MATERIAL CHANGE OF USE (CODE ASSESSMENT) - ILLUMINATED TENNIS COURT – 19 ALLINGA CLOSE, BENTLEY PARK – DIVISION 2

L Beaton: 8/7/1562: #1999380

PROPOSAL: ILLUMINATED TENNIS COURT

APPLICANT: P C & S M BUGEJA
C/- TROY RICHARDSON'S BAIS
PO BOX 356
BUNGALOW QLD 4870

LOCATION: 19 ALLINGA CLOSE, BENTLEY PARK

PROPERTY: LOT 11 ON SP127927

PLANNING DISTRICT: WHITE ROCK-EDMONTON

PLANNING AREA: RESIDENTIAL 1

PLANNING SCHEME: CAIRNSPLAN 2009

REFERRAL AGENCIES: NONE APPLICABLE

NUMBER OF SUBMITTERS: NOT APPLICABLE

STATUTORY ASSESSMENT DEADLINE: 4 JUNE 2009

APPLICATION DATE: 13/03/2009

DIVISION: 2

APPENDIX:
1. APPROVED PLAN(S) & DOCUMENT(S)
2. SUPPORTING INFORMATION TO PLANNING REPORT
LOCALITY PLAN

RECOMMENDATION:

That Council approves the Material Change of Use (Code Assessment) application for an Illuminated Tennis Court on land described as Lot 11 on SP127927 located at 19 Allinga Close, Bentley Park, subject to the following:

APPROVED DRAWING(S) AND/OR DOCUMENT(S)

The term ‘approved drawing(s) and/or document(s)’ or other similar expression means:

<table>
<thead>
<tr>
<th>Drawing or Document</th>
<th>Reference</th>
<th>Date</th>
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</thead>
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<tr>
<td>Site Plan</td>
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ASSESSMENT MANAGER CONDITIONS

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s) and in accordance with:-

   a. The specifications, facts and circumstances as set out in the application submitted to Council;

   b. The following conditions of approval and the requirements of Council’s Planning Scheme and the FNQROC Development Manual.

   Except where modified by these conditions of approval.
Timing of Effect

2. The conditions of the Development Permit must be effected prior to Commencement of Use, except where specified otherwise in these conditions of approval.

Landscaping and Screening

3. Landscaping with dense screening qualities must be planted in the vicinity of the tennis court to provide an effective visual screen in order to eliminate or substantially reduce the impact of the floodlights on neighbouring properties.

Illumination Levels

4. Illumination levels parallel to and at a distance of 1.5 metres outside the site for a height of 10 metres must not exceed 8 lux in either the vertical or horizontal plane.

Shading Devices

5. The floodlights must be provided with shading devices to eliminate or substantially reduce the impact of the floodlighting on neighbouring properties.

Hours of Operation

6. The floodlights must not be used after 10.00 pm.

Use of Tennis Court

7. The tennis court must only be used in association with the primary residential use of the land and not for any commercial purpose.

Lawful Point of Discharge

8. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development, all to the requirements and satisfaction of the Chief Executive Officer.

ADVICE

1. This approval, granted under the provisions of the Integrated Planning Act 1997, shall lapse two (2) years from the day approval takes effect in accordance with the provisions of Section 3.5.21 of the Integrated Planning Act 1997.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.

3. This approval is solely for the tennis court lighting and does not approve other aspects of the proposed development. All aspects of the proposed development require a Development Permit for Building Work.


EXECUTIVE SUMMARY:
Council is in receipt of an application for development of an Illuminated Tennis Court ancillary to the existing dwelling at 19 Allinga Close, Bentley Park. The proposal meets CairnsPlan requirements regarding setback distances from boundaries and although the illumination level over part of the court would be slightly above the permissible maximum, shields would be applied to the lights in order to reduce illumination to the required level in order to not have a detrimental impact upon adjoining properties.

Approval is recommended subject to the inclusion of conditions relating to screening of the lights to eliminate or substantially reduce their possible impact on other properties in the vicinity, a condition reinforcing acceptable illumination levels, as well as conditions restricting hours of use and type of use, i.e. private, and regulating the discharge of stormwater from the site.

PLANNING CONSIDERATIONS:
Proposal

The proposal is for development on Lot 11 on SP127927 at 19 Allinga Close, Bentley Park, comprising four 8 metre high posts with floodlights i.e. two on either side of a tennis court. Planning approval is required for the installation of floodlights to illuminate the tennis court at night.

The Building Certifier has stated that “The site where the tennis court is to be located is above the adjoining land to the east and below the adjoining lands where dwellings have been established. Consequently landscaping will not effectively screen the tennis court from all adjoining allotments. However trees and shrubs will be established to the perimeter of the tennis court to minimise any adverse visual impact that the tennis court may have on adjoining allotments.”
The Building Certifier has also stated that “Illumination levels parallel to and at a distance of 1.5m outside the site for a height of 10.0m do not exceed 8 lux in either the vertical or horizontal plane” and “The lighting for the tennis court has been designed according to standard practice and the illumination levels will not exceed the criteria set out in the acceptable measures of the code.” Following a request for further information, the Building Certifier stated that “The lighting devices for the tennis court will be provided with devices to reduce the possible impact of lighting on neighbouring properties.” The Building Certifier also stated that “…trees and other vegetation will be established on the site to reduce possible adverse impact of the flood lighting on neighbouring properties. It is considered that the location of trees and vegetation would be better evaluated on site when the lights have been installed.”

Following a further request the Building Certifier provided additional details, stating that a building is not to be located as shown on the diagrams originally provided, but that this does not have an adverse impact on the lighting calculations. The Building Certifier has drawn attention to calculations by the lighting consultants which indicate the spill light in lux at distances of 12 metres and 14 metres from the centre line of the court on X and Y axes (as shown at Appendix 2 of this report). The calculations are taken at the base of the 8 metre high posts supporting the luminaries and the average lux is 5.42, with the maximum being 8 lux at 12 metres from the centre line of the court on the X axis and 13 metres from the centre line on the Y axis. Lux levels would be less further from the lights, including at properties below the tennis court. At a height of 1.5 metre above ground on axis Z however, the lux level is higher than at ground level by 0.6. The lux level at the 14 metre line from the centre line of the court exceeds 8 lux above 1.5 metre height and, to counteract this, back shields would be applied to luminaries where necessary to reduce the lux to the desired level.

The Building Certifier states that “While the site plan indicates the approximate location of the tennis court and lights it can be seen by scale that the 14.0m line from the centre of the court on the X axis, where the average spill lux level is 5.42, the line projects into the rear properties such that the requirements of the planning scheme are met in this case. The same consideration applies to the Y axis for a distance of 16.0m from the centre of the court.

Further the type of light fitting used is to be a 'shoe box' type with a light projection of 50 degrees. As the height of the light poles is 8.0m the light from the fitting will project out horizontally a distance of 9.5m at the angle of 50 degrees. This would more than likely mean that a back shield will not be required because no direct light will project onto adjoining land outside the parameters as outlined in the Illuminated Tennis Court Code.”

**CairnsPlan Assessment**

The site is within a Residential 1 Planning Area in the Edmonton-White Rock Planning District. Assessment is required against the provisions of the Illuminated Tennis Court Code, the purpose of which is “to ensure that an illuminated tennis court does not adversely affect the amenity of the surrounding locality.”
Although any impact on the surrounding area can not be definitely established without the floodlights being erected, based on the information provided by the Building Certifier and the lighting consultants the proposal appears to meet the Acceptable Measures, or can be conditioned to meet the requirements of, the Illuminated Tennis Court Code. Adjoining properties which could be most affected by the floodlighting are three properties at the rear, which have frontage to Dugong Close and are at a lower elevation than the proposed tennis court. While there is a possibility that the lighting could impact upon these properties, it will only project at an angle of 50 degrees from the supporting posts and not directly on to adjoining land, while any detrimental effect could be reduced or eliminated by the planting of appropriate vegetation for screening purposes and by shading devices on the lights, as proposed by the applicants. Approval is therefore recommended subject to the inclusion of conditions including measures to eliminate or substantially reduce the possible impact of the lighting on adjoining properties, the regulation of illumination, restriction on hours and type of use, and the discharge of stormwater from the site.

**HEADWORKS/CONTRIBUTIONS:**

The proposed development does not trigger Developer Headwork Contributions.

Llew Beaton  
Technical Officer  
**Action Officer**

Simon Clarke  
**Manager Development Assessment**
APPENDIX 1: APPROVED PLAN(S) & DOCUMENT(S)

- Indicates 8m high light posts to attached detail.

Proposed Illuminated Tennis Court and Entertainment Building for S & P Bugeja at 19 Allinca St, Bentley Park.
### 3.3 Ev Spill: Graphical Table

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![Diagram](image-url)