shadow map analysis, dropping the height of the roof structure to 6.4m in height (flat roof to upper floor with 2.4m ceiling height) has an arbitrary effect to the shadow cast on the shadow cast on the shadow cast on the roof is taller, the remaining roof sits progressively further away than the walls and progressively lower than the ridge height maximum. All efforts have been made to achieve upper wall side setbacks as far from boundaries as possible. The overall depth of the extension has been limited as much as possible and is within planning policy principles.

East-west facing allotments will experience a greater degree of overshadowing towards the north due to their orientation. Dwellings orientated this way with a single storey setback will also experience overshadowing from boundary fencing and other single storey built forms. This is particularly evident with narrow terrace style allotments which are characteristic of the area. We would consider that the resultant and unavoidable overshadowing is in keeping with a level of overshadowing not contradictory to that envisaged from built form within the zone and maintains the neighbour's access to the required level of natural light and ventilation.

Three dimensional shadow analysis images have been provided to show the extent of overshadowing on the existing northern windows of **sector as per planning policy PO3.1**. The images show the majority of overshadowing is a consequence of the existing single storey structure. The proposed addition will increase the late afternoon winter shadow slightly, predominantly affecting the existing bathroom window.

We have taken on board comments and concern regarding an excess of overall height and have reduced the height of the structure by 500mm by reducing the upper floor ceiling height and roof pitch. The lower floor ceiling height has been maintained in keeping with the original house. Whilst this provides negligible effect on the overshadowing, we hope that it is now considered more in proportion to the existing and future proposed character of the area.

#### 2-Overlooking

There was a general concern that direct overlooking would occur from the rear balcony and or upper floor windows. We would like to reiterate that the balcony balustrade and screening provides the required 25% transparency requirements of PO10.2 with a screen height of 1.7m to eliminate direct overlooking and upper floor windows will be fixed and obscured to a height of 1.5m as per planning policy. The rear balcony will have solid walls to the north and south and combined with the western screening will eliminate any direct overlooking into neighbouring properties. There is no ability to look over at any point and the 15mm gaps between the slats only allow glimpses of natural light as well as providing natural ventilation to the balcony area for amenity. Any obscured long views through the gaps in the slats to neighbouring properties are blocked by the outdoor living roof and the density of tree canopy from significant and regulated trees. Additional details

and images from the balcony have been included to alleviate any concerns. No line of sight diagrams have been provided as the intent of the screening is to eliminate any line of sight with the required transparency of screening.

#### 3-Structure Extent

With a rear set back of 8.1m to both the upper (balcony) and lower level, the proposed development achieves the envisaged setbacks for the area and is in keeping with new development and additions. The rejuvenation of the current 2 bedroom dwelling into a 3 bedroom family home will provide an adaptable home into the future whilst preserving the historic character of the home consistent with the Historic Area Statement.

#### 4-Impact to tree

Arborman Tree Solutions have provided an arboricultural assessment and report which has previously been submitted as requested. It is our understanding that there are no major issues with the proposed development and impact to the neighbouring tree is highly unlikely. The encroachment is less than 10% of the Tree Protection Zone area and does not impact the Structural Root Zone and therefore it is highly unlikely that the proposed works will impact on the viability of this tree. Tree protection has been recommended to further reduce the potential for any incidental damage and any works within the Tree Protection Zone will be in consultation with the project arborist. There is currently no tree pruning predicted as the canopy of the tree is approximately 15-20m high and given the approximate spread (shown on site plan for context) it should sit beyond the 7.1m upper floor roof. If pruning is required, it will be in consultation with the project arborist as outlined in the arboricultural assessment and report.

The upper floor balcony area is fairly well concealed given it is enclosed on three sides and provides privacy screening to the west. The level of light pollution produced by this space should be minimal and given the predominance of the tree canopy expanse will sit much higher than the balcony's 3.475m floor level, there should be limited impact to the fauna whom occupy the tree.

#### 5-Right of way access

Current titles clearly show right of way access arrangements. The land belongs to 8 Rogers Street with right of way access to way access to certificate of title previously submitted) This right of way gives the right to use a landowner's property (8 Rogers Street) for a particular purpose. Given the set up of these allotments and the existing fencing and access gates and without the corresponding legal documentation, it can only be presumed that this has been set up to prevent any future building works to the boundary which would block in the current windows on the boundary of the set of a swell as to allow pedestrian access to the rear of both properties.

The existing fencing between the properties does not follow this right of way easement with both and and 8 Rogers Street access gates and fencing being within the easement. The proposal seeks to maintain the existing fencing line and shift the gate access for 8 Rogers Street in line with the gate access to and a street in line with the gate access to and a street in line with the gate access to and a street in a second second

Existing easement and fencing realignments are outside the scope of this planning application and if there is no eventuating agreement to alter the easement, the existing fencing can remain without any adjustments of the dwelling footprint or planning application required. The title and or fencing in general and its realignment is independent of this planning application.

Access and noise during construction concerns have been noted and will be relayed to the eventual builder. All standard building protocols and access requirements will be adhered to during the construction process.

#### 6-Design intent

Due to the narrow allotment the upper floor has been designed with a narrow footprint for maximum setbacks and to minimise overshadowing. Pitched roof was chosen over a flat roof to blend with existing structures and the prevailing character of the area.

The proposed extension aims to enhance the existing structure whilst drawing on the prevailing historical character references and maintaining coherence with the historical area. The upper floor extension is not clearly visible from the street due to the location behind the original house. The materials and colours mimic the existing structures and aim to enhance the prevailing character through use of form and structure. Neutral brickwork and colour palette draw from the existing dwelling. Roof materials and batten screening details mimic the existing roof material to blend the wall and roof structures as if the addition is an extension of the roof.

We thank you for your consideration of the proposal and welcome your feedback and further discussion. If you wish to discuss anything further or directly, please do not hesitate to contact me.

Kind Regards,

Lisa Rickard Architect

DEVELOPMENT NO.:	23037828 (Deferred Item)	
APPLICANT:	Concordia College	
ADDRESS:	40 CHELTENHAM ST HIGHGATE SA 5063 10 HIGHGATE ST FULLARTON SA 5063 LOT 100 HIGHGATE ST HIGHGATE SA 5063	
NATURE OF DEVELOPMENT:	Illuminated Signage (Two Signs)	
ZONING INFORMATION:	<ul> <li>Zones:</li> <li>Urban Renewal Neighbourhood</li> <li>Community Facilities</li> <li>Overlays:</li> <li>Airport Building Heights (Regulated)</li> <li>Affordable Housing</li> <li>Prescribed Wells Area</li> <li>Regulated and Significant Tree</li> <li>Stormwater Management</li> <li>Urban Tree Canopy</li> <li>Heritage Adjacency</li> <li>Technical Numeric Variations (TNVs):</li> <li>Maximum Building Height (Metres) (Maximum building height is 18.5m)</li> <li>Maximum Building Height (Levels) (Maximum building height is 5 levels)</li> </ul>	
LODGEMENT DATE:	9 Feb 2024	
RELEVANT AUTHORITY:	Assessment panel	
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024	
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed	
NOTIFICATION:	Yes (Representors heard on 4 June 2024)	
RECOMMENDING OFFICER:	Timothy Bourner Team Leader Planning	
REFERRALS STATUTORY:	Not required	
REFERRALS NON-STATUTORY:	Not required	

## CONTENTS:

ATTACHMENT 1:	Revised Plans and Reports
ATTACHMENT 2:	Assessment Report and Attachments submitted to CAP 18 June 2024
ATTACHMENT 3:	CAP Minutes 18 June 2024

## **BACKGROUND:**

At the Council Assessment Panel (CAP) meeting held of 18 June 2024, the CAP deferred the application to enable to applicant to provide further information on the following:

• A perpendicular light spill analysis and report assessing the proposed illumination against the relevant Australian Standards and Code provisions.

The original assessment of the proposal is contained in Attachment 2.

Two representors were heard by the CAP at the previous meeting. The matters raised by the representors related to their concerns with the proposal as detailed in their written submissions and relates to the following matters:

- Signage unnecessary
- Amenity impacts
- Light impacts
- Operation times
- Already installed.

#### DISCUSSION

The applicant submitted a revised documentation to address the matters subject of the deferral. These are all found in **Attachment 1 and include**:

- Planning consultant letter
- Concordia College letter
- BCA Engineers letter
- Revised Obtrusive lighting review.

It is noted that the Obtrusive lighting Review remains largely the same with the engineer confirming that the initial review addressed the potential impact of perpendicular light spill. The review now includes the following executive summary:

#### **Executive Summary**

A review of the signage lighting associated with the Concordia crest located on the St Johns Campus Junior School building; and the Senior Campus Gymnasium.

The spill lighting was assessed by onsite measurements to provide indication of the compliance, and modelled usingAGI32 lighting calculation software.

Both methods indicated that the Highgate Street area perpendicular to the signage is <u>compliant for</u> <u>non-curfew</u> hours (11pm - 6am) which aligns with the proposed hours of operation.

The college has committed to further appease the residents concerns by implementing dimming for the signage lighting.

Further communications during the assessment of these documents have noted that Appendix 2 and 3 of the review clearly show that the light spill perpendicular to the signage is under the maximum limit of 2 Lux. For the sign on the western side of the campus adjacent Cheltenham Street the readings came in at a maximum of 1.3 Lux with the sign on the eastern side of the campus adjacent Highgate Street being 0.8 Lux. The measuring locations are shown in the above appendices and Appendix 4 being a full site plan.

Further to the above, the school has provided an undertaking to install a dimmer to further reduce the light levels. However, no detail has been provided regarding what reduction would occur or how this may impact light spill. Given that the light is below the allowable standards the installation of a dimmer is likely not necessary.

Regardless, as the light spill readings are shown to be under the maximum allowable levels pursuant to the Australian Standards, AS 4284:2023 Control of the obtrusive effects of outdoor lighting, as stated in the original report, the proposed illumination of the signage is considered to satisfy the relevant performance outcomes of the Planning and Desing Code and will not unreasonably compromise the amenity of sensitive receivers. The original recommendation remains with no change to conditions or notes.

### CONCLUSION

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- The proposed illumination of the signage maintains the approved use and built form of the site.
- The illumination levels have been determined to be in accordance with the Australian Standards with the hours of illumination following the operating hours of the school ensuring external impacts are sufficiently mitigated.

#### RECOMMENDATION

It is recommended that the Council Assessment Panel 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.
- 2. Development Application Number 23037828 by Concordia College c/- Phil Brunning and Associates is GRANTED Planning Consent subject to the following conditions:

#### CONDITIONS

#### **Planning Consent**

Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

#### Condition 2

The hours of operation of the illuminated signage must not exceed the following period:

- Monday to Saturday 6am to 10:30pm
- Sundays and Public Holidays 6am to 9:30pm

#### Condition 3

The illumination of the existing signage shall not contain any element that flashes, scrolls, moves or changes, or imitate a traffic control device.

#### Condition 4

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

#### **ADVISORY NOTES**

#### **Planning Consent**

#### Advisory Note 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.

Advisory Note 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.

Advisory Note 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.

#### Advisory Note 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).

#### Advisory Note 5

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

#### **OFFICER MAKING RECOMMENDATION**

Name: Timothy Bourner Title: Team Leader Planning Date: 15 October 2024

#### ATTACHMENT 1

Highgate 1945 016

19 September 2024

pba

Town Planning Development Advice Strategic Management

Timothy Bourner Senior Planner City of Unley Via the Plan SA Portal

Dear Tim,

#### **Development Application 23037828 – Further Information**

In response to the request for further information made by Council's Assessment Panel at its meeting on 18 June 2024, I provide the following for their consideration prior to making a decision on this proposal:

- a letter of undertaking by Concordia College with respect to the installation of dimmers for both crest illuminations;
- a letter form Scott Gill, Electrical Engineer with BCA Engineers that clarifies the finding of his lighting analysis; and
- an amended lighting analysis which addresses the issue of light escaping perpendicular to the fixtures as they relate to nearby residential properties.

As stated within the provided expert advice, the lighting fixtures perform within the stated parameters during both curfew and non-curfew hours. However, the College are willing to accept a condition to limit their operation to 6am - 11pm.

As a further measure to reduce concern regarding spill and glare, the school will installer dimmers to each of the light fixtures to reduce their intensity as required.

Yours faithfully

#### PHILLIP BRUNNING & ASSOCIATES PTY LTD

PHILLIP BRUNNING RPIA Registered Planner Accredited Professional – Planning Level 1

# Phillip Brunning & Associates

ABN 40 118 903 021

Level 1, 27 Halifax Street Adelaide SA 5000 Mobile 0407 019 748 phil@phillipbrunning.com www.phillipbrunning.com



**CONCORDIA COLLEGE Inc.** 

ELC - Year 12 mail@concordia.sa.edu.au www.concordia.sa.edu.au

19 September 2024

City of Unley

PO Box 1

Unley SA 5061

To whom it may concern

#### Re: CAP item - 23037828 - 40 Cheltenham Street Highgate

Concordia College is committed to addressing residential concerns regarding the crest illumination on Highgate Street and Cheltenham Street.

The College has engaged a contractor to install a dimmer switch to both sites with the works scheduled for Thursday 3 October 2024.

Kind regards

Mick Hoopmann **Director of Business Operations** 

St John's Campus 20 Highgate Street, Highgate SA 5063 08 8271 4299 CRICOS Provider Code 00360J CRICOS Provider Code #TBA

St Peters Campus 71 Cumming Street, Blackwood SA 5051 08 8278 0800

Concordia Campus 24 Winchester Street, Highgate SA 5063 08 8272 0444 CRICOS Provider Code 00360J





BCA Engineers / Adelaide 33 Rundle St, Kent Town SA 5067 PO BOX 2620, Kent Town SA 5071 T +61 8 8132 1700 enquiry@bcaengineers.com bcaengineers.com

Ref: 6929.240919.G.1

City of Unley PO Box 1 Unley SA 5061

To whom it may concern,

#### Re: CAP item - 23037828 - 40 Cheltenham Street Highgate

Further to report titled '6929.240513.E.01 Obtrusive Lighting_Concordia Signage r2.pdf' we confirm that an assessment was undertaken for both crest illuminated signs on the Senior campus gymnasium and the St Johns campus junior school with respect to AS/NZS 4282.

The report concludes that both installations comply with the above mentioned Standard for noncurfew hours (11pm – 6am), for a range of calculation points which includes positions perpendicular to the sign ie with direct view of the light source.

We note that the College has elected to integrate dimming of the light source on both installations to further reduce the concerns of the adjacent residents.

We trust this provides satisfactory resolution of this concern.

Kind regards, Scott Gill Director, Electrical Engineer BCA Engineers

# BCA ENGINEERS Concordia College

# **Obtrusive Lighting Review**

# (Building Services Engineering) BCA Ref. 6929.240520.G.1





BCA Engineers / Adelaide / Melbourne / Darwin T +61 8 8132 1700 / T +61 3 8697 8000 / T +61 8 8169 8901 enquiry@bcaengineers.com bcaengineers.com



# **OBTRUSIVE LIGHTING REVIEW ASSOCIATED WITH LED SIGNAGE**

## Memo

To: Caroline Cummins Date: 17 September 2024 Project ref.: 6929.240513.E.1 Project name: Concordia College – St Johns Campus / Senior Campus Gymnasium

Revision	Date	Description	Checked	Approved
1	21/05/2024	Issued for Stakeholder review	SWG	FML
2	17/09/2024	Issued for Stakeholder review (Update)	SWG	FML

#### **Executive Summary**

A review of the signage lighting associated with the Concordia crest located on the St Johns Campus Junior School building; and the Senior Campus Gymnasium.

The spill lighting was assessed by onsite measurements to provide indication of the compliance, and modelled using AGI32 lighting calculation software.

Both methods indicated that the Highgate Street area perpendicular to the signage is <u>compliant for non-curfew</u> hours (11pm – 6am) which aligns with the proposed hours of operation.

The college has committed to further appease the residents concerns by implementing dimming for the signage lighting.



#### 1. Introduction and Installation details

BCA Engineers were approached by Concordia College to provide engineering analysis of the recently installed LED backlit signage installed in two locations:

- St John Campus, Treehouse building, northern elevation adjacent Highgate Street
- Senior Campus Gymnasium, southern elevation adjacent Cheltenham Street

The purpose of the review is to respond to concerns raised by residents in the vicinity of the installed backlit signage.

The signage was designed and installed by Norwood Signarama; refer attachment 1 - '*Concordia 32255 0823 – SE1 Signage.pdf*'. The signage consists of solid elements mounted proud of the building cladding with side mounted flexible LED strip lighting to create a back light or halo effect behind the sign.

The installed LED light source has been identified as BounceLED Pivot Novaneon Range; refer attachment 1 - *Bounce LED Novaneon – Pivot.pdf*.



Figure 1: Treehouse Building and Gymnasium Building signage details (Extract from Signarama document – Appendix 1)




Figure 2: Plan drawing of St Johns Campus Treehouse and the area of concern



Figure 3: Plan drawing of Senior Campus Gymnasium and area of concern



#### 2. Compliance Requirements

Relevant Australian Standard: AS/NZS 4282:2023 Control of the obtrusive effects of outdoor lighting

Lighting Technical Parameters, refer clause 3.2.2:

- Maintenance factor of 1.0 (initial luminaire output)
- Environmental Zone applicable A3 (Table 3.1 Medium district brightness; "Generally roadways with streetlighting through suburban areas..")
- Curfew hours = 11pm to 6am daily
- Vertical illuminance (Ev) < 10 (Non-curfew); < 2 (Curfew).
- Luminous Intensity (L) < 12,500 cd (Non-curfew Level 1); < 2,500 cd (Curfew).
- Maximum average luminance of surfaces: n/a

#### 3 Assessment

#### 3.1 Methodology

Two methods were utilised to review the signage lighting installation:

- Computer analysis to be undertaken utilizing lighting modelling package AGI32 Version 21.3.0.23. We note that AGI32 included 'Obtrusive Light – Compliance Test' reference AS/NZS 4282:2019 (previous standard) however the lighting technical parameters required are produced for comparison with the current 2023 standard. AGI32 software is yet to capture the update.
- 2. Site measurements utilizing an illuminance meter with theoretical conversion to derive the lighting technical parameters noting that these measurements are met with limitations as described within AS/NZS 4282 and therefore are for indication / comparison only.

#### 3.1 Computer Analysis

AGI32 Lighting calculation software was utilised to build a representative model of both installations with the lighting technical parameters determined by the software tools.

The installed LED Strip 'Bounce LED Novaneon – Pivot' does not have an IES file (photometric file) for direct use within the software. Therefore the photometric file of what is considered an equivalent luminaire was utilised with modification to replicate the luminous output, and the luminous surface area of the luminaire.

Figure 4 below shows the Pivot luminaire to have an output of 330 lumens per meter with a luminous width of



Figure 4: Bounce LED Novaneon Pivot dimensions



#### LIGHT TECHNICAL DATA

Luminous flux per meter [lm]	600
Beam angle [°]	120
Colour consistency (McAdam ellipse)	SDCM3
Colour rendering index CRI	>80
Colour temperature [K]	4000

Smallest possible bending radius 200 mm

Dimension (L x W x H): 5010.0 mm x 13.2 mm x 16.0 mm

#### Figure 5: Bilton BL Air Side (equivalent luminaire utilized for AGI simulation) dimensions

_ General	Attributes
	Display Marga Make
Label	Filename LDT_BILTONAIRSIDE_450.ldt
Description 101318_00	[MANUFAC] BILTON
Tag (	[LUMCAT] 101318_00
Filename LDT_BILTONAIRSIDE_450.ldt	
Photometry	Metrics
Lumens Per Lamp         450         Number Of Lamps         1           Luminaire Lumens         450         Efficiency (%)         100           Luminaire Watts         14.6         S/P Ratio         1           Total LLF         0.660         Specify         1           Luminous Box         Size         X         1         Y         0.003           Offset         X         0         Y         0         Z         -0.0015           Photometric Center Offset From Insertion Point         X         0         Y         0         Z         -0.0315	Roadway Classification       Type VS         Longitudinal Classification       Very Shott         Upward Waste Light Ratio       0.00         Image: Classification       Direct         Luminaire Efficacy Rating (LER)       31         Maximum UGR       27.7         BUG Rating       B0-U1-G0         Cutoff Classification (deprecated)       Cutoff
Symbols	Configuration
Calculation Factory Symbols \ General Rectangular Down	Pole or Pendant Mounted
Housing Luminous	O Dynamic: Attach to Z =
Insertion Point	Arrangement
Vertical Top	Factory Arrangements \ Single
	Arm Length
Horizontal Photometric Lenter	
Drawing Factory Symbols \ General Rectangular Down	
Wireframe	
Line Width Pixel	

Figure 6 AGI32 IES (photometric) file details





Figure 7: St Johns Campus_Calculation Render

🛍 AGI32-21.3.0.23 (6929 Concordia Gymnasium Spill_Bilton) - [Render]
🛍 Eile Edit View Iools Help
□ ☞ ± - ± ■ 階 伊田田田田 ⊗ ⊗ ⊗ ≫ ≫ ♥ ★ 20 ₽ ₩ ■ ◎
😥 Model 🔙 Render 🛙 🔠 Reports ) 🇱 Design Tools 🔹 🥸 Daylight 🔹 🌇 Raytrace 🔹 🚫 Subdivision 🔹 🖬 Calculate 🔹 Viewpoint

Figure 8: Senior Campus Gymnasium_Render

Refer Appendix 2 and 3 for each installation obtrusive lighting generated by AGI32.

Both installations report as compliant for both curfew and non-curfew hours.



#### 3.3 Site Analysis

A site visit was undertaken on 10th April to observe the signage for each installation with the signage turned on and off several times to determine the illuminance associated with the signage at multiple locations in the area of concern.

The illuminance measurement equipment used is Protech QM1584 Light Meter; serial number 200719578.

We note that the meter while purchased within the last 12 months does not included a calibration certificate and on that basis the measurements taken and subsequent calculated Luminous Intensity is for indication purposes only.

Methodology:

- Record illuminance in fixed observer position adjacent area of concern with both signage on and off then determine the change in Illuminance.
- Convert Illuminance (lux) to Luminous intensity (candela)

Observations and Results:

Refer to Appendix 4: Site Plan Working.pdf for observer locations.

St Johns Campus	Observer position 1
Illuminance (Ev) Sign 'On'	Range 1.11 – 1.12
Illuminance (Ev) Sign 'Off'	Range 0.40 – 0.44
Illuminance (Ev) Difference	0.72 lux @ ~22m
Luminous Intensity	350 cd

The measurements indicate the installation is compliant at the observer position.

Senior Campus Gymnasium	Observer position 1	Observer position 2
Illuminance (Ev) Sign 'On'	Range 2.79 – 2.81	Range 1.00 – 1.03
Illuminance (Ev) Sign 'Off'	0.18	Range 0.77-0.88
Illuminance (Ev) Difference	2.63 lux	0.26 lux
Luminous Intensity	1160 cd	196 cd

The measurements indicate the installation is compliant for non-curfew parameters at the observer position.

#### 4. Recommendations and Summary

The computer analysis indicates that the signage lighting is compliant within both the curfew and non-curfew lighting technical parameters.

The Site analysis indicated that the signage lighting does not meet the requirements of the curfew lighting technical parameters.

On that basis we recommend signage lighting only be operated within the 'non-curfew' hours. Further restriction of curfew hours is also proposed to limit the concerns from the local residents.



#### 5. Appendices

Appendix 1_Concordia 32255 0823 - SE1 Signage.pdf Appendix 2_Gymnasium_Obtrusive Lighting_including Calc Points.pdf Appendix 3_St Johns_Obtrusive Lighting_including Calc Points.pdf Appendix 4_Site Plan_Working.pdf

# **APPENDIX 1**

# DESIGN PROPOSAL



# **Disclaimer** Please Read Below

# It's time to confirm that our design proposal looks just how you want it so we can get your project into production.

Your approval of our design indicates you have taken responsibility for all spelling, sizing, colours and materials indicated within this document. More than anything, we want you to be thrilled with the finished product so it's really important that you take this revision task seriously and check for errors that could have crept in during the processing of your files.

Please take the time to check all information very carefully as you will be responsible for costs incurred to replace items if they are produced as per the approved design.

Now that we have that out of the way, it's time for you to review your project so we can move another step closer to getting it into production.

#### **Please Note:**

Two (2) basic artwork changes allowed for in quote. Extra design changes may incur additional fees.



### Sarah Constructions - Concordia

Job No. 32255





Cross Section (8x Scale)

#### Treehouse Signage: Qty. x1

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with brown spacers.







### Sarah Constructions - Concordia

Job No. 32255





Cross Section (8x Scale)

#### Gymnasium Signage: Qty. x1

PMS White PMS 1235 C

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with black spacers.





# Sarah Constructions - Concordia

Date: 01.08.2023 Design: Matt Casey Version: 1



**3D Renders** 





# **APPENDIX 1.1**

# BONCE

# Pivot

NOVANEON RANGE

# Novaneon Pivot

Novaneon Pivot is a horizontally flexible outdoor LED strip light designed to emulate the look of traditional glass-moulded neon. Built with lettering in mind, its silicone-based housing is UV stable, weathertight and highly flexible, perfect for outdoor projects. With a refined solder-less connection system you can achieve that classic neon look with all the benefits of LED.





PIVOT ACCE	SSORY PACK	
	2x TUBES SILICONE GLUE	To seal end caps and connectors
	6x LEFT SIDE, 6x RIGHT SIDE POWER CONNECTORS	Seal and connect end of Novaneon strip to power
	12x END CAPS	Seals the end of Novaneon length not requiring power connection.
	25x PC TERMINALS	Inserts to prevent spread of excess sillicone to LED strip
P	25x CLEAR MOUNTING CLIPS	Transparent installation clips
ACCESSORIE	ES	
	NOVANEON SHEARS AND SCRAPER TOOL	Shears cut easily through Novaneon Scraper separates the silicone housing from the internal strip
P	CLEAR MOUNTING CLIPS	Transparent installation clips
	ALUMINIUM MOUNTING TRACK	Silver anodised aluminium track for Novaneon mounting (1000mm)

		4	Q	Ū		
NOVANE	ON RANGE					
	Pivot	9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	2700К / 6500К
		9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	Red / Blue / Yellow / Pink / Green
	Reflex	12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	2700K / 6500K
		12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	Red / Green / Blue / Yellow / RGB



### Installation Guide



**WARNING** Please read these instructions completely and carefully. Risk of electrical shock. Disconnect power before servicing or installing product



SALES & SUPPORT PH 02 9517 3222 | E sales@bounceled.com.au www.bounceled.com.au



### LED Product Warranty

#### LIMITED WARRANTY | Subject to change without notice

Bounce LED is committed to providing defect-free products that will give the purchaser years of trouble-free operation. All production facilities maintain strict quality assurance standards and our products are have been designed and thoroughly tested ensure the highest quality.

Bounce LED products are warranted to meet the performance criteria outlined in the written data sheets and specifications and are to be free from defects in materials and workmanship for the warranty period stated. Should any LED products fail to perform as specified during the warranty period, Bounce LED will replace all defective product in accordance with the terms and conditions.

Modules must be installed with qualified constant voltage SMPS with international certificate to guarantee warranty.

#### **TERMS AND CONDITIONS**

This warranty is based on reasonable indoor or outdoor usage in architectural and/or signage applications for image identification, when installed and used in accordance with instructions from Bounce LED. Normal operating conditions are defined as 8-12 hours per day, 7 days per week, continuous use in typical outdoor heat and humidity, and environmental conditions as stated in our product specification.

All LED systems, to varying degrees, have some amount of light degradation over the life of the product. Bounce LED designs all of its LED systems to minimise this light degradation but considers this a normal part of LED technology.

This warranty is valid when the LED products of Bounce LED are properly installed and wired in accordance with all instructions, building codes, the latest domestic and international safety agencies that are recognised as having applicable safety requirements.

Any improper use in conditions that are not stated in Bounce LED's written data sheets and instruction, or stated herein, including the use of third party dimming, flashing or other effect devices, extreme environmental conditions or any other unintended usage will void this warranty.

#### LIMITATION OF LIABILITY

Bounce LED is committed to making high quality lighting products. Returning of defective products will help us monitor and further improve product quality. Repair or replacement of the product is the sole remedy available.

Under no circumstance shall Bounce LED be liable for any incidental or consequential loss or damage whatsoever arising out of, or in any way related to any defect in or non-performance of the products. No warranty of merchantability or fitness for a particular purpose is made or implied.

Furthermore, Bounce LED shall not be responsible for any other costs, including installation or field support labour or loss of profits, income or revenue. Additionally, any drawing, layout, quotation or other communication regarding suggested product type, amount of usage is for reference only and should be treated as an estimate.

Bounce LED shall not be responsible for minimum illumination levels or other performance criteria that is not stated in Bounce LED's written data sheets and instructions, or stated herein.

Bounce LED reserves the right to test and examine all products returned under this warranty to evaluate proper usage, determine the cause of failure, and make a determination, in its sole judgement whether the products are defective and covered by this warranty.



# Obtrusive Light - Compliance Report AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew

Filename: 6929 Concordia Gymnasium Spill_Bilton 20-May-24 3:04:28 PM

#### Illuminance

Maximum Allowable Value: 2 Lux

Calculations	Tested	(1):
--------------	--------	------

ζ,	Test	Max.
Calculation Label	Results	Illum.
ObtrusiveLight_1_III_Seg1		PASS

# Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS



0.8 0.0 0.0 0.0 0.0 0.9 1 2 REGIDEN 1.2 1.3 0.0 0.8 0.9 1.0 1.1

#### VERTICAL ILLUMINANCE FACING WEST

**APPENDIX 2:** 

#### **CONCORDIA COLLEGE**

SENIOR CAMPUS **GYMNASIUM** 1.3

#### **Obtrusive Light - Compliance Report**

AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew Filename: 6929 Concordia Primary_Spill_Bilton 17-May-24 3:12:07 PM

#### Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (1):

# **APPENDIX 3:**

### CONCORDIA COLLEGE

#### **SENIOR CAMPUS GYMNASIUM**

0.8

	Test	Max.	
Calculation Label	Results	Illum.	
ObtrusiveLight_1_III_Seg1		PASS	

# Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS



CALCULATION AREA INCLUDING SIGNAGE

0.5	0.6	0.7	0.7	•0.8	<b>0</b> .8	•0.8	0.4	<b>0</b> .8	0.3	•0.0	•0.0	0.0	• <b>0.0</b>
0.5	0.6	0.7	0.7	0.7	•0.8	•0.8	0.4	0.8	0.3	•0.0	0.0	0.0	•0.0

# RESIDENTIAL

RESIDEN

VERTICAL ILLUMINANCE FACING EAST



#### **ATTACHMENT 2**

	23037828
APPLICANT:	Concordia College
ADDRESS:	40 CHELTENHAM ST HIGHGATE SA 5063
	10 HIGHGATE ST FULLARTON SA 5063
	LOT 100 HIGHGATE ST HIGHGATE SA 5063
NATURE OF DEVELOPMENT:	Illuminated Signage (Two Signs) – Proposed Illumination
	is Retrospective
ZONING INFORMATION:	Zones:
	Urban Renewal Neighbourhood
	Community Facilities
	Overlays:
	<ul> <li>Airport Building Heights (Regulated)</li> </ul>
	Affordable Housing
	Prescribed Wells Area
	<ul> <li>Regulated and Significant Tree</li> </ul>
	Stormwater Management
	Urban Tree Canopy
	Heritage Adjacency
	Technical Numeric Variations (TNVs):
	Maximum Building Height (Metres) (Maximum building
	height is 18.5m)
	Maximum Building Height (Levels) (Maximum building
	height is 5 levels)
LODGEMENT DATE:	9 Feb 2024
RELEVANT AUTHORITY:	Assessment Panel
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2024.2 08/02/2024
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Timothy Bourner
	Senior Planner

#### CONTENTS:

ATTACHMENT 1:	Site Plans and Elevations	ATTACHMENT 4:	Response to Representations
ATTACHMENT 2:	Planning Statement	ATTACHMENT 5:	Outdoor Lighting Review
ATTACHMENT 3:	Representations	ATTACHMENT 6:	Additional Representor Letter

#### DETAILED DESCRIPTION OF PROPOSAL:

This development proposes the illumination of existing signage at Concordia College. The existing signage (without illumination) was approved as part of previous applications for two new school buildings.

The existing signage consists of two school crests attached to two separate and recently completed buildings. One sign (figure 1) is attached to the northern elevation of the junior school building and multiuse hall located on the eastern part of the site adjacent Highgate Street, Highgate. The second sign (figure 2) is attached to the western elevation of the school gymnasium located at the southern side of the site, adjacent Cheltenham Street, Highgate.

Both existing signs are 1.8m wide and 2.5m high with the eastern sign located 4.5mm above ground level and the western sign 6m above ground level.

The proposal is to back illuminate both signs.

Since lodgement, it has been noted that the illumination has been installed and is in operation.





Figure 1 – Eastern sign

#### SUBJECT LAND & LOCALITY:

Figure 2 – Western sign

Location reference: 40 CHELTENHAM ST HIGHGATE SA 5063 Title ref.: CT 5994/235 Plan Parcel: D74086 AL72 Council: CITY OF UNLEY

Location reference: 10 HIGHGATE ST FULLARTON SA 5063 Title ref.: CT 5893/909 Plan Parcel: D61538 AL101 Council: CITY OF UNLEY

Location reference: LOT 100 HIGHGATE ST HIGHGATE SA 5063 Title ref.: CT 5893/908 Plan Parcel: D61538 AL100 Council: CITY OF UNLEY

#### Site Description:

The subject site consists of three allotments forming part of a much larger parcel of land and is located within two zones. Lot 100 and 10 Highgate Street Highgate are located wholly within the **Community Facilities Zone**. 40 Cheltenham Street, Highgate, is located wholly within the **Urban Renewal Neighbourhood Zone**. The eastern sign is located within the **Community Facilities Zone** and the western sign within the **Urban Renewal Neighbourhood Zone**.

The subject site currently forms part of Concordia College with the larger school grounds containing a range of buildings and facilities associated with the school. These buildings range in era of construction with two local heritage places being located on the Winchester Street frontage to the south of the subject site.

The subject sites contain the school gymnasium, junior school building and sports courts. The two buildings are recently constructed and are 12.75m and 14m tall respectively.

#### Locality

When determining the locality of the subject land the general pattern of development and the extent to which the proposed development is likely to impact surrounding occupiers and landowners was considered.

The locality spans three zones, **Community Facilities Zone**, **Urban Renewal Neighbourhood Zone** and the **Established Neighbourhood Zone**. The **Community facilities Zone** contains the school, the **Urban Renewal Neighbourhood Zone** contains part of the school, an aged care/accommodation facility and the

Julia Farr Centre, with the **Established Neighbourhood Zone** containing predominantly detached dwellings on large allotments.

Given the land uses, the locality is considered to be residential in nature despite the large buildings in the locality. The generous open areas and space between these larger buildings minimise their visual impact and maintaining a low density character. The dwellings are a mix of eras with character dwellings and post war dwellings intermixed including numerous two storey examples. The aged care facility contains two six storey apartment buildings with the Julia Far Centre containing a 10 storey tower and other two and three storey buildings.

The locality has an established landscape character with numerous large mature trees, both on private property and the council street verge.



Figure 1 – Locality, subject site and location of representors.

#### SERIOUSLY AT VARIANCE ASSESSMENT

The PDI Act 2016, Section 107 (2)(c) states that the development must not be granted planning consent if it is, in the opinion of the relevant authority, seriously at variance with the Planning and Design Code (disregarding minor variations).

#### The Community Facilities Zone Desired Outcome states:

Provision of a range of community, educational, recreational and health care facilities.

The proposal does not change the approved educational establishment land use with the development only to illuminate existing signage. This is consistent with the above DO.

#### The Urban Renewal Neighbourhood Zone Desired Outcome 1 states:

Housing and other land uses which no longer meet community preferences are replaced with new diverse housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, goods and services without compromising residential amenity.

Again, the proposal does not change the approved educational establishment land use with the development only to illuminate existing signage. This is consistent with the above DO.

As seen in the following planning assessment, the proposal is considered to satisfy the intent of the **Desired Outcomes** and **Performance Outcomes**. Therefore, this proposal for the illumination of existing signage is not considered to be seriously at variance with the Planning and Design Code.

#### PUBLIC NOTIFICATION

#### REASON

Urban Renewal Neighbourhood Zone - Table 5 – Procedural Matter (PM) – Notification – advertising is not listed as excluded from public notification. Clause 1 in Column A permits development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development. In this instance the proposed illumination of existing signage is not considered to be minor as it *may* impact the locality.

Community Facilities Zone - Table 5 – Procedural Matter (PM) – Notification – Clause 2 – advertising is listed as being excluded from notification.

Given the requirement for notification in the Urban Renewal Neighbourhood Zone the development was required to be publicly notified.

As part of the public notification process 29 owners and/or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject land for the duration of the notification period. A copy of the representations can be found in **Attachment 3**.

During the notification period Council received three representation all of which oppose the development. Two of the three representors have requested to be heard by the Council Assessment Panel.

#### LIST OF REPRESENTATIONS

Representor Name / Address	Support / Support with Concerns / Oppose	Request to be heard	Represented by
	I oppose the development	Yes	Self

I oppose the development	Yes	Self
I oppose the development	No	NA

#### Summary:

The representors raised the following concerns:

- Signage unnecessary
- Amenity impacts
- Light impacts
- Operation times
- Already installed.

The applicant provided a response to the representations which can be found in **Attachment 4**. With an accompanying Obtrusive Lighting Review report, **Attachment 5**. The response to the representation provided by Phil Brunning was emailed to the representors.

A further response was received from one of the representors and this can be found in **Attachment 6**. The applicant has chosen not to respond to this formally.

#### AGENCY REFERRALS

Nil

#### INTERNAL REFERRALS

Nil

#### **RULES OF INTERPRETATION:**

The application has been assessed against the relevant provisions of the Planning & Design Code (the Code). The Code outlines zones, subzones, overlay and general provisions policy which provide Performance Outcomes (POs) and Desired Outcome (DOs).

In order to interpret Performance Outcomes, the policy includes a standard outcome that generally meets the corresponding performance outcome (Designated Performance Feature or DPF). A DPF provides a guide as to what will satisfy the corresponding performance outcome. Given the assessment is made on the merits of the standard outcome, the DPF does not need to be satisfied to meet the Performance Outcome and does not derogate from the discretion to determine that the outcome is met in another way, or from discretion to determine that a Performance Outcome is not met despite a DPF being achieved.

Part 1 of the Code outlines that if there is an inconsistency between provisions in the relevant policies for a particular development, the following rules will apply to the extent of any inconsistency between policies:

- the provisions of an overlay will prevail over all other policies applying in the particular case;
- a subzone policy will prevail over a zone policy or a general development policy; and
- a zone policy will prevail over a general development policy.

#### PLANNING ASSESSMENT

The application has been assessed against the relevant policies of the **Planning & Design Code (the Code)**, which are found at the following link:

Planning and Design Code

#### Land Use

The subject site spans over two zones, **Community Facilities Zone** and the **Urban Renewal Neighbourhood Zone**. The **Desired Outcomes (DO)** for these zones are as follows:

**Community Facilities Zone DO 1** - *Provision of a range of community, educational, recreational and health care facilities.* 

**Urban Renewal Neighbourhood Zone DO 1** - Housing and other land uses which no longer meet community preferences are replaced with new diverse housing options. Housing density increases, taking advantage of well-located urban land. Employment and community services will improve access to jobs, goods and services without compromising residential amenity.

The current use of the site is an educational establishment, Concordia College, and this is not proposed to change. The proposed illumination of existing signage has no impact on the approved use.

#### Signage

The General Development Policies - Advertising - Performance Outcomes state:

**PO 1.1 -** Advertisements are compatible and integrated with the design of the building and/or land they are located on.

**PO 1.2 -** Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.

**PO 4.1 -** Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.

**PO 5.2 -** Advertisements and/or advertising hoardings do not distract or create hazard to drivers through excessive illumination.

#### The General Development Policies - Interface between Land Uses - Performance Outcomes state:

**PO 1.2 -** Development adjacent to a site containing a sensitive receiver (or lawfully approved sensitive receiver) or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

**PO 2.1 -** Non-residential development does not unreasonably impact the amenity of sensitive receivers (or lawfully approved sensitive receivers) or an adjacent zone primarily for sensitive receivers through its hours of operation having regard to:

- a) the nature of the development
- b) measures to mitigate off-site impacts
- c) the extent to which the development is desired in the zone
- d) measures that might be taken in an adjacent zone primarily for sensitive receivers that mitigate adverse impacts without unreasonably compromising the intended use of that land.

**PO 6.1 -** External lighting is positioned and designed to not cause unreasonable light spill impact on adjacent sensitive receivers (or lawfully approved sensitive receivers).

#### PO 6.2 - External lighting is not hazardous to motorists and cyclists.

The existing signage was approved as part of previous development applications and has been installed in accordance with those approvals. This development only seeks to back light these signs. As such the assessment of the signs themselves has already been considered and determined them to be appropriate for the site and locality. As such the signage maintains conformance with **General Development Policies - Advertising PO 1.1** and **1.2**.

The primary consideration of this assessment is whether the illumination proposed ensures limited impacts to the surrounding residential land uses. The signs are directed to the north and south and do not directly face adjacent dwellings. The signs are to be back lit rather than being internally illuminated or face lit. Both these factors contribute to the reduction in direct and visible light.

The proposal was accompanied by an Obtrusive Lighting Review report, **Attachment 5**. This report reviewed the illuminated signage. The review was undertaken using both computer modelling and on site measurements.

The report concluded the following:

- The computer analysis indicates that the signage lighting is compliant within both the curfew and non-curfew lighting technical parameters.
- The Site analysis indicated that the signage lighting does not meet the requirements of the curfew lighting technical parameters.
- On that basis we recommend signage lighting only be operated within the 'non-curfew' hours. Further restriction of curfew hours is also proposed to limit the concerns from the local residents.

Current approved operating hours of the school range from 6am until 10:30pm. In the original submission by the applicant, the illuminated signage was to operate between dusk and 10:30pm. In the response to the representors, it was stated that the applicant would accept a condition of approval limiting the hours to 6am until 11pm. These revised hours of operation are in line with the Australian Standards AS 4282:2023 Control of the obtrusive effects of outdoor lighting and refers to "non-curfew" hours.

Whilst first two points of the Obtrusive Lighting Review report's conclusion state the assessment has determined that the illuminated signage satisfies the Australian Standards for outdoor lighting, the final point recommends that the illuminated lighting should be further restricted.

As such, in order to satisfy **General Development Policies – Advertising PO 4.1** and **General Development Policies - Interface between Land Uses PO's 1.2, 2.1 and 6.1,** it is recommended that the illuminated signage only be operated within the current approved hours of operation of the school, namely until 10:30pm Monday to Saturday and 9:30 on Sundays and Public Holidays. This will ensure any impacts are minimised to the surrounding residential properties whilst allowing sufficient identification of the school during its operating hours. A condition should be added to any approval.

#### Heritage

Adjacent the subject site there are two Local Heritage Places (LHPs). They are located to the south of the subject site between Cheltenham Street and Winchester Street. Both buildings are separated from the site by other more recent buildings.



Figure 2 – Local Heritage Places

#### Heritage Adjacency Overlay PO 1.1 states:

Development adjacent to a State or Local Heritage Place does not dominate, encroach on or unduly impact on the setting of the Place.

Given the separation of the LHP's from the location of the signage and the school buildings in-between, the proposed illumination of the existing signage is not considered to impact the setting of the Local Heritage Places satisfying PO 1.1.

#### CONCLUSION

The matters raised by the representors have been considered in the course of this assessment. Having considered all the relevant assessment provisions, the proposal is considered satisfy the intent of the Desired Outcomes and Performance Outcomes of the Planning and Design Code for the following reasons:

- The proposed illumination of the signage maintains the approved use and built form of the site.
- The illumination levels have been determined to be in accordance with the Australian Standards with the hours of illumination following the operating hours of the school ensuring external impacts are sufficiently mitigated.

#### SERIOUSLY AT VARIANCE RECOMMENDATION

It is recommended that the Council Assessment Panel 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.

#### RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

1. Development Application Number 23037828 by Concordia College c/- Phil Brunning and Associates is GRANTED Planning Consent subject to the following conditions:

#### CONDITIONS

#### **Planning Consent**

#### Condition 1

The approved development shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

#### Condition 2

The hours of operation of the illuminated signage must not exceed the following period:

- Monday to Saturday 6am to 10:30pm
- Sundays and Public Holidays 6am to 9:30pm

#### Condition 3

The illumination of the existing signage shall not contain any element that flashes, scrolls, moves or changes, or imitate a traffic control device.

#### Condition 4

The illumination of the signage must be kept to a level which ensures, that no hazard, difficulty or discomfort is caused to either approaching drivers on adjacent public roads or nuisance to adjoining residents.

#### **ADVISORY NOTES**

#### **Planning Consent**

Advisory Note 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.

#### Advisory Note 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.

#### Advisory Note 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.

#### Advisory Note 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).

#### Advisory Note 5

The applicant must ensure there is no objection from any of the public utilities in respect of underground or overhead services and any alterations that may be required are to be at the applicant's expense.

#### **OFFICER MAKING RECOMMENDATION**

Name: Timothy BournerTitle:Senior PlannerDate:18 June 2024

#### ATTACHMENT 1



DA ISSUE	
ISSUED FOR DEVELOPMENT APPROVAL	
17/01/2024 12:10:36 PM	

ISSUED FOR APPROVAL 17/01/24 P1

### PROPOSED ILLUMINATED SIGNAGE LOCATION

### - PROPOSED ILLUMINATED SIGNAGE LOCATION





28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, **Subiaco**, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

### LOCATION PLAN

		4.4.0
Dwg No.	3360 DA-01	Rev: <b>P1</b> A1 SHEET
Job No.	2020065	
Date	JAN 2021	
Scale	1 : 1000	



^{1 : 100} 





	23/02/2023 5:25:12 PM	
Rev.	Amendment	Date
C1	IFC	02/12/21
C2	IFC	11/01/22
C3	IFC	26/04/22
C4	IFC	16/05/22
C5	IFC UPDATES	23/02/23







28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, Subiaco, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

#### **ELEVATIONS - C**

ZONE: C					
Scale Date Job No.	As indicated 04/09/21 2020065				
Dwg No.	3360 A30-C-1	Rev: C5 A1 SHEET			
		141			





## CONSTRUCTION

ISSUE FOR CONSTRUCTION 23/02/2023 5:18:43 PM

PLANT ENCLOSURE 12750 V 74850 AHD	006				
PARAPET10850 ▼ 72950 AHD	_				
	3350	+			
ROOF PITCHING POINT 7500					
69600 AHD CEILING 1E 6700 ▼	800				CBG
68800 AHD		-			
	2700	265	EL01		
N FIRST FLOOR 4000 ▼					
66100 AHD	0				
CEILING 2700 🗸	13(	$\uparrow$	EL01		
64800 AHD		-		K02A	BL
4000	2700	3294			
GROUND FLOOR 0					]
62100 AHD	-				

Rev.	Amendment	Date
C1	BRC RFI & IFC ZONE E	21/03/2022
C2	COORDINATION UPDATES FOR IFC	13/05/2022
C3	IFC - CLADDING COORDINATION	02/06/2022
C4	IFC - BLOCKWORK TYPES	03/06/2022
C5	IFC UPDATES	23/06/2022
C6	UPDATES FOR IFC	01/08/2022
C7	IFC UPDATES	23/02/2023

CODE	DESCRIPTION
AW	
BLK02A	190mm SMOOTH BLOCK
BLK02B	140mm SMOOTH BLOCK
CBG	Colourback glass
EL01	Aluminium Timber Look wall cladding
EL30	Metal Cladding - flat panel
EL31	Metal Cladding - flat panel, varying depths
GPT03	150mm EXT GLAZING - FRONT SET -
	BLACK
GPT10	150mm EXT GLAZING - FRONT SET -
	SECURITY - WHITE
SH05	Extruded steel sunshades

CLADDING PANEL SETOUT/ EW05
665mm - 2x285
865mm - 1x285 1x485
1135/1165mm - 2x285 1x485
1310/1335/1360/1365mm - 1x285 2x485
1470- 3x285 1x485
1835 - 1x285 3x485
2335 - 1x285 4x485
2765mm - 4x285 3x485

WINDOW/ EW07 575mm - 1x485 1075mm - 2x485 1475mm 3x285 2x485 1975mm - 3x285 2x485

#### EW06 635 - 2x285

NOTE: CLADDING PANELS SHOULD BE RANDOMISED WITH NO MORE THAN 3 OF THE SAME SIZE IN A ROW. LIST IS JUST QUANTITY NOT ORDER. CHECK DETAILS FOR FLASHING DIMENSIONS AT JUNCTIONS

GREY HATCHING INDICATES RECESSED CLADDING LOCATIONS.

REFER PLAN DETAILS FOR FURTHER SETOUTS.





28 Chesser Street, Adelaide, South Australia 5000 9/300 Rokeby Road, Subiaco, Western Australia 6008 Telephone : 08 8203 5800 ABN 65 007 846 586 brownfalconer.com.au

CONCORDIA COLLEGE

CONCORDIA REDEVELOPMENT

#### ELEVATIONS - E

ZONE:	E - GYMNASIUM	
Scale	1 : 100	
Date	07/08/20	
Job No.	2020065	
Dwg No.	3360 A30-E-1	R9V:427 1 SHEET






#### **ATTACHMENT 2**

20 December 2023

Mr Don Donaldson Assessment Manager City of Unley Via the PlanSA Portal



Development Advice Strategic Management

Dear Don,

#### Development Application – Concordia College – Identification Sign – New Gym (Cheltenham Street) & Classroom Building (Highgate Street) – Highgate

I refer to the Development Application by Concordia College that seeks planning consent for the installation and display of two identification signs on recently approved buildings associated with Concordia College, Highgate.

As you will recall council granted consent to a new gymnasium building at 40 Cheltenham Street (DA 2104757), and a new junior school building and multiuse hall at 20 Highgate Street (DA 21008071) back in 2021.

These buildings have now been completed and the College has installed signage to identify their association with the school in accordance with previously approved plans. The College now wish to include illumination to these signs.

Signage is limited to the school crest as depicted in the images and plans submitted as part of this application. In so far as the previous applications did indicate some signage, this application seeks to regularise the 'as built' situation.

The proposed signs are constructed from 4 mm solid opaque aluminium with a twopac spray paint finish in white and yellow colours. The crests are backlit with Novaneon which is rated to 330 lumens to minimise light glare and/or spill.

The illumination of these signs will be time limited between dusk and 10.30 PM daily. This will assist visitors to the school when attending at night and not give rise to nuisance that may impact amenity.

I note that an advertisement of the nature proposed is listed as being exempt from public notification procedures in Table 5 and in any event are of a minor nature and not likely to unreasonably impact on the owner or occupiers of land in the locality.

While slightly greater in size that that otherwise provided for by Designated Performance Feature 3.1 (2 m²), they are relatively modest and certainly not dominant when viewed on the context of these substantial buildings.

Accordingly, your favourable consideration of this application is sought.

Yours faithfully

#### UNNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA Registered Planner Accredited Professional – Planning Level 1, 2 & 3

#### Phillip Brunning & Associates

ABN 40 118 903 021

Level 1, 27 Halifax Street Adelaide SA 5000 Mobile 0407 019 748 phil@phillipbrunning.com www.phillipbrunning.com

#### **ATTACHMENT 3**

### **Details of Representations**

#### **Application Summary**

Application ID	23037828	
Proposal	Illuminated Signage (Two Signs)	
	10 HIGHGATE ST FULLARTON SA 5063, 40	
Location	CHELTENHAM ST HIGHGATE SA 5063, LOT 100	
	HIGHGATE ST HIGHGATE SA 5063	

#### Representations

#### Representor 1 -

Name	
Address	
Submission Date	05/03/2024 09:58 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development

#### Reasons

This signage does not aid identifying the gym building as it is clearly the only such development on the street. This is not a commercial precinct. There is no passing casual traffic that this would inform. The emblem does not aid in identifying as a gymnasium. Signage to direct street traffic and identify building could be at street level, not 13 metres up. It creates unwarranted light pollution throughout the night into my property. It emits way more than the suggested 300 lumen. It has already been installed prior to approvals. The light runs all night way past its operating hours specified.

#### **Attached Documents**

17096379035318847169281365457660-1343957.jpg	
17096379757238005046412086352148-1343958.jpg	
17096380239768700053175662375513-1343959.jpg	







#### Representations

Representor 2 -

Name	
Address	
Submission Date	07/03/2024 08:49 AM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

#### Reasons

We write concerning this application for a lit sign on the school building at 10 Highgate St Fullarton. Our houses are opposite this sign. Last year the sign lighting was installed without approval. It was lit all night and, in conjunction with the very bright security lighting on several levels of the building, was quite disruptive to our sleep, particularly for No. 13 Highgate Street as it was directly aligned with the central passage and the children's bedrooms. The letter accompanying the application notes the crests are backlit with Novaneon which is rated to 330 lumens to minimise light glare and/or spill. However, because the sign is not backlit but sidelit, the light spills directly across the road. We therefore request a) We see evidence that the sign complies with AS/NZS 4282 Control of the obtrusive effects of outdoor lighting b) If necessary dimmers are fitted to ensure compliance c) The time of operation be limited to between dusk and 9pm due to the orientation with respect to the childrens' bedrooms as noted above. Trusting this receives favourable consideration

#### **Attached Documents**

#### Representations

Representor 3 -

Name	
Address	
Submission Date	07/03/2024 09:51 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	Yes
My position is	I oppose the development

#### Reasons

The specific reasons that I believe planning consent should be refused are: This is a school with the stated hours of ELC – Year 6: 8.30am to 4pm and Year 7 to Year 12: 8.30 – 4.30pm. I note the PBA Town planning advice stating: "The illumination of these signs will be time limited between dusk and 10.30 PM daily. This will assist visitors to the school when attending at night and not give rise to nuisance that may impact amenity" As a school with the above stated hours, there should not be significant numbers of visitors attending the school at night and these should be limited to friends and family of school attendees. These people should know where the school is located. If there are a significant number of visitors to the school at night, who are not associated with the school, then the I question the validity of these visitors – what is their business there and what other business activities are being undertaken by the school that warrants a significant number of visitors at night other than those people associated with the school? If the school is operating primarily as a school, then it should be operating primarily within the stated school hours and with limited activities outside the stated hours particularly at night. Furthermore, I again refer to the PBA Town planning advice that states the signs "are relatively modest and certainly not dominant when viewed on the context of these substantial buildings". This statement is contradictory to the stated reason for the illumination of the signs - to assist visitors to the school at night. The buildings dominate the local landscape making it almost impossible to miss the school. Any visitor will see the school buildings without the assistance of an illuminated signs. Furthermore, with the majority of cars now having a navigation system this should also direct them to the school. Illuminated signs are generally associated with advertising. For reasons outlined above this is blatant advertising in a residential area which detracts from residential amenity, is not in keeping with the local neighborhood and not in keeping with the nature of the activity, a school, which should be operating primarily during daylight hours.

#### **Attached Documents**

#### **ATTACHMENT 4**

23 May 2024

#### Amelia DeRuvo Planning Officer City of Unley <u>aderuvo@unley.sa.gov.au</u>



Development Advice Strategic Management

Dear Amelia,

#### **Development Application 23037828 – Response to Representations**

I refer to the Development Application by Concordia College that seeks approval (retrospectively) for the illumination of signage displayed on two recently completed buildings on the grounds of Concordia College, Highgate.

I understand that 3 representations were received by council form nearby residents as a result of public notification procedures. I provide the following on behalf of the Applicant in relation to the concerns expressed.

- 1. The illuminated signs are thought necessary to identify the physical presence of the recently completed facilities together with the branding of the school in a manner that is reasonable and expected in the circumstance.
- 2. Reasonable and expected in so far as educational establishments and associated sporting/recreational facilities are forms of development that are specifically envisaged and provided for in this location.
- 3. The proposed signage was shown on the drawings approved for the classroom and gymnasium buildings, albeit not specified as being illuminated. In essence this proposal is for the illumination of existing signage.
- 4. As documented by BCA Engineers dated 21 May 2024 the intensity of the illumination for these signs will perform within the parameters set out in Australian Standard 4282-1997 Control of the obtrusive effects of outdoor lighting.
- 5. The planning authority may rely on the above-mentioned Australian Standard as the objective measure for the performance of this lighting, and therefore is not considered to be excessive or unreasonable.
- 6. In so far as there were inconsistencies between the computer and site analysis undertaken by BCA, the Applicant is prepared to accept a condition limiting illumination within 6.00 AM and 11 PM (non-curfew hours).

As provided for, I will attend the Panel meeting to respond to any questions arising.

Yours faithfully

NNING & ASSOCIATES PTY LTD



PHILLIP BRUNNING RPIA Registered Planner Accredited Professional – Planning Level 1 Phillip Brunning & Associates

ABN 40 118 903 021

Level 1, 27 Halifax Street Adelaide SA 5000 Mobile 0407 019 748 phil@phillipbrunning.com www.phillipbrunning.com

#### **ATTACHMENT 5**

### BCA ENGINEERS Concordia College

### **Obtrusive Lighting Review**

#### (Building Services Engineering) BCA Ref. 6929.240520.G.1





BCA Engineers / Adelaide / Melbourne / Darwin T +61 8 8132 1700 / T +61 3 8697 8000 / T +61 8 8169 8901 enquiry@bcaengineers.com bcaengineers.com



#### **OBTRUSIVE LIGHTING REVIEW ASSOCIATED WITH LED SIGNAGE**

#### Memo

To: Caroline Cummins Date: 20 May 2024 Project ref.: 6929.240513.E.1 Project name: Concordia College – St Johns Campus / Senior Campus Gymnasium

Revision	Date	Description	Checked	Approved
1	21/05/2024	Issued for Stakeholder review	SWG	FML



#### 1. Introduction and Installation details

BCA Engineers were approached by Concordia College to provide engineering analysis of the recently installed LED backlit signage installed in two locations:

- St John Campus, Treehouse building, northern elevation adjacent Highgate Street
- Senior Campus Gymnasium, southern elevation adjacent Cheltenham Street

The purpose of the review is to respond to concerns raised by residents in the vicinity of the installed backlit signage.

The signage was designed and installed by Norwood Signarama; refer attachment 1 - '*Concordia 32255 0823 – SE1 Signage.pdf*'. The signage consists of solid elements mounted proud of the building cladding with side mounted flexible LED strip lighting to create a back light or halo effect behind the sign.

The installed LED light source has been identified as BounceLED Pivot Novaneon Range; refer attachment 1 - *Bounce LED Novaneon – Pivot.pdf*.



Figure 1: Treehouse Building and Gymnasium Building signage details (Extract from Signarama document – Appendix 1)





Figure 2: Plan drawing of St Johns Campus Treehouse and the area of concern



Figure 3: Plan drawing of Senior Campus Gymnasium and area of concern

May 2024



#### 2. Compliance Requirements

Relevant Australian Standard: AS/NZS 4282:2023 Control of the obtrusive effects of outdoor lighting

Lighting Technical Parameters, refer clause 3.2.2:

- Maintenance factor of 1.0 (initial luminaire output)
- Environmental Zone applicable A3 (Table 3.1 Medium district brightness; "Generally roadways with streetlighting through suburban areas..")
- Curfew hours = 11pm to 6am daily
- Vertical illuminance (Ev) < 10 (Non-curfew); < 2 (Curfew).
- Luminous Intensity (L) < 12,500 cd (Non-curfew Level 1); < 2,500 cd (Curfew).
- Maximum average luminance of surfaces: n/a

#### 3 Assessment

#### 3.1 Methodology

Two methods were utilised to review the signage lighting installation:

- Computer analysis to be undertaken utilizing lighting modelling package AGI32 Version 21.3.0.23. We note that AGI32 included 'Obtrusive Light – Compliance Test' reference AS/NZS 4282:2019 (previous standard) however the lighting technical parameters required are produced for comparison with the current 2023 standard. AGI32 software is yet to capture the update.
- 2. Site measurements utilizing an illuminance meter with theoretical conversion to derive the lighting technical parameters noting that these measurements are met with limitations as described within AS/NZS 4282 and therefore are for indication / comparison only.

#### 3.1 Computer Analysis

AGI32 Lighting calculation software was utilised to build a representative model of both installations with the lighting technical parameters determined by the software tools.

The installed LED Strip 'Bounce LED Novaneon – Pivot' does not have an IES file (photometric file) for direct use within the software. Therefore the photometric file of what is considered an equivalent luminaire was utilised with modification to replicate the luminous output, and the luminous surface area of the luminaire.

Figure 4 below shows the Pivot luminaire to have an output of 330 lumens per meter with a luminous width of



Figure 4: Bounce LED Novaneon Pivot dimensions



#### LIGHT TECHNICAL DATA

Luminous flux per meter [Im]	600
Beam angle [°]	120
Colour consistency (McAdam ellipse)	SDCM3
Colour rendering index CRI	>80
Colour temperature [K]	4000

Smallest possible bending radius 200 mm

Dimension (L x W x H): 5010.0 mm x 13.2 mm x 16.0 mm

#### Figure 5: Bilton BL Air Side (equivalent luminaire utilized for AGI simulation) dimensions

_ General —		Attri	butes	
			Displau Name	Value
Label		•	Filename	LDT_BILTONAIRSIDE_450.ldt
Description	101318_00		[MANUFAC]	BILTON
Tag			[LUMCAT]	101318_00
Photometry- Lumens Per Luminaire Lu	LDT_BILTONAIRSIDE_450.ldt	Meti	ics	Roadway Classification Type VS Longitudinal Classification Very Short Upward Waste Light Ratio 0.00 Indoro Classification Direct
Luminaire W Total LLF Luminous Photometric From Inserti	iatts 14.6 S/P Ratio 1   0.660 Specify   Box Size X 1 Y 0.014 Z 0.003   Offset X 0 Y 0 Z -0.0015   Center Offset X 0 Y 0 Z -0.0315			Indoor Llassification Direct Luminaire Efficacy Rating (LER) 31 Maximum UGR 27.7 BUG Rating B0-U1-G0 Cutoff Classification (deprecated) Cutoff
	Photometry 90-Degrees Llockwise			
Symbols		Con	figuration	
Calculation	Factory Symbols \ General Rectangular Down		Pole or Pendan	t Mounted
	Housing Luminous	(	Dynamic: Attach to Z	= O Static: Length =
	Insertion Point		rrangement	
1	Vertical Top		Factory Arrangements \ 9	Single
	Horizontal Photometric Center			Arm Length 0
Drawing	Factory Symbols \ General Rectangular Down		+->	
	Wireframe			
-				

Figure 6 AGI32 IES (photometric) file details





Figure 7: St Johns Campus_Calculation Render

Model Render B Reports H C V V V V V V V V V V V V V V V V V V

Figure 8: Senior Campus Gymnasium_Render

Refer Appendix 2 and 3 for each installation obtrusive lighting generated by AGI32.

Both installations report as compliant for both curfew and non-curfew hours.



#### 3.3 Site Analysis

A site visit was undertaken on 10th April to observe the signage for each installation with the signage turned on and off several times to determine the illuminance associated with the signage at multiple locations in the area of concern.

The illuminance measurement equipment used is Protech QM1584 Light Meter; serial number 200719578.

We note that the meter while purchased within the last 12 months does not included a calibration certificate and on that basis the measurements taken and subsequent calculated Luminous Intensity is for indication purposes only.

Methodology:

- Record illuminance in fixed observer position adjacent area of concern with both signage on and off then determine the change in Illuminance.
- Convert Illuminance (lux) to Luminous intensity (candela)

Observations and Results:

Refer to Appendix 4: Site Plan Working.pdf for observer locations.

St Johns Campus	Observer position 1
Illuminance (Ev) Sign 'On'	Range 1.11 – 1.12
Illuminance (Ev) Sign 'Off'	Range 0.40 – 0.44
Illuminance (Ev) Difference	0.72 lux @ ~22m
Luminous Intensity	350 cd

The measurements indicate the installation is compliant at the observer position.

Senior Campus Gymnasium	Observer position 1	Observer position 2
Illuminance (Ev) Sign 'On'	Range 2.79 – 2.81	Range 1.00 – 1.03
Illuminance (Ev) Sign 'Off'	0.18	Range 0.77-0.88
Illuminance (Ev) Difference	2.63 lux	0.26 lux
Luminous Intensity	1160 cd	196 cd

The measurements indicate the installation is compliant for non-curfew parameters at the observer position.

#### 4. Recommendations and Summary

The computer analysis indicates that the signage lighting is compliant within both the curfew and non-curfew lighting technical parameters.

The Site analysis indicated that the signage lighting does not meet the requirements of the curfew lighting technical parameters.

On that basis we recommend signage lighting only be operated within the 'non-curfew' hours. Further restriction of curfew hours is also proposed to limit the concerns from the local residents.



#### 5. Appendices

Appendix 1_Concordia 32255 0823 - SE1 Signage.pdf Appendix 2_Gymnasium_Obtrusive Lighting_including Calc Points.pdf Appendix 3_St Johns_Obtrusive Lighting_including Calc Points.pdf Appendix 4_Site Plan_Working.pdf

# DESIGN PROPOSAL



## **Disclaimer** Please Read Below

## It's time to confirm that our design proposal looks just how you want it so we can get your project into production.

Your approval of our design indicates you have taken responsibility for all spelling, sizing, colours and materials indicated within this document. More than anything, we want you to be thrilled with the finished product so it's really important that you take this revision task seriously and check for errors that could have crept in during the processing of your files.

Please take the time to check all information very carefully as you will be responsible for costs incurred to replace items if they are produced as per the approved design.

Now that we have that out of the way, it's time for you to review your project so we can move another step closer to getting it into production.

#### **Please Note:**

Two (2) basic artwork changes allowed for in quote. Extra design changes may incur additional fees.



### Sarah Constructions - Concordia

Job No. 32255





Cross Section (8x Scale)



PMS White PMS 1235 C

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with brown spacers.





### Sarah Constructions - Concordia

Job No. 32255





Cross Section (8x Scale)

#### Gymnasium Signage: Qty. x1

PMS White PMS 1235 C

Supply and on-site installation of laser-cut 4mm Aluminium logo (2pac spraypainted white and cross elements PMS 1235 C) and to feature halo illumination via rear fixed NeonFlex (cool white). 12mm dia. pins to be welded to rear of aluminum logo for fixing through cladding and into supporting structure offset from face of cladding 50mm with black spacers.





## Sarah Constructions - Concordia

Date: 01.08.2023 Design: Matt Casey Version: 1



**3D Renders** 





## BONCE

## Pivot

NOVANEON RANGE

## Novaneon Pivot

Novaneon Pivot is a horizontally flexible outdoor LED strip light designed to emulate the look of traditional glass-moulded neon. Built with lettering in mind, its silicone-based housing is UV stable, weathertight and highly flexible, perfect for outdoor projects. With a refined solder-less connection system you can achieve that classic neon look with all the benefits of LED.





PIVOT ACCESSORY PACK				
	2x TUBES SILICONE GLUE	To seal end caps and connectors		
R	6x LEFT SIDE, 6x RIGHT SIDE POWER CONNECTORS	Seal and connect end of Novaneon strip to power		
	12x END CAPS	Seals the end of Novaneon length not requiring power connection.		
	25x PC TERMINALS	Inserts to prevent spread of excess sillicone to LED strip		
P	25x CLEAR MOUNTING CLIPS	Transparent installation clips		
ACCESSORIE	ES			
	NOVANEON SHEARS AND SCRAPER TOOL	Shears cut easily through Novaneon Scraper separates the silicone housing from the internal strip		
P	CLEAR MOUNTING CLIPS	Transparent installation clips		
	ALUMINIUM MOUNTING TRACK	Silver anodised aluminium track for Novaneon mounting (1000mm)		

		4	Q	Ū	TT	
NOVANEON RANGE						
	Pivot	9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	2700К / 6500К
		9.0W/m (12V)	330lm/m	5YR	11 x 20 mm (5m)	Red / Blue / Yellow / Pink / Green
	Reflex	12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	2700K / 6500K
		12W/m (12V)	350lm/m	5YR	11 x 20 mm (5m)	Red / Green / Blue / Yellow / RGB



## Installation Guide



**WARNING** Please read these instructions completely and carefully. Risk of electrical shock. Disconnect power before servicing or installing product



SALES & SUPPORT PH 02 9517 3222 | E sales@bounceled.com.au www.bounceled.com.au



## LED Product Warranty

#### LIMITED WARRANTY | Subject to change without notice

Bounce LED is committed to providing defect-free products that will give the purchaser years of trouble-free operation. All production facilities maintain strict quality assurance standards and our products are have been designed and thoroughly tested ensure the highest quality.

Bounce LED products are warranted to meet the performance criteria outlined in the written data sheets and specifications and are to be free from defects in materials and workmanship for the warranty period stated. Should any LED products fail to perform as specified during the warranty period, Bounce LED will replace all defective product in accordance with the terms and conditions.

Modules must be installed with qualified constant voltage SMPS with international certificate to guarantee warranty.

#### **TERMS AND CONDITIONS**

This warranty is based on reasonable indoor or outdoor usage in architectural and/or signage applications for image identification, when installed and used in accordance with instructions from Bounce LED. Normal operating conditions are defined as 8-12 hours per day, 7 days per week, continuous use in typical outdoor heat and humidity, and environmental conditions as stated in our product specification.

All LED systems, to varying degrees, have some amount of light degradation over the life of the product. Bounce LED designs all of its LED systems to minimise this light degradation but considers this a normal part of LED technology.

This warranty is valid when the LED products of Bounce LED are properly installed and wired in accordance with all instructions, building codes, the latest domestic and international safety agencies that are recognised as having applicable safety requirements.

Any improper use in conditions that are not stated in Bounce LED's written data sheets and instruction, or stated herein, including the use of third party dimming, flashing or other effect devices, extreme environmental conditions or any other unintended usage will void this warranty.

#### LIMITATION OF LIABILITY

Bounce LED is committed to making high quality lighting products. Returning of defective products will help us monitor and further improve product quality. Repair or replacement of the product is the sole remedy available.

Under no circumstance shall Bounce LED be liable for any incidental or consequential loss or damage whatsoever arising out of, or in any way related to any defect in or non-performance of the products. No warranty of merchantability or fitness for a particular purpose is made or implied.

Furthermore, Bounce LED shall not be responsible for any other costs, including installation or field support labour or loss of profits, income or revenue. Additionally, any drawing, layout, quotation or other communication regarding suggested product type, amount of usage is for reference only and should be treated as an estimate.

Bounce LED shall not be responsible for minimum illumination levels or other performance criteria that is not stated in Bounce LED's written data sheets and instructions, or stated herein.

Bounce LED reserves the right to test and examine all products returned under this warranty to evaluate proper usage, determine the cause of failure, and make a determination, in its sole judgement whether the products are defective and covered by this warranty.



Obtrusive Light - Compliance Report AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew Filename: 6929 Concordia Gymnasium Spill_Bilton 20-May-24 3:04:28 PM

#### Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (1):

	Test	Max.	
Calculation Label	Results	Illum.	
ObtrusiveLight_1_III_Seg1		PASS	1.3

## Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS

Obtrusive Light - Compliance Report AS/NZS 4282:2019, A3 - Medium District Brightness, Curfew Filename: 6929 Concordia Primary_Spill_Bilton 17-May-24 3:12:07 PM

#### Illuminance

Maximum Allowable Value: 2 Lux

Calculations Tested (1):		
ζ,	Test	Max.
Calculation Label	Results	Illum.

ObtrusiveLight_1_III_Seg1

Illum. PASS 0.8

## Luminous Intensity (Cd) At Vertical Planes Maximum Allowable Value: 2500 Cd

Calculations Tested (1):

	Test
Calculation Label	Results
ObtrusiveLight_1_Cd_Seg1	PASS



		178
Dwg No.	3360 DA03	Rev: <b>1</b> A1 SHEET
Job No.	2020065	
Date	02/12/18	
Scale	1 : 650	

#### **ATTACHMENT 6**



31 May 2024

Planning Officer & Development Assessment Board

City of Unley

RE: Development Application 23037828 – Request of signage Illumination Concordia Gymnasium & Response to Representations.

Dear Staff/Board

I reside immediately adjacent to the Gymnasium Complex on the western side, quite close to the proposed illumination,

- 1. I request my original representation of objection to stand, in addition to these further notes. Note that there has been no consultation in relation to this matter from the College or their representatives.
- 2. Illumination and security lighting concerns were raised by Me at the Planning Representation for this building requesting that NO LIGHTING SHOULD BE PRESENT OVER 3M ABOVE GROUND, subsequently car park light poles of above this height were installed on the boundary, and after much negotiations, this have been lowered to satisfactory level; and now Illumination at 10m above ground is requested.
- 3. There is no practical need for this signage to be illuminated; The building is clearly evident at night by the nature of the windows and interior lighting that already stands out in the end of a cul-de-sac location. (See attached image) Any new visitor would use google maps to be directed with ease.


- 4. The building interior lighting is cycled on from 5am every morning till late at night, WAY BEYOND THE APPROVED OPERATING HOURS. Hence it is easy to distinguish without a LOGO Illuminated at 10m heigh on the front wall of the building.
- 5. The signage illumination is not shielded at the edges and hence the bare light source shines directly at angles of 70-90 degrees from direct facing to the street, hence the evident light emitted is significant and intrusive. PLEASE NOTE the BCA Engineers Concordia College Obtrusive Lighting Review has used an "Average viewing angle of 145 degrees" ie encompassing only 72.5 degrees from straight ahead view and hence has not considered the Impacts on my property, and as such this report is not relevant.



6. Curfew Lighting conditions that limit lighting illumination within 6:00am to 10:00pm (approved operating hours) would be well received for ALL Concordia site lighting that sits above 3m from ground, as recent build onto Cheltenham St. has floodlights at top of building that remain on ALL NIGHT and directly shine onto my property front windows. (see attached image)



- 7. Recommendation that a Frame could be made around the Logo to shield this unwarranted side lighting whilst allowing it to be visible from the street façade in front of the property only.
- 8. The Car Park lighting remains on from dusk till dawn every night encouraging patrons to remain in the car park well after scheduled operating hours, and regularly past midnight. **Request that these be limited to Curfew Hours.**
- 9. The Gymnasium has been observed to be operating beyond the council approved operating hours with sessions running beyond 10:00pm and in particular running on Sundays beyond 4:00pm up to 8:00pm and beyond giving no respite from traffic, parking and noise that this facility generates, impacting residents further. See attached images below.

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## **ATTACHMENT 3**

# **CITY OF UNLEY**

#### **COUNCIL ASSESSMENT PANEL**

### Minutes of Meeting held Tuesday 18 June 2024 at Civic Centre, Council Chambers

## KAURNA ACKNOWLEDGEMENT

Ngadlurlu tampinthi, ngadlu Kaurna yartangka inparrinthi. Ngadlurlu parnuku tuwila yartangka tampinthi.

Ngadlurlu Kaurna Miyurna yaitya yarta-mathanya Wama Tarntanyaku tampinthi. Parnuku yailtya, parnuku tapa purruna yalarra puru purruna.*

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country.

We also acknowledge the Kaurna people as the traditional custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

*Kaurna Translation provided by Kaurna Warra Karrpanthi

PRESENT:	Mr Brenton Burman
	Ms Colleen Dunn
	Professor Mads Gaardboe (Deputy)
	Mr Will Gormly
	Dr. Iris Iwanicki

APOLOGIES: Mr Terry Sutcliffe

OFFICERS PRESENT:

Mr Don Donaldson, Assessment Manager Mr Gary Brinkworth, Development & Regulatory Manager Mr Tim Bourner, Senior Planning Officer Ms Amelia DeRuvo, Planning Officer Mrs Ailar Zakeri, Cadet Planning Officer Ms Sandy Beaton, Development Administration Officer

# **ITEM 3 - CONFIRMATION OF MINUTES:**

### MOVED: Colleen Dunn

That the Minutes of the City of Unley Council Assessment Panel meeting held on Tuesday 16 April 2024, as printed and circulated, be taken as read and signed as a correct record.

## CARRIED UNANIMOUSLY

# ITEM 4.1 – 40 CHELTENHAM STREET, HIGHGATE SA 5063 - 23037828

John Held, Representor, addressed the Panel regarding the above-mentioned application.

Phill Brunning from Phillip Brunning & Associates, spoke on behalf of the applicant in support of the application.

MOVED: Will Gormly

SECONDED: Dr Iwanicki

SECONDED: Will Gormly

That Development Application number 23037828 by Concordia College is DEFERRED Planning Consent to seek further information in relation to the following:

- a perpendicular light spill analysis and report assessing the proposed illumination against the relevant Australian Standards and Code provisions.

# CARRIED UNANIMOUSLY

# ITEM 5.1 – 64 NORTHGATE STREET, UNLEY PARK – 24008386 – MOTION INTO CONFIDENCE

### **PURPOSE**

To recommend that the discussion of Item 5.1 be considered in confidence at the 18 June 2024 Council Assessment Panel Meeting.

MOVED: Colleen Dunn

SECONDED: Will Gormly

It is recommended that:

- 1. The report be received.
- Pursuant to Regulation 13(2) (a) (viii) and 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
  - Don Donaldson, Team Leader Planning | Assessment Manager
  - Gary Brinkworth, Manager Development & Regulatory
  - Tim Bourner, Senior Planning Officer
  - Amelia De Ruvo, Planning Officer

- Sandy Beaton, Development Administration Officer
- Ailar Zakeri, Cadet Planning Officer
- Sam Cassar, Symatree PTY LTD

On the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believe on reasonable grounds will take place.

### CARRIED UNANIMOUSLY

### ITEM 5.1 – 64 NORTHGATE STREET, UNLEY PARK – 24008386 – MOTION OUT OF CONFIDENCE

MOVED: Dr Iwanicki

SECONDED: Prof Gaardboe

It is recommended that:

- 1. The report be received.
- 2. Formal proceedings recommence with the gallery to be reopened to the public.

## CARRIED UNANIMOUSLY

### ITEM 5.1 - 64 NORTHGATE STREET, UNLEY PARK SA 5061-24008386

MOVED: Will Gormly

SECONDED: Colleen Dunn

It is recommended that the Council Assessment Panel resolve that:

- 1. The Council Assessment Panel **affirm** the decision of the Assessment Manager for DA 24008386:
  - (a) That the application is NOT seriously at variance with the provisions of the Planning and Design Code.
  - (b) The application to remove a significant tree at 64 Northgate Street Unley Park is not considered to meet the following provisions for removal:
    - The Significant Tree makes an important contribution to the character and amenity of the local area, is important to the maintenance of biodiversity in the local environment and is considered to be a notable visual element of the landscape of the local area, and therefore should be retained in accordance with

Regulated and Significant Tree Overlay Desired Outcome DO 1 and Assessment Provision PO 1.2 (a), (e) and (f).

 It has not been demonstrated that the Significant Tree is diseased, that its life expectancy is short, that it represents an unacceptable risk to public or that it has or threatens to cause damage to a substantial building of value, and insufficient evidence that all remedial treatments will be ineffective. As such does not satisfy Regulated and Significant Tree Overlay Assessment Provision PO 1.3.

# CARRIED UNANIMOUSLY

## ITEM 6.1 – APPLICATIONS BEFORE THE ERD COURT – SUMMARY OF COURT APPEALS

The Senior Planning Officer provided an update on the appeal lodged against the Panel's refusal for the demolition of a dwelling at 7 Thornber Street, Unley Park.

MOVED: Dr Iwanicki

SECONDED: Prof Gaardboe

That the report be noted and received.

# CARRIED UNANIMOUSLY

### **OTHER BUSINESS:**

Will Gormly sought clarification on the redaction requirements within the June agenda. Council Administration advised that consideration was given to the redactions within item 5.1 of the agenda due to the confidential nature of information contained within the relevant attachments.

The panel thanked Sam Cassar for his attendance.

The Presiding Member declared the meeting closed at 7:04PM

The foregoing minutes were taken as read and confirmed at the meeting of the Panel on Tuesday 16 July 2024.

.....

### PRESIDING MEMBER

DATED / /

NEXT MEETING Tuesday 16 July 2024

## ITEM 6.1 APPLICATIONS BEFORE THE ERD COURT - SUMMARY OF ERD COURT APPEALS

MEETING DATE:	October 15 th 2024
SUBJECT:	Summary of ERD Court Appeals
FROM:	Gary Brinkworth, Assessment Manager
то:	City of Unley Council Assessment Panel

## APPEALS - 1

Development Application / Subject Site	Nature of Development	Decision authority and date	Current status
DA22040422 - 7	Demolition	Refused by	Appealed to ERD,
Thornber Street,		CAP, March	conference adjourned
Unley Park		21 st 2023	until Dec 10 th 2024
DA24009737 – 5	Carport	Refused under	Appealed to ERD,
Regent Street,		delegation ,	Hearing scheduled on
Millswood		May 3 rd 2024	Oct 21 st 2024
DA23023271 – 80	Demolition	Refused under	Appealed to ERD,
Avenue Road,		delegation ,	Awaiting compromised
Highgate		June 21 st 2024	report outcome
DA24011525 – 7 Thornber Street, Unley Park	Demolition and new dwelling	Refused by CAP, September 10 th 2024	Appealed to ERD, conference scheduled on Nov 11 th

#### ITEM 7.1 APPLICATION – 23023271 – 80 AVENUE ROAD, HIGHGATE – INTO CONFIDENCE

## **DECISION REPORT**

ITEM NUMBER	7.1
DEVELOPMENT NUMBER	23023271
DEVELOPMENT ADDRESS	80 Avenue Road, Highgate
DATE OF MEETING	15 October 2024
AUTHOR	Nicholas Bolton, Planning Officer
RESPONSIBLE OFFICER	Gary Brinkworth, Assessment Manager
RELEVANT AUTHORITY	Council Assessment Panel

#### PURPOSE

To recommend that Item 7.1 be considered in confidence at the 15 October 2024 Council Assessment Panel Meeting.

## RECOMMENDATION

MOVED:

SECONDED:

It is recommended that:

- 1. The report be received.
- 2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the Council Assessment Panel orders the public be excluded with the exception of the following:
  - Gary Brinkworth, Manager Development & Regulatory | Assessment Manager
  - Tim Bourner, Team Leader Planning
  - Amelia De Ruvo, Senior Planning Officer
  - Nicholas Bolton, Planning Officer
  - Lauren Cooke, Planning Officer
  - Michelle Penta, Customer Liaison Officer

On the basis that considerations at the meeting should be conducted in a place open to the public has been outweighed on the basis that the information relating to actual litigation or litigation that the Panel believe on reasonable grounds will take place.

#### ITEM 7.1 APPLICATION – 23023271 – 80 AVENUE ROAD, HIGHGATE – OUT OF CONFIDENCE

## **DECISION REPORT**

ITEM NUMBER	7.1
DEVELOPMENT NUMBER	23023271
DEVELOPMENT ADDRESS	80 Avenue Road, Highgate
DATE OF MEETING	15 October 2024
AUTHOR	Nicholas Bolton, Planning Officer
RESPONSIBLE OFFICER	Gary Brinkworth, Assessment Manager
RELEVANT AUTHORITY	Council Assessment Panel

#### RECOMMENDATION

MOVED:

SECONDED:

It is recommended that:

- 1. The report be received.
- 2. Pursuant to Regulation 13(2) (a) (ix) of the Planning, Development and Infrastructure (General) Regulations 2017, as amended, the report and attachments for item 7.1 remain confidential on the basis that the information contained therein concerns actual litigation being the appeal in ERD-24-88
- 3. Formal proceedings recommence with the gallery to be reopened to the public.