

<b>DEVELOPMENT NO.:</b>	22038963
<b>APPLICANT:</b>	Amplitel Pty Ltd
<b>ADDRESS:</b>	151-151A BRIGHTON RD GLENELG SOUTH SA 5045
<b>NATURE OF DEVELOPMENT:</b>	Replacement telecommunications facility - 25m tall monopole, antennas, equipment cabinets, bollards
<b>ZONING INFORMATION:</b>	<b>Zones:</b> <ul style="list-style-type: none"> <li>• Employment</li> </ul> <b>Overlays:</b> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Major Urban Transport Routes</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> </ul> <b>Technical Numeric Variations (TNVs):</b> <ul style="list-style-type: none"> <li>• Maximum Building Height (Levels) (Maximum building height is 2 levels)</li> </ul>
<b>LODGEMENT DATE:</b>	22 Nov 2022
<b>RELEVANT AUTHORITY:</b>	Assessment Panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	2022.21
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Michael Gates Development Services (Planning and Building) Lead
<b>REFERRALS STATUTORY:</b>	Not required
<b>REFERRALS NON-STATUTORY:</b>	Not required

**CONTENTS:**

<b>APPENDIX 1:</b>	<b>Relevant P&amp;D Code Policies</b>	<b>ATTACHMENT 2:</b>	<b>Representations</b>
<b>ATTACHMENT 1:</b>	<b>Application Documents</b>	<b>ATTACHMENT 3:</b>	<b>Response to Representations</b>

### **DETAILED DESCRIPTION OF PROPOSAL:**

This application is for the construction of a replacement telecommunications pole, to a height of 25 metres, equipment cabinets. The monopole will be located at the southern end of the car park, where the existing infrastructure is for the pole located on the stobie pole. Therefore the proposal is not a change of use for the site.

### **BACKGROUND:**

There is currently telecommunications infrastructure located on a stobie pole in front of 72 Bath. The facility is currently licensed for 3G infrastructure, and this development is proposed to allow the facility to provide for 4G and 5G technology. The infrastructure on the stobie pole will be removed if this development proceeds.

### **SUBJECT LAND & LOCALITY:**

#### **Site Description:**

**Location reference:** 151-151A BRIGHTON RD GLENELG SOUTH SA 5045

**Title ref.:** CT 6134/451 **Plan Parcel:** F12522 AL174 **Council:** CITY OF HOLDFAST BAY

The subject site is located on the western side of Brighton Road, on the southern side of the intersection with Bath Street. The site is a regular shaped allotment, with a slight corner cut off with a building located fronting on Brighton Road, and a car park at the rear. The site already has existing telecommunications infrastructure in the south western corner of the carpark, which is associated with the existing telecommunications tower on the Stobie pole out the front of 72 Bath Street. The existing facility attached to the Stobie pole is 17 metres high.



**Aerial image of the subject site**



Photo showing the existing monopole in front of 72 Bath Street.





Photo of the carpark in which the new pole is proposed.



**Photo of the existing telecommunications infrastructure.**

### **Locality**

The locality comprises several different Zones including the Employment Zone, the Established Neighbourhood Zone, the Housing Diversity Neighbourhood Zone and the Local Area Centre Zone. As such the pattern of development in the area is quite mixed. There is predominantly housing to the east and west of the site, there is a range of commercial uses along Brighton Road, including a petrol station. There is also a Council reserve 60 metres to the west of the site.

Housing in the area is also a mix detached dwellings and residential flat buildings. There is a small shopping centre 200 metres to the west of the site, and a BMW car dealership directly to the north.

There are three representative buildings directly to the west of site. All three buildings have been significantly modified from their original design and during the recent Local Heritage review, none were considered appropriate to be heritage listed.





Aerial image of the locality, showing the Zone boundaries

**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**

The subject site is located adjacent a Neighbourhood Zone and therefore is not exempt from notification.

- **LIST OF REPRESENTATIONS**

Given Name	Family Name	Address	Wishes To Be Heard	Represented By
John	Abols	11 SCARBOROUGH STREET,SOMERTON PARK SA 5044	No	
Susan	Bowmer	95 Penzance Street, GLENELG SOUTH SA 5045	No	
Evan	Clarke	Address not provided, Adelaide SA 5000	No	
Charlotte	Clarke	Not provided, Adelaide SA 5000	No	

Given Name	Family Name	Address	Wishes To Be Heard	Represented By
Alison	Cropley	1/37 Bath Street, Glenelg South SA 5045	Yes	Alison Cropley
Craig	Gear	Not provided, Adelaide SA 5000	No	
Melanie	Gear	93 Penzance Street, GLENELG SOUTH SA 5045	No	
Brent	Loughton	6 SALISBURY STREET, SOMERTON PARK SA 5044	No	
Karen	Lower	2A Harris St, Glenelg East SA 5045	No	
Terri	Macguire	2/89 Penzance Street, GLENELG SOUTH SA 5045	No	
Michael	Maguire	2/89 Penzance Street, GLENELG SOUTH SA 5045	No	
Kaye	Monck	72, Bath, GLENELG SOUTH SA 5045	Yes	David Monck
Martin		Not provided, Adelaide SA 5000	No	
Erica	Niehuus	3/89 PENZANCE STREET, GLENELG SOUTH SA 5045	No	
Melanie	Porter	3 Scarborough Street, Somerton Park SA 5044	No	
Janine	Power	PO Box 2137, GLENELG SA 5045	No	
Taylor	Prlitt	13 SALISBURY STREET, SOMERTON PARK SA 5044	No	
Kerrie	Rayner	16 MELTON STREET, GLENELG EAST SA 5045	No	
Max	Rayner	16 MELTON STREET, GLENELG EAST SA 5045	No	
Mark	Stefanac	15 Scarborough Street, Somerton Park SA 5044	No	
Virginia	Taylor	13 SALISBURY STREET, SOMERTON PARK SA 5044	No	
Hannah	Taylor	Address not provided, Adelaide SA 5000	No	
Jane	Whiting	Not provided, Adelaide SA 5000	No	

#### • SUMMARY

- Location adjacent a Historic Conservation Area
- Scale not consistent with a Neighbourhood Zone
- Height of the tower inappropriate
- Lower property values
- Proposal not in accordance with DPF 1.3, in that the tower is within 50 metres of a Neighbourhood Zone.

A large percentage of the representations received relate to concerns 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 and interpretation of the Code. The applicant has stated:

- That EME do not form part of the assessment and the relevant authorities are not required to assess health related issues;
- The development is a desired form of development for the zone; and
- That DPF are a guideline, not a measure of what is allowable within a zone. The PO 1.3 for the zone merely seeks that visual impact of the monopole is minimise, not to completely screened from vision.

#### **AGENCY REFERRALS**

No external referrals required.

#### **INTERNAL REFERRALS**

No internal referrals required.

#### **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 site at 151 Brighton Road is already used as a telecommunication facility so the proposal does not alter the existing use of the land.

Some of the representation have raised suggestions about alternate sites for the telecommunications tower. The applicant has provided analysis demonstrating that this site is the most suitable in the area given the location of other telecommunications. Furthermore the site already has an existing tower attached to a stobie pole out the street. Further to this, it is not an assessment requirement to look at alternative sites. The applicant has lodged a proposal for this site and the relevant must assess the application as presented to the Panel against the relevant provisions of the Planning and Design Code.

#### **Building Height**

The tower is proposed to be 26 metres high, which is less than the 30 metres guide prescribed in DPF 1.3 for the Zone. Therefore, the height is considered acceptable in this instance.

#### **Setbacks, Design & Appearance**

The proposed tower is set at the rear of the carpark, as far back from Bath Street as possible. The tower is proposed to be just several metres from the western boundary of the site. The site abuts the Established Neighbourhood Zone to the west, which also has an Historic Area Overlay. The Historic Area Overlay contains the majority of representative buildings within the Holdfast Bay Council area. The representative buildings along the eastern end of Bath Street are considered not to be representative of the heritage character of the Zone and will not be unreasonably impacted by the proposal.

In *GARDNER & ANOR v CITY OF BURNSIDE & ANOR* [2013] SAERDC 14 (23 April 2013), the Court assessed a proposal to install lights to an existing public tennis facility and the impacts of those to the adjacent residents. An important part of that assessment related to how different uses impacted on residential properties. In para 75, the Court discusses a previous case which is relevant to this application as it looked at the impacts of an Industrial Zone adjacent a Residential Zone.

*75. In Lanzilli Holdings v City of Campbelltown (1982) 32 SASR 81 at 85 Jacobs J dealt with a comparable situation, in which occupants of dwellings close to an industrial use argued that noise from that use created an*



*unacceptably adverse impact on their amenity. In his judgment in that matter, His Honour observed, inter alia, that "the amenity of the locality ... has to be judged by reference to the locality as a whole, and not by reference only to the houses located closest to the Industrial Zone ... the amenity of such a locality is not to be measured by the standards appropriate to a solely residential zone, and the amenity and convenience of those who choose to live on the very boundary of the Light Industrial Zone ought not necessarily to be regarded as the appropriate standard of amenity and convenience for the locality as a whole".*

In that case, as in the *Gardner v City of Burnside*, it was acknowledged that it is reasonable for non-residential uses in another Zone to have some impacts where they abut a residential Zone. Therefore, with this application it is reasonable to expect a lower amenity for properties adjacent an Employment Zone, compared to other properties within the Established Neighbourhood Zone, which do not abut a different Zone.

DPF 1.3 for the Neighbourhood Zone seeks that telecommunication towers are no closer than 50m to a Neighbourhood type Zone. Whilst it is located closer than 50 metres, it is considered acceptable in this instance given that it is replacing an existing facility. This guideline as described in the PO is to minimise the visual impact of the structure, which given existing trees and buildings next to the pole, will screen the structure.

It was suggested to the applicant to locate the pole to the eastern side of the car park, but this was not amended due to the impact this would have on the layout of car park.

The applicant has indicated that they would not object to condition of approval being included that requires the structure to be painted a certain colour. It is common for proposed telecommunication towers such as this to be conditioned so that it is painted in a N53 blue grey, to assist the structure to blend in with the sky as much as possible. To minimise the impacts to neighbouring properties, a condition has been included in the recommendation that the structure be painted in N53 blue grey.

#### **Traffic Impact, Access and Parking**

The proposal does not have any impact on the existing access to the car park. The proposal will retain 12 parking spaces for use with the associated building. The Planning and Design Code also makes mention of landscaping around facilities. Due to the layout of the car park landscaping is not considered appropriate in this instance.

#### **Signage**

The proposal does not include any include.

#### **CONCLUSION**

On balance the proposal is considered to reasonably accord with the relevant principles in the Planning. It is acknowledged that a large amount of representations were raised in regards the impacts relating to EME. Whilst there may be a community angst, the applicant has provided documentation that demonstrates that the proposal is well within the guidelines set out by the Australian Radiation Protection and Nuclear Safety Agency.

The tower is significantly higher than any other structure in the area, but mobile phone towers are an essential infrastructure in order for the community to operate. The subject site is located within the Employment Zone which envisages a range of developments such as this proposal. The properties adjacent to the Employment cannot reasonably expect the same level of amenity as the whole of the residential as there needs to be a transition between the Zones.

For those reasons the proposal is considered to reasonably accord with the relevant provisions within the Planning and Design Code and will not unreasonably impact on the amenity of the locality and warrants Planning Consent being granted.

## RECOMMENDATION

That Planning Consent be granted subject to relevant conditions.

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
2. Development Application Number 22038963, by Amplitel 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 all mechanical plant and equipment, including air conditioners, should be selected, designed, and installed to comply with the following mandatory criteria:
  - (a) Noise level not to exceed 52dB(A) between the hours of 7am and 10pm when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (b) Noise level not to exceed 45dB(A) between the hours of 10pm and 7am when measured and adjusted at the nearest residential zone interface in accordance with the Environment Protection (Noise) Policy 2007\*, and
  - (c) Where marked with an \* the above noise levels must include a penalty for each characteristic where tonal/modulating/impulsive/low frequency characteristics are present in accordance with the Environment Protection (Noise) Policy 2007.
3. The monopole is to be painted in a N53 blue-grey colour.

## ADVISORY NOTES

### General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. This consent or approval will lapse at the expiration of 2 years from its operative date, subject to the below or subject to an extension having been granted by the relevant authority.

4. Where an approved development has been substantially commenced within 2 years from the operative date of approval, the approval will then lapse 3 years from the operative date of the approval (unless the development has been substantially or fully completed within those 3 years, in which case the approval will not lapse).

#### Planning Consent

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#### **OFFICER MAKING RECOMMENDATION**

**Name:** Michael Gates

**Title:** Development Services (Planning and Building) Lead

**Date:** 1 February 2023