Notice of Council Assessment Panel Meeting

MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr J Rutt	Independent Member
Mr A Mackenzie	Independent Member
Ms B Merrigan	Independent Member
Ms N Taylor	Deputy Independent Member
Mr D Wyld	Elected Member

NOTICE is given pursuant to Sections 87 and 88 of the Local Government Act 1999 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury on **TUESDAY 18 JULY 2023** commencing at **10.00am**

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 11 July 2023

CITY OF TEA TREE GULLY

COUNCIL ASSESSMENT PANEL MEETING
18 JULY 2023

AGENDA

1. Attendance Record:

1.1 Present
1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 20 June 2023 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

4.1 22041414 - Construction of a child care centre with associated boundary acoustic fences, retaining walls and advertising at 48 & 50 Brunel Drive Modbury Heights **5**

Recommended to Grant Planning Consent

4.2 23002769 - Telecommunications facility comprising a 30m monopole, antennas, ancillary equipment, equipment shelter and fencing at 66-68 Valley Road Hope Valley. **203**

Recommended to Grant Planning Consent

5. Other Business

5.1 E.R.D. Court Matters Pending - Nil

5.2 Policy Considerations

Planning policy considerations will be recorded in the minutes following discussion by members.

6. Information Reports - Nil

7. Date of Next Meeting

15 August 2023

REPORT NO: **22041414**

RECORD NO: **D23/39261**

TO: **COUNCIL ASSESSMENT PANEL MEETING - 18 JULY 2023**

FROM: **Blake O'Neil**
Senior Planning Officer

SUBJECT: **CONSTRUCTION OF A CHILD CARE CENTRE WITH ASSOCIATED BOUNDARY ACOUSTIC FENCES, RETAINING WALLS AND ADVERTISING AT 48 & 50 BRUNEL DRIVE MODBURY HEIGHTS**

SUMMARY

DEVELOPMENT NO.	22041414
APPLICANT	Future Urban Pty Ltd
ADDRESS	48 & 50 Brunel Drive, Modbury Heights SA 5092
NATURE OF DEVELOPMENT	Construction of a child care centre with associated boundary acoustic fences, retaining walls and advertising
ZONING INFORMATION	**Zones:** • General Neighbourhood Zone **Overlays:** • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Defence Aviation Area • Hazards (Flooding - Evidence Required) • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE	15 December 2022
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully

PLANNING & DESIGN CODE VERSION	2022.23
CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 7 March 2023 to 28 March 2023
NUMBER OF PROPERTIES NOTIFIED	21
REPRESENTATIONS RECEIVED	21
REPRESENTATIONS TO BE HEARD	8
RECOMMENDING OFFICER:	Blake O'Neil
REFERRALS STATUTORY	Nil
REFERRALS NON-STATUTORY:	Traffic – Joshua Leong Civil Stormwater – Wahid Yousafzai
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

The applicant seeks to construct a child care centre with associated advertising, retaining walls and fencing. The proposed development occupies two residential allotments known as 48 Brunel Drive, Modbury Heights and 50 Brunel Drive, Modbury Heights, each with an existing dwelling and ancillary structures that are all to be demolished.

The built form of the proposed child care centre is two storey in nature and has a total floor area of 579m^2 over the two levels. The lower level comprises two large rooms for children, staff facilities, kitchen and an office space. A 280m^2 outdoor play area surrounds the built form with the exception of the carpark to the western side of the development. The upper level has a further 2 activity rooms, toilets and a 310m^2 play area.

The building setback to Brunel Drive is 3.7m with a verandah projecting forward 1.6m and 1.9m from the front boundary. The building setback to the northern/rear boundary is 4.4m and the eastern boundary 3.9m. The upper level front setback is 4.7m, rear is 4.4m and the eastern side is 3m.

The carpark will be accessed by a 6.2mm wide crossover off Brunel Drive to allow two-way traffic. Unused crossovers will be reinstated. The carparking area will accommodate 20 carparks which includes one disability space and allows for a vehicle turn around area. The

carparking area also includes a screened waste storage area. Landscaping and new fencing will be constructed on the eastern and northern boundaries of the carpark.

The childcare centre itself will accommodate 80 children and a maximum of 12 staff although not all staff are expected to be onsite at any given time. The hours of operation will be between 6:30am and 6:30pm Monday to Friday.

The building will comprise a palette of colours and materials including cement fibre, a smooth block wall cladding, Colorbond and timber paling fencing to provide a modern appearance in keeping with the locality and provide visual interest.

The building's internal spaces are to be separated based on the age groups of the attending children, with each area having direct access to outdoor play spaces. Other internal spaces will support the functions of the centre and will include bathrooms, offices, kitchen, laundry, sleeping room, staff room, preparation rooms, waiting room and a reception area.

Advertising on the site will comprise of two signs, including one attached to the southern elevation of the building and the front boundary fence. Signs will not be illuminated and will provide a cohesive appearance to the building utilising sympathetic colours and materials.

2. SUBJECT LAND & LOCALITY

2.1 Site Description

Location reference: 48 Brunel Drive, Modbury Heights SA 5092

Title Reference:	**Plan Parcel:**	**Council:**
CT 5742/370	D9880 AL415	CITY OF TEA TREE GULLY

Location reference: 50 Brunel Drive, Modbury Heights SA 5092

Title Reference:	**Plan Parcel:**	**Council:**
CT 5535/90	D9880 AL416	CITY OF TEA TREE GULLY

The subject site comprises two allotments known as 48 Brunel Drive, Modbury Heights and 50 Brunel Drive, Modbury Heights. The subject sites are regular in shape and have a total area of 1327m^2. The sites are currently occupied with a dwelling on each allotment, and both allotments having frontage to Brunel Drive.

The land forming the subject site has a fall of some 1m down towards the front boundary of the allotments. The northern, eastern and western boundaries have existing fencing which will be replaced.

The adjoining road verge has formalised footpaths, however there are no street trees or any regulated or significant trees nearby that will be affected by this development. A signalised pedestrian crossing is adjacent the eastern boundary 50 Brunel Drive.

2.2 Locality

The locality has been defined as an area 200m from the boundaries of the subject site (see Figure 1 below). The land to the north of Brunel Drive is used for residential development with the exception of Modbury Heights Shopping Centre to the east of the subject land. South of Brunel Drive and within the locality is "The Heights School".

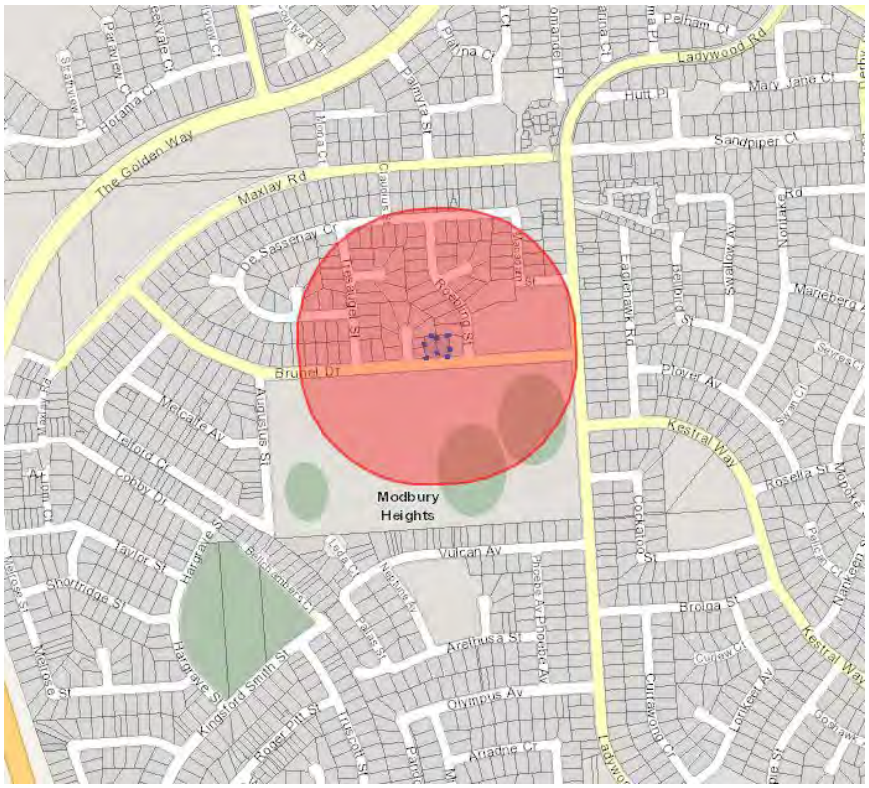


Figure 1: Subject Site and Locality Map – Subject site in blue, locality marked in red.

The subject site and locality are sited within the General Neighbourhood Zone with the exception of the shopping centre which is encompassed by the Suburban Activity Centre Zone. There are no Sub Zones applicable to the site.

The bulk of the existing residential development within the locality is consistent with the General Neighbourhood Zone in that it primarily comprises of large allotments of 700m^2 that generally accommodate single storey detached dwellings developed in the 1970's and 80's. Front setbacks are uniformly between 7-9m and large rear setbacks to provide generous Private Open Space areas.

The locality has retained larger allotments with few being subdivided and developed with new infill housing. This pattern of development extends beyond the locality in all directions.

The shopping centre is small scale with one supermarket and several smaller shops. The school is well established with approximately 1700 students and is currently undergoing some upgrades including a refurbishment to the gym and new classrooms.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT
Two storey child care centre – Performance Assessed
Advertising– Performance Assessed
Fencing– Performance Assessed
Retaining Walls– Performance Assessed

OVERALL APPLICATION CATEGORY
Code Assessed - Performance Assessed

REASON
Planning and Design Code

4. PUBLIC NOTIFICATION

Reason

Section 6 of Table 5 of the General Neighbourhood Zone lists Pre-Schools as not requiring Public Notification, except where the development does not satisfy General Neighbourhood Zone DTS/DPF 1.5.

General Neighbourhood Zone DTS/DPF 1.5 stipulates a *maximum building height not exceeding 1 building level*.

As the proposed child care centre comprises two building levels, it does not comply with the above provision and therefore was required to undergo public notification.

LIST OF REPRESENTATIONS

Name	Address	Position	Wishes to be Heard
Robert Ansell	10 Axiom Court, Modbury Heights	Oppose	No
Amy Arcon	12 Glenarbon Court, Para hills	Oppose	No
Shailendra Chudasamasinh	83 Maxlay Road, Modbury Heights	Oppose	Yes
Kristianne Foreman	5 Prelate Court, Wynn Vale	Oppose	Yes
Kerry Forster	13 Brunel Drive, Modbury Heights	Oppose	No
Katherine Gray	84 Maxlay Road, Modbury Heights	Oppose	No
Leah Hall	11 Forrest Court, Golden Grove	Oppose	No
Kimberly Hampton	11 Cobby Drive, Modbury Heights	Oppose	No
Mark Hickey	4 Roebling Street, Modbury Heights	Oppose	No
Paul Hosking	40 De Sassenay Crescent, Modbury Heights	Oppose	No
Mihir Jani	41 De Sassenay Crescent, Modbury Heights	Oppose	No
Helen Kidner	8 kingfisher Drive, Modbury Heights	Oppose	No
Tom Kidner	The Heights School Governing Council, Brunel Drive, Modbury Heights	Oppose	Yes

Deborah Mitchell	54 De Sassenay Crescent, Modbury Heights	Oppose	Yes
Guangyao Niu	8 Isambard Court, Modbury Heights	Oppose	Yes
Parameshwara Parakrishna	21 De Sassenay Crescent, Modbury Heights	Oppose	No
Sudip Parikh	8 Roebling Street, Modbury Heights	Oppose	No
Piyush Patel	52 Brunel Drive, Modbury Heights	Oppose	Yes
Rebecca Thomas	2 De Sassenay Crescent, Modbury Heights	Oppose	Yes
June Villadsen	6 Isambard Court, Modbury Heights	Oppose	No
Hong Zhao	7 Isambard Court, Modbury Heights	Oppose	Yes

Summary

21 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

Twenty-one representations were received, all were not in support of the proposed development. Eight representors wish to be heard.

A copy of the representations received can be found in Attachment 11. Figure 2 shows the notified properties in red and the responses received in green noting that 4 are outside the boundaries of the Figure 1 map.

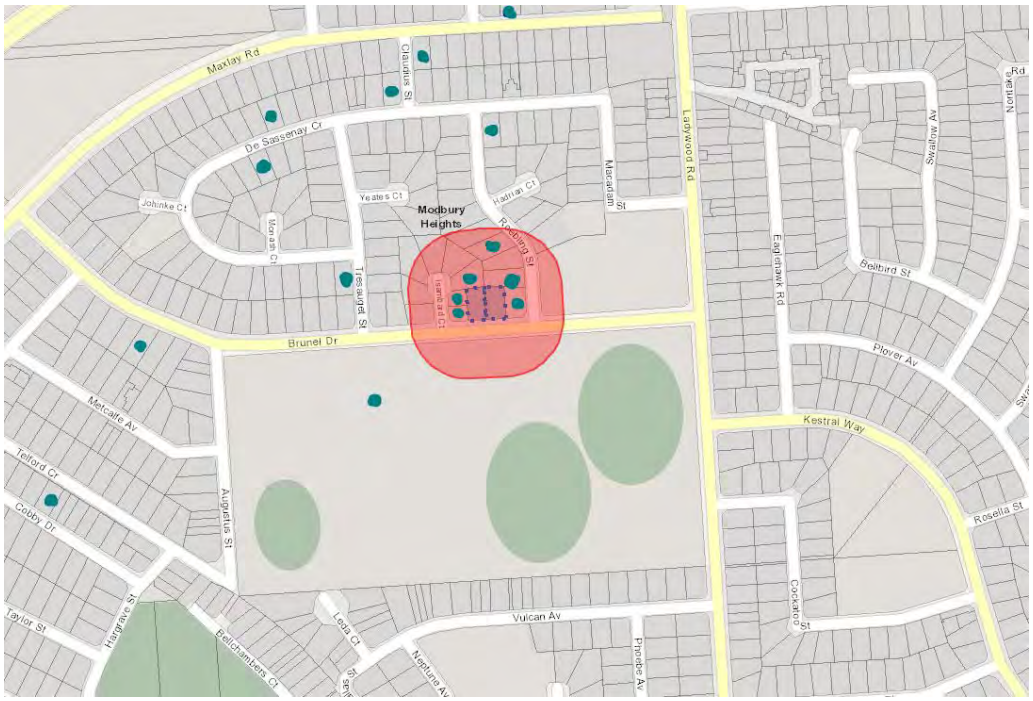


Figure 1: Subject site in blue, notified properties marked in red representations received in green.

Concerns raised during public notification can be summarised as follows:

- Traffic congestion and safety
- Demand for Child Care
- Car parking
- Noise
- Overlooking

- Sewer and stormwater
- Waste Collection

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in attachment 12.

5. AGENCY REFERRALS

5.1 Referral Body Name

Nil

6. INTERNAL REFERRALS

6.1 Traffic – Joshua Leong

The proposal was referred for an assessment of the parking provisions and the potential impact on the local road network. Concerns around the collection of rubbish were raised and have been resolved. Carparking rates and layout acceptable.

6.2 Civil Stormwater – Wahid Yousafzai

The application was referred to Council's Acting Team Leader Civil Assets with respect to impacts on existing Council infrastructure, particularly stormwater management. The response confirmed that the design is acceptable.

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 9 of this report and are available on Council's website as a supplementary document.

7.1 Land Use

The subject site is located within the General Residential Zone where the **Desired Outcome (DO)** seeks the following:

> *Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live without compromising residential amenity.*

The proposed use of a child care centre falls within the definition of Pre-School pursuant to the Planning and Design Code (the Code). This use is envisaged within the **General Neighbourhood Zone** as detailed in **Performance Outcome (PO) 1.1** and **Designated Performance Feature (DPF) 1.1 (h)**.

It is considered that the proposed child care centre is consistent with the above PO of the zone as an envisaged land use.

General Neighbourhood Zone PO1.4 supports DO1 and states *Commercial activities improve community access to services are of a scale and type to maintain residential amenity.*

The existing locality comprises large residential allotments with single storey dwellings that have significant front and rear setbacks. The subject site comprises two allotments with single storey detached dwellings with 8m front setbacks and 10m rear setbacks. The proposal will add a second storey to the site with a front setback of 3m and upper level side and rear setbacks of 4.4m and 3m respectively. The bulk and scale of the built form represents a significant departure from the existing pattern of development of the locality providing low density residential development.

General Neighbourhood Zone PO1.5, the trigger for Public Notification, refers to expansion of existing community services and **DPF1.5** provides guidance on what is envisaged for a development of this nature within the Zone. The DPF allows for single storey commercial development. The height of the building in relation to the existing pattern of development, resulting in a dominant structure is also not compatible with the Desired Outcome of the General Neighbourhood Zone.

7.2 Building Height

General Neighbourhood Zone PO 4.1 seeks buildings that contribute to a low-rise suburban character, with the corresponding **DPF** seeking building heights no greater than two levels and 9m high, and having wall heights no greater than 7m except in the case of a gable end.

The proposed child care building comprises two levels and has a maximum height measured from finished ground level of 7.9m. The wall height is 6.1m with the exception of the gable end. The building has also been designed to present the bulk of the upper level to the road frontage and the rear of the residential allotment to the east, thus minimising the visual impact on the residential development to the north and west.

As such the proposed child care centre building is considered to satisfy **General neighbourhood Zone PO 4.1**.

7.3 Setbacks, Design & Appearance

7.3.1 Setbacks

General Neighbourhood Zone PO 5.1 seeks setbacks to the primary street to contribute to the existing/emerging pattern of street setbacks in the streetscape.

The associated DPF's state the primary street setback should be not less than 5m where no building exists on an adjoining site with the same primary street frontage.

The building will front Brunel Drive with a setback of 3.7m a shortfall of 1.3m from the **General Neighbourhood Zone DPF 5.1**.

Given the site has a frontage of some 39m with the portion encroaching 8.5m in width with the balance having a 4.8m setback the proposed front setback is acceptable in this instance.

The upper and lower level setbacks comply with **General Neighbourhood Zone DPF 8.1**. The upper level of the building is to have a side setback of 3.1m where the DPF requires a minimum of 1.9m, and therefore satisfies **General neighbourhood Zone PO 8.1, DPF 8.1 (b).**

The rear setback for the proposed child care centre is 6m. Whilst the Code does not provide guidance for non-dwelling rear setbacks, the rear setback and building siting are considered to be acceptable as they will have no greater impact than a similar sized dwelling, noting that the building faces the side of the adjoining dwelling.

The setbacks exceed the **General Neighbourhood Zone PO's** and have been satisfied.

7.3.2 Site Coverage

General Neighbourhood Zone PO 3.1 calls for building footprints to allow sufficient space around buildings to limit visual impact, provide an attractive outlook, and allow access to light and ventilation. One way to achieve this is detailed in **DPF 3.1** which states that site coverage should not exceed 60%.

Pursuant to Part 8 of the Code, site coverage is calculated by adding the total roofed area of all buildings and dividing this by the site area.

The proposed building has a total roofed area as per the roofing plan, of approximately 638m^2 which corresponds to 48% site coverage, thus satisfying the above requirement.

7.3.3 Design and Appearance

Design in Urban Areas PO 1.3 seeks that building elevations facing the primary street (other than ancillary buildings) are designed and detailed to convey purpose, identify main access points and complement the streetscape.

The proposed building is designed with a rectangular shape and a gable end roof facing Brunel Drive. The left-hand side of the building is setback from the building line and a porch structure project's forward. This reduces the bulk of the building as viewed from the street. The material palette is neutral with the building being predominantly natural earthy colours and a variety of materials being used.

The car park is sited alongside the building which allows for space and separation to the adjoining land to the west, and also reduces the visual bulk of the building due to the extended setback for that side of the building.

There is a non-illuminated sign adjacent to the entry on the fence facing Brunel Drive and another on the front façade of the building which provides a clearly defined access the building.

Based on the above, the provisions relating to design are considered to have been satisfied.

The waste storage areas and plant and machinery are to be screened with fencing and landscaping to reduce their respective visual impact thus satisfying **Design in Urban Areas PO 1.4** and **1.5**.

7.3.4 Traffic Impact, Access and Parking

Transport, Access and Parking PO 3.1 seeks that access is safe and convenient and minimises impact or interruption on the operation of public roads. **PO 3.3** calls for access points that are sited and designed to accommodate the type and volume of traffic likely to be generated by the development.

Transport, Access and Parking PO 3.4 and **PO 3.5** seek access points to be sited and designed such that they minimise the impact on adjoining properties and minimise the interference with existing street furniture and street trees.

In order to demonstrate that the impact of the proposal accords with the desired outcomes of the Code, the applicant provided a traffic and parking report prepared by MFY, see Attachment 7.

The proposed child care centre incorporates a new double width crossover of 6.2m to Brunel Drive, with the existing two crossovers to be decommissioned and returned to standard kerbing. This new crossover is designed to accommodate both entry and exit of all vehicles to the site.

The crossover has been shown to be clear of all street furniture, infrastructure and trees.

The application has been referred to Council Traffic Engineer who has reviewed the plans and report. They are satisfied with what has been proposed and will be looking to add parking restrictions on the street in front of the subject land.

Transport, Access and Parking - Table 1 provides car parking rates for a Child Care Centre at 0.25 spaces per child. The application states there will be a maximum of 80 children on the site requiring 20 car parking spaces. 20 spaces have been provided including one disability space. A turnaround is located at the rear of the car park.

The carpark incorporates soft landscaping to the western and northern boundaries to provide screening with a full landscaping plan provided by Das-Studio. The appearance of the car park is improved by landscaping when viewed from the public realm to satisfy **Design in Urban Areas PO 7.5.**

7.5 Environmental Factors

7.5.1 Noise Emissions

Interface between Land Uses DO 1 seeks development to be located and designed to mitigate adverse effects on or from neighbouring and proximate land uses. **PO 1.2** states that development adjacent to a site containing a sensitive receiver or zone primarily intended to accommodate sensitive receivers is designed to minimise adverse impacts.

Interface between Land Uses PO 4.1 seeks development that emits noise (other than music) does not unreasonably impact the amenity of sensitive receivers.

The applicant provided an acoustic report prepared by Echo Acoustic Consulting to support the application which can be found in Attachment 8. The report provides details of fencing and balustrades that will mitigate the noise impacts to adjacent sensitive receivers. The detail provided in the report are replicated in the provided plans. The report concluded that the proposal has been designed in such a way as to mitigate adverse impacts on the adjoining residential allotments. When considering the findings and recommendations of the Echo Acoustic Consulting report, it is considered the proposal accords with **Interface between Land Uses PO 1.2 and PO 4.1.**

7.5.2 Waste Management

Design in Urban Areas PO 1.5 seeks that the negative visual impact of outdoor storage, waste management, loading and service areas is minimised by integrating them into the building design and screening them from public view.

The bin storage area is screened with landscaping to reduce the visual impact as viewed from Brunel Drive.

Waste will be collected by a private contractor in accordance with the Environmental Protection (Noise) Policy 2007 with the time being a condition of approval. The collection vehicle has been provided space to allow for entry and exit to the site in a forward gear.

The method of storage, screening and collection is considered to satisfy **Design in Urban Areas PO 1.5** and **PO 11.1**.

7.5.3 Retaining Walls and Fencing

Design in Urban Areas PO 9.1 seek that fences, walls and retaining walls of sufficient height maintain privacy and security without unreasonably impacting visual amenity and adjoining land's access to sunlight or the amenity of public places. **PO 9.2** seeks that landscaping is incorporated on the low side of retaining walls that are visible from public roads and public open space to minimise visual impacts.

The plans provide retaining walls in cut on the eastern and southern boundaries of the site to a maximum height of 1.2 meters. Fencing on the side and rear boundaries to be a minimum of 2.4m from the play area floor level and car park level. Where no retaining is provided the fencing is to be 2.4m reducing to 2.1m at the tallest part of the retaining. The retaining walls and fencing form part of the acoustic treatment for the development.

7.5.4 Overlooking

Design in Urban Areas PO 10.1 refers to mitigating direct overlooking from upper level windows to habitable rooms and the private open space of adjoining residential land uses.

The proposal has upper level windows facing north and to the east; these windows are fixed and have frosted film to meet the DPF provision. The windows have therefore satisfied **Design in Urban Areas PO 10.1**.

Design in Urban Areas PO 10.2 refers to mitigating direct overlooking from balconies to habitable rooms and the private open space of adjoining residential land uses.

The upper level play area functions as a balcony with no roof or windows. The plans provide for 1.8m solid walls to the western and northern side of the area. The eastern side of the area has clear balustrade at 1.8m and the lower 1.2m having obscure film. The supplied planning report at 4.5.2 states screening to be 1.5m in height for which a condition has been provided. The upper level play area meets the **Design in Urban Areas DPF 10.2** provisions when conditions are applied, and as such the screening is considered acceptable.

7.5.5 Signage

Advertisements DO 1 seeks advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create a hazard.

Advertisements PO 1.1 seeks that advertisements are compatible and integrated with the design of the building and/or land they are located on. **PO 1.5** seeks that advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

Similarly, **General Neighbourhood Zone PO 12.1** seeks that advertisements identify the associated business activity, and do not detract from the residential character of the locality.

The proposal incorporates branded signage into the overall design of the building. The signage consists of large integrated branding attached to the southern elevation. The materials and colours are complementary to the material and colour palette of the building and are somewhat simple in their designs.

The message conveyed within the signage identifies the name of the centre, *Eden Academy,* and includes the corporate logo of the centre. No other messaging or images are proposed on the building. A similar sign is to be located on the front boundary fence. This satisfies **Advertisements PO 3.1** which seeks that advertising is limited to information relating to the use of the land they are located on. The signage is not illuminated, flashing or changing.

7.5.6 Stormwater management

The proposal includes a comprehensive stormwater management plan and associated report (Attachment 9) which has been designed to ensure that no stormwater-borne pollutants are discharged into Council's stormwater system, and the post-development stormwater discharge rates do not exceed the pre-development stormwater discharge rates.

Stormwater will be directed to a 10kL underground detention tank with the system designed to endure up to a 1 in 100-year storm event and not exceed predevelopment discharge. The water will run through treatment device to filter the water prior to discharge into the Council drainage system.

The overall concept has been endorsed by Council's civil assets department. As such, the Stormwater Management Plan satisfies the requirements of **Design in Urban Areas PO42.1, PO 42.2** and **PO 42.3**.

8. CONCLUSION

The proposal is for the construction of a child care centre, with associated advertising, fencing and retaining in the General Neighbourhood Zone. The zone anticipates non-residential uses, with educational establishment and consequently child care centre included within these envisaged uses. The proposal is considered to be of a scale that will serve the local community with minimal impact on neighbouring properties and the locality.

The development has been designed to minimise impacts on the locality and nearby residential properties with suitable setbacks, car parking provision, acoustic treatment, and comprehensive landscaping.

It is considered that the applicant has sufficiently addressed the concerns raised by the representors and that the development, on balance, meets the requirements of the relevant Desired Outcomes and Performance Objectives of the Planning and Design Code.

Consent is warranted, subject to conditions and notes as set out in the recommendation below.

9. PLANNING & DESIGN CODE POLICIES

Child Care Centre

General Neighbourhood Zone
PO 1.1, 1.2, 1.3, 1.4, 3.1, 4.1, 5.1,6.1, 8.1, 9.1

Defence Aviation Area Overlay
PO 1.1

Hazards (Flooding – Evidence Required) Overlay
PO 1.1

Prescribed Wells Area Overlay
PO1.1

Regulated and Significant Tree Overlay
PO 2.1

Water Resources Overlay
PO 1.1, 1.7

Clearance from Overhead Powerlines
PO 1.1

Design
PO 1.1, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 3.2, 4.1, 4.2, 4.3, 5.1, 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 8.1, 9.1, 9.2, 10.1, 10.2, 15.1, 31.1, 31.2

Design in Urban Areas
PO 1.1, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 4.3, 5.1, 7.1, 7.2, 7.3, 7.5, 7.6, 7.7, 8.1, 10.1, 10.2, 11.1, 42.1, 42.2, 42.3

Interface between Land Uses
PO 1.2, 2.1, 3.1, 3.2, 3.3, 4.1, 4.2, 6.1, 6.2, 7.1

Out of Activity Centre Development
PO 1.1, 1.2

Transport Access and Parking
PO 1.1, 1.2, 1.3, 1.4, 2.1, 2.2, 3.1, 3.3, 3.4, 3.5, 3.6, 3.8, 4.1, 5.1, 6.1, 6.2, 6.7, 10.1

10. RECOMMENDATION

It is recommended that the Council Assessment Panel resolve that:

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

B. Development Application Number 21030842, by Emmett C-/ Future Urban Pty Ltd is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1
The development must be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 21041414 except where varied by any condition(s) listed below.

Condition 2
The materials used on the external surfaces of the development and the pre-coloured steel finishes or paintwork must be maintained in good condition at all times. All external paintwork must be completed within 2 months of the erection of the structures herein consented to.
Reason: To preserve and enhance the amenity of the site and locality.

Condition 3
The premises must be kept tidy and buildings, fences, landscaping and paved or sealed surfaces must be maintained in good condition at all times.
Reason: To maintain the amenity of the site and locality.

Condition 4
The hours of operation herein approved are as follows:
Monday to Friday 6:30am to 6:30pm
Any variation to these hours of operation will require a further consent.
Reason: To minimise the impact on adjoining properties.

Condition 5
All driveways, parking and manoeuvring areas must be formed, sealed with concrete, bitumen or paving, and be properly drained. They must be maintained in good condition thereafter.
Reason: To ensure useable and safe carparking.

Condition 6
All off-street car parking spaces must be linemarked, in accordance with the approved plans and Australian Standards AS 2890.1:2004 and 1742.2.2009. The linemarking, signposting and directional arrows must be maintained to a clear and visible standard at all times.
Reason: To maintain safety for users.

Condition 7

Free and unrestricted access must be available to all the designated carparking spaces and the vehicle access ways at all times.

Reason: *To ensure useable access and appropriate off-street carparking is provided.*

Condition 8

Driveways, parking and manoeuvring areas and footpaths must be lit in accordance with the Australian Standard AS 1158 during the hours of darkness that they are in use. Such lights must be directed and screened so that overspill of light into nearby properties is avoided and motorists are not distracted.

Reason: *To minimise the impact on adjoining properties and provide a safe environment for users during darkness*

Condition 9

Any existing crossing places not providing vehicle access on the approved plans must be replaced with kerb and watertable and the verge restored with materials consistent with the surrounding verge to a uniform level free of obstructions.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge*

Condition 10

Except where varied by the approved plans or other conditions listed below, the new or modified crossing place must meet the minimum standard of design and construction as detailed on City of Tea Tree Gully drawings (as applicable):

- 1/15/SD – 'Concrete Vehicle Crossing Place';
- 2/15/SD – 'Block Paved Vehicular Crossing Place';
- 40/15/SD – 'Property Access Grades;' and/or;
- 45/15/SD – 'Commercial Concrete Vehicular Crossing Place.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 11

The new crossing places must be constructed and/or modified, as per the approved plans and conditions, within six (6) months of completing the childcare centre, associated carparking, retaining walls, fencing and landscaping.

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge*

Condition 12

Stormwater management and water discharge must be undertaken in accordance with the Stormwater Management Plan prepared by FMG Engineering dated 14 November 2022 with works outside the boundary of the site to be undertaken to the satisfaction of Council's engineer.

Reason: *To assist and maintain water quality entering Council's drainage network and minimise the impact of development on neighbouring properties.*

Condition 13

Where stormwater is to be discharged to the street gutter, the stormwater system installation must meet the minimum requirements of City of Tea Tree Gully drawing:

- 62/15/SD – 'Stormwater Pipe Connection to Council Kerb and Gutter'

Reason: *To maintain consistency of the streetscape and protect the infrastructure within the road verge.*

Condition 14

Any lights on the subject land including the carpark must be installed, directed and screened in accordance with Australian Standard AS 4282—1997 – Control of Obtrusive Effects of Outdoor Lighting.

Reason: *To* ensure *that overspill of light into the nearby properties is avoided and motorists are not distracted and to minimise the impact on adjoining properties and motorists*

Condition 15

No materials or equipment are to be stored outside except within the designated areas marked on the approved plans.

Reason: *To preserve and enhance the amenity of the site and locality.*

Condition 16

The planting and landscaping identified in the Landscape Concept Plan prepared by Das-Studio herein consented to, and submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the land. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die shall be replaced by suitable species.

Reason: *To maintain amenity and site of locality.*

Condition 17

The acoustic treatments recommended for the site in the acoustic report provided by Echo Acoustic Consulting, reference 116-3 dated 27 November 2023, are complied with and completed prior to commencement of the use and will remain in place and be maintained to the satisfaction of Council thereafter.

Reason: *To minimise the impact on adjoining properties.*

Condition 18

Waste collection services must be undertaken between 6:30pm and 7:00pm on weekdays and 9:00am to 5:00pm on Saturday and Sunday.

Reason: *To minimise the impact on adjoining properties.*

Condition 19

The signage, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.

Reason: *To ensure amenity of the site and locality.*

Condition 20

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, and in accordance with the relevant Australian Standards.

Reason: *To not distract road users and adjoining properties.*

Condition 21
A permanently fixed privacy screen must be erected on the eastern elevation of the upper level play area to a minimum height of 1.8 metres above the finished floor level of the play area prior to the commencement of use, and must be maintained as an effective privacy screen thereafter.
Reason: To minimise overlooking of adjoining properties.

Condition 22
The upper level windows of the building facing north and east must have:

- Minimum window sill heights of 1.5 metres above the upper finished floor level; or
- Fixed and obscured glass to a height of 1.5 metres (minimum) above upper floor level; or
- Obscured glass to a height of 1.5 metres (minimum) above the upper floor level, which are hinged at the top of the window panel and include a wind out mechanism to no greater than 125mm.

The obscured glass must be fitted prior to occupation of the building and maintained at all times thereafter.
Reason: To minimise overlooking of adjoining properties.

GENERAL NOTES

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

PLANNING CONSENT NOTES

Advisory Note 1
This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Advisory Note 2
The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

Advisory Note 3
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 4
The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

Advisory Note 5
The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Advisory Note 6
The applicant/owner is advised that any driveway crossovers on the Council verge, and shown on the stamped plans, has been approved as part of this application. For further information on the specifications and conditions relating to crossovers and stormwater connections, please contact Council's Civil Operations Department on 8397 7444.

Any works undertaken on Council owned land (including but not limited to works relating to reserves, crossing places, landscaping, footpaths, street trees and stormwater connections and underground electrical connections), shall require a separate authorisation from Council. Further information and/or specific details can be obtained by contacting Council's Civil Operations department on 8397 7444.

Advisory Note 7
Public services may be present in the road and it is the property owner's responsibility to ensure these services are not damaged as a result of the work. If services require alterations, it is the property owner's responsibility to consult with the particular service agency before performing any works. (Contact "Dial Before you Dig" on telephone 1100 or their website www.dialbeforeyoudig.com.au).

At all times during the construction, removal or repair of a crossing place or stormwater pipe, sufficient barricades and signs, visible at night (where work duration exceeds daylight hours), are to be installed and maintained to give adequate warning to the public.

The applicant shall be responsible for all costs associated with:

- The construction, removal or repair of crossing places or stormwater pipes. This may include the repairs and modifications to an abutting footpath as a result of the construction or alteration of the crossing place or stormwater pipe.
- The pruning, removal and replacement of any tree as approved in accordance with Council's Tree Management Policy and the Council's Fees and Charges Register.

Advisory Note 8

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Advisory Note 9

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Advisory Note 10

You are advised that under the *Fences Act 1975* you are legally required to give notice for the removal of a fence on the common boundary. Please refer to the *Fences Act 1975* for the correct procedural requirements.

Advisory Note 11

Please be advised that your application involves work that may impact on the stability of neighbouring land. Pursuant to Section 139 of the *Planning, Development and Infrastructure (PDI) Act 2016*, you are reminded of your obligations to:

- 20 business days before the building is commenced, caused to be served on the owner of the affected land a notice of intention to perform the building work and the nature of that work; and
- Take precautions as may be prescribed to protect the affected land or premises and carry out work in accordance with the Section 139 of the Act.

Attachments

Report Authorisers

Blake O'Neil Senior Planning Officer	8397 7331
Nathan Grainger Manager City Development	8397 7200
Michael Pereira General Manager Community Services	8397 7377

22041414 – 48 & 50 Brunel Drive Modbury Heights

N

Disclaimer:

© Copyright 2020. All rights reserved. All works and information displayed are subject to Copyright. For reproduction or publication, written permission must be sought from the City of Tea Tree Gully. Although every effort has been made to ensure the accuracy of the information displayed, the City of Tea Tree Gully, its agents, officers and employees make no representations, either express or implied, that the information displayed is accurate or fit for any purpose and expressly disclaims all liability for loss or damage arising from reliance upon the information displayed.

Contact Details

571 Montague Road, Modbury SA 5092
T (08) 8397 7444
TTY (08) 8397 7340
E customerservice@cttg.sa.gov.au
W www.cttg.sa.gov.au

CITY OF TEA TREE GULLY
Naturally Better

Development Locations

Location 1

Location reference
48 BRUNEL DR MODBURY HEIGHTS SA 5092

Title Ref
CT 5742/370

Plan Parcel
D9880 AL415

Additional Location Information

Council
CITY OF TEA TREE GULLY

Location 2

Location reference
50 BRUNEL DR MODBURY HEIGHTS SA 5092

Title Ref
CT 5535/90

Plan Parcel
D9880 AL416

Additional Location Information

Council
CITY OF TEA TREE GULLY

Zone Overlays

Zones
- General Neighbourhood
- General Neighbourhood

Sub-zones
(None)

Overlays
- Airport Building Heights (Regulated)
- Affordable Housing
- Building Near Airfields
- Defence Aviation Area
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy
- Airport Building Heights (Regulated)
- Affordable Housing
- Building Near Airfields
- Defence Aviation Area
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management

- Urban Tree Canopy

Variations
(None)

Application Contacts

Applicant(s)

Stakeholder info
Future Urban Pty Ltd
74 PIRIE STREET
ADELAIDE
SA
5000
Tel. 0419216968
info@futureurban.com.au

Contact

Stakeholder info
Mr Marc Duncan
74 PIRIE STREET
ADELAIDE
SA
5000
Tel. 0419216968
info@futureurban.com.au

Invoice Contact

Stakeholder info
TAL GP Projects Early Learning Pty Ltd C-/ Future Urban Pty Ltd
74 PIRIE STREET
ADELAIDE
SA
5000
Tel. 0419216968
info@futureurban.com.au

Invoice sector type

Land owners

Stakeholder info
Patrick & Vicki Rincon
50 BRUNEL DRIVE
MODBURY HEIGHTS
SA
5092

Stakeholder info
Mark & Frances Washington
48 BRUNEL DRIVE
MODBURY HEIGHTS
SA
5092

Nature Of Development

Nature of development
Construction of a child care centre with associated boundary acoustic fences, retaining and ancillary advertising

Development Details

Current Use
residential

Proposed Use
child care

Development Cost
$1,500,000.00

Proposed Development Details
Construction of a child care centre with associated boundary acoustic fences, retaining and ancillary advertising

Element Details

You have selected the following elements

Pre-school - $0.00

Fences and walls - $0.00
- Fence
- Retaining wall

Advertisement - $0.00

Commercial & Industrial Elements

Does the application include signage?
Yes

Number of Signs
(Not provided by applicant)

Location of signs
(Not provided by applicant)

Advertisement

Is the sign illuminated?
No

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?
No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?
No

Consent Details

Consent list:
- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?
No

Planning Consent

Apply Now?
Yes

Who should assess your planning consent?
Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?
Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Architectural plans.pdf	Site Plans	8 Dec 2022 12:45 PM
planning report.pdf	Planning Report	8 Dec 2022 12:45 PM

Application Created User and Date/Time

Created User
epn.andretzke@sa.gov.au

Created Date/Time
8 Dec 2022 12:45 PM

LAND SERVICES SA

Product	Register Search (CT 5535/90)
Date/Time	19/09/2022 02:28PM
Customer Reference	
Order ID	20220919006903

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

REGISTRAR - GENERAL SOUTH AUSTRALIA

Certificate of Title - Volume 5535 Folio 90

Parent Title(s)	CT 4023/80				
Creating Dealing(s)	CONVERTED TITLE				
Title Issued	15/05/1998	**Edition**	6	**Edition Issued**	03/01/2017

Estate Type

FEE SIMPLE

Registered Proprietor

PATRICK JOHN-HENRY RINCON
VICKI LEEANN RINCON
OF 50 BRUNEL DRIVE MODBURY HEIGHTS SA 5092
AS JOINT TENANTS

Description of Land

ALLOTMENT 416 DEPOSITED PLAN 9880
IN THE AREA NAMED MODBURY HEIGHTS
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

Dealing Number	Description
12650472	MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124)
13846407	CAVEAT BY TAL GP PROJECTS EARLY LEARNING PTY. LTD. (ACN: 657 697 704)

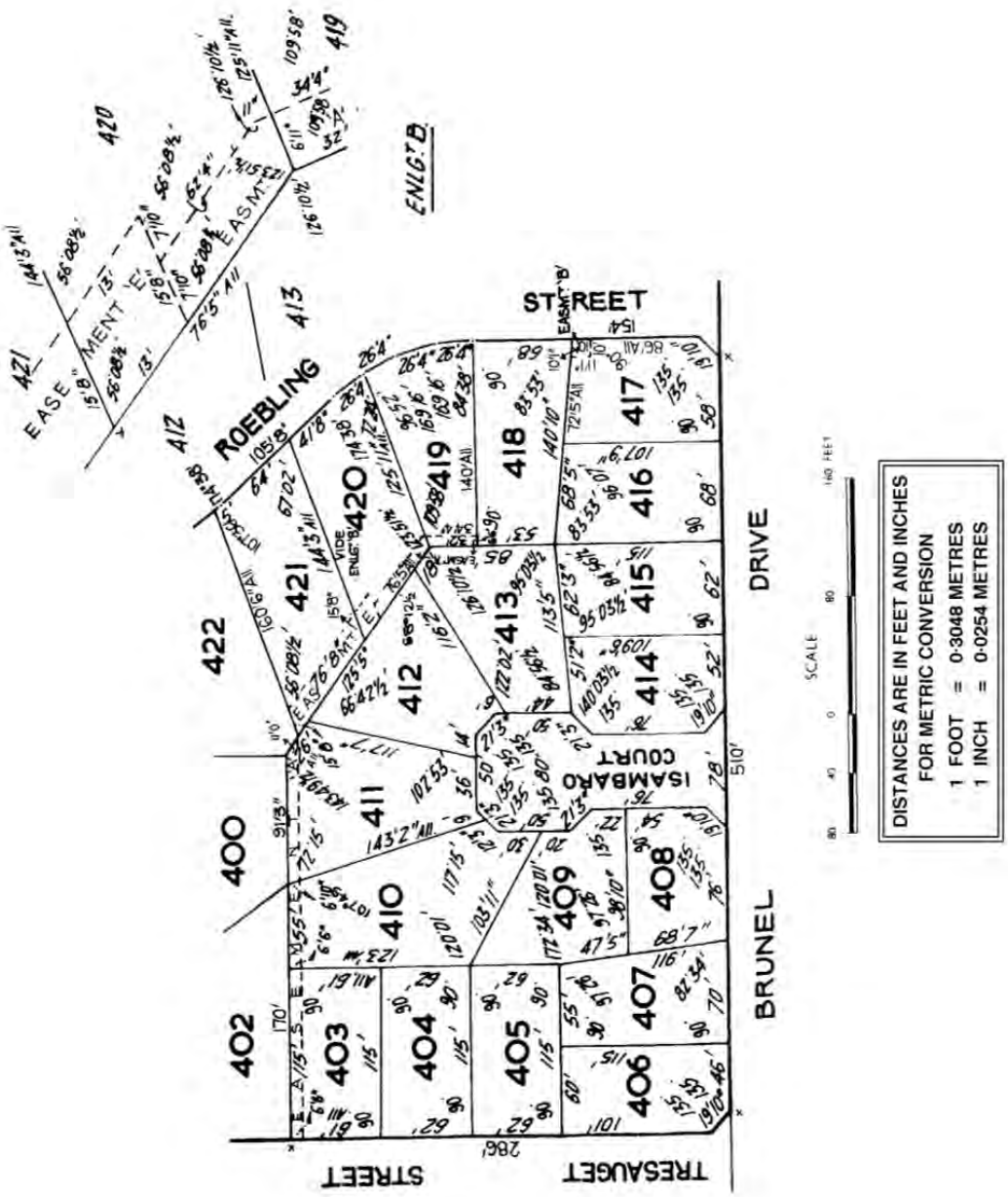
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

Attachment 3

LAND SERVICES SA

Product	Register Search (CT 5535/90)
Date/Time	19/09/2022 02:28PM
Customer Reference	
Order ID	20220919006903



LAND SERVICES SA

Product	Historical Search
Date/Time	19/09/2022 02:28PM
Customer Reference	
Order ID	20220919006903

Certificate of Title

Title Reference:	CT 5535/90
Status:	CURRENT
Parent Title(s):	CT 4023/80
Dealing(s) Creating Title:	CONVERTED TITLE
Title Issued:	15/05/1998
Edition:	6

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
02/08/2022	05/08/2022	13846407	CAVEAT	REGISTERED	TAL GP PROJECTS EARLY LEARNING PTY. LTD. (ACN: 657 697 704)
14/12/2016	03/01/2017	12650472	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA (ACN: 123 123 124)
14/12/2016	03/01/2017	12650471	DISCHARGE OF MORTGAGE	REGISTERED	10771722
15/08/2007	24/08/2007	10771722	MORTGAGE	REGISTERED	PEPPER FINANCE CORPORATION LTD.
15/08/2007	24/08/2007	10771721	DISCHARGE OF MORTGAGE	REGISTERED	10227072
19/05/2005	01/06/2005	10227072	MORTGAGE	REGISTERED	COMMONWEALTH BANK OF AUSTRALIA
26/04/2005	06/05/2005	10211878	TRANSFER	REGISTERED	PATRICK JOHN-HENRY RINCON, VICKI LEEANN RINCON
30/11/2004	06/12/2004	10116957	DISCHARGE OF MORTGAGE	REGISTERED	6405294
01/09/1987	25/09/1987	6405294	MORTGAGE	REGISTERED	

Attachment 3

LAND SERVICES SA

Product	Register Search (CT 5742/370)
Date/Time	19/09/2022 02:26PM
Customer Reference	
Order ID	20220919006847

REAL PROPERTY ACT, 1886 South Australia

The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.

Certificate of Title - Volume 5742 Folio 370

Parent Title(s)	CT 4234/896				
Creating Dealing(s)	CONVERTED TITLE				
Title Issued	10/03/2000	**Edition**	5	**Edition Issued**	24/03/2010

Estate Type

FEE SIMPLE

Registered Proprietor

MARK AARON WASHINGTON
OF 48 BRUNEL DRIVE MODBURY HEIGHTS SA 5092
1 / 2 SHARE

FRANCES WASHINGTON
OF 48 BRUNEL DRIVE MODBURY HEIGHTS SA 5092
1 / 2 SHARE

Description of Land

ALLOTMENT 415 DEPOSITED PLAN 9880
IN THE AREA NAMED MODBURY HEIGHTS
HUNDRED OF YATALA

Easements

NIL

Schedule of Dealings

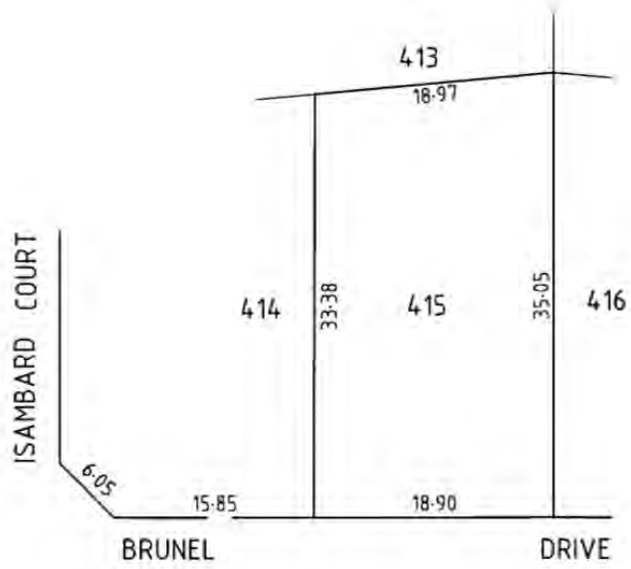
Dealing Number	Description
10102627	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
11355729	MORTGAGE TO AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
13846412	CAVEAT BY TAL GP PROJECTS EARLY LEARNING PTY. LTD. (ACN: 657 697 704)

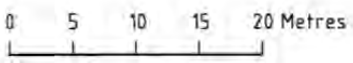
Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL

LAND SERVICES SA

Product	Register Search (CT 5742/370)
Date/Time	19/09/2022 02:26PM
Customer Reference	
Order ID	20220919006847





LAND SERVICES SA

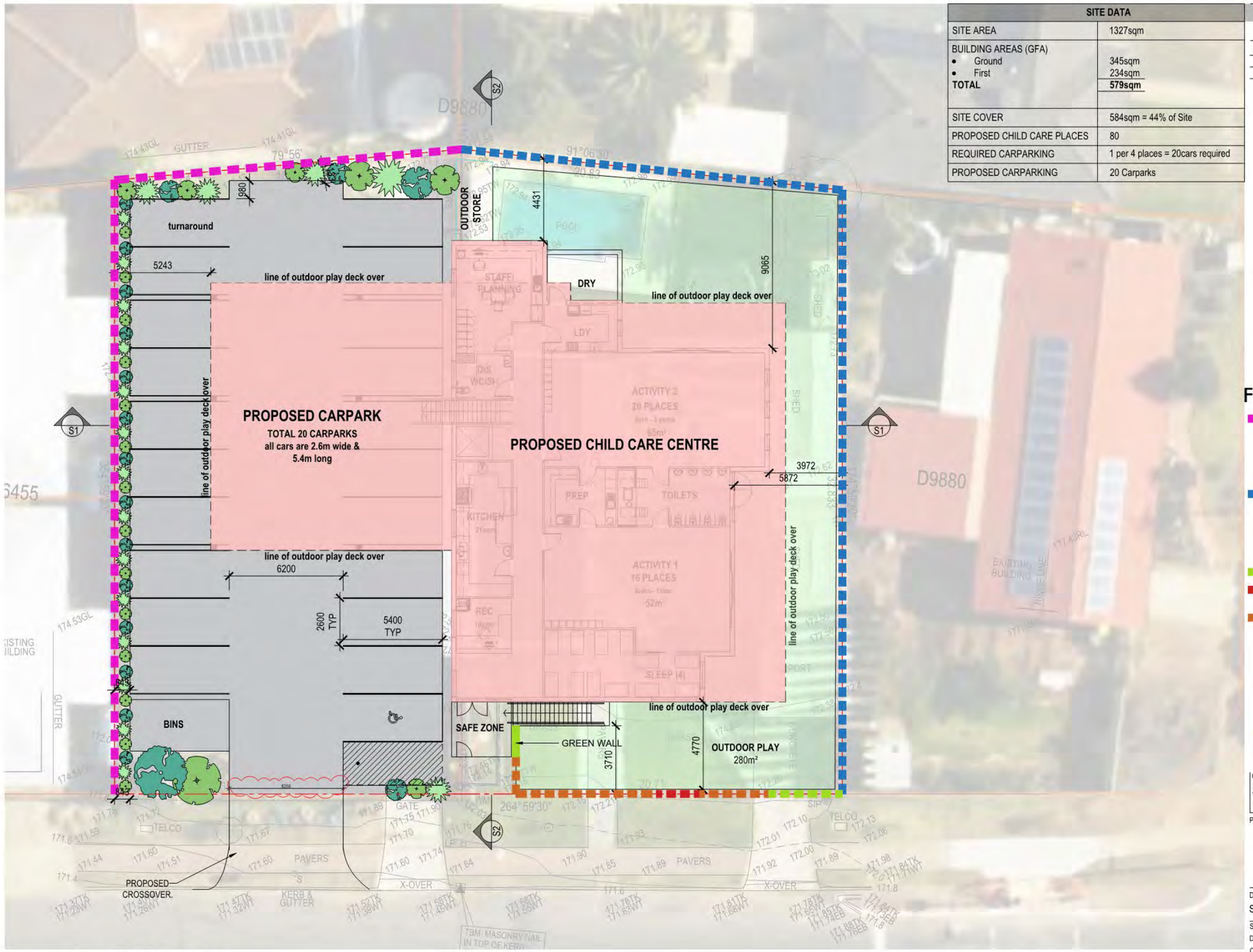
Product	Historical Search
Date/Time	19/09/2022 02:26PM
Customer Reference	
Order ID	20220919006847

Certificate of Title

Title Reference:	CT 5742/370
Status:	CURRENT
Parent Title(s):	CT 4234/896
Dealing(s) Creating Title:	CONVERTED TITLE
Title Issued:	10/03/2000
Edition:	5

Dealings

Lodgement Date	Completion Date	Dealing Number	Dealing Type	Dealing Status	Details
02/08/2022	05/08/2022	13846412	CAVEAT	REGISTERED	TAL GP PROJECTS EARLY LEARNING PTY. LTD. (ACN: 657 697 704)
09/03/2010	24/03/2010	11355729	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
04/11/2004	12/11/2004	10102627	MORTGAGE	REGISTERED	AUSTRALIA & NEW ZEALAND BANKING GROUP LTD.
04/11/2004	12/11/2004	10102626	TRANSFER	REGISTERED	MARK AARON WASHINGTON, FRANCES WASHINGTON
04/11/2004	12/11/2004	10102625	DISCHARGE OF MORTGAGE	REGISTERED	9596666
22/05/2003	04/06/2003	9596666	MORTGAGE	REGISTERED	ADELAIDE BANK LTD. (ACN: 061 461 550)
22/05/2003	04/06/2003	9596665	TRANSFER	REGISTERED	DAVID PAUL WARD, DONNA LOUISE WARD
22/05/2003	04/06/2003	9596664	DISCHARGE OF MORTGAGE	REGISTERED	9514408
24/01/2003	04/02/2003	9514408	MORTGAGE	REGISTERED	ADELAIDE BANK LTD. (ACN: 061 461 550)
24/01/2003	04/02/2003	9514407	TRANSFER	REGISTERED	PETER JOHN SHARPE-HALL, JACQUALINE ANNE SHARPE-HALL



SITE PLAN
1:200

SITE DATA	
SITE AREA	1327sqm
BUILDING AREAS (GFA) • Ground • First **TOTAL**	 345sqm 234sqm **579sqm**
SITE COVER	584sqm = 44% of Site
PROPOSED CHILD CARE PLACES	80
REQUIRED CARPARKING	1 per 4 places = 20cars required
PROPOSED CARPARKING	20 Carparks

PLANNING ISSUE

Rev	Amendment	Date
1	-	-
2	COUNCIL RFI	20/02/2023

FENCE LEGEND

- FT1 - MINIMUM 2.1M HIGH COLORBOND ACOUSTIC FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE CARPARK FLOOR LEVEL.
- FT2 - MINIMUM 2.1M HIGH TIMBER PAILING FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE PLAY AREA FLOOR LEVEL.
- FT3 - 1.8M HIGH TIMBER PALING FENCE
- FT4 - 1.8M RENDERED BLOCK WALL FOR SIGNAGE
- FT5 - 1.8 M HIGH BATTEN FENCE

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen 0422 225 859 t.owen@onarchitecture.com.au
Mark Redd 0432 680 486 m.redd@onarchitecture.com.au

Project
CHILD CARE FACILITY
48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

Drawing
SITE PLAN

Scale As indicated
Drawn. CP
Client -
Date DECEMBER 2022
Job No. 202200084
Dwg No. **DA02** Rev: **2** A3 SHEET

PROPOSED FLOOR PLAN
1:200

PLANNING ISSUE

Rev	Amendment	Date
1	-	-
2	COUNCIL RFI	20/02/2023

ACTIVITY AREA SCHEDULE

ROOM	PLACES	AGE	STAFF RATIO	STAFF No.	AREA REQ	UNENC' AREA	ENC' AREA	TOTAL AREA PROVIDED
ROOM 1	16	1-2	1:4	4	52	52sqm	8sqm	58sqm
ROOM 2	20	2-3	1:5	5	65	65sqm	9sqm	74sqm
ROOM 3	22	3-5	1:11	2	72	72sqm	9sqm	81sqm
ROOM 4	22	3-5	1:11	2	72	72sqm	9sqm	81sqm
TOTALS	80			12	261	261sqm	35sqm	296sqm

OUTDOOR PLAY AREA SCHEDULE

ROOMS	PLACES	AREA REQ	UNENC' AREA	ENC' AREA	TOTAL AREA PROVIDED
ROOM 1 ROOM 2	16 20	252	280qm	10sqm	290sqm
ROOM 4 ROOM 5	22 22	308	310sqm	20sqm	330sqm
TOTALS	80	560	590sqm	30sqm	620sqm

FENCE LEGEND

- FT1 - MINIMUM 2.1M HIGH COLORBOND ACOUSTIC FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE CARPARK FLOOR LEVEL.
- FT2 - MINIMUM 2.1M HIGH TIMBER PAILING FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE PLAY AREA FLOOR LEVEL.
- FT3 - 1.8M HIGH TIMBER PALING FENCE
- FT4 - 1.8M RENDERED BLOCK WALL FOR SIGNAGE
- FT5 - 1.8 M HIGH BATTEN FENCE

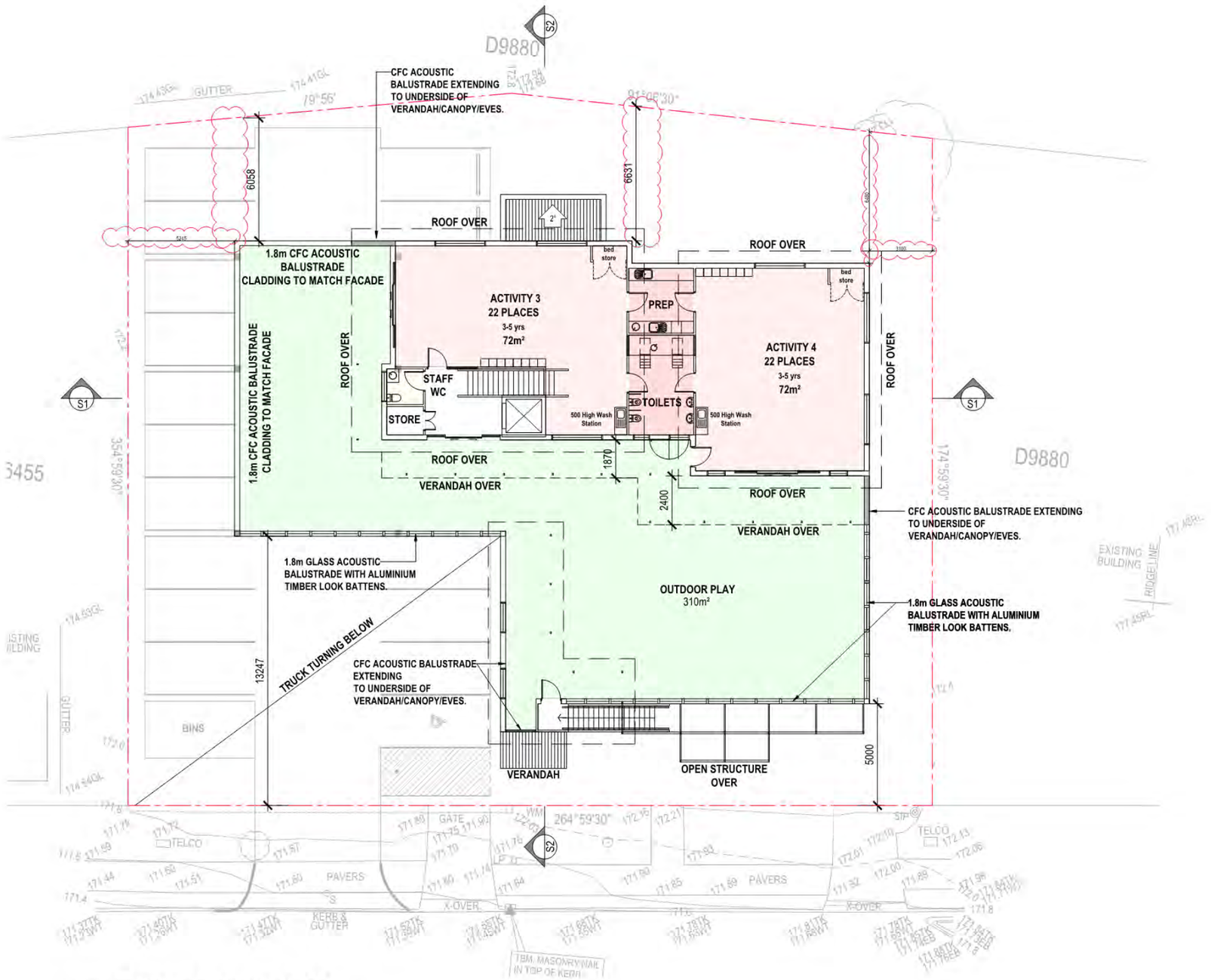
ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen 0422 225 859 t.owen@onarchitecture.com.au
Mark Nield 0432 680 486 m.nield@onarchitecture.com.au

Project
CHILD CARE FACILITY
48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

Drawing
PROPOSED FLOOR PLAN

Scale	As indicated
Drawn.	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA03**
Rev:	**2** A3 SHEET



FIRST FLOOR PLAN

1:200

PLANNING ISSUE

Rev	Amendment	Date
1	-	-
2	COUNCIL RFI	20/02/2023

NOTE:

- GLASS BALUSTRADES TO BE SEALED AIRTIGHT AT ALL JUNCTIONS, INCLUDING WITH THE FLOOR SLAB, BUILDING AND JOINTS.
- REFER TO ELEVATIONS FOR ALUMINIUM BATTEN LOCATION.

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen 0422 225 859 t.owen@onarchitecture.com.au
Mark Hield 0437 680 486 m.siebl@onarchitecture.com.au

Project

CHILD CARE FACILITY

48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

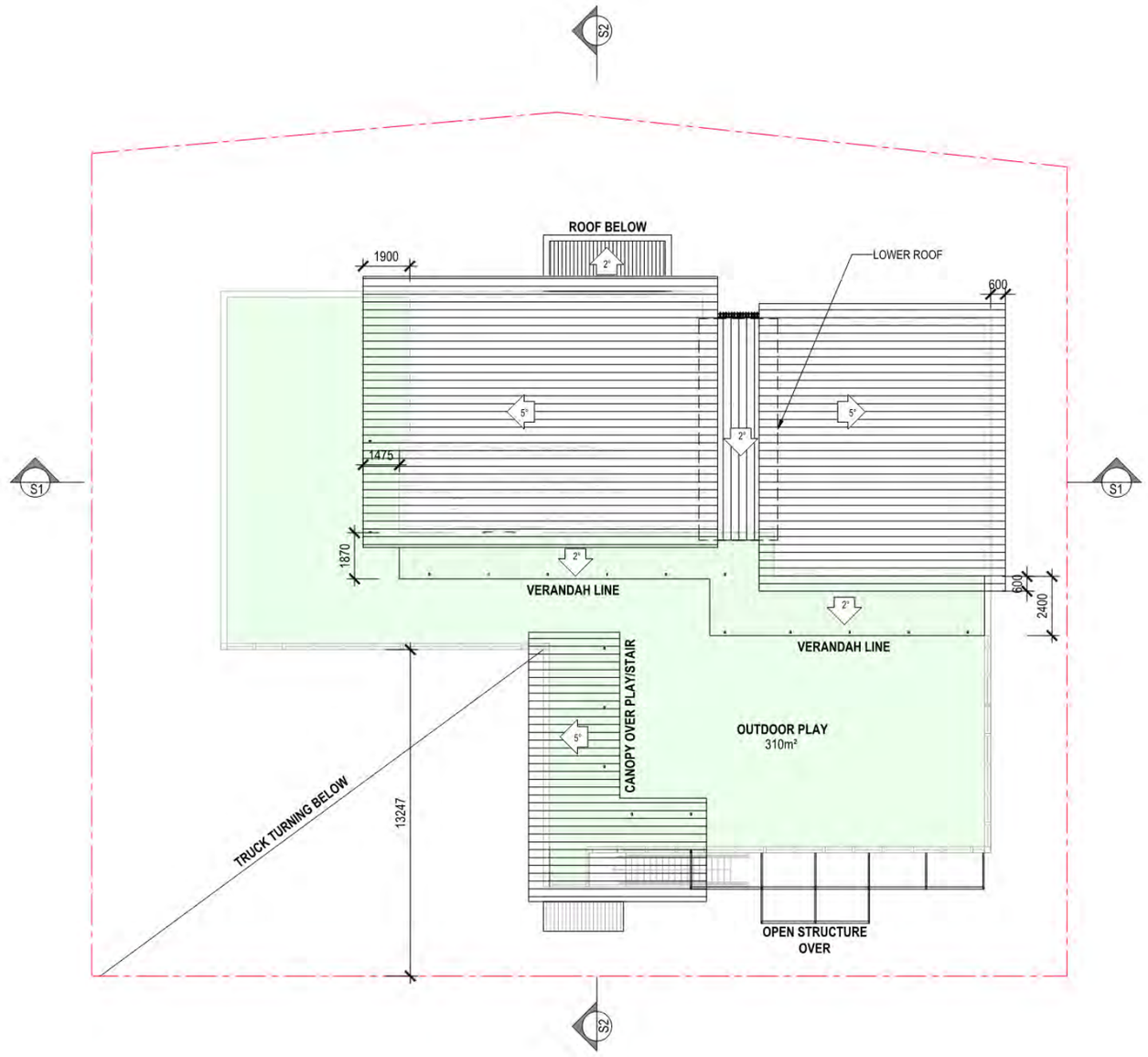
Drawing

PROPOSED FIRST FLOOR PLAN

Scale	As indicated
Drawn.	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA04**
Rev:	**2**
	A3 SHEET

PLANNING ISSUE

Rev	Amendment	Date
1	-	-



ROOF PLAN
1:200

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen
0422 225 859
t.owen@onarchitecture.com.au
Mark Nield
0437 680 486
m.nield@onarchitecture.com.au

Project
CHILD CARE FACILITY

48-50 BRUNEL DRIVE, MODBURY
HEIGHTS SA 5092

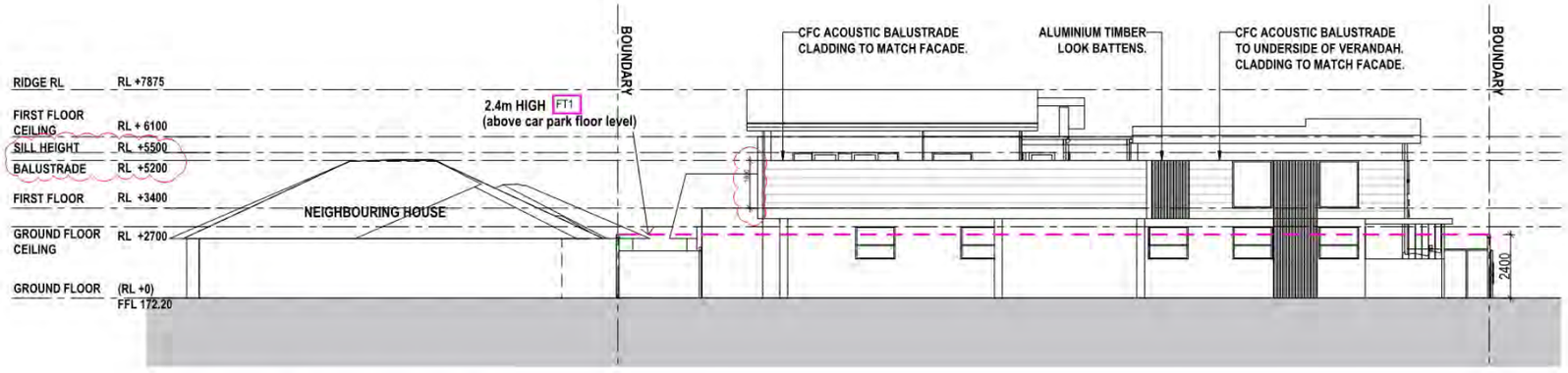
Drawing
PROPOSED ROOF PLAN

Scale	As indicated
Drawn.	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA05**
Rev:	**1**
	A3 SHEET

PLANNING ISSUE

Rev	Amendment	Date
1	-	-
2	COUNCIL RFI	20/02/2023

NORTH ELEVATION
1:200



WEST ELEVATION
1:200

FT1 - MINIMUM 2.1M HIGH COLORBOND ACOUSTIC FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE CARPARK FLOOR LEVEL.

FT2 - MINIMUM 2.1M HIGH TIMBER PAILING FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE PLAY AREA FLOOR LEVEL.

NOTE:
FILM - OBSCURING FILM TO GLAZING SHOWN SHADED & TAGGED FILM.

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 827 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen (0422 221 898) t.owen@onarchitecture.com.au
Mark Rivett (0437 588 486) m.rivett@onarchitecture.com.au

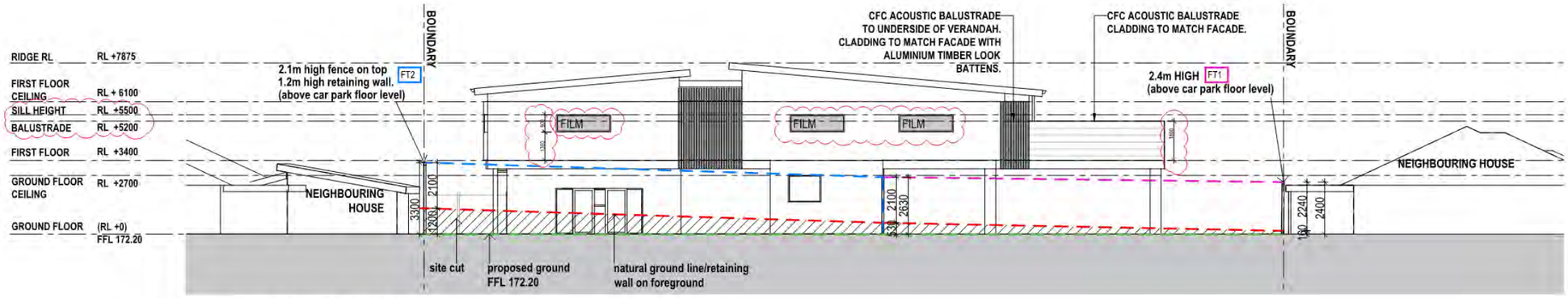
Project
CHILD CARE FACILITY
48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

Drawing
PROPOSED ELEVATIONS

Scale	As indicated
Drawn	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA06**
Rev:	**2**
	A3 SHEET

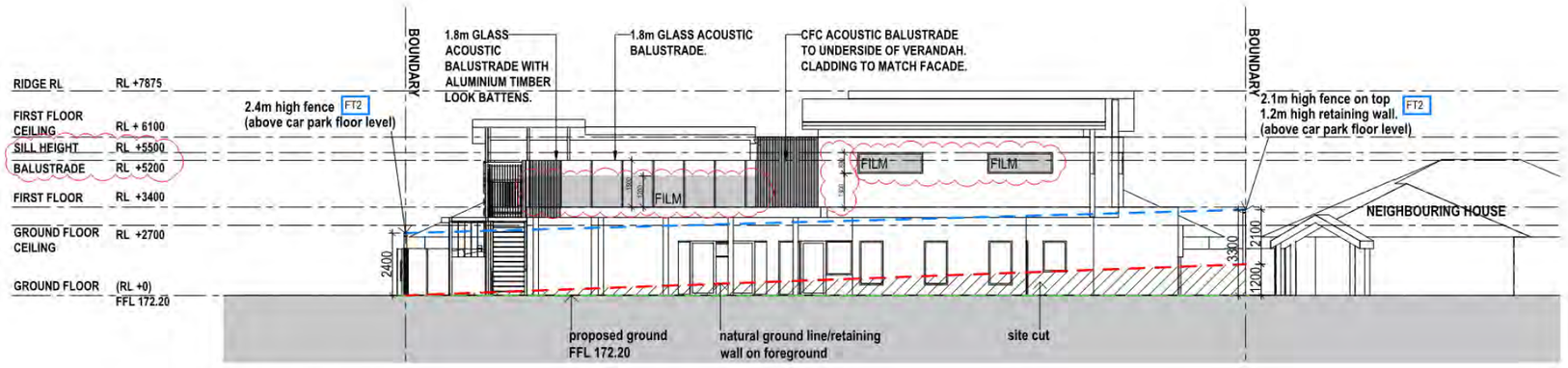
PLANNING ISSUE

Rev	Amendment	Date
1	-	-
2	COUNCIL RFI	20/02/2023



SOUTH ELEVATION

1:200



EAST ELEVATION

1:200

FT1 - MINIMUM 2.1M HIGH COLORBOND ACOUSTIC FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE CARPARK FLOOR LEVEL.

FT2 - MINIMUM 2.1M HIGH TIMBER PAILING FENCE ON TOP OF RETAINING WALL, AND NO LOWER THAN 2.4M IN TOTAL HEIGHT AT ANY POINT ABOVE THE PLAY AREA FLOOR LEVEL..

NOTE:
FILM - OBSCURING FILM TO GLAZING SHOWN SHADED & TAGGED FILM.

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen 0422 225 898 t.owen@onarchitecture.com.au
Mark Nisbet 0437 589 486 m.nisbet@onarchitecture.com.au

Project

CHILD CARE FACILITY

48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

Drawing

PROPOSED ELEVATIONS

Scale	As indicated
Drawn	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA07**
Rev:	2
	A3 SHEET

PLANNING ISSUE

Rev	Amendment	Date
1	-	-

1

CFC SHEETING NOM. JAMES HARDIE AXON OR SIMILAR APPROVED. DULUX WHITE ON WHITE.

2

CFC SHEETING NOM. JAMES HARDIE AXON OR SIMILAR APPROVED. DULUX MONUMENT PAINT FINISH.

3

GLASS FENCING/ BALUSTRADE

4

ALUMINIUM BATTENING WHITE ASH FINISH.

5

WHITE ASH SOFFIT.

6

DULUX 'WHITE ON WHITE' POWDER COATED ALUMINIUM WINDOW/DOOR FRAMES TO MATCH.

ALUMINIUM BATTEN FENCING POWDER COATED TO MATCH.

7

SMOOTH FACE BLOCK

8

TIMBER PALING FENCE.

9

GREEN WALL.

MATERIAL SELECTIONS

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen 0422 225 859 t.owen@onarchitecture.com.au
Mark Wold 0432 680 486 m.wold@onarchitecture.com.au

Project

CHILD CARE FACILITY

48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092

Drawing

MATERIAL SELECTIONS

Scale	As indicated
Drawn.	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA09**
Rev:	1
	A3 SHEET

PLANNING ISSUE

Rev	Amendment	Date
1	-	-

CONCEPT IMAGES

ON ARCHITECTURE

ON Architecture Pty Ltd abn 71 627 522 043
242 ANGAS STREET, ADELAIDE, SOUTH AUSTRALIA. 5000
Troy Owen
0422 225 859
t.owen@onarchitecture.com.au
Mark Nield
0432 680 486
m.nield@onarchitecture.com.au

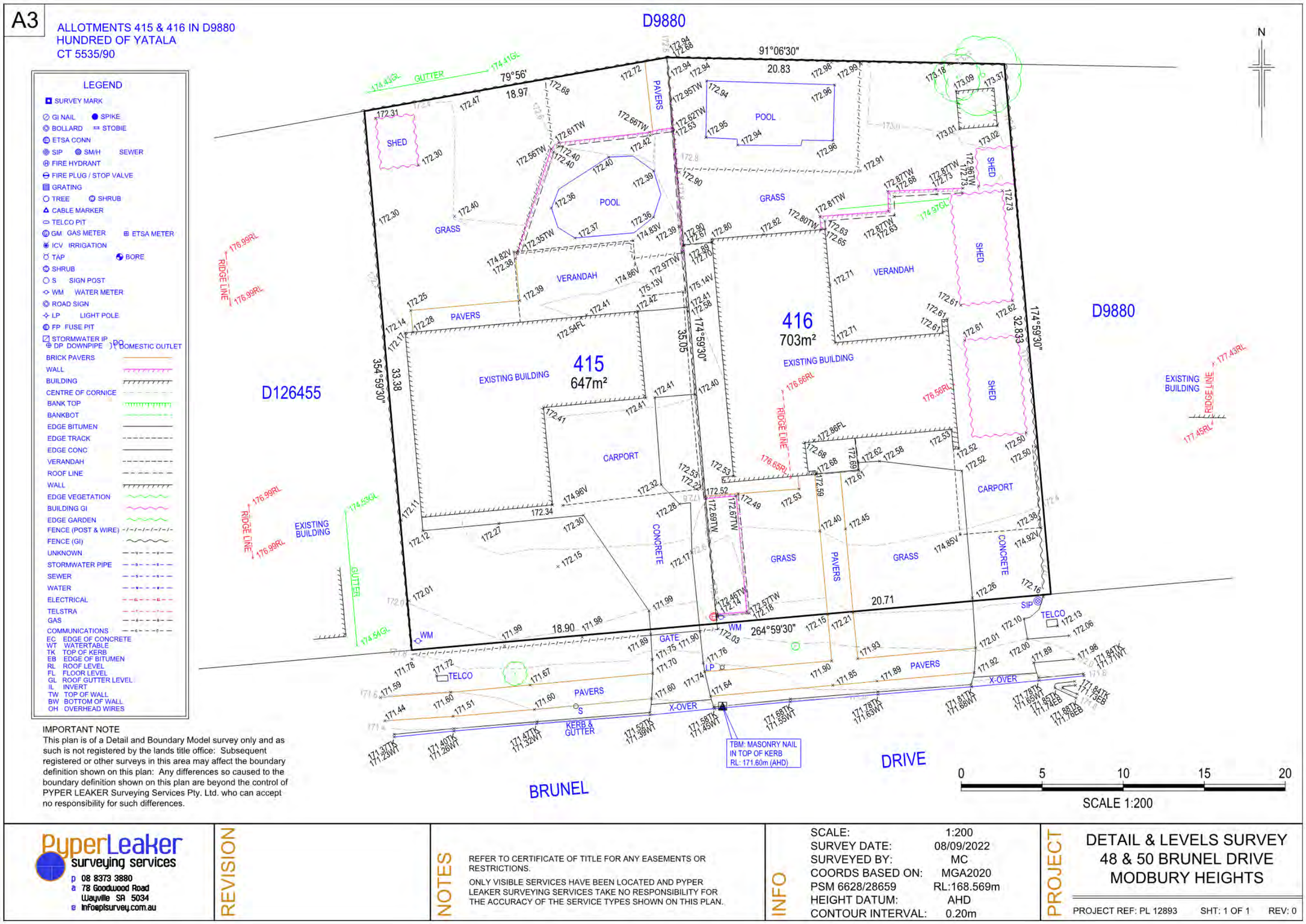
Project

CHILD CARE FACILITY

48-50 BRUNEL DRIVE, MODBURY
HEIGHTS SA 5092

Drawing
CONCEPT IMAGES

Scale	As indicated
Drawn.	CP
Client	-
Date	DECEMBER 2022
Job No.	202200084
Dwg No.	**DA10**
Rev:	**1**
	A3 SHEET



PyperLeaker surveying services
p 08 8373 3880
a 78 Goodwood Road Wayville SA 5034
e Info@plsurvey.com.au

REVISION

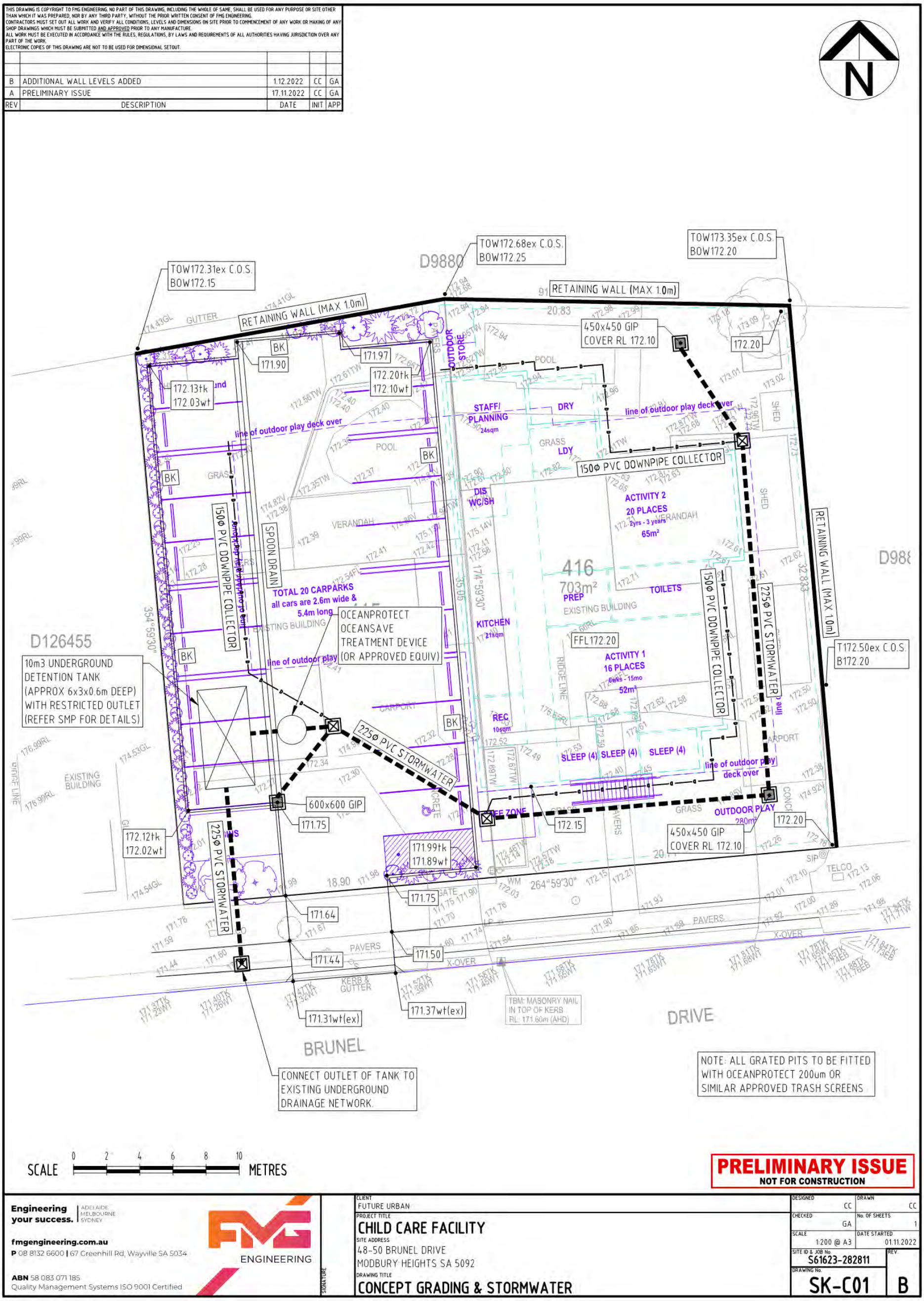
NOTES
REFER TO CERTIFICATE OF TITLE FOR ANY EASEMENTS OR RESTRICTIONS.
ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND PYPER LEAKER SURVEYING SERVICES TAKE NO RESPONSIBILITY FOR THE ACCURACY OF THE SERVICE TYPES SHOWN ON THIS PLAN.

INFO

SCALE:	1:200
SURVEY DATE:	08/09/2022
SURVEYED BY:	MC
COORDS BASED ON:	MGA2020
PSM 6628/28659	RL:168.569m
HEIGHT DATUM:	AHD
CONTOUR INTERVAL:	0.20m

PROJECT
DETAIL & LEVELS SURVEY
48 & 50 BRUNEL DRIVE
MODBURY HEIGHTS
PROJECT REF: PL 12893 SHT: 1 OF 1 REV: 0

REV	DESCRIPTION	DATE	INIT	APP
B	ADDITIONAL WALL LEVELS ADDED	1.12.2022	CC	GA
A	PRELIMINARY ISSUE	17.11.2022	CC	GA



PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

Engineering your success. ADELAIDE MELBOURNE SYDNEY
fmgengineering.com.au
P 08 8132 6600 | 67 Greenhill Rd, Wayville SA 5034
ABN 58 083 071 185
Quality Management Systems ISO 9001 Certified
FMG ENGINEERING

CLIENT: FUTURE URBAN
PROJECT TITLE: CHILD CARE FACILITY
SITE ADDRESS: 48-50 BRUNEL DRIVE, MODBURY HEIGHTS SA 5092
DRAWING TITLE: CONCEPT GRADING & STORMWATER

DESIGNED	DRAWN
CC	CC
CHECKED	No. OF SHEETS
GA	1
SCALE	DATE STARTED
1:200 @ A3	01.11.2022
SITE ID & JOB No.	REV.
S61623-282811	B
DRAWING No.	
SK-C01	

FUTURE URBAN

PLANNING REPORT
CHILDCARE FACILITY

48-50 BRUNEL DRIVE, MODBURY HEIGHTS

Date:
08.12.2022

Contents

APPENDICES

1. INTRODUCTION

This report has been prepared to accompany a development application by TAL GP Projects Pty Ltd ('the Proponent') to construct a child care centre with associated boundary acoustic fences, retaining and ancillary advertising on the site at 48-50 Brunel Drive, Modbury Heights ('the site').

In preparing this report, we have:

- inspected the site and its immediate surroundings;
- identified and subsequently reviewed what we consider to be the most pertinent provisions of the Planning and Design Code ('the Code');
- had regard to the *Planning, Development and Infrastructure Act 2016* ('the Act') and to the *Planning, Development and Infrastructure (General) Regulations 2017* ('the Regulations');
- also had regard to the certificate of title in **Appendix 1**;
- examined the architectural drawings in **Appendix 2**;
- reviewed the supporting documents, including:
  - » stormwater management plan and civil drawings prepared by FMG Engineering in **Appendix 3**;
  - » traffic and parking assessment prepared by MFY in **Appendix 4**;
  - » environmental noise assessment prepared by Echo Acoustic Consulting in **Appendix 5**; and
  - » landscaping plan prepared by Das Studio in **Appendix 6**.

This report contains our description of the site, its surroundings and the proposal, and our assessment of the proposal against what we consider to be the most relevant provisions of the Code.

2. PROPOSED DEVELOPMENT

The Proponent seeks to obtain planning consent to construct a childcare centre with associated fencing, retaining and advertising displays.

A child care centre fits within the definition of a 'pre-school', as defined in Part 7 – Land Use Definitions of the Code:

> *'**Pre-school** means a place primarily for the care or instruction of children of less than primary school age not resident on the site, including the following land uses:*
>
> *child care centre…"*

The child care centre will provide:

- Early education for 80 pre-school aged children.
- Operating hours from 6:30am until 6:30pm Monday to Friday (excluding public holidays).
- The centre expects to employ 12 staff members, noting that not all staff are present on site at the same time. Most staff are present on site between the hours of 10am and 3pm, times that do not coincide with child pickup.
- The building will be separated into four activity areas based on the ages of the children, with each area having access to outdoor play spaces, preparation rooms, and bathrooms.
- A range of internal spaces which support the functioning of the centre are incorporated within the building including a kitchen, laundry, staff room, storage, reception, planning room, foyer and sleep room.
- Refuse collection will be managed via a private waste collection service with waste collected outside of the centre's operating hours in accordance with the EPA noise guidelines. A dedicated refuse area is screened from direct public street view.

The proposal is summarised below and depicted across the architectural drawings in **Appendix 2**.

2.1 Footprint

2.1.1 Site Coverage

The roof coverage of the proposed building will occupy 584 square metres or 44 percent of the overall area of the site. It is worth noting that a substantial portion of the upper storey is without a roof and is to be used as an outdoor play area.

2.1.2 Siting

The proposed building walls are setback from the allotment boundaries as follows:

- **Primary street boundary (Brunel Drive):** both levels setback 4.77 metres.
- **Rear boundary:** the ground level is setback 4.43 metres and the upper level is setback 6.61 metres.
- **Side boundary:** the ground level is setback 3.97 metres and the upper level 3.1 metres to the eastern boundary. The ground level is setback 16.34 metres and the upper level is setback 5.24 metres to the western boundary.

The proposal does incorporate a number of verandahs which protrude from the building wall closer to boundaries to add articulation to the overall built form.

2.2 Building Composition

The lower level of the proposed building will have an internal floor area of 345 square metres and comprise three activity rooms, in conjunction with bathrooms, sleeping room, kitchen and reception. Each activity room opens into the 280 square metre outdoor play space.

The upper level will have an internal floor area of 234 square metres and will comprise three activity rooms, staff room, preparation room and toilets. The activity rooms all open into the 310 square metre outdoor play space.

2.3 Building Height

The proposed building is two storeys and has a maximum height measured from the top of the ridge line to the finished floor level of the ground floor below of approximately 7.87 metres.

2.4 External Materials

The external materials and finishes comprise of CFC sheeting, glass balustrading, wood finished aluminium, smooth face blocks, timber paling fence and green walls.

2.5 Hours of Operation

The child care centre will operate from 6:30am to 6:30pm Monday to Friday. It is the writer's experience that the hours are standard operating practice for child care centres in metropolitan Adelaide.

2.6 Staff

The centre expects to employ 12 staff members, noting that not all staff are present on site at the same time. Most staff are present on site between the hours of 10am and 3pm, times that do not coincide with child pickup or drop off.

2.7 Access and Parking

A simultaneous two-way vehicle access point is proposed via Brunel Drive, and directed to the on-site car parking area. All vehicles will be able to enter and exit the site in a forward direction.

A total of 20 car parking spaces will be provided on site, which includes one disabled parking space.

2.8 Stormwater and Wastewater

The stormwater management plan and civil drawings prepared by FMG Engineering determined the following for the site:

- Wastewater for the site will connect to the Council's existing on-street system.
- Post development peak discharge during major/minor storm event does not exceed the pre-development peak flow rate during minor and major storm events. Therefore, the proposal is not expected to overload the Council's existing stormwater drainage network.
- An underground 10,000-litre detention tank is proposed to be installed on the site to ensure that stormwater runoff can be adequately detained and released in conformance with industry standards.
- The proposed finished floor level of 172.20 metres AHD is more than 300mm above the adjacent highest top of kerb to comply with the Council's requirements.
- Stormwater will be treated through a waste filtration system prior to release to the Council's stormwater infrastructure network to remove suspended solids and hydrocarbons from the

surface water collected, thereby improving the quality of stormwater and minimising pollutant transfer to receiving waters.

2.9 Landscaping

The landscaping plan provided in **(Appendix 6)** illustrates the proposed landscaping is to be sited largely around the perimeter of the site on the ground floor, in the form of green walls on the building and within various planters on the upper-level play space.

The plants selected by the landscape architects will:

- be aesthetically pleasing;
- visually soften the building when viewed from all angles;
- create high amenity play spaces for the users of the centre;
- be suited to the local environment;
- not generate an inordinate amount of leaf litter; and
- require little to no maintenance or supplementary irrigation.

2.10 Fencing and Retaining

Fencing around the perimeter of the site consists of retaining walls up to 1 metre in height and acoustic fencing atop in heights varying from 1.8 metres to 2.4 metres.

The retaining walls are required to retain soil of the surrounding sites which will have natural ground levels above that of the site.

Acoustic fencing has been provided to limit noise impacts to the adjoining residential properties in line with the noise assessment in **Appendix 5.**

2.11 Advertisements

Two corporate advertising displays are proposed; both of which are to be located adjacent to Brunel Drive on the front wall of the building. The advertisements will be fixed to the building wall and will not; move, flash, unduly reflect light, or be internally illuminated.

3. PROCEDURAL MATTERS

At the time of preparing this report, the relevant version of the Planning and Design Code was gazetted and subsequently consolidated on V2022.22 (24 November 2022). Due to amendments, the version of the Code used to prepare this report may not be the relevant version at the time of lodgement of the application. To the extent of any inconsistency, the version of the Code at the time of lodgement will be relevant for the processing and assessment of the application.

The subject site is within the General Neighbourhood Zone ('the Zone').

3.1 Verification

For the purposes of regulation 31(1)(a), (b) and (c) of the Regulations, the following applies:

Table 3.1 *Verification snapshot*

Verification matter	Comment
Nature of Development	Construction of a two-story childcare centre with associated retaining walls, boundary acoustic fencing and advertising.
Elements	Childcare Centre Fencing Retaining Advertising
Category of Development	Performance Assessed
Relevant Authority	Council Assessment Panel at the City of Tea Tree Gully

3.1.2 Relevant Authority

Pursuant to Section 93(1)(a) of the Act, the Council Assessment Panel is the relevant authority for the assessment and determination of the application, due to the application required to be publicly notified.

3.2 Referrals

The site is subjected to the following overlays that may require a referral, pursuant to Section 122(1) of the Act, in accordance with regulation 41(1), to a body prescribed in Schedule 9 of the Regulations.

We submit the following comments in relation to the relevant referral triggers of each overlay:

Table 3.2 *Overlays*

Overlay	Referral	Comment
Advertising Near Signalised Intersections Overlay	No	Although the advertisement will be within 100 metres of a signalised pedestrian crossing, it will not be internally illuminated, incorporate a moving display or flashing light.
Traffic Generating Development	No	The proposed development does not exceed any of the referral triggers.

Urban Transport Routes Overlay	No	Proposed new access point is not within 25 metres of a State Maintained Road.

Pursuant to Schedule 9 of the Regulations, no referrals are required for this application.

3.3 Public Notification

The child care centre is not identified within Table 5 of the zone, therefore requiring public notification. The fence on northern and eastern boundaries also triggers the requirement for public notification as the fences are sited on the boundary and exceed 11.5 metres in length.

FUTURE URBAN

3.4 SPATIAL ATTRIBUTES

3.4.1 Subject Site

The subject site is located on the northern side of Brunel Drive and encompasses two allotments, legally described as:

- Allotment 416 on Certificate of Title Volume 5335 Folio 90; and
- Allotment 415 on Certificate of Title Volume 5742 Folio 370.

It is otherwise known as 48-50 Brunel Drive, Modbury Heights.

Together, the site has a total area of 1,327 square metres with a 39.61 frontage to Brunel Drive.

No regulated or significant trees are located on the subject site, and there are no registered easements or encumbrances which could impede or avert the proposal altogether. Neither the site or the existing

situated within the General Neighbourhood Zone as shown in Figure 3.1 below.

Figure 3.1 *Subject site and zoning*

The following Overlays and TNVs apply to the site:

- Advertising Near Signalised Intersections;
- Building Near Airfields;
- Defence Aviation Area (All structures over 15 metres);
- Hazards (Flooding - General);

- Prescribed Wells Area;
- Regulated and Significant Tree;
- Stormwater Management;
- Traffic Generating Development;
- Urban Transport Routes;
- Urban Tree Canopy; and
- Concept Plan (Concept Plan 81 - Edinburgh Defence Airfield Lighting Constraints).

3.4.2 Locality

The locality predominantly comprises of the educational establishment (The Heights School) immediately to the south of the site and occupying approximately 122,000 square metres, and the Modbury Heights Woolworths located to the east of the site. The Modbury Heights Woolworths site also forms the Suburban Activity Centre Zone. This therefore results in a locality primarily of non-residential land uses.

The site in relation to its immediate surroundings, is captured in Figure 3.2 below.

Figure 3.2 *Locality plan*

4. ASSESSMENT AGAINST PLANNING AND DESIGN CODE

The Zone does not identify the applicable policies for a childcare centre, therefore the application is 'all code assessed'. This planning report makes reference to the key planning provisions that are relevant in the assessment of this proposal.

The applicable policies include Desired Outcomes (DOs) which *"automatically apply in relation to a performance assessed development"* and Performance Outcomes (POs). It is also worth noting that some POs have a standard outcome that is considered to satisfy the corresponding PO, referred to as Designated Performance Features (DPFs). The Rules of Interpretation within Part 1 of the Code state the following in relation to DPFs (underlining our emphasis):

> *"A DPF provides a guide to a relevant authority as to what is generally considered to satisfy the corresponding performance outcome but does not need to necessarily 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 the need to assess development on its merits against all relevant policies."*

It is noted the ERD Court has recently provided guidance with respect to the interpretation of the Planning and Design Code, more particularly the manner in which DPFs are to be viewed in the context of a planning assessment. In *Garden College v City of Salisbury [2022] SAERDC 10*, the full Court held;

> *"That said, it must not be overlooked that the way in which the DTS/DPF criteria serve a procedural function is through the intermediary of a procedural table specifying classes of development excluded from public notification and exceptions to such exclusions that incorporate such criteria by reference. It does not follow where the satisfaction of DTS/DPF criteria excludes performance assessed development from public notification, a relevant authority would be prevented from deciding not to grant planning consent on the elements of a development requiring a merits assessment against the Code. Indeed, s107(8) and the Code Rules of Interpretation make it plain that satisfaction of DTS or DPF criteria does not derogate from the relevant authority's discretion to determine the outcome on a merits assessment against all relevant provisions of the Code, including any relevant corresponding POs and DOs."*

As a result of the above, the assessment below focusses on the applicable DOs and POs and may only refer to the DPF in instances where it assists in the exercise of discretion.

4.1 Land Use

In relation to land use, the Zone seeks:

PO 1.1 *Predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood.*

PO 1.2 *Non-residential development located and designed to improve community accessibility to services, primarily in the form of:*

(b) community services such as educational establishments, community centres, places of worship, pre-schools, and other health and welfare services

To add to the above, in the decision of *ABC Developmental Learning Centres v Regional Council of Port Pirie [2005] SAERDC 104,* the full Court of the ERD Court considered an application for, and eventually approved a child care centre in a residential zone. Most pertinently the Court found:

> *"We also note that community facilities (including the proposed use) are envisaged and form part of the desired character and intent of the Residential Zone…*

There are also justifiable town planning as well as, we accept business reasons for dispersing the location of childcare centres (or schools) within an urban area or regional township. These include greater convenience and shorter trips (vehicles or on foot) for parents and their children; a separation or spread of like facilities (the only other existing childcare centre being located approximately 3kms to the north of the proposed site and to the west of the main central regional centre location); and within close proximity to schools with benefit for the children and families. Assimilation for children, convenience and shared travel arrangements for parents are all relevant factors. Sometimes a location may fall within a designed Centre or Public Purpose Zone. At other times it may not."

Whilst commercial activities in the Zone are sought to be of a small scale, the provisions make no such distinction with regard to community services, such as child care centres. The general development policies seek that non-residential development outside of activity centres support local needs or provide for services where they cannot readily be located within an activity centre. Child care centres within residential areas will clearly serve the local population to which they are located as by their nature, users of such facilities will only use those centres that are convenient to their needs. It is most unlikely one will see users bypassing a nearby child care centre for another more distant one unless located at a work destination.

In addition, the siting of the child care centre adjacent to The Heights School, and Modbury Heights Woolworths, results in a highly accessible location within a neighbourhood setting without loss or harm to the nature of the General Neighbourhood Zone. The proposed number of children to be accommodated and the inner neighbourhood location in close proximity to a school campus is considered to be conveniently located for local residents, as well as staff and families with children attending the nearby school and supermarket.

Furthermore, the designated performance feature ('DPF') 1.1 of the Zone specifies that a "pre-school" is an envisaged type of development within the Zone. It is again reiterated that Part 7 of the Code states that a child care centre is included within the definition of a pre-school and is therefore an envisaged within the Zone.

Finally, it is noted the Code zones the land as "General Neighbourhood" and not a strictly "Residential" land use zone as what previously occurred under the Development Plan. Non-residential land uses are clearly sought under the new planning regime and with that policy aim, comes an expectation there will be impacts on surrounding residential land uses. With those impacts comes benefits of walkable and connected neighbourhoods, a clearly sought-after planning outcome.

4.1.1 Benefits of Child Care

According to the Best Practice Guideline for the Planning and Development of Child Care Facilities published by the University of Technology Sydney: Centre for Local Government:

- early childhood literature makes close connections between child care and education and 'the inseparable nature of development and learning' for children in the 0-5 age group;
- stimulating out-of-home care environments contribute to children's optimal growth and development;
- there is overwhelming evidence for the importance of the early years in shaping longer term educational and social outcomes for children;
- Australian research provides strong evidence that family friendly employment practices and access to secure, high-quality child care are key to women's secure participation in the paid workforce;
- increases in the prices and costs of child care can lead to a reduction in labour supply, particularly in regards to lone parents; and
- child care facilities provide employment opportunities to people in a given locality.

We are of the opinion the proposed child care centre is a suitable land use within the Zone and provides a service to the local community to improve overall accessibility to child care without detrimentally impacting adjoining properties or the locality.

Finally, it is pertinent to set out the significant benefits of child care that are sometimes lost on the general public and planning authorities. To this end of we refer to the front-page article of the Sydney Morning Herald (Tuesday, June 14, 2022) noting the NSW State Government has effectively stepped in to provide a $5 billion package to correct a market failure due to the chronic under provision of child care in that State. The Government of New South Wales identifies child care as a critical piece of social infrastructure providing 47,000 new places "ensuring women can return to the workplace."

It is noted in the article that "*investment in childcare was the best way to improve women's economic opportunity, increase female workforce participation and close the gender pay gap. Childcare costs impede the dreams of women across NSW because many women are only able to keep about 30 cents in each dollar the earn when they return to work... this investment, delivered alongside the Commonwealth's childcare reforms is expected to see up to 95,000 women enter the workforce or take on more hours driving down the gender workforce participation gap by up to 14 per cent within a decade.*"

Meanwhile, the Commonwealth Government on 23 November successful passed through Parliament the Cheaper Childcare Law which has locked in more affordable early education for more than a million families.

The passing of the legislation means that from July next year around 96 per cent of families with a child in early childhood education and care will benefit. The legislation means that from July next year the child care subsidy for families earning $80,000 or less will increase to 90 percent.

The position in South Australia is the same and it is clear both Commonwealth and State Governments have identified this need and it is incumbent upon local government to follow suit to ensure this critical social infrastructure is not frustrated by local political concerns.

A prime example of this is the Royal Commission which was established on 16 October, 2022 by the State Labor Government headed by former Prime Minister Julia Gillard to propose solutions into Early Childhood Education and Care, inquiring into:

- The extent to which South Australian families are supported in the first 1000 days of a child's life, focused on opportunities to further leverage early childhood education and care to enable equitable and improved outcomes for South Australian children.
- How universal quality preschool programs for three and four year olds can be delivered in South Australia, including addressing considerations of accessibility, affordability, quality and how to achieve universality for both age cohorts. Consideration of universal three-year old preschool should be undertaken with a view to achieving this commencing in 2026.
- How all families can have access to out of school hours care at both preschool and primary school ages, including considerations of accessibility in all parts of the state, affordability and quality in public and private settings.

It is clear that governments at both Federal and State level are most keen to secure more affordable and accessible early childhood care and education facilities and this aim should be supported at local government level.

4.2 Building Height

The Zone states:

PO 4.1 *Buildings contribute to a low-rise suburban character.*

In addition to this, DPF 4.1 of the Zone seeks for buildings to be no greater than 9 metres in height with wall heights no greater than 7 metres. The proposed building comprises two building levels and reaches a maximum vertical height of 7.9m metres above the lowest point of the finished ground level, achieving DPF 4.1.

Although the built form within the locality is generally single storey in nature, the PO does not refer to the locality and is focused only on the contribution to a low-rise suburban character. 'Low-rise' is defined in the Code as meaning *"up to and including 2 building levels"*, the proposed building contributes to a low-rise suburban character as the two-storey building is within the 2 building levels as sought by the PO.

4.3 Siting

In relation to setbacks, the Zone states:

PO 5.1 *Buildings are setback from primary street boundaries to contribute to the existing/emerging pattern of street setbacks in the streetscape.*

PO 8.1 *Building walls are set back from side boundaries to provide:*

(a) separation between dwellings in a way that contributes to a suburban character; and

(b) access to natural light and ventilation for neighbours.

PO 9.1 *Dwelling walls are set back from rear boundaries to provide:*

(a) separation between dwellings in a way that contributes to a suburban character

(b) access to natural light and ventilation for neighbours

(c) private open space

(d) space for landscaping and vegetation.

Neither of the adjoining dwellings address Brunel Drive as the primary street. The building design is modulated to vary the front setback, reducing visual bulk and complementing the suburban character of the area. A 4.7 metre setback to the main building line is contrasted by a 13.2 metre setback to the upper-level play space and verandah/pergola elements which projects forward of the building line.

The adjoining dwelling to the west is sited approximately 1 metre from Brunel Drive and the dwelling to the east is sited approximately 9 metres from Brunel Drive. The proposed building has been designed to achieve the average of these building lines, and is therefore considered to achieve a positive outcome for the streetscape and thus achieving PO 5.1.

The large side setbacks provided are much greater than what is sought by Zone DPF 8.1, thus considered to provide sufficient separation between the building walls and the public street and neighbouring sites and achieve the relevant PO.

The proposed rear setback surpasses the DPF requirements and is larger than other recently constructed buildings in the locality, appropriately addressing PO 9.1.

4.4 Design and Built Form

Zone PO 1.3 advises:

PO 1.3 *Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.*

The proposed building utilises various design techniques in order to ensure a positive contribution to the amenity of the neighbourhood, as well being appropriately sited to complement the pattern of development of the locality. The building's exterior expresses high levels of articulation from all angles by incorporating variation in materials, fenestration and verandahs to reduce the perceived visual bulk and scale of the building.

The combination of the proposed external materials and finishes form a high quality and contemporary materials palette. The finishes including high levels of glazing and the use of green walls, wood finishes, and grey scale colour scheme are considered to result in a high quality and sympathetic outcome to the neighbourhood, enhancing the amenity of the area through high quality design.

The ERD Court in *Padman Health Care v City of Burnside* held the requirement that non-residential development within a residential type zone be *compatible with and complementary* to a low-density residential character *does not imply that all types of development must mimic low density residential development*. The design of a building intended for a particular non-residential use, such as a childcare centre, must be appropriate for the function, this will generally result in a building which looks different to a residential dwelling.

The building has been thoughtfully sited and designed to be sympathetic to the existing residential locality and enhance the amenity without unreasonably impacting on adjoining residential allotments, thus satisfying PO 1.3.

4.5 Interface between Land Uses

PO 2.1 within the Interface between Land Uses module advises that:

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 the land.

The proposed child care centre operates during daylight hours and is designed to minimise overlooking and overshadowing impacts on neighbouring residential properties through its siting and design. Acoustic treatments such as acoustic fencing have also been provided to ensure there will be no unreasonable adverse noise impacts. All of which is discussed in more detail below.

4.5.1 Overshadowing

The subject site has residential neighbours to the north, east and west, which, given the building setbacks to these boundaries, the adjoining sites are not considered to be impacted by overshadowing from the building, satisfying PO 3.1 and 3.2.

4.5.2 Overlooking

The proposed development mitigates direct overlooking of the adjoining residential neighbours by screening upper-level play areas up to 1.8 metres and incorporating obscured glass and window sill heights of at least 1.5 metres. The Proponent is willing to abide by a condition of consent to this effect.

4.5.3 Noise

DPF 4.1 of the Interface between Land Uses module advises:

> ***DPF 4.1*** *Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.*

The environmental noise assessment report prepared by Echo Acoustic Consulting in **Appendix 5** has considered the predicted noise levels from the development against standards established in accordance with both the Planning and Design Code, the World Health Organization's Guidelines for Community Noise, and the Environmental Protection (Noise) Policy 2007. The noise assessment determined that the facility can reasonably and practicably achieve the relevant standards by implementing a verity of measures including:

- solid fencing and balustrading between play areas and nearby dwellings;
- solid fencing between carpark and services and nearby dwellings;
- maintain a noise management plan; and
- ensuring any private waste collection occurs between 7am and 7pm Monday to Saturday.

The applicant is willing to abide conditions of consent, should it be forthcoming, to implement the measures in accordance with the recommendations in the acoustic report. By adopting the recommended noise attenuation methods, DPF 4.1 is considered to be met.

4.5.4 Fencing and Retaining

Fencing is proposed to assist with the provision of acoustic treatment for the site and in turn reduce noise impacts on neighbouring properties. The fences also provide "privacy and security" to the users, whilst not *"impacting visual amenity and adjoining land's access to sunlight…"* (Design in Urban Areas PO 9.1).

The fence and retaining heights when viewed from natural ground level of the adjoining residential sites will be no more than 2.4 metres in height at any point and are considered to be conducive to the residential nature of the locality whilst protecting both visual and acoustic privacy to adjoining neighbours.

4.6 Traffic Management

4.6.1 Access

MFY traffic engineering consultants have undertaken a traffic assessment to confirm that the proposed traffic and access arrangements are feasible, safe and achieve the relevant Australian Standards (refer to **Appendix 4**)

The proposed development satisfies the policies within the Transport, Access and Parking module in the following ways:

- Proposed access points having been designed to ensure vehicles can enter and exit in a forward direction as sought by PO 1.4 and PO 3.3.
- Existing crossovers no longer utilised will be reinstated to Councils requirements.

- Notwithstanding the crossover width will slightly exceed six metres as advised by DPF 3.6(b), the proposal does this to ensure sightlines and safe access is achieved.
- One less crossover will be located on the site, and as a result, on street carparking would not be reduced (PO 3.6).
- Access around the site and into the building is designed to be safe and convenient for people with a disability (PO 4.1).

It is worth noting the differences between a child care centre and pre-school/school in relation to traffic demand:

- A child care centre provides long day care facilities for pre-school aged children (typically 0-5 years of age). There is no specific delivery or collection periods for the centre, with children delivered and collected at times convenient to parents or caregivers, generally resulting in pick up/set down times being spread across the day.
- A pre-school/school has a set class period, with all children being delivered at the start of the session and collected on completion of the session, resulting in higher peak times.
- A child care centre typically operates for long hours, with staff working in shifts across the day. Peak staff periods occur during the middle of the day, when staff lunch breaks occur and additional staff (such as chefs) are on site.
- A pre-school/school operates for shorter periods (ie. 9:00am to 3:00pm)

4.6.2 Parking

The Code designates the following parking rates for a child care centre:

- **Vehicle Parking:** 0.25 spaces per child

Based on the child care centres' capacity of 80 children, the site has a theoretical demand of 20 spaces. A total of 20 spaces are provided in accordance with the Zone provision.

The Transport, Access and Parking module also advises the following for vehicle parking:

PO 6.1 *Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.*

PO 6.2 *Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they area attractively developed and landscaped, screened fenced and the like.*

PO 6.4 *Pedestrian linkages between parking areas and the development are provided and are safe and convenient.*

The proposed development satisfies the above policies in the following ways:

- although not directly connected with nearby parking areas, it can be assumed that some family drop offs will occur together for both the proposed child care centre and the school nearby; and
- the parking area has been designed to comply with the requirements of the Australian/New Zealand Standards.

4.7 Stormwater

Notwithstanding, the policies within the Stormwater Management Overlay relate to residential development, the stormwater management plan in **Appendix 3** confirms that the post-development flow

rates are designed to not exceed the pre-development flow rates. The proposal is not, therefore expected to overload the Council's existing stormwater drainage network. In addition, an underground 10,000 litre water detention tank is proposed to assist in detaining water prior to its release.

The proposal is also considered to satisfy PO 31.2 within the Design module:

PO 31.2 *Water discharged from a development site is of a physical, chemical and biological condition equivalent to or better than its pre-developed state.*

The stormwater management plan and civil drawings in **Appendix 3** confirms that that physical, chemical and biological condition of water discharge will be better than its pre-development state, being treated through a waste filtration system prior to its release.

4.8 Landscaping

Design Module PO 3.1 advises:

PO 3.1 *Soft landscaping and tree planting is incorporated to:*

(a) minimise heat absorption and reflection

(b) maximise shade and shelter

(c) maximise stormwater infiltration

(d) enhance the appearance of land and streetscapes

(e) contribute to biodiversity.

The landscaping plan displays plantings which will create an aesthetically pleasing environment for the users of the space and passers-by. The landscaping is primarily sited to the perimeter of the site as well as on the first level outdoor play space and exterior of the building in the form of green walls. The around the perimeter and throughout the site is anticipated to assist in the building settling into the site and its surroundings, whilst softening the building when viewed from the street and adjoining sites.

There will be a wide selection of plants which will also assist in providing additional shade and shelter to the outdoor spaces, minimise heat absorption in the car parking area and maximise stormwater infiltration across the site, aligning with PO 3.1 of the Design module.

The building façade which presents to Brunel Drive incorporates landscaping forward of the carparking to enhance the appearance of the carpark. Medium sized trees are to be planted forward of the building line as well as green walls and climbing plants on the front façade, creating a soft and organic appearance to the building. The upper-level play space also incorporates small trees to further add to the sites visual interest and strong green presence to assist in balancing the visual impact of the building.

The landscaping spread over the ground floor, upper level and on the building itself, result in a softened built form when the building is viewed from any aspect, therefore achieving PO 3.1.

4.9 Waste Management

Waste will be stored in a dedicated area within close proximity to Brunel Drive and adjacent to the carparking area. The bins will be separated from the public realm by vegetation as sought by PO 1.5 of the Design module.

Waste will be collected on site by a private contractor outside of the operating hours and in accordance with EPA (Noise) Policy. Division 3 of the Policy requires rubbish collection to only occur between the hours of 9:00am and 7:00pm on Sundays or public holidays, and between 7:00am and 7:00pm on any other day. The Proponent is willing to abide a condition of consent to this affect.

4.10 Advertisements

The General Neighbourhood Zone expresses the following:

PO 12.1 *Advertisements identify the associated business activity, and do not detract from the residential character of the locality.*

The Advertisements general module goes on to state:

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

The proposed advertising is designed in a manner which is sympathetic to the residential streetscape, being fixed to the wall of the building and the front fence. The signage is not internally illuminated nor does it move or flash, and clearly identifies the associated business and addresses the primary street. Due to the sympathetic nature of the signage and its ancillary nature to a land use which is envisaged within the zone, the signage is considered to appropriately meet the relevant policies.

5. CONCLUSION

We have concluded from our assessment of the proposal that it is deserving of consent.

In support of our conclusion, we wish to highlight that:

- the land use is envisaged within the zone;
- the proposed use will offer additional childcare places to serve an under provisioned area;
- it will provide a contemporary facility for both children and staff while positively contributing to the amenity of the locality;
- the site is appropriately located in close proximity to the nearby Woolworths and The Heights School;
- the height of the proposed building does not unreasonably impact adjoining residential properties and meets the Zone requirements;
- the building is sited centrally on the site with large setbacks to adjoining residential neighbours to mitigate any impacts;
- all expected vehicles will be able to be driven into, and out of, the site in a safe and convenient manner;
- an adequate amount of car parking spaces to service the proposed use are provided;
- acoustic fencing is included to minimise noise impacts toward nearby residential properties;
- stormwater and waste will be dealt with in an environmentally sound manner; and
- simple corporate advertising proposed will not distract nearby motorists but will act as a visual aid for persons seeking to utilise the proposed child care centre.

SV/22-0241

28 November 2022

mfy

Traffic • Parking • Transport

Unit 6, 224 Glen Osmond Road
FULLARTON SA 5063

T: +61 8 8338 8888
F: +61 8 8338 8880
E: mfya@mfy.com.au
W: mfy.com.au

MFY Pty Ltd
ABN 79 102 630 720

Bethany Andretzke
Future Urban Group
GPO Box 2403
ADELAIDE SA 5001

Dear Bethany,

CHILD CARE CENTRE, 48-50 BRUNEL DRIVE, MODBURY HEIGHTS

We refer to the proposal to develop a childcare centre at 48-50 Brunel Drive, Modbury Heights. As requested, we have assessed the traffic and parking aspects of the proposal. The assessment has been based on ON Architecture's Site Plan (Job No: 202200084 Drawing No: DA02) Rev 1 dated October 2022. In undertaking this assessment, we have liaised with the City of Tea Tree Gully.

1 SUBJECT SITE

The subject site has frontage to Brunel Drive. It is located opposite The Heights School. It is currently occupied by two dwellings.

1.1 ROAD NETWORK

Brunel Drive is a road in the care and control of Council. The road has a speed limit of 50 km/h. The section of Brunel Drive adjacent to the site is within a school zone and therefore a reduced speed of 25 km/h is applicable when children are present. A koala crossing is located immediately east of the site. The crossing facilitates safe pedestrian access to and from the school.

1.2 SITE OBSERVATION

A site observation was undertaken during the school pick-up period between 2:50 pm and 3:30 pm on September 29 2022 to understand the operation of the koala crossing. The following observations were made:

- the Koala crossing was in operation for ten minutes between 3:10 pm and 3:20 pm;
- the eastbound queue extended past the subject site three times in this period but was typically three vehicles;
- the longest queue occurred for 25 seconds; and
- at least 25 seconds lapsed between queues.

F:\22-0241 Bethany Andretzke 28 Nov 2022

2 PROPOSAL

The proposal is for the development of a child care centre. It will include a two-storey building which will cater for up to 80 children. Parking for the development will be provided in an undercroft facility with 20 parking spaces.

2.1 ACCESS

Access for the development is proposed to be provided via a new crossover on Brunel Drive.

The access will be located to maximise separation to the Koala Crossing. Site observations identified that the typical queue at the crossing is three vehicles. Such a queue will not block the access to the site. During absolute the peak periods, the queue from the crossing will extend past the site and any vehicle seeking to enter the site will be additional to the queue. It is anticipated that there could be an increase in the queue of up to two vehicles. However, such queues will last for approximately 25 seconds and will dissipate quickly. Importantly, there will be sufficient gaps for drivers to turn in and out of the site.

The crossover will be designed to comply with the Australian/New Zealand Standard Parking Facilities, *Part 1: Off-street car parking (AS/NZS 2890.1:2004)*. The access has been designed to cater for all turning movements to and from site and will permit simultaneous movements as shown in Figure 1.

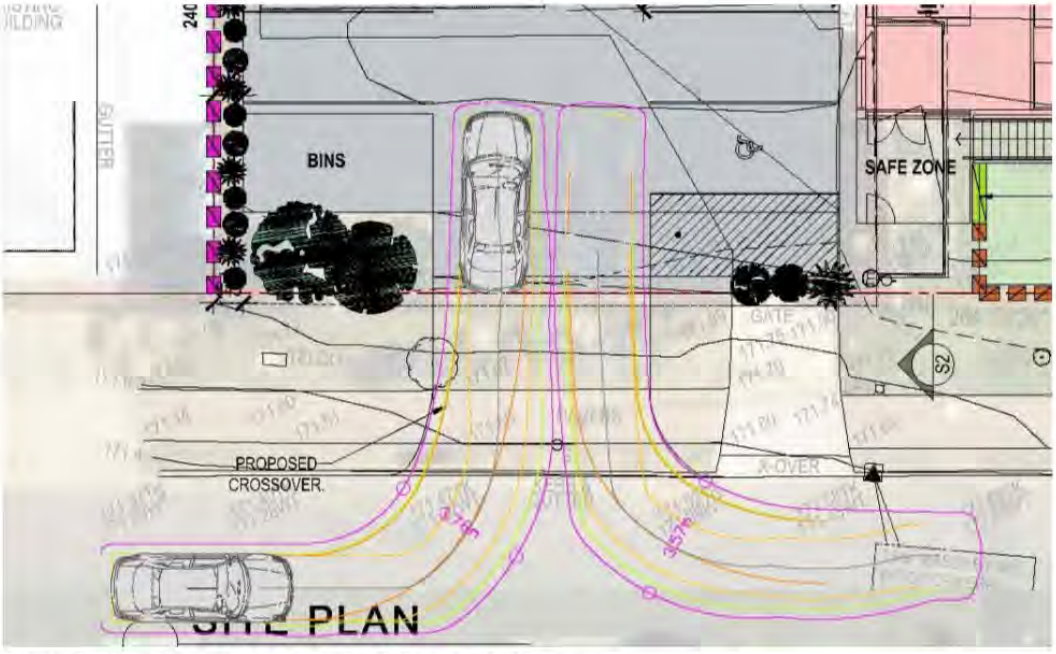


Figure 1: Simultaneous movements at the proposed access

2.2 CAR PARK

The proposed car park will be designed to comply with the AS/NZS 2890.1:2004, in that:

- parking spaces will be 2.6 m wide;
- parking spaces will be 5.4 m long;
- parking aisles will be 6.2 m wide;
- dead-end aisle will be extended by 1.0 m at the end and will include a turnaround bay; an
- columns will be located clear of the vehicle design envelope identified in Figure 5.2 of AS/NZS 2890.1:2004.

One space will be allocated for use by people with a disability. This space will be 2.6 m wide with an adjacent 2.4 m wide shared space and will be provided in accordance with the requirements of *Australian/New Zealand Standard, Parking facilities Part 6: Off-street parking for people with disabilities (AS/NZS 2890.6:2009).*

2.3 REFUSE COLLECTION

Refuse collection for the development will occur within the carpark. An 8.8 m medium rigid vehicle (MRV) will be used for refuse collection. The refuse vehicle will access the site after hours and therefore, will be able to use the full car park to manoeuvre. Figure 2 identifies that an MRV will be able to turn within the site so that it can enter and exit the site in a forward direction.

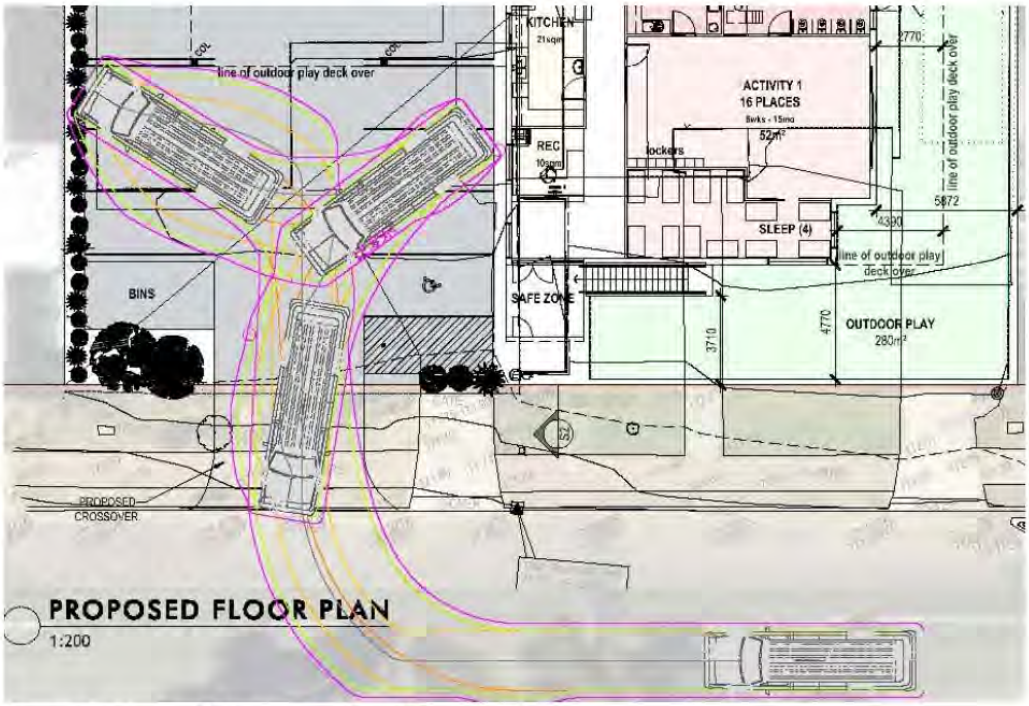


Figure 2: Refuse vehicle movements within car park

3 PARKING ASSESSMENT

The Planning and Design Code identifies a parking rate of 0.25 spaces per child for a childcare centre development. Based on this rate, the proposal will require 20 spaces. The proposal will provide 20 parking spaces which will satisfy the requirements in the Planning and Design Code.

4 TRAFFIC ASSESSMENT

In forecasting the traffic generated by the development, consideration has been given to updated traffic data collected for the *Roads and Maritime Services (RMS)* which has been presented in the report titled *Validation Trip Generation Surveys Childcare Centres*, dated September 2015.

The updated survey report identifies the following traffic generation rates for peak hour periods at child care centres with up to 90 children.
(x = number of students):

- $am\ peak\ hour = 0.0118x^2 - 0.3585x + 22.968$; and
- $pm\ peak\ hour = 0.004x^2 + 0.4117x + 6.0276$.

Based on the above rates, the proposed childcare centre is forecast to generate approximately 70 trips in the am peak hour and 65 trips in the pm peak hour. Of this traffic, 50% will enter and 50% will exit the site.

Approximately 70% of traffic is anticipated to access the site from the east via Ladywood Drive as this would provide the most convenient route to and from the external road network. The remaining 30% of traffic is forecast to access the site from the west.

Based on the above, Figure 3 identifies the forecast turning movements at the access.

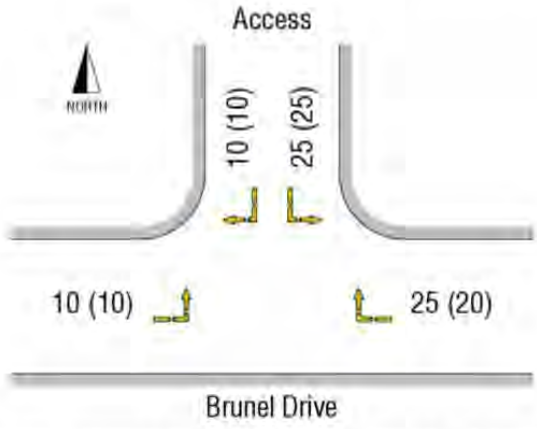


Figure 3: Forecast turning movements at the site access - am (pm)

While the am peak hour will coincide with the school drop-off period, traffic associated with the school pick-up is distributed over a long period of time when compared to the school pick-up period, which is typically the critical scenario for schools. Accordingly, the additional traffic during this period will not have a significant impact on Brunel Drive.

Pm peak hour for the childcare centre will occur between 5 pm to 6 pm which is after school hours and therefore will not coincide with the school pick-up period. Notwithstanding, there would still be some traffic associated with the proposed childcare centre during this period. Site observations identified that the pick-up period on Brunel Drivers occurs for only a short period of time (20 minutes) and the peak is concentrated within a ten-minute period. Traffic associated with the childcare centre in the ten-minute period will be minimal and will not impact on Brunel Drive during the pick-up period.

In addition, most of the traffic generated by the development occurs during the peak periods and traffic generated by the development outside the peak periods will be low. The traffic on the western section of Brunel Drive is forecast to increase by approximately 110 trips per day and the eastern section of approximately is forecast to increase by approximately 250 trips per day. Such increase in traffic is low and will be readily accommodated on Brunel Drive.

5 SUMMARY

The proposed development will provide safe and convenient access for drivers and pedestrians and has been designed to cater for efficient traffic movements to enter and exit the site in a forward direction.

There will be adequate parking provided for the proposed development in accordance with the design requirements of AS/NZS 2890.1:2004 and traffic generated by the proposed development will have minimal impact on the adjacent road network.

Yours sincerely,
MFY PTY LTD

Suresh Vijayakumar
Senior Traffic Engineer

40 YEARS

Childcare Centre
48-50 Brunel Drive
Modbury Heights

Environmental Noise Assessment

27 November 2022
Reference ID: 116-3

echo
Acoustic Consulting

Contents

Figures

Tables

Abbreviations

AAAC	Association of Australasian Acoustical Consultants
BMT	Base Metal Thickness
DO	Desired Outcome of the Code
DTS	Deemed to Satisfy criteria of the Code
EPA	South Australian Environment Protection Authority
PO	Performance Outcome of the Code
WHO	World Health Organization

Glossary

A-weighting	A mathematical adjustment to the measured noise levels to represent the human response to sound. An *A-weighted noise level* is presented as dB(A).
Ambient noise level	The noise level associated with the environment in the absence of the activity under investigation.
Background noise level	The noise level exceeded for 90% of the measurement period. The background noise level represents the lulls in the ambient environment.
Characteristic	A characteristic determined in accordance with the *Environment Protection (Noise) Policy 2007* (the Policy) to be fundamental to the nature and impact of the noise. For example, a noise source is deemed to exhibit a characteristic if it produces distinctive tonal, impulsive, low frequency or modulating features.
Code	*Planning and Design Code* Version 2022.21 dated 10 November 2022, PlanSA.
Day	A period defined by the *Environment Protection (Noise) Policy 2007* as between 7am and 10pm.
EP Act	*Environment Protection Act 1993*
Equivalent noise level	The A-weighted noise level which is equivalent to a noise level which varies over time. The descriptor is L_{Aeq} and it is the A-weighted *source noise level (continuous)* referenced in the Policy. The L_{Aeq} is also referenced as an average noise level for simplicity.
dB	The logarithmic unit of measurement to define the magnitude of a fluctuating air pressure wave. Used as the unit for *sound* or *noise level.* An *A-weighted noise level* is presented as dB(A).
Indicative Noise Level	The noise level assigned by the Policy at a location to represent an impact on the acoustic amenity at that location. No further action is required to be taken under the *Environment Protection Act 1993* for noise levels which are lower than the Indicative Noise Level.

Instantaneous maximum noise level	The A-weighted noise level which is the instantaneous maximum over a period. The L_{Amax} is the A-weighted instantaneous maximum noise level referenced in Clause 20(b)(ii) of the Policy.
Night	A period defined by the *Environment Protection (Noise) Policy 2007* as between 10pm and 7am.
Noise	An interchangeable term with sound but which is most often described as *unwanted sound*.
Noise Sensitive Premises	Premises that could be "noise-affected". For the purposes of this assessment, the noise sensitive premises are residential dwellings.
Policy	The *Environment Protection (Noise) Policy 2007*
Sound	An activity or operation which generates a fluctuating air pressure wave. The ear drum can perceive both the frequency (pitch) and the magnitude (loudness) of the fluctuations to convert those waves to sound.
Sound power level	The amount of sound energy an activity produces for a given operation. The sound power level is a constant value for a given activity. The sound power level is analogous to the power rating on a light globe (which remains constant), whereas the lighting level in a space (sound pressure level in this analogy) will be influenced by the distance from the globe, shielding and different locations within the space.
Sound pressure level	The magnitude of sound (or noise) at a position. The sound pressure level can vary according to location relative to the noise source, and operational, meteorological and topographical influences. The terms *sound pressure level* and *noise level* are used interchangeably in this assessment.
WHO Guidelines	*Guidelines For Community Noise* Birgitta Berglund Thomas Lindvall Dietrich H Schwela London, United Kingdom, April 1999, World Health Organization.

Executive Summary

The proposed development at 48-50 Brunel Drive, Modbury Heights comprises a childcare centre with capacity for up to 80 children (aged 5 and under), car parking, and outdoor play spaces (the facility).

The facility provides care and sleeping spaces for the different age groups with supporting staff areas. The spaces open onto outdoor areas which will be used by the children for play when weather and the operation of the facility permits.

The noise sources at the facility include the sound of children playing, the drop off and collection of children in passenger vehicles, the collection of waste bins, and the operation of air conditioning and ventilation systems.

Many childcare centres are in residential areas without any specific treatments to reduce noise levels to surrounding dwellings by incorporating outdoor play areas surrounded by open balustrade fencing. Notwithstanding this regular feature, this assessment considers the sound of children playing against objective standards established by the *World Health Organization* for community noise. Specific treatments are designed, including solid fences, to suit the location of play and car parking areas, and operational measures are recommended for inclusion in a *Noise Management Plan*.

The facility is located opposite The Heights School. The facility, school and surrounding dwellings are all located in a *General Neighbourhood Zone* of the *Planning and Design Code*.

The assessment process includes the prediction of noise levels based on established inputs from childcare centre activities. The predicted noise levels are compared against relevant standards to provide an objective measure of adverse impacts on the amenity of an area. In the circumstance where the noise levels need to be reduced to achieve those standards, the assessment provides the recommended control measures, be it operational restrictions or physical construction requirements. The objective of the above process is to ensure the operation of the facility does not adversely impact on the amenity of surrounding dwellings.

This assessment determines the facility can reasonably and practicably achieve the *Planning and Design Code* provisions through implementing the following engineering measures:

- constructing solid fencing and balustrading between play areas and the nearest dwellings
- constructing solid fencing between the car parking area and the nearest dwellings
- incorporating acoustic absorption to the underside of the carpark soffit
- ensuring any shade systems (other than verandahs) are acoustically transparent (by using a material such as shade cloth)
- ensuring any private collection of waste occurs between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

In addition, it is recommended that:

- a *Noise Management Plan* is maintained for the childcare centre
- mechanical plant is located away from the nearest dwellings, subject to reviewing the services during the design stage of the project to achieve the *Environment Protection (Noise) Policy 2007*.

Introduction

The proposed development at 48-50 Brunel Drive, Modbury Heights comprises a childcare centre for up to 80 children (aged 5 and under), car parking and outdoor play spaces (the facility).

The noise generating activities associated with the facility and considered in this assessment include:

- children playing outside
- vehicle movements in the car parking area
- waste collection
- operation of services including air conditioning and ventilation systems.

The facility and the closest dwellings are shown and numbered 1 to 8 in Figure 1 below.

Figure 1 The facility and surrounding dwellings

Source Plan SA – SA Property & Planning Atlas

The facility is located opposite The Heights School. The facility, school and surrounding dwellings are all located in a *General Neighbourhood Zone* of the *Planning and Design Code*.

Assessment Criteria

The Code

The facility and nearest sensitive premises (dwellings) are all located within a *General Neighbourhood Zone* of the *Planning and Design Code Version* 2022.21 dated 10 November 2022 (the **Code**). The following provisions within the Code are considered relevant to the environmental noise assessment.

General Neighbourhood Zone (Part 2 – Zones and Sub Zones)

Desired Outcome DO 1

Low-rise, low and medium-density housing that supports a range of needs and lifestyles located within easy reach of services and facilities. Employment and community service uses contribute to making the neighbourhood a convenient place to live *without compromising residential amenity*.

Interface between Land Uses (Part 4 – General Development Policies)

Desired Outcome DO 1

Development is located and designed to *mitigate adverse effects* on or from neighbouring and proximate land uses.

Performance Outcome 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*.

Performance Outcome 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.

Performance Outcome PO 4.1

Development that emits noise (other than music) *does not unreasonably impact the amenity of sensitive receivers* (or lawfully approved sensitive receivers).

Deemed to Satisfy Criteria DTS 4.1

Noise that might affect sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria.

Performance Outcome PO 4.2

Areas for the on-site manoeuvring of service and delivery vehicles, plant and equipment, outdoor work spaces (and the like) are designed and sited *to not unreasonably impact the amenity of adjacent sensitive receivers (or lawfully approved sensitive receivers) and zones primarily intended to accommodate sensitive receivers* due to noise and vibration by adopting techniques including:

a) locating openings of buildings and associated services away from the interface with the adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers
b) when sited outdoors, locating such areas as far as practicable from adjacent sensitive receivers and zones primarily intended to accommodate sensitive receivers
c) housing plant and equipment within an enclosed structure or acoustic enclosure
d) providing a suitable acoustic barrier between the plant and / or equipment and the adjacent sensitive receiver boundary or zone.

The Policy

Interface between Land Uses DTS 4.1 references the *Environment Protection (Noise) Policy 2007* (the **Policy**).

The Policy was developed under the *Environment Protection Act 1993* (the EP Act). The EP Act incorporates a requirement to ensure the acoustic *amenity of a locality is not unreasonably interfered with*. The Policy provides a quantitative approach to satisfy this requirement underpinned by the World Health Organization's *Guidelines for Community Noise* (**WHO Guidelines**) as it relates to community annoyance and sleep disturbance.

Compliance with the Policy will satisfy *DTS 4.1* and is considered to also satisfy the subjective requirements of the Desired and Performance Outcomes in the Code (being the *General Neighbourhood DO 1* and *Interface between land uses DO 1, PO 1.2, PO 2.1, PO 4.1* and *PO 4.2*).

Noise from Children Playing

Schedule 1 (clause 6) of the Policy excludes noise from a school, kindergarten, childcare centre or place of worship from its objective assessment method. The *Guidelines for the use of the Environment Protection (Noise) Policy 2007* note the following:

> *Child-care centres, schools, kindergartens, places of worships and playgrounds are often located immediately adjacent to residences and their impacts are rarely of concern, even though the sound levels can often easily exceed environmental noise criteria such as those contained in the general provisions of the Noise Policy. Complaints to the Authority regarding school and church noise do occur from time to time and there have been proceedings brought in the South Australian Environment Resources and Development Court to deal with noise nuisance impacts from a child-care centre in one case. Typically, such complaints are handled under the general environmental duty provisions of the Environment Protection Act 1993 rather than through comparison with objective criteria such as those in the Noise Policy, which have not been established for the specific circumstances presented by schools, kindergartens, child-care centres or places of worship.*

In the absence of the Policy as an objective measure, the Environment, Resources and Development Court has considered noise levels from children playing against the recommendations of the WHO guidelines. The WHO guidelines include that *to protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB(A)* $L_{Aeq16hr}$.

The WHO guidelines criterion of an $L_{Aeq16hr}$ of 50 dB(A) is utilised by this assessment to satisfy the Code requirements from the sound of children playing. The criterion does not mean all people will be "moderately annoyed" at levels greater than 50 dB(A) but rather provides a criterion above which some people can become moderately annoyed.

The Policy is utilised for the assessment of the balance of activity at the facility, including car parking, mechanical plant operation and waste collection.

Car Park Noise, Mechanical Plant, and Waste Collection

For car parking and mechanical plant, the Policy establishes noise levels that apply to new developments. The noise levels apply at noise sensitive premises for both the day (7.00am to 10.00pm) and night (10.00pm to 7.00am the following day) periods. These noise levels vary according to the land use zoning in which the facility and the dwellings are located.

For a new development, the noise criteria that applies at dwellings is the *Indicative Noise Level* minus 5 dB(A).

The noise levels that apply at existing dwellings (identified as dwellings 1 through 5 in Figure 1) in a *General Neighbourhood Zone* adjacent a development within the same zone are as follows:

- An *average noise level* of 47 dB(A) during the day
- An *average noise level* of 40 dB(A) during the night
- An *instantaneous maximum noise level* of 60 dB(A) during the night.

The "average noise level" is an *equivalent noise level* over a default assessment period of 15 minutes.

When predicting noise levels for comparison to the Policy, the predicted noise levels are to be adjusted (increased) where the activities exhibit "annoying" characteristics (dominant tonal, impulsive, low frequency content or modulation characteristics) in comparison to the surrounding ambient environment.

For waste collection, the Policy effectively restricts private collection (as distinct to public collection occurring at the same time as other surrounding dwellings) to between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

Assessment

Noise from Children Playing

The WHO Guidelines criterion of an $L_{Aeq16hr}$ of 50 dB(A) is utilised by this assessment to satisfy the Code requirements from the sound of children playing.

Operational Assumptions

The prediction of noise has been based on the facility operating at capacity (80 children) with all children outside for up to 8 hours per day and the following assumptions:

- 16 children aged between 0 and 2 years with a sound power level of 68 dB(A)[1] per child
- 20 children aged between 2 and 3 with a sound power level of 75 dB(A)[1] per child
- 44 children aged between 3 and 5 years with a sound power level of 77 dB(A)[1] per child

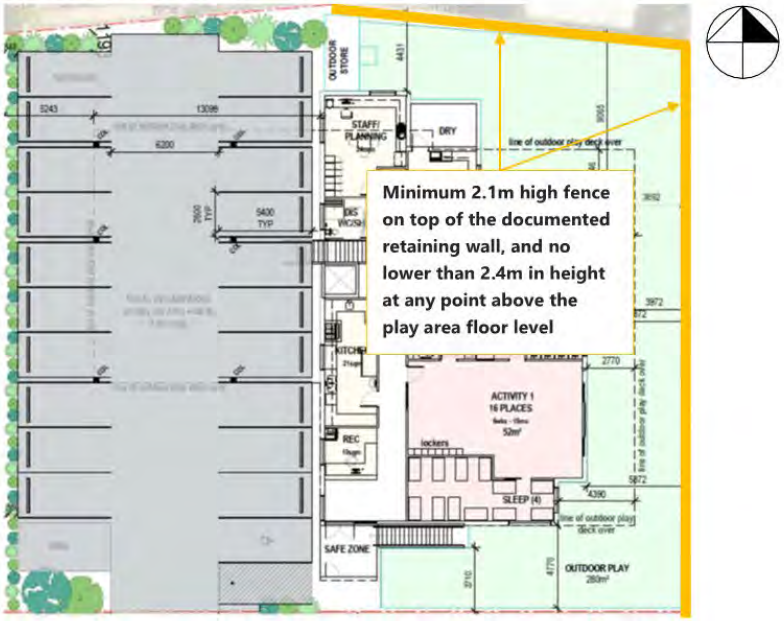
Noise Control Measures

To achieve the WHO criterion and to ensure best practice operation with respect to childcare noise reduction to surrounding land uses, the following engineering acoustic treatment measures are provided:

- Ensure the extent of the fence depicted as orange in Figure 2 is a height of at least 2.1m above the documented retaining wall and no lower than 2.4m at any point when measured above the play area floor level
- Ensure the fences are constructed from sheet steel with a base material thickness (BMT) of 0.42mm, or an alternative material with the same or greater surface density (such as timber). The fences should be sealed airtight at all junctions, including with any retaining wall and at the overlap of the sheets or palings
- Ensure the extent of the balustrade depicted as green in Figure 3 is a minimum of 1.8m in height when measured from the upper play area floor level
- Ensure the extent of the balustrade depicted as blue in Figure 3 extends to the underside of the verandah/canopy/eaves
- Ensure the balustrades are constructed from any material with a surface density equal to or greater than sheet steel with a BMT of 0.42mm, including glass. The balustrade should be sealed airtight at all junctions, including with the floor slab, building, and at joins
- Incorporate a solid external door/gate at the top of the external stairs with the same material specification and height as the balustrade.
- Ensure any shade system (other than verandahs) used in the play areas is constructed from an acoustically transparent material such as "open weave" shade cloth, or similar, rather than waterproof PVC (that is, any material which can be breathed through).

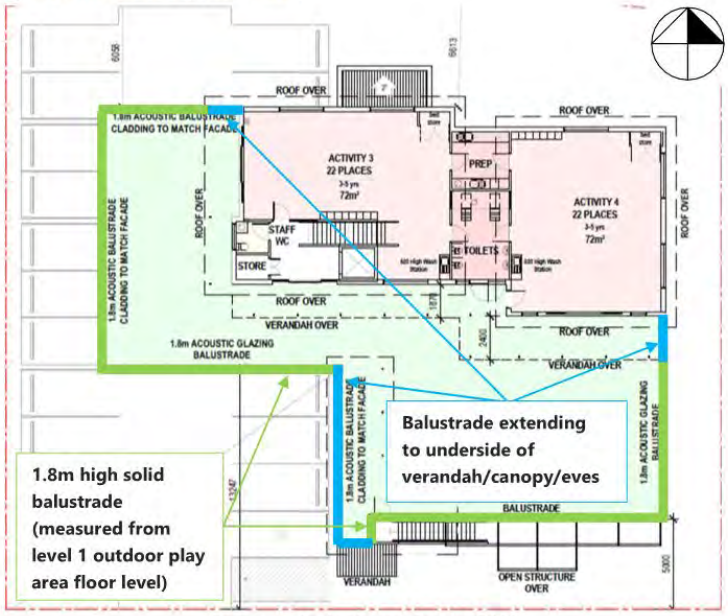
[1] Sound power levels for age groups and modelling inputs in accordance with the Association of Australasian Acoustical Consultants (AAAC) *Guideline for Child Care Centre Acoustic Assessment* Version 3.0

Figure 2 Play Area Treatments (Ground Floor)



Source On Architecture Drawing DA03

Figure 3 Play Area Treatments (Upper Floor)



Source On Architecture Drawing DA04

In addition to the engineering measures above, a *Noise Management Plan* is recommended to be developed to minimise potential noise impacts. The measures should not be taken as absolute or instantaneous, rather all reasonable and practicable steps should be taken to ensure they are implemented. The following measures are recommended to be incorporated in the *Noise Management Plan* for implementation where it is reasonable and practicable to do so in the circumstances at that time:

- Closing external doors and windows in rooms where music is being played
- Ensuring outdoor play spaces are not used before 7am
- Not introducing external surfaces or equipment which would regularly elevate children above the fence height
- Not having equipment or surfaces intended for impact regularly outside
- Not having musical instruments regularly outside
- Maintaining external play equipment such that noise which could be reduced by maintenance is not generated
- Utilising external gates and doors with soft close mechanisms
- Maintaining a method for neighbours to contact the facility
- Monitoring the behaviour of children by trained childcare staff to identify children who might be distressed
- Taking distressed children inside the facility
- Ensuring carers and staff control the level of their voice while outside so that it is at the minimum possible to provide clear instructions
- Ensuring carers and staff are aware of the *Noise Management Plan* and its principles.

Car Park Noise, Mechanical Plant, and Waste Collection

The Policy is utilised by this assessment to satisfy the Code requirements that relate to noise from the use of the car park, operation of the mechanical services, and the collection of waste.

Operational Assumptions

The following inputs have been utilised for the assessment over the default 15-minute period of the Policy and are the basis for the predicted noise levels in Table 1:

- 2 staff passenger vehicles and 1 client passenger vehicle in the car park prior to 7am (in a 15-minute period), and 10 client passenger vehicles in the car park after 7am (in a 15-minute period), each with a sound power level of 81 dB(A)[2] (manoeuvring into the parking space, opening and closing doors and conversing)
- Operation of external air conditioning plant with a sound power level of 77 dB(A)
- Operation of roof mounted laundry, kitchen, and toilet exhaust systems with a combined sound power level of 75 dB(A).

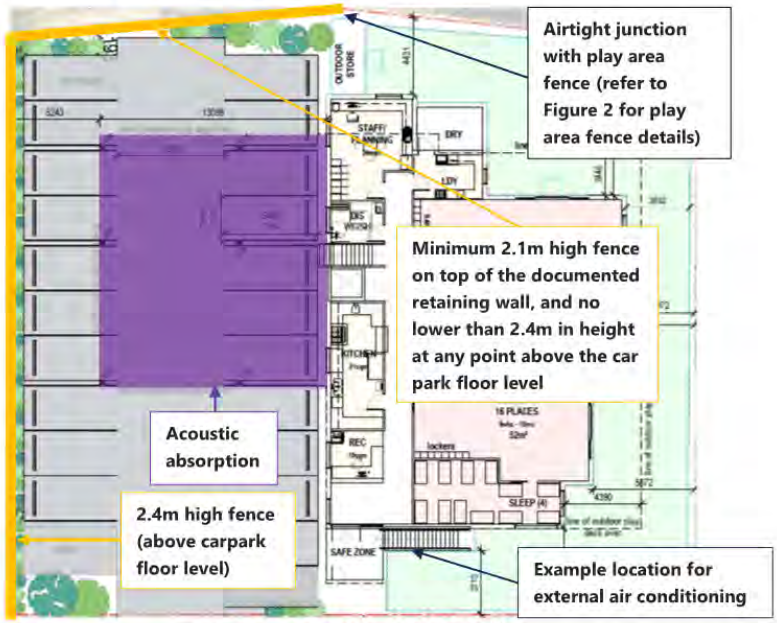
Noise Control Measures

The car parking activity and the operation of mechanical services can achieve the assessment criteria required to satisfy the Code with the following noise reduction measures:

- Ensure the extent of the fence depicted as green in Figure 4 is a height of at least 2.1m above the documented retaining wall and no lower than 2.4m at any point when measured above the carpark floor level
- Ensure the fence is constructed from sheet steel with a BMT of 0.42mm (or an alternative material with the same or greater surface density). The fences should be sealed airtight at all junctions, including with any retaining wall, at the overlap of the sheets, and with the fences nominated in Figure 2 of this assessment
- Provide acoustic absorption to the soffit of the slab above the carpark for the extent shown as purple in Figure 4. The acoustic absorption can be in accordance with Figure 5 or by utilising a direct fix product with an *Noise Reduction Coefficient* (NRC) of at least 0.65, such as 25mm thick *Pyrotek* "Reapor" panels
- Ensure there are no irregularities on the car park surface which generate excessive impacts such as grates which move when driven over
- Locate the external air conditioning plant away from residential boundaries. An example location could be adjacent the stairs as shown in Figure 4.

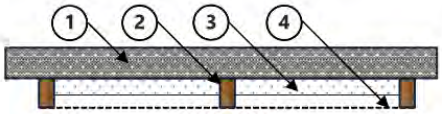
[2] Sound power levels for passenger vehicle activity in accordance with the Association of Australasian Acoustical Consultants (AAAC) *Guideline for Child Care Centre Acoustic Assessment* Version 3.0

Figure 4 Car Park Noise and Mechanical Plant Treatments



Source On Architecture Drawing DA03

Figure 5 Insulation Detail



1	Slab soffit
2	Battens or framing as required
3	50mm thick polyester insulation with a minimum density of 32 kg/m³ such as *Autex Greenstuf AAB 32-50* or equivalent fixed to soffit between battens
4	Facing with at least 15% open area such perforated sheet metal or marine plywood (facing is for aesthetics only and not required from an acoustic perspective)
Alternative is to utilise a direct fixed product with an NRC of at least 0.65, such as 25mm thick *Pyrotek "Reapor" panels* or *Autex ASL R1.3 50mm liner (NRC 0.85)*	

Future Services Design

The mechanical plant has not yet been designed, as is common at the planning application stage of a project. As a result, the noise from the air conditioning and ventilation systems should be confirmed during the design stage of the project when this aspect of the design is finalised. Based on the assessment to date, a condition relating to the future air conditioning and ventilation system design achieving the Policy can be reasonably and practicably complied with. Any acoustic treatment recommendations will be subject to a review of the proposed system (once designed).

Waste Collection

It is recommended the hours of private waste collection from the facility (as distinct to waste collection which occurs at the same time as other dwellings in the area) occur between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

Predicted Noise Level

The noise from the facility has been predicted using the noise calculation method provided by the *International Standard ISO1613-2:1996 "Acoustics - Attenuation of sound during propagation outdoors - Part 2 General method of calculation"*, in combination with the operational assumptions and noise control measures summarised above. The results of the noise predictions are summarised in Table 1 for the closest dwellings (circled as black in Figure 1).

When predicting noise levels for comparison with the Policy, the noise levels are to be adjusted (increased) where the activities exhibit "annoying" characteristics (dominant tonal, impulsive, low frequency content or modulation characteristics) in comparison to the surrounding ambient environment. In recognition that there will be quiet periods during the operating hours of the facility, a penalty has been applied during the day and night at all dwellings.

Table 1 Predicted Noise Levels dB(A)

Dwelling	Predicted cumulative noise level Car parking and plant operation (dB(A))			Compliance
	Day	Night		
	L_{Aeq}	L_{Aeq}	L_{Amax}	
Criteria	***47***	***40***	***60***	
1	42	40	58	**Yes**
2	40	40	58	**Yes**
3	42	40	60	**Yes**
4	38	38	56	**Yes**
5	36	36	<45	**Yes**

Conclusion

An environmental noise assessment has been made of the proposed childcare centre development at 48-50 Brunel Drive, Modbury Heights.

The environmental noise assessment considers the predicted noise levels from the development against standards established in accordance with the *Planning and Design Code*, the World Health Organization's *Guidelines for Community Noise*, and the *Environment Protection (Noise) Policy 2007*, to ensure the acoustic amenity of the surrounding sensitive premises (dwellings) is not adversely impacted.

The assessment determines the facility can reasonably and practicably achieve the *Planning and Design Code* provisions through implementing the following engineering measures:

- constructing solid fencing and balustrading between play areas and the nearest dwellings
- constructing solid fencing between the car parking area and the nearest dwellings
- incorporating acoustic absorption to the underside of the carpark soffit
- ensuring any shade systems (other than verandahs) are acoustically transparent (by using a material such as shade cloth)
- ensuring any private collection of waste occurs between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

In addition, it is recommended that:

- a *Noise Management Plan* is maintained for the childcare centre
- mechanical plant is located away from the nearest dwellings, subject to reviewing the services during the design stage of the project to achieve the *Environment Protection (Noise) Policy 2007*.

With the implementation of the above measures, the assessment concludes the facility will not adversely impact on the amenity of dwellings in the locality and will provide a facility which will meet the relevant *Planning and Design Code* provisions.

References

Environment Protection (Noise) Policy 2007, SA EPA

*FMG Engineering drawing "SK-C01" for job "*S61623-282811" dated 1 November 2022

Guideline for Child Care Centre Acoustic Assessment Version 3.0, Association of Australasian Acoustical Consultants

Guidelines For Community Noise Birgitta Berglund Thomas Lindvall Dietrich H Schwela London, United Kingdom, April 1999, World Health Organization

Guidelines For the Use of The Environment Protection (Noise) Policy 2007, SA EPA June 2009

International Standard ISO1613-2:1996 "Acoustics - Attenuation of sound during propagation outdoors - Part 2 General method of calculation

On Architecture "Planning Issue" drawings *for job "202200084", dated* October 2022

Planning and Design Code Version 2022.21 dated 10 November 2022, PlanSA

Document Details

Distribution:

Issue date	27 November 2022
Issued to	Future Urban
Description	Environmental Noise Assessment

Author Details:

Author	Mathew Ward
Mobile	0413 018 332
Email	mathewward@echoacoustics.com.au

echo
Acoustic Consulting

ENGINEERING

Stormwater Management Report

JOB NUMBER:	S61623 - 282811
CLIENT:	Future Urban Pty Ltd
SITE:	48-50 Brunel Drive, MODBURY HEIGHTS, SA 5092
DATE:	14/11/2022
REVISION:	0

Engineering your success. ADELAIDE MELBOURNE SYDNEY

Document Status

Rev No.	Status	Author	Reviewer			Approved for Issue		
			Name	Signature	Date	Name	Signature	Date
0	For Approval	G Ashtijou	Chris Clarke		17/11/2022	J Colbert		18/11/2022

Table of contents

Introduction

FMG Engineering (FMG) has been engaged by Future Urban Pty Ltd to prepare a Stormwater Management Plan for the proposed works at 48-50 Brunel Drive, MODBURY HEIGHTS, SA 5092 for the purpose of planning approval. Engineering survey has been undertaken, and this report will be updated should any assumptions made need modification.

This Stormwater Management Plan has been prepared in accordance with the City of Tea Tree Gully (Council's) Stormwater Requirements specific to this development. The intent of this report is to provide a high-level summary of feasible stormwater management principles which will be applied on site to meet Council's requirements and to demonstrate how stormwater can be managed on the proposed development, including detention storage requirements. This report will be updated if fundamental changes to design intent occur throughout the design process.

Site understanding

The site is located at 48-50 Brunel Drive, MODBURY HEIGHTS, SA 5092 as shown in Figure 1 and is currently used as existing residential houses. The site naturally grades toward southwest with surface grade of 2% on average. The footprint of the site is approximately 1,327m^2, the proposed site is bound by Brunel Drive to the south.

Figure 1: Site location

A review of the GIS stormwater layer (Figure 2) indicates that there is an existing 450mm diameter pipe which runs along the northern end of Brunel Drive and a side entry pit approximately 14m to the west of the south-west corner of the subject site. The survey of the subject site is shown in Appendix B of this report.

Figure 2-Council Stormwater network - GIS Stormwater pits and pipes seen in orange

FMG has not identified any upstream catchments for this location. In addition to flood mapping (reference: *South Australian Property and Planning Atlas SAPPA*), Council also does not suggest local flooding concern within the boundaries of this particular site during the 1% Annual Exceedance Probability (AEP) storm event.

Proposed Development

The concept drawing outlining the proposed site plan is shown in Appendix A (subject to minor changes) which includes the development of a 2-storey building consisting of office, carpark and outdoor play areas. It should be noted that this concept plan is intended for development application purposes only. All setbacks, site coverage, carparking numbers, landscaping areas and the like are subject to statutory approval and all existing and proposed features, dimensions, areas and boundaries are approximate only.

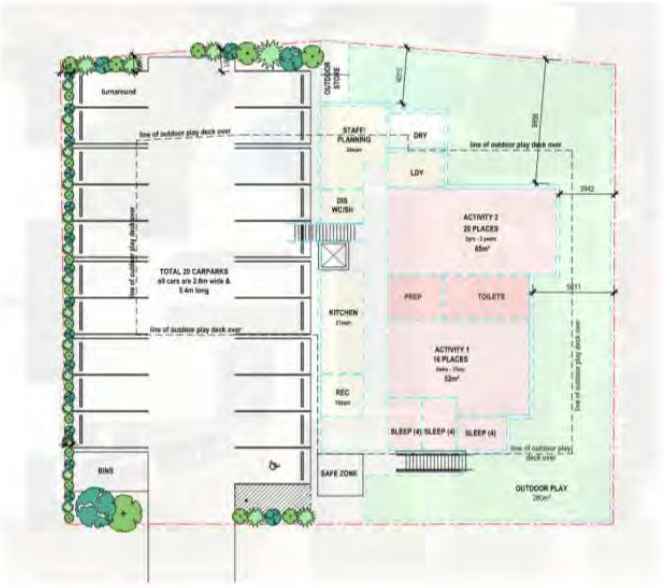


Figure 3-Proposed development

Stormwater Management Requirements

Surface stormwater shall be managed such that there is no ponding of water against buildings or structures, no runoff into neighbouring properties and does not put downstream property at risk during the 100-year ARI event.

Also, the following stormwater requirements were mentioned by the City of Tea Tree Gully council:

- *Council requires for stormwater design and modelling to be done to 1.20 ARI minor rain event and a 1.100 ARI major event. Moreover:*

Site detention requirements

- *Council requirements are to match predevelopment flows to post developments flows (that being 5% back to 5% AEP and 1% back to 1% AEP in 30-minute storm event however advise for you to conduct kinematic wave equations and adopt storm event times) with the difference detained on site.*
- *Council requires for a minimum 60% roof stormwater to be discharged to rainwater tanks or detention proposed.*

Water quality requirements (GPT)

- *Council requirement for water quality for large developments is to apply gross pollutant traps before connecting into existing drainage networks.*
- *A Music Model showing that Stormwater reduction targets are met as below must also be presented.*

1. *90% reduction in Gross Pollutants*
2. *80% reduction in average annual Total Suspended Solids*
3. *60% reduction in average annual Total Phosphorous*
4. *45% reduction in average annual Total Nitrogen*

Sump/ Pump requirements

- *Should a sump/ pump be required, it must be designed to cater for 5% AEP discharge and 1% AEP storage – calculations would be required as part of the approval.*
- *Maximum discharge rates allowed are of 4L/s. Maximum velocity rate of discharge at the kerb a t 0.5m/s*

Discharge

- *You may elect to discharge to the road or underground drainage. Council will assess rates of discharge based on what method you elect.*

Stormwater Management Plan

FMG has prepared a preliminary stormwater modelling and Civil Design (As shown in Appendix B) to demonstrate feasible compliance with Council's requirements. The outcomes of this preliminary investigation indicate the most efficient site management of stormwater will be achieved as follows:

- Runoff from the roof areas will be collected via downpipes and be diverted into an underground detention tank (nominally $10m^3$) which will be located within the carpark area.
- Gap flow from gutter overflows will be captured at the ground level and conveyed into the underground detention tank during storms greater than 20-year ARI event.

- Outdoor landscaped areas' runoff (L1 and L2 as shown in figure 5) will convey through Oceanprotect200µm or similar approved trash screens, be collected by pits and pipes and be diverted to the under-ground detention tank.
- Carpark surface runoff will be collected via pits/Spoondrain and pipes, and diverted to pits leading to under-ground detention tank. It should be noted that stormwater runoff will convey through Oceanprotect200µm or similar approved trash screens before diverting to underground internal stormwater system
- DRAINS results demonstrate that a 150mm pipe collects all runoff from roof for up to and including 5% AEP storm event.
- As for the discharge point, it should be mentioned that due to the lack of connection to Council's stormwater network (450mm diameter pipe below ground within the verge) within the front boundary, a junction box will be constructed above the pipe to connect discharge from the development to the council's network. Outlet from the tank will be via gravity, conveyed within a 225mm diameter pipe, restricted by a 135mm orifice.
- Underground stormwater network (pit/pipe) within the proposed development has been designed to convey up to and including the 5% AEP storm event.
- The quality of stormwater runoff from the completed development will mostly meet Council's requirements through the use of Oceansave or similar approved treatment devices, filtering runoff generated by carpark areas and landscaped prior to discharging to Council's network. This device will be located upstream of the underground tank.
- In accordance with Council requirements, discharge from the site has been restricted from 1% AEP (100-year ARI) and 5% AEP (20-year ARI) storm event post-development peak flows to equivalent pre-development peak flows (21L/s and 29L/s respectively using orifice and gravity outlet to Council's underground drainage system).
- Preliminary finished floor levels (FFLs) have been nominated at 172.20mAHD, this is in excess of 300mm above the adjacent highest top of kerb.

Stormwater Calculations

Catchment analysis

Site catchments were determined based on aerial imagery, and concept drawings as per Appendix A. Pre-development catchment includes 45% pervious areas with a footprint of 1700m^2 based on current aerial imagery of the site. Table 1 summarises the post-development sub-catchment areas and percentages of pervious/impervious.

Table 1 – Post-development Catchment properties

Sub-Catchment	Area (m2)	% Impervious	% Pervious
Roof	615	100	0
Landscaping (L1)	118	10	90
Landscaping (L2)	162	10	90
Carpark	432	80	20
Total Post-Development	**1,327**	**74%**	**26%**

Figure 4 – Sub-catchment Plan

Hydrological parameters

The DRAINS model hydrological input parameters are outlined below:

Impervious area depression storage:	1 mm
Supplementary area depression storage:	1 mm
Pervious area depression storage:	5 mm
Stormwater model:	
Pre-Development	ILSAX
Post-Development	ILSAX
Antecedent moisture condition:	3
Soil Type	3
Rainfall data	ARR Data Hub

A DRAINS model was prepared (Figure 5) to demonstrate the feasibility of controlling peak flows to match pre-development flows. It is anticipated that minor changes will be incorporated into the final construction documentation as design details are resolved, but holistically we do not anticipate any changes to the way in which stormwater will be managed on site.

DRAINS modelling results

The results of the DRAINS modelling for minor (5-year ARI) and major (100-year ARI) storm events are summarised in Figure 6-7. The results demonstrate that the post development peak discharge during the major/minor storm do not exceed the pre-development peak discharges from the site during minor storm event. An underground onsite detention tank within the extent of carpark area is considered in modelling to satisfy council's detention requirements.

After analysing the DRAINS results during minor/major events, it can be concluded that post development flow during minor and major storm events should be restricted to predevelopment flow rates for the proposed development. As mentioned in table 2, onsite detention storage shall provide a minimum capacity of 10m^3 to restrict stormwater runoff to pre-development peak flows. This detention storage may consist of an underground detention tank discharging to the existing council drainage.

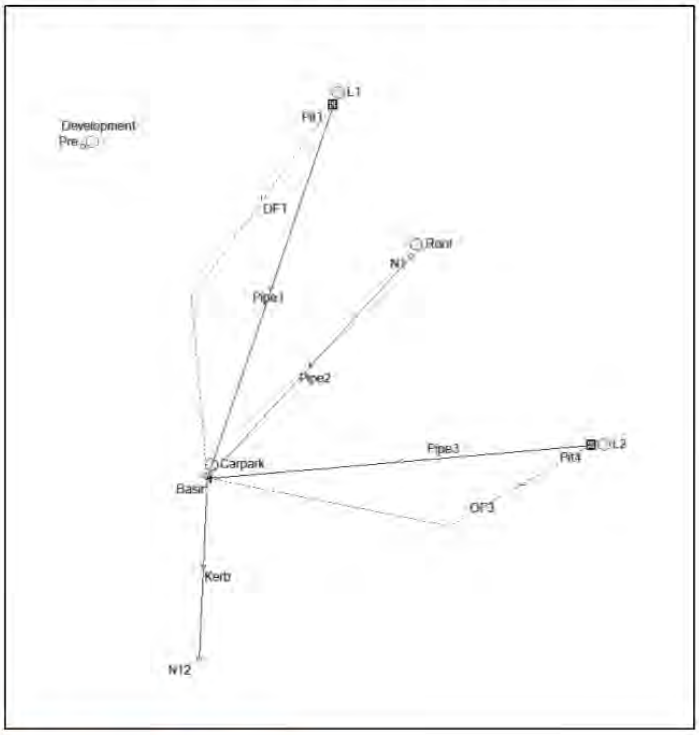


Figure 5: DRAINS model layout

Table 2: DRAINS modelling

Scenario	Minor storm 5% AEP / 1:20 year ARI		Major storm 1% AEP / 1:100 year ARI	
	Peak flow	Detention volume	Peak flow	Detention volume
Pre-Development	22 L/s		37 L/s	----
Post-development	21 L/s	6.2 m^3 (135mm Orifice)	29 L/s	10 m^3 (135mm Orifice)

DRAINS modelling using AR&R2016 procedures no longer reports all individual storm duration data as each storm duration is run as an ensemble of up to 10 storm events with different hydrographs (i.e. rear loaded, front loaded storms) and the median result for each duration is adopted, with the 'worst case' volume reported to the user. More information on this can be found within the DRAINS guidelines if required.

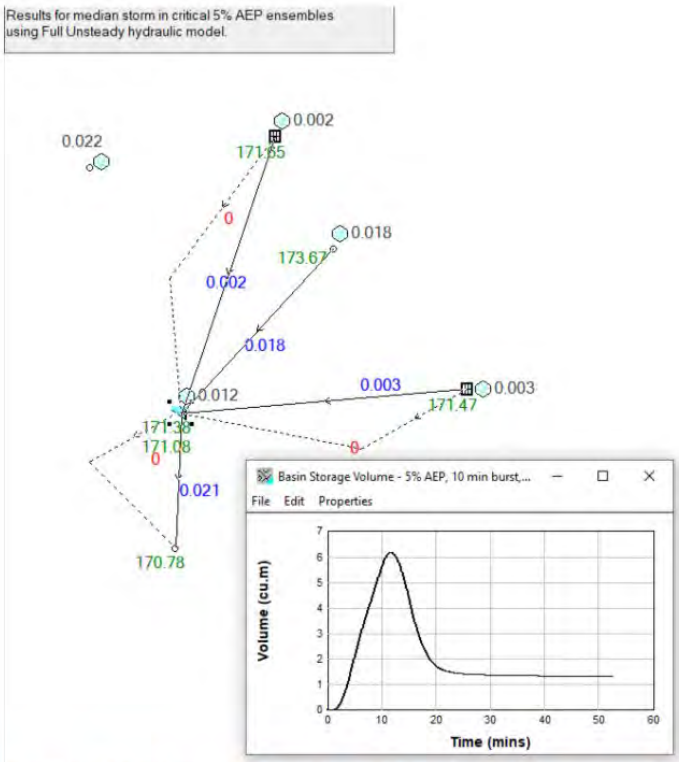


Figure 6: DRAINS modelling results during minor (1 in 5) storm events

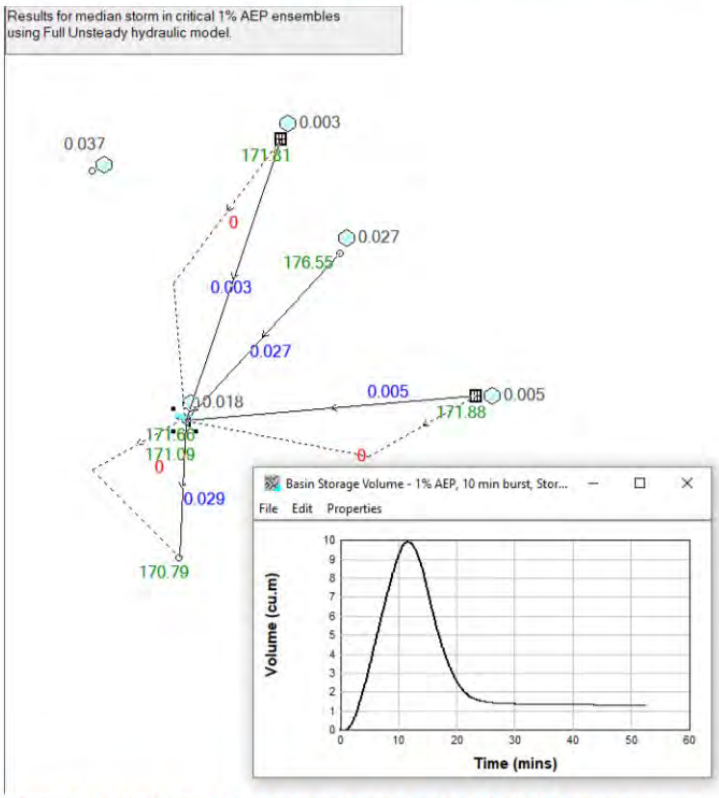


Figure 7: DRAINS modelling results during major (1% AEP) storm events

Stormwater Quality

Treatable flow rate

The 3-Month ARI storm event was run in accordance with the water quality guidelines to determine the treatable flow rate for the proposed water quality measures (litter basket, swale, etc.). During the 3-month ARI storm event (4EY) approximately 6 L/s will be generated by the carpark, landscaping, and Roof areas as shown in Figure 8.

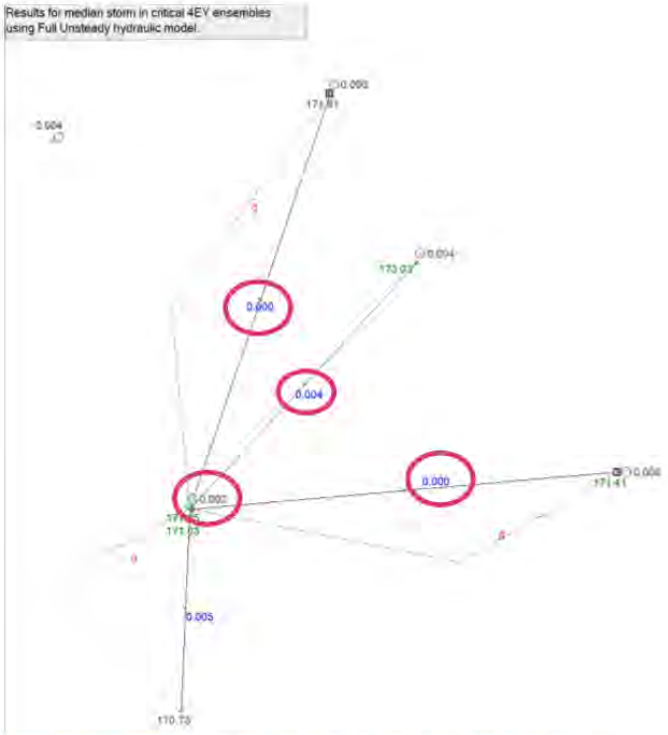


Figure 8: Treatable flow rate during the 3-month ARI event

MUSIC model

The MUSIC model has been split into 4 sub-catchments;

- Runoff from roof catchments is to be collected via a series of downpipes and then diverted to the treatment device and then underground tank.
- the design intent of carpark would be to grade towards south, convey through Oceanprotect200µm or similar approved trash screens, then to the treatment device, underground tank and finally to the receiving node.
- Runoff from L1 and L2 will be collected by Oceanprotect200µm or similar approved trash screen devices within the pits and then be directed to the treatment device, underground tank and receiving node.

FMG nominate Oceansave treatment device or similar approved to be installed upstream of the OSD tank to treat the runoff generated by the proposed development.

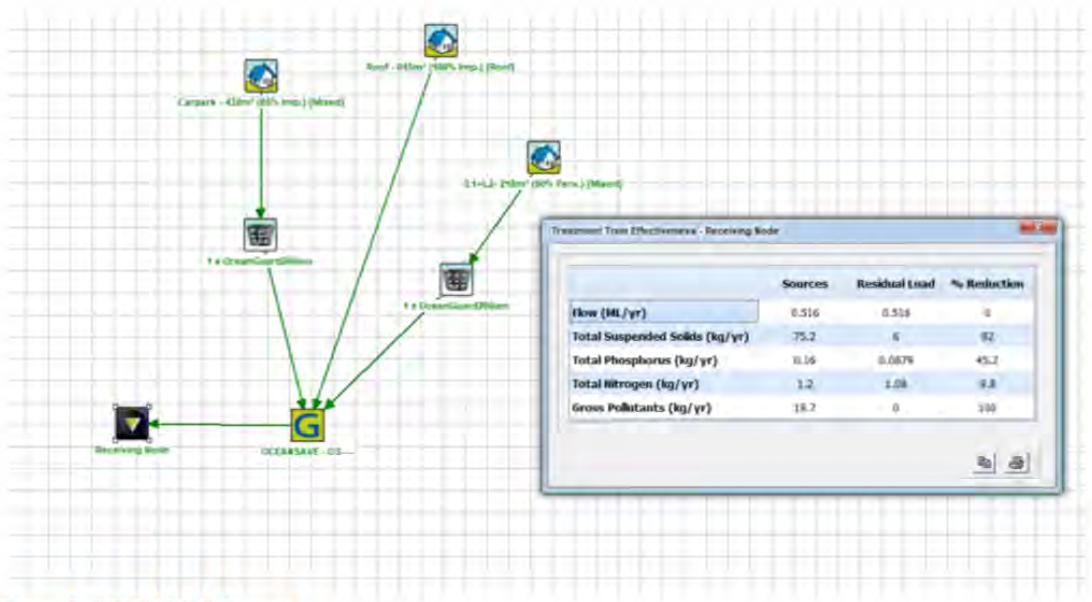


Figure 9 - MUSIC Model Layout

As seen above, this arrangement largely meets Council's stormwater quality targets, falling slightly short of Nitrogen and Phosphorus reduction targets. To achieve the necessary reduction, we anticipate a tertiary treatment device consisting of replaceable cartridge units would be required. This is a costly element to install and maintain which is not economically feasible to achieve for this size of development. We seek to work with the landscape team to increase WSUD elements where possible through the design to further offset water quality impacts.

It is worthwhile mentioning that pits are equipped with trash screen devices (OceanGuard 200µm or similar approved) as an efficient treatment for gross pollutants. Further WSUD principals such as infiltration, tree pits and permeable paving were all considered, however a review of local area soil maps and borelogs indicates the presence of reactive soils in the area, and hence infiltration adjacent to the proposed flexible pavements is not appropriate as this would result in significant seasonal shrink / swell and future pavement failure.

Table 3: MUSIC modelling results

	Council target Reduction	% Reduction achieved in model	COMPLIANCE
TSS	80%	92.0%	Achieved
TP	60%	45.2%	Not Achieved
TN	45%	10.0%	Not Achieved
Gross Pollutants	90%	100%	Achieved

Conclusions

This SMP has been prepared to demonstrate how stormwater can be effectively managed on the site, and if any alterations are made to stormwater management during the detailed design phase this SMP will be updated accordingly.

This report has assessed the subject site proposed drainage to determine the necessary stormwater infrastructure to meet Council requirements. A $10m^3$ detention tank is proposed for to be installed on site to ensure post development peak discharge during the major/minor storm event does not exceed the pre-development peak flow rates during equivalent events. The proposed system (orifice outlet) within the proposed development will govern peak discharge flow rates from the site to 21L/s and 29L/s for minor and major storms respectively. Finished Floor Levels have been determined to be 172.20mAHD for building areas to ensure minimum boundary levels, site grading and vehicle access is maintained. Finished floor level may be adjusted during detailed design, however must maintain a minimum 150mm freeboard from the maximum 1% AEP ponding level within the site and min 300mm freeboard from the 1%AEP Flood level. Water quality will be mostly managed using Oceasnsave or similar approved to maximise pollutant removal from roof, carparking, and landscape areas.

In conclusion this SMP demonstrates that the site can be developed as proposed without compromising downstream property or drainage networks, and Council's requirements for stormwater management may be achieved.

Limitations

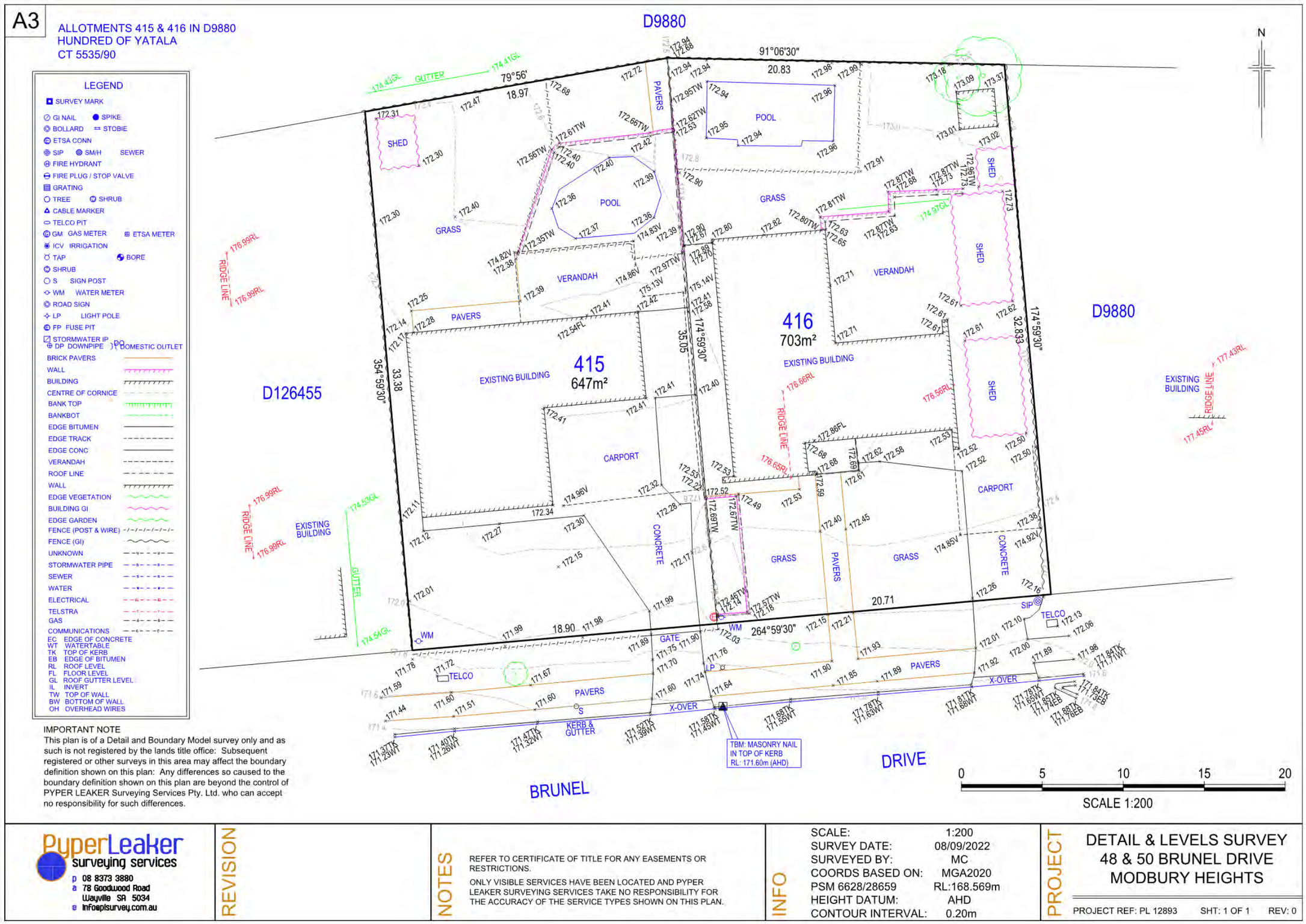
FMG Engineering has prepared this report in accordance with our Proposal and the Brief where provided. The contents of the report are for the sole use of FMG Engineering and no responsibility or liability to any third party will be accepted. Data or opinions contained within the report may not be used in other contexts or for any other purposes without FMG Engineering's prior review and agreement.

It is strongly recommended that any plans and specifications prepared by others and relating to the content of this report, or amendments to the original plans and specifications, are reviewed by FMG Engineering to verify that the intent of our recommendations is properly reflected in the design. During construction FMG Engineering requests the opportunity to review our interpretations if the exposed site conditions are significantly different from those inferred in this report.

The work carried out in the preparation of this report has been performed in accordance with the requirements of FMG Engineering's Quality Management System which is certified by NCS International Pty Ltd to comply with the requirements of ISO9001. This report is not to be reproduced either wholly or in part without prior written permission from FMG Engineering.

A3

ALLOTMENTS 415 & 416 IN D9880
HUNDRED OF YATALA
CT 5535/90



IMPORTANT NOTE
This plan is of a Detail and Boundary Model survey only and as such is not registered by the lands title office: Subsequent registered or other surveys in this area may affect the boundary definition shown on this plan: Any differences so caused to the boundary definition shown on this plan are beyond the control of PYPER LEAKER Surveying Services Pty. Ltd. who can accept no responsibility for such differences.

PyperLeaker
surveying services
p 08 8373 3880
a 78 Goodwood Road
Wayville SA 5034
e info@plsurvey.com.au

REVISION

NOTES

REFER TO CERTIFICATE OF TITLE FOR ANY EASEMENTS OR RESTRICTIONS.

ONLY VISIBLE SERVICES HAVE BEEN LOCATED AND PYPER LEAKER SURVEYING SERVICES TAKE NO RESPONSIBILITY FOR THE ACCURACY OF THE SERVICE TYPES SHOWN ON THIS PLAN.

INFO

SCALE:	1:200
SURVEY DATE:	08/09/2022
SURVEYED BY:	MC
COORDS BASED ON:	MGA2020
PSM 6628/28659	RL:168.569m
HEIGHT DATUM:	AHD
CONTOUR INTERVAL:	0.20m

PROJECT

DETAIL & LEVELS SURVEY
48 & 50 BRUNEL DRIVE
MODBURY HEIGHTS

PROJECT REF: PL 12893 SHT: 1 OF 1 REV: 0

Carpark
432 m2

L1
118 m2

L2
162 m2

Roof
615 m2

SITE DATA	
SITE AREA	1327sqm
BUILDING AREAS (GFA) • Ground • First **TOTAL**	 345sqm 234sqm **579sqm**
SITE COVER	584sqm = 44% of Site
PROPOSED CHILD CARE PLACES	80
REQUIRED CARPARKING	1 per 4 places = 20cars required
PROPOSED CARPARKING	20 Carparks

ACTIVITY AREA SCHEDULE

ROOM	PLACES	AGE	STAFF RATIO	STAFF No.	AREA REQ	UNENC' AREA	ENC' AREA	TOTAL AREA PROVIDED
ROOM 1	16	1-2	1:4	4	52	52sqm	8sqm	58sqm
ROOM 2	20	2-3	1:5	5	65	65sqm	9sqm	74sqm
ROOM 3	22	3-5	1:11	2	72	72sqm	9sqm	81sqm
ROOM 4	22	3-5	1:11	2	72	72sqm	9sqm	81sqm
TOTALS	80			12	261	261sqm	35sqm	296sqm

OUTDOOR PLAY AREA SCHEDULE

ROOMS	PLACES	AREA REQ	UNENC' AREA	ENC' AREA	TOTAL AREA PROVIDED
ROOM 1 ROOM 2	16 20	252	280qm	10sqm	290sqm
ROOM 4 ROOM 5	22 22	308	310sqm	20sqm	330sqm
TOTALS	80	560	590sqm	30sqm	620sqm

Ground Floor Plan

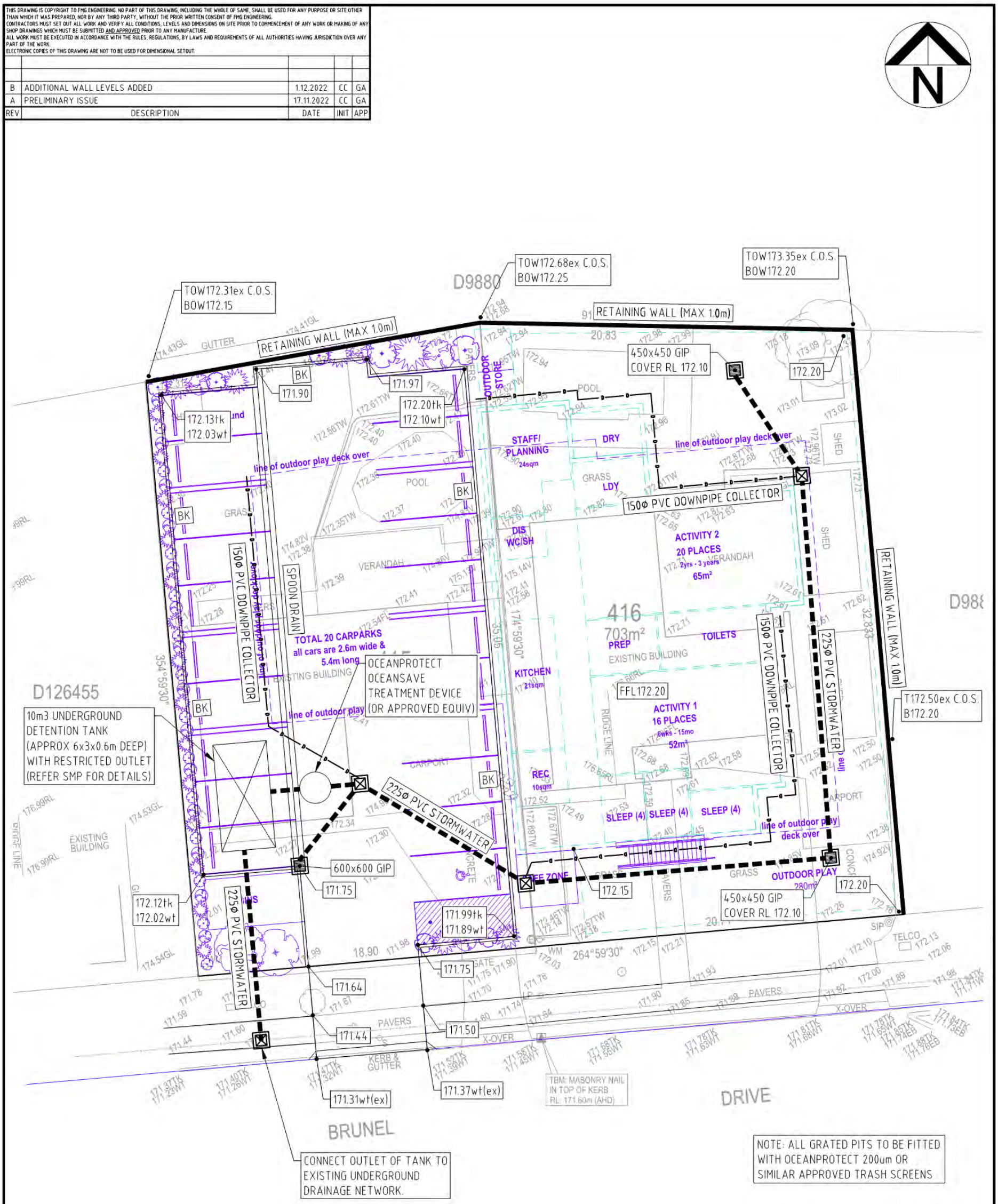
Scale: **1:200 @ A3**

ON Architecture Pty Ltd abn 71 627 522 043
242 Angas Street Adelaide, SA 5000
Troy Owen 0423 225 859 t.owen@onarchitecture.com.au
Mark Nield 0432 680 486 m.nield@onarchitecture.com.au

CHILD CARE FACILITY
48 - 50 Brunel Drive, Modbury Heights SA

Job No: **S492**
Dwg No: **SK02.1**
Date: **AUGUST 2022**

REV	DESCRIPTION	DATE	INIT	APP
B	ADDITIONAL WALL LEVELS ADDED	1.12.2022	CC	GA
A	PRELIMINARY ISSUE	17.11.2022	CC	GA



PRELIMINARY ISSUE
NOT FOR CONSTRUCTION

Engineering your success. ADELAIDE MELBOURNE SYDNEY
fmgengineering.com.au
P 08 8132 6600 | 67 Greenhill Rd, Wayville SA 5034
ABN 58 083 071 185
Quality Management Systems ISO 9001 Certified
FMG ENGINEERING

CLIENT	FUTURE URBAN
PROJECT TITLE	CHILD CARE FACILITY
SITE ADDRESS	48-50 BRUNEL DRIVE MODBURY HEIGHTS SA 5092
DRAWING TITLE	CONCEPT GRADING & STORMWATER
DESIGNED	CC
DRAWN	CC
CHECKED	GA
No. OF SHEETS	1
SCALE	1:200 @ A3
DATE STARTED	01.11.2022
SITE ID & JOB No.	S61623-282811
DRAWING No.	SK-C01
REV.	B


FMG
ENGINEERING
ADELAIDE
67 Greenhill Road
Wayville SA 5034
Ph: 08 8132 6600
MELBOURNE
2 Domville Ave
Hawthorn VIC 3122
Ph: 03 9815 7600
SYDNEY
Suite 28, 38 Ricketty St
Mascot NSW 2020
Ph: 1300 975 878
ABN: 58 083 071 185

Eden Academy Childcare Centre Modbury Heights

Landscape Design

Submission:

02 November 2256_Eden Academy Childcare Centre Modbury Heights_Landscape Design_Issue 01

28 November 2256_Eden Academy Childcare Centre Modbury Heights_Landscape Design_Issue 02

Client:

Future Urban

Location:

48-50 Brunel Drive, Modbury Heights SA 5092

dastudio

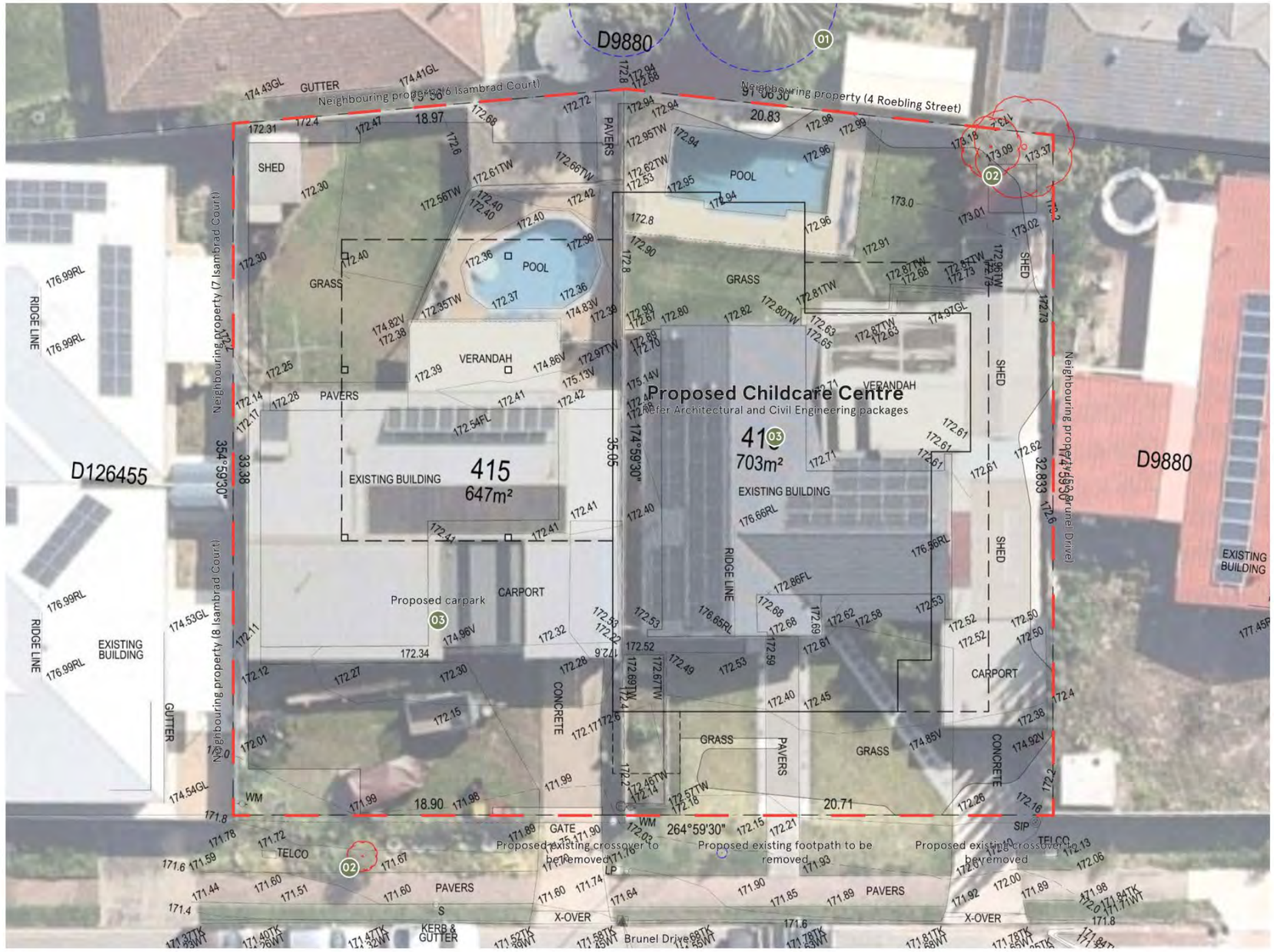
Contents

dastudio

01 Existing Site

Legend

- Property boundary
- 01 Existing neighbouring trees
- 02 Proposed existing trees to be removed
- 03 Proposed childcare centre building and carpark location



Note:

- Refer to Architectural package for Demolition Plan

Date 28 November 2022
Scale 1:200
Sheet A3

dastudio

02 Ground Floor Landscape Design

Legend

- Property boundary
- Proposed pool-style tubular safe fencing
  Refer Architectural package
- Proposed 1000h retaining wall
  Refer Civil Engineering package
- Proposed 2100h colorbond acoustic fencing above retaining wall
  Refer Architectural and Acoustic packages
- Proposed 2400h colorbond acoustic fencing
  Refer Architectural and Acoustic packages
- Proposed 2100h timber paling acoustic fencing above retaining wall
  Refer Architectural and Acoustic packages
- Proposed 1800h timber paling fencing
  Refer Architectural package
- Proposed 1800h batten fencing
  Refer Architectural package
- Proposed 1800h rendered block wall for signage
  Refer Architectural package

01 Proposed medium canopied rounded tree species to provide shade, visual amenity and landscape softening to the childcare centre

02 Proposed smaller tree species to provide minor shade, visual amenity and landscape softening to the childcare centre

03 Proposed densely planted screening shrubs along fencing to provide visual amenity and also act as privacy screening to the neighbouring houses

04 Proposed assorted species of shrubs and groundcovers mass planted to assist in the building presentation to the streetscape, provide visual amenity to the entry and car park, or introduced into nature playspaces for children to investigate

05 Proposed assorted species of low-lying groundcovers mass planted to provide visual amenity and maintain clear sightlines into the car park

06 Proposed shade structure (type, size and placement to be confirmed and finalised)

07 Proposed outdoor playspace (extent to be finalised)
Refer '04 Materials and Character' sheet

08 Proposed all-weather sealed concrete to all access ways, walkways and footpaths

09 Proposed all-weather sealed asphalt to proposed carpark and crossover

Note:

- Refer to Civil Engineering package for proposed RL's, contours, stormwater connections, pit locations, cut and fill requirements and retaining wall information
- Refer to '05 Planting Schedule' sheet for proposed planting types and species
- Planting extents to be finalised

Date 28 November 2022
Scale 1:200
Sheet A3

dastudio

03 First Floor Landscape Design

Legend

- Property boundary
- Proposed 1800h solid acoustic balustrade
  Refer Architectural and Acoustic packages
- Proposed acoustic balustrade extending to underside of verandah, canopy and eves
  Refer Architectural and Acoustic packages

01 Proposed smaller tree species to provide minor shade, visual amenity and landscape softening to the childcare centre planted in raised garden beds

02 Proposed assorted species of shrubs and groundcovers planted in raised garden beds

03 Proposed shade structure (type, size and placement to be confirmed and finalised)

04 Proposed outdoor playspace (extent to be finalised)
Refer '04 Materials and Character' sheet

Note:

- Refer to Civil Engineering package for proposed RL's, contours, stormwater connections, pit locations, cut and fill requirements and retaining wall information
- Refer to '05 Planting Schedule' sheet for proposed planting types and species
- Planting extents to be finalised

Date 28 November 2022
Scale 1:200
Sheet A3

dastudio

04 Materials and Character


Broom finished concrete


Artificial turf


Wood-plastic composite


Landscape play mulch


Locally quarried boulders


Locally sourced logs


Certified play sand


Play dirt


Loose river pebbles

dagstudio

05 Planting Schedule


Cer


Pyr


Pru


Lag


Mur


Ade


Sys


Acm

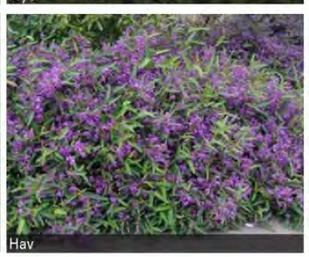

Sca


Myo


Dia


Hac


Lir


Hav


Sca

PROPOSED PLANTING PALETTE

CODE	BOTANICAL NAME	COMMON NAME	SPACING	HEIGHT & WIDTH AT MATURITY (m)
1	**MEDIUM CANOPY TREES**			
Ace	*Acer rubrum 'October Glory'*	'October Glory' Red Maple	As shown	13 x 9 (H x W)
Cor	*Corymbia eximia*	Yellow Bloodwood	As shown	10 x 7 (H x W)
Gei	*Geijera parviflora*	Wilga	As shown	9 x 8 (H x W)
2	**SMALL TREES**			
Cer	*Cercis canadensis 'Forest Pansy'*	'Forest Pansy' Cercis	As shown	5 x 5 (H x W)
Euc	*Eucalyptus leucoxylon 'Euky Dwarf'*	'Euky Dwarf' Eucalyptus	As shown	4-6 x 3-4 (H x W)
Lag	*Lagerstroemia indica x fauriei 'Natchez'*	'Natchez' Crepe Myrtle (White)	As shown	6 x 4 (H x W)
Pis	*Pistacia chinensis*	Chinese Pistachio	As shown	8 x 6 (H x W)
Pru	*Prunus cerasifera 'Oakville Crimson Spire'*	'Oakville Crimson Spire' Prunus	As shown	6 x 2 (H x W)
Pyr	*Pyrus calleryana 'Capital'*	Ornamental Pear	As shown	12 x 1-3 (H x W)
Que	*Quercus palustris 'Pringreen'*	'Pringreen' Green Pillar	As shown	14 x 3 (H x W)
3	**SCREEN PLANTING**			
Ade	*Adenanthos sericeus*	Woolly Bush	1500 mm	1-4 x 1-1.5 (H x W)
Cvi	*Callistemon viminalis 'Slim'*	'Slim' Callistemon	1000 mm	3 x 1.3 (H x W)
Mur	*Murraya paniculata 'Mock Orange'*	'Mock Orange' Murraya	1000 mm	4 x 3 (H x W)
Syr	*Syzygium australe 'Resilience'*	'Resilience' Lily Pily	1000 mm	5 x 2 (H x W)
Sys	*Syzygium australe 'Sraight and Narrow'*	'Sraight and Narrow' Lily Pily	1000 mm	5-8 x 1-1.5 (H x W)
Vib	*Viburnum odoratissimum*	Sweet Viburnum	1500 mm	2-4 x 3 (H x W)
4	**SHRUBS**			
Acm	*Acmena smithii*	Allyn Magic	500mm	0.5 x 0.5 (H x W)
Fes	*Festuca glauca*	Elijah Blue	300mm	0.3 x 0.3 (H x W)
Hav	*Hardenbergia violacea*	Native Sarsaparilla	1500mm	3 x 2 (H x W)
Lav	*Lavandula dentata*	French Lavender	1000mm	1.5 x 1 (H x W)
Lir	*Liriope Muscari 'Just Right'*	'Just Right' Liriope	500mm	0.5 x 0.5 (H x W)
Rap	*Raphiolepis indica 'Oriental Pearl'*	'Oriental Pearl' Indian Hawthorn	700mm	0.8-1 x 1 (H x W)
Wej	*Westringia fruiticosa 'Jervis Gem'*	Coastal Rosemary	750mm	1 x 1.5 (H x W)
5	**GROUNDCOVERS**			
Bra	*Brachyscome multifida*	Cut-Leafed Daisy	500mm	0.2 x 0.3 (H x W)
Dia	*Dianella revoluta*	Blue Flax-Lily	700mm	0.3-1 x 0.5-2 (H x W)
Dic	*Dichondra repens*	Kidney Weed	500mm	0.15 x 2 (H x W)
Myo	*Myoporum parvifolium 'Broad Leaf'*	Creeping Boobialla	1000mm	0.15-0.3 x 3 (H x W)
Sca	*Scaevola 'Mauve Clusters'*	Fan Flower	500mm	0.35-0.5 x 0.7-0.8 (H x W)
6	**CLIMBERS**			
Hac	*Hardenbergia comptoniana*	Native Westringia	As shown	2 x 3 (H x W)

dastudio

dastudio

76 McLaren Street
Adelaide SA 5000

(08) 7078 8110

hello@das-studio.com.au

das-studio.com.au

Details of Representations

Application Summary

Application ID	22041414
Proposal	Construction of a child care centre with associated boundary acoustic fences, retaining walls and advertising
Location	48 BRUNEL DR MODBURY HEIGHTS SA 5092, 50 BRUNEL DR MODBURY HEIGHTS SA 5092

Representations

Representor 1 - Robert Ansell

Name	Robert Ansell
Address	10 Axiom Court MODBURY HTS SA, 5092 Australia
Submission Date	09/03/2023 03:15 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
Hi I believe the development should be refused. 1. Brunel Dr has become a serious bottleneck for local residents. 2. The previous govt spent $10+m on the school with upgrades to accomodate an extra 500 children which is fantastic however did not plan for the traffic & parking to handle the additional traffic. 3. The current govt has done nothing about it & also plans a Tafe at the other end of the school on the corner of Brunel Dr & Augustus St which will have a further impact on residents. 4. The TTG council recently changed school drop off conditions on Brunel Dr so they go to the shopping centre car park. 5. Local residents can no longer go to the shopping centre in the morning & in the afternoon it is impossible to shop between 3 & 5pm. 6. This development will further impact local residents very seriously.

Attached Documents

Representations

Representor 2 - Amy Arcon

Name	Amy Arcon
Address	12 Glenarbon court PARA HILLS SA, 5096 Australia
Submission Date	09/03/2023 06:05 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
The location of the child care centre is directly out the front of The Heights School crossing and the school 'kids and drop' area. It creates a serious safety concern for the almost 1700 children being dropped or picked up from school given the extra traffic that will be around. This area is already congested during peak times.

Attached Documents

Representations

Representor 3 - Katherine Gray

Name	Katherine Gray
Address	84 Maxlay Road MODBURY HEIGHTS SA, 5092 Australia
Submission Date	09/03/2023 11:40 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 It's hard enough getting a park around school drop offs and pick ups this will only add to the hassle. It is a residential area does not need another business in the area that can't support it	

Attached Documents

Representations

Representor 4 - Helen Kidner

Name	Helen Kidner
Address	8 kingfisher drive MODBURY HEIGHTS SA, 5092 Australia
Submission Date	12/03/2023 12:43 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
The placement of the child care centre will impact access to the street and to the school. Increased traffic and parking will make the area difficult to navigate during school drop off and pick up. The building process will make the area difficult to access and this could go on for months. The building proposal is too close to the school crossing and area where children walk creating congestion.

Attached Documents

Representations

Representor 5 - Mark Hickey

Name	Mark Hickey
Address	4 Roebling st MODBURY HEIGHTS SA, 5092 Australia
Submission Date	14/03/2023 06:11 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 Need to see the fence and building plans	

Attached Documents

Representations

Representor 6 - Deborah Mitchell

Name	Deborah Mitchell
Address	54 De Sassenay Crescent MODBURY HEIGHTS SA, 5092 Australia
Submission Date	19/03/2023 11:18 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
Additional traffic congestion Additional traffic pollution & noise Safety concerns for pedestrians especially unsupervised school children walking to & from school Privacy concerns - double storey means it will overlook surrounding properties This is a residential area, we object to any commercial development Our property is on the corner of Claudius Street which is used as a thoroughfare for The Heights School traffic, any additional traffic is a major concern for us. There are times when we have difficulty leaving & returning to our driveway, any additional burden in this regard is unacceptable. The council needs to be thinking of ways to make our local environment cleaner & safer not adding pollution & safety concerns. We object in the strongest possible manner

Attached Documents

Representations

Representor 7 - Kimberly Hampton

Name	Kimberly Hampton
Address	11 Cobby Drive MODBURY HEIGHTS SA, 5092 Australia
Submission Date	19/03/2023 07:32 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 is a quiet residential area at all times except school drop off and pick up. The two story child care centre will look out of place and impinge on the privacy of neighbouring houses. It will also further increase traffic congestion around school pick up and drop off times. There are already plenty of childcare centres in the area. I also do not support the building of for profit childcare centres and would rather the tea tree gully council put more effort into building community based childcare centres. I feel, after working in the childcare industry for more than 10 years, that privately run centres are not in the best interests of the children.

Attached Documents

Representations

Representor 8 - Leah Hall

Name	Leah Hall
Address	11 Forrest Court GOLDEN GROVE SA, 5125 Australia
Submission Date	22/03/2023 11:07 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

With The Heights School (R-12) directly opposite the planned site, my primary concerns are in relation to traffic and the safety of the students attending the school. Traffic surrounding the school is already a concern, and is quite congested and busy during school drop-off and pick-up times. Adding demolition equipment, delivery trucks, site crew vehicles and the like during these times will add to an already problematic area. In addition to this, there is a concern regarding additional vehicles being parked on Brunel Drive or on the surrounding streets during the previously mentioned busy times, if parking at the proposed Child Care Centre is insufficient. There is also a strong concern surrounding student safety with the increased traffic, and types of vehicles/equipment so close to the only school crossing location. It is possible that restrictions on the number and type of vehicles allowed at the site during those drop-off and pick-up times may help alleviate some of these issues. An additional possibility could be to limit some works to school holiday times only.

Attached Documents

Representations

Representor 9 - Shailendrasinh Chudasama

Name	Shailendrasinh Chudasama
Address	83 Maxlay Road MODBURY HEIGHTS SA, 5092 Australia
Submission Date	23/03/2023 07:27 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
There is always big traffic during school hours . Specially on the corner of Roebling Street and Brunel Drive. At least twice a week the school bus get stuck on that turn during school hours because of Robebling street is very narrow. If there would be child care in future, I cannot imagine the chaos it could bring. It is the safety concern for young students who are going school by them self. There would be big parking problems aswell because of the add on.

Attached Documents

Representations

Representor 10 - Rebecca Thomas

Name	Rebecca Thomas
Address	2 De Sassenay cres MODBURY HEIGHTS SA, 5092 Australia
Submission Date	24/03/2023 02:46 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
I do not believe the location chosen squeezed between 5 neighbouring properties is appropriate for the area. It would also be aesthetically undesirable again squeezed between homes. I also believe it will have an impact on further increased traffic within our local suburban streets as well potential to add to school time congestion despite the findings within the report a snap shot on one particular day which is in stark contrast to the reality of living within it Monday to Friday. Without a direct route out to the golden way and Milne road those extra 80 car trips twice a day will be passing through our small suburban streets to exit to the main roads rather than using Ladywood road as it takes longer than ducking in and out of smaller street to exit.

Attached Documents

Representations

Representor 11 - Paul Hosking

Name	Paul Hosking
Address	40 De Sassenay Crs MODBURY HEIGHTS SA, 5092 Australia
Submission Date	24/03/2023 06:03 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
My concern is for the additional traffic and the safety of children: Although I agree that Modbury Heights does require a dedicated child care centre, I am do not support the location of the proposed. Since The Heights School has closed car park to parents off Brunel Drive, we have seen an increase of traffic with near misses for children crossing the road. With the child care centre being built there will be additional traffic on Brunel Drive. During school drop off and pick up it can be quite a challenge to cross Brunel Drive safely near Tresauget Street.

Attached Documents

Representations

Representor 12 - Guangyao Niu

Name	Guangyao Niu
Address	8 Isambard Court MODBURY HEIGHTS SA, 5092 Australia
Submission Date	24/03/2023 10:20 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 Please see attached.	

Attached Documents

Reviewing-Application-22041414-NIU-24032023-1202237.pdf

OFFICIAL

Reviewing Planning Application 22041414 - Proposed Child Care Centre Development on 48-50 Brunel Drive in Modbury Heights.

Representation prepared by Guangyao Niu

Date 24/03/2023

Introduction

Childcare centres are an important part of civil infrastructure. While we appreciate having a childcare centre in the area, we find the current plan invalid and incorrect in several aspects. The proposed childcare centre (CCC) in Modbury Heights, is facing several issues with its design and planning. The current design and traffic assessment report is flawed, and the siting of the CCC may harm the nature of the General Neighbourhood Zone. The proposed centre is not fully meeting the Child Care Centre Guidelines, compromising the built form, parking, waste management, and noise pollution. The acoustic report fails to meet EPA noise compliance regulations, and the proposed noise management plan is vague and impractical. Many concerns have been raised regarding car parking, waste collection, and noise pollution, and the proposed waste collection report is impractical and does not meet industry standards.

2.5 Hours of Operation

The child care centre will operate from 6:30am to 6:30pm Monday to Friday.

Childcare centres typically operate from 7:00 am to 6:00 pm on weekdays as per AAAC guideline 2020[1]. The CCC fails to state whether the opening hours align with the centre's actual operating hours. If the centre opens at 6:30 am, staff will arrive earlier to prepare for the children's arrival, and if the centre closes at 6:30 pm, staff will remain on site later to complete administrative tasks and secure the premises. Therefore, the centre's effective operating hours are from at least 6:00 am to 7:00 pm.

The Planning Report's guidance from the SA EPA designates the hours before 7:00 am as "night time" for allowable noise levels. As such, the stated allowable noise levels in the acoustic report will be exceeded during both night and daytime.

The maximum permissible operating and opening hours should be specified in the consent conditions to avoid ambiguity and misinterpretation. Other assumptions regarding noise levels, vehicle movements, and waste collection may not be accurately assessed without this information.

A recommended revision would be to change the opening hours to 7:30 AM and the closing hours to 5:30 PM, while setting the maximum allowable operating hours from 7:00 AM to 6:00 PM.

[1] Association of Australasian Acoustical Consultants (AAAC) 2020, Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0, AAAC, https://aaac.org.au/resources/Documents/Public/AAAC%20Guideline%20for%20Child%20Care%20Centre%20Acoustic%20Assessment%20V3.0.pdf.

OFFICIAL

4.2 Building Height

PO 4.1 Buildings contribute to a low-rise suburban character.
DPF 4.1 of the Zone seeks for buildings to be no greater than 9 metres in height with wall heights no greater than 7 metres. The proposed building comprises two building levels and reaches a maximum vertical height of 7.9m metres above the lowest point of the finished ground level, achieving DPF 4.1.

As per the planning application, the surrounding area mostly consists of single-storey buildings and the proposed height of the CCC falls within the permissible limit. Nevertheless, constructing a multi-storey CCC would not be in line with the neighbourhood's overall character which only features single-storey structures.

The NSW Child Care Planning Guidelines 2017 p13 states[2]:

The following matters may be considered to minimise the impacts of the proposal on local character:

- *building height should be consistent with other buildings in the locality*
- *building height should respond to the scale and character of the street*
- *setbacks should allow for adequate privacy for neighbours and children at the proposed child care facility*

Hence, it is suggested to modify the CCC design to a single-storey building to merge with the neighbourhood's existing design and character.

4.4 Design and Built Form

PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood. The building has been thoughtfully sited and designed to be sympathetic to the existing residential locality and enhance the amenity without unreasonably impacting on adjoining residential allotments, thus satisfying PO 1.3.

Points to consider are: Who determined that the building satisfies PO 1.3? Was this based on objective criteria, or was it a subjective judgment? What about the opinions of the neighbouring residents? Do they feel that the building is sympathetic to their locality and doesn't negatively impact their properties?

Consequently, while the building may have been professionally sited and designed, it may still have an unreasonable impact on adjoining residential allotments. Currently, the CCC presents many negative impacts, such as increased traffic, noise, and air pollution, which have not been adequately addressed. and therefore, do not satisfy PO 1.3.

[2] NSW Government 2017, Child Care Planning Guidelines: Delivering quality child care for NSW Aug 2017, NSW Government, https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/child-care-planning-guideline-2017-08.pdf.

OFFICIAL

4.5.2 Overlooking

Obscuring films are missing on all first-floor windows in the west elevation. Please refer to pages 7 & 8 of the planning application notes - Film - Obscuring Film Toglazing Shown Shaded &Tagged Film.

4.5.3 Noise

DPF 4.1 of the Interface between Land Uses module advises: DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria. The noise assessment determined that the facility can reasonably and practicably achieve the relevant standards by implementing a verity of measures including:

- *solid fencing and balustrading between play areas and nearby dwellings;*
- *solid fencing between carpark and services and nearby dwellings;*
- *maintain a noise management plan; and*
- *ensuring any private waste collection occurs between 7am and 7pm Monday to Saturday.*

Noise provision

Environmental Noise Assessment Reference ID: 116-3 Page 61 – 78 of the planning application indicates that The noise sources at the facility include the sound of children playing, the drop off and collection of children in passenger vehicles, the collection of waste bins, and the operation of air conditioning and ventilation systems.

The WHO guidelines include that to protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB(A). The noise levels apply at noise sensitive premises for both the day (7.00am to 10.00pm) and night (10.00pm to 7.00am the following day) periods.

The noise levels that apply at existing dwellings (identified as dwellings 1 through 5 in Figure 1) in a General Neighbourhood Zone adjacent a development within the same zone are as follows:

- *An average noise level of 47 dB(A) during the day*
- *An average noise level of 40 dB(A) during the night*
- *An instantaneous maximum noise level of 60 dB(A) during the night.*

Operational Assumptions

The operational assumption in the CCC's acoustic report (p6) uses an average noise level of around 73dB(A) [Calculated (16 x 68, 20 x 75, 44 x 77) /80 = 73], which exceeds the allowable noise levels. The Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 2020 recognizes that the child play level can easily reach an average of 83dBA for children aged between 0 and 5 years, as well as 81dBA for car parking and 86 dBA for delivery van and waste collection trucks.

OFFICIAL

Table 1 – Effective Sound Power Levels ($L_{Aeq, 15min}$) for Groups of 10 Children Playing

Number and Age of Children	Sound Power Levels [dB] at Octave Band Centre Frequencies [Hz]								
	dB(A)	63	125	250	500	1k	2k	4k	8k
10 Children - 0 to 2 years	78	54	60	66	72	74	71	67	64
10 Children - 2 to 3 years	85	61	67	73	79	81	78	74	70
10 Children - 3 to 5 years	87	64	70	75	81	83	80	76	72

The noise from cars and small delivery vans arriving at the centre may be a significant source of noise and should be considered. Typical sound power levels for vehicles within the car park area of a child care centre are given below in Table 3.

Table 3 – Sound Power Levels for Traffic (L_{Aeq})

Car	81 dB
Delivery Van	86 dB

(Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 2020, p8-9)

Noise Control Measures

The acoustic report suggests implementing a Noise Management Plan to address non-compliance with EPA noise regulations. However, this approach has several inadequacies. The report lacks direct details on operational measures and uses conditional language, making it challenging to enforce and monitor noise emissions effectively. Additionally, the proposed acoustic measures are vague and impractical for a CCC, such as controlling staff's voice volume outside and maintaining external play equipment to avoid noise.

One proposed measure, maintaining a method for neighbours to contact the facility, suggests that noise complaints are expected, which questions the effectiveness of the proposed noise attenuation measures. Indicating that the proposed measures will not meet the desired planning and EPA objectives.

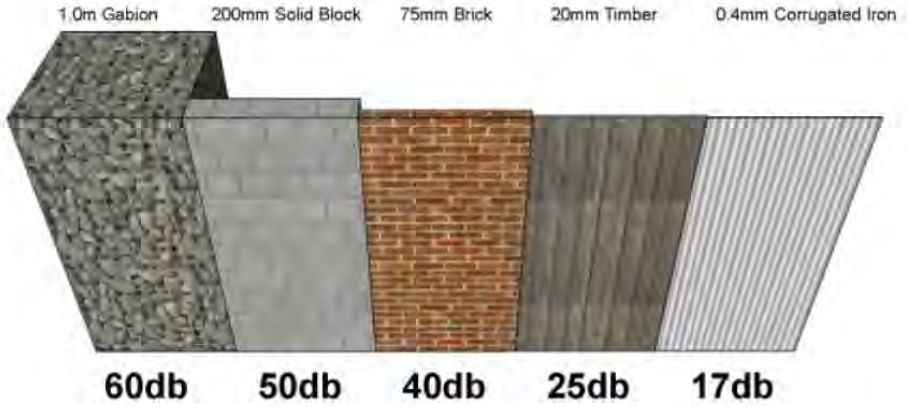
The purposed fencing materials are deceiving and hugely inadequate - *Ensure the fences are constructed from sheet steel with a base material thickness (BMT) of 0.42mm, or an alternative material with the same or greater surface density (such as timber).*

- **Colorbound fence sheet of 0.42mm has a sound reduction capacity of only 17 dBA.**

To meet the WHO guidelines of 50 dBA or the General Neighbourhood limit of 47 dBA during the day, the CCC would need to implement measures to reduce the noise level by at least 36 dBA, assuming a typical noise level of 86 dBA for delivery vans and waste collection trucks; or by at least 33 dBA assuming child play power of 83 dBA.

In the Landscape Design Pages 79 - 85 of the planning application - Ground Floor Landscape Design to Property boundary specifies

- *Western side - Proposed 2400h colorbond acoustic fencing*
- *Northern side - Proposed 2100h colorbond acoustic fencing above retaining wall*
- *Eastern side - Proposed 2100h timber paling acoustic fencing above retaining wall*



(Gabion Noise Control Barrier Walls & Fences[3])

As such, the current CCC planning design does not satisfy DPF 4.1. The fence should be a properly designed, specified and constructed acoustic barrier. A fence composed of noise-absorbing materials, with a greater surface density or of solid masonry construction (Sound reduction capacity above 36 dBA) should be provided. Additionally, landscaping should be provided that is both denser and over a deeper area of at least 3m measured back from the fence lines to reduce noise bounce and reverberation.

Additional requirements for development include:

- The CCC must effectively reduce all noise to a level that is considered acceptable
- Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighbouring boundary
- Recommend 3m measured back soft landscape from the fence lines to reduce noise bounce and reverberation.
- The operation of the CCC must consistently follow a Noise Management Plan that is both enforceable and feasible
- Any Noise Management Plan should incorporate measures for dealing with non-compliance and dispute resolution as an essential component.

[3] Gabion1 2023, Gabion Noise Control Barrier Walls & Fences, Gabion1, https://www.gabion1.com.au/gabion_noise_barriers.htm.

Noise on Waste collection

- *Noise report - For waste collection, the Policy effectively restricts private collection (as distinct to public collection occurring at the same time as other surrounding dwellings) to between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.*
- Page 17 of the planning application - the *Refuse collection will be managed via a private waste collection service with waste collected* ***outside of the centre's operating hours*** *in accordance with the EPA noise guidelines. A dedicated refuse area is screened from direct public street view*
- Page 58 of the planning application – *the* ***refuse vehicle will access the site after hours*** *and therefore, will be able to use the full car park to manoeuvre.*

Those statements contradict themselves. The noise assessment for waste collection activities in the acoustic report relies on '*ensuring any private collection of waste occurs between 7am and 7pm Monday to Saturday and not on public holidays or Sundays'*. If car parks are occupied from 6:00 AM (or even 6:30 AM) to 7:00 PM then this is not possible. **The assumption about waste collection times and noise levels in the acoustic report is therefore invalid.**

The planning application shows 20 car parking spaces. The traffic management report claims that the refuse (waste) vehicle will access the site '*after hours'* and use vacant car parking spaces to turn around within the site. These two claims, when investigated further, also do not hold up well to scrutiny. After-hours would mean that waste collection could only be done before 6:30 AM after 7 PM (see operating/opening hours above). Those collection times are not industry practice, are impractical, and cause even more noise disturbance and nuisance to neighbours. The collection after hours also *de facto* extends the operating house of the CCC till after the time that the waste collection has been completed.

The acceptable noise level for night-time is 40 dBA, which requires sound reduction measures of at least 46 dBA, given the noise from the waste collection truck. These early or late collection times are highly unusual, as industry practice from large commercial waste operators such as Veolia and Richards is to collect waste during daylight hours.

The collection at night also creates additional noise, fumes, odour, nuisance and light spill. A truck doing a 3-point turn in the dark, 1 metre away from the neighbour's covered outdoor seating area is a very unsatisfactory noise and traffic management approach. It is highly unlikely that the driver will turn the vehicle around within the site, as the turning space is very tight and surrounded by numerous obstacles. Operating a truck at night adds further risks.

Most Adelaide waste collection centres and waste transfer stations close at 4:00 PM or 5:00 PM - see opening hours e.g. on EastWaste, Solo, and Winfield websites. So the truck will pick up the waste from the CCC after hours, but not be able to empty the truck by dumping the waste? The waste collected from the CCC would have to sit in the back of the truck all night creating parking concerns.

The number of disposable nappies used by 36 children under the age of 3 will result in a significant quantity of soiled waste containing faeces and urine, which will emit a strong odour in the summer. Neighbouring outdoor living spaces will be negatively affected by this bin placement resulting in physical and mental stress.

It's unclear whether the Planning Report's claim on page 20 about dealing with waste in an environmentally sound manner is genuine or just a superficial statement. In Australia, there is currently no established environmentally friendly method for managing large quantities of mixed soiled and plastic waste. During pick-up, the nearby properties will again experience a burst of unpleasant odour, and the bins' location at the street frontage of the CCC will create an unappealing entrance statement, attracting flies and vermin.

Additional requirements for development include:

- The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; Bins only be brought out of this storage area on the actual collection day; and
- The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or
- Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.

4.5.4 Fencing and Retaining

PO 9.1 Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

The fence and retaining heights when viewed from natural ground level of the adjoining residential sites will be no more than 2.4 metres in height at any point and are considered to be conducive to the residential nature of the locality whilst protecting both visual and acoustic privacy to adjoining neighbours.

Fence Design Page 3

- *Purple Line - Ft1 - Minimum 2.1m High colorbond Acoustic Fence on Top Of Retaining Wall, And No Lower Than 2.4m In Total height At Any Point Above The carpark Floor Level.*
- *Blue Line - Ft2 - Minimum 2.1m High Timber pailing Fence On Top Of retaining Wall, And No Lower than 2.4m In Total Height At any Point Above The Play Area floor Level.*

The current CCC plan fails to satisfy PO 9.1. According to the report, the Carpark Ground Level measures 172.25m, while the western side is adjacent to the house gutter, which stands at 174.53m. This results in a difference of 2.28m, indicating that a fence of 2.4m from the carpark

floor level would be higher than the gutter height, obstructing 100% of the eastern daylight in the family living, lounge, and outdoor living area. Additionally, the eastern side facing windows of all other bedrooms would be blocked by more than 50% due to the fence's height and distance. In essence, the western fence design is excessively high, preventing most of the daylight from entering the existing indoor and outdoor seating area of the neighbour. Although the fence's top-level reach above the roofs over the neighbour's external seating area, it fails to provide adequate noise attenuation in the current form, as stated above.

Additional requirements for development include:

- 3m measured back soft landscape between the carpark and the fence lines to reduce noise bounce and reverberation. In return, the fence can be constructed to a lower height of maybe 2.1m above the car park ground level using solid masonry construction to improve adjoining land's access to sunlight.

4.6 Traffic Management and Car Parking

MFY Traffic Report - SV/22-0241 - A site observation was undertaken during the school pick-up period between 2:50 pm and 3:30 pm on September 29 2022 to understand the operation of the koala crossing.

The traffic on the western section of Brunel Drive is forecast to increase by approximately 110 trips per day and the eastern section of approximately is forecast to increase by approximately 250 trips per day. Such increase in traffic is low and will be readily accommodated on Brunel Drive.

The existing traffic congestion in the area is well known to Council and Councillors.[4]
The traffic engineers appear to be unaware of this congestion and did not ask Council about known local traffic issues.

The traffic assessment report is based on one single 20-minute observation time on one single day on 29/09/22. The date of data collection, the duration of data collection, and conflicting information about peak hours probably underestimate the existing traffic volumes in the area and the impact of the additional CCC traffic. This is critical to *all the following assumptions* made in the traffic report.

On 29 September 2022, South Australia was still within the COVID-19 pandemic period under s90C of the SA *Public Health Act* 2011 (COVID-19 Directions). The number of new positive cases of COVID-19 on 23/09/2022 was 3,214 according to the SA Health dashboard. Modbury Heights School would not have been fully occupied, and additionally, many people were (and still are) working from home. (COVID-19 restrictions were lifted in SA on 23 November 2023.)

[4] Councillor Kristianne Foreman, letter to neighbouring residents dated 17 March 2023.

The report forecast traffic generated by the development using data collected for NSW Roads and Maritime Services (RMS) which has been presented in the report titled *Validation Trip Generation Surveys Childcare Centres*[5], dated September 2015. **This survey report has been quoted by the traffic engineers selectively.**

***The survey report* states on p7 that peak hours for CCCs are**

- ***6:30 AM – 9:30 AM for the AM peak; and***
- ***2:30 PM – 6:00 PM for the PM peak.***

The traffic engineers have ignored this and without any evidence confidently assumed that both the peak times for this CCC are different:

> *…the am peak hour will coincide with the school drop-off period*
>
> and
>
> *…Pm peak hour for the childcare centre will occur between 5 pm to 6 pm which is after school hours and therefore will not coincide with the school pick-up period.*

The traffic report does not mention the significant 25km/h speed restrictions in the school zone at drop-off and pick-up times. It does not mention the existence of a nearby supermarket and the traffic volumes generated by this. It does not mention existing known traffic congestion. By averaging the increase in vehicle movements over the whole day, the traffic engineers have significantly understated the impact of the increased traffic generation.

Again, as per the survey report Validation Trip Generation Surveys Childcare Centres quoted in the traffic assessment. Pages 7 and 8 detailed the process of the survey and Survey output requirements.

> *…count of all vehicles entering the development for each day over the full 5-day period, to establish daily and hourly visitation patterns*

Additional requirements for development include:

- Reconduct traffic assessment over the full 5 days period according to the survey guideline.
- Recalculate traffic assessment using peak hours according to the survey guideline.
- Redesign car parking due to incorrect waste collection time and unreliable survey data used.

---

5 Traffic, Environment & Forensic Engineers Consulting, Transport Roads & Maritime Service, NSW Government 2015, ***Validation Trip Generation Surveys Childcare Centres, dated September 2015***, Transport Roads & Maritime Service, NSW Government

Stakeholders affected

The CCC is directly opposed to the Heights School. The Heights School is a combined secondary and primary school with 1767 enrolled students as of term 3 2022. It is currently undergoing a $10M facility upgrade with many more projects and expansion expected.

The CCC is expected to put additional operational pressure on the school due to the extended operation time of the Koala Crossing and the increase in traffic by 360 trips to the current calculation. This added traffic pressure will have an adverse effect on the school's future planning and developmental capacity while adversely affecting the neighbourhood.

- **It is recommended The Heights School be involved in the planning process.**

Car parking

The front of the CCC parked cars are about 1.5 m away from the neighbour's covered external seating and garden areas. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects 'drive' instead of 'reverse', or vice versa. There have been several recent cases in Adelaide of this happening, with dire consequences for neighbours.

Exhaust fumes, noise at night time (up to 7 AM) and early morning noise from car motors, doors, and voices, as well as light spill in winter from the carpark, will be a nuisance and will compromise neighbourhood amenities.

It should be a consent condition that signage is displayed and management/operating plans are developed and communicated to all CCC users including:

- Early and late car park users restrict the time spent in the area immediately adjacent to the CCC western boundary (no long loud conversations getting out of or into cars)
- Car park lighting and external lighting be shielded to prevent nuisance light spills; and
- Cars should drive in and back out (to keep exhaust away from the fence); and
- Cars should not be left idle at any time; and
- Early drop-offs and late pick-ups are generally carried out as quietly as possible (similar to rules for hotel patrons leaving licenced premises at night that are located close to/in residential areas).
- A physical barrier should be provided in the car park to stop cars from being driven through the fence

4.7 Stormwater

An underground 10,000-litre detention tank is proposed to be installed on the site to ensure that stormwater runoff can be adequately detained and released in conformance with industry standards.

The stormwater detention tank with a capacity of 10 cubic meters is situated in the southwest corner of the car park, underneath the area designated as the waste truck's turning circle. This placement deviates from the standard practice of locating large empty structures beneath lightly trafficked or soft-landscaped areas. If the tank is positioned at a depth to distribute point loads from the truck's single front wheel, the stormwater plans provided cannot be relied upon for accurate discharge assumptions and levels.

Furthermore, if the car parking spaces are occupied, a truck would not be able to turn. As a result, only 15 car parking spaces would be available when waste is collected within operational hours as mentioned in the acoustic report and in line with standard waste industry collection practices.

Additional requirements for development include:

- Relocate the underground stormwater retention tank to areas with light vehicle traffic or soft landscaping.

4.9 Waste Management

Waste will be collected on-site by a private contractor outside of the operating hours and in accordance with EPA (Noise) Policy. Division 3 of the Policy requires the rubbish collection to only occur between the hours of 9:00 am and 7:00 pm on Sundays or public holidays, and between 7:00 am and 7:00 pm on any other day. The Proponent is willing to abide by a condition of consent to this effect.

- **Again, the noise level will be exceeded in the current CCC plan. Many contradictions in waste collection timing and operating hours make noise assessment invalid.**

The number of disposable nappies used by 36 children under the age of 3 will result in a significant quantity of soiled waste containing faeces and urine, which will emit a strong odour in the summer. Neighbouring outdoor living spaces will be negatively affected by this bin placement resulting in physical and mental stress.

It's unclear whether the Planning Report's claim on page 20 about dealing with waste in an environmentally sound manner is genuine or just a superficial statement. In Australia, there is currently no established environmentally friendly method for managing large quantities of mixed soiled and plastic waste. During pick-up, the nearby properties will again experience a burst of unpleasant odour, and the bins' location at the street frontage of the CCC will create an unappealing entrance statement, attracting flies and vermin.

Additional requirements for development include:

- The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; and
- Bins only be brought out of this storage area on the actual collection day; and
- The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or
- Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.

Additional consideration

Child Safety - Fire Escape and emergency assembly points are currently missing in the design. Fire-blocking doors should be utilized to separate the building into manageable sections.

According to NSW Child Care Planning Guidelines 2017[6]. Emergency and evacuation procedures - Regulations 97 and 168 Education and Care Services National Regulations, sets out the list of procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail of what those procedures must cover.

> *Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency An emergency and evaluation plan should be submitted with a DA and should consider:*
> - *the mobility of children and how this is to be accommodated during an evacuation*
> - *the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings*
> - *how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.*

An emergency and evaluation plan should be submitted along with the planning application.

Density – The purposed plan fails to have sufficient noise buffers and setbacks whilst allowing for natural outdoor play areas and car parking. Given all the issues noted above, a redesigned capacity of maybe 40 childcare places might be more appropriate to allow sufficient setbacks and buffers.

[6] NSW Government 2017, Child Care Planning Guidelines: Delivering quality child care for NSW Aug 2017, NSW Government, https://www.planning.nsw.gov.au/-/media/Files/DPE/Guidelines/child-care-planning-guideline-2017-08.pdf.

Conclusion

In conclusion, considering all the points noted above, the proposed CCC in Modbury Heights has many significant negative impacts on the surrounding area in its current form. The lack of adherence to industry standards and guidelines, as well as the potential for noise pollution, traffic and parking issues, and waste management problems, could compromise the safety and well-being of the community. It is important to ensure that the development is properly designed and considers all potential impacts before moving forward with its construction. The community deserves a childcare centre that is safe, suitable and adheres to all necessary guidelines and regulations.

Summary of recommended development consent conditions

1. Revise the opening hours to 7:30 AM and the closing hours to 5:30 PM, while setting the maximum allowable operating hours from 7:00 AM to 6:00 PM.
2. Modify the CCC design to a single-storey building to blend with the neighbourhood's existing design and character.
3. The CCC must effectively reduce all noise to a level that is considered acceptable: Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighbouring boundaries.
4. Recommend 3m measured back soft landscape from the fence lines to all neighbouring boundaries to reduce noise bounce and reverberation.
5. The operation of the CCC must consistently follow a Noise Management Plan that is both enforceable and feasible
6. Any Noise Management Plan should incorporate measures for dealing with non-compliance and dispute resolution as an essential component.
7. The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; Bins only be brought out of this storage area on the actual collection day.
8. The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or
9. Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.
10. Again, 3m measured back soft landscape between the carpark and the fence lines to reduce noise bounce and reverberation. In return, the fence can be constructed to a lower height of

maybe 2.1m above the car park ground level using solid masonry construction to improve adjoining land's access to sunlight.

11. Reconduct traffic assessment over the full 5 days period according to the survey guideline.
12. Recalculate traffic assessment using peak hours according to the survey guideline.
13. Redesign car parking due to incorrect waste collection time and unreliable survey data used.
14. The Heights School is to be involved in the planning process concerning traffic management and the school's future planning and development capacity.
15. Early and late car park users restrict the time spent in the area immediately adjacent to the CCC western boundary (no long loud conversations getting out of or into cars).
16. Car park lighting and external lighting be shielded to prevent nuisance light spills; and
17. Cars should drive in and back out (to keep exhaust away from the fence); and
18. Cars should not be left idle at any time; and
19. Early drop-offs and late pick-ups are generally carried out as quietly as possible (similar to rules for hotel patrons leaving licenced premises at night that are located close to/in residential areas).
20. A physical barrier should be provided in the car park to stop cars from being driven through the fence
21. Relocate the underground stormwater retention tank to areas with light vehicle traffic or soft landscaping.
22. Again, the waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; bins only be brought out of this storage area on the actual collection day; and the CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM, and/or Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.
23. Incorporate Fire Escape, emergency assembly points and fire-blocking doors in the design.
24. Submit an emergency and evaluation plan along with the planning application.
25. Redesign the CCC with a reduced capacity to comply with all necessary guidelines and regulations.

END

Representations

Representor 13 - Parameshwara Parakrishna

Name	Parameshwara Parakrishna
Address	21 De Sassenay Crescent MODBURY HEIGHTS SA, 5092 Australia
Submission Date	25/03/2023 03:28 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 oppose the development
Reasons The current traffic situation in Brunel Drive is soo bad, and we really believe it's a situation of an accident that is just waiting to happen. Adding a child care centre will only make the situation worse.	

Attached Documents

Representations

Representor 14 - HONG ZHAO

Name	HONG ZHAO
Address	7 Isambard Court MODBURY HEIGHTS SA, 5092 Australia
Submission Date	25/03/2023 09:26 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 Please find the attachment, thank you.	

Attached Documents

Neighbour-representation-Hong-Zhao-250323-1202352.pdf

Proposed Child Care Centre (CCC) development at 48 -50 Brunel Drive Modbury Heights SA 5092, Development No.: 22041414, Applicant: Future Urban Pty Ltd,

Land title: CT5535/90 and CT5742/370

Representation prepared by Hong Zhao

of 7 Isambard Ct Modbury Heights SA 5092

Date 25/03/2023

Introduction

A CCC being a type of pre-school, is apparently a permitted development under the Planning and Design Code in the land zoned General Neighbourhood Zone.

The developers planning report at p12 claims that the siting of the CCC in Brunel Drive (my underlining):

…results in a highly accessible location within a neighbourhood setting without loss or harm to the nature of the General Neighbourhood Zone

Good design of CCC is integral to creating sustainable and livable communities. With the current design, scale, height, operating hours, traffic, noise and waste issues, we cannot agree with this above claim. The above claim is not supported and the report contains many assumptions and claims such as this one, that on closer scrutiny, do not stand up well.

Herewith, we are writing to express our objection to the proposed development plan for a new childcare centre at 48-50 Brunel Dr Modbury Heights SA.

Child care centres are commercial activities, set up to earn money. It should be treated as any other commercial operation which has 'amenity' obligations to meet. A CCC in residential areas should NOT be assessed with a degree of leniency not afforded to other commercial or industrial noise sources. Neighbouring residents should be able to enjoy peace and quiet in their own houses.

The planning report does not reference any acknowledged child care centre design guidelines. According to the Child Care Planning Guideline NSW 2017 [1] , the proposed development does not perform to these guidelines in regards to adverse impact on neighbours, setbacks, built form and scale, site density, outdoor play areas, car parking, waste management, and noise emissions and noise attenuation. These NSW guidelines talk about generous landscaped setbacks, natural outdoor play areas, green spaces, outdoor play equipment, natural materials for tactile experiences, natural ventilation and light. None of these are evident in the planned CCC in Modbury Heights with Development No.: 22041414 from Future Urban Pty Ltd.

All of which is discussed in more detail below.

[1] NSW Government 2017, ***Child Care Planning Guidelines Aug 2017,*** NSW Government, viewed 20 March 2023.

4.2 Building Height

The Zone states:

PO 4.1 Buildings contribute to a low-rise suburban character.

PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

According to *Child Care Planning Guideline Aug 2017 (*NSW Government), to ensure that the child care facility is compatible with the local character and surrounding streetscape.

The built form within the locality on Brunel Dr area is totally single story in nature without any 2 building levels. The building height of CCC should be consistent with other buildings in the locality as per PO 4.1 and PO 1.3, although "Low-rise" is defined in the code as meaning "up to and including 2 building levels".

Hence, it is suggested that the designed CCC should be revised to a single-story building to merge with the neighborhood's existing design and character.

4.4 Building design and Form

In relation to setbacks, the Zone states:

PO 8.1 Building walls are set back from side boundaries to provide:

(a) separation between dwellings in a way that contributes to a suburban character;

(b) access to natural light and ventilation for neighbours.

PO 9.1 Dwelling walls are set back from rear boundaries to provide:

(a) separation between dwellings in a way that contributes to a suburban character

(b) access to natural light and ventilation for neighbours

(c) private open space

(d) space for landscaping and vegetation.

The western fence conjoining two neighbours are design at the heights of 2.4meter, which is above the height of pergola of two neighbours, and the current existing fence is 1.8m. The western fence designed effectively blocks most daylight in the neighbours existing outdoor seating area and vegetable garden. The top of the fence is level with the roofs over the neighbors' external seating area. And yet it still does not provide adequate noise attenuation.

In addition, there are no overlooking or overshadowing drawings in the submission, but based on elevations provided, the bulk, height and scale of the building and fencing will result in light spill, overlooking and overshadowing.

Therefore, the design of the western fence of CCC is not complied with PO 8.1 and PO 9.1.

Zone PO 1.3 advises:

PO 1.3 Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.

The envisaged CCC does not perform well when measured against the NSW Child Care Centre Guidelines.[2] The CCC is trying to squeeze too many children into a small space and this impacts adversely on neighbours, and compromises the built form, parking and waste issues, play areas and setbacks.

The guidelines state that setbacks are recommended to be densely planted with scrubs and plants to absorb reduce noise and reduce noise deflection. There is insufficient land for noise buffers and setbacks whilst allowing for natural outdoor play areas, because the site is so dense and there is insufficient land available in the current design to incorporate these features and the recommended setback from neighbours.

Again, there are no overlooking or overshadowing drawings in the submission, but based on elevations provided, the bulk, height and scale of the building and fencing will result in light spill, overlooking and overshadowing.

It is suggested that the CCC site capacity should be reduced to maybe 40 children. Or alternatively, another additional land would be required to achieve the recommended built form for a CCC with 80 children.

Therefore, the building has been not thoughtfully sited and designed to be sympathetic to the existing residential locality and it does not enhance the amenity. On the contrary, it adversely impacts on adjoining residential allotments, it is not satisfying PO 1.3.

4.5 Interface between Land Uses

PO 2.1 within the Interface between Land Uses module advises that:

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 the land.

PO 2.4 Development sited and designed to minimise negative impacts on adjacent residential uses.

---

[2] NSW Government 2017, ***Child Care Planning Guidelines Aug 2017,*** NSW Government, viewed 20 March 2023.

DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria

DPF 4.1 of the Interface between Land Uses module advises

The designed CCC is not complied with above mentioned PO 2.1, PO 2.4 and DPF 4.1. The details are as below.

4.5.1 Overshadowing

The subject site has residential neighbours to the north, east and west. The western fence on the boundaries and the adjoining sites is designed at 2.4m which is so high that it effectively blocks most daylight in the neighbours existing outdoor seating area. The top of the fence is above the roofs height of the neighbours' external seating area. The adjoining site at the western is advisedly impacted by overshadowing from the designed western fence of 2.4m.

According to the report, the Carpark Ground Level measures 172.25m, while the western side is adjacent to the house gutter, which stands at 174.53m. This results in a difference of 2.28m, indicating that a fence of 2.4m from the carpark floor level would be higher than the gutter height, obstructing 100% of the eastern daylight in the family living, lounge, and outdoor living area. Additionally, the eastern side facing windows of all other bedrooms would be blocked by more than 50% due to the fence's height and distance. In essence, the western fence design is excessively high, preventing most of the daylight from entering the existing indoor and outdoor seating area of the neighbours. Although the fence's top-level reach above the roofs over the neighbour's external seating area, it fails to provide adequate noise attenuation in the current form. Please refer to 4.5.3 Noise stated below.

Additional requirements for development include:

3m measured back soft landscape between the carpark and the fence lines to reduce noise bounce and reverberation. In return, the fence can be constructed to a lower height of maybe 2.1m above the car park ground level using solid masonry construction to improve adjoining neighbours to access sunlight.

4.5.2 Overlooking

On the first-floor plan, there is some missing "obscured" or "film" related to glass fencing/Balustrade and window. Please refer to pages 7 & 8 of the planning application notes - Film - Obscuring Film Toglazing Shown Shaded &Tagged Film.

The building is up to 7.9m, and the subject site has residential neighbours to the north, east and west are all single stores, the designed two stores building causes residential neighbours to lose their privacies and be overlooked.

Again, there are no overlooking or overshadowing drawings in the submission, but based on elevations provided, the bulk, height and scale of the building and fencing will result in light spill, overlooking and overshadowing, as well as loss of privacies of neighbouring residents.

4.5.3 Noise

DPF 4.1 Noise that affects sensitive receivers achieves the relevant Environment Protection (Noise) Policy criteria

DPF 4.1 of the Interface between Land Uses module advises

-Issue 1: Operating hours and noise

The *opening hours* are listed as 6:30AM to 6:30PM Monday to Friday. This information does not make it clear if these times are the same as the CCC *operating hours*. If the opening hours are from 6:30AM, then staff will be arriving earlier, at say 6:00AM, to get the centre ready to receive children. If the centre closes at 6:30PM, then staff will be on site later doing admin, storing play equipment, cleaning up and securing the site. So in effect, the operating hours of the centre are from at least 6:00AM to 7:00PM.

In winter, staff and clients will be arriving and leaving in the dark. According to SA EPA guidance provided in the Planning Report, the hours from 6:00AM to 7:00AM are classified all year as 'night time' for allowable noise purposes. There is a clear reason why the SA EPA noise guidelines have lower allowable noise levels for activities before 7:00AM. The assumed allowable noise levels stated in the acoustic report will be clearly exceeded in this time and also during the day. What mitigation or attenuation measures will the proponent provide to adequately address this night time and day time noise EPA non-compliance?

It is suggested that the maximum permissible operating hours as well as the opening hours should be clearly stated and should form part of the consent conditions. Without these, other report claims and assumptions about noise, vehicle movements and the method and times of waste collection are vague and open to misinterpretation.

-Issue 2: Noise level

The average noise level used in the CCC 'operational assumption' (acoustic report p6) is an average of about 73dB(A) [Calculated (16 x 68, 20 x 75, 44 x 77) /80 = 73]. This clearly exceeds allowable noise levels of:

- An average noise level of 47 dB(A) during the day
- An average noise level of 40 dB(A) during the night
- An instantaneous maximum noise level of 60 dB(A) during the night.

The Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0 2020 [3] recognizes that the child play level can easily reach an average of 83dBA for children aged between 0 and 5 years, as well as 81dBA for car parking and 86 dBA for delivery van and waste collection trucks.

[3] Association of Australasian Acoustical Consultants (AAAC) 2020, Association of Australasian Acoustical Consultants Guideline for Child Care Centre Acoustic Assessment Version 3.0, AAAC, https://aaac.org.au/resources/Documents/Public/AAAC%20Guideline%20for%20Child%20Care%20Centre%20Acoustic%20Assessment % 20V3.0.pdf.

The acoustic reports call for a so-called Noise Management Plan to address this non-compliance. This method of attempting to achieve EPA noise compliance is inadequate on many fronts. Several of the assumptions in the acoustic report seem incorrect and many are very impractical.

-Issue 3: Noise Management Plan

The acoustic report states that 'operational measures are recommended for inclusion in a '*Noise Management Plan'* (p 1). No further direct details are provided in this section.

Later the report states at p8 that:

> *The following measures are recommended to be incorporated in the Noise Management Plan for implementation where it is reasonable and practicable to do so in the circumstances at that time* (my underlining)*:*

This above sentence contains so many *conditionals* that it is for practical purposes meaningless, and so rubbery as to be entirely inadequate and unenforceable as a way of monitoring, reducing or mitigating noise emissions.

The acoustic report then goes on to list a series of vague *acoustic motherhood* statements, that *could be* included in this so-called Noise Management Plan. Most of these so-called measures, are extremely impractical in the setting of a CCC, including:

- Ensuring carers and staff *control the level of their voice* while outside so that it is at the minimum possible to provide clear instructions
- Maintaining external play equipment such that noise which could be reduced by maintenance is not generated
- Not having equipment or *surfaces intended for impact* regularly outside

One of the proposed measures is especially telling:

- Maintaining a method for neighbours to contact the facility

The CCC tries to squeeze too many children into a small area. The authors have either never been around young children, or are blatantly sugar coating the noise issue and relying on half-baked measures to control noise. It is not the noise of staff voices that is the issue. The CCC seems to have been designed, with its elevated outdoor areas and hard surfaces without much thought about noise issues. The noise from large groups of young children playing in an elevated open area, with hard surfaces is loud and penetrating. It is unrealistic to assume that staff will be able to keep this noise under an acceptable level. More generous setbacks, more generous plantings, play areas set back from neighbours, use of hush (acoustic) glazing and better noise attenuation should be provided.

Relying on noise complaints from neighbours is a novel noise attenuation/management method indeed. The above measure is a clear admission that the writer of the acoustic reports *expects* that acceptable noise levels will be exceeded, and that staff at the CC should *expect* to receive noise complaints (and other contact) from neighbours.

And finally, if the acoustic treatment included in the proposed development is adequate, why does the CCC even need to write, implement and make CCC users aware of a Noise Management Plan? This is an explicit admission that the noise mitigation and attenuation measures contemplated are inadequate and fail to achieve their desired planning and EPA objectives.

-Issue 4: Acoustic treatments of fence

On the proposed development plan of CCC, there are scant details provided for the so-called colorbond acoustic fence on the western boundary. There are no performance criteria or ratings provided. In the absence of this detail, it is highly questionable that a thin hard metal fence will adequately mitigate adverse effects on neighbouring properties, especially, the two properties on the CCC western boundary. The fence is in effect a so-called *good neighbour* fence, which may very well live up to its eponymous name in some respects, but is in reality the cheapest fence available, and a very inadequate solution for noise attenuation. It is well known that the density is the most effective against loud sounds, it helps to absorb noises before they transmit. Colorbond fence doesn't have the minimum density required for acoustic testing, which means that it provides little to no protection from noise.

Colorbound fence sheet of 0.42mm has a sound reduction capacity of only 17 dBA.

To meet the WHO guidelines of 50 dBA or the General Neighbourhood limit of 47 dBA during the day, the CCC would need to implement measures to reduce the noise level by at least 36 dBA, assuming a typical noise level of 86 dBA for delivery vans and waste collection trucks; or by at least 33 dBA assuming child play power of 83 dBA.

The fence should be a properly designed, specified and constructed acoustic barrier. A fence composed of noise absorbing materials, with a greater surface density or of solid masonry construction should be provided. Additionally, landscaping should be provided that is both denser, and over deeper area of at least 3m measured back from the fence lines to reduce noise bounce and reverberation.

Further conditions of development should include:

- That the CCC adequately attenuate all noise to an acceptable level;
- That fencing on the western boundary be of masonry construction (Sound reduction capacity above 36 dBA)
- Recommend 3m measured back soft landscape from the fence lines to reduce noise bounce and reverberation.
- The operation of the CCC must comply at all times with an enforceable and practically applicable Noise Management Plan; and
- The consequences for non-compliance and dispute resolution procedures should form an integral element of any Noise Management Plan.

4.5.4 Fencing and Retaining

PO 9.1 Fences, walls and retaining walls are of sufficient height to maintain privacy and security without unreasonably impacting the visual amenity and adjoining land's access to sunlight or the amenity of public places.

The fence and retaining heights when viewed from natural ground level of the adjoining residential sites will be no more than 2.4 metres in height at any point and are considered to be conducive to the residential nature of the locality whilst protecting both visual and acoustic privacy to adjoining neighbours.

Fence Design Page 3

- Purple Line - Ft1 - Minimum 2.1m High colorbond Acoustic Fence on Top Of Retaining Wall, and no Lower Than 2.4m In Total height At Any Point Above The carpark Floor Level.
- Blue Line - Ft2 - Minimum 2.1m High Timber pailing Fence On Top Of retaining Wall, and No Lower than 2.4m In Total Height At any Point Above The Play Area floor Level.

The current CCC plan fails to satisfy PO 9.1. According to the report, the Carpark Ground Level measures 172.25m, while the western side is adjacent to the house gutter, which stands at 174.53m. This results in a difference of 2.28m, indicating that a fence of 2.4m from the carpark floor level would be higher than the gutter height, obstructing 100% of the eastern daylight in the family living, lounge, and outdoor living area. Additionally, the eastern side facing windows of all other bedrooms would be blocked by more than 50% due to the fence's height and distance. In essence, the western fence design is excessively high, preventing most of the daylight from entering the existing indoor and outdoor seating area of the neighbour. Although the fence's top-level reach above the roofs over the neighbour's external seating area, it fails to provide adequate noise attenuation in the current form, as stated above.

Again, the adjoining site at the western is advisedly impacted by overshadowing from the designed western fence of 2.4m.

In addition, the selected colorband fence is not satisfying DPF 4.1 as per the above mentioned Issue 4: Acoustic treatments of fence.

Additional requirements for development include:

- 3m measured back soft landscape between the carpark and the fence lines to reduce noise bounce and reverberation. In return, the fence can be constructed to a lower height of maybe 2.1m above the car park ground level using solid masonry construction to improve adjoining neighbours to access sunlight.
- Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neightbouring boundary.

4.6 Traffic management and Car parking

PO 6.1 Vehicle parking areas are sited and designed to minimise impact on the operation of public roads by avoiding the use of public roads when moving from one part of a parking area to another.

PO 6.2 Vehicle parking areas are appropriately located, designed and constructed to minimise impacts on adjacent sensitive receivers through measures such as ensuring they area attractively developed and landscaped, screened fenced and the like.

PO 6.4 Pedestrian linkages between parking areas and the development are provided and are safe and convenient.

and 4.9 Waste Management

The statement regarding waste management of development application plan does not comply with EPA (Noise) policy and Waste Management and PO 1.5 of the design module.

Waste will be collected on-site by a private contractor outside of the operating hours and in accordance with EPA (Noise) Policy. Division 3 of the Policy requires the rubbish collection to only occur between the hours of 9:00 am and 7:00 pm on Sundays or public holidays, and between 7:00 am and 7:00 pm on any other day. The Proponent is willing to abide by a condition of consent to this effect.

-Traffic assessment report from EMY traffic engineering consultants

EMY traffic assessment report is invalid and incorrect with insufficient information collected. The conclusion is very weak and unable to support that the proposed traffic and access arrangements are feasible, safe and achieve the relevant Australian Standards, that on closer scrutiny, it does not stand up well. The details are as below.

The existing traffic congestion in the area is in fact well known to Council and Councillors.[4] The traffic engineers appear to be unaware of this congestion, and apparently did not ask Council about known local traffic issues.

The traffic assessment report is based on one single 20-minute observation time on one single day on 29/09/22. The date of data collection, the duration of data collection, and conflicting information about peak hours probably underestimates the existing traffic volumes in the area and the impact of the additional CCC traffic. This is critical to *all the following assumptions* made in the traffic report.

On 29 September 2022, South Australia was still within the COVID 19 pandemic period under s90C of SA *Public Health Act* 2011 (COVID 19 Directions). The number of new positive cases of COVID19 on 23/09/2022 was 3,214 according to the SA Health dashboard. Modbury Heights School would not have been full occupied, and additionally, many people were working from home. (COVID 19 restrictions were lifted in SA on 23 November 2023.)

[4] Councillor Kristianne Foreman, letter to neighbouring residents 17 March 2023.

The report forecast traffic generated by the development using data collected for NSW Roads and Maritime Services (RMS) which has been presented in the report titled *Validation Trip Generation Surveys Childcare Centres*[5], dated September 2015. **This survey report has been quoted by EMY traffic engineering consultants selectively.**

This survey report states on p7 at 2.3 that peak hours for CCCs are

- 6:30 AM – 9:30 AM for the AM peak; and
- 2:30 PM – 6:00 PM for the PM peak.

The traffic engineers have ignored this and without any evidence confidently assumed that both the peak times for this CCC are different:

> *…the am peak hour will coincide with the school drop-off period*
>
> and
> *…Pm peak hour for the childcare centre will occur between 5 pm to 6 pm which is after school hours and therefore will not coincide with the school pick-up period.*

The traffic report does not mention the significant 25km/h speed restrictions in the school zone at drop off and pick up times. It does not mention the existence of a nearby large supermarket and the traffic volumes generated by this. It does not mention existing know traffic congestion. By averaging the increase in vehicle movements over the whole day, the traffic engineers have significantly understated the impact of the increased traffic generation.

The front of the CCC parked cars are about 1.5 m away from the neighbours covered external seating and garden areas. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects 'drive' instead of 'reverse', or vice versa. There have been several recent cases in Adelaide of this happening, with dire consequences for neighbours.

Exhaust fumes, noise at night time (up to 7AM) and early morning noise from car motors, doors, and voices, as well as light spill in winter from the carpark will be a nuisance and will compromise neighbourhood amenity.

It should be a consent condition that signage is displayed and management/operating plans are developed and communicated to all CCC users including:

- Early and late car park users restrict the time spent in the area immediately adjacent to the CCC western boundary (no long loud conversations getting out of or into cars)
- Car park lighting and external lighting be shielded to prevent nuisance light spill; and
- Cars should drive in and back out (to keep exhaust away from the fence); and
- Cars should not be left to idle at any time; and
- The permanent car parks for staff should be put at the side of facing the western boundary of neighbours.

[5] Traffic, Environment & Forensic Engineers Consulting, Transport Roads & Maritime Service, NSW Government 2015, Transport Roads & Maritime Service, NSW Government, viewed 20 March 2023.

- That early drop offs and late pick ups are generally carried out as quietly as possible (similar to rules for hotel patrons leaving licenced premises at night that are located close to/in residential areas).

Again, as per the survey report Validation Trip Generation Surveys Childcare Centres quoted in the traffic assessment. Pages 7 and 8 detailed the process of the survey and Survey output requirements.

- ***…count of all vehicles entering the development for each day over the full 5-day period, to establish daily and hourly visitation patterns***

Additional requirements for development include:

• Reconduct traffic assessment over the full 5 days period according to the survey guideline.

• Recalculate traffic assessment using peak hours according to the survey guideline.

• Redesign car parking due to incorrect waste collection time and unreliable survey data used.

Therefore, the traffic management on this development application (DA) is not complied with PO 6.1, PO 6.2 and PO 6.4.

-Car parking numbers and waste collection

The DA plans show 20 car parking spaces. The traffic assessment report seems to have been prepared without any reference to standard CCC design guidelines.[6] The number of car parks does not satisfy the design guidelines, which requires 1 space for every 4 children and additional parking for staff.

The traffic assessment and report claims that the refuse (waste) vehicle will access the site '*after hours'* and use vacant car parking spaces to turn around within the site. These two claims, when investigated further, do not hold up well to scrutiny.

After hours would mean that waste collection could only be done after 7PM (see operating/opening hours above). The collection after 7:00PM is not industry practice, is impractical, and causes even more noise disturbance and nuisance to neighbours. The collection after hours also *de facto* extends the operating house of the CCC till after the time that the waste collection has been completed.

This after-hours waste collection claim seems to have been written for convenience, and to make the number of car parks 'work'. The late collection time is highly unusual, as standard industry practice from large commercial waste operators is the collection of waste before 4:00PM e.g. Veolia and Richards.

The noise assessment for waste collection activities in the acoustic report relies on '*ensuring any private collection of waste occurs between 7am and 7pm Monday to Saturday and not on public holidays or Sundays'*. If car parks are occupied from 6:00AM (or even 6:30AM) to 7:00PM then

[6] NSW Government 2017, ***Child Care Planning Guideline Aug 2017,*** NSW Government, viewed 20 March 2023.

this is obviously not possible. The assumption about waste collection times and noise levels in the acoustic report are both therefore invalid.

Again, the noise level will be exceeded in the current CCC plan.

The collection at night would create additional noise, fumes, odour, nuisance and light spill. A large truck doing a 3-point turn in the dark, 1.5 metres away from the neighbours covered outdoor seating area is a very unsatisfactory noise and traffic management approach. It is highly unlikely that the driver will in fact turn the vehicle around within the site, as the turning space is very tight and surrounded by numerous obstacles. Operating a truck at night in reverse adds further risks.

Most Adelaide waste collection centres and waste transfer stations close at 4:00PM or 5:00PM - see opening hours e.g. on EastWaste, Solo, Winfield websites. So the truck will pick up the waste from the CCC after hours, but not be able to empty the truck by dumping the waste? If so, the waste collected from the CCC would have to sit in the back of the truck all night. Where does the report envisage that this truck with its smelly cargo be parked overnight?

And it will indeed be smelly. Young children use disposable nappies, and with 36 children under the age of 3, the quantity of disposable nappies containing faeces and urine will be significant. In summer, the smell will be quite overpowering. Is this what the Planning Report claims on p20 that waste will be dealt with '*in an environmentally sound*' manner? (There is no current readily available environmentally sound way in Australia to deal with large quantities of mixed soiled, putrescent and plastic waste.)

The bins are located at the street frontage to the CCC. The odour, flies and vermin will be very unpleasant, especially in hot weather. The proximity of these large smelly commercial waste bins to the neighbouring properties will create more odour during pick up.

The 10m3 stormwater detention tank is shown in the south west corner of the car park within and under the area marked as the turning circle for the waste truck. This is not industry standard, as large hollow structures are usually located under light traffic areas or soft landscaped areas. If the tank is located at depth to assist with the distribution of point loads from the single front wheel of the truck, then levels and discharge assumptions in the stormwater plans provided will not work.

It would not be possible for a truck to turn if the carparking spaces are occupied. In effect, therefore only 15 carparking spaces available when the waste is collected after 7:00 AM as claimed in the acoustic report (at the times noted above that are standard waste industry collection practices).

It should be a consent condition that

- The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; and
- Bins only be brought out of this storage area on the actual collection day; and
- The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00AM to 10:00PM; and/or

- Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically and readily available during the CCC opening hours.

4.7 Stormwater

The design of stormwater is not safe and practical. It is not complied with PO 31.2.

An underground 10,000-litre detention tank is proposed to be installed on the site to ensure that stormwater runoff can be adequately detained and released in conformance with industry standards.

Again, the stormwater detention tank with a capacity of 10 cubic meters is situated in the south-west corner of the car park, underneath the area designated as the waste truck's turning circle. This placement deviates from the standard practice of locating large empty structures beneath lightly trafficked or soft-landscaped areas. If the tank is positioned at a depth to distribute point loads from the truck's single front wheel, the stormwater plans provided cannot be relied upon for accurate discharge assumptions and levels. Furthermore, if the car parking spaces are occupied, a truck would not be able to turn. As a result, only 15 car parking spaces would be available when waste is collected after 7:00 AM, as mentioned in the acoustic report and in line with standard waste industry collection practices.

Additional requirements for development include:

• Relocate the underground stormwater retention tank to areas with light vehicle traffic or soft landscaping.

Stakeholders affected

The CCC is directly opposed to the Heights School. The Heights School is a combined secondary and primary school with 1767 enrolled students as of term 3 2022. The Koala crossing has been managed by students and staff every morning at peak school time. It is currently undergoing a $10M facility upgrade with many more projects and expansion expected.

The CCC is expected to put additional operational pressure on the school due to the extended operation time of the Koala Crossing and the increase in traffic by 360 trips to the current calculation. This added traffic pressure will have an adverse effect on the school's future planning and developmental capacity while adversely affecting the neighbourhood.

• It is recommended The Heights School be notified officially and involved in the planning process.

Additional consideration

Child Safety - Fire Escape and emergency assembly points are currently missing in the design. Fire- blocking doors should be utilized to separate the building into manageable sections.

According to NSW Child Care Planning Guidelines 2017 6 . Emergency and evacuation procedures - Regulations 97 and 168 Education and Care Services National Regulations, sets out the list of

procedures that a care service must have, including procedures for emergency and evacuation. Regulation 97 sets out the detail of what those procedures must cover.

Facility design and features should provide for the safe and managed evacuation of children and staff from the facility in the event of a fire or other emergency An emergency and evaluation plan should be submitted with a DA and should consider:

- *the mobility of children and how this is to be accommodated during an evacuation*
- *the location of a safe congregation/assembly point, away from the evacuated building, busy roads and other hazards, and away from evacuation points used by other occupants or tenants of the same building or of surrounding buildings*
- *how children will be supervised during the evacuation and at the congregation/assembly point, relative to the capacity of the facility and governing child-to-staff ratios.*

An emergency and evaluation plan should be submitted along with the planning application.

Conclusion

The proposed plan fails to have sufficient noise buffers and setbacks whilst allowing for natural outdoor play areas and car parking. The designed CCC is trying to squeeze too many children into a small space and this impacts adversely on neighbours, and compromises the built form, parking and waste issues, play areas and setbacks. Given all the issues noted above, a redesigned capacity of 40 children might be more appropriate.

In conclusion, considering all the points noted above, the proposed CCC in Modbury Heights significantly and adversely impacts on the surrounding area in its current form. The lack of adherence to industry standards and guidelines, as well as the potential for noise pollution, traffic and parking issues, and waste management problems, could compromise the safety and well-being of the community. It is critical to ensure that the development of CCC is properly designed and considers all potential impacts before moving forward with its construction. The community deserves a quality-designed CCC that is safe, suitable, sustainable and adheres to all necessary guidelines and regulations.

Summary of recommended development consent conditions:

1. Revise the opening hours to 7:30 AM and the closing hours to 5:30 PM, while setting the maximum allowable operating hours from 7:00 AM to 6:00 PM.
2. Modify the CCC design to a single-storey building to blend with the neighbourhood's existing design and character.
3. The CCC must effectively reduce all noise to a level that is considered acceptable: Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighbouring boundary
4. Recommend 3m measured back soft landscape from the fence lines to reduce noise bounce and reverberation.
5. The operation of the CCC must comply at all times with an enforceable and practically applicable Noise Management Plan; and

6. The consequences for non-compliance and dispute resolution procedures should form an integral element of any Noise Management Plan.
7. The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; Bins only be brought out of this storage area on the actual collection day; and
8. The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or
9. Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.
10. Again, 3m measured back soft landscape between the carpark and the fence lines to reduce noise bounce and reverberation. In return, the fence can be constructed to a lower height of maybe 2.1m above the car park ground level using solid masonry construction to improve adjoining neighbours to access sunlight.
11. Reconduct traffic assessment over the full 5 days period according to the survey guideline.
12. Recalculate traffic assessment using peak hours according to the survey guideline.
13. Redesign car parking due to conflicting waste collection time used
14. The Heights School is to be involved in the planning process in relation to traffic management and the school's future planning and development capacity.
15. Early and late car park users restrict the time spent in the area immediately adjacent to the CCC western boundary (no long loud conversations getting out of or into cars)
16. Car park lighting and external lighting be shielded to prevent nuisance light spills; and
17. Cars should drive in and back out (to keep exhaust away from the fence);
18. Cars should not be left idle at any time; and the permanent car parks for staff should be put at the side of facing the western boundary of neighbours.
19. That early drop-offs and late pick-ups are generally carried out as quietly as possible (similar to rules for hotel patrons leaving licenced premises at night that are located close to/in residential areas).
20. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects ‘drive’ instead of ‘reverse’, or vice versa.
21. Relocate the underground stormwater retention tank to areas with light vehicle traffic or soft landscaping.
22. Again, the waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; and bins only be brought out of this storage area on the actual collection day; and the CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours.
23. Incorporate Fire Escape, emergency assembly points and fire blocking doors in the design.
24. Redesign the CCC with a reduced capacity to comply with all necessary guidelines and regulations.

--- END ---

Representations

Representor 15 - Piyush Patel

Name	Piyush Patel
Address	52 brunel drive MODBURY HEIGHTS SA, 5092 Australia
Submission Date	26/03/2023 08:49 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 Please find attached file for reason.	

Attached Documents

objection_letter-1202489.pdf

Piyush Patel
52 Brunel Drive
Modbury Heights, SA 5092

Application 22041414
Proposed Child Care Centre Development
48-50 Brunel Drive in Modbury Heights, SA 5092

26/03/2023

Dear Sirs/Madams,

Subject: Application 22041414
Proposed Child Care Centre Development
48-50 Brunel Drive in Modbury Heights, SA 5092

I am writing to object to the proposal to build Child Care Development on the 48-50 Brunel Drive, Modbury Heights, SA 5092.

1: Hours of Operation
The childcare centre will operate from 6:30 AM to 6:30 PM Monday to Friday. As per Australian guideline childcare operates between 7:00 AM to 6:00 PM. The proposed development would not meet the guideline. As mentioned above if the operating hours are that will require staff members to come early at 6:00 AM and will finish at 7:00 PM which will result in increased noise of the area.

2. Building Height Development

According to the planning application, the surrounding area mostly consists of single-storey buildings and the proposed height of the CCC falls within the permissible limit. Nevertheless, constructing a multi-storey CCC would not be in line with the neighbourhood's overall character which only features single-storey structures.

3. Noise

The WHO guidelines include that to protect the majority of people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB(A). The noise levels apply at noise sensitive premises for both the day (7.00am to 10.00pm) and night (10.00pm to 7.00am the following day) periods.

- As per previous points operating Child Care during the 6:30 AM to 6:30 PM will have higher traffic flow during start time.
- The collection at night also creates additional noise, fumes, odour, nuisance and light spill. A truck doing a 3-point turn in the dark, 1 metre away from my house's covered outdoor seating area is a very

unsatisfactory noise and traffic management approach. It is highly unlikely that the driver will in fact turn the vehicle around within the site, as the turning space is very tight and surrounded by numerous obstacles. Operating a truck at night adds further risks.

- The collection after hours also *extends* the operating house of the CCC till after the time that the waste collection has been completed.
- During pick-up, the nearby properties will again experience a burst of unpleasant odour, and the bins' location at the street frontage of the CCC will create an unappealing entrance statement, attracting flies and vermin.

4. Traffic Management and Car Parking

The traffic on the western section of Brunel Drive is forecast to increase by approximately 110 trips per day and the eastern section of approximately is forecast to increase by approximately 250 trips per day. Such increase in traffic is low and will be readily accommodated on Brunel Drive. The existing traffic congestion in the area is in fact well known to Council and Councilors.

The traffic engineers appear to be unaware of this congestion and apparently did not ask the Council about known local traffic issues.

- The traffic assessment report is based on one single 20-minute observation time on one single day on 29/09/22. The date of data collection, the duration of data collection, and conflicting information about peak hours probably underestimate the existing traffic volumes in the area and the impact of the additional CCC traffic. This is critical to all the following assumptions made in the traffic report.
- The traffic report does not mention the significant 25km/h speed restrictions in the school zone at drop-off and pick-up times. It does not mention the existence of a nearby large supermarket and the traffic volumes generated by this. It does not mention existing known traffic congestion. By averaging the increase in vehicle movements over the whole day.
- The CCC is expected to put additional operational pressure on the school due to the extended operation time of the Koala Crossing and the increase in traffic by 360 trips to the current calculation. This added traffic pressure will have an adverse effect on the school's future planning and developmental capacity while adversely affecting the neighborhood.
- The front of the CCC parked cars are about 1.5 m away from the my covered external seating and garden areas. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects 'drive' instead of 'reverse'.
- Exhaust fumes, noise at night time (up to 7 AM) and early morning noise from car motors, doors, and voices, as well as light spill in winter from the carpark, will be a nuisance and will compromise my house amenities.

- Early drop-offs and late pick-ups will increase traffic severely for us and increase noise in the morning and evening times.

5. Waste Management

- Waste will be collected on-site by a private contractor outside of the operating hours and in accordance with EPA (Noise) Policy. Division 3 of the Policy requires the rubbish collection to only occur between the hours of 9:00 am and 7:00 pm on Sundays or public holidays, and between 7:00 am and 7:00 pm on any other day. The Proponent is willing to abide by a condition of consent to this effect.
- The number of disposable nappies used by 36 children under the age of 3 will result in a significant quantity of soiled waste containing feces and urine, which will emit a strong odor in the summer. Neighboring outdoor living spaces will be negatively affected by this bin placement resulting in physical and mental stress.

6. Conclusion

- The CCC must effectively reduce all noise to a level that is considered acceptable: Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighboring boundaries.
- The CCC opening hours were modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM.
- Reconduct traffic assessment over the full 5 days period according to the survey guideline.
- Recalculate traffic assessment using peak hours according to the survey guideline.
- The Heights School is to be involved in the planning process in relation to traffic management and the school's future planning and development capacity.
- The waste should be stored in and collected from a dedicated, closed, and shaded waste enclosure located at least 5m away from neighboring properties.

Yours Faithfully,
Piyush

Representations

Representor 16 - Sudip Parikh

Name	Sudip Parikh
Address	8 Roebling Street MODBURY HEIGHTS SA, 5092 Australia
Submission Date	26/03/2023 08:57 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 Please find attached file for reason.	

Attached Documents

objection_letter-1-1202491.pdf

I am writing to object to the proposal to build Child Care Development on the 48-50 Brunel Drive, Modbury Heights, SA 5092.

1: Hours of Operation

The childcare centre will operate from 6:30 AM to 6:30 PM Monday to Friday. As per Australian guideline childcare operates between 7:00 AM to 6:00 PM. The proposed development would not meet the guideline. As mentioned above if the operating hours are that will require staff members to come early at 6:00 AM and will finish at 7:00 PM which will result in increased noise of the area.

2. Building Height Development

According to the planning application, the surrounding area mostly consists of single-storey buildings and the proposed height of the CCC falls within the permissible limit. Nevertheless, constructing a multi-storey CCC would not be in line with the neighbourhood's overall character which only features single-storey structures.

3. Noise

The WHO guidelines include that to protect most people from being moderately annoyed during the daytime, the outdoor sound level should not exceed 50 dB(A). The noise levels apply at noise sensitive premises for both the day (7.00am to 10.00pm) and night (10.00pm to 7.00am the following day) periods.

- As per previous points operating Child Care during the 6:30 AM to 6:30 PM will have higher traffic flow during start time.
- The collection at night also creates additional noise, fumes, odour, nuisance, and light spill. A truck doing a 3-point turn in the dark, 1 metre away from my house's covered outdoor seating area is a very unsatisfactory noise and traffic management approach. It is highly unlikely that the driver will in fact turn the vehicle around within the site, as the turning space is very tight and surrounded by numerous obstacles. Operating a truck at night adds further risks.
- The collection after hours also *extends* the operating house of the CCC till after the time that the waste collection has been completed.
- During pick-up, the nearby properties will again experience a burst of unpleasant odour, and the bins' location at the street frontage of the CCC will create an unappealing entrance statement, attracting flies and vermin.

4. Traffic Management and Car Parking

The traffic on the western section of Brunel Drive is forecast to increase by approximately 110 trips per day and the eastern section of approximately is forecast to increase by approximately 250 trips per day. Such increase in traffic is low and will be readily accommodated on Brunel Drive. The existing traffic congestion in the area is in fact well known to Council and Councilors.

The traffic engineers appear to be unaware of this congestion and apparently did not ask the Council about known local traffic issues.

- The traffic assessment report is based on one single 20-minute observation time on one single day on 29/09/22. The date of data collection, the duration of data collection, and conflicting information about peak hours probably underestimate the existing traffic volumes in the area and the impact of the additional CCC traffic. This is critical to all the following assumptions made in the traffic report.
- The traffic report does not mention the significant 25km/h speed restrictions in the school zone at drop-off and pick-up times. It does not mention the existence of a nearby large supermarket and the traffic volumes generated by this. It does not mention existing known traffic congestion. By averaging the increase in vehicle movements over the whole day.
- The CCC is expected to put additional operational pressure on the school due to the extended operation time of the Koala Crossing and the increase in traffic by 360 trips to the current calculation. This added traffic pressure will have an adverse effect on the school's future planning and developmental capacity while adversely affecting the neighborhood.
- The front of the CCC parked cars are about 1.5 m away from the neighbor's covered external seating and garden areas. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects 'drive' instead of 'reverse'.
- Exhaust fumes, noise at night time (up to 7 AM) and early morning noise from car motors, doors, and voices, as well as light spill in winter from the car park, will be a nuisance and will compromise my house amenities.
- Early drop-offs and late pick-ups will increase traffic severely for us and increase noise in the morning and evening times.

5. Waste Management

- Waste will be collected on-site by a private contractor outside of the operating hours and in accordance with the EPA (Noise) Policy. Division 3 of the Policy requires the rubbish collection to only occur between the hours of 9:00 am and 7:00 pm on Sundays or public holidays, and between 7:00 am and 7:00 pm on any other day. The Proponent is willing to abide by a condition of consent to this effect.

- The number of disposable nappies used by 36 children under the age of 3 will result in a significant quantity of soiled waste containing feces and urine, which will emit a strong odor in the summer. Neighboring outdoor living spaces will be negatively affected by this bin placement resulting in physical and mental stress.

6. Conclusion

- The CCC must effectively reduce all noise to a level that is considered acceptable: Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighboring boundaries.
- The CCC opening hours were modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM.
- Reconduct traffic assessment over the full 5 days period according to the survey guideline.
- Recalculate traffic assessment using peak hours according to the survey guideline.
- The Heights School is to be involved in the planning process in relation to traffic management and the school's future planning and development capacity.
- The waste should be stored in and collected from a dedicated, closed, and shaded waste enclosure located at least 5m away from neighboring properties.

Representations

Representor 17 - Tom Kidner

Name	Tom Kidner
Address	The Heights School Governing Council, Brunel Drive MODBURY HEIGHTS SA, 5092 Australia
Submission Date	27/03/2023 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 Please refer to the supporting attached documents for our submission	

Attached Documents

Child-Care-Centre-Submission-1202990.pdf

Application Number: 22041414

Location: 48-50 Brunel Drive, Modbury Heights

Nature of Development: Child Care Centre

CC: The Hon Blair Boyer MP - Member for Wright, Minister for Education, Training & Skills, Tea Tree Gully Council Mayor Marijka Ryan, Cr Kristianne Foreman, Cr Sandy Keane

Dear Tea Tree Gully Council Assessment Panel,

I am writing to express our strong opposition to the proposed development of a child care centre located at 48-50 Brunel Drive, Modbury Heights (*Application Number: 22041414*) by The Heights School Governing Council. The Governing Council has reviewed the application and we have some serious concerns about this proposed child care centre. Whilst we do recognise the benefits of having a child care centre near a school, we believe the location of this proposed centre is unsuitable for a child care centre due to the proximity to the school crossing and the potential risks it poses to the safety of children.

Firstly, I would like to highlight the importance of the safety and welfare of children, which is a top priority for parents and the community as a whole. The location of the proposed child care centre is directly adjacent to a school crossing, which is a high-risk area for accidents and collisions. This development poses a significant risk to the safety of children who attend the school, particularly during peak traffic periods when the crossing is heavily used.

Furthermore, the proposed child care centre would add to the already significant congestion in the area during school drop-off and pick-up times, increasing the risk of accidents and creating a potential hazard for parents, children, and other pedestrians.

The proposed location of this development on Brunel Drive is directly adjacent to The Heights School's only Koala crossing with flashing lights. As the Tea Tree Gully (TTG) Council would know, this school crossing is operated at school pick-up and drop-off times by primary aged school under the supervision of a school staff member. The school crossing leads from The Heights Shopping Centre car park (which many parents use to park and walk across) into what is one of the main, if not the busiest, entrances into the school. An analysis of pedestrian and vehicle traffic, which is mentioned below and conducted on behalf of the TTG Council, showed that it is used by over 400 pedestrians and 200 vehicles during the hour period around school pick-up times. Brunel Drive is also the main road into the school extending West from Ladywood Road. Due to the success of The Heights School the student population has been steadily growing over the years to over 1700 students in 2023

Attachment 11

along with a large cohort of staff. This has created increased pressure on the surrounding streets.

The proposed location of this child care centre is not on a main road, is not visible from any main road and is in a primarily residential area. The applicant seeks to demolish two houses in order to build the child care centre and the applicant asserts that customers of the child care centre would mainly be picking up and dropping off outside of school peak periods, which seems contradictory to the chosen secluded location adjacent to the school. If the majority of the customers of the child care centre are not from parents or staff of The Heights School, we struggle to understand the choice of this obscure location which is only visible to local residents and the school community.

Road Safety and traffic congestion issues surrounding the school have been a topical issue for many years and these issues have been raised several times to the TTG Council, SA Police and local Members of Parliament.

In a TTG Council report dated 14 July 2020[1], the council noted that "*there has been enquiries made about increased traffic due to higher attendance at The Heights School, around the connecting roads particularly Brunel Drive and Augustus Street.* ***During morning and afternoon school peak times there is a noticeable affect on the local traffic and parking demand on surrounding roads for 20 to 30 minutes during these periods***."

A review of the applicant's proposal found what can best be described as a superficial or selective site observation of a single school pick-up time. It makes no mention of the number of pedestrians or vehicles along Brunel Drive. A simple visit to the school during morning drop-off at 8.30am will show that traffic banks up all along Brunel Drive through the Koala crossing and up to Ladywood Road on a regular and extended basis.

Fortunately for us, due to the continuous issues surrounding road safety outside our school over many years, a more detailed analysis of the road safety issues has already been completed. In April 2022, following a number of enquiries from The Heights School, Members of Parliament, Council Elected Members, parents, local residents and road users, a report was prepared for the TTG Council Traffic Management Safety Committee Meeting. The TTG Council would have a copy of this report as it was commissioned by the TTG Council and compiled by traffic engineers. The report made a number of recommendations to improve the safety of vehicle and pedestrian traffic, some of which have occurred and some of which have not yet been addressed. In contrast to the superficial survey conducted by the applicant, a more thorough and detailed survey was conducted in order to compile

[1] RECORD NO: D20/56984 REPORT OF: OFFICE OF THE CHIEF EXECUTIVE OFFICER TITLE: MAXLAY RESERVE - CONCEPTS FOR DEVELOPMENT AND UPGRADE FOR COMMUNITY ENGAGEMENT

that report. The observations made in that survey are highly relevant to this development application and the potential detrimental effects on road safety of the development.

- A review of the Drop off and Pick up Zone (Section 4.3) along Brunel Drive which is adjacent to the proposed development, found that there was “excess queuing along Brunel Drive for approximately 70m into the trafficable roadway”. At the time of the review, the author found all the parking along Brunel Drive was fully occupied at pick-up time. This combination of queued vehicles waiting to enter the ‘drop off and pick up’ zone and the fully occupied parking along Brunel Drive restricted the Westbound movement of traffic and led to vehicles engaging in dangerous driving behaviour by overtaking in the opposite lane (an extremely risky action by drivers at schools).
- The report recommended an increase in no parking zones along Brunel Drive to minimise congestion and dangerous driving behaviours. If the child care centre staff will not park in the car park of the child care centre, they will likely park in the adjacent streets or The Heights Shopping Centre car park. This will lead to further congestion and angst amongst the local community who already struggle to find a park to drop off or pick up their children from The Heights School.
- A survey of the Koala Crossing directly outside the proposed development found that the pedestrian and vehicle traffic extended well beyond the 10 minute period that is mentioned in the applicant's report. The traffic survey of the applicant makes no mention of the quantity of pedestrian and vehicle traffic or over what period that pedestrian and vehicle traffic was observed. It highlights that the lights of the Koala Crossing were operating for a 10-minute period but fails to mention that many pedestrians still cross outside these 10 minutes. It makes no mention if there were any observed dangerous driving behaviours (e.g. overtaking, speeding) and does not deny any such observations. The council’s survey found that the volume of vehicle and pedestrian traffic exceeded the minimum standards for a Koala crossing and the location should not be moved.
- The report found there was such an excessive amount of pedestrian traffic crossing Brunel Drive and not utilising the Koala School Crossing that it recommended the installation of a second crossing further West along Brunel Drive. This crossing has not yet been installed. We submit that the situation would be made worse if the proposed development was approved as is.

As mentioned above, the location of the proposed development is directly adjacent to The Heights School’s only Koala school crossing operated by primary school students. The primary school students are responsible for making the decision to stop and start traffic and raise their stop signs under the supervision of school staff. The entrance and exit of the proposed child care centre is directly next to this crossing. Adding an additional inflow of traffic from a child care centre, that is so close to the crossing, would greatly increase the complexity of managing the traffic for these students and could lead to confusion and increase the risk of a vehicle collision involving a child. The recent serious vehicle collision at the pedestrian crossing outside the Marryatville School on Kensington Road (22/3/23 Marryatville High crash, Adelaide: Two teenagers hit by truck, Truck driver charged | news.com.au) highlights the potential risks and serious consequences of confusion at school crossings.

The council should also consider the application in context of the already announced new Technical College to be co-located at The Heights School[2]. The Governing Council has heard estimates of 200 new students to be present at the school in the technical college.

In the development application we found there was nothing to address our concerns about the demolition and construction in relation to traffic, dust and asbestos. As the proposed development is directly outside the schools main entrance and only manned school crossing, the Governing Council is deeply concerned about the potential for children, parents and staff to inhale asbestos and other dangerous dust or contaminants during the demolition of the two houses. We have grave concerns about the increased heavy vehicle traffic for deliveries and removal of rubbish and the impact this will have on traffic congestion. If the development is approved we suggest that demolition is limited to school holiday periods when there are no students and limited staff present. We also suggest that heavy vehicle traffic to and from the site is greatly restricted to avoid school drop-off and pick-up periods.

In the TTG Council's approved '*Modbury Heights Precinct Plan 2016- 2026*', the council's vision for the precinct is for "a clean, tidy, safe and quiet precinct" that is "well connected with safe active travel". We are concerned that this development may not go towards achieving that vision in its current proposed location.

Anecdotally, we have also heard that the new child care centre located adjacent to the Redwood Park Primary school has caused an increase in traffic issues surrounding the school. Similar safety and traffic concerns were raised about that development.

It should be noted by the TTG Council that neither The Heights School nor the Governing Council were notified or consulted in any way prior to this application. So it should be no surprise that we are raising concerns about it.

The Governing Council does acknowledge the benefit to the school community by having a child care centre nearby and the design of the proposed development is aesthetically pleasing. However, we question the suitability of the proposed location given that there is already a new child care centre being proposed at 285-289 Milne Road, Modbury North along with a large number of child care centres within a few kilometres of The Heights School.

We believe that if this application was approved it would:

- greatly increase the risk to our children
- increase the risk of vehicle collisions during peak periods

[2] First technical college to open at Findon High School | Premier of South Australia

- decrease the availability of street parking
- create more congestion around an already busy school.

The school currently has over 1700 students and the ripple effect of these issues will be felt across the entire local community by the students and their families who are mainly TTG residents.

The Governing Council requests that the applicant find an alternative location that will not cause such a negative impact on our school community. Alternatively, if the application is not denied we ask that the TTG Council request that:

- the applicant conduct further detailed analysis of the implications on road safety, vehicle congestion and parking of the development.
- either the applicant or the Tea Tree Gully Council offer to implement strong risk mitigation strategies to reduce the risk to our students and improve parking and road congestion.

If the application is approved, the Heights School Governing Council request that:

- the applicant is required to perform all demolition work during school holiday periods and restrict heavy vehicle traffic during school drop-off and pick-up times (8.30a.m. - 9.30 a.m. Monday to Friday, 2.00 p.m. - 3.00 p.m. on Mondays and 2.30 p.m. - 3.30 p.m. on Tuesday to Fridays)
- the applicant is prohibited from blocking Brunel Drive or the Koala Crossing during school drop-off and pick-up periods during any demolition or construction work
- that applicant is required to consult with The Heights School to minimise disruption to students and reduce any risk of injury.

We look forward to your response to our submission and hope that in consideration of this application, you place the safety of our school community at the forefront of your mind.

Sincerely,
Tom Kidner
Chairperson
The Heights School Governing Council

Representations

Representor 18 - Mihir Jani

Name	Mihir Jani
Address	41 De Sassenay Crescent MODBURY HEIGHTS SA, 5092 Australia
Submission Date	27/03/2023 10:39 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
I live local and I am very much concerned about this development. This is a residential area, and having child care will increase more traffic. I strongly oppose this development to maintain peace and privacy of neighborhood. Parking is already a big problem during school drop off and pick up time. New child care center will create more parking problem. We don't want more cars, in front of our door. There are not many two storey buildings around, by building two storey child care privacy of neighbours will be highly affected. Once again strong No for this development.

Attached Documents

Representations

Representor 19 - Kristianne Foreman

Name	Kristianne Foreman
Address	5 Prelate Court WYNN VALE SA, 5127 Australia
Submission Date	28/03/2023 09:39 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 Please see the attached letter I have written as the Hillcott Ward Councillor for the City of Tea Tree Gully which includes Brunel Drive, Modbury Heights.	

Attached Documents

27.3.23-Submission-from-Cr-Kristianne-Foreman-re-ID-no-22041414-1203082.pdf

KRISTIANNE FOREMAN

COUNCILLOR FOR HILLCOTT WARD

CITY OF TEA TREE GULLY

Submission for planned child care centre on 48-50 Brunel Drive, Modbury Heights

ID no. 22041414

To whom it may concern

As the Hillcott Ward Councillor for the City of Tea Tree Gully, I have been contacted by local residents about the proposed child care centre (centre) to be located on 48-50 Brunel Drive, Modbury Heights. As well as being concerned about the noise and lack of privacy from having a two storey commercial development overlook their backyards, the biggest issue was the impact it will have on traffic. Residents are alarmed at the additional stress more traffic will cause on Brunel Drive during peak morning times.

The proposed centre on Brunel Drive will be located at an area previously identified as having high levels of congestion during school drop off and pick up times. The centre will have a single point of entry and exit on Brunel Drive close to the already existing Koala crossing, directly opposite the kiss and drop zone in front of The Heights School.

The Heights School's leadership team, City of Tea Tree Gully and local residents have been working together to address issues surrounding The Heights School, including Brunel Drive, for several years. The Council engaged BE Engineering Consultants to assess the traffic, parking and pedestrian safety in October 2021. The resulting 2022 Heights School Traffic Safety Review & Plan (Safety Review) found vehicles were observed to be parked in the kiss and drop indented zone (opposite 48-50 Brunel Drive) with kerbside parked vehicles restricting west bound movement along Brunel Drive with traffic backed up 70 metres (p.14). Vehicles were observed overtaking queued vehicles waiting to go into the kiss and drop by driving into the opposing lane (p.14) endangering pedestrians and oncoming traffic. Anecdotally, parents were also observed letting students out directly onto the road instead of onto the verge.

The site observation by MFY Pty Ltd on behalf of Future Urban Group was undertaken on Friday 29th September 2022 (p.1). That was the last day of school before the October school holidays, when there is a tendency for fewer children to attend school due to holiday arrangements. I believe the site observation should be repeated in the morning during the middle of the week when the full complement of students are present and normal morning vehicle traffic can be observed.

The MFY report, in my opinion, does not take into consideration issues raised by the Safety Review in regards to Brunel Drive. The MFY report anticipates an additional 70 trips in the morning peak hour (p.5), that is, 35 vehicles will use Brunel Drive during peak morning drop off times. 25 vehicles are anticipated to turn right from Brunel Drive. The MFY report states that up to 2 vehicles will be queued waiting up to 25 seconds in turning right into the centre. This delay will cause further traffic backlog. The report states there will be sufficient gaps for the right turning vehicles. This is depending on the goodwill of drivers queued up in front of

Trust a Local

kristianne.foreman@cttg.sa.gov.au 0419 608 661 5 Prelate Ct, Wynn Vale SA 5127

Authorised by Kristianne Foreman, 5 Prelate Court, Wynn Vale SA 5127

the centre before the koala crossing to give space allowing vehicles to turn into the development, something that should be relied upon as drivers during peak times are often impatient and may not allow for a gap between vehicles waiting to pass into the driveway. Nor does the MFY report allow for delays caused by students who cross Brunel Drive before the koala crossing. I fully expect some future clients with students at The Heights will use the kiss and drop zone as a parking zone in the belief that it will only take 2 minutes to drop their child across the road to the centre causing further delays.

I also note that the maximum capacity will be 80 children and the Future Urban Planning Report states up to 12 staff will be employed (p.4) when the count on the Planning Issue Ground Floor plan shows it is 13. With 20 parking spaces at the centre, and 35 vehicles dropping children off during the peak morning time, I am assuming at least 6 staff members would be using the car parks at that time, thus reducing the spots available to 14. Any small car park I have been in has some delays caused by vehicles reversing out of the parking bays. Delays in vehicles exiting to turn left back onto Brunel Drive could cause further delays as the car park fills up (even worse if they try to turn right!).

I was unable to locate the outcomes of liaising with Council staff (p.1) prior to the application being lodged about the traffic management strategies already underway and planned in the future for that section of Brunel Drive. I did not identify any reference to the Safety Review's recommendation of a second koala crossing near Tresauget Street and how this could impact traffic entering the proposed development. I also did not see any reference to communication with the school to identify concerns The Heights School's leadership team may have.

In conclusion, I do not support the development in its current location unless the pedestrian safety and traffic issues I have raised are addressed through consultation with the local residents, The Heights School leadership team, including the Governing Council, and Council staff. Should the development go ahead, I will be advocating for signage and/or a median strip to prevent any right hand turns into the centre from Brunel Drive and that the exit onto Brunel Drive is left hand turn only. Any additional costs that this causes to the work already undertaken (or will be undertaken) by the Council resulting from the Safety Review's recommendations should be borne by the developers and not the ratepayers of the City of Tea Tree Gully. In addition, the site investigation should be repeated on a weekday when the school is expecting the full attendance of students.

While 48-50 Brunel Drive is an accessible location, it is questionable to state that there is no loss or harm to the local community (p. 25) when considering the impacts the development will have on pedestrian safety, traffic issues and current plans by Council to alleviate traffic congestion on Brunel Drive.

Yours sincerely

K Foreman

Cr Kristianne Foreman
Email: Kristianne.foreman@cttg.sa.gov.au

27th March 2023

Representations

Representor 20 - June Villadsen

Name	June Villadsen
Address	6 Isambard Court MODBURY HEIGHTS SA, 5092 Australia
Submission Date	28/03/2023 12:23 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

1. Revise the opening hours to 7:30 AM and the closing hours to 5:30 PM, while setting the maximum allowable operating hours from 7:00 AM to 6:00 PM. 2. Modify the CCC design to a single-storey building to blend with the neighbourhood's existing design and character. 3. The CCC must effectively reduce all noise to a level that is considered acceptable: Masonry construction (Sound reduction capacity above 36 dBA) should be used for the fencing on all the neighbouring boundaries. 4. Recommend 3m measured back soft landscape from the fence lines to all neighbouring boundaries to reduce noise bounce and reverberation. 5. The operation of the CCC must consistently follow a Noise Management Plan that is both enforceable and feasible 6. Any Noise Management Plan should incorporate measures for dealing with non-compliance and dispute resolution as an essential component. 7. The waste should be stored in and collected from a dedicated, closed and shaded waste enclosure located at least 5m away from neighbouring properties; Bins only be brought out of this storage area on the actual collection day. 8. The CCC opening hours modified to ensure that waste can be collected from wholly within the site, and solely between the hours of 7:00 AM to 7:00 PM; and/or 9. Additional car parking spaces be provided to make up for those lost by having a dedicated truck turning space practically available during the CCC opening hours. 10. Reconduct traffic assessment over the full 5 days period according to current traffic not Covid traffic. 11. Recalculate traffic assessment using peak hours according to the survey guideline. 12. Redesign car parking due to incorrect waste collection time and unreliable survey data used. 13. The Heights School is to be involved in the planning process concerning traffic management and the school's future planning and development capacity. 14. Car park lighting and external lighting be shielded to prevent nuisance light spills; and 15. Cars should drive in and back out (to keep exhaust away from the fence); and 16. Cars should not be left idle at any time; and 17. Early drop-offs and late pick-ups are generally carried out as quietly as possible (similar to rules for hotel patrons leaving licenced premises at night that are located close to/in residential areas). 18. A physical barrier should be provided in the car park to stop cars from being driven through the fence 19. Incorporate Fire Escape, emergency assembly points and fire-blocking doors in the design. 20. Submit an emergency and evaluation plan along with the planning application. 21. Redesign the CCC with a reduced capacity to comply with all necessary guidelines.

Attached Documents

Representations

Representor 21 - Kerry Forster

Name	Kerry Forster
Address	13 BRUNEL DR, MODBURY HEIGHTS SA 5092 MODBURY HEIGHTS SA SA, 5092 Australia
Submission Date	28/03/2023 11:32 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 oppose the development

Reasons

I have lived on Brunel Drive for 44 years and in that time we have never needed a child care centre. Brunel Drive has the Heights School on it and there is a problem with parking and children crossing the roads when school times are on, with a child care centre in the street this would cause more problems with parking. Our local councillors, residents and the council are working together to try and solve these problems. The local shopping centre do not need more chaos with parking as they have now. Modbury Heights is an area that has no new families coming in and we have a new child care centre on Milne Road that is not far from the school zone. Residents around the proposed properties do not need to be woken up with the sound of trucks coming and going at all hours of the day with demolition and then with transporting of materials to the site. The prospective development is on a school crossing and this would not help with children using it when school hours are on, as there would be trucks coming and going while parents are taking children to school, and also the noise would not help the students whose lessons are in the buildings facing Brunel Drive.

Attached Documents

FUTURE URBAN
Level 1, 74 Pirie Street
Adelaide SA 5000
PH: 08 8221 5511
W: www.futureurban.com.au
E: info@futureurban.com.au
ABN: 71 651 171 630

May 17, 2023

Blake ONeil
City of Tea Tree Gully

Dear Blake,

RESPONSE TO REPRESENTATIONS – DA 22041414 – CHILD CARE CENTRE – 48 & 50 BRUNEL DRIVE, MODBURY HEIGHTS

I refer to development application 22041414 for the "construction of a child care centre with associated boundary acoustic fences, retaining walls and advertising" at 48 & 50 Brunel Drive, Modbury Heights.

We write in response to the representations received as a result of the public notification.

Representations

The comments received from the representors during the public notification of the development application are summarised in Table 1 below.

A detailed response to each issue raised in association with the public notification of the application is provided thereafter.

Table 1 *Summary of issues raised by representors*

Land Use
• should not be located in a residential zone
Built Form and Design
• two-storey building is out of character for the area • aesthetically undesirable between existing dwellings
Traffic
• traffic increase and congestion, leading to more accidents/injuries • pedestrian/cyclist safety, in particular school children • difficulty accessing properties in nearby streets due to increased traffic/street parking • childcare centre will rely on the pedestrian crossing • flow-on traffic impacts to other nearby streets • proximity to pedestrian crossing, safety issues • will be difficult to access the shopping centre due to traffic • impacts to access to the school • school buses get stuck on the roads with the existing traffic congestion • traffic survey only undertaken on one day during a short observation time and during COVD-19 pandemic period

- assumptions regarding peak times are inaccurate
- traffic report does not consider 25km/h school zone speed restrictions
- excess queuing from drop-off/pick-up school zone adjacent the site
- excessive pedestrian traffic crosses Brunel Drive, not utilising the existing crossing, and second crossing is warranted
- pedestrian crossing operated by school students, increased complexity with increase in traffic

Parking

- will increase on street parking which is at capacity at school drop-off and pick-up times (insufficient on-site parking)
- will result in impaired access to resident's properties
- difficult parking during school drop-off and pick-up
- potential collision due to proximity of parking spaces to neighbouring property
- if staff don't park on-site, they will park in the shopping centre causing further congestion

Amenity

- operational hours exceeds industry guidelines
- overshadowing, access to sunlight for neighbours
- overlooking, lack of privacy
- increased air pollution/odour
- light spill from waste collection vehicle
- proximity of waste storage to neighbouring properties

Noise

- increased noise levels (traffic/children/waste disposal and collection/deliveries)
- average noise level exceeds allowable noise levels
- noise management plan inadequate to address EPA regulations
- fencing materials inadequate to reduce noise levels
- denser landscaping required to reduce noise bounce/reverberation

Infrastructure

- location of underground stormwater detention tank not appropriate

Other

- childcare centre is not required, close proximity to existing childcare centre/s
- waste collection times are impractical
- emergency and evacuation plan required
- safety risk and disruption during the construction period
- do not support 'for profit' childcare centres, would prefer a Council-owned childcare centre
- Modbury Heights requires a childcare centre, but not in this location

FUTURE URBAN

Response to Representations

A response to the key issues raised by the representations follows.

Land Use

Representors express an objection to a "commercial" use in what is an otherwise "residential" zone. Whilst child care centres are clearly run by the private sector, pre-schools are considered a "community use" under the Planning and Design Code (the 'Code') rather than a "commercial" land use.

Further to this, the General Neighbourhood Zone at PO 1.1 seeks "predominantly residential development with complementary non-residential uses that support an active, convenient, and walkable neighbourhood" with DPF 1.1 further seeking:

> *"development comprises one or more of the following:*
>
> ...
>
> *(h) Pre-school*

The proposal, being a childcare centre, defined as a sub-genus use of a "pre-school", satisfies Zone PO 1.1 which is one of 14 enumerated uses specifically sought within this Zone.

Childcare centres within this Zone clearly are complementary uses that support an active and convenient and walkable neighbourhood. The introduction of the Code has specifically earmarked childcare centres to be located in Neighbourhood (formerly Residential) Zones to encourage walkability and convenience for persons using them.

Further, the co-location of childcare centres with existing schools creates synergies in reducing traffic movements to allow parents with children attending both to undertake a single trip rather than visiting multiple sites further adding to the convenience sough in the Zone policies.

Built Form

Representations express concern about the building being two storeys in height. DPF 4.1 of the Zone allows for a maximum building height of 9 metres. The proposed building has a maximum height of 7.9 metres and is in accordance with this provision.

In addition, PO 4.1 of the Zone seeks "buildings contribute to a low-rise suburban character". "Low-rise" is defined in the Code as meaning *"up to and including 2 building levels"*, to which the proposal achieves.

Traffic and Parking

The vast majority of representations assert the proposal will have deleterious impacts upon traffic and street parking congestion at peak times, pedestrian safety (in particular, children using the school crossing) and parking associated with the school within the shopping centre car park. Assertions were also made in regards to the methodologies adopted within the traffic report submitted with the application.

It should be noted the application documents included an independent traffic and car parking report prepared by MFY, a qualified, experienced and independent traffic engineering company. MFY have reviewed the representations received and provided additional information and a response to the concerns raised.

In summary, MFY have advised that the proposal:

- will have adequate parking on the site, therefore there will be no impact to on-street parking availability (particularly during peak school times) or the requirement to use the shopping centre car park;
- will not change the nature and function of the adjacent road network;
- will not create any demand for on-street car parking;
- will result in a small increase in traffic which will have minimal impact on the existing operation of the road, even during peak school periods;
- includes an access that has been designed to provide for simultaneous movements that will minimise queues and delays and there will not be any changes to the operation of the school pick-up/set-down process. Should this existing situation be of concern to residents, Council may wish to complete a review of the school pick-up/set-down facilities.

Refer to **Attachment 1** for a full copy of the response from MFY.

To summarise, based upon empirical data and the opinion of an independent and well-regarded professional traffic engineering firm, the proposed development is capable of being accommodated in consideration of the surrounding traffic network.

Overshadowing

Concern was raised in regards to overshadowing of adjoining properties, in particular, to 7 & 8 Isambard Court (land abutting the site to the west). We note that DPF 3.1 and 3.2 of the Interface between Land Uses module seeks:

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.

Given the orientation of the proposal with respect to the concerned properties, there will be no appreciable overshadowing to north-facing windows than what would already occur. Further, given that both of the concerned properties have backyards that run north-south, it is reasonably expected that at least 2 hours of direct sunlight between 9.00am and 3.00pm will be afforded to the properties from 12.00pm onwards in accordance with the relevant overshadowing provisions of the Code.

FUTURE URBAN

Overlooking

Concerns were raised by representors regarding overlooking from the development into the neighbouring residential properties. Additional detail has been provided on the plans, including obscured film to upper-level windows and to the balustrading of the upper-level play areas, on the east, south and west elevations that have an interface to residential properties. This accords with the relevant overlooking provisions of the Code and mitigates any direct overlooking from the development into neighbouring properties (open spaces and habitable room windows). We accept that the Council may further impose a condition to the effect that the obscure glazing be installed prior to operation of the development.

Odour

Representations raised concern regarding the location of the waste storage area with respect to neighbours, and the impact of odour. Odour will be adequately mitigated through keeping the bin lids closed, regular collection of the waste from the site, and the cleaning of the bins. Childcare centres operate across South Australia with no apparent problem in relation to odour. This centre will be no different.

Noise

General concerns were raised in regards to noise, including the proposed operating hours, operational assumptions, fencing materials, implementation of a noise management plan, waste collection and reverberation.

An acoustic assessment was submitted in support of the application within the original application documents. It includes a number of recommendations including acoustic fencing to the boundaries, acoustic absorption to the underside of the carpark, ensuring any shade sails are acoustically transparent and that waste collection will occur within the hours of the *Environment Protection (Noise) Policy 2007*. All of the recommendations have been adopted, and the Council can reiterate any or all of these with a condition of consent, to ensure that the measures are implemented and maintained.

Notwithstanding the above, further clarification was sought from Echo Acoustic Consulting in direct response to issues raised by representors, summarised as follows:

- contrary to assertions made, the assessment has considered a facility which operates prior to 7.00am and after 6.00pm;
- clarification on the methodology of the sound power levels (the input assumptions) has been provided;
- appropriate sound modelling has been undertaken, and that the acoustic boundary fencing type and height is adequate (noting that the recommended 0.42mm BMT sheet steel fence is a thicker product than a standard fencing sheet);
- the *Noise Management Plan* is not required to ensure the facility achieves the Code but rather is recommended as an additional and best practice (value adding) measure for a facility on a day-to-day operational basis;
- there are times between 7.00am to 7.00pm Monday to Saturday (and not on public holidays) that are outside of the centre's operating hours for collection of waste to occur i.e. 6.30pm to 7.00pm Monday to Friday and 7.00am to 7.00pm on Saturdays.
- the original assessment has considered the effect of noise reflecting off hard surfaces (reverberation) through the three-dimensional sound modelling, and no additional landscape buffer is required to achieve noise related requirements of the Code.

FUTURE URBAN

Refer to **Attachment 2** for a full copy of the response from Echo Acoustic Consulting.

Based on the advice from independent, qualified and well respected acoustic experts, the relevant noise policies will be met and any adverse noise impacts ameliorated by the acoustic treatments proposed, and the proposal accords with PO 4.1 of the Interface between Land Uses module.

Existing Child Care Centres/Demand

Representors highlight that a number of centres are in physical proximity to the subject site and queried the "need" for the proposed childcare centre.

Firstly, the question of need is an irrelevant planning consideration. The ERD Court decision of *Hanna v Yorke Peninsula District Council & Virgin [1999] SAERDC 36* is most instructive in this regard where the Court, in that instance, was asked to determine whether the development of a new tavern, in competition with another was a relevant consideration for a planning authority. The Court held that it was not, more particularly at paragraph 28 of that decision the Court held:

> *This Court is not required to assess the need for the proposed facility in the same way that the Licensing Court is required to address that issue, in respect of an application for a liquor licence. In this matter, we had to consider whether the proposed development fell within the kinds of development envisaged for the zone. In other words, we were required to address the question as to whether the proposed development was one which would supply basic needs and facilities for holiday-makers and visitors, or in the words of PDC 4, whether it was one supplying essential goods and services to meet the day-to-day needs of the settlement's residents and visitors. We have been satisfied that it would be such a development. It is not our role to go further: Lane v Duxsel & District Council of Stirling (1988) 143 LSJS 454.*
> (my emphasis)

Secondly, the representors have not produced a single scintilla of evidence to support the assertion the local population is overserviced in terms of access to childcare services, i.e. there is no "need" for the proposal. The ERD Court has provided guidance on many occasions to third party representors who wish to challenge a decision of local planning authorities to approve a development, with the decision of *Carey and Bourdon v DAC [1994] EDLR 233* being most instructive:

> "..... an appellant should present a case of substance; ..... assertions should be supported by evidence amounting to more than a collection of presumptions by an unqualified observer..... Generally, it would not be enough to merely raise an issue without producing supporting evidence, particularly when the issue had been addressed by the developer as part of the development application."

Other

Construction impacts are not relevant to the assessment of the application. This can be adequately dealt with by the requirement to submit a construction management plan via an appropriately worded condition of planning consent. The Proponent acknowledges that this will need to minimise disruption to the school and will endeavour to reduce heavy vehicle movements during peak school times.

An emergency and evacuation plan is not a relevant consideration of the planning assessment. This matter is addressed through the building consent stage with respect to exit signs, fire blankets and the like.

Whether the proposed development operates on a 'for profit' basis or not, this is not a relevant consideration for the planning assessment.

Comments were made in regards to the waste collection times being impractical, however these times are relatively standard across the childcare industry to achieve relevant noise criteria. The Proponent accepts that a condition be applied to any consent granted in regards to the waste collection times, and would need to adhere accordingly.

I trust this adequately responds to the written representations received by the Council.

I look forward to this matter being presented to the next available Council Assessment Panel meeting, and confirm that I will be in attendance to answer any queries of the Panel.

Yours sincerely,

Marc Duncan
Director

FUTURE URBAN

ATTACHMENT 1: RESPONSE FROM MFY

MLM/22-0241

14 May 2023

Mr. Marc Duncan
Future Urban Group
GPO Box 2403
ADELAIDE SA 5001

Traffic • Parking • Transport
Unit 6 224 Glen Osmond Road
FULLARTON SA 5063
T: +61 8 8338 8888
F: +61 8 8338 8880
E: mfy@mfy.com.au
W: mfy.com.au
MFY Pty Ltd
ABN 79 102 630 759

Dear Marc,

APPLICATION ID: 22041414: 48-50 BRUNEL DRIVE, MODBURY HEIGHTS
RESPONSE TO REPRESENTATIONS

We are in receipt of representations relating to the proposal to construct a child care centre at the above site. As requested, I have reviewed the representations as they relate to traffic and parking matters and provide the following additional information to assist with Council's assessment of the proposal.

The majority of the representations include concerns relating to existing traffic conditions and parking in Brunel Drive adjacent to the school, including:

- Safety of children crossing the road;
- Existing traffic congestion adjacent school during pick-up/set-down periods;
- Parking associated with the school within the shopping centre car park;
- Constraints relating to bus turning movements due to busy roads; and
- Parking and traffic in residential streets during school peak periods.

Typical of most schools, the traffic and parking during peak school periods does result in longer queues and delays for drivers. This is a result of the set-down and pick-up of students being condensed into a short time frame before and after school.

The traffic situation adjacent the school and in the surrounding suburbs is existing and not a matter to be addressed by this application. What is important to assess is whether there is any change to the nature or function of the road network as a result of the proposal or any implications for road safety.

In regard to the child care centre, the following concerns were raised:

- increased parking on the road network if there is inadequate parking on the site;
- additional traffic using the local road network;
- the increase in traffic on Brunel Drive will result in an increase in congestion;
- the impact associated with the extended time the Koala Crossing would be operational; and

- potential increased risks of safety to pedestrians.

Unlike schools, collection and delivery to child care centres occurs over and extended period and hence drivers do not experience longer queues and delays which are created when the pick-up and set-down periods are condensed. The peak delivery period can coincide with a school set-down period in the morning, although the set-down at a child care centre occurs over a much longer period.

In relation to the specific queries above, I provide the following response:

- there will be adequate parking provided within the car park on-site and therefore no parking will be required on the road network;
- the additional traffic on the road will primarily occur outside the peak school periods. There will be approximately 70 trips during the morning peak (35 vehicles driving to and from the site) but this will occur over an hour rather than during the shorter school peak. On average there would be slightly over one vehicle per minute which will have minimal impact on either Brunel Drive or the adjacent residential street network . Importantly it would not change the nature or function of the roads;
- there is no proposal to alter the timing of the Koala Crossing (nor would this be appropriate); and
- there could be an increase in the number of pedestrians crossing Brunel Drive if they are siblings of a child at the child care centre but they will be able to use the Koala Crossing. The small change in volumes will not impact the existing pedestrians crossing the road who should be using this crossing.

In addition to the above, three representations speculated a number of specific assessment issues associated with the calculations in the traffic report. I have therefore provided the following clarification in relation to the misunderstanding of the detailed traffic assessment process by these representors. Following are comments raised in the representations following by my response.

- *The traffic assessment report is based on one single 20-minute observation time on one single day on 29/09/22. The date of data collection, the duration of data collection, and conflicting information about peak hours probably underestimates the existing traffic volumes in the area and the impact of the additional CCC traffic. This is critical to all the following assumptions made in the traffic report.*

  The site observation, as is clearly stated in the traffic report, was to understand the operation of the Koala Crossing. The observation was between 2:50pm and 3:30pm (which is not 20 minutes) and included the entire period that the crossing was in operation (3:10pm to 3:20pm) and extended prior to and post the school peak period. The intent of the observations was to critically assess the adequacy of the access and not to forecast traffic volumes. Existing traffic volumes are not forecast using site observations of the operation of the Koala Crossing.

- *The traffic report does not mention the significant 25km/h speed restrictions in the school zone at drop off and pick up times. It does not mention the existence of a nearby large supermarket and the traffic volumes generated by this. It does not mention existing know traffic congestion. By averaging the increase in vehicle movements over the whole day, the traffic engineers have significantly understated the impact of the increased traffic generation.*

  The traffic report includes the following text which clearly identifies the school zone, noting that a school zone is not only limited to pick-up/set-down periods:

The section of Brunel Drive adjacent to the site is within a school zone and therefore a reduced speed of 25 km/h is applicable when children are present. A koala crossing is located immediately east of the site.

The MFY report also does not average the forecast traffic volumes. These have been calculated using recommended formulae in the RMS Guide;

- *This survey report states on p7 at 2.3 that peak hours for CCCs are*

  • 6:30 AM – 9:30 AM for the AM peak; and

  • 2:30 PM – 6:00 PM for the PM peak.

  The traffic engineers have ignored this and without any evidence confidently assumed that both the peak times for this CCC are different:

  ...the am peak hour will coincide with the school drop-off period and
  ...Pm peak hour for the childcare centre will occur between 5 pm to 6 pm which is after school hours and therefore will not coincide with the school pick-up period.

The survey report is a document which documents the methodology for the data collection. The data collection must occur over a significant period to ensure the actual peak is captured and for at least three hours. The periods selected for the surveys are appropriate. The specific peak will be site specific and would be expected to be consistent with most child care centres when the peak is related to parents collecting children after work. If the peak was earlier and coincided with school collection period, it is highly probable that parents are also collecting children from the adjacent school in which case the trip on the road would not be additional.

- *The front of the CCC parked cars are about 1.5 m away from the neighbours covered external seating and garden areas. A physical barrier should be provided to stop cars from being driven through the fence in the case that a driver erroneously selects 'drive' instead of 'reverse', or vice versa. There have been several recent cases in Adelaide of this happening, with dire consequences for neighbours.*

  The proposal does not meet any criteria for the installation of a barrier. The installation of such a device would constitute a hazard and create a safety risk.

- *Again, as per the survey report Validation Trip Generation Surveys Childcare Centres quoted in the traffic assessment. Pages 7 and 8 detailed the process of the survey and Survey output requirements.*

  ···count of all vehicles entering the development for each day over the full 5-day period, to establish daily and hourly visitation patterns

Consistent with the advice provided above, the survey report identifies requirements for data to be confidently used a basis to forecast other development. These data have been relied on for this assessment which is consistent with the intent of the RMS recommendations and standard engineering practice.

- *The DA plans show 20 car parking spaces. The traffic assessment report seems to have been prepared without any reference to standard CCC design guidelines.6 The number of car parks does not satisfy the design guidelines, which requires 1 space for every 4 children and additional parking for staff*

The above statement is incorrect. The parking provision rate of one space for every four children is inclusive of staff. This has been verified by empirical data collected by MFY at a number of child care centres which has informed the parking rates for child care centres as is now found in the Planning and Design Code.

- *This after-hours waste collection claim seems to have been written for convenience, and to make the number of car parks 'work'. The late collection time is highly unusual, as standard industry practice from large commercial waste operators is the collection of waste before 4:00PM e.g.Veolia and Richards.*

  Collection of waste outside of operating periods is quite common at child care centres.

One resident also raised a concern in relation to potential conflict between school traffic and trucks during construction. The contractor will be required to prepared a construction traffic management plan and it is recommended that consideration be given to the school peak traffic requirements and safety criteria during preparation of the operation traffic management plan for the project. In any event, construction impacts are not relevant to planning considerations.

In summary, the proposal will:

(1) have adequate parking on the site,

(2) will not change the nature and function of the adjacent road network; and

(3) will not create any demand for on-street car parking.

There will be a small increase in traffic which will have minimal impact on the existing operation of the road, even during peak school periods.

The design of the access to provide for simultaneous movements will minimise queues and delays and there will not be any changes to the operation of the school pick-up/set-down process. Should this existing situation be of concern to residents, Council may wish to complete a review of the school pick-up/set-down facilities.

Concerns relating to student safety during construction should be addressed in the contractor's operational traffic management plan.

Yours sincerely,
MFY PTY LTD

Melissa Mellen
Director

40 YEARS

FUTURE URBAN

ATTACHMENT 2: RESPONSE FROM ECHO ACOUSTIC CONSULTING

Childcare Centre
48-50 Brunel Drive
Modbury Heights

Environmental Noise Assessment Response

10 May 2023
Reference ID: 116-4

echo
Acoustic Consulting

Contents

Abbreviations

AAAC	Association of Australasian Acoustical Consultants
BMT	Base Metal Thickness
DO	Desired Outcome of the Code
DTS	Deemed to Satisfy criteria of the Code
EPA	South Australian Environment Protection Authority
PO	Performance Outcome of the Code
WHO	World Health Organization

Glossary

A-weighting	A mathematical adjustment to the measured noise levels to represent the human response to sound. An *A-weighted noise level* is presented as dB(A).
Ambient noise level	The noise level associated with the environment in the absence of the activity under investigation.
Background noise level	The noise level exceeded for 90% of the measurement period. The background noise level represents the lulls in the ambient environment.
Characteristic	A characteristic determined in accordance with the *Environment Protection (Noise) Policy 2007* (the Policy) to be fundamental to the nature and impact of the noise. For example, a noise source is deemed to exhibit a characteristic if it produces distinctive tonal, impulsive, low frequency or modulating features.
Code	*Planning and Design Code* Version 2022.21 dated 10 November 2022, PlanSA.
Day	A period defined by the *Environment Protection (Noise) Policy 2007* as between 7am and 10pm.
EP Act	*Environment Protection Act 1993*
Equivalent noise level	The A-weighted noise level which is equivalent to a noise level which varies over time. The descriptor is L_{Aeq} and it is the A-weighted *source noise level (continuous)* referenced in the Policy. The L_{Aeq} is also referenced as an average noise level for simplicity.
dB	The logarithmic unit of measurement to define the magnitude of a fluctuating air pressure wave. Used as the unit for *sound* or *noise level.* An *A-weighted noise level* is presented as dB(A).
Indicative Noise Level	The noise level assigned by the Policy at a location to represent an impact on the acoustic amenity at that location. No further action is required to be taken under the *Environment Protection Act 1993* for noise levels which are lower than the Indicative Noise Level.

Instantaneous maximum noise level	The A-weighted noise level which is the instantaneous maximum over a period. The L_{Amax} is the A-weighted instantaneous maximum noise level referenced in Clause 20(b)(ii) of the Policy.
Night	A period defined by the *Environment Protection (Noise) Policy 2007* as between 10pm and 7am.
Noise	An interchangeable term with sound but which is most often described as *unwanted sound*.
Noise Sensitive Premises	Premises that could be "noise-affected". For the purposes of this assessment, the noise sensitive premises are residential dwellings.
Policy	The *Environment Protection (Noise) Policy 2007*
Sound	An activity or operation which generates a fluctuating air pressure wave. The ear drum can perceive both the frequency (pitch) and the magnitude (loudness) of the fluctuations to convert those waves to sound.
Sound power level	The amount of sound energy an activity produces for a given operation. The sound power level is a constant value for a given activity. The sound power level is analogous to the power rating on a light globe (which remains constant), whereas the lighting level in a space (sound pressure level in this analogy) will be influenced by the distance from the globe, shielding and different locations within the space.
Sound pressure level	The magnitude of sound (or noise) at a position. The sound pressure level can vary according to location relative to the noise source, and operational, meteorological and topographical influences. The terms *sound pressure level* and *noise level* are used interchangeably in this assessment.
WHO Guidelines	*Guidelines For Community Noise* Birgitta Berglund Thomas Lindvall Dietrich H Schwela London, United Kingdom, April 1999, World Health Organization.

Background

The proposed development at 48-50 Brunel Drive, Modbury Heights comprises a childcare centre with capacity for up to 80 children (aged 5 and under), car parking, and outdoor play spaces (the **facility**).

An environmental noise assessment has been conducted for the facility (*Echo Acoustics* Report with *Reference ID: "116-3"*, dated 27 November 2022 – the **assessment**).

The assessment predicts noise levels based on established inputs from childcare centre activities. The predicted noise levels are compared against relevant standards to ensure the operation of the facility does not adversely impact on the amenity of surrounding dwellings.

This assessment determines the facility can reasonably and practicably achieve the relevant standards in the *Planning and Design Code* (the **Code**) by:

- constructing solid fencing and balustrading between play areas and the nearest dwellings
- constructing solid fencing between the car parking area and the nearest dwellings
- incorporating acoustic absorption to the underside of the carpark soffit
- ensuring any shade systems (other than verandahs) are acoustically transparent (by using a material such as shade cloth)
- ensuring any private collection of waste occurs between 7am and 7pm Monday to Saturday and not on public holidays or Sundays.

In addition, it is recommended:

- a *Noise Management Plan* is maintained for the childcare centre as a best practice (value adding) step
- mechanical plant is located away from the nearest dwellings, subject to reviewing the services during the design stage of the project to achieve the *Environment Protection (Noise) Policy 2007*.

Representations for Application ID 22041414 for the facility have been received. The following response provides:

1. A summary of the representation
2. The additional information (response)
3. The recommended action/s (if relevant).

Response

Representors 12, 14, 15, 16 and 20: Operating hours

The representations note that the assessment has not addressed the impacts during the proposed operating hours and that the facility should accordingly be restricted to operate between 7.00am to 6.00pm.

Response

The assessment has considered a facility which operates prior to 7.00am and after 6.00pm.

Action

Note that the assessment has been made for operation of the facility prior to 7.00am and after 6.00pm with activity occurring prior to 7.00am being compared with the relevant requirements of the Code and therefore no further action is required to adjust the proposed operating hours.

Representors 12 and 14: Noise - Operational Assumptions

The representations note that the *input assumptions* indicate that the allowable noise levels at the dwellings are exceeded.

Response

The assessment includes a Glossary which explains the difference between sound power levels (the *input assumptions*) and sound pressure levels (the outputs of the assessment process for the purposes of comparison with allowable noise levels). The Glossary has also been incorporated in this document to assist.

In broad terms:

- the *input assumptions* nominate the energy produced by each individual noise source (such as a child or vehicle)
- the output is the predicted noise level at a dwelling using the input assumptions and accounting for the amount of energy produced by the combined effect of the number of sources, the location of the sources, the distance between each source and a dwelling, and the effect of fencing between each source and a dwelling.

The input assumptions cannot be directly compared with the outputs of the assessment as they are different entities.

Action

Note that the comparison of input assumptions with predicted noise levels as made in the representation is incorrect. The predicted noise levels as summarised in Table 1 of the assessment should be used for comparison with the allowable noise levels at dwellings.

Representors 12, 14 and 20: Fencing Materials

The representations note that the proposed fencing materials are *deceiving and hugely inadequate as the nominated 0.42mm BMT sheet steel only provides a noise reduction of 17 dB(A).*

Response

A three-dimensional model of the facility has been developed based on the algorithm provided by *ISO 9613-2:1996 Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation* (ISO 9613-2).

The model incorporates the following:

- the operational assumptions as detailed in the assessment
- hard flat ground
- the following inputs:
  - the effect of fences
  - the effect of buildings and hard surfaces (both as barriers and reflecting surfaces)

The design of the fence accounts for the height and construction material and these elements are adjusted to ensure the predicted noise levels achieve the Code's assessment criteria.

A 0.42mm BMT sheet steel fence is a thicker product than a standard fencing sheet and the product specification and the required height of each fence has been designed specifically for the facility in accordance with the above detailed process.

Action

Note that:

- the assessment has been based on a detailed three-dimensional model of the facility, accounting for building structures, reflections, distances to dwellings, *the influence of fencing*, and operational assumptions
- the *fencing material and height* has been designed in accordance with the above process and therefore no further action is required.

Representors 12, 14 and 20: Noise Management Plan

The representations note that the *Noise Management Plan* should incorporate measures for dealing with non-compliance and dispute resolution. In addition, it is contended that the need for a *Noise Management Plan* means that the facility has not been adequately designed to achieve the Code.

Response

The assessment recommends a *Noise Management Plan* be developed for the facility. The *Noise Management Plan* is not required to ensure the facility achieves the Code but rather is recommended as an additional and best practice (value adding) measure for a facility on a day-to-day operational basis. The measures in the *Noise Management Plan* (should they be adopted) should be tailored to suit the facility and should not be taken as absolute or instantaneous (that is, the individual measures should not be conditioned but rather used as a guide for daily operations).

A recommended measure within the *Noise Management Plan* is to *maintain a method for neighbours to contact the facility.*

Action

Note that the *Noise Management Plan* is not required to ensure the facility achieves the Code but rather is recommended as an additional and best practice (value adding) measure for a facility on a day-to-day operational basis. The measures within the Plan are not intended to be conditions of operation but rather to provide guidance for best practice measures which can be adopted by the facility and tailored to suit their specific operations. Note that a recommended measure within the *Noise Management Plan* is to *maintain a method for neighbours to contact the facility.*

Based on the above, no further action is required.

Alternatively, the *Noise Management Plan* can be removed as a recommendation of the assessment, noting that its removal will not impact on the ability of the facility to satisfy the relevant Code noise requirements (that is, it is simply a good practice recommendation not an essential requirement).

Representors 12, 14, 15, 16 and 20: Waste Collection

The representations note that the collection of waste as recommended by the assessment to be between 7.00am to 7.00pm Monday to Saturday and not on public holidays cannot occur as it will clash with the requirement that access to the car park can only occur outside of the centre's operating hours.

Response

It is understood that there are times between 7.00am to 7.00pm Monday to Saturday (and not on public holidays) that are outside of the centre's operating hours for collection of waste to occur.

Action

Note that waste collection can occur in accordance with the assessment.

Representors 12 and 14: Fencing and Retaining

The representations note that the western fence height would obstruct 100% of the eastern daylight to the living areas of the dwelling to the west.

Response

The required height of each fence has been designed in accordance with a detailed process as outlined above in the responses to other representations.

Opportunities exist to introduce transparent materials into the top portion of a fence (for example, a *Perspex* element) which maintain the acoustic performance of the fence and allow for daylight.

Action

Note that the fence height is required in accordance with the assessment and that there are options available to introduce transparent materials into the fence.

Representors 12 and 20: Fencing and Retaining – Landscape Buffer

The representations request a 3m landscape buffer to all fences to reduce *reverberation*.

Response

The required height of each fence has been designed in accordance with a detailed process as outlined above in the responses to other representations (which includes the effect of noise reflecting off hard surfaces). For example, the acoustic absorption recommended in Figure 4 of the assessment is to reduce the reflection of noise from the soffit above the car park.

Action

Note that the assessment has been based on a detailed three-dimensional model of the facility, accounting for building structures and reflections, and therefore no additional landscape buffer is required in order to reduce *reverberation* (or achieve the noise related requirements of the Code).

Document Details

Distribution:

Issue date	10 May 2023
Issued to	Future Urban
Description	Environmental Noise Assessment Response

Author Details:

Author	Mathew Ward
Mobile	0413 018 332
Email	MathewWard@echoacoustics.com.au

echo
Acoustic Consulting

REPORT NO: **23002769**

RECORD NO: **D23/48873**

TO: **COUNCIL ASSESSMENT PANEL MEETING - 18 JULY 2023**

FROM: **Blake O'Neil**
Senior Planning Officer

SUBJECT: **TELECOMMUNICATIONS FACILITY COMPRISING A 30M MONOPOLE, ANTENNAS, ANCILLARY EQUIPMENT, EQUIPMENT SHELTER AND FENCING AT 66-68 VALLEY ROAD HOPE VALLEY.**

SUMMARY

DEVELOPMENT NO.	23002769
APPLICANT	Telstra Corporation Limited
ADDRESS	66-68 Valley Road Hope Valley
NATURE OF DEVELOPMENT	Telecommunications facility comprising a 30m monopole, antennas, ancillary equipment, equipment shelter and fencing.
ZONING INFORMATION	**Zones:** • General Neighbourhood Zone **Overlays:** • Affordable Housing • Hazards (Flooding – Evidence Required) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • Stormwater Management • Urban Tree Canopy
LODGEMENT DATE	20 March 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully
PLANNING & DESIGN CODE VERSION	2023.4

CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 30 May 2023 to 20 June 2023
NUMBER OF PROPERTIES NOTIFIED	99
REPRESENTATIONS RECEIVED	4
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Blake O'Neil
REFERRALS STATUTORY	None
REFERRALS NON-STATUTORY:	None
RECOMMENDATION	Grant Planning Consent

1. DETAILED DESCRIPTION OF PROPOSAL

This application is for a telecommunications facility including a monopole, antennae, circular shroud, equipment shelter, sundry cabling and equipment located within a fenced compound.

The monopole, inclusive of the antennae will attain a maximum height of 30m.

The fenced compound at the base of the tower is to be 6m wide and 10m long with a 2.4m high fence to its perimeter.

The pole and shroud are to be painted in a Wattyl colour, N53 Blue Grey

A site plan and elevations of the proposed facility can be found in Attachment 3. The land has an existing use as a council owned Recreation Area and is in the General Neighbourhood Zone. The site of the development is in the south east corner of the allotment in a currently unused area.

A lease for the site has been agreed for the proposed land use.

2. SUBJECT LAND & LOCALITY

2.1 Site Description:

Location reference: 66-68 Valley Road, Hope Valley SA 5090

Title Reference:	Plan Parcel:	Council:
CT5681/387	F131691 AL3	CITY OF TEA TREE GULLY

The proposed telecommunication tower will be located in a leased area of the Hope Valley Sports Area which is owned by Council.

The site of the development is in the south east corner of the allotment which is currently vacant land with light vegetation. The site is generally level and occupies a fenced off area of 60m^2.

The allotment is used for public recreation facilities including a grassed Australian Rules football and cricket with associated clubrooms, grandstand and carparking. The small portion to the north east has tennis courts and a Local Heritage Building comprising a hall. The hall is some 120m from the subject site, with residential development and the tennis courts located in between.

2.2 Locality

The locality comprises the area in red with the allotment in the blue dotted line. The site of the proposed development is the blue pointer as seen below in figure 1.
The red area is 60m from the allotment boundary and comprises varying residential development. To the east there is small group dwelling development and the western boundary is netball and tennis courts and associated clubrooms on land owned by Council.

The remaining portion of the locality comprises larger allotments of 700-800m^2 with detached dwellings and large front and rear setbacks.
Valley Road to the east is a Sub Arterial Road under Council control.

Figure 1: Subject Site and Locality Map – Subject site in blue, locality marked in red.

3. CATEGORY OF DEVELOPMENT

PER ELEMENT
Telecommunications Facility – Performance Assessed.

OVERALL APPLICATION CATEGORY
Code Assessed - Performance Assessed

REASON
Planning and Design Code

4. PUBLIC NOTIFICATION

Reason

Section 6 of Table 5 of the General Neighbourhood provides a list of development that does not require Public Notification and exceptions where development does require Public Notification. Telecommunication Towers are not a listed form of development and do require Public Notification.

99 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

LIST OF OWNERS OR OCCUPIERS NOTIFIED

Name	Address
A I Valenzuela	2/52 Valley Road HOPE VALLEY SA 5090
A K & P A Menon	8 Sunnyview Crescent RIDGEHAVEN SA 5097
C R Desai	2/50 Valley Road HOPE VALLEY SA 5090
C W & F K Rice	1/52 Valley Road HOPE VALLEY SA 5090
City of Tea Tree Gully	571 Montague Road
E A Panawenna & K L Sahabandu	6/54 Valley Road HOPE VALLEY SA 5090
G Singh	2/4 Childs Road
H D Blake	8/54 Valley Road HOPE VALLEY SA 5090
J Singh	1/63 Valley Road HOPE VALLEY SA 5090
L Kong	16A Bradshaw Avenue
L Matricciani	3 Vera Court
Lediaev Nominees Pty Ltd	46 Valley Road HOPE VALLEY SA 5090
Miss C Mills	3/50 Valley Road HOPE VALLEY SA 5090
Mr A & Mrs FSA Richter	4 Bradshaw Avenue
Mr A & Mrs H Sancin	17A Leeds Avenue HOPE VALLEY SA 5090
Mr A B & Mrs J M Ho	6 Bradshaw Avenue
Mr A P Hoare	74 Valley RoadHOPE VALLEY SA 5090
Mr A S Gowling	C/- Equity Realty SA Pty Ltd
Mr A S Tate	5 Eton Avenue

Mr AC Tedesco	PO Box 132 HOPE VALLEY SA 5090
Mr B D Adamson & Ms N J De La Perrelle	16 Tyner Court HOPE VALLEY SA 5090
Mr B J Woods	1/54 Valley Road HOPE VALLEY SA 5090
Mr B R & Mrs B N O'Connor	22 Domain Commons
Mr C A & Mrs K C Everett	30 Trafford Road HOPE VALLEY SA 5090
Mr D P & Mrs E G Beard	22A Trafford Road HOPE VALLEY SA 5090
Mr D R Williams & Ms C L Linnane	2 Bradshaw Avenue
Mr G & Mrs T Axiotis	13 Tyner Court HOPE VALLEY SA 5090
Mr G D & Mrs G Y Robinson	3/52 Valley Road HOPE VALLEY SA 5090
Mr G R Touzeau & Ms G Vapore	14 Bradshaw Avenue
Mr G T & Mrs K Menzel	164 Timberlea Drive
Mr H & Mrs R Soni	65 Linden Avenue
Mr J G & Mrs S M Tilley	57A Valley Road HOPE VALLEY SA 5090
Mr J I & Mrs Z G Lediaev	46 Valley Road HOPE VALLEY SA 5090
Mr J L Piteo & Ms A Hatzigiannis	19 Leeds Avenue HOPE VALLEY SA 5090
Mr J M & Mrs A Navarro	PO Box 3
Mr K A & Mrs M E Sweeney	26 Trafford Road HOPE VALLEY SA 5090
Mr K D & Mrs J K Gruhl	42 Edmund Road
Mr K M Gu & Ms J Y Huo	Unit 2/54 Valley Road HOPE VALLEY SA 5090
Mr K Safaeei & Mrs M Ostovan	33 Rogers Street
Mr M & Mrs M Babbel	20 Trafford Road HOPE VALLEY SA 5090
Mr M & Mrs S Sancin	22 Trafford Road HOPE VALLEY SA 5090
Mr M A & Ms A K Coombe	78A Valley Road HOPE VALLEY SA 5090
Mr M A De Rooy	3 Leeds Avenue HOPE VALLEY SA 5090
Mr M Bedi & R Sachdeva	7 Spenfeld Court HOPE VALLEY SA 5090
Mr M R Howard & Ms J A Eckermann	72 Valley Road HOPE VALLEY SA 5090
Mr MR Rowe	14 Tyner Court HOPE VALLEY SA 5090
Mr N J & Mrs L Hamilton	2 Lenbar Court HIGHBURY SA 5089
Mr N P & Mrs J M Waldron	11 Leeds Avenue HOPE VALLEY SA 5090
Mr N W Glaser	PO Box 1531 KERSBROOK SA 5231
Mr P G & Mrs L J Halliday	28 Trafford Road HOPE VALLEY SA 5090
Mr P J & Mrs H P Verheyen	4 Tyner Court HOPE VALLEY SA 5090
Mr P L Wijedasa	12 Bradshaw Avenue HIGHBURY SA 5089
Mr P Moschos	9 Tyner Court HOPE VALLEY SA 5090
Mr P Nardecchia & Ms H M Pierson	1/69 Valley Road HOPE VALLEY SA 5090
Mr P P Perera & Ms S R Samarakone	16 Trafford Road HOPE VALLEY SA 5090
Mr R A & Mrs B See	7A Tyner Court HOPE VALLEY SA 5090
Mr R A & Mrs B See	C/- Taplin Real Estate 99 Gouger Street ADELAIDE SA 5000
Mr R Ismaiel-Zada	21 Trafford Road HIGHBURY SA 5089
Mr S & Mrs AL Primiero	1097 Lower North East Road HIGHBURY SA 5089
Mr S A Bajjali	26/69 Valley Road HOPE VALLEY SA 5090

Mr S R Blackeby	15 Tyner Court HOPE VALLEY SA 5090
Mr SR Giles	8 Tyner Court HOPE VALLEY SA 5090
Mr T B Williams & Ms M J White	72A Valley Road HOPE VALLEY SA 5090
Mr T M & Mrs S D Barabas	6 Prosperity Way ATHELSTONE SA 5076
Mr T M Gemmell & Ms K M Hewton	5 Tyner Court HOPE VALLEY SA 5090
Mr V & Ms R Meccariello & Trustee For The Vita Family Trust	15 Athos Place PARADISE SA 5075
Mr V A & Mrs G Fusco	16 Bradshaw Avenue HIGHBURY SA 5089
Mr W A & Mrs L Grzeszczak	18 Trafford Road HOPE VALLEY SA 5090
Mr W G & Mrs J M Kemp	1/9 Leeds Avenue HOPE VALLEY SA 5090
Mr W Wu & Ms Y Zhao	4/56-60 Valley Road HOPE VALLEY SA 5090
Mrs A & Mr H K Rajput	59 Valley Road HOPE VALLEY SA 5090
Mrs A & Mr H K Rajput	59 Valley Road HOPE VALLEY SA 5090
Mrs A & Ms G Vapore	10 Bradshaw Avenue HIGHBURY SA 5089
Mrs B J Ashmore	8 Bradshaw Avenue HIGHBURY SA 5089
Mrs BK Kunhegyesy	2/9 Leeds Avenue HOPE VALLEY SA 5090
Mrs L & Mr N Hall	19 Packers Drive HIGHBURY SA 5089
Mrs M S Mustaca	14 Emma Court
Mrs SM Kellermann	PO Box 205 HIGHBURY SA 5089
Mrs T M Slotnes-O'Brien & Mr O M Slotnes	3 Tyner Court HOPE VALLEY SA 5090
Ms C Yanar	2/69 Valley Road HOPE VALLEY SA 5090
Ms H Khelwaty	18 Bradshaw Avenue HIGHBURY SA 5089
Ms J Lee	7 Bradshaw Avenue HIGHBURY SA 5089
Ms J Lee	7 Bradshaw Avenue HIGHBURY SA 5089
Ms J Rowe	36 Trafford Road HOPE VALLEY SA 5090
Ms L E Archbald	33 Thames Avenue KLEMZIG SA 5087
Ms L Howsam	2/21 Leeds Avenue HOPE VALLEY SA 5090
Ms M Brotherton	16 Hanbury Court OAKDEN SA 5085
Ms M K Roach	5/54 Valley Road HOPE VALLEY SA 5090
Ms N J Cartwright	25/69 Valley Road HOPE VALLEY SA 5090
Ms N J Field	6 Tyner Court HOPE VALLEY SA 5090
Ms S A Aebi	61 Valley Road HOPE VALLEY SA 5090
Rossdale Developments Pty Ltd	300 Glen Osmond Road FULLARTON SA 5063
S Vijaykumar	10 Tyner Court HOPE VALLEY SA 5090
SA Aboriginal Housing Authority	Asset Services-Housing SA GPO Box 292 ADELAIDE SA 5001
South Australian Housing Trust	GPO Box 1669 ADELAIDE SA 5001
Strata Plan No 12140 Incorp	1/54 Valley Road HOPE VALLEY SA 5090
Strata Plan No 6001 Incorp	1/63 Valley Road HOPE VALLEY SA 5090
Strata Plan No 7151 Incorp	1/67 Valley Road HOPE VALLEY SA 5090
Zotung Family Church South Australia Inc	73 Valley Road HOPE VALLEY SA 5090

Four representations were received, all were not in support of the proposed development and all noted they did not wish to be heard at the Council Assessment Panel meeting.

A copy of the representations received can be found in Attachment 5. Figure 2 shows the notified properties in red and the responses received in green noting that 4 are outside the boundaries of the Figure 1 map.

Name	Address	Position	Wishes to be Heard
		Support Oppose (withdrawn)	Yes No
Paul Lozoraitis	26 Gordon STAGNES SA, 5097 Australia	Oppose	No
Caleb Rice	Unit 1, 52 Valley Rd HOPE VALLEY SA, 5090 Australia	Oppose	No
Emily Hatfield	Level 3, Riverside Centre, North Terrace ADELAIDE SA, 5000 Australia	Oppose	No
Gianna Vapore	10 Bradshaw Ave HIGHBURY SA, 5089 Australia	Oppose	No

Figure 2 shows the notified properties in red and the responses received in red noting that 2 are outside the boundaries of the Figure 2 map.

Figure 1: Subject Site and representations received.

SUMMARY

Concerns raised during public notification can be summarised as follows:

- Need
- EME/Health Concerns
- Property Values
- Visual Impact

A comprehensive summary and response to the concerns raised by the representors has been provided by the applicant and can be found in attachment 6.

5. AGENCY REFERRALS

None Required

6. INTERNAL REFERRALS

None required – With regard to the local heritage item no referral was made to ascertain potential impact by the proposal. The distance to the local heritage place, the existing development in between and proposed landscaping are considered to mitigate the potential for impact.

7. PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Section 9 of this report, and are available on Council's website as a supplementary document.

Land Use

The **General Neighbourhood Zone** does not expressly envisage Telecommunications Towers as a form of development. **General Neighbourhood Zone PO1.3** states *Non-residential development sited and designed to complement the residential character and amenity of the neighbourhood.* The applicants have identified the need for this infrastructure to serve the surrounding area. Given the existing pattern of development through the suburb the site was chosen to have minimal amenity impacts to the locality. The comprehensive landscaping plan will assist to compliment the residential character.

Building Height

General Neighbourhood Zone PO4.1 refers to building heights with the associated **DPF** allowing for development up to 9m or 2 building levels. The proposed equipment shelter complies with the building height in the Zone and the monopole is not included in the definition of 'building height' in the Administrative Terms and Definitions Table in Part 8 of the Code. The proposed development satisfies **General Neighbourhood Zone PO4.1.**

Setbacks, Design & Appearance

The site of the development does not front a public street boundary and is located a minimum of 30m from the boundaries of the allotment. **General Neighbourhood Zone PO8.1** requires a minimum side setback of 0.9m from side boundaries. The proposed development satisfies the setback provisions of the **General Neighbourhood Zone.** The setbacks and design also meet Infrastructure and **Renewable Energy Facilities PO1.1**.

Design PO1.4 relates to technical equipment being integrated into the building design to minimise visibility from the public realm. The wiring for the antennae will be housed inside the monopole to improve the amenity of the structure when viewed from the site and the locality. **Design PO1.4** has been met both with the design of structure and by moving the equipment as far as practicable from sensitive receivers.

Design PO3.1 and PO3.2 stipulate soft landscaping to be incorporated into development and the species selected are locally indigenous and suited to the climate conditions. The applicant has worked with Council during the negotiation of the lease and a landscaping plan has been developed in the lease agreement that specifies plantings that will satisfy **Design PO3.1 and PO3.2**

The report provided in Attachment 7 provides insight into the selection process for this site and the investigation into co locating the equipment on an existing monopole. This is in keeping with **Renewable Energy Facilities PO6.1** which speaks to the minimizing the proliferation of this type of development has been satisfied.

Renewable Energy Facilities PO6.3 states *Telecommunications facilities, particularly towers/monopoles, are located and sized to mitigate visual impacts by the following methods:*

(a) where technically feasible, incorporating the facility within an existing structure that may serve another purpose

Or all of the following

(b) using existing buildings and landscape features to obscure or interrupt views of a facility from nearby public roads, residential areas and places of high public amenity to the extent practical without unduly hindering the effective provision of telecommunications services
(c) using materials and finishes that complement the environment
(d) screening using landscaping and vegetation, particularly for equipment shelters and huts.

The site has been chosen as one of the few non-residential land uses in the area so as to minimise the impact on sensitive receivers. There are no structures on the allotment that would minimise the need for a monopole similar to the one proposed. The site is setback some 75m from the nearest local road and 110m from the nearest sub-arterial road. In addition, it is as far from the nearest sensitive receiver while not impacting the existing land use on the allotment.

The use of earthy tones for the equipment shelter and landscaping surrounding the site will minimise the impact to the allotment and the locality.

Renewable Energy Facilities PO6.3 (a) cannot be met due to site constraints however (b), (c) and (d) are considered to be satisfied.

Heritage

The **Local Heritage Place Overlay** is mostly concerned with development that directly involves the heritage item, this includes landscaping, ancillary structures and land use. This is reflected in **Local Heritage Place Overlay DO1** which states *Development maintains the heritage and cultural values of Local Heritage Places through conservation, ongoing use and adaptive reuse.*

Local Heritage Place Overlay PO1.6 *stipulates new buildings and structures are not placed or erected between the primary or secondary street boundaries and the façade of a Local Heritage Place.*

The development does not directly affect the local heritage item with only the monopole and antennae being visible. The site's central location on the allotment also means the impact to the street remains unchanged. **Local Heritage Place Overlay DO1 & PO1.6** are satisfied.

Traffic Impact, Access and Parking

Design PO13.2 states *Ancillary buildings and structures do not impede on-site functional requirements such as private open space provision or car parking requirements and do not result in over-development of the site.*

Transport, Access and Parking PO5.1 and the associated **DPF5.1** provide car parking rates for proposed development found in Table 5. The car parking for the existing recreational uses remain unchanged by this proposal. Table 5 does not provide a car parking rate for telecommunications facilities. Once constructed the facility will not require permanent staffing or deliveries and will not provide on site car parking. The allotment has large areas of car parking to allow for the occasional use when needed for the Telecommunications Facility.

Traffic Impact, Access and Parking has been satisfied.

8. CONCLUSION

The proposed telecommunications facility is considered necessary to satisfy the needs of the community and current and future telecommunication service needs. The proposed facility by its physical form, will have a visual impact to the locality.

The siting of the facility is considered to be appropriate as it balances the need for telecommunications coverage and the visual impact of the tower.

On balance, the proposal is considered acceptable and warrants Planning Consent subject to conditions.

9. PLANNING & DESIGN CODE POLICIES

General neighbourhood Zone
PO1.1, PO3.1, PO4.1, PO5.1, PO8.1

Local Heritage Place Overlay
DO1, PO1.6

Renewable Energy Facilities
PO1.1, PO6.1, PO6.2, PO6.3

Design
PO1.4, PO3.1, PO3.2

Transport, Access and Parking
PO5.1

10. RECOMMENDATION

That pursuant to the authority delegated to the Council Assessment Panel, the Council Assessment Panel:

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

B. Development Application Number 23002769, by Telstra Corporation Limited is granted Planning Consent subject to the following conditions and advisory notes:

CONDITIONS

Condition 1
The development shall be undertaken, completed and maintained in accordance with the plan(s) and information detailed in Application No. 23002769

In particular –
- The site plan site works and elevations submitted by Telstra Drawing Number S108226, Sheet numbers S1, S1-1, S1-2, S3, and
- The landscape Design Plan submitted by the City of Tea Tree Gully drawing number HVS/23/01.

Condition 2
The entire structure must be finished in an unobtrusive, natural, earthy colour. The paintwork or pre-coloured steel finish must be maintained in good condition at all times. This condition must be complied with within 2 months of the erection of the structures.
Reason: To preserve and enhance the amenity of the site and locality.

Condition 3

Any type of graffiti which occurs on the subject land shall be removed within seven (7) days of its occurrence.
Reason: To preserve the amenity of the locality.

Condition 4
The planting and landscaping identified on the landscaping plan submitted with the application must be completed in the first planting season concurrent with or following commencement of the use of the telecommunications facility. Such planting and landscaping must not be removed nor the branches of any tree lopped and any plants which become diseased or die must be replaced by suitable species.
Reason: To maintain the amenity of the site and locality.

ADVISORY NOTES

GENERAL NOTES

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.

2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.

3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
    a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or
    b. if an appeal is commenced—
        i. until the appeal is dismissed, struck out or withdrawn; or
        ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

PLANNING CONSENT NOTES

1. The granting of this consent does not remove the need for the applicant to obtain all other consents that may be required by other statutes or regulations.

2. The applicant/developer is reminded of its general environmental duty, as required by section 25 of the *Environment Protection Act 1993*, to take all reasonable and practical measures to ensure the activities on the site (including during construction) do not pollute the environment in a way which causes or may cause environmental harm. This includes being mindful of and minimising off site noise, dust and vibration impacts associated with development.

3. The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Attachments

Report Authorisers

Blake O'Neil Senior Planning Officer	8397 7331
Nathan Grainger Manager City Development	8397 7200
Michael Pereira General Manager Community Services	8397 7377

23002769 - 66-68 Valley Road Hope Valley

CITY OF TEA TREE GULLY
Naturally Better

Contact Details

571 Montague Road, Modbury SA 5092
T (08) 8397 7444
TTY (08) 8397 7340
E customerservice@cttg.sa.gov.au
W www.cttg.sa.gov.au

N

Development Locations

Location 1

Location reference
66-68 VALLEY RD HOPE VALLEY SA 5090

Title Ref
CT 5861/387

Plan Parcel
F131691 AL3

Additional Location Information

Council
CITY OF TEA TREE GULLY

Zone Overlays

Zones
- General Neighbourhood

Sub-zones
(None)

Overlays
- Affordable Housing
- Hazards (Flooding - Evidence Required)
- Local Heritage Place
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy

Variations
(None)

Application Contacts

Applicant(s)

Stakeholder info
Telstra Corporation Limited
c/- SAQ Consulting, P O Box 50
Clayfield
QLD
4011
Tel. 0417088000
mark@saqconsulting.com.au

Contact

Stakeholder info
Mr Mark Baade
Tel. 0417088000
mark@saqconsulting.com.au

Invoice Contact

Stakeholder info
Mr Mark Baade
Tel. 0417088000
mark@saqconsulting.com.au

Invoice sector type

Land owners

Stakeholder info
City of Tea Tree Gully
571 MONTAGUE ROAD
MODBURY
SA
5092

Nature Of Development

Nature of development
Telecommunications facility comprising a 30m monopole, antennas, ancillary equipment, equipment shelter and fencing, all located near the south-eastern corner of the subject land.

Development Details

Current Use
Recreation Oval

Proposed Use
Telecommunications facility

Development Cost
$220,000.00

Proposed Development Details
Telecommunications facility comprising a 30m monopole, antennas, ancillary equipment, equipment shelter and fencing, all located near the south-eastern corner of the subject land.

Element Details

You have selected the following elements

Telecommunications facility - $220,000.00

Commercial & Industrial Elements

Does the application include signage?
No

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?
No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?
Unsure

Consent Details

Consent list:
- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?
No

Planning Consent

Apply Now?
Yes

Who should assess your planning consent?
Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?
Relevant Authority

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

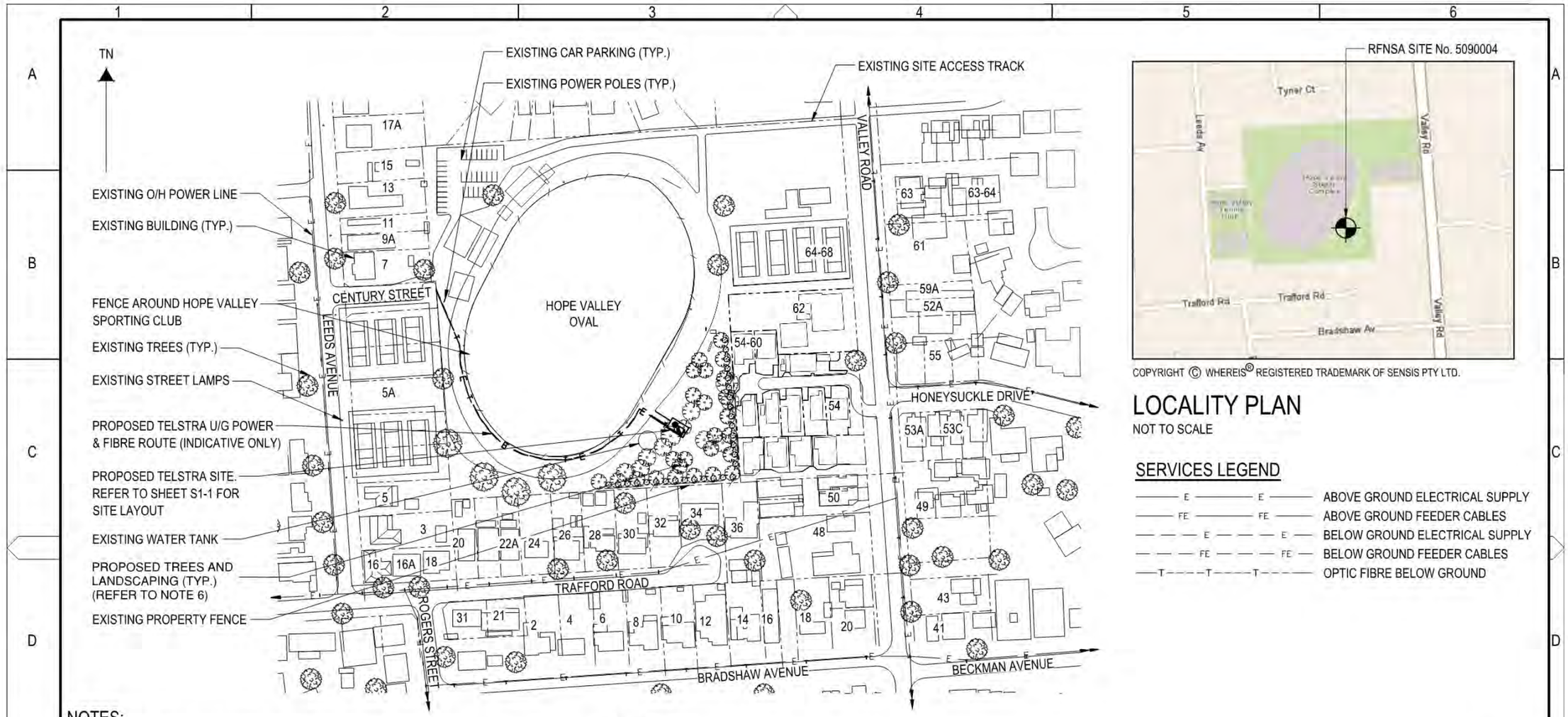
Documents

Document	Document Type	Date Created
Hope Valley Oval_Photomontage set.pdf	Further Information	3 Feb 2023 12:40 AM
Telstra Hope Valley Oval_planning statement_2Feb2 023.pdf	Planning Documents	3 Feb 2023 12:40 AM
Telstra - S108226 - Hope Valley Sports Clu b - 211122v1.pdf	Elevations	3 Feb 2023 12:40 AM
EME- 5090004.pdf	Other Documents	3 Feb 2023 12:40 AM

Application Created User and Date/Time

Created User
mark.baade

Created Date/Time
3 Feb 2023 12:40 AM



LOCALITY PLAN

NOT TO SCALE

SERVICES LEGEND

- E — E — ABOVE GROUND ELECTRICAL SUPPLY
- FE — FE — ABOVE GROUND FEEDER CABLES
- E — E — BELOW GROUND ELECTRICAL SUPPLY
- FE — FE — BELOW GROUND FEEDER CABLES
- T — T — T — OPTIC FIBRE BELOW GROUND

NOTES:

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FIBRE ROUTE AND POWER SUBMAIN ROUTE ARE NOT FINAL AND SUBJECT TO CHANGE UPON PROPERTY OWNER, TELSTRA AND UTILITIES SERVICE PROVIDERS APPROVAL.
5. CLEAR ALL VEGETATION WITHIN THE COMPOUND.
6. PROPOSED TREES PLANTATION AROUND THE AMPLITEL COMPOUND (REFER TO APPROVED LANDSCAPING PLAN DWG HVS/23/01 TEA TREE GULLY.

SITE ACCESS

SCALE 1:2000

20m 0 20m 40m 60m 80m 100m SCALE 1:2000

UNAPPROVED DRAWING

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S1-2

DO NOT SCALE

Description of Land

ALLOTMENT 3 FILED PLAN 131691 IN THE AREA NAMED HOPE VALLEY HUNDRED OF YATALA

SITE STRUCTURE CO-ORDINATES (GDA94) GPS READING ACCURACY: ± 10m CENTRE OF POLE	
LATITUDE	GDA 94 -34.84772
LONGITUDE	GDA 94 138.70073

ServiceStream

Level 10, 8 West Street. North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD - 3008846ZWO179SSNC - NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD - 3008846ZWO179SSNC - LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

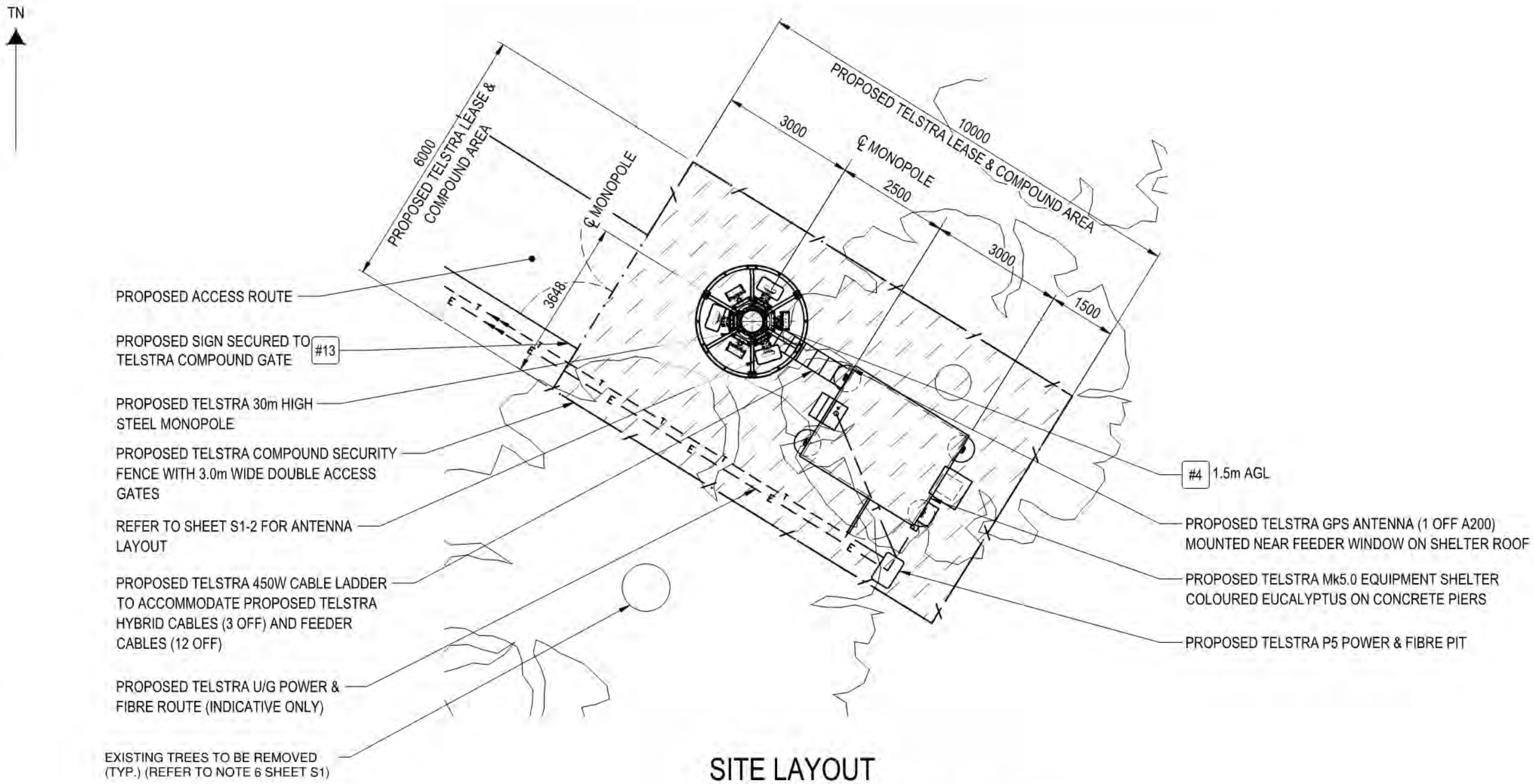
Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
SITE ACCESS AND LOCALITY PLAN
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 SHT NO. S1

Cad file: S108226.dwg A3

Telstra Networks Wireless program Delivery Template - 017868P02 Issue 11.4 XX/XX/ 2015



SITE LAYOUT

SCALE 1:100

1m 0 1m 2m 3m 4m 5m SCALE 1:100

UNAPPROVED DRAWING

NOTES:

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.
5. CLEAR ALL VEGETATION WITHIN THE COMPOUND TO MINIMISE SNAKE ACTIVITY.

PROPOSED TELSTRA LEASE AREA.

DO NOT SCALE

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-2

PRELIMINARY

ServiceStream

Level 10, 8 West Street, North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD - 30088462WO179SSNC - NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD - 30088462WO179SSNC - LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
SITE LAYOUT
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 SHT NO. S1-1

Cad file: S108226.dwg A3

Item 4.2

Attachment 3

TN

PROPOSED TELSTRA LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600 PANEL ANTENNAS (3 OFF A1, A2 & A3) ON PROPOSED MOUNTS

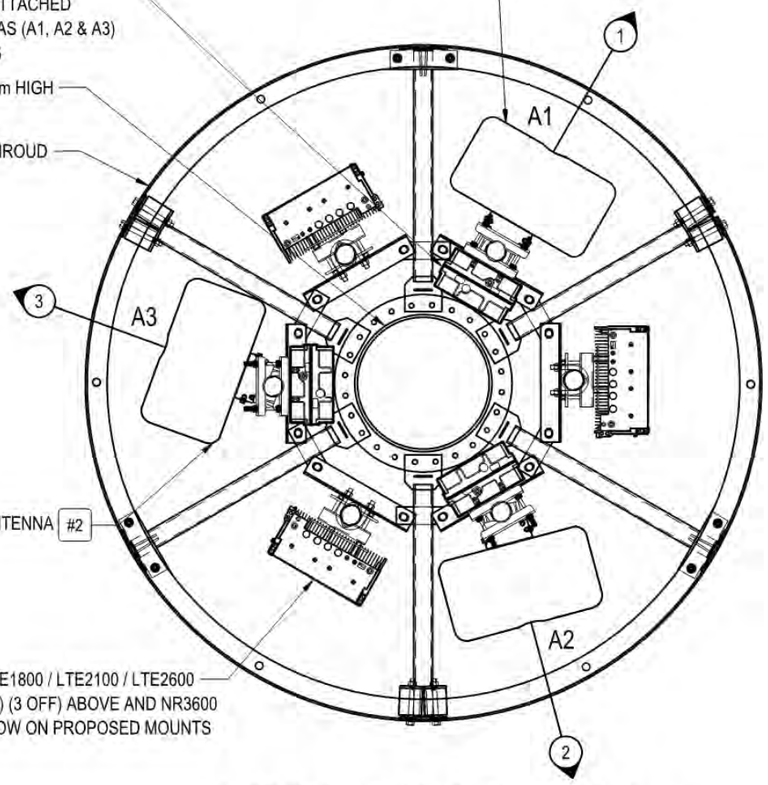
PROPOSED TELSTRA NR850 / LTE700 KA-1031 TMA'S (3 OFF) ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3) ON PROPOSED MOUNTS

PROPOSED TELSTRA 30m HIGH STEEL MONOPOLE

PROPOSED TELSTRA SHROUD

BEHIND EACH PANEL ANTENNA #2

PROPOSED TELSTRA LTE1800 / LTE2100 / LTE2600 RADIO 4466 (B1 / B3 / B7) (3 OFF) ABOVE AND NR3600 RADIO 8863 (3 OFF) BELOW ON PROPOSED MOUNTS



ANTENNA LAYOUT AT EL 28.4m
SCALE 1:20

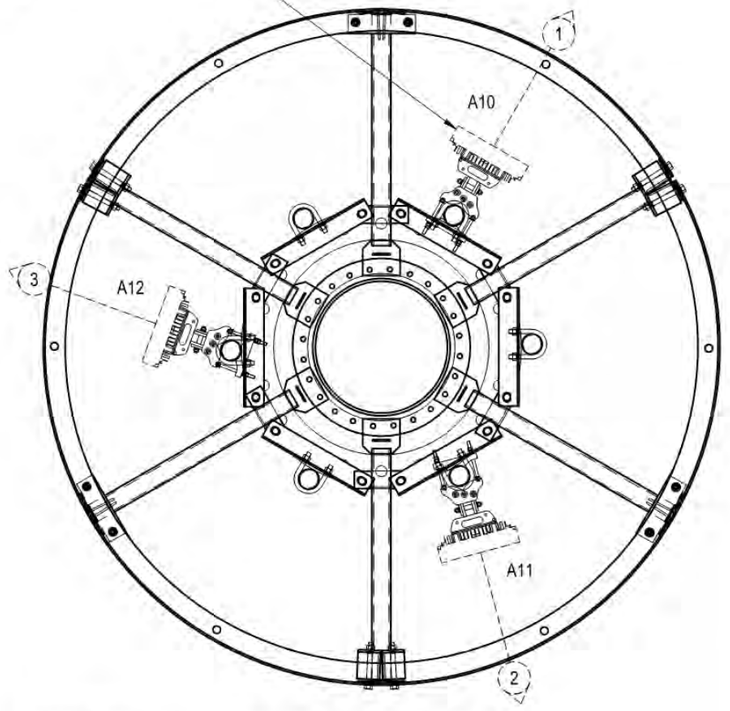
200 0 1000 SCALE 1:20

ANTENNA LEGEND

X AX PROPOSED TELSTRA PANEL ANTENNA

X AX FUTURE TELSTRA PANEL ANTENNA

FUTURE TELSTRA PANEL ANTENNAS (3 OFF A10, A11 & A12) ON PROPOSED MOUNTS



ANTENNA LAYOUT AT EL 26.6m
SCALE 1:20

UNAPPROVED DRAWING

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

DO NOT SCALE

NOTES:
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.

ServiceStream
Level 10, 8 West Street, North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

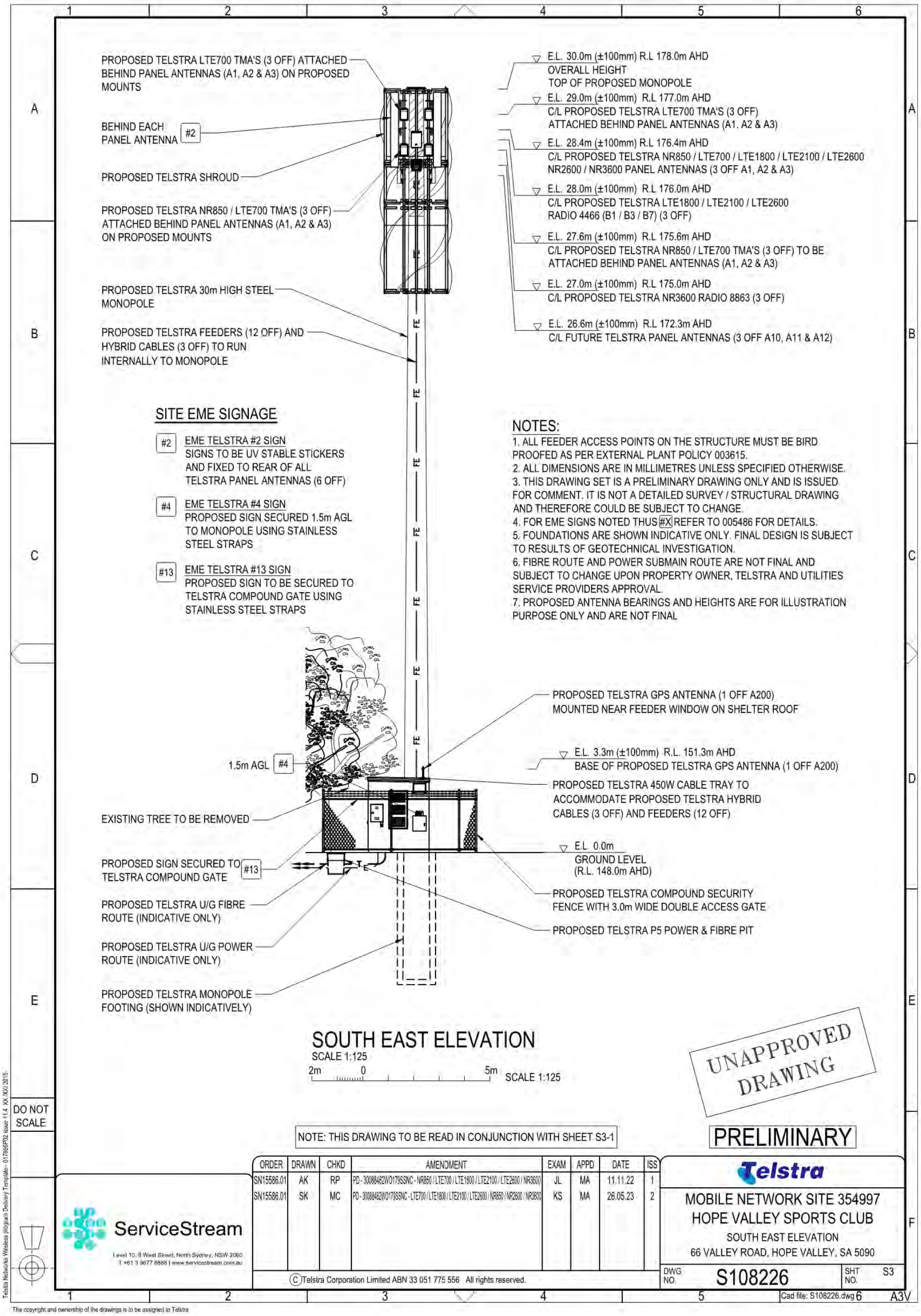
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD-30088462WO179SSNC-NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD-30088462WO179SSNC-LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
ANTENNA LAYOUT
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 SHT NO. S1-2

Cad file: S108226.dwg A3


PROPOSED TELSTRA LTE700 TMA'S (3 OFF) ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3) ON PROPOSED MOUNTS
BEHIND EACH PANEL ANTENNA #2
PROPOSED TELSTRA SHROUD
PROPOSED TELSTRA NR850 / LTE700 TMA'S (3 OFF) ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3) ON PROPOSED MOUNTS
PROPOSED TELSTRA 30m HIGH STEEL MONOPOLE
PROPOSED TELSTRA FEEDERS (12 OFF) AND HYBRID CABLES (3 OFF) TO RUN INTERNALLY TO MONOPOLE
FE
E.L. 30.0m (±100mm) R.L 178.0m AHD
OVERALL HEIGHT
TOP OF PROPOSED MONOPOLE
E.L. 29.0m (±100mm) R.L 177.0m AHD
C/L PROPOSED TELSTRA LTE700 TMA'S (3 OFF)
ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3)
E.L. 28.4m (±100mm) R.L 176.4m AHD
C/L PROPOSED TELSTRA NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600
NR2600 / NR3600 PANEL ANTENNAS (3 OFF A1, A2 & A3)
E.L. 28.0m (±100mm) R.L 176.0m AHD
C/L PROPOSED TELSTRA LTE1800 / LTE2100 / LTE2600
RADIO 4466 (B1 / B3 / B7) (3 OFF)
E.L. 27.6m (±100mm) R.L 175.6m AHD
C/L PROPOSED TELSTRA NR850 / LTE700 TMA'S (3 OFF) TO BE
ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3)
E.L. 27.0m (±100mm) R.L 175.0m AHD
C/L PROPOSED TELSTRA NR3600 RADIO 8863 (3 OFF)
E.L. 26.6m (±100mm) R.L 172.3m AHD
C/L FUTURE TELSTRA PANEL ANTENNAS (3 OFF A10, A11 & A12)
SITE EME SIGNAGE
#2 EME TELSTRA #2 SIGN
SIGNS TO BE UV STABLE STICKERS AND FIXED TO REAR OF ALL TELSTRA PANEL ANTENNAS (6 OFF)
#4 EME TELSTRA #4 SIGN
PROPOSED SIGN SECURED 1.5m AGL TO MONOPOLE USING STAINLESS STEEL STRAPS
#13 EME TELSTRA #13 SIGN
PROPOSED SIGN TO BE SECURED TO TELSTRA COMPOUND GATE USING STAINLESS STEEL STRAPS
NOTES:
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.
5. FOUNDATIONS ARE SHOWN INDICATIVE ONLY. FINAL DESIGN IS SUBJECT TO RESULTS OF GEOTECHNICAL INVESTIGATION.
6. FIBRE ROUTE AND POWER SUBMAIN ROUTE ARE NOT FINAL AND SUBJECT TO CHANGE UPON PROPERTY OWNER, TELSTRA AND UTILITIES SERVICE PROVIDERS APPROVAL.
7. PROPOSED ANTENNA BEARINGS AND HEIGHTS ARE FOR ILLUSTRATION PURPOSE ONLY AND ARE NOT FINAL
PROPOSED TELSTRA GPS ANTENNA (1 OFF A200) MOUNTED NEAR FEEDER WINDOW ON SHELTER ROOF
E.L. 3.3m (±100mm) R.L. 151.3m AHD
BASE OF PROPOSED TELSTRA GPS ANTENNA (1 OFF A200)
1.5m AGL #4
PROPOSED TELSTRA 450W CABLE TRAY TO ACCOMMODATE PROPOSED TELSTRA HYBRID CABLES (3 OFF) AND FEEDERS (12 OFF)
EXISTING TREE TO BE REMOVED
E.L. 0.0m
GROUND LEVEL
(R.L. 148.0m AHD)
PROPOSED SIGN SECURED TO TELSTRA COMPOUND GATE #13
PROPOSED TELSTRA COMPOUND SECURITY FENCE WITH 3.0m WIDE DOUBLE ACCESS GATE
PROPOSED TELSTRA U/G FIBRE ROUTE (INDICATIVE ONLY)
PROPOSED TELSTRA P5 POWER & FIBRE PIT
PROPOSED TELSTRA U/G POWER ROUTE (INDICATIVE ONLY)
PROPOSED TELSTRA MONOPOLE FOOTING (SHOWN INDICATIVELY)
SOUTH EAST ELEVATION
SCALE 1:125
2m 0 5m SCALE 1:125
UNAPPROVED DRAWING
DO NOT SCALE
NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3-1
PRELIMINARY
ORDER DRAWN CHKD AMENDMENT EXAM APPD DATE ISS
SN15586.01 AK RP PD-30088462WO179SSNC - NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600 JL MA 11.11.22 1
SN15586.01 SK MC PD-30088462WO179SSNC - LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600 KS MA 26.05.23 2
Telstra
MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
SOUTH EAST ELEVATION
66 VALLEY ROAD, HOPE VALLEY, SA 5090
DWG NO. S108226
SHT NO. S3
ServiceStream
Level 10, 8 West Street, North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au
© Telstra Corporation Limited ABN 33 051 775 556 All rights reserved.
Cad file: S108226.dwg A3V
Telstra Networks Wireless program Delivery Template - 017966P02 issue 11.4 XX.XXI.2015
The copyright and ownership of the drawings is to be assigned to Telstra

Environmental EME Report

Location	68 Valley Road, HOPE VALLEY SA 5090		
Date	29/09/2020	**RFNSA No.**	5090004

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at 68 Valley Road, HOPE VALLEY SA 5090. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).
A document describing how to interpret this report is available at ARPANSA's website:
A Guide to the Environmental Report.

A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

The maximum EME level calculated for the **proposed** changes at this site is

4.24%

out of 100% of the public exposure limit, 53 m from the location.

EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	4.23%
50-100 m	4.24%
100-200 m	2.04%
200-300 m	1.17%
300-400 m	0.56%
400-500 m	0.31%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at *http://www.rfnsa.com.au/5090004*.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration.
The proposal would modify the base station to include all the services listed under the proposed configuration.

	Existing		Proposed	
Carrier	**Systems**	**Configuration**	**Systems**	**Configuration**
Telstra			4G, 5G	LTE700 (proposed), LTE1800 (proposed), LTE2100 (proposed), LTE2600 (proposed), NR850 (proposed), NR3500 (proposed)

Issued by: Telstra, NAD (v1.0.115630.38274)
Environmental EME report (v12.3 Feb 2019)

Produced with RF-Map 2.1 (Build 3.0)

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

	Existing configuration			Proposed configuration		
Distance from the site	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
0-50m				12.58	419.62	4.23%
50-100m				12.58	419.85	4.24%
100-200m				8.74	202.55	2.04%
200-300m				5.89	91.89	1.17%
300-400m				4.06	43.77	0.56%
400-500m				3.04	24.47	0.31%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the Communications Alliance Ltd Deployment Code C564:2018 or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
No locations identified				

Issued by: Telstra, NAD (v1.0.115630.38274)
Environmental EME report (v12.3 Feb 2019)

Produced with RF-Map 2.1 (Build 3.0)

Details of Representations

Application Summary

Application ID	23002769
Proposal	Telecommunications facility comprising a 30m monopole, antennas, ancillary equipment, equipment shelter and fencing, all located near the south-eastern corner of the subject land.
Location	66-68 VALLEY RD HOPE VALLEY SA 5090

Representations

Representor 1 - Paul Lozoraitis

Name	Paul Lozoraitis
Address	26 Gordon STAGNES SA, 5097 Australia
Submission Date	31/05/2023 10:42 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 Because it's money grabbing buy the tea tree gully council with no regard of the people that this council represents also distorting the natural look of the area but at the end of the day plan sa and council will be sucked in buy money.	

Attached Documents

Representations

Representor 2 - Caleb Rice

Name	Caleb Rice
Address	Unit 1, 52 Valley Rd HOPE VALLEY SA, 5090 Australia
Submission Date	03/06/2023 10:49 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 oppose the development

Reasons
This planning consent should be refused. The tower would be hideous, and will significantly reduce the value of the surrounding houses. We have just purchased our place and the aesthetic value of the property will be reduced significantly with a hideous and humongous tower in the background. Our biggest concern is the radiation from the tower. We are very, very close to the tower's location and are concerned about the electromagnetic radiation. We fear that it may be harmful to us and our animals and that insufficient studies have been undertaken to rule this out. There is a cell tower only 500m away on Lower NE road. We do not see how a second tower is necessary. The tower will also reduce the quality of spectator views at the Oval.

Attached Documents

Representations

Representor 3 - Emily Hatfield

Name	Emily Hatfield
Address	Level 3, Riverside Centre, North Terrace ADELAIDE SA, 5000 Australia
Submission Date	14/06/2023 03:56 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 See attached letter	

Attached Documents

23002769_66-Valley-Road-Hope-Valley_Submission-1234461.pdf

OFFICIAL: Sensitive

Government of South Australia
SA Housing Authority

SA Housing Authority
GPO Box 1669
ADELAIDE SA 5001
DX 550

Tel: 131 299
ABN: 17 545 435 789

www.sa.gov.au/housing
housingcustomers@sa.gov.au

City of Tea Tree Gully Assessment Panel
C/O PlanSA
571 Montague Road,
Modbury SA 5092

Dear Panel Members,

SUBMISSION IN RESPONSE TO THE NOTIFICATION OF DA 23002769 - 66-68 VALLEY ROAD, HOPE VALLEY

This submission is made in response to the notification of Development Application (DA) 23002769, relating to 66-68 Valley Road, Hope Valley (the site). The DA seeks approval for the construction of a new mobile telecommunications facility, incorporating:

- a 30-metre tall monopole located near the south-eastern edge of the oval, on the outside of the track;
- six (6) panel antennas and other necessary equipment (including remote radio units and TMAs), mounted around the pole at two levels and enclosed by a textured shroud;
- a new equipment shelter (2.28m x 3.28m x 3.0m), connected to the monopole by an overhead cabletray; and
- 2.4-metre high security fencing and access gates

This submission has been prepared on behalf of the SA Housing Authority (the Authority). The Authority was notified of this development as the owner of adjoining property to the south of the site. The Authority is generally supportive of development envisaged by the General Neighbourhood Zone, however does not support development that will result in significant impacts on its tenants.

Accordingly, this submission is made in **objection of the proposed development in its current form**. The proposal is not supported with adequate information to assess its impacts, particularly visual impacts, on existing residential development located along Trafford Road.

The applicant's report describes design factors which have been utilised to reduce visual impact on adjoining residential uses, specifically the screening provided by the vegetation and topography; and the non-reflective finish of the headframe.

The proposal is not supported by shadow diagrams or visualisations from Trafford Road to enable evaluation of how effective these design factors are in minimising visual

impact on adjoining residential uses. The views selected for visualisations are a significant distance from the monopole's location. The true scale of the development and its visual impacts cannot be determined from the information provided.

The Authority request that the Panel does not support the development as proposed. It is requested that the Panel seek additional information from the applicant to support a thorough assessment of visual impacts on adjoining residential uses. Specifically, information on the proposed vegetation, its role in mitigating visual impacts and its management is unclear. Additional visualisation addressing homes on Trafford Road are sought.

The Authority does not wish to be heard by the Panel in relation to this matter.

We trust this submission will support your assessment of the proposed development. Should you have any queries regarding this submission, please contact me via the details provided through the PlanSA Portal.

Sincerely,

Emily Hatfield
Urban Planner
Investment & Portfolio Planning – SA Housing Authority

Representations

Representor 4 - Gianna Vapore

Name	Gianna Vapore
Address	10 Bradshaw Ave HIGHBURY SA, 5089 Australia
Submission Date	14/06/2023 03:58 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

I do not support this development. - In 2021, the City of Tea Tree Gully Council commenced a period of consultation with residents likely to be affected by the proposed developed. It is my understanding from speaking with at least four neighbours along my street, Bradshaw Avenue (all of whom would be directly impacted by the visibility of the proposed tower) that they did not receive a letter from the Council giving them the opportunity to provide comment on the proposed development. In fact, a house along Bradshaw Avenue which would have the proposed tower situated behind it, sold earlier this year, and when the real estate agent representing the vendor was asked about the proposed tower, they did not know anything about it, claiming that the vendor had not disclosed this information. Subsequently, I learnt that the vendor later became aware of the proposal and was decent enough to alert the prospective buyer. The fact that not all residents received the consultation letter seems inequitable, diminished the sample size of potential respondents, and denied a portion of those affected by the proposal to have their say. Some of these may well have been opposed to the development. - It is incorrect of Telstra to claim (page 10 of the Public Notification Document) that "Apart from the Telstra small cell on Bradshaw Avenue, there are no existing telecommunications facilities in the locality." The residential area of Bradshaw Avenue, which is will be one area most affected by the visibility of the proposed tower, already has in its range of vision a mobile tower next to Turramurra Recreation centre on Lower North East Rd, as well as the mobile tower located within the Hope Valley reservoir, Awoonga Rd aspect. It seems unlikely therefore, that most of the residential areas between those existing towers are going to see much (if any) improvement in their experience with telecommunications coverage. Personally, I have never experienced dropouts in all the time I have resided in the area, and nor have I heard of any neighbours along Bradshaw Avenue being challenged by poor reception or quality. - Telstra claims in its submission for the proposal that it will result in better coverage and less dropouts. Where is the evidence collected that indicates the percentage of dropouts being experienced by residents, and where are those residents located? - Potential risk of declining house values. Will Telstra compensate residents should they see a significant drop in their house value because of the construction in their backyard? I am confident that if people had a choice when purchasing a home, they would not opt to buy one that had a gaping eyesore of a telecommunications tower in their backyard. For these reasons, I do not approve of this proposed development to proceed.

Attached Documents

3 July 2023

SAQ Consulting Pty Ltd
ABN 76 864 757 592
P O Box 50
Clayfield QLD 4011

Blake O'Neil
Senior Planning Officer
City of Tea Tree Gully
571 Montague Road
MODBURY SA 5092

Dear Blake

RE: Development application – 23002769
Proposed telecommunications facility
Hope Valley Oval, 66-68 Valley Road, HOPE VALLEY

As you are aware, **SAQ Consulting Pty Ltd** acts on behalf of **Telstra Corporation Ltd ('Telstra')** in respect of this application.

The proposal by Telstra is to construct a new telecommunications facility at the Hope Valley Oval, 66-68 Valley Road, Hope Valley. The oval complex is owned by the City of Tea Tree Gully, which has resolved to lease a location near the south-eastern edge of the oval for this purpose. The leasing arrangement has now been finalised.

The subject land is located within the *General Neighbourhood Zone* of the City of Tea Tree Gully pursuant to the Planning and Design Code. The proposal is a 'performance-assessed' kind of development (captured in Zone Table 3 by *All Other Code Assessed Development)*.

I am in receipt of four (4) representations submitted during the public notification period. Three were received from members of the public and the 4th was from the SA Housing Authority.

The key issues raised by the 3 members of the public are:

- Need
- EME/health concerns
- Property values
- Visual impact

There were also issues raised about the Council leasing process (now complete) and the adequacy of consultation, but these are not issues related to the determination of the planning application and in any event are not anything the applicant can respond to.

The SA Housing Authority submission was concerned with visual impact from a property it holds on Trafford Road, which is located to the south of oval. The submission did not

specifically identify which address it was referring to but sought further assessment of visual impacts from this direction. I note none of the other submitters were from Trafford Road.

As you are aware, Telstra supplemented the statutory by separately completing a letterbox drop to the 103 properties identified by Council as the notifiable properties. One email query was received as a direct result of the letterbox drop, which was promptly responded to.

Telstra has also made some changes to the antenna types and configurations within the proposed shroud, none of which change the appearance of the proposal. An updated set of proposal plans is attached, which also incorporates the agreed landscaping plan. A new EME report is also attached as the maximum EME level, as a result of these antenna changes, has reduced to 1.73% of the standard.

This letter constitutes a response to the issues raised in the submissions to assist Council in finalise its assessment.

Need

As set out in detail in the planning statement accompanying the application, the proposed facility is needed to improve Telstra network services in the area. The existing Telstra facilities covering the area are at Modbury Hospital (1.75 kilometres away), Hope Valley Reservoir (1.1 kilometres away) and Hope Valley SA Water Storage on Grand Junction Road (1.4 kilometres away).

As also previously noted, the facility at Turramurra is an Optus and Vodafone facility and is too close to the existing Telstra site at the reservoir and too far from the existing Telstra sites to the north to be useful as a collocation option.

Further, the very fact a Telstra small cell is located on Bradshaw Avenue to improve coverage in that localised area speaks to the fact Telstra coverage from surrounding facilities is inadequate. This is due both to the distance from the area for improvement and the undulating terrain in the area. The small cell, which covers only a small area and has limited capacity, will be decommissioned once the new facility is built.

As also set out in the planning statement, 5G coverage in the area is poor due to the inability of existing facilities to reach this area.

As such, a clear need for the proposed facility has been demonstrated.

EME/Health concerns

Concern was raised with respect to the electromagnetic emissions emitted by the proposed facility and whether adverse health impacts would result.

Concerns over the potential for health impacts from telecommunication facilities are commonly raised during public consultation processes, with the concerns usually focussing on the effect of exposure of humans to electromagnetic energy, or EME.

Telstra acknowledges some people are genuinely concerned about possible health effects from the EME generated by radio frequency technology and are committed to addressing these concerns responsibly.

All radio communications facilities, including the one proposed, emit EME in order to operate. Such facilities include AM and FM radio, television, paging services, emergency services systems such as the Government Radio Network and CB Radio, many of which have been in use for decades.

Telecommunications facilities emit and receive EME to transmit and receive the necessary information associated with mobile handsets operating within that part of the network, but at power levels much less than any of the systems mentioned above.

The proposed facility is designed to accommodate the 4G and 5G requirements for Telstra in this location. As with all cellular networks of this type, sophisticated power management techniques are utilised to constantly monitor power levels and ensure only the minimum amount of power required is used by both the base-station and the handset. This is critical to the network and its proper operation, as it assists in minimising interference from surrounding base-stations.

The current position of the WHO is available in the Online Q&A (updated 21 February 2020) the WHO state: *"Studies to date provide no indication that environmental exposure to RF fields, such as from base stations, increases the risk of cancer or any other disease"*

ARPANSA's position is: *"Based on current research there are no established health effects that can be attributed to the low RF EME exposure from mobile phone base station antennas."*

The EME levels emitted are very low and in the case of the subject proposal were estimated at the time of lodgement to be at maximum 4.24% of the public safety standard (known as RPS S-1) when measured 1.5m above the ground.

The RPS S-1 standard:

- protects all people including children, 24 hours a day, 7 days a week
- is very conservative and includes large reduction factors
- covers all RF EME frequencies including those used by 5G and future technologies
- was developed after a thorough review of all relevant scientific literature in conjunction with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) and an extensive public consultation process

As such, the RPS S-1 standard adopts a conservative and precautionary approach and adequately protects the public and as such the location of the proposed small cell to residential uses, schools or any other land use for that matter is simply not relevant as the protection afforded by the standard does not rely on arbitrary separations. Further, the protection of the public is '24/7' – that is, the amount of time - whether large, small or constant - spent near the facility does not impact the safety provided by the RPS S-1 standard.

As with all mobile telecommunications facilities in Australia, the proposed facility is required to comply at all times with the relevant Radiation Protection Standard (currently RPS S-1) and once operational must have this compliance certified by an accredited person.

However, since the application was lodged Telstra has changed some of the antenna types and configuration within the proposed shroud (none of which can be seen from the public domain) to better optimise the facility, which has resulted in a significant reduction in

maximum EME level to 1.73% of the public safety standard. A copy of the new EME report is attached.

With respect to the planning application, in Council's determination of the planning application before it, it is worthy of note the Environment, Resources and Development Court (ERDC) has examined the issue of telecommunication facility EME in detail, most notably in the matter of *Optus v City of Kensington and Norwood and Frost* (ERDC 344/97).

In its judgment, the Court stated:

> *"We acknowledge the desirability of adopting a precautionary approach to the assessment of risk to humans of new land uses, but we are satisfied that the Australian and New Zealand standard referred to above embraces the precautionary approach and that RFR levels are well within the standard."*

The Court went on to address the issue of perceived amenity, both in relation to the visual impact of the tower and the health implications, and stated:

> *"thus we do not accept that it is reasonable for the residents to perceive that the amenity of the locality would be affected by the proposed development."*

In more recent times, the ERD Court has again had cause to consider the perception of health impacts from mobile phone towers. In *Foresto & Ors v DAC & Ors*[1], the Court stated:

> *"It is not sufficient to simply raise personal concerns or to rely on general material published in various media. This issue and concern has previously been dealt with by this Court and others in Australia, it is regulated by the Commonwealth Government and there has been no finding that I am aware of to reject a telecommunications facility of this kind on the basis of potential health effects on the community. At this time the Court must accept that position." (para. 31)*

The issue has also been considered by other courts across Australia and New Zealand and have resulted in similar outcomes and are further supported by on-going studies into the potential health effects of mobile phones.

Planning SA also stated in the Fact Sheet accompanying the *Telecommunications Facilities Statewide Policy Framework PAR*:

> *"it is not considered appropriate for Development Plan policies to require planning authorities to assess potential public health impacts."*

Notwithstanding that the proposed facility meets the required standard by a significant margin and there is no cause for concern in that regard, the issue of health impacts, perceived or otherwise, is <u>not a relevant planning issue</u> in the determination of this matter.

<u>Impact on property values</u>

There are tens of thousands of mobile telecommunications facilities installed across Australia. Neither Telstra nor SAQ Consulting are not aware of any credible evidence that the

[1] [2005] SAERDC 45

installation of these facilities has had any adverse and direct impact upon property values or leasing values, despite this claim often being made.

Of course, property and leasing values are influenced by many factors, but notwithstanding that the South Australian planning system does not specifically reference land, property or leasing values and certainly not with respect to specific types of development. Instead, the proposal must be assessed against the relevant provisions of the Planning and Design Code.

This approach was reaffirmed by the ERD Court in Foresto & Ors v DAC & Ors, when the Court offered comment on the relevance of property values in respect to a proper assessment of mobile phone towers, stating:

> *"A fourth issue raised by the appellants in documentation (but not the hearing) is the possible affect of the proposal on land values of properties surrounding the recreation area. There is no relevant basis in the Development Plan provisions for an assessment of this issue and it is generally accepted that it is not a relevant factor to be taken into account in planning assessment and decision-making." (paragraph 32)*

As such, the impact on property values is not relevant to the proper assessment of this proposal against the Development Plan and cannot be taken into account by Council as part of its determination.

Visual impact

By their very nature, telecommunications facilities require sufficient height to operate effectively. As such, it will not be possible for the proposed facility to have no visual impact, however it is not required to have 'no impact.'

The ERD Court has previously stated that of the structure of the provisions relating to telecommunications facilities under the Development Plan regime specifically anticipates that there will be detriment caused by such facilities – that is, they are unlikely to improve the appearance of an area. Therefore, the key is to minimise the impact as much as practical whilst still ensuring technical requirements are met. It is important that 'minimising impact' is not construed to mean 'no impact.'

This approach has been endorsed separately by the ERD and Supreme Courts (see Development Assessment Commission v 3GIS Pty Ltd & Anor [2007] SASC 216 para. 72) and is the accepted approach for the assessment of such facilities.

To further set that out, in *DAC v 3GIS* The South Australian Supreme Court said at paragraphs 70-72 (with emphasis added):

> 70 *The function of this part of the Development Plan is to ensure not only that the technological requirements for delivery of the service can be satisfied by a particular installation but that they can be satisfied in a way which minimises what are assumed to be adverse effects on the visual amenity of the locality. It is not a matter of balancing the facility need with the environmental effects and then deciding whether the facility should be installed.*
>
> 71 *The provisions of the Development Plan relating to telecommunications facilities are not cast in the form of weighing that need against any other objectives or principles of the Plan, such as Objective 82. It recognises and*

assumes that telecommunications facilities will have a detrimental effect on visual amenity. Objective 88 makes this clear when it speaks of locating and designing facilities "to minimise" visual impact on the amenity of the local environment. For that reason the Plan encourages the development of low-impact facilities where possible "to minimise" visual impact on local environments. It encourages construction of such facilities in industrial and commercial and appropriate non-residential zones, and it requires facility design and location to ensure that visual impacts on the amenity of local environments are "minimised". Those objectives are developed further in Principles 294-298.

72 *To the extent that a planning authority must ensure that the installation of a proposed facility will minimise the effect on the environment, the planning authority will need to consider, where alternative sites or low-impact facilities are suggested, whether that minimisation can be better achieved by installation of a facility at some other preferred site. But it will also need to consider whether that possible preferred site will meet the facility demand. If it will not, it may be discarded. There may be other reasons why a particular alternative site is inappropriate or impracticable.*

In this case, the facility demand – which is the replacement of an old and now unsuitable facility - can only be met by a new structure of around the height now proposed. There are no existing buildings or structures in the area that are sufficiently tall to provide for a suitable low-impact facility.

Although the above judicial comments relate to the previous Development Plan regime, it is the case that the Planning and Design Code has not materially altered the importance placed by policy on the need for telecommunications facilities. As such, it is reasonable that the approach to the assessment and determination of such facilities should remain unchanged.

In essence, simply having visual impact is not a basis on which telecommunications facilities can or should be refused, with some detrimental impact from such facilities anticipated but minimised. That approach is evidenced by previous comments from the ERD Court in respect of assessing the visual impact of proposed telecommunication facilities such as this. The Court stated a proper approach to assessment must include consideration of all aspects of the proposal, including relevant technical requirements.

In *Telstra Corporation Limited v City of Norwood Payneham & St Peters* (ERD-05-111) the Court stated:

> *"....the Plan does not contemplate a rejection of a telecommunications facility on the grounds of visual intrusiveness alone."*

The visual impact from the subject proposal has been minimised to the extent it can be through the use of a 'slimline' monopole with shrouded antennas. There is nothing further that can be done to the structure to further minimise its impact, as its height is a relatively fixed component.

This is an approach endorsed by the Court in Telstra v Holdfast Bay[2], which involved the construction of a similarly tall monopole near the corner of Jetty and Brighton Roads at Glenelg (also at a Telstra Exchange). The Court noted at paragraph 66 that whilst acknowledging that the facility would be prominent in parts of the locality:

> *"However, not a lot more is possible, whilst fulfilling the technical needs of the appellant. For example, a lower pole would not meet the technical requirements of the appellant and unless it was significantly lower, any further minimisation of visual impact would be marginal."*

In its concluding comments, the Court also noted at paragraph 76:

> *"...that visual amenity impacts on the locality and parts of it will be significant, but they are minimised to an appropriate and acceptable extent and are otherwise difficult to avoid;"*

This comment is highly relevant to the subject proposal, as there is little more that can be done in the existing landscape to reduce the impact of the monopole, particularly when technical requirements dictate the height of the facility.

As such, it is considered the proposed facility is appropriately sited to provide the necessary level of service required whilst minimising its impact to the extent it can (given there is an assumed detrimental impact on amenity) and within the constraints presented by the prevailing configuration of zoning and land use.

It is noted that an extensive landscaping plan, already agreed with Council as part of the leasing arrangement, forms part of the application.

With respect to Trafford Road, which was raised in the SA Housing Authority's submission (but without reference to a specific address), all of the approaches set out above apply and I would draw Council's attention to the significant level difference between the tower location and Trafford Road and also the well-established vegetation along the common boundary, which is shown in the photo below.

[2] [2008] SAERDC 47

As can be seen on the left hand side, the buildings are set so low that views of the facility, especially from the dwelling, are unlikely, whilst the remainder of the dwellings are well screened by vegetation. In reality, the impact is unlikely to be much more than that which already exists due to the numerous floodlight poles in the area, with the nearest dwelling in this direction about 40 metres away.

As such, with respect, I disagree with the submitter that more visual analysis is required as it is quite clear that on any assessment whilst there will be some impact (as fully anticipated) it is not unreasonable or over-bearing in the context of the way in which such facilities need to be assessed. Further, the facility is shrouded and will be painted and landscaped, minimising its impact to the absolute extent it can in the location agreed between Telstra and Council. Overshadowing from such a structure which has very little bulk is unlikely to have any material impact at the distance from the boundary proposed.

Accordingly, the visual impact of the proposed facility has been carefully considered and determined to be both reasonable and appropriate in this instance.

I trust the above and attached information is helpful in both addressing the submissions received and assisting Council in finalising its assessment of the application.

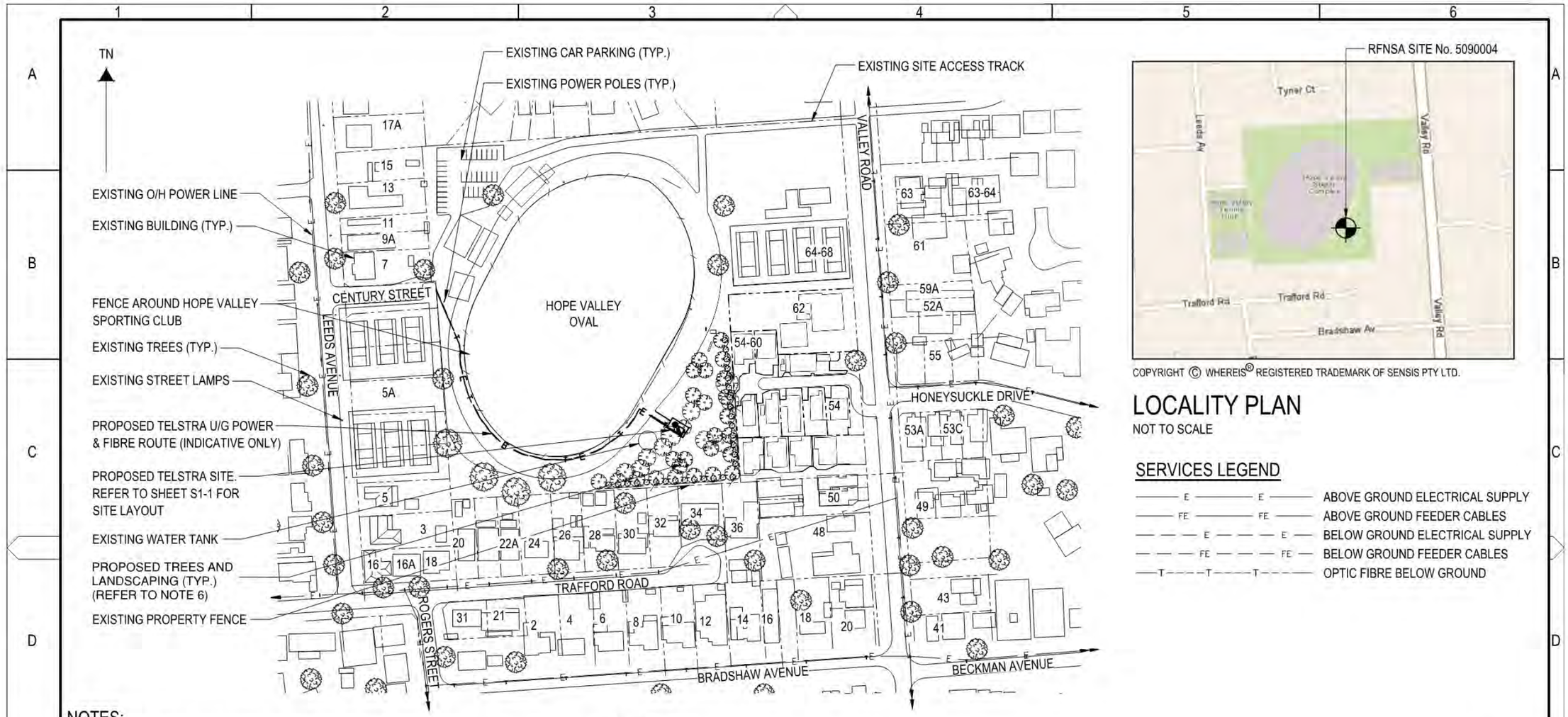
I remain of the view that the proposal represents an appropriately considered and logical placement of an essential piece of telecommunications infrastructure and warrants planning consent.

Should you have any questions, please do not hesitate to contact me.

Yours sincerely

MARK BAADE
B. Plan (Hons)
M: 0417 088 000
mark@saqconsulting.com.au

Attached:
Updated Proposal Plans
Updated EME report



LOCALITY PLAN

NOT TO SCALE

SERVICES LEGEND

- E — E — ABOVE GROUND ELECTRICAL SUPPLY
- FE — FE — ABOVE GROUND FEEDER CABLES
- E — E — BELOW GROUND ELECTRICAL SUPPLY
- FE — FE — BELOW GROUND FEEDER CABLES
- T — T — T — OPTIC FIBRE BELOW GROUND

NOTES:

1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FIBRE ROUTE AND POWER SUBMAIN ROUTE ARE NOT FINAL AND SUBJECT TO CHANGE UPON PROPERTY OWNER, TELSTRA AND UTILITIES SERVICE PROVIDERS APPROVAL.
5. CLEAR ALL VEGETATION WITHIN THE COMPOUND.
6. PROPOSED TREES PLANTATION AROUND THE AMPLITEL COMPOUND (REFER TO APPROVED LANDSCAPING PLAN DWG HVS/23/01 TEA TREE GULLY.

SITE ACCESS

SCALE 1:2000

20m 0 20m 40m 60m 80m 100m SCALE 1:2000

UNAPPROVED DRAWING

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S1-2

DO NOT SCALE

Description of Land

ALLOTMENT 3 FILED PLAN 131691 IN THE AREA NAMED HOPE VALLEY HUNDRED OF YATALA

SITE STRUCTURE CO-ORDINATES (GDA94) GPS READING ACCURACY: ± 10m CENTRE OF POLE	
LATITUDE	GDA 94 -34.84772
LONGITUDE	GDA 94 138.70073

ServiceStream

Level 10, 8 West Street. North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD - 30088462/WO179SSNC - NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD - 30088462/WO179SSNC - LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

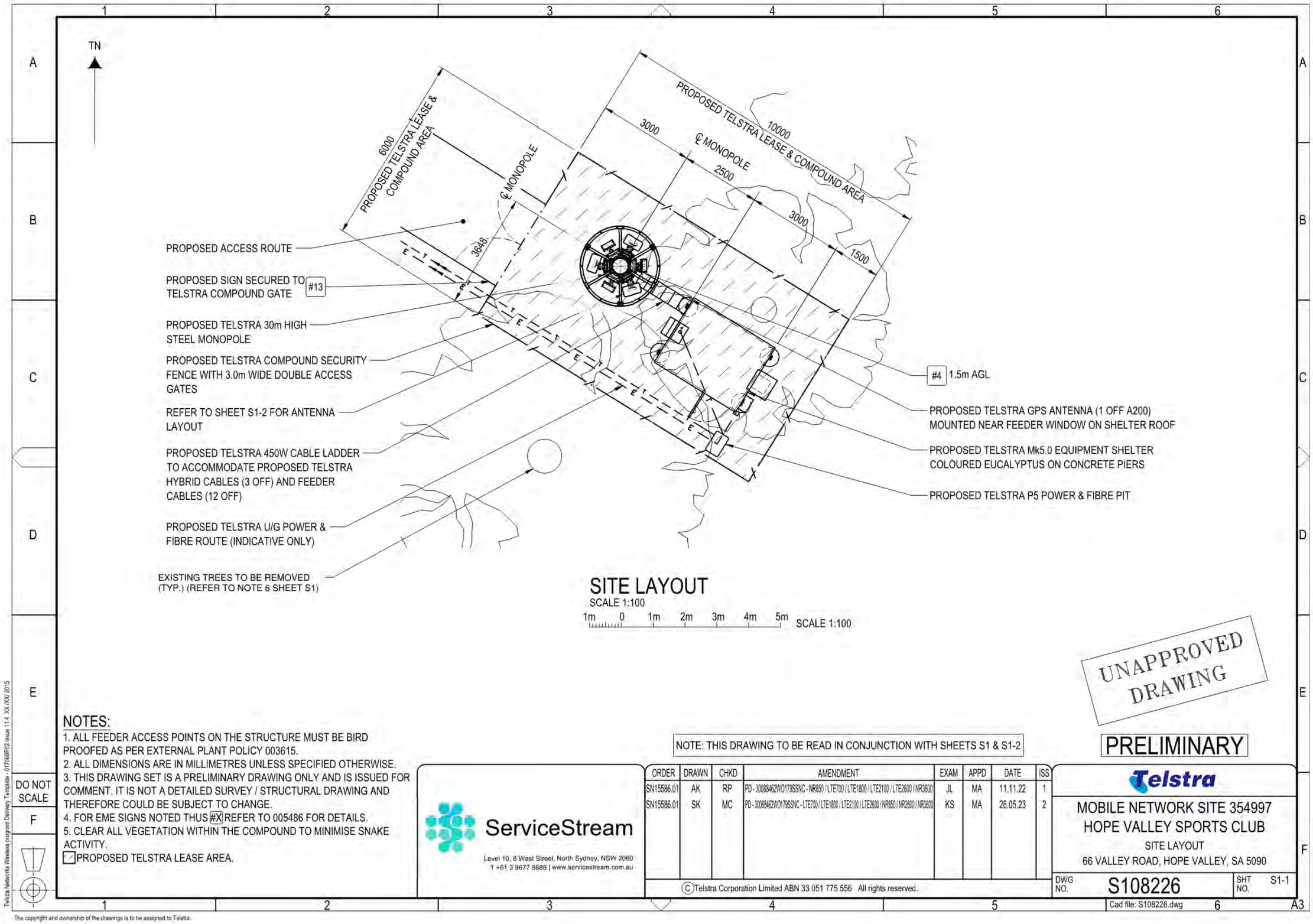
Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
SITE ACCESS AND LOCALITY PLAN
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 SHT NO. S1

Cad file: S108226.dwg A3

Telstra Networks Wireless program Delivery Template - 017868P02 Issue 11.4 XX.XXX.2015



Item 4.2

Attachment 6

TN

PROPOSED TELSTRA LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600 PANEL ANTENNAS (3 OFF A1, A2 & A3) ON PROPOSED MOUNTS

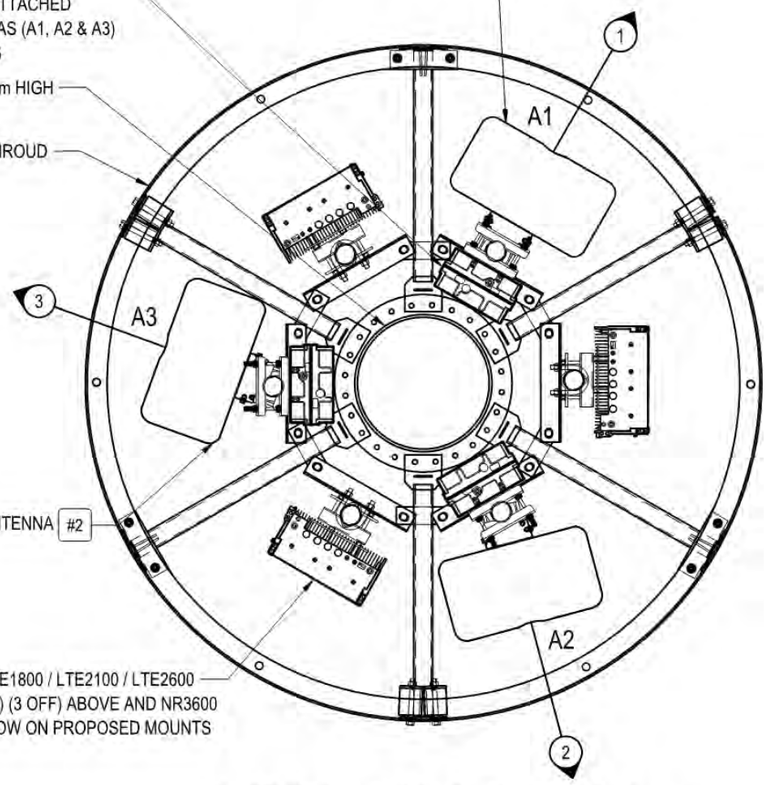
PROPOSED TELSTRA NR850 / LTE700 KA-1031 TMA'S (3 OFF) ATTACHED BEHIND PANEL ANTENNAS (A1, A2 & A3) ON PROPOSED MOUNTS

PROPOSED TELSTRA 30m HIGH STEEL MONOPOLE

PROPOSED TELSTRA SHROUD

BEHIND EACH PANEL ANTENNA #2

PROPOSED TELSTRA LTE1800 / LTE2100 / LTE2600 RADIO 4466 (B1 / B3 / B7) (3 OFF) ABOVE AND NR3600 RADIO 8863 (3 OFF) BELOW ON PROPOSED MOUNTS



ANTENNA LAYOUT AT EL 28.4m
SCALE 1:20

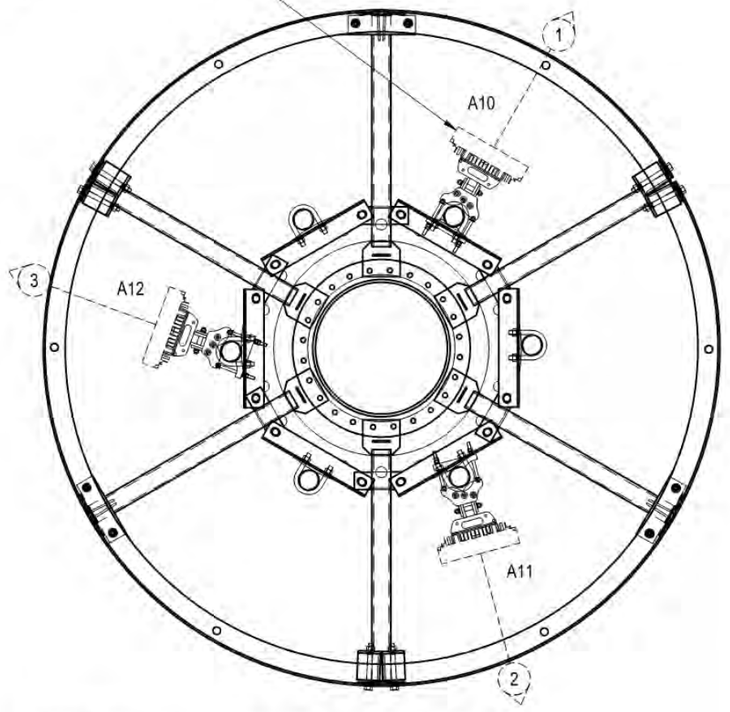
200 0 1000 SCALE 1:20

ANTENNA LEGEND

X AX PROPOSED TELSTRA PANEL ANTENNA

X AX FUTURE TELSTRA PANEL ANTENNA

FUTURE TELSTRA PANEL ANTENNAS (3 OFF A10, A11 & A12) ON PROPOSED MOUNTS



ANTENNA LAYOUT AT EL 26.6m
SCALE 1:20

UNAPPROVED DRAWING

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEETS S1 & S1-1

DO NOT SCALE

NOTES:
1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.
2. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS SPECIFIED OTHERWISE.
3. THIS DRAWING SET IS A PRELIMINARY DRAWING ONLY AND IS ISSUED FOR COMMENT. IT IS NOT A DETAILED SURVEY / STRUCTURAL DRAWING AND THEREFORE COULD BE SUBJECT TO CHANGE.
4. FOR EME SIGNS NOTED THUS #X REFER TO 005486 FOR DETAILS.

ServiceStream
Level 10, 8 West Street, North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

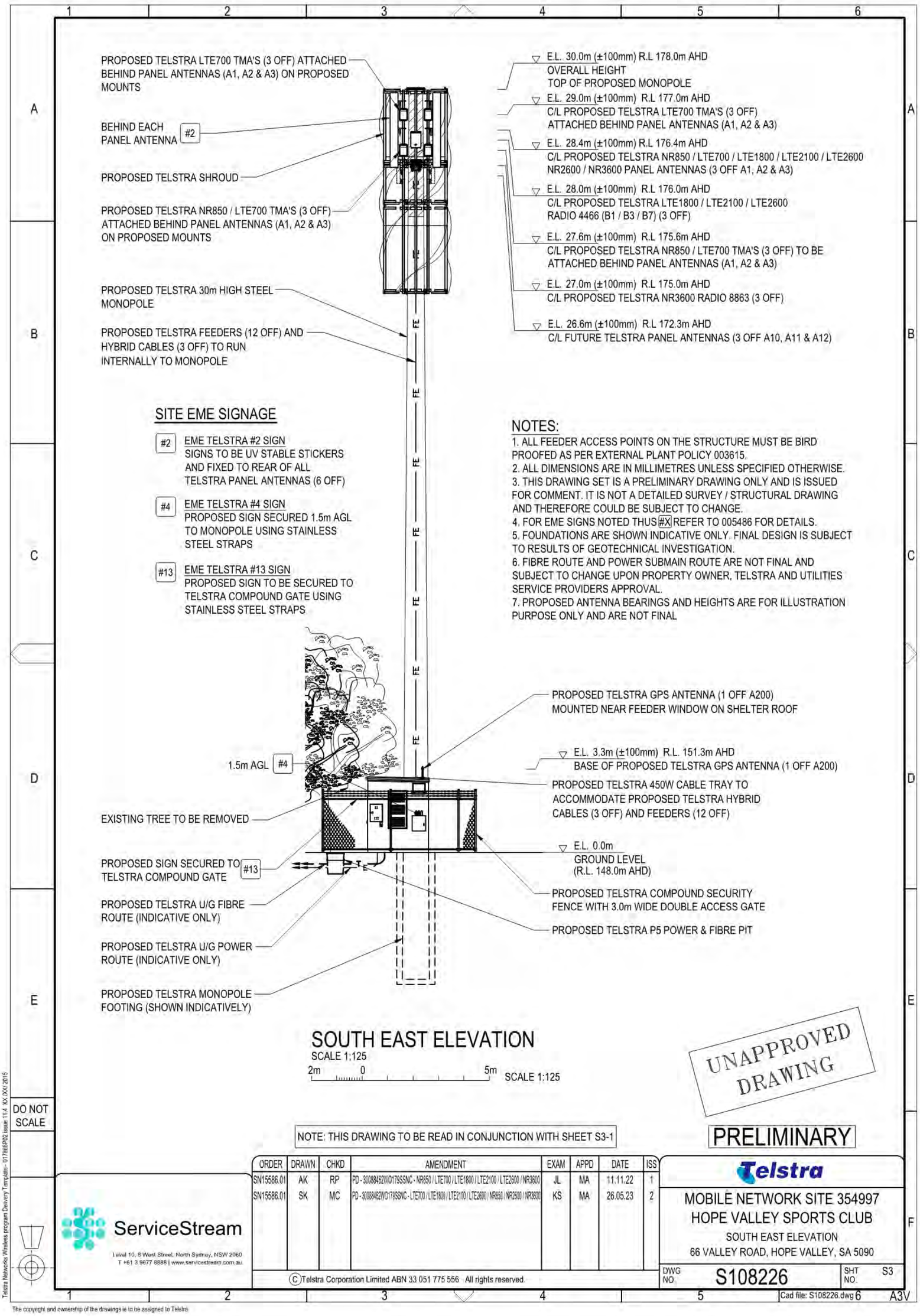
ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD - 30088462WO179SSNC - NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD - 30088462WO179SSNC - LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
ANTENNA LAYOUT
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 SHT NO. S1-2

Cad file: S108226.dwg A3



Item 4.2

Attachment 6

TELSTRA MOBILES ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A1	COMMSCOPE RRV4S4-65D-R5-V4 PANEL 2935 x 565 x 309mm	INSTALL	28.4m	30°	S1: LTE700 / NR850 S1: LTE700 / NR850 S1: LTE700 / NR850 S1: LTE700 / NR850 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: SPARE S1: SPARE S1: SPARE S1: SPARE S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: LTE1800 / LTE2100 / LTE2600 / NR2600 S1: NR3600 S1: NR3600 S1: NR3600 S1: NR3600 S1: NR3600 S1: NR3600 S1: NR3600 S1: NR3600
A2	COMMSCOPE RRV4S4-65D-R5-V4 PANEL 2935 x 565 x 309mm	INSTALL	28.4m	165°	S2: LTE700 / NR850 S2: LTE700 / NR850 S2: LTE700 S2: LTE700 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: SPARE S2: SPARE S2: SPARE S2: SPARE S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: LTE1800 / LTE2100 / LTE2600 / NR2600 S2: NR3600 S2: NR3600 S2: NR3600 S2: NR3600 S2: NR3600 S2: NR3600 S2: NR3600 S2: NR3600

TELSTRA MOBILES ANTENNA CONFIGURATION TABLE

ANTENNA No	ANTENNA TYPE & SIZE H x W x D	ANTENNA ACTION REQUIRED	ANTENNA HEIGHT C/L A.G.L.	PHYSICAL ANTENNA BEARING (°T)	SECTOR NO. & TECHNOLOGY
A3	COMMSCOPE RRV4S4-65D-R5-V4 PANEL 2935 x 565 x 309mm	INSTALL	28.4m	290°	S3: LTE700 / NR850 S3: LTE700 / NR850 S3: LTE700 S3: LTE700 S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: SPARE S3: SPARE S3: SPARE S3: SPARE S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: LTE1800 / LTE2100 / LTE2600 / NR2600 S3: NR3600 S3: NR3600 S3: NR3600 S3: NR3600 S3: NR3600 S3: NR3600 S3: NR3600 S3: NR3600
A10	ERICSSON AIR5121 PANEL 608 x 300 x 144mm	FUTURE	26.6m	30°	-
A11	ERICSSON AIR5121 PANEL 608 x 300 x 144mm	FUTURE	26.6m	165°	-
A12	ERICSSON AIR5121 PANEL 608 x 300 x 144mm	FUTURE	26.6m	290°	-
A200	ERICSSON GPS ANTENNA KRE 101 2082/1 Ø68 x 96mm	INSTALL	BASE OF GPS 3.3m	0°	-

UNAPPROVED DRAWING

PRELIMINARY

NOTE: THIS DRAWING TO BE READ IN CONJUNCTION WITH SHEET S3

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
SN15586.01	AK	RP	PD-30088462WO179SSNC-NR850 / LTE700 / LTE1800 / LTE2100 / LTE2600 / NR3600	JL	MA	11.11.22	1
SN15586.01	SK	MC	PD-30088462WO179SSNC-LTE700 / LTE1800 / LTE2100 / LTE2600 / NR850 / NR2600 / NR3600	KS	MA	26.05.23	2

ServiceStream
Level 10, 8 West Street, North Sydney, NSW 2060
T +61 3 9677 8888 | www.servicestream.com.au

Telstra

MOBILE NETWORK SITE 354997
HOPE VALLEY SPORTS CLUB
ANTENNA CONFIGURATION TABLE
66 VALLEY ROAD, HOPE VALLEY, SA 5090

DWG NO. S108226 | SHT NO. S3-1

Cad file: S108226.dwg | A3

DO NOT SCALE

Telstra Networks Wireless program Delivery Template - 017966P02 Issue 11.4 XX.XXX 2015

EXAMPLE LEGEND

- EXISTING TREE TO BE RETAINED AND PROTECTED
- NEW TREE. *Eucalyptus leucoxylon* megalocarpa
- NEW TREE. *Callistemon* Kings Park Special
- NEW TREE Callistemon sallignus
- NEW TREE Callitris gracilis
- NEW SHRUB *Grevillea olivacea*
- NEW MULCH
- EXISTING TREE TO BE REMOVED to be confirmed on site

PLANT SCHEDULE

SPECIES	COMMON NAME	CODE	SIZE	SPACING	NO.
TREES					
Callistemon 'Kings Park Special'	Bottlebrush	KPS	45LT	AS SHOWN	6
Eucalyptus leucoxylon megalocarpa	Large fruited SA Blue Gum	EL	45LT		15
Callistemon salignus	Willow Bottlebrush	CS	45LT	AS SHOWN	4
Callitris gracillis	Southern Cypress Pine	CG	45LT		28
LARGE SHRUBS					
Grevillea olivacea	Grevillea	GO	140mm	2.0M	70

Approximate heights based on LOCAL conditions within City of Tea Tree Gully

KPS - Kings Park Special - 4-6m
EL - Large fruited SA Blue Gum - 8-10m
CS- Willow Bottle Brush - 6m
CG - Southern Cypress Pine - 8m
GO - Grevillia - 2-3m

V:\Hope Valley Sports - Phone Tower\HVS_Landscape Plan.dwg

NO.	REVISIONS	DATE
A	FOR APPROVAL	MAY 2023

SUPERINTENDENT REPRESENTATIVE
SUPER_REP

SUPERINTENDENT
SUPERINTENDENT_NAME

CITY OF TEA TREE GULLY
CONTACT:(08) 8397 7444
PO BOX 571, MODBURY SA 5092

LANDSCAPE DESIGN PLAN

PROJECT: HOPE VALLEY SPORTS
PHONE TOWER SCREEN

DRAWING: LANDSCAPING PLAN

ADDRESS: 66-68 VALLEY ROAD
HOPE VALLEY

SCALE	1-200 @ A3
PLOT DATE	MAY 2023
DESIGNED	MM
DRAWN	EH
CHECKED	EH

0 2 4 6 8 10m

SHEET 1 OF 1

DRAWING NO.
HVS/23/01

Environmental EME Report

Location	Hope Valley Sporting Club, 66 Valley Road, HOPE VALLEY SA 5090		
Date	19/05/2023	**RFNSA No.**	5090004

How does this report work?

This report provides a summary of levels of radiofrequency (RF) electromagnetic energy (EME) around the wireless base station at Hope Valley Sporting Club, 66 Valley Road, HOPE VALLEY SA 5090. These levels have been calculated by Telstra using methodology developed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA). A document describing how to interpret this report is available at ARPANSA's website: *A Guide to the Environmental Report*.

A snapshot of calculated EME levels at this site

There are currently no existing radio systems for this site.

The maximum EME level calculated for the **proposed** changes at this site is

1.73%

out of 100% of the public exposure limit, 167 m from the location.

EME levels with the proposed changes

Distance from the site	Percentage of the public exposure limit
0-50 m	0.98%
50-100 m	0.26%
100-200 m	1.73%
200-300 m	1.35%
300-400 m	0.59%
400-500 m	0.33%

For additional information please refer to the EME ARPANSA Report annexure for this site which can be found at *http://www.rfnsa.com.au/5090004*.

Radio systems at the site

This base station currently has equipment for transmitting the services listed under the existing configuration. The proposal would modify the base station to include all the services listed under the proposed configuration.

	Existing		Proposed	
Carrier	**Systems**	**Configuration**	**Systems**	**Configuration**
Telstra			4G, 5G	LTE700 (proposed), LTE1800 (proposed), LTE2100 (proposed), NR/LTE2600 (proposed), NR850 (proposed), NR3500 (proposed)

Issued by: Telstra, NAD (v1.0.183650.56241)
Environmental EME report (v12.4 Feb 2021)

Produced with RF-Map 2.1 (Build 3.2)

An in-depth look at calculated EME levels at this site

This table provides calculations of RF EME at different distances from the base station for emissions from existing equipment alone and for emissions from existing equipment and proposed equipment combined. All EME levels are relative to 1.5 m above ground and all distances from the site are in 360° circular bands.

	Existing configuration			Proposed configuration		
Distance from the site	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
0-50m				5.92	93.10	0.98%
50-100m				2.49	16.45	0.26%
100-200m				7.45	147.11	1.73%
200-300m				6.60	115.43	1.35%
300-400m				4.37	50.55	0.59%
400-500m				3.25	28.00	0.33%

Calculated EME levels at other areas of interest

This table contains calculations of the maximum EME levels at selected areas of interest, identified through consultation requirements of the Communications Alliance Ltd Deployment Code C564:2020 or other means. Calculations are performed over the indicated height range and include all existing and any proposed radio systems for this site.

Maximum cumulative EME level for the proposed configuration

Location	Height range	Electric field (V/m)	Power density (mW/m²)	Percentage of the public exposure limit
Hope Valley and Highbury Memorial Institute	0-6 m	0.60	0.97	0.01%
Hope Valley Sports Oval club rooms	0-7 m	0.54	0.77	Less than 0.01%
Lil Sprouts Child Care Early Learning Centre	0-4 m	0.25	0.17	Less than 0.01%
LHI Retirement Services	0-4 m	0.17	0.08	Less than 0.01%
Torrens Valley Christian School	0-6 m	0.20	0.11	Less than 0.01%

Issued by: Telstra, NAD (v1.0.183650.56241)
Environmental EME report (v12.4 Feb 2021)

Produced with RF-Map 2.1 (Build 3.2)

2 February 2023

SAQ Consulting Pty Ltd
ABN 76 864 757 592
P O Box 50
Clayfield QLD 4011

Assessment Manager
City of Tea Tree Gully
571 Montague Road
MODBURY SA 5092

To whom it may concern:

RE: Proposed telecommunications facility
Hope Valley Oval, 66-68 Valley Road, HOPE VALLEY

I advise **SAQ Consulting Pty Ltd** acts on behalf of **Telstra Corporation Ltd ('Telstra')** in respect of this application.

The proposal by Telstra is to construct a new telecommunications facility at the Hope Valley Oval, 66-68 Valley Road, Hope Valley. The oval complex is owned by the City of Tea Tree Gully, which has resolved to lease a location near the south-eastern edge of the oval for this purpose. The leasing arrangement has now been finalised.

The subject land is located within the *General Neighbourhood Zone* of the City of Tea Tree Gully pursuant to the Planning and Design Code. The proposal is a 'performance-assessed' kind of development (captured in Zone Table 3 by *All Other Code Assessed Development)*. Public notification of the proposal is required.

This letter constitutes a detailed planning statement as to the merits of the proposal to assist Council in determining the application.

Need for the Facility

The proposed facility is required to provide improved coverage and network capacity (particularly for data services) in the Hope Valley and Highbury areas, particularly the areas north of Lower North East Road and east of Awoonga Road.

Figure 1 is an extract from www.rfnsa.com.au which shows all current and proposed facilities in the area. Existing Telstra facilities are located to the north-west (Modbury Hospital) and to the south-west (Hope Valley Reservoir) and the north-east (Hope Valley SA Water storage facility, shared with Optus and Vodafone).

Telstra has also deployed two small cells in the locality, including one on Bradshaw Avenue (a short distance from the proposed facility) and one on Xavier Street in Highbury. The Bradshaw Avenue small cell will be removed once the proposed facility is operational.

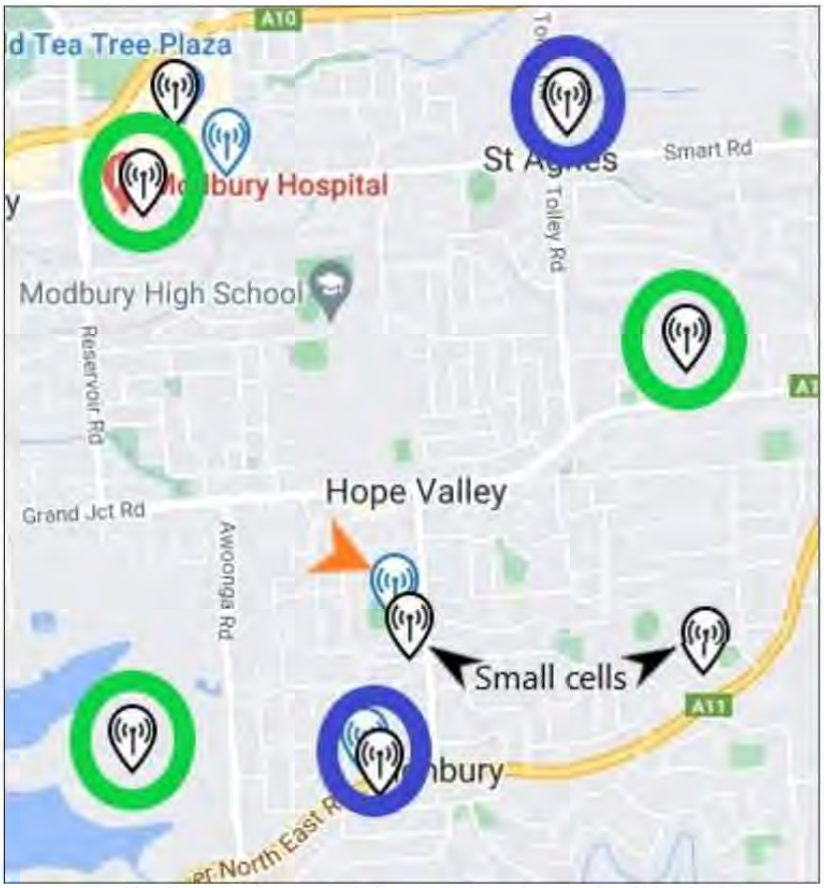


Figure 1: *Extract from www.rfnsa.com.au showing the existing and proposed locations and existing facilities in the wider area (existing Telstra in green)*

The proposed facility has been proposed in a location that will best integrate with Telstra's surrounding network and is positioned roughly halfway between the two existing facilities on the SA Water properties and a suitable distance from Modbury Hospital.

There is also an existing Optus/Vodafone facility at the Turramurra Recreation Centre, but this is not suitable for use by Telstra given Telstra's different network configuration in the area. That facility would be too far south and too close to the existing Hope Valley Reservoir facility to be effective.

There are no other existing facilities in the wider area on which the proposed facility could be located nor are there any sufficiently tall buildings. As such, a new structure is required.

5G services will also be more widely available in the area as a result of the proposal. 5G services are available in parts of the service area, but there are significant gaps to the south and east of the proposed location, primarily caused by topography. Areas north of Grand Junction Road are also poorly serviced by 5G services, but this should improve once 5G is available from the Modbury Hospital facility. The proposed facility will initially provide 5G

coverage to this area and then complement the Modbury Hospital facility, ensuring there is a sufficient network capacity available to customers in the area.

Figure 2 shows the existing Telstra 5G coverage in the area (purple) and the position of the proposed facility. Its construction will result in the underserved areas (shown in grey) receiving significantly new and/or improved levels of 5G service

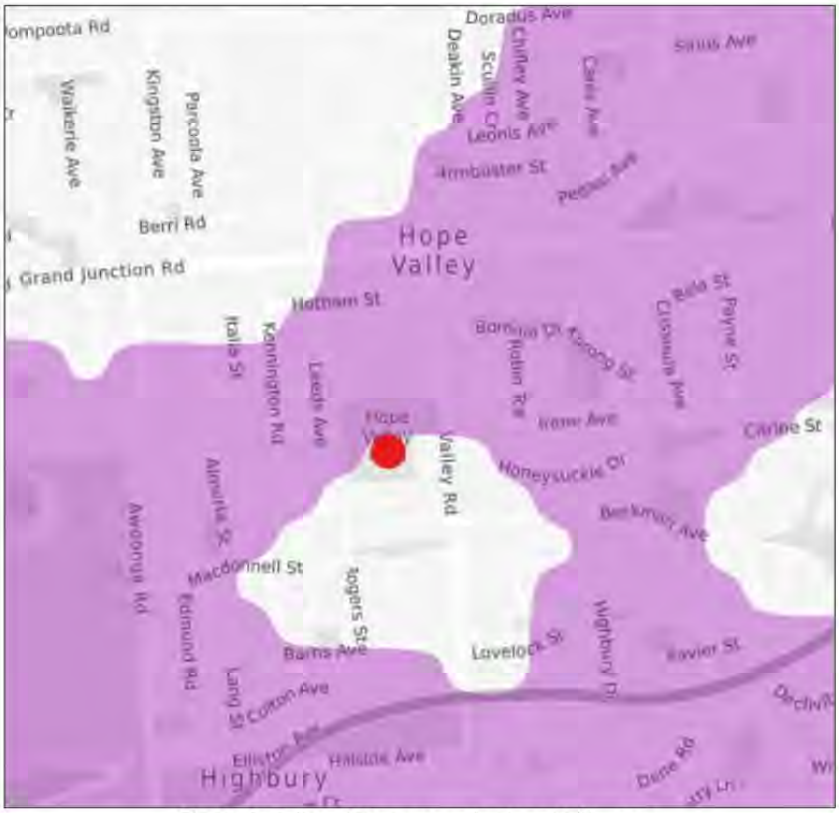


Figure 2: *Telstra 5G coverage in Hope Valley area*
(purple shading indicate 5G coverage, subject proposal marked)
Source: www.telstra.com/coverage

In selecting a suitable location for a new facility, Telstra had regard to the 'precautionary principle' as set out in Appendix A of the *Industry Code C564:2020* for mobile phone base station deployment.

The Subject Land

The subject land is a large, L-shaped allotment fronting Valley Road and with a small secondary frontage to Century Street and is shown in Figure 3 below. The frontage to Valley Road is about 90 metres, with the lot more than doubling in width at the rear.

The subject land is the site of the Hope Valley Oval with the oval effectively located on the top of the hill, with the edges of the land falling away towards the surrounding residential area.

Key features of the subject land include:

- Local heritage-listed building on the Valley Road frontage
- Car-parking and playing courts on the Valley Road frontage
- Playing oval with large curtilage around the entire oval boundary
- Buildings on the western side of the oval associated with sporting clubs etc.
- Established trees, particularly at the north and south of the oval

The proposed facility will be located near the south-eastern corner of the complex, just off the track and amongst some established trees. One existing (non-regulated) tree will need to be removed to accommodate the facility.

The nearest residential boundaries are to the east and south with both approximately 30 metres from the monopole. The residential area to the south is partially screened by established trees on the oval as well as being set lower in the landscape.

Figure 3: *Subject Land with Proposed Facility location marked*

As noted above, the subject land is located within the *General Neighbourhood Zone* pursuant to the Planning and Design Code.

The Locality

The locality, shown in Figure 4 below, is dominated by the oval complex but is otherwise an exclusively residential area. Valley Road is a key thoroughfare in the locality.

The locality's topography is undulating and there are many established street trees in the area.

Apart from the Telstra small cell on Bradshaw Avenue, there are no existing telecommunications facilities in the locality.

Figure 4: *Surrounding locality (location of proposal marked)*

The Proposal

The proposal is to establish a new telecommunications facility at the Hope Valley Oval to provide improved network coverage and capacity to the surrounding area, including improved 5G services.

The details of the proposed facility are shown on the plans submitted with the application, with the proposal consisting of the following key elements:

- a 30-metre tall monopole located near the south-eastern edge of the oval, on the outside of the track;

- six (6) panel antennas and other necessary equipment (including remote radio units and TMAs), mounted around the pole at two levels and enclosed by a textured shroud;
- a new equipment shelter (2.28m x 3.28m x 3.0m), connected to the monopole by an overhead cabletray; and
- 2.4-metre high security fencing and access gates.

It is proposed that the monopole and shroud be painted, with Wattyl N53 blue-grey being the recommended finish in this setting – however, Council can nominate a different colour if it wishes to do so. The monopole facility also allows for future collocation should another carrier wish to do so.

All cables connecting the antennas to the cable tray will be internal to the monopole, except where they exit the monopole to connect to the antennas (which will be within the shroud in any event). The monopole does not have any provision to allow it to be climbed.

Whilst not a relevant planning issue, it is worthy of note that the maximum levels of electromagnetic energy from the proposed facility is estimated at **4.24%** of the exposure limits mandated by the Commonwealth Government. A copy of the standard form EME report is **attached** for Council's information.

The proposed infrastructure will be in compliance with the ACMA EME regulatory arrangements. The facility will also comply with Australian government regulations in relation to emission of electromagnetic energy (EME), this specifically being Australian Standard Radiation Protection Series S-1 Standard for Limiting Exposure to Radiofrequency Fields – 100 kHz to 300 GHz published by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) in 2021.

Assessment against the Planning and Design Code

As noted above, the subject land and proposal is located in the *General Neighbourhood Zone* pursuant to the Planning and Design Code. A telecommunications facility is not specifically listed in any of the tables and is therefore captured by Table 3 as '*All Other Code Assessed Development*.' Public notification of the proposal is also required.

General Neighbourhood Zone

The *General Neighbourhood Zone* does not deal specifically with telecommunications facilities, but this type of infrastructure is commonly sited (and often preferred) in open space/recreation zone areas as well as comprising essential infrastructure for the surrounding residential area.

The zone does not specifically envisage such facilities, which is primarily focussed on providing low and medium density housing, but nonetheless it is recognised that such infrastructure will sometimes be necessary in such zones to ensure appropriate level of service is provided.

The proposed facility has been sited on land not able to be used for housing (and realistically on the only non-residential land use in the area) and provides the ability to locate the proposed facility away from the site boundaries.

To that end, the proposed facility will be ancillary to the on-going use and function of the Hope Valley Oval whilst minimising its impact on residential amenity. However, the facility is necessary for the convenient day-to-day functioning and proper provision of telecommunications infrastructure to the surrounding urban area

For all of these reasons, the zone's desired outcome is not materially impacted.

In terms of the Performance Outcomes for the *General Neighbourhood Zone* sought by the Planning and Design Code (insofar as they are relevant or can be sensibly applied) I note the following:

PO1.1 – the proposed facility provides telecommunications services to the surrounding area, and supports the neighbourhood through the provision of those services, which also contribute significantly to community safety.

PO1.2 – the proposed facility will improve community accessibility to telecommunications services.

PO1.3 – the proposed facility has been sited and designed, by way of its positioning away from the boundaries of the subject (having regard for tree cover and topography) and through the shrouding of all the equipment attached to the monopole, to minimise its impact on the surrounding residential area.

PO1.4 – not applicable.

PO1.5 – not applicable.

PO2.1 – not applicable.

PO2.2 – not applicable.

PO2.3 – no subdivision is proposed or required in this instance.

PO3.1 – the proposed facility has been set back 30 metres from both the southern and eastern residential boundaries of the subject land to minimise its impact. Its location also utilises available screening from both topography and tree cover to the extent possible.

PO4.1 – a telecommunications facility cannot realistically contribute to a low-rise suburban character, as the only key dimension of such facilities are height. However, it is necessary instead to site and design the proposal to minimise its impacts, as has been achieved here.

It is also relevant to note that Part 8 of the Planning and Design Code specifically excludes telecommunications facilities from building height provisions.

PO5.1 – the proposed facility is set well back from the primary Valley Road frontage and has little impact on this streetscape.

PO6.1 – the proposed facility is set well back from the secondary street frontage of Century Street and has little impact on this streetscape.

PO7.1 – not applicable.

PO8.1 – not applicable.

PO9.1 – not applicable.

PO10.1 – not applicable.

PO11.1 – not applicable.

PO11.2 – the siting of the proposed facility has no impact on the functional and on-going requirements of the subject land, including car-parking or open space and does not result in an over-development of the land.

PO12.1 – not applicable.

Overlays
The subject land is affected by a number of overlays. The relevance of each overlay, along with its applicability to the subject proposal, is assessed below.

Affordable Housing
The proposed facility is located on land set aside for sport and recreation. As such, there is no impact on affordable housing outcomes.

Hazards (Flooding – Evidence Required)
The Hope Valley Oval complex is located near the top of a small hill and away from watercourses or other sources of flooding and the risk is therefore very low. Further, the proposed facility is not particularly susceptible to flood damage, nor will it contribute to flooding risk.

Local Heritage Place
A local heritage place is located on the subject land near the Valley Road entrance. The building is more than 120 metres away from the proposed facility and as such there are no material impacts on its heritage values.

Prescribed Wells Area
The proposed facility does not require or impact on any water resources.

Regulated and Significant Trees
The proposed facility will be located where one tree will need to be removed to accommodate the compound. This tree is neither Regulated nor Significant and its removal will have minimal impact. No regulated or significant trees will be impacted by the proposal.

Stormwater Management
The proposed facility has very little 'roof' area and therefore stormwater runoff is minimal. It is anticipated any runoff generated can be discharged to the surrounding land, which has a number of trees and large grassed areas.

Urban Tree Canopy
As noted above, there are no Regulated or Significant trees impacted by the proposal and there will be no noticeable change to the existing urban tree canopy.

Variations
There are no variations affecting the subject land.

General Development Policies
In terms of the General Development Policies contained within the Planning and Design Code, the Infrastructure and Renewable Energy Facilities module is directly relevant.

The development, design and siting of the proposed facility is consistent with the Desired Outcome in that it represents the efficient provision of infrastructure which has minimised hazard and has managed its visual impacts on residential amenity.

With respect to the relevant Performance Outcomes within the module, I note the following :

- The siting of the proposed facility has been selected to maximise the setback from the southern and eastern residential boundaries adjoining the land. The setback is approximately 30 metres and is assisted further by existing tree cover and differences in topography and levels. The proposed facility will not pose any hazard or nuisance to adjacent land uses (PO1.1);

- The siting of the proposed facility balances the need for the essential service to be provided and the structure's impact on local amenity (PO2.1). It is well set back from public roads, is appropriately separated from existing residential uses and is screened to varying degrees in most directions by existing vegetation, topography and buildings.

  A set of photomontages is attached to demonstrate the likely appearance of the structure from several locations in the locality. Although the structure will be visible to varying degrees, its setback from Valley Road, the prevailing tree cover in the area and the undulating topography in the locality will assist in mitigating its impact from many viewpoints and minimise its impacts overall to an acceptable level.

- The proposed facility will not pose any threat to Adelaide Airport operations (PO4.1);

- As set out above no collocation options are available (PO6.1) and a new structure is required in this instance;

- The panel antennas (6 of) and associated equipment are mounted close to the monopole and completely enclosed in a shroud and screened from view, thereby minimising impacts on amenity (PO6.2); and

- In this instance, it is not practicable (or, in my view, necessary) for the proposed facility to serve another purpose, given much of the structure will be at least partially screened from the locality and is well set back from Valley Road. The monopole and shroud (enclosing all the antennas) will be painted to further reduce impacts and complement the surrounds.

  Given the location on the subject land, no landscaping is proposed, as it would have no practical effect on screening the facility, but for reasons of amenity could be incorporated if desired by Council.

As such, the proposal is generally consistent with PO6.3, parts (b), (c) and (d).

Importantly, the proposal occupies only a very small part of the subject land (60sqm) and zone and will not materially interfere with the continuing use of the subject land nor the policies and desired outcomes for the *General Neighbourhood Zone* more generally. It has been sited and designed to minimise its impacts on surrounding residential land uses to an acceptable level.

Given the proposed facility is well sited on the subject land with no material impacts on its continuing use and enjoyment by the community and has minimised its impact on residential amenity through siting and design, the salient issues relevant to the proposed facility have been dealt with extensively above. As such, it is unlikely that any other general development modules could have a significant impact on the merits of the application.

Conclusion

The proposal is to establish a new telecommunications facility at the Hope Valley Oval complex on Valley Road at Hope Valley. The City of Tea Tree Gully has entered into a leasing arrangement with Telstra for the facility.

Having regard to the requirements of the existing network and the applicable policies within the Planning and Design Code, the proposed facility is appropriately located within a residential zone and has no material impacts on traffic, heritage or the natural environment.

It is located with an existing non-residential use and has minimised its impact on both the uses within the subject land and the surrounding residential area to an acceptable level through its design and siting.

In particular, it has been designed such that all the antennas and other necessary equipment attached to the monopole are completely screened from view by the use of a shroud. Both the monopole and shroud are to be painted to further minimise their impacts.

The facility will be seen in the surrounding locality to varying degrees, with topography and existing tree cover playing an important role in the mitigation of any impact. There are no impacts on any Regulated or Significant trees and overall vegetation removal has been minimised.

Importantly, the proposed facility's location and design will not have any material impact on the continuing use of the subject land or surrounding land or the achievement of the desired outcome for the *General Neighbourhood Zone* more generally.

Accordingly, the proposal represents an appropriately considered and logical replacement of an essential piece of telecommunications infrastructure and warrants planning consent.

Should you have any questions, please do not hesitate to contact me.

Yours sincerely

MARK BAADE
B. Plan (Hons)
M: 0417 088 000
mark@saqconsulting.com.au

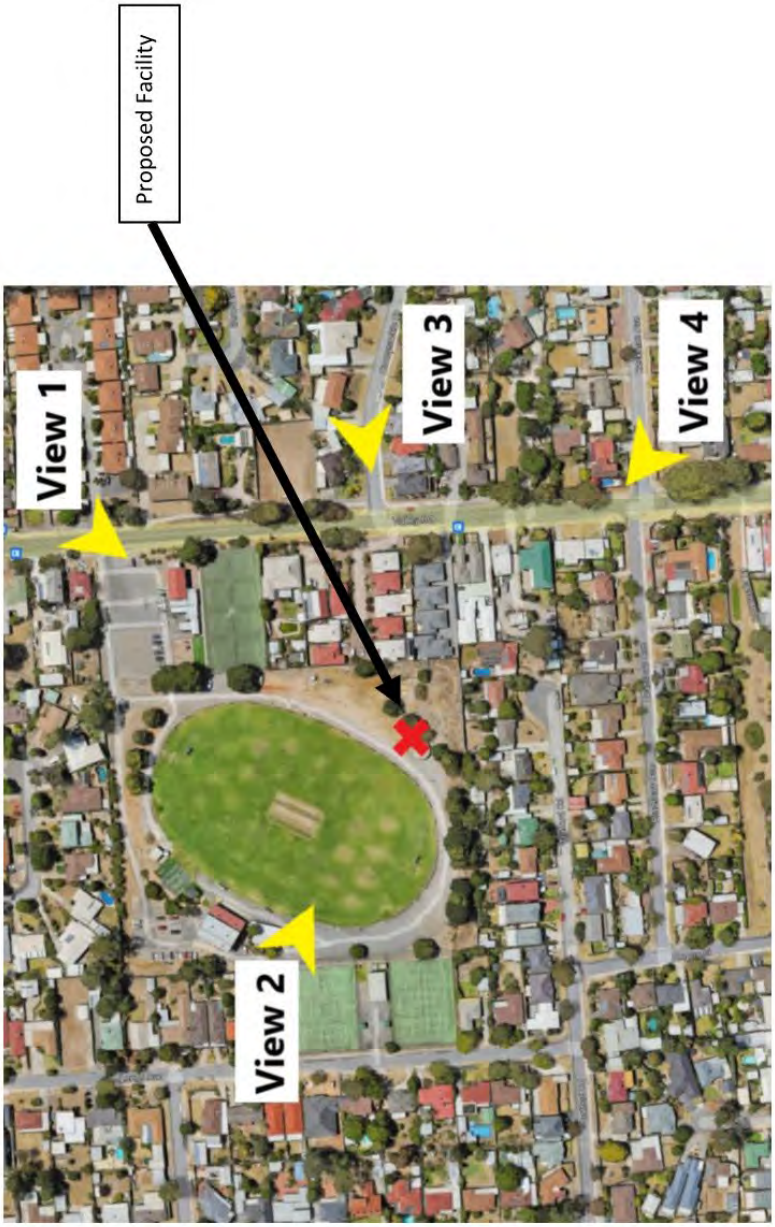
Attached:
Proposal Plans
EME report
Photomontages

SAQ

Proposed Telecommunications Facility

Hope Valley Oval, 66-68 Valley Road, HOPE VALLEY

Photomontage locations



Hope Valley Oval

Photomontages – View 1

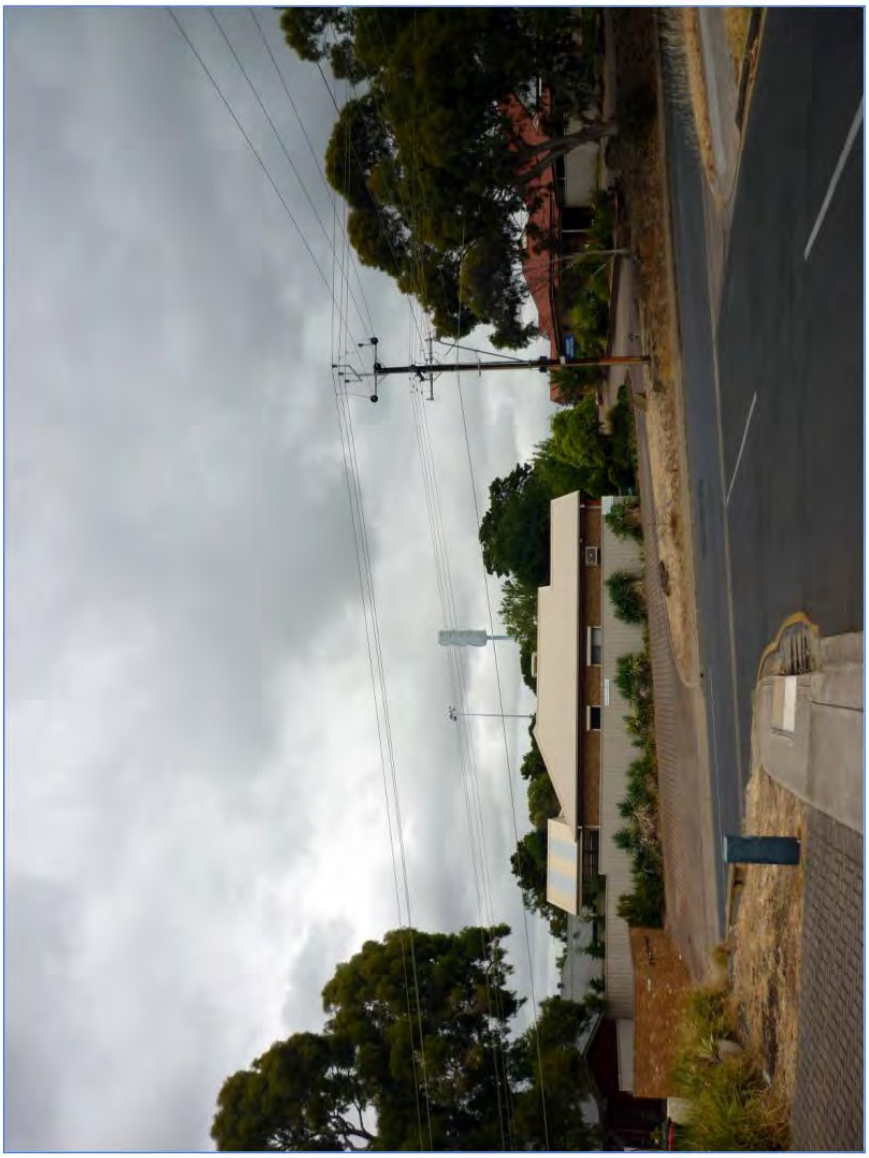
SAQ

Hope Valley Oval

Photomontages – View 2

Hope Valley

Photomontages – View 3



Hope Valley

Photomontages – View 4

EXAMPLE LEGEND

- EXISTING TREE TO BE RETAINED AND PROTECTED
- NEW TREE. *Eucalyptus leucoxylon* megalocarpa
- NEW TREE. *Callistemon* Kings Park Special
- NEW TREE Callistemon salignus
- NEW TREE Callitris gracilis
- NEW SHRUB *Grevillea olivacea*
- NEW MULCH
- EXISTING TREE TO BE REMOVED to be confirmed on site

PLANT SCHEDULE

SPECIES	COMMON NAME	CODE	SIZE	SPACING	NO.
TREES					
Callistemon 'Kings Park Special'	Bottlebrush	KPS	45LT	AS SHOWN	6
Eucalyptus leucoxylon megalocarpa	Large fruited SA Blue Gum	EL	45LT		15
Callistemon salignus	Willow Bottlebrush	CS	45LT	AS SHOWN	4
Callitris gracillis	Southern Cypress Pine	CG	45LT		28
LARGE SHRUBS					
Grevillea olivacea	Grevillea	GO	140mm	2.0M	70

Approximate heights based on LOCAL conditions within City of Tea Tree Gully

KPS - Kings Park Special - 4-6m
EL - Large fruited SA Blue Gum - 8-10m
CS- Willow Bottle Brush - 6m
CG - Southern Cypress Pine - 8m
GO - Grevillia - 2-3m

NO.	REVISIONS	DATE
A	FOR APPROVAL	MAY 2023

SUPERINTENDENT REPRESENTATIVE
SUPER_REP

SUPERINTENDENT
SUPERINTENDENT_NAME

CITY OF TEA TREE GULLY
CONTACT:(08) 8397 7444
PO BOX 571, MODBURY SA 5092

LANDSCAPE DESIGN PLAN

PROJECT: HOPE VALLEY SPORTS
PHONE TOWER SCREEN

DRAWING: LANDSCAPING PLAN

ADDRESS: 66-68 VALLEY ROAD
HOPE VALLEY

SCALE	1-200 @ A3
PLOT DATE	MAY 2023
DESIGNED	MM
DRAWN	EH
CHECKED	EH

0 2 4 6 8 10m

SHEET 1 OF 1

DRAWING NO.
HVS/23/01

V:\Hope Valley Sports - Phone Tower\HVS_Landscape Plan.dwg