

**NOTICE OF  
COUNCIL ASSESSMENT PANEL MEETING**

Notice is hereby given that a Council Assessment Panel Meeting will be held:

**Wednesday 4 November 2020**

**Commencing at 6.30 p.m.**

**Committee Room 1 & 2**

**Council Administration Centre**

**245 Sturt Road, Sturt**

A copy of the Agenda for the meeting is attached. Meetings are open to the public and interested members of the community are welcome to attend. Access to the CAP Meeting is via the main entrance to the Administration building, 245 Sturt Road, Sturt.



Alex Wright  
**ASSESSMENT MANAGER**

28 October 2020

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**CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 NOVEMBER 2020  
COMMENCING AT 6.30PM**

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**1.1 OPEN MEETING**

**1.2 PRESENT**

**1.3 APOLOGIES**

**1.4 IN ATTENDANCE**

**2. GENERAL OPERATIONS**

**3. APPLICATIONS**

**3.1 DEVELOPMENT NO 100/2020/0634 – Previously Deferred at CAP211020**

**14L MAJORS ROAD O'HALLORAN HILL**

**3A MAJORS ROAD, O'HALLORAN HILL**

**A BMX facility for organised sporting events, comprising site preparation works, the construction of (including associated earthworks) a BMX racing track with start-hills of 5 and 8 metres in height, earthworks associated with spectator mound, clubroom building, fencing and gates, five (5) lighting towers measuring 20 metres in height, alterations to access, establishment of formalised car parking and ancillary light poles, extension to informal parking arrangement, associated signage and landscaping.**

**Report Reference: CAP041120 - 3.1.....2**

**3.2 DEVELOPMENT NO 100/2020/1159**

**1018-1020 SOUTH ROAD EDWARDSTOWN**

**Single storey additions and alterations to existing office building**

**Report Reference: CAP041120 - 3.2.....10**

**3.3 DEVELOPMENT NO 100/2020/1427**

**4/373 CROSS ROAD, EDWARDSTOWN**

**Variation to DA 100/2019/1943 - increase in display area and height and to amend the dual displays to create a single sided sign**

**Report Reference: CAP041120 - 3.3.....24**

**4. APPEALS UPDATE**

**4.1 APPEALS AGAINST PANEL DECISIONS**

**4.2 APPEALS AGAINST DELEGATED APPLICATIONS**

- 5. POLICY OBSERVATIONS**
- 6. OTHER BUSINESS**
- 7. CONFIRMATION OF THE COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING  
HELD ON 04 NOVEMBER 2020**
- 8. MEETING CLOSURE**

**REPORT REFERENCE: CAP041120 – 3.1  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 04 NOVEMBER 2020**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>City of Marion</b>
<b>Development Description:</b>	<b>A BMX facility for organised sporting events, comprising site preparation works, the construction of (including associated earthworks) a BMX racing track with start-hills of 5 and 8 metres in height, earthworks associated with spectator mound, clubroom building, fencing and gates, five (5) lighting towers measuring 20 metres in height, alterations to access, establishment of formalised car parking and ancillary light poles, extension to informal parking arrangement, associated signage and landscaping.</b>
<b>Site Location:</b>	<b>14L Majors Road O'Halloran Hill 3A Majors Road, O'Halloran Hill</b>
<b>Zone:</b>	<b>Hills Face Zone</b>
<b>Lodgement Date:</b>	<b>29/04/2020</b>
<b>Development Plan:</b>	<b>Consolidated – 15 August 2019 Gazetted 8 August 2019</b>
<b>Referrals:</b>	<b>External Department for Infrastructure and Transport (DIT)</b>  <b>Internal Development Engineer Coordinator Traffic &amp; Parking</b>
<b>Application Type:</b>	<b>Non-Complying</b> <i>Hills Face Zone Filling greater than one metre above natural ground level; and Excavation greater than two metres below natural ground level</i>
<b>Delegations Policy:</b>	<b>1.4.1.1</b> <i>Non-complying applications – the Panel will decide to refuse the application or seek the concurrence of the State Commission Assessment Panel to approve the application, except for the following:</i> <ul style="list-style-type: none"><li><i>the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i></li></ul> <i>non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i>

<b>Categorisation</b>	<b>3</b> <i>Not defined by the Development Plan or the Development Regulations 2008, and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).</i>
<b>Application No:</b>	<b>100/2020/634</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to concurrence of the State Commission Assessment Panel (SCAP) Conditions</b>

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#### **Attachments**

<i>Attachment I:</i>	<i>Minutes from Council Assessment Panel meeting held 21 October 2020</i>
<i>Attachment II:</i>	<i>Additional information submitted in response to reasons for deferral</i>
<i>Attachment III:</i>	<i>Proposal Plans</i>
<i>Attachment IV:</i>	<i>Supporting documentation</i>

## BACKGROUND

The subject application was considered by the Panel at its meeting of 21 October 2020, whereby a decision upon the application was deferred for the following reasons;

1. That in the present form there are aspects of the proposal that do not meet the relevant policies for the Hills Face Zone to an adequate extent;
2. Consideration of the planning merits be deferred to allow the applicant to provide further assessment of the visual impact in light of the natural and other characteristics of the locality.

The applicant has considered the above reasons for the deferral and provided additional information to assist the Panel in reaching their decision. Whilst no amendments to the proposed scheme have occurred, a covering letter and additional renders of the starting hill structures and their anticipated presence from various vantage points in the locality have been submitted.

The original report, plans and attachments can be found in the member's agenda from the 21 October 2020 meeting.

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## DISCUSSION

The additional information and covering letter provides further context for the Panel's consideration of the BMX start hill structures when viewed from various vantage points along Majors Road.

The renders provide the anticipated visual presence these structures will have when travelling along Majors Road, providing context for the locality. The renders demonstrate the structures are most visually prominent when viewed from the eastern and western side of Majors Road and directly in front of the subject land. The renders identify the height of the structures when compared to existing mature vegetation throughout the subject land and locality and demonstrate the overall height of these buildings when regard is had to the undulating terrain adjacent to Majors Road. The renders also illustrate the anticipated height of the lighting towers which can be used as a comparison to the start hill structures. It is acknowledged these renders have not taken into account the additional landscaping proposed as part of this application, which may over time, assist in screening the visual impact of the start hill structures.

The original assessment relating to the policies of the Hills Face Zone and visual impact upon the natural and other characteristics of the locality are considered to remain applicable in light of the additional information submitted.

## **CONCLUSION**

The applicant has sought to address the Panel's reasons for deferral. Whilst amendments have not been made, additional information has been submitted to provide greater context of the visual presence the BMX start hill has and its impact upon the locality.

The additional information supports, and is consistent with, the previous planning assessment presented to the Panel on 21 November 2020.

It is my view that the proposed development is not seriously at variance to the Development Plan. Further, the proposed development sufficiently accords with the relevant provisions of the Development Plan, and warrants Development Plan Consent subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Conditions.

## RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/634 for a BMX facility for organised sporting events, comprising site preparation works, the construction of (including associated earthworks) a BMX racing track with start-hills of 5 and 8 metres in height, earthworks associated with spectator mound, clubroom building, fencing and gates, five (5) lighting towers measuring 20 metres in height, alterations to access, establishment of formalised car parking and ancillary light poles, extension to informal parking arrangement, associated signage and landscaping at 14L Majors Road and 3A Majors Road, O'Halloran Hill be GRANTED subject to the concurrence of the State Commission Assessment Panel (SCAP), and with the following Conditions.

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/634/2020, being
    - a. Drawings by Greenway Architects
      - i. Site Plan, Drawing No. PD.B01C dated 27.08.20
      - ii. Clubroom Building, Ground Floor Plan, Drawing No. PD.B02C dated 27.08.20
      - iii. Clubroom Building, Elevations, Drawing No. PD.B03C dated 27.08.20
      - iv. Start Hill Set Out, Drawing No. PD.B04C dated 27.08.20
      - v. 8m Start Hill Elevations, Drawing No. PD.B05C dated 27.08.20
      - vi. 5m Start Hill Elevations, Drawing No. PD.B06C dated 27.08.20
      - vii. Elevations, Drawing No. PD.B07C dated 27.08.20
    - b. Drawings by Birdseye Studios
      - i. BMX Landscape Plan, Drawing No. 20023\_L101 and 20023\_L101, dated 2.10.20
      - ii. Construction Details, Drawing No. 20023\_L201, 20023\_L202 and 20023\_L103 dated 2.10.20
    - c. Drawings by Wallbridge Gilbert Aztec
      - i. Locality Plan and Drawing Index, Sheet No. CC-0100 dated 2.10.20
      - ii. Layout Plan, Sheet No. CC-0111 dated 2.10.20
      - iii. Bulk Earthworks, Sheet No. CC-0112 dated 2.10.20
      - iv. Bulk Earthworks and Typical Sections, Sheet No. CC-0113 dated 25.08.20
      - v. Bulk Earthworks and Long Section, Sheet No. CC-0114 dated 25.08.20
      - vi. Civil Details, Sheet No. CC-0117 dated 25.08.20
      - vii. Stormwater Management Plan
- except when varied by the following conditions of consent.



2. The hours of operation for the use of the BMX track and Lighting Towers shall be restricted to the following times:
  - a. Monday to Thursday (inclusive): 5:00pm to 9:00pm;
  - b. Friday: 4:30pm to 11:00pm; and
  - c. Saturday: 9:00am to 4:00pm.
3. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
4. All landscaped areas shall be separated from adjacent driveways and parking areas by a suitable kerb or non-mountable device to prevent vehicle movement thereon (incorporating ramps or crossovers to facilitate the movement of persons with a disability).
5. Landscaping shall be maintained so as to not obstruct the views of drivers or pedestrians entering or exiting the site, to the reasonable satisfaction of Council.
6. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
7. All industrial and commercial vehicles visiting the site shall enter and exit the land in a forward direction.
8. Wheel stopping devices shall be placed within each parking bay so as to prevent damage to adjoining fences, buildings or landscaping to the reasonable satisfaction of the Council.
9. Driveways, car parking spaces, manoeuvring areas and landscaping areas shall not be used for the storage or display of any goods, materials or waste at any time.
10. Designated accessible car parking spaces shall be designed and provided in accordance with the provisions contained in Australian Standard AS1428 - 2003.
11. All car parking areas, driveways and vehicle manoeuvring areas must be constructed, sealed and drained in accordance with recognised engineering practices prior to the occupation of the premises or the use of the development herein approved.
12. The driveways, parking areas and vehicle manoeuvring areas must be maintained in a good condition at all times.
13. All car parking spaces shall be linemarked or delineated in a distinctive fashion prior to occupation of the premises, with the marking maintained in a clear and visible condition at all times.
14. Directional signs indicating the location of car parking spaces must be provided on the subject land and maintained in a clear and legible condition at all times.
15. The car parking spaces herein approved shall be available free of charge to any individual visitor to the site or employee of the site during the business hours of the premises.
16. At no time shall any stored goods, products or materials be visible above the height of the fence and/or screen surrounding the storage area(s).

17. All external lighting of the site, including car parking areas and buildings, shall be located, directed, shielded and of an intensity not exceeding lighting in adjacent public streets, so as not to cause nuisance or loss of amenity to any person beyond the site to the reasonable satisfaction of the Council.
18. Pedestrian walkways on the subject site shall be adequately lit in accordance with Australian / New Zealand Standard AS/NZS 1158.3.1:1999 "Road Lighting Part 3.1: Pedestrian area (Category P) lighting - Performance and installation design guidelines". Such lighting shall be maintained at all times, to the reasonable satisfaction of the Council.

***Department for Infrastructure and Transport Conditions***

19. All access to the development shall be via the upgraded channelized access on Majors Road as depicted in Greenway Architects Site Plan PD.B01B, Project No G16095 dated 8/07/2020. This access shall be designed and constructed in accordance with Austroads Guides/Australian Standards and to Department of Infrastructure and Transport's satisfaction. All associated costs (including project management, road works, and any necessary road lighting and drainage upgrades) shall be borne by the applicant (unless otherwise agreed). These road works shall be completed, prior to the development being operational.
20. Upon opening of the channelized access and car park, the existing Majors Road access to the informal parking shall be permanently closed to traffic and only used for emergency purposes.
21. All vehicles shall enter and exit Majors Road in a forward direction.
22. Any floodlighting associated with the site shall be positioned and/or shielded so as to not produce glare or create a distraction for passing motorists on the abutting roads.
23. Any damage to road assets caused by the development shall be repaired to the satisfaction of the relevant road authority at the applicant's cost.
24. Stormwater run-off shall be collected on-site and discharged without jeopardising the integrity and safety of the adjacent roads. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's cost.

**NOTES**

1. Any traffic management associated with events being held at the subject site that will impact on the operation of the adjacent arterial roads will need to be supported by a traffic management plan and approved by the Traffic Management Centre. Any traffic management devices will need to be in accordance with the *SA Standards for Workzone Traffic Management*.
2. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.
3. All runoff and stormwater from the subject site during the construction phase must be either contained on site or directed through a temporary sediment trap or silt fence, prior to discharge to the stormwater system, to the reasonable satisfaction of the Council. (Acceptable ways of controlling silt and runoff during construction can be found in the Stormwater Pollution Prevention Code of Practice issued by the Environment Protection Authority).

4. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.
5. Any portion of Council's infrastructure damaged as a result of work undertaken on the allotment or associated with the allotment must be repaired/reinstated to Council's satisfaction at the developer's expense.
6. Any existing driveway crossovers that become redundant as a result of a development must be reinstated to match the existing kerb profile along the road frontage of the property.

**REPORT REFERENCE: CAP041120 – 3.2  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 NOVEMBER 2020**



<b>Originating Officer:</b>	<b>Joanne Reid Development Officer - Planning</b>
<b>Applicant:</b>	<b>SLP PTY LTD</b>
<b>Development Description:</b>	<b>Single storey additions and alterations to existing office building</b>
<b>Site Location:</b>	<b>1018-1020 South Road Edwardstown</b>
<b>Zone:</b>	<b>Commercial Zone</b>
<b>Policy Area:</b>	<b>South Road Policy Area 2</b>
<b>Precinct:</b>	<b>Precinct 1 Edwardstown Activity Centre Fringe</b>
<b>Application Type:</b>	<b>Category 3 / Non-complying</b>
<b>Lodgement Date:</b>	<b>20/07/2020</b>
<b>Development Plan:</b>	<b>Consolidated – 9 July 2020</b>
<b>Referrals:</b>	<b>N/A</b>
<b>Delegations Policy:</b>	<b>1.4.1.1</b> <i>Non-complying applications, except for the following:</i> <ul style="list-style-type: none"><li><i>the decision to proceed with an assessment of a non-complying application pursuant to Regulation 17 (3)(b) of the Development Regulations 2008).</i></li><li><i>non-complying applications deemed to be minor in accordance with Regulation 17 and Schedule 9 Part 1 (3) of the Development Regulations 2008.</i></li></ul>
<b>Categorisation</b>	<b>3</b> <i>Not defined by the Development Plan or the Development Regulations 2008, and not considered minor in nature pursuant to Schedule 9, Part 1 – 2(g).</i>
<b>Application No:</b>	<b>100/2020/1159</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions</b>

**Attachments**

*Attachment I: Certificate of Title*

*Attachment II: Proposal Plan and supporting documentation*

*Attachment III: Statement of Representations*

*Attachment IV: Applicant's Response to Representations*

## SUBJECT LAND

The subject land is located at 1018-1020 South Road, Edwardstown and also incorporates land located at 6 to 10 Furness Avenue.

The buildings located on 1018-1020 South Road and 6 Furness Avenue comprise an existing office building (with two tenancies) whilst the building located on 8 Furness Avenue accommodates a gym. There is an existing carport structure which is primarily used for vehicle manoeuvring and accommodates six car parking spaces.

The site contains a further two car parking areas, one located to the north of the office building, which maintains 20 car parks, one to the west of the gym which contains 31 car parks.

The site maintains two access points, each off Furness Avenue for entry and exit into the car parking areas.





## LOCALITY

The locality accommodates a variety of land uses. Castle Plaza shopping centre is located to the north within a mixed use zone and warehouses with ancillary offices can be found both to the west and south-west of the subject land. A function centre adjoins the subject land to the south with bulky goods uses located further south along South Road. The Melrose Park Homemaker Centre with bulky goods outlets is located to the east as well as a fast food restaurant.

The subject site and locality can be viewed via this [google maps link](#).



## **PROPOSAL**

The proposed development seeks office additions associated with the building located on 1018-1020 South Road and 6 Furness Avenue.

The building additions will re-purpose a portion of the existing carport structure, enclosing it with new external cladding, windows and an entry door. Additional built form will extend along the southern and eastern boundaries, leaving a 3.2m wide gap between the existing building and the proposed building. A portion of the carport will remain open to enable continued access to the existing Right of Way.

The additions will add approximately 218m<sup>2</sup> of floor area on top of the existing 1341m<sup>2</sup> and comprise office space including three small offices and an open plan area. The area will be accessible to the existing offices and restrooms via external entrances.

The applicant has indicated that the additions are to improve the flexibility of the site and provide additional space for meetings and training and will not be used to accommodate additional staff.

All 51 car parks located to the north and the west of the site will remain.

## PROCEDURAL MATTERS

### Classification

The proposed development has been classified as a non-complying development by virtue of offices located south of Cross Road with a gross leasable area greater than 250 square metres within South Road Policy Area 2.

Council sought legal advice with regards to the processing of the application in this manner as the proposal relates to an existing non-complying use where judgements such as in *Wilson v Mitcham City Council and Mercedes College (1986) 61 LGRA 126* and *Caltex V City of Holdfast Bay [2013] SAERDC 48* indicate that, where reasonable, expansions of existing non-complying uses can be considered as a merit based application.

The advice received was that the situations in *Caltex* as well as the Mercedes College case were non-complying (or a “prohibited use” under prior planning legislation in Mercedes College), due to the land use alone, rather than only when that land use passes a certain GFA threshold. This situation is distinguishable because it is the size of the office that is made non-complying, not the fact an office is proposed.

Further, it would be illogical if the only time the expansion of an office was non-complying was when it exceeded 250 square metres for the first time and that any increases to the size of the office once it passed that threshold could be assessed as merit based on the existing non-complying use principle.

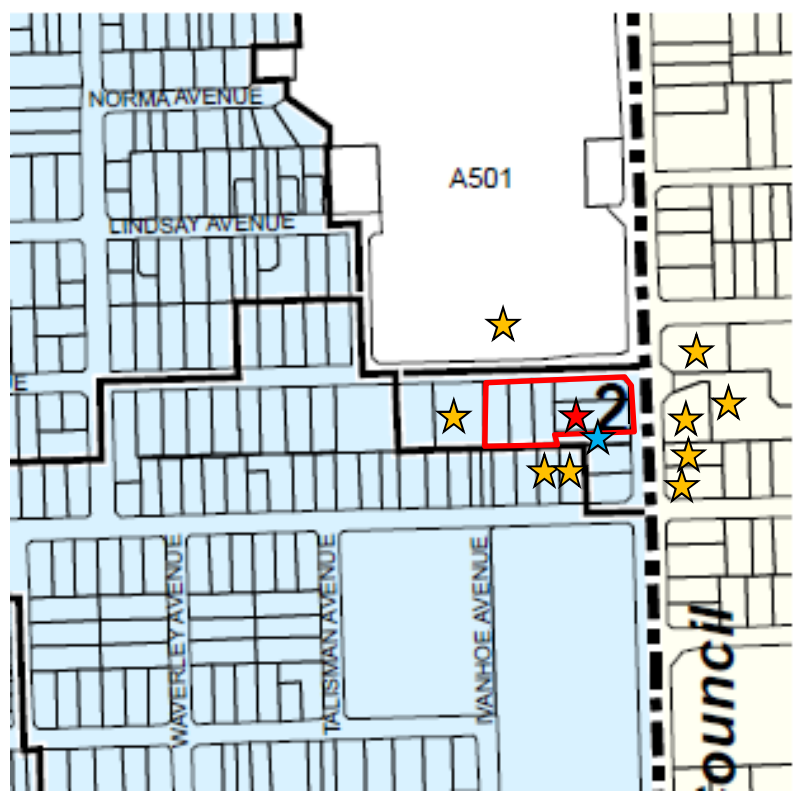
It is relevant that the existing non-complying use is a matter of interpretation only, not an absolute rule and to allow it to extend to such situations as this, would allow it to be taken advantage of in situations where there were large sites and expansions of small offices could put it significantly beyond the 250 square metre GFA and receive a significant procedural advantage by avoiding being non-complying.

### Categorisation

Council administration were of the view that the proposal was not of a minor nature, on the basis of the floor area proposed. As such, it was Council administration’s view that the proposal could not be deemed to be a Category 1 development, and therefore the proposal was considered to constitute a Category 3 form of development.



**PUBLIC NOTIFICATION**



<b>Properties Notified</b>	25 persons were notified
<b>Representations</b>	2 received 1 opposing the development (shown in blue) 1 in support of the development (shown in red)
<b>Persons wishing to be heard</b>	1 representor indicated that they wished to be heard 1 representor did not indicate whether they wished to be heard.
<b>Applicant Response</b>	A response by the applicant is included within the Report attachments.

## ASSESSMENT

The relevant Objectives, Desired Character and Principles of Development Control of the Commercial Zone and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

### ZONE AND POLICY AREA CONSIDERATIONS

#### Commercial Zone

##### Objectives

1. A zone accommodating a range of commercial and business land uses.
2. Development that minimises any adverse impacts upon the amenity of the locality within the zone.

##### Principals of Development Control

1. The following forms of development are envisaged in the zone:
  - bulky goods outlet
  - consulting room
  - motor vehicle related business other than wrecking yard
  - office
  - petrol filling station
  - service trade premises
  - shop with a gross leasable area of 250 square metres or less
  - store
  - warehouse.
2. Development listed as non-complying is generally inappropriate
3. Retail development in the zone should not hinder the development or function of any centre zone.

#### South Road Policy Area 2

##### Objectives

1. Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.
2. Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones.
3. Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.
4. Development that contributes to the desired character of the policy area.

##### Principle of Development Control

1. The following forms of development are envisaged in the policy area:
  - bulky goods outlet
  - indoor recreation and leisure facilities
  - light industry
  - motor vehicle related activities
  - service industry
  - service trade premises
  - small-scale office
  - storage uses
  - transport related activities
  - wholesale uses.

2. The gross leasable floor area of the following forms of development should be limited to that shown in the table below:

Form of development	Maximum gross leasable floor area (square metres)
Office – south of Cross Road	250

3. *Development should not be undertaken unless it is consistent with the desired character for the policy area.*
4. *Buildings should not exceed 2 storeys or 10 metres in height above natural ground surface level, except where located within 20 metres of a residential zone in which case the building height should not exceed one storey or 6 metres.*
6. *Development should provide landscaped areas comprising at least 10 per cent of the site area and having a minimum width of 1 metre.*

**Precinct 1 Edwardstown Activity Centre Fringe**

9. *Development should primarily be for bulky goods outlets which do not compromise the function of the adjoining Activity Centre.*

The proposed additions relate to a business use and to this end, the nature of the proposed use can be contemplated. In saying this, there are a number of elements that are pertinent in reaching a recommendation for the proposal. Some elements are discussed in this section and some will be addressed in the other sections below:

1. Whether the general use is compatible with the Zone and Policy Area.
2. Whether the size of the office results in impacts that compromise the intent of the Policy Area.
3. Whether the traffic generating characteristics compromise the arterial road function of South Road.
4. Whether the Development enhances the streetscape appearance of the South Road corridor.
5. Whether the proposal poses an unreasonable impact on the amenity of the area.

The Commercial Zone explicitly identifies office use as an envisaged use, however, in saying that, South Road Policy Area 2 seeks those uses to be 'small-scale' and further consideration needs to be given as to whether the additions are seemingly at odds with the Policy Area in this regard and whether it hinders the function of the surrounding properties.

It is noted that offices exceeding 250 square metres within the Policy Area are non-complying and that development listed as non-complying is generally inappropriate. Administration proceeded to a full assessment as it was considered appropriate that further analysis of the proposal within the context of its setting was warranted.

It is understood that the existing tenant of the offices accommodates approximately 40-60 staff within the building. Whilst I would not consider the scale of this office to be small, I also do not consider the scale to be large, particularly when compared to a multi-storey building within the CBD.

The desired character seeks for the floor size and scale of development to be an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones. The nearest residential land is over 200m away and consequently the medium scale of development is deemed to be appropriate relative to its proximity from the residential uses.

In my opinion, the floor area cap on offices, particularly where a site is in close proximity to other business/commercial uses and away from residential land is somewhat antiquated. In this particular case, the surrounding land uses vary and the business related to the subject land brings employment to the area, improving the viability of the existing retail and businesses.

Whilst it is noted that the site is located in Precinct 1, Edwardstown Activity Centre Fringe, which states that '*Development should primarily be for bulky goods outlets which do not compromise the*

*function of the adjoining Activity Centre*'. The proposed use, despite not being a bulky goods outlet, is arguably less likely to compromise the function of Castle Plaza as the proposed use does not include a retail element.

To this end, I am of the view that whilst the existing office exceeds the floor area cap considerably, and the proposed development will further add to the excess, I do not consider this to result in any significant consequences to the existing surrounding business, nor to any nearby residential land. The nature of the use, rather than hinder, will in fact enhance the viability of surrounding business by attracting employment and customers to the area, potentially making dual purpose trips to surrounding businesses.

The proposed use is therefore is not considered to be significantly at odds with the intent of the Commercial Zone and whilst further discussion on the appearance, traffic and car parking and material impacts on adjacent land will take place, the proposed use and its scale is considered acceptable in the context of the locality.

With regards to the numerical requirements of the Policy Area, the following table is a snapshot for the proposal:

Requirement		Proposed	
<i>Building Height</i>	Does not exceed 2 storeys or 10m (building not located within 20m of zone boundary)	Satisfies	Building is one storey with a height of maximum height of 6.75m
<i>Landscaping</i>	Have a minimum width of 1m and make up 10% of the site	Unaffected	The existing landscaping at the front and northern side of the car park area will remain unchanged.

The proposal, generally complies with the numerical design requirements with regard to the height of the building.

The additions will replace an existing hard standing area where there is currently no landscaping and is located in a position which will not be seen from the road boundary. It has not been deemed necessary to seek additional landscaping for this proposal.

## DESIGN AND APPEARANCE

The proposed additions will be located to the rear of the site located at 1022 South Road and will have limited visibility from both South Road and Furness Avenue. Whilst it is noted that the proposed development will not enhance the streetscape appearance of South Road, it will not diminish it, thus having no relative impact.

The re-cladding of the existing carport structure, comprising a mixture of white render, glazing and colorbond, will improve the external appearance of the building with minimal impact on adjacent land due to structures being located on the adjoining property boundaries to both the south and east.

Accordingly the proposal is considered to be satisfactory in this regard.

## AMENITY CONSIDERATIONS

The existing use as an office is considered to be a more sensitive land use (in terms of intensity and amenity impacts) than uses typically found within the locality, such as retail in the form of a shopping centre and bulky goods, warehousing, gym and function centre.

The proposed use is not considered to result in unappreciable noise, odours, operating hours outside general business hours, excessive waste or pollution to any significant degree.

As mentioned above, the land is located a sufficient distance away from residential land such that it is unlikely to result in any unreasonable impacts on the amenity of the occupants.

## **TRAFFIC, CAR PARKING AND ACCESS**

The proposal's impact on the arterial function of South Road is a major consideration in determining its appropriateness on the site.

The proposed development does not result in changes to access to the site nor is it proposed that there will be an increased number of staff to be accommodated and as such, traffic movements into and out of the site are not considered to increase.

The proposed additions will result in the loss of 6 car parking spaces. The applicant's Statement of Effect advises that this area is used for the storage of fleet vehicles and that the tenants will store the vehicles at other sites.

With the loss of these car parks, 51 car parks will remain.

Table Mar/2 - Off-street Vehicle Parking Requirements specifies that offices should provide a car parking rate of 4 spaces per 100m<sup>2</sup>. Therefore with the existing floor space of 1341m<sup>2</sup> and additional floor space of 218m<sup>2</sup>, 62 car parks should be provided. This results in a shortfall of 11 car parks.

It is worthy to note however, that the adjacent site at Castle Plaza, with its 'Mixed Use' zoning is deemed to be a 'designated area', with an applicable car parking rate of 3 per 100m<sup>2</sup> of gross leasable floor area. In my view, the locational attributes of the subject land which would warrant a dispensation in car parking are the same as the mixed use zone in that the site is located in close proximity (approximately 600m) to Woodlands Train Station as well as designated buses to Castle Plaza. The number of car parks required would therefore be 47, which results in a surplus of 4 car parks.

It is however acknowledged that the car parks to the west are also to be shared with customers of the gym and whilst the 4 additional car parks would not generally be a sufficient amount allocated to the gym, the peak hours of the gym are generally at different times to an office use, that being from 6 until 8am and 5.30 to 7.30pm.

The applicant has provided a car park analysis, included as an attachment to this report, which indicates vacant car parks throughout the day (predominantly in the western section). This suggests that when these uses are combined, the demand for car parks is met and with no additional staff proposed to be accommodated, I am satisfied that there will not be an under supply of car parking as a result of the proposed additions.

The applicant has also agreed to a condition ensuring that there is clear signage indicating that staff and customers of all tenancies will be able to park in the western car park, which, at present is currently allocated to the gym customers.

## **STORMWATER MANAGEMENT**

The issue raised by the representor relating to the pooling of stormwater within the right of way section between the subject land and the adjacent building to the south does not constitute 'development' pursuant to the Development Act, 1993 and Regulations, 2008 but is of a civil nature.

Nevertheless, the applicant has agreed to incorporating a 450mm grated sump to collect stormwater from the right of way and discharge into the site's underground stormwater system to assist in reducing the existing issues.

A 5000L rainwater tank to capture the stormwater from the additional roofed area has been provided and accords with Council's stormwater retention requirements.

## CONCLUSION

The proposed development seeks to provide additional space to improve the flexibility and enhance the use of the existing offices. The siting, size and appearance of the development are such that they will not materially impact adjacent property owners nor will it be visible from South Road such that it will alter the streetscape to any degree.

The scale of development, despite the floor area exceeding the 250m<sup>2</sup> cap, is not considered to be large. The location of the development, where it is embedded within an varied mix of uses, is located some distance away from residential development, is located in close proximity to good public transport links and therefore is considered to provide sufficient merit to warrant an office of a greater scale than that envisaged within the zone. It is not considered that the scale of the development will hinder the function of any other use within the zone, but rather, retain employment within the locality to enhance the viability of the adjacent businesses.

The existing car parking on the site has serviced the current premises sufficiently and it is considered that the proposed additions will not change the circumstances regarding the availability of car parking.

As a result of the above considerations, it is my view that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993.

Further, the proposed development sufficiently accords with the relevant provisions of the Marion Council Development Plan, and warrants Development Plan Consent subject to conditions.

## **RECOMMENDATION**

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/1159/2020 for single storey additions and alterations to existing office building at 1018-1020 South Road, Edwardstown be GRANTED subject to the following conditions:

## **CONDITIONS**

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/1159/2020, being
  - Block Plan and elevations, prepared by SLP, Job code 82219, Revision G, date Mar 2020
  - Site and Drainage plan, prepared by Lelio Bibbo Pty Ltd, Ref no. 200463, date 11.05.20except when varied by the following conditions of consent.
2. All stormwater from buildings and paved areas shall be disposed of in accordance with the approved plans and details prior to the occupation of the premises to the reasonable satisfaction of the Council.
3. The stormwater collection and disposal system shall be connected to the street watertable (inclusive of any system that connects to the street watertable via detention or rainwater tanks) immediately following roof completion and gutter and downpipe installation.
4. The office additions herein approved shall only be used as ancillary functions associated with the primary use of the existing building on the land and shall not at anytime be separately occupied or tenanted.
5. The northern and western car parking areas shall be available to employees and customers of all tenancies.
6. Prior to occupation of the premises, clear signage indicating availability of car parking within the northern and western car parking areas to employees and customers of all tenancies shall be provided to the satisfaction of Council.
7. All loading and unloading of vehicles associated with the subject premises shall be carried out entirely upon the subject land.
8. All vehicles visiting the site shall enter and exit the land in a forward direction.



## **NOTES**

- 1. Dust emissions from the site during construction shall be controlled by a dust suppressant or by watering regularly to the reasonable satisfaction of the Council.**
- 2. All hard waste must be stored on-site in such a manner so as to prevent any materials entering the stormwater system either by wind or water action.**
- 3. Noise from devices and/or activities on the subject site should not impair or impinge on the amenity of neighbours at any time. This includes noise generated from plant and equipment (including those servicing the building such as air-conditioning), as well as noise generated from activities such as loading and unloading of goods and/or waste. The Environment Protection Authority has restrictions relating to the control of noise in the urban environment. Further information is available by phoning the Environment Protection Authority on 8204 2000.**

**REPORT REFERENCE: CAP041120 – 3.3  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 04 NOVEMBER 2020**



<b>Originating Officer:</b>	<b>Nicholas Timotheou Senior Development Officer - Planning</b>
<b>Applicant:</b>	<b>Emerson Icon</b>
<b>Development Description:</b>	<b>Variation to DA 100/2019/1943 - increase in display area and height and to amend the dual displays to create a single sided sign</b>
<b>Site Location:</b>	<b>4/373 Cross Road, Edwardstown</b>
<b>Zone &amp; Policy Area</b>	<b>Commercial Zone and South Road Policy Area 2</b>
<b>Lodgement Date:</b>	<b>31/08/2020</b>
<b>Development Plan:</b>	<b>Consolidated – 9 July 2020</b>
<b>Referrals:</b>	<b>Department of Planning, Transport and Infrastructure - Transport</b>
<b>Delegations Policy:</b>	<b>4.1.2</b> <i>Any 'merit' application that has undergone Category 2 or Category 3 public notification where at least one representor has expressed opposition to the proposed development and has expressed their desire to be heard by the Panel.</i>
<b>Categorisation:</b>	<b>Category 3 / Merit</b> <i>Proposed development not listed within Council's Development Plan as a Category 1 or 2 form of development and not assigned as Category 1 or 2 within Schedule 9 of the Development Regulations 2008, and as such defaults to a Category 3 development.</i>
<b>Application No:</b>	<b>100/2020/1427</b>
<b>Recommendation:</b>	<b>That Development Plan Consent be GRANTED subject to conditions.</b>

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**Attachments**

<i>Attachment I:</i>	<i>Certificate of Title</i>
<i>Attachment II:</i>	<i>Proposal Plans and Supporting Documentation</i>
<i>Attachment III:</i>	<i>Referral Response</i>
<i>Attachment IV:</i>	<i>Statement of Representations</i>
<i>Attachment V:</i>	<i>Applicant's Response to Representations</i>

## BACKGROUND

An application was considered by the Panel at its meeting of 5 February 2020, which was described as “Demolition of existing advertising hoarding and replacement with a new double sided LED (Light-emitting Diode) advertising hoarding on an existing building”, and granted Development Plan Consent.

The applicant obtained Building Rules Consent for this application and subsequently, Development Approval was issued on 24 August 2020.

While the applicant is in their right to construct the previously approved sign, the subject application seeks to vary the original consent 100/2019/1943).

The original report, plans and attachments can be found in the member’s agenda from the 5 February 2020 meeting. Administration will provide Members who were not present at the previous meeting (5 February 2020) with a copy of the previous proposal plans and supporting documentation. This documentation will be uploaded to Members Ipad and provided via email (by way of dropbox) the day the Agenda is released.

## SUBJECT LAND

The subject land is commonly identified as 4/373 Cross Road, Edwardstown, and formally identified as Unit Four (4) in Certificate of Title Volume 5100 and Folio 302. The allotment is irregular in shape and is located on the south western corner of South Road and Cross Road. No easement or notations are registered on the Certificate of Title.

The land comprises a total area of approximately 1700 square metres and provides a 55 metre frontage to Cross Road. The rear of the site to the south is bounded by a railway corridor and local road Railway Terrace to the west. Vehicle access is obtained to the site from Railway Terrace via existing crossovers.

The site currently contains a number of commercial premises that utilises two existing single storey buildings on the site. The businesses include “Rapid Clean Floormaster”, “Goliath Solar and Electrical”. The site is level and there are existing vehicle manoeuvring and car parking arrangements with approximately 12 spaces on site. There is an advertising hoarding located above the roof of the building that orientates to the South Road and Cross Road intersection. The site further contains numerous advertisement signs on the walls and facia of the buildings.

The site is bound by low scale chain fencing at the Cross Road frontage and higher forms of chain mesh fencing on the railway corridor and Railway Terrace. Some low level existing vegetation is evident on the site.



## LOCALITY

The subject land is located within South Road Policy Area 2 of the Commercial Zone which comprises strip commercial zoning along the South Road corridor. South Road is designated as a primary arterial road and is under the care and control of the Commissioner of Highways.

South Road further acts as the boundary between Marion Council and Unley Council to the north and Mitcham Council to the south of Cross Road.

To the north of the site are a number of commercial premises located along South Road and there are a number of residential premises on Cross Road. The residential premises comprise single storey detached dwellings on large allotments.

To the east of the site are a number of commercial premises and a number of residential allotments orientating to Cross Road. These sites are well separated from the subject land via South Road and the associated Cross Road overpass. The overpass comprises four (4) traffic lanes with rail corridor diagonally intersecting South Road and Cross Road intersection.

To the south of the site lies an existing rail corridor followed by a caravan sales yards "Jayco Adelaide". To the northern end of the "Jayco" site lies an existing telecommunications tower of approximately 30 metres in height.

The locality around the subject land is considered mixed use in nature, comprising of commercial and residential land uses. Buildings are predominately single storey in nature with some two storey buildings evident. The combination of infrastructure including the overpass and intersection, railway corridor/crossing and telecommunications tower portray the locality as primary transport corridors with relatively low level amenity.

The subject site and locality can be viewed via this [google maps link](#).



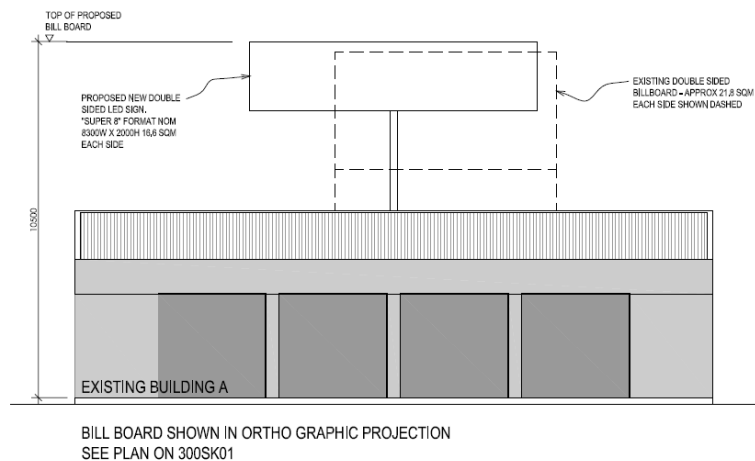


## PROPOSAL

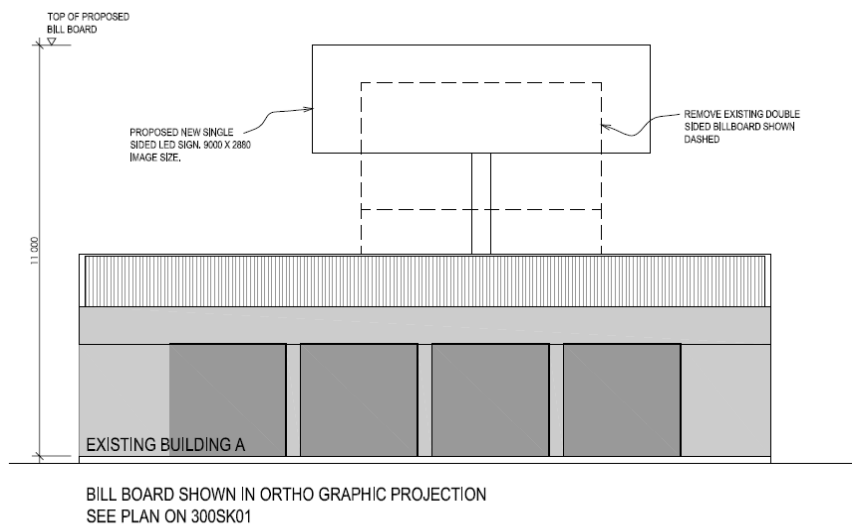
The proposal seeks to vary DA 100/2019/1943 by increasing the height from 10.5 metres to 11 metres, providing a 26 square metre north-east facing display area (previously 16.6 square metres) and to amend the dual displays to a single sided sign.

A comparison of the original design to the variation is depicted in Figure 1 below.

### Development Application 100/2019/1943 (original)



### Development Application 100/2020/1427 (variation)



**Figure 1: Comparison of Original application and Variation application.**

## PROCEDURAL MATTERS

### Classification

The application is not listed as a complying or non-complying form of development and has therefore been assessed as a 'merit' form of development.

### Categorisation

The subject application is a Category 3 form of development by virtue of Section 39(7)(c) of the Development Act, 1993 where the application sought to be varied was previously notified as a Category 3 development, the variation application must also be dealt with as an application for Category 3 development if any representations were made on the previous development that is related to any aspect of the development that is now under consideration.

## PUBLIC NOTIFICATION



### Properties Notified

28 (shown in red)

### Representations

1 Received opposing the proposed development (Shown in blue) and this is included within the Report attachments.

### Persons wishing to be heard

1 Mr and Mrs Robert/Susan Grinter

### Applicant Response

A response by the applicant is included within the Report attachments.

## REFERRALS

**Statutory**      **Department of Planning, Transport and Infrastructure – Transport**

A copy of the referral response forms an attachment to this report.

## ASSESSMENT

The proposed advertising hoarding has commercial connotations and to this end the nature of the proposed use can be contemplated within a Commercial Zone. In saying this, there are a number of elements pertinent in reaching a recommendation for the proposal. It is acknowledged the majority of the original assessment remains applicable to this variation; however, further consideration has mainly been attributed to selected sections of the Development Plan relating to:

1. Assessment of the General Section Advertisement provisions.
2. Interface considerations;
3. Traffic Impacts;

The relevant Objectives, Desired Character and Principles of Development Control of the Commercial Zone and South Road Policy Area 2 are listed in the following table and discussed in further detail below:

## ZONE AND POLICY AREA CONSIDERATIONS

The original assessment relating to Zone and Policy Area considerations are considered to remain applicable. The original assessment read:

*The Commercial Zone seeks for a range of commercial and business land uses. The proposed development is consistent with the nature of commercial and envisaged activities within a Commercial Zone.*

*The development is consistent with the nature of South Road as a highly commercialised corridor that plays an important role in servicing the neighbourhood and significant district and metropolitan wide population as expressed in the Desired Character Statement.*

*The development is further consistent with maintaining the function of the South Road corridor as no access or exacerbated traffic movements are proposed.*

*Advertising Hoardings are not listed as an envisaged or discouraged land use within the Zone. It should be noted that Advertising Hoarding not meeting exemptions are listed as a non-complying development within a Residential Zone and therefore the Commercial Zone is considered a more appropriate Zone provided any interface issues with sensitive land uses can be appropriately managed.*

*Given that existing signage will be replaced with a contemporary form of advertising the character and amenity of the locality is somewhat enhanced.*

### Commercial Zone

#### Objectives

1. A zone accommodating a range of commercial and business land uses.
2. Development that minimises any adverse impacts upon the amenity of the locality within the zone.

#### Principles of Development Control

1. The following forms of development are envisaged in the zone:
  - bulky goods outlet
  - consulting room
  - motor vehicle related business other than wrecking yard
  - office
  - petrol filling station
  - service trade premises

- shop with a gross leasable area of 250 square metres or less
- store
- warehouse.

2. Development listed as non-complying is generally inappropriate

3. Retail development in the zone should not hinder the development or function of any centre zone.

## **South Road Policy Area 2**

### **Objectives**

1. Development having traffic generating characteristics and design so as to not compromise the arterial road function of South Road.
2. Development comprising lower impact uses or activities to provide a transition between development fronting South Road and residential use in adjoining residential zones.
3. Development that enhances the appearance of the policy area, particularly the streetscape of the South Road corridor.
4. Development that contributes to the desired character of the policy area.

### **Desired Character**

Development along South Road is highly commercialised and provides an important servicing role to local, neighbourhood and significant district and metropolitan wide population. It contains a major concentration of motor vehicle related uses, service trade premises and bulky goods outlets. Due of the importance of South Road as a major arterial road, new development must be consistent with its arterial road function.

The intensity, floor size, scale and height of development needs to provide for an appropriate transition to residential uses, with medium levels away from residential zoning and low levels in near proximity to residential zones.

The architectural style and finishes of building development will be varied and display high aesthetic qualities to enhance the visual character of the locality.

### **Principles of Development Control**

1. The following forms of development are envisaged in the zone:

- bulky goods outlet
- indoor recreation and leisure facilities
- light industry
- motor vehicle related activities
- service industry
- service trade premises
- small-scale office
- storage uses
- transport related activities
- wholesale uses.

3. Development should not be undertaken unless it is consistent with the desired character for the policy area.

5. Development adjacent residential zones should incorporate all of the following:

- (a) a minimum 6 metre setback for buildings from the zone boundary
- (b) visual and acoustic buffer features
- (c) landscaped areas having a minimum width of 2 metres
- (d) 2 metre high fencing
- (e) screened or obscured building openings.



## ADVERTISEMENTS

The relevant advertisement provisions focus on determining if the location, siting, design, materials, size and shape of the advertising hoarding is appropriate, along with hazard considerations for vehicles and pedestrians. The Marion Council Development Plan Advertisements provisions are discussed below;

<p><b>Objectives</b></p> <p><i>1 Urban and rural landscapes that are not disfigured by advertisements and/or advertising hoardings.</i></p> <p><i>2 Advertisements and/or advertising hoardings that do not create a hazard.</i></p> <p><i>3 Advertisements and/or advertising hoardings designed to enhance the appearance of the building and locality.</i></p>	<p>The additional height of 500mm and display area of 26.6sqm is not considered to disfigure the urban landscape when compared to the existing authorisation and when regard is had to the existing sign on the subject land.</p> <p>Despite the variations seeking additional height and width to the sign, it is acknowledged the overall display area remains less than that in existence (approximately 29.6 square metres). As such, the variations to the design are not considered to significantly disfigure the urban landscape compared to that which exists as well as the prior approval for the land.</p> <p>Hazards are discussed in the Traffic and Safety section below.</p>
<p><b>Principles of Development Control</b></p> <p><i>1 The location, siting, design, materials, size, and shape of advertisements and/or advertising hoardings should be:</i></p> <ul style="list-style-type: none"> <li><i>(a) consistent with the predominant character of the urban or rural landscape</i></li> <li><i>(b) in harmony with any buildings or sites of historic significance or heritage value in the area</i></li> <li><i>(c) co-ordinated with and complement the architectural form and design of the building they are to be located on.</i></li> </ul>	<p>The variation will see a taller sign with a larger display area compared to that which was originally approved by the Panel. An additional 500mm in height is sought (11 metres in total measured from the ground level) and 9.4 square metres in display area (26 square metres in total).</p> <p>Despite additional height and display area sought to the original application the location, siting, design, materials, size, and shape of hoardings is not considered to significantly detract from the existing character of the locality. The locality features a variety of commercial properties, a rail intersection, a telecommunication tower and the South Road overpass. To this end, the advertisement display is not considered to significantly detract from the prevailing character of the urban landscape.</p> <p>Given that the variations remain to propose a sign that replaces an existing sign with a smaller surface area albeit greater in height, it is consistent and in context with the existing locality.</p>
<p><i>2 The number of advertisements and/or advertising hoardings associated with a development should be minimised to avoid:</i></p> <ul style="list-style-type: none"> <li><i>(a) clutter</i></li> <li><i>(b) disorder</i></li> <li><i>(c) untidiness of buildings and their surrounds</i></li> <li><i>(d) driver distraction.</i></li> </ul>	<p>The variations do not increase the number of advertisements on the site.</p>

<p><i>3 Buildings occupied by a number of tenants should exhibit co-ordinated and complementary advertisements and/or advertising hoardings to identify the tenants and their type of business.</i></p>	<p>The variations are not considered to impact the original assessment relating to Principle 3.</p> <p>The variations do not impact the ability to provide opportunity for all businesses on the site to advertise in a co-ordinated manner and reduce the need for additional advertising on the site.</p>
<p><i>4 The content of advertisements should be limited to information relating to the legitimate use of the associated land.</i></p>	<p>A third party advertisement display has been approved as part of the original application and is not sought to change as part of the variation application.</p>
<p><i>5 Advertisements and/or advertising hoardings should:</i>  <i>(a) be completely contained within the boundaries of the subject allotment</i>  <i>(b) be sited to avoid damage to, or pruning or lopping of, on-site landscaping or street trees</i>  <i>(c) not obscure views to vistas or objects of high amenity value.</i></p>	<p>The proposed advertising hoarding is not proposed to be erected at a location as identified in PDC 5 (a) and (b). The sign is adjacent to non-residential properties, a rail network/crossing and the South Road overpass, such that the additional height of 500mm is not considered to obscure views of high amenity value.</p>
<p><i>6 Advertisements and/or advertising hoardings should not be erected on:</i>  <i>(a) a public footpath or veranda post</i>  <i>(b) a road, median strip or traffic island</i>  <i>(c) a vehicle adapted and exhibited primarily as an advertisement</i>  <i>(d) residential land.</i></p>	<p>The proposed advertising hoarding is not proposed to be erected at a location as identified in PDC 6.</p>
<p><i>7 Advertisements and/or advertising hoardings attached to buildings should not be sited on the roof or higher than the walls of a building, unless the advertisement or advertising hoarding is appropriately designed to form an integrated and complementary extension of the existing building.</i></p>	<p>The approved advertising hoarding exceeds the current roof height and the variation seeks an additional 500mm, resulting in a total of 11 metres.</p> <p>The sign remains to provide an appropriately designed extension to the existing building with the slim line monopole supporting structure designed to form an integrated and complementary extension of the existing building.</p> <p>The sign will remain below the level of the Cross Road overpass and well under the height of the adjoining indoor recreation centre and telecommunications tower therefore, is not out of context in the locality.</p>
<p><i>9 Signs should not be silhouetted against the sky or project beyond the architectural outline of the building.</i></p>	<p>The additional height will see a taller sign silhouetted against the skyline; however, remains to provide a smaller display area compared to the existing sign on the building.</p> <p>Given that that the application seeks replacement of an existing larger sign, the impact on the skyline is somewhat reduced. This notwithstanding, it is acknowledged the variation will see the overall height of the signage increase by 500mm.</p> <p>As identified earlier in this report, the height of the sign is not considered to impact on the amenity of nearby sensitive land uses or the locality. The existing and proposed advertising is silhouetted against the sky and projects beyond the architectural outline of the building. As such this is considered an acceptable outcome given the smaller display area and limited amenity impacts attributed to the height of the sign.</p>

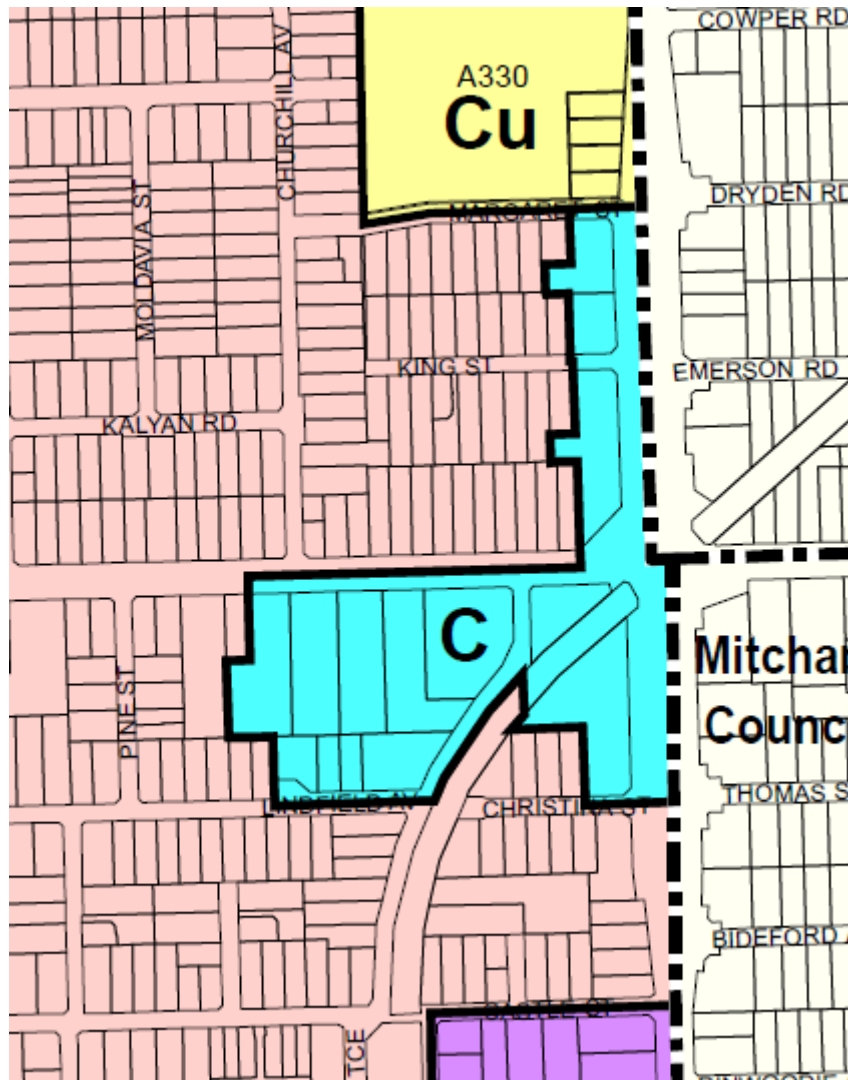
<i>10 Advertisements should be designed to conceal their supporting advertising hoarding from view.</i>	The variation will see an increase in the width of the monopole to 500mm wide; however, will conceal the internal supports/infrastructure appropriately.
<i>11 Advertisements should convey the owner/occupier and/or generic type of business, merchandise or services using simple, clear and concise language, symbols, print style and layout and a small number of colours.</i>	No changes are sought by the applicant which relate to the content of the sign. The original conditions are included as part of the recommendation which aim to limit the time between the change of advertisements and ensuring all displays are static and do not move, flash or scroll.
<i>13 Advertisements which perform a secondary role in identifying the business, goods or services should only be readable in the immediate vicinity of the site.</i>	The proposed advertising hoarding is only viewed within the locality.
<i>18 Freestanding advertisements and/or advertising hoardings should be: (a) limited to only one primary advertisement per site or complex (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.</i>	The variation will not see an increase in the number of signs on the site. As per above comments, the scale and size is in keeping with the commercial and primary transit corridor nature of the locality.

## INTERFACE CONSIDERATIONS

It is acknowledged the original assessment relating to interface consideration generally remain applicable to the variation application. This notwithstanding, it is acknowledged a larger display area and height is proposed. In considering the merits of these amendments, it is my opinion that the main interface matters which resurface relate to the visual impact and light spill upon nearby residents. It is also acknowledged the sign is being amended to be single sided, such that some properties' line of site to the previously illuminated rear face of the sign will be removed (albeit previous line of sights were not direct to begin with).

The main properties impacted by the increase in display area are considered those at 452, 454 and 456 Cross Road. Beyond these properties, separation of approximately 50 metres is achieved between the sign. East of the subject land, sensitive land uses are separated in excess of 100 metres and the rail line intersecting Cross Road and South Road.

It is clear the amenity of the locality is not of a typical residential setting and is lessened as a result of the arterial road network and rail crossing of South and Cross Road. Other commercial properties exist to the south and west of the subject land. A telecommunication facility is situated east of the subject land whereas the South Road overpass presents as a dominant element of the locality. This is also reflective of the commercial zoning of the subject land and strip along South/Cross Road (refer below Figure 2).



**Figure 2: Zoning map of the locality**

Despite the additional height and display area, it is considered that these interface issues are appropriately managed by the original conditions placed on the consent and Technical Brief prepared by the supplier (refer below). Due to the level of separation to the nearest residential property, the additional height of 500mm is not considered to result in significant visual amenity impacts. As identified earlier in this report, the amenity of the locality is already somewhat compromised for this portion of Cross Road and the variations to the original design are not considered to significantly impact on the amenity on nearby residential properties.

Outside of the above, the original interface assessment is outlined below and is considered to remain applicable to the variations:

The Development Plan has a number of provisions to assess if the development will detrimentally affect the amenity of the locality or cause unreasonable impacts. The Development Plan further seeks development to be designed and sited to minimise negative impacts on existing and potential future land uses considered appropriate in the locality and that development is designed, constructed and sited to minimise negative impacts of noise and to avoid unreasonable interference including;

- light spill;
- glare;
- hours of operation; and

- traffic impacts.

### Noise and Operation Hours

The advertising hoarding has been approved to operate 24 hours a day seven (7) days a week. This element of the proposal is not sought to change.

### Lighting and Glare

Lighting and glare is a significant consideration in this application, in particular on the impact on the amenity of the locality and potential hazard.

A key focus of the Applicant is to ensure that the potential for light and glare does not impact on the adjoining land uses. The Applicant has provided a Technical Brief prepared by the supplier of the LED screen “Big Screen Video” and this can be summarised as follows;

- Comprise ambient brightness sensor and automatic brightness control to meet the ambient light conditions ensuring compliance with the appropriate brightness requirements;
- Two ambient light sensors so that in the event of one malfunctioning, the other will take over;
- Should any malfunction occur with the ambient sensors an email is automatically sent to technicians to actions;
- In the event of total brightness control failure, the screen will automatically adjust brightness to the minimum level irrespective of ambient light conditions;
- Be monitored daily by Big Screen Video to manually check brightness readings after sunset every night;
- Automatically regulate light output to the surrounding climatic conditions to adjust to ambient light conditions, i.e. they are less bright at night and brighter during the day;

In addition to the provision of the technical information above, Big Screen Video have undertaken an empirical assessment of various LED screens in the Adelaide metropolitan area contained within the “Future Urban” Report. Although this provides some context of how the sign will be illuminated the examples shown may have not had a development authorisation or required to meet more stringent requirements that are now required at an assessment level. However, the report does suggest that the level of light and glare as a result of the new signage is appropriate in the context of signage in Metropolitan Adelaide.

I am satisfied that the development will not cause unreasonable interference and conflict between the adjacent residential and commercial land uses given the brightness levels proposed, the separation achieved by the arterial road, and that the screen will not display flashing, scrolling or moving content.

Traffic Impacts are discussed in more detail below.

### TRAFFIC SAFETY

The original assessment relating to traffic safety are considered to remain applicable. The original assessment read:

*Principle of Development Control 15 and 17 of the General Section (Advertisements) seek to ensure that advertisements are designed and located so as not create a hazard to drivers on adjacent roads. In particular, illuminated advertisements should be located away from traffic signals and operated with appropriate lighting levels.*

*The Department of Planning, Transport and Infrastructure (DPTI) – Traffic Department has reviewed the proposal in regard to traffic safety and have raised no objection to the development subject to the following:*

- *Only one self-contained message shall be displayed every 45 seconds;*
- *The time taken for consecutive displays to change shall be no more than 0.1 seconds;*
- *Advertisements shall not flash, scroll or move;*
- *Advertisements shall not display or imitate a traffic control device;*
- *The illuminance levels of the LED components shall be limited to within specified requirements; and*
- *An automatic error detection system shall be provided in the event of screen or system malfunction.*

*The location, static form, low frequency cycling of advertisements and illumination of the advertising is not considered to impede or compromise safety or create a hazard to traffic or pedestrians. Therefore the development achieves the relevant advertising safety provisions.*

*The proposal is considered to conform with the 'Advertising Signs: Assessment Guidelines for Road Safety (August 2014)' and is unlikely to cause significant distraction to motorists or endanger public safety subject to the conditions recommended by DPTI. The conditions recommended by DPTI have been included within the recommendation.*

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## CONCLUSION

The proposed variation will see the advertisement increase in height and display area and amended from a two-sided display to a single sided display. The majority of the original assessment and considerations remain applicable to the subject application.

The main considerations attributed to the variation relate to the additional visual impact and light spill upon the locality. The amenity of the locality is already considered somewhat compromised as a result of the arterial road network, rail intersection, commercial properties, telecommunication facility and South Road overpass. To this end, the increase in height is not considered to significantly detract from the amenity of the locality, to the extent where refusal would be warranted.

Despite the display area increasing by 9.4 square metres, the size of the sign remains less than that which presently exists on the site and as identified throughout this report, is not considered to impact on the amenity of the locality.

The support for the variation relies heavily on how the sign relates to the character of the locality and the interface between the existing commercial and residential land uses and moreover, on whether the advertising hoarding is safe and does not create a hazard. The original documentation submitted by the applicant suggested that the impacts will, as far as possible, be minimised such that they will not be unreasonable to neighbouring properties. This is largely due to the management and limiting requirements proposed by the Applicant and reinforced by Department of Planning Transport and Infrastructure – Transport Department. These elements of the proposal are unchanged.

It has previously been determined by the Panel that a third party sign with internal illumination is appropriate for the subject land. When the variations are assessed against the relevant provisions of the Development Plan regard is had to the context of the locality and the nature of the variations, it is considered that the proposal reasonably accords with the provisions of the Development Plan.

Subject to the existing conditions on the original application, the proposal is not considered to detrimentally impact upon the character and amenity of the locality or cause distraction or endanger public safety.

It is considered that the application is not 'seriously at variance' with the Marion Council Development Plan and that the development exhibits sufficient merit when assessed on balance against the relevant Objectives and Principles to warrant Development Plan Consent subject to conditions and notes listed below.



## RECOMMENDATION

Having considered all relevant planning matters in relation to the subject development application:

- (a) The Panel note this report and concur with the findings and reasons for the recommendation;
- (b) The Panel concur that the proposed development is not seriously at variance to the Marion Council Development Plan, in accordance with Section 35 (2) of the Development Act 1993; and
- (c) That Development Plan Consent for Development Application No: 100/2020/1427 for a variation to DA 100/2019/1943 - increase in display area and height and to amend the dual displays to create a single sided sign at 4/373 Cross Road, Edwardstown be **GRANTED** subject to the following conditions:

## CONDITIONS

1. The development shall proceed in accordance with the plans and details submitted with and forming part of Development Application No. 100/2019/1943, except where varied by subsequent Development Application 100/2020/1427.
2. The development shall be operated and maintained in accordance with the “Technical Brief RE: BSV Automatic Brightness Control for Roadside Billboards” provided by “Big Screen Video” as submitted in the Application.

### Department of Planning Transport and Infrastructure Conditions

3. The LED sign shall be permitted to display one static, self-contained message every 45 seconds. The time taken for consecutive displays to change shall be no more than 0.1 seconds. The sign shall not flash, scroll, move or imitate a traffic control device.
4. Illuminated signage shall not be permitted to operate in such a manner that could result in impairing the ability of a road user by means of high levels of illumination or glare. Subsequently, the LED components of the sign/s shall be limited to the following stepped luminance levels:

Ambient Conditions	Sign Illuminance Vertical Component (Lux)	Sign Luminance (Cd/m <sup>2</sup> ) Max
Sunny Day	40,000	6,300
Cloudy Day	4,000	1,100
Twilight	400	300
Dusk	40	200
Night	<4	100

5. The operational system for the sign shall incorporate an automatic error detection system which will turn the display off or to a blank, black screen should the screen or system malfunction.



**Department of Planning Transport and Infrastructure Notes**

- 1. The Metropolitan Adelaide Road Widening Plan (MARWP) shows a possible requirement for a strip of land up to 4.5 metres in width from the Cross Road frontage of this site (SP 12187) for future upgrading of the Cross Road/South Road intersection, together with a 4.5 x 4.5 metre cut-off at the Cross Road/Railway Terrace corner. The consent of the Commissioner of Highways under the MARWP Act is required to all building works on or within 6.0 metres of the possible requirement. This development proposal is situated clear of the possible requirement and consent area. The consent of the Commissioner of Highways under the MARWP Act is not required for this proposal.**
- 2. Both the State and Federal Governments have made clear commitments to complete a non-stop North-South Corridor for Adelaide. Construction is currently underway on the Darlington and Regency Road to Pym Street sections of the Corridor. The exact nature and timing of any works relative to the River Torrens to Darlington section of the Corridor has yet to be determined, and any potential future land requirements are unknown. For further information about the North-South Corridor, please visit <https://dpti.sa.gov.au/infrastructure/nsc>, or if you would like to speak to a member of the North-South Corridor team, please email [northsouthcorridor@sa.gov.au](mailto:northsouthcorridor@sa.gov.au) or call 1300 951 145.**

**4. APPEALS UPDATE  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 NOVEMBER 2020**



**4.1 APPEALS AGAINST PANEL DECISIONS**

***New Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
100/2020/1200	20 The Triangle, Warradale	21/10/2020	Granted	Refused	Preliminary conference 16/11/2020

***On-going Appeals***

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>

**4.2 APPEALS AGAINST DELEGATED APPLICATIONS**

<b>DA No.</b>	<b>Address</b>	<b>Appeal Lodged</b>	<b>Recommendation</b>	<b>Decision</b>	<b>Current Status</b>
100/2017/2090	79-81 Thomas Street, South Plympton	2/10/2020	Refused	Refused / Appeal dismissed	Supreme Court appeal lodged against ERD Court decision to dismiss the original appeal. Matter to be heard by the Honourable Justice Parker on 10/11/20.

**5. POLICY OBSERVATIONS  
CITY OF MARION  
COUNCIL ASSESSMENT PANEL AGENDA  
FOR MEETING TO BE HELD ON  
WEDNESDAY 4 NOVEMBER 2020**

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