

DEVELOPMENT NO.:	22041996
APPLICANT:	Amplitel Pty Ltd C/O Ventia Pty Ltd
ADDRESS:	12-16 KING GEORGE AV NORTH BRIGHTON SA 5048
NATURE OF DEVELOPMENT:	Telecommunications facility in the form of a 26.7 metre monopole and associated plant equipment enclosed in a shed located to the north of Sir Josiah Symon Avenue
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Urban Renewal Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Affordable Housing • Building Near Airfields • Hazards (Flooding) • Hazards (Flooding - General) • Local Heritage Place • Prescribed Wells Area • Regulated and Significant Tree • State Heritage Place • State Heritage Place • State Heritage Place • Stormwater Management • Urban Tree Canopy <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Finished Ground and Floor Levels (Minimum finished ground level is 3.2m AHD; Minimum finished floor level is 3.45m AHD) • Maximum Building Height (Metres) (Maximum building height is 22m) • Concept Plan (Concept Plan 4 - Minda Incorporated Brighton Campus - North Brighton) • Maximum Building Height (Levels) (Maximum building height is 6 levels)
LODGEMENT DATE:	18 Jan 2023
RELEVANT AUTHORITY:	Assessment panel at City of Holdfast Bay
PLANNING & DESIGN CODE VERSION:	2022.24
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes
RECOMMENDING OFFICER:	Alexander Stamatopoulos Development Officer - Planning
REFERRALS STATUTORY:	Nil
REFERRALS NON-STATUTORY:	Nil

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APPENDIX 1: Relevant P&D Code Policies
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DETAILED DESCRIPTION OF PROPOSAL:

The application seeks the construction of a telecommunications facility in the form of a 26.7 metre high monopole and associated plant equipment. The plant equipment will be housed in an outbuilding that is 6.21m long x 5.45m wide and 2.4m high.

The building works will be conducted close to a significant River Red Gum that contain a trunk circumference of 3.72m. The tree is located to the east of the proposed works. An arborist report was provided by the applicant in the submission documents assessing the suitability of the building works and their proximity to the significant tree. The application was also reviewed by the Council's consulting arborist who did not object to the proposal subject to conditions being placed on consent.

SUBJECT LAND & LOCALITY:

Site Description:

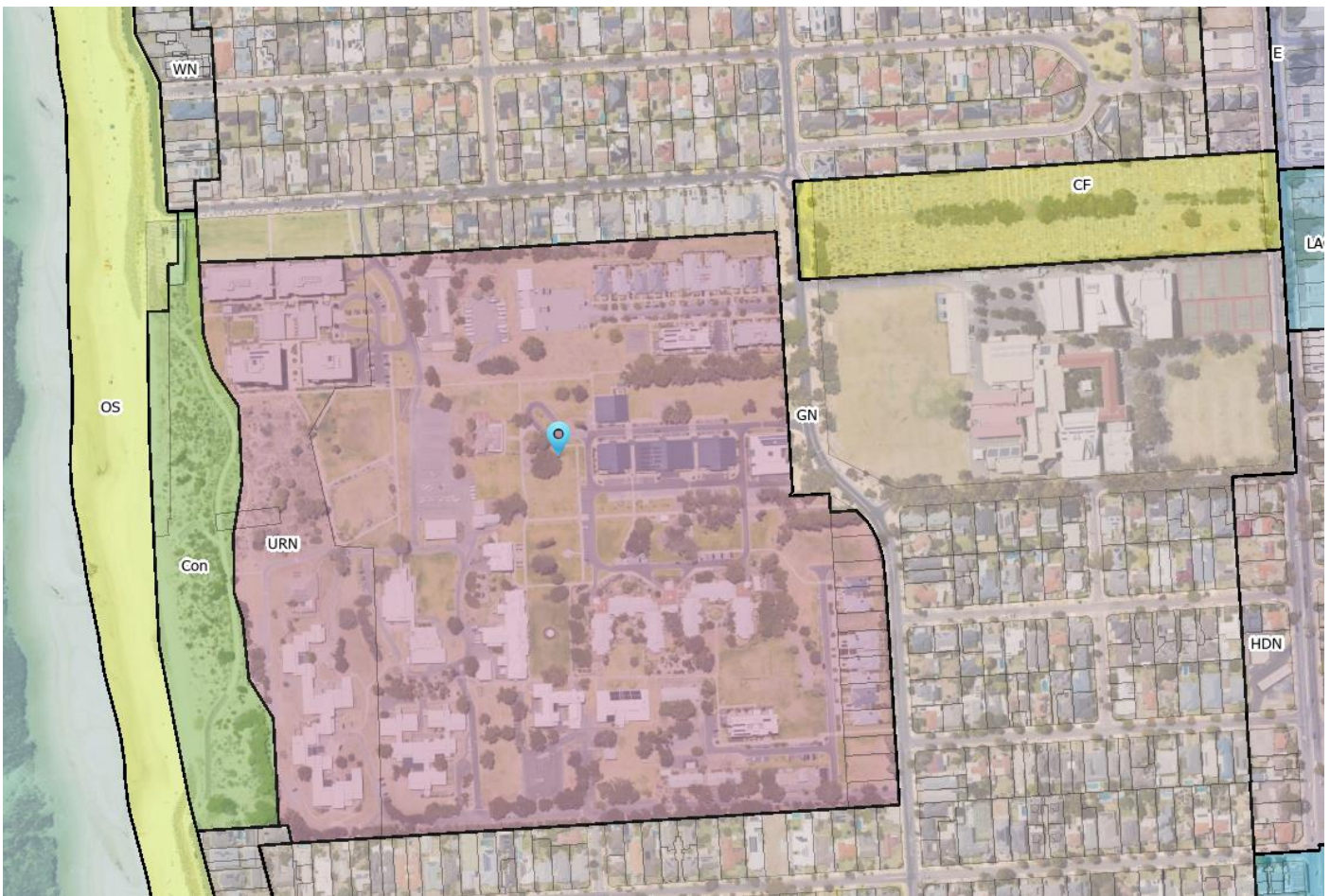
Location reference: 12-16 KING GEORGE AV NORTH BRIGHTON SA 5048

Title ref.: CT 6272/485

Plan Parcel: D129469 AL58

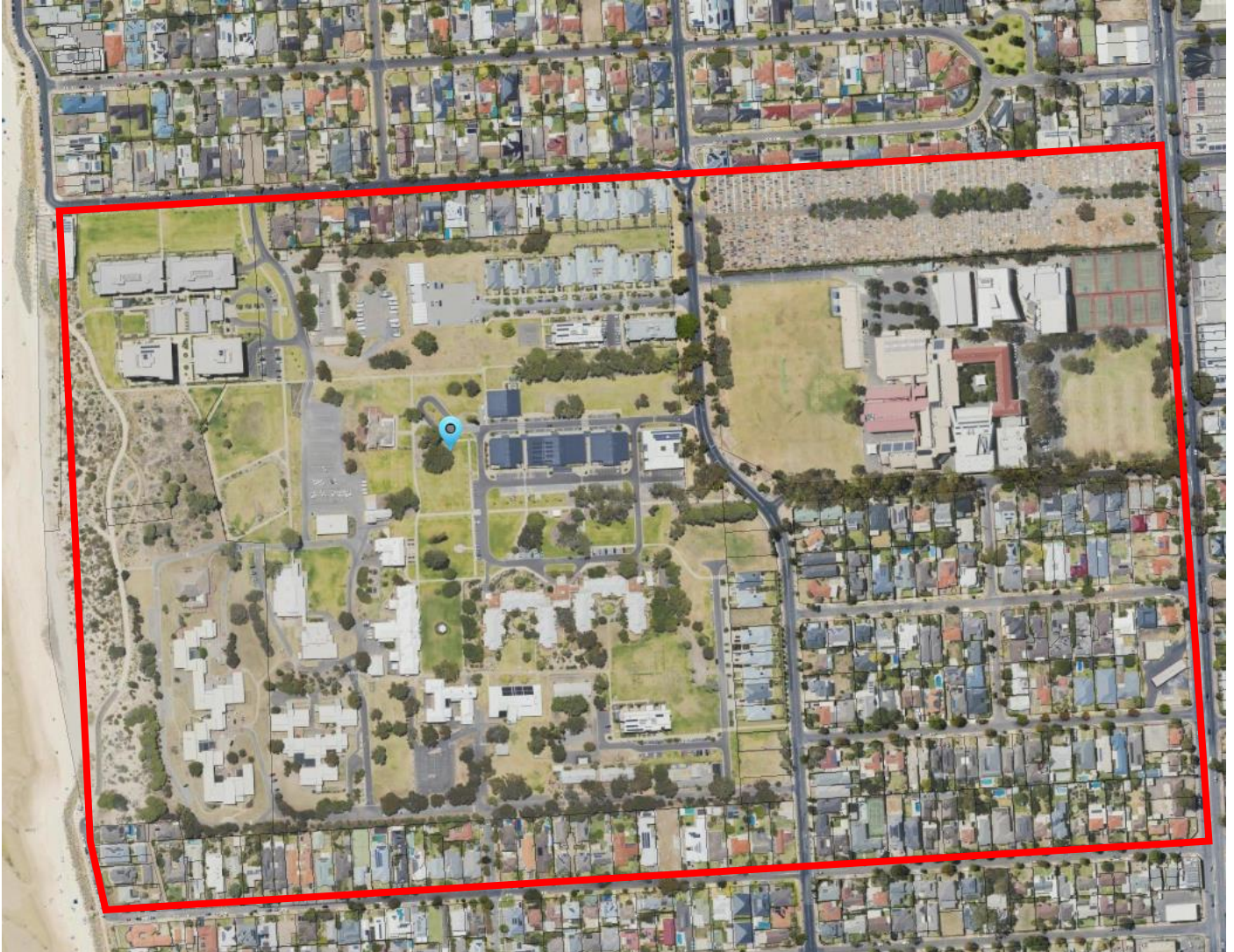
Council: CITY OF HOLDFAST BAY

The development is located at 12-16 King George Avenue North Brighton which is a large parcel of land which accommodates the Minda Incorporated complex. The subject land is located in the Urban Renewal Neighbourhood as defined by the Planning and Design Code.



Above: The subject site highlighted in the Urban Renewal Zone with the varying adjoining zones.

The Minda complex hosts a variety of services and accommodation for children and adults with disabilities. The Minda site is located on approximately 29,500sqm of land, confined by King George Avenue to the east, the Coast Park and Somerton Surf Life Saving Club to the west, Repton Road to the north and residential properties along Gladstone Road to the south.



Above: The locality highlighted in red

The locality is generally comprised of low scale and density residential dwellings which surround the property to the north, south and south-east. Non-residential land uses are located in Brighton High School and the North Brighton Cemetery is located to the east along with North Brighton beach to the west located in an Open Space Zone.

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Telecommunications facility: Code Assessed - Performance Assessed

- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code

PUBLIC NOTIFICATION

- **REASON**
Performance Assessed Development requires public notification unless it is specifically excluded in Table 5 of the Urban Renewal Neighbourhood Zone. The development is not excluded in the table therefore, the application will be subject to notification.

LIST OF REPRESENTATIONS

Summary of Representors			
Address of Representor	Position	Wish to be heard	Concerns
Chloe Fox	Opposes the development	No	- The location is not appropriate
Andrew Hills	Opposes the development	No	- The location is not appropriate
Karl Olsen	Opposes the development	No	- Questioning the need for the tower - Tower will be unsightly
Michael Fenech	Opposes the development	Yes	- Questioning the need for the tower - Concerns over EME levels

• SUMMARY

Concerns were raised about electromagnetic energy (EME). The Planning and Design Code does not have policies relating to EME as the assessment of this application is of the built form, not the outputs of the tower if approved. Also, Council staff do not have the expertise to undertake such an assessment, or the authority to make decisions relating to EME.

The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) says what is a safe level of EME for people and this is monitored by the Australian Communications and Media Authority (ACMA), who also grant the licenses for telecommunications towers. Whilst it is noted that the representors have raised those concerns, they are not relevant to this assessment.

The applicant has provided the relevant EME analysis which demonstrates that the proposal is well within the allowable EME range. Therefore, the assessment of this application cannot assess concerns about the EME outputs.

The applicant has provided a response to the representations received including responses to the concerns about EME, Zoning, visual impact, property devaluation, availability of sites and the necessity of the proposal.

AGENCY REFERRALS

Heritage SA

INTERNAL REFERRALS

Nil

PLANNING ASSESSMENT

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

Land Use

The Urban Renewal Zone anticipates predominantly residential land uses with complimentary non-residential land uses. See PO 1.1 of the Zone below:

PO 1.1

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

The subject site is unique in the sense that it does not solely contain residential land uses but rather is a facility that provides an array of services to its clientele. The introduction of the telecommunications tower will only be a minor element on the site which is expansive. The tower is a 'complimentary' land use as anticipated by PO 1.1. It is also worth noting that a telecommunications tower was previously active on the site to the west of where the current tower is proposed. The site is therefore not foreign to such established infrastructure.

Location of Tower

The planning policies shown below are relevant for the assessment of telecommunication facilities. The policies are found in Part 4 – General Development Policies - Infrastructure and Renewable Energy Facilities.

PO 6.1

The proliferation of telecommunications facilities in the form of towers/monopoles in any one locality is managed, where technically feasible, by co-locating a facility with other communications facilities to mitigate impacts from clutter on visual amenity.

PO 6.1 seeks to minimise the proliferations of telecommunications facilities by either co-locating or attaching to another structure. Whilst the proposal is for a new tower, it will be replacing an existing facility that was decommissioned in 2017. Refer to the images below which provide context of the existing facility.





Above: 2010 aerial image of the decommissioned aerial tower prior to the Minda Redevelopment

Below: 2009 street view image of the tower looking south from Repton Road



PO 6.2

Telecommunications antennae are located as close as practicable to support structures to manage overall bulk and mitigate impacts on visual amenity.

The support structures are located at the base of the antennae and therefore satisfies PO 6.2

PO 6.3

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 location of the pole is central to the whole Minda site. Therefore the structure will not readily visible from the public realm minimising visual impacts. The closest dwelling external to the site are located in excess of 100m to the north of structure which is an adequate distance to provide visual separation. The pole also benefits from being screened by existing mature trees to the east and also three storey apartment buildings to the north. Therefore, the proposal is considered to satisfy PO 6.3.

Building Height

The Urban Renewal Neighbourhood Zone does not specify any prescribed maximum height for telecommunication monopoles. There are numerical height policies for buildings in the zone. The relevant policies are shown below:

PO 2.1

Buildings generally 2-3 levels with taller buildings located on sites that are a suitable size and dimension to manage massing and impacts on adjoining residential development.

DTS/DPF 2.1

Building height (excluding garages, carports and outbuildings) is no greater than:

1. the following:

<i>Maximum Building Height (Metres)</i>
<i>Maximum building height is 22m</i>
<i>Maximum Building Height (Levels)</i>
<i>Maximum building height is 6 levels</i>

The definition of “Building Height” is shown below:

Building height

*Means the maximum vertical distance between the lower of the natural or finished ground level at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. **For the purposes of this definition, building does not include any of the following:***

- a) flues connected to a sewerage system*
- b) telecommunications facility tower or monopole***
- c) electricity pole or tower*
- d) or any similar structure.*

A telecommunications tower does not fall within the definition of “Building Height”. Therefore the above mentioned policies do not apply. It is worth noting that previously, the Development Plan stated a maximum height of 30 metres for such developments. This proposal has a maximum height of 26.7 metres which is considered to be reasonable for such a structure. The site is located in an Airport Building Heights (Regulated) Overlay. The subject land falls within a section of the overlay where structure over 45 metres in height require an referral to

Heritage

The site contains three state heritage places and also a single local heritage place. The local heritage place and two of the state heritage places are located well away from the location of the proposal. There is a state heritage place located approximately 100m west of the development.

See the aerial below which shows the three heritage places marked in red, the local heritage blue marked blue and the location of the proposal marked yellow.



Telecommunication towers are not visually bulky structures as they contain limited width but are rather tall. When considering this and the separation from the heritage place a referral was not warranted as the development is of a minor nature in respect that it will not contain potential impacts to the heritage fabric of the state heritage places located on the subject land.

Notwithstanding, the application was referred to Heritage SA for comment. A summary of the response is shown below:

The proposed development is considered to be acceptable in relation to the above State Heritage Place for the following reason/s.

- *The facility will be located to have minimal visual impact on the heritage values of the State Heritage Place.*
- *The original site has changed significantly over time and the proposed development will not impact views of or from buildings or gardens within the site which are of heritage value.*

Condition 1: To allow the structure to blend into its surroundings, the proposed telecommunications facility to be coloured mid-grey.

Regulated Trees

A significant River Red Gum (*Eucalyptus Camaldulensis*) is located directly to the east of the structure. The health and structure of the tree was considered to be good overall condition and has adapted to its local environment. The area around the tree is a mulched garden bed with a footpath approximately four metres from the trunk and between the tree and the proposed shed location.

When the initial design of the structure and plant equipment was presented to the applicants consulting arborist, concerns were raised regarding the underground fibre cabling. The cabling was initially located to run to the east of the plant equipment and into the TPZ of the tree. It was recommended that the cable be run so that it does not encroach in the TPZ in order to minimise tree damaging activity.

The plans presented to the Council took on this advice which shows the underground cabling running to the south and then west of the structure. A summary from the Council's consulting arborist is shown below:

As I mentioned I inspected the subject tree earlier today. The subject tree is a mature River Red Gum with a trunk circumference of 3.72 metres. The tree is good to fair health with no obvious notable defects. Based upon the Australian Standard a Tree Protection Zone (TPZ) of 14m and Structural Root Zone (SRZ) of 3.68 metres was determined.

Based upon the plans provided and with your help a minor encroachment (35m²) has been identified therefore I am happy to support the development as proposed subject to adherence to the following tree protection measures...

The measurable conditions are printed as recommended by the Council's consulting arborist. With the inclusion of the conditions it is considered that no tree damaging activity will occur to the River Red Gum.

CONCLUSION

It is acknowledged that telecommunications infrastructure can cause significant concern for nearby residents, when located in adjacent a Neighbourhood type Zone. In this instance the proposal is to be located in an Urban Neighbourhood Zone, next a General Neighbourhood Zone. The structure will have a minor impact in regards to visual intrusion to properties outside of the subject land. Therefore the proposal is considered to warrant Planning Consent to be Granted.

RECOMMENDATION

Planning consent

It is recommended that the Council Assessment Panel resolve that:

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

Development Application Number 22041996, by Amplitel Pty Ltd C/O Ventia Pty Ltd is granted Planning Consent subject to the following conditions:

CONDITIONS

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. That the tree protection recommendations listed in the Arborman Tree Solutions report dated 6th October 2022 be adhered to during the construction of the telecommunications facility.
3. To allow the structure to blend into its surroundings, the proposed telecommunications facility to be coloured mid-grey.

OFFICER MAKING RECOMMENDATION

Name: Alexander Stamatopoulos

Title: Development Officer - Planning

Date: 30/03/2023