



# NOTICE

of

## **COUNCIL DEVELOPMENT ASSESSMENT PANEL MEETING**

*Pursuant to the provisions of Section 56A of the Development Act 1993*

TO BE HELD IN

**MEETING ROOM 1 & 2  
PLAYFORD CIVIC CENTRE  
10 PLAYFORD BOULEVARD, ELIZABETH**

ON

**MONDAY, 14 DECEMBER 2015 AT 6:00PM**

A handwritten signature in black ink, appearing to read "Mal Hemmerling", with a long horizontal stroke extending to the right.

**MAL HEMMERLING  
CHIEF EXECUTIVE OFFICER**

Issue Date: Thursday, 10 December 2015

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### MEMBERSHIP

#### **MR BILL CHANDLER - PRESIDING MEMBER**

Mrs Marilyn Baker  
Mr Damien Ellis

Mr Joe Federico  
Mr Geoff Parsons

Mr Peter Rentoulis  
Mr John Watson

# CITY OF PLAYFORD STRATEGIC PLAN

<b>Strategy 1 - Our foundations – services, city presentation and community pride</b>	
Playford will rebuild itself with a range of facilities and services providing a village lifestyle that is connected socially and physically through a network of open spaces and sustainable trails. A sense of identity will pervade in the City with residents and businesses alike being proud of the community in which they chose to live and work.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>1.1 Liveable City with mix of services and facilities</li> <li>1.2 Environmental responsibility</li> <li>1.3 Attractive and sustainable open spaces</li> <li>1.4 Improved visual amenity</li> <li>1.5 Enhanced reputation</li> </ul>
<b>Strategy 2 - Securing Playford's future and building value</b>	
Playford will ensure that the land that we own or govern is preserved for appropriate residential, manufacturing, horticultural, agricultural, commercial and recreational needs. We will undertake structure planning and build assets and infrastructure that secure our social, environmental and economic future.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>2.1 Well planned and sustainable City</li> <li>2.2 Diversified and expanding economic base</li> </ul>
<b>Strategy 3 - Elizabeth, Adelaide's Northern CBD</b>	
Playford will further develop the Elizabeth Regional Centre as the major retail, commercial, education, social services, arts and entertainment centre for the region. This development will integrate with and underpin adjacent urban renewal, a Regional Sports Precinct, the Lyell McEwin Health Precinct, and a regional Education and Training Precinct with expanded tertiary facilities linked into developing manufacturing industries and the Defence Precinct.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>3.1 Provision of CBD facilities and services</li> <li>3.2 Vibrant, walkable and cosmopolitan lifestyle</li> <li>3.3 Opportunities for social interactions</li> </ul>
<b>Strategy 4 - Securing Playford's future in the global economy</b>	
The City of Playford will capitalise on its strategic geographical position and demographics to work with other local government bodies, the State and Commonwealth governments, applied research bodies and other regions to establish a diverse industry base and expand its defence, advanced manufacturing, horticulture, health and ageing industry sectors to provide local jobs for local people, capitalising on the digital economy, as the foundation for a rising standard of living for the community.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>4.1 Key economic drive of the State</li> <li>4.2 Robust local economy with local job opportunities</li> <li>4.3 Part of Southern Food Bowl with national and international links</li> <li>4.4 Re-focused manufacturing to support economic growth in the north of the State</li> </ul>
<b>Strategy 5 - Building our capabilities</b>	
As the entity responsible for many of the needs of its community, the City of Playford will focus on improving its financial performance, innovation and skills in partnership development and advocacy to resource and guide the achievement of this strategic plan.	<p>Outcomes:</p> <ul style="list-style-type: none"> <li>5.1 Highly performing organisation</li> <li>5.2 Delivering value for money services</li> <li>5.3 Effective government and private sector partnerships.</li> </ul>

**City of Playford**  
**Council Development Assessment Panel Meeting**

**AGENDA**

**MONDAY, 14 DECEMBER 2015 AT 6:00PM**

**1 ATTENDANCE RECORD**

- 1.1 Present
- 1.2 Apologies
- 1.3 Not Present

**2 CONFIRMATION OF MINUTES**

**RECOMMENDATION**

The Minutes of the Council Development Assessment Panel Meeting held 23 November 2015 be confirmed as a true and accurate record of proceedings.

**3 APPLICATIONS WITHDRAWN**

**4 DECLARATIONS OF INTEREST**

**5. APPLICATIONS FOR CONSIDERATION – PERSONS WISHING TO BE HEARD**

Nil

**6. APPLICATIONS FOR CONSIDERATION – NO PERSONS TO BE HEARD**

6.1 Construction of advertising hoardings and advertising (Attachments) .....6

**Representors:** Nil  
**Applicant:** Caltex Petroleum Australia Pty Ltd

6.2 Construction of a shopping centre with associated car park, signage and landscaping.....27

**Representors:** Nil  
**Applicant:** Eyre Retail Pty Ltd

**7. APPLICATIONS FOR CONSIDERATION - CATEGORY 1**

Nil

**8. OUTSTANDING MATTERS – APPEALS AND DEFERRED ITEMS**

Nil

**9. OTHER BUSINESS**

**9.1 STAFF REPORTS**

Nil

**10. CONFIDENTIAL MATTERS**

Nil

**11. DEVELOPMENT PLAN POLICY DISCUSSION FORUM**

11.1 Policy Matters Raised .....32

**12. CLOSURE**

# **APPLICATIONS FOR CONSIDERATION**

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**APPLICATIONS FOR  
CONSIDERATION – NO PERSONS  
TO BE HEARD**

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## 6.1 CONSTRUCTION OF ADVERTISING HOARDINGS AND ADVERTISING

### 1. Snapshot

<b>Author:</b>	Michael Bosio
<b>Proposal:</b>	Construction of advertising hoardings and advertising
<b>Development Number:</b>	292/1292/15
<b>Date of Lodgement:</b>	11 September 2015
<b>Owner:</b>	Caltex Petroleum Australia Pty Ltd
<b>Applicant:</b>	Caltex Petroleum Australia Pty Ltd
<b>Location:</b>	149 Main North Road, Elizabeth Vale
<b>Zone:</b>	Residential
<b>Classification:</b>	Non-complying
<b>Public Notification Category:</b>	3
<b>Representation Received:</b>	Not yet undertaken
<b>Development Plan:</b>	Consolidated 20 March 2014
<b>Request for Additional Information Made?</b>	No
<b>Recommendation:</b>	Resolve to proceed with an assessment of the application.
<b>Attachments:</b>	See Attachment No: <ol style="list-style-type: none"><li>1. Development Application Form</li><li>2. Certificate of Title</li><li>3. Plans and elevations</li><li>4. Statement of Support</li></ol>

### 2. The Subject Land

The subject land is rectangular in shape and located on the corner of Main North Road and Hogarth Road in the suburb of Elizabeth Vale. The northern and eastern boundaries provide the street frontage, the western and southern boundaries abut a 3.2 hectare local reserve. In relation to the wider locality the land is approximately 2.6 kilometres south of the Elizabeth Shopping Centre with the intervening area predominantly constituting residential development.

The site is 3,900 square metres in area with a street frontage of 120 metres, a length of approximately 82 metres and is 52 metres wide.

The land is fenced where it interfaces with the local reserve to the south and west while the two street frontages are open to the road.

There is an easement recorded on the Certificate of Title over the land mark A, which is situated in the north-west corner where existing landscaping is to be retained.



Overall, the prevailing character is established residential development; however there is significant separation from the subject land by large local reserves.

### 3.1 Zoning

The subject land is depicted on Zone Map Play/33 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Residential Zone;
- Is covered by the Transport Overlay.

## 4 The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

*“Construction of advertising hoardings and advertising”.*

The applicant seeks to construct and install advertising hoarding and advertising to the recently approved replacement of the existing retail fuel outlet. The eastern elevation of the building will contain three panel façade signs in white, teal and tangerine colours which will be internally lit. The southern elevation will feature the same façade signs as the eastern elevation with additional coloured panelling. The signage on this elevation will be lit internally and by down lights. This corporate signage is consistent with the signage on the existing building which is to be replaced.

The existing canopy over the fuel dispensers' eastern fascia is to have an internally lit Caltex button sign comprising the colours red, white and green. The southern fascia is to have an internally lit Caltex sign, which is replacing an existing sign.

An air water sign is to replace existing air water signage.

A promotional sign is to be placed near the Hogarth Road crossover.

## 5 Procedural Matters

### 5.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *complying*, *non-complying* or *merit*.

Advertisement and/or advertising hoarding is listed in the Procedural Matters of the Residential Zone as a non-complying form of development in the Playford Council development plan, Consolidated 20 March 2014. Consequently the application is considered to be *non-complying*.

## 5.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

An “advertisement and/or advertising hoarding” is not listed within Council’s Development Plan as either a Category 1 or Category 2 development, and similarly Schedule 9 of the Development Regulations 2008 excludes a non-complying form of development being assigned to Category 1 or 2. Therefore it is taken to be Category 3.

## 6 Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Whether the proposed advertising hoardings and advertising will have an unreasonable visual impact on the amenity of the locality.

## 7 Reasons to Proceed with an Assessment

The proposal is for advertising hoardings and advertising at an established retail fuel outlet. This application seeks to provide similar corporate display and product advertising that has historically been seen on the site and in association with an existing land use.

An assessment of the proposal that addresses the key issue outlined above will determine its variance against the Council Development Plan and its merit as a development.

## 8 Recommendation

### STAFF RECOMMENDATION

That pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel:

- Resolve to proceed with an assessment of the application.

# DEVELOPMENT APPLICATION FORM

**COUNCIL:** CITY OF PLAYFORD

**APPLICANT:** CALTEX PETROLEUM AUSTRALIA PTY LTD

Postal Address: C/- MASTERPLAN SA PTY LTD  
33 CARRINGTON STREET, ADELAIDE

**OWNER:** CALTEX PETROLEUM AUSTRALIA PTY LTD

Postal Address: LEVEL 24/2 MARKET STREET SYDNEY  
NSW 2000

**BUILDER:** TBA

Postal Address: \_\_\_\_\_  
Licence No: \_\_\_\_\_

**CONTACT PERSON FOR FURTHER INFORMATION:**

Name: GREG VINCENT - MASTERPLAN SA PTY LTD

Telephone: 8221 6000

Facsimile: 8221 6001

Mobile: 0413 832 603

**EXISTING USE:**

RETAIL FUEL OUTLET

**FOR OFFICE USE**

Development No: 292.1292.15

Previous Development No: \_\_\_\_\_

Assessment No: \_\_\_\_\_

- Complying
- Non-complying
- Notification Cat 2
- Notification Cat 3
- Referrals/Concurrence
- DA Commission

Application forwarded to DA  
Commission/Council on: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Decision: \_\_\_\_\_  
Type: \_\_\_\_\_  
Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

	Decision	Fees	Receipt No	Date
Planning:	YES			
Building:				
Land Division:				
Additional:				
Dev Approval:				

**DESCRIPTION OF PROPOSED DEVELOPMENT:**

THE REPLACEMENT AND ERECTION OF ADVERTISING DISPLAYS

**LOCATION OF PROPOSED DEVELOPMENT:**

House No: \_\_\_\_\_ Lot No: 97 Street: MAIN NORTH ROAD Town/Suburb: ELIZABETH VALE

Section No (full/part): \_\_\_\_\_ Hundred: MUNNO PARA Volume: 5549 Folio: 525

Section No (full/part): \_\_\_\_\_ Hundred: \_\_\_\_\_ Volume: \_\_\_\_\_ Folio: \_\_\_\_\_

**LAND DIVISION:**

Site Area (m<sup>2</sup>): \_\_\_\_\_ Reserve Area (m<sup>2</sup>): \_\_\_\_\_ No of Existing Allotments: \_\_\_\_\_

Number of Additional Allotments - (Excluding Road and Reserve): \_\_\_\_\_ Lease: YES:  NO:

**BUILDING RULES CLASSIFICATION SOUGHT:**

If Class 5, 6, 7, 8 or 9 classification is sought, state the proposed number of employees: \_\_\_\_\_ Female: \_\_\_\_\_ Male: \_\_\_\_\_

If Class 9a classification is sought, state the number of persons for whom accommodation is required: \_\_\_\_\_

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: \_\_\_\_\_

**DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY?**

YES:  NO:

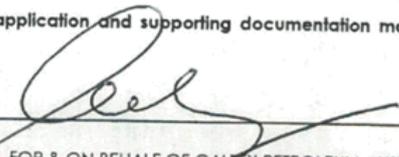
**HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 1993 LEVY BEEN PAID?**

YES:  NO:

**DEVELOPMENT COST** (Do not include any fit-out costs): \$170,000

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

**SIGNATURE:**

  
\_\_\_\_\_  
DENNIS DELANEY, FOR & ON BEHALF OF CALTEX PETROLEUM AUSTRALIA PTY LTD

Dated: 28 AUGUST 2015  
**RECEIVED 08 SEP 2015**  
\$0



# Title Register Search

## LANDS TITLES OFFICE, ADELAIDE

For a Certificate of Title issued pursuant to the Real Property Act 1886

REGISTER SEARCH OF CERTIFICATE OF TITLE \* VOLUME 5549 FOLIO 525 \*

COST : \$26.50 (GST exempt )	PARENT TITLE : CT 3541/75
REGION : EMAIL	AUTHORITY : CONVERTED TITLE
AGENT : BTPL BOX NO : 000	DATE OF ISSUE : 29/06/1998
SEARCHED ON : 26/02/2015 AT : 09:50:20	EDITION : 4
CLIENT REF 14521	

### REGISTERED PROPRIETOR IN FEE SIMPLE

-----  
CALTEX AUSTRALIA PETROLEUM PTY. LTD. OF LEVEL 24/2 MARKET STREET SYDNEY  
NSW 2000

### DESCRIPTION OF LAND

-----  
ALLOTMENT 97 FILED PLAN 130789  
IN THE AREA NAMED ELIZABETH VALE  
HUNDRED OF MUNNO PARA

### EASEMENTS

-----  
SUBJECT TO THE EASEMENT OVER THE LAND MARKED A (T 2306226)

### SCHEDULE OF ENDORSEMENTS

-----  
NIL

### NOTATIONS

-----  
DOCUMENTS AFFECTING THIS TITLE

-----  
NIL

### REGISTRAR-GENERAL'S NOTES

-----  
CONTROLLED ACCESS ROAD VIDE PLAN 6

END OF TEXT.

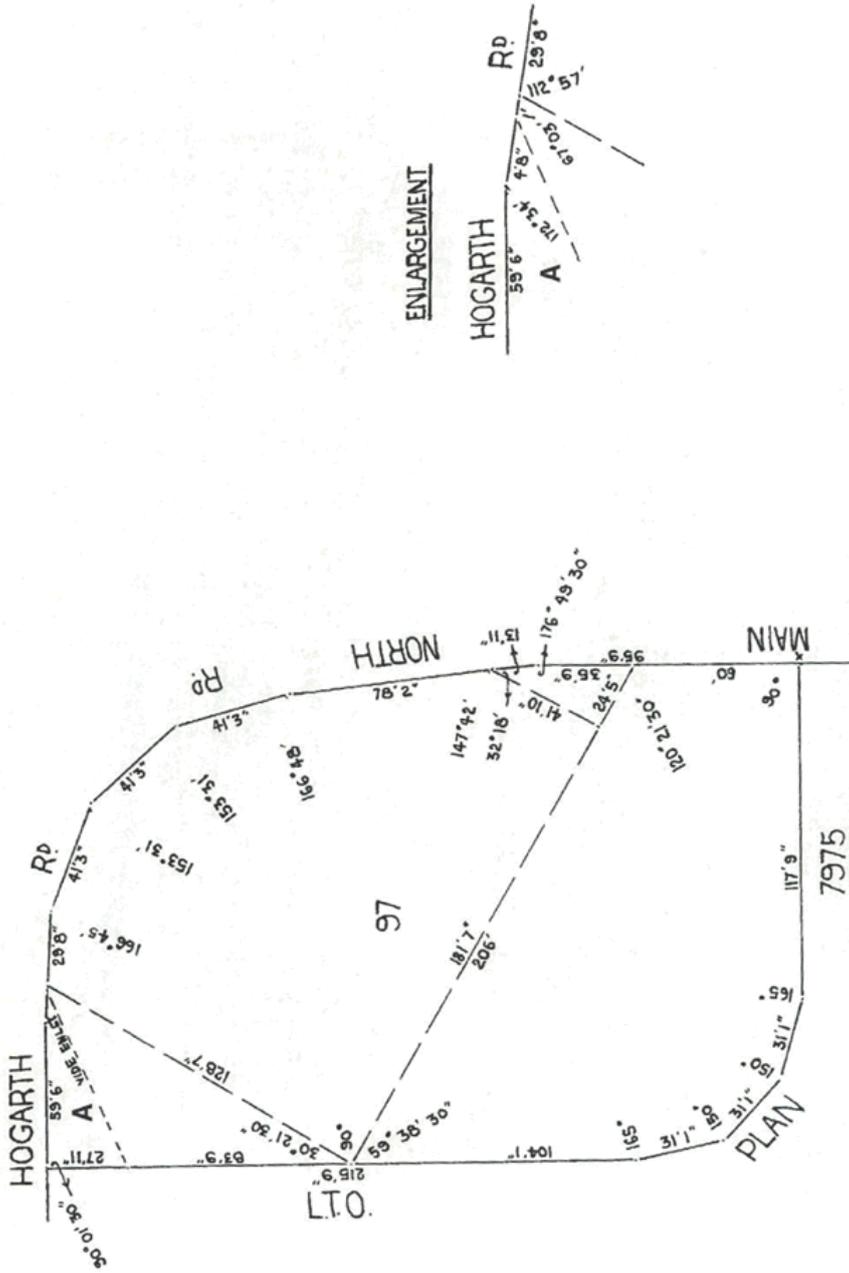


LANDS TITLES OFFICE ADELAIDE SOUTH AUSTRALIA

DIAGRAM FOR CERTIFICATE OF TITLE VOLUME 5549 FOLIO 525

SEARCH DATE : 26/02/2015 TIME: 09:50:20

THIS PLAN IS SCANNED FOR CERTIFICATE OF TITLE 3541775 LAST PLAN REF: DP 6079  
SEE TITLE TEXT FOR EASEMENT DETAILS



ENLARGEMENT



60 FT

0

30

60

DISTANCES ARE IN FEET AND INCHES  
FOR METRIC CONVERSION  
1 FOOT = 0.3048 METRES  
1 INCH = 0.0254 METRES

NOTE: SUBJECT TO ALL LAWFULLY EXISTING PLANS OF DIVISION



**CALTEX**

PROPOSED RETAIL PROJECT KDR

**ELIZABETH VALE - SA**

MAIN NORTH ROAD CNR HOGARTH ROAD

SIGNAGE APPLICATION

# DRAWING LIST

GENERAL		
NUMBER	REV	TITLE
A000	B	DRAWING LIST

SHOP		
NUMBER	REV	TITLE
A201	A	ELEVATIONS-SHEET 1 OF 2
A202	A	ELEVATIONS-SHEET 2 OF 2

SIGNAGE		
NUMBER	REV	TITLE
S100	B	SITE SIGNAGE PLAN
S110	A	SITE SIGNAGE DETAILS
S334	B	CANOPY SIGNAGE DETAILS

**SIGNAGE APPLICATION**

**P R O J E C T**  
**C O N S U L T A N T S W A**  
 P T Y L T D  
 ACN 602 924 336 ABN 40 415 457 574  
 CONTACT No 0836 486 223



**CALTEX**  
 Caltex Australia Petroleum Pty Ltd

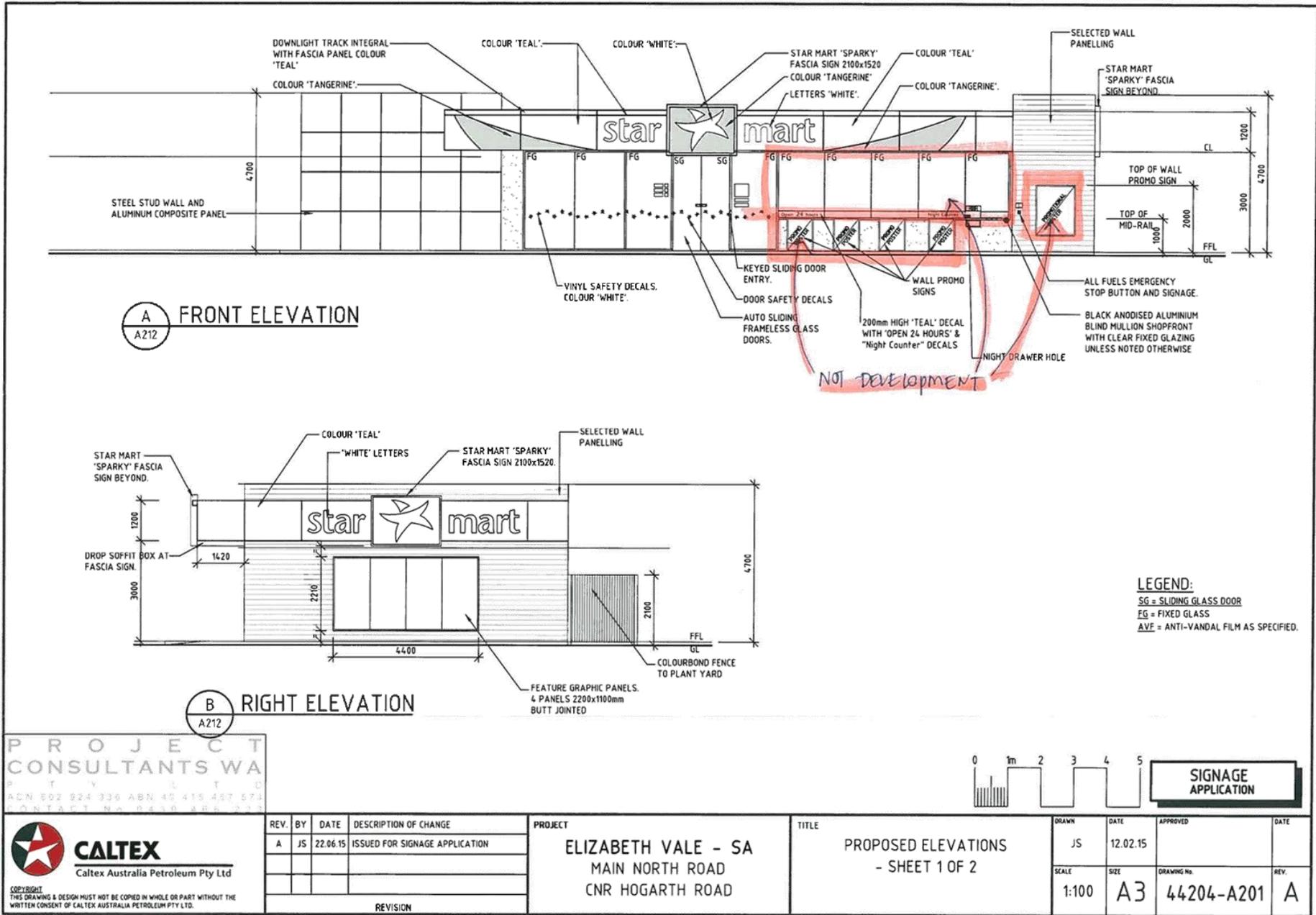
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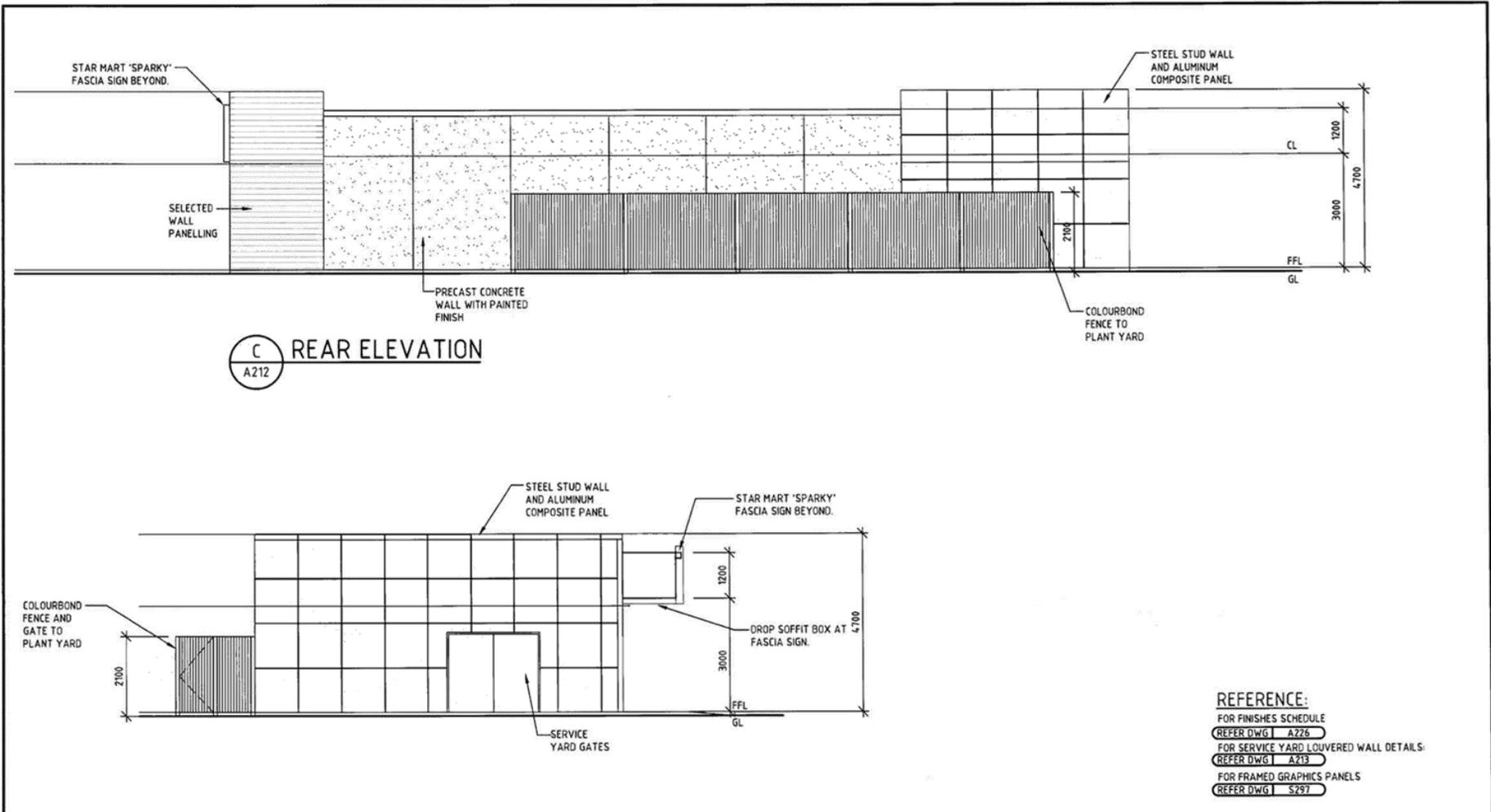
REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	22.06.15	ISSUED FOR SIGNAGE APPLICATION
B	JS	27.08.15	REVISIONS AMENDED
			REVISION

PROJECT  
**ELIZABETH VALE - SA**  
 MAIN NORTH ROAD  
 CNR HOGARTH ROAD

TITLE  
**DRAWING LIST**

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SCALE	SIZE	DRAWING No.	REV.
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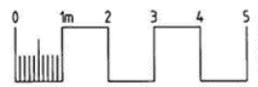




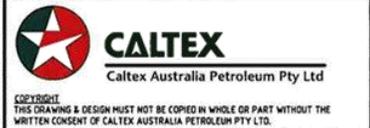
**C REAR ELEVATION**  
A212

**D LEFT ELEVATION**  
A212

PROJECT CONSULTANTS WA  
P T Y L T D  
ACN 602 924 336 ADN 40 415 437 374  
CONTACT No. 04 38 468 223



**SIGNAGE APPLICATION**

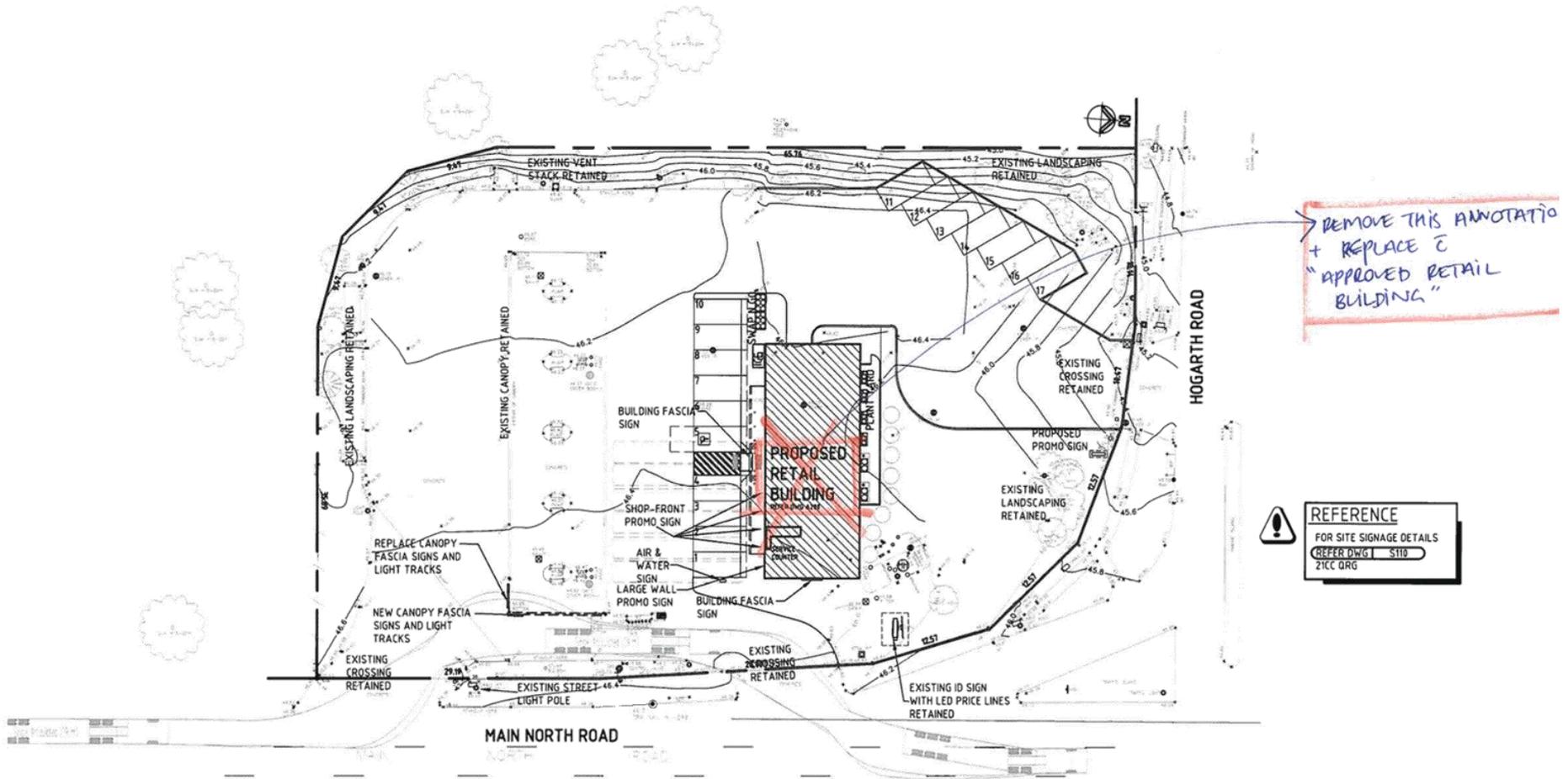


REV.	BY	DATE	DESCRIPTION OF CHANGE
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REVISION			

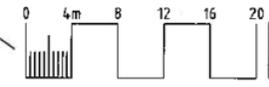
PROJECT  
**ELIZABETH VALE - SA**  
MAIN NORTH ROAD  
CNR HOGARTH ROAD

TITLE  
**PROPOSED ELEVATIONS**  
- SHEET 2 OF 2

DRAWN	DATE	APPROVED	DATE
JS	12.02.15		
SCALE	SIZE	DRAWING No.	REV.
1:100	A3	44204-A202	A



**PROJECT CONSULTANTS WA**  
 P T Y L T D  
 ACN 602 924 336 ABN 40 413 457 574  
 CONTACT No 0430 466 223



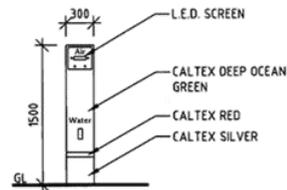
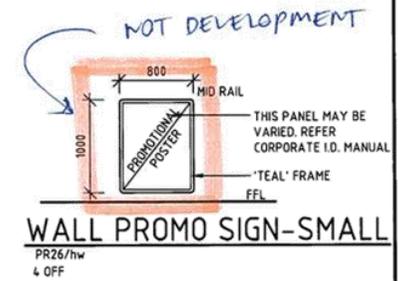
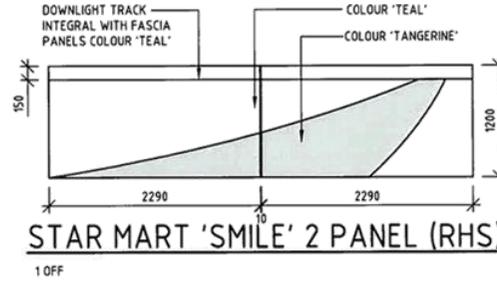
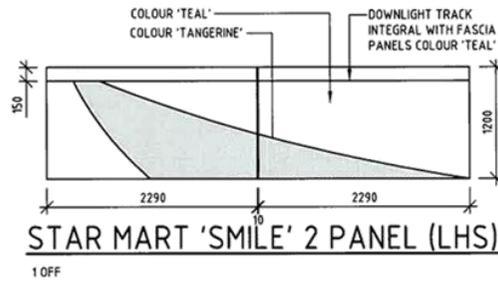
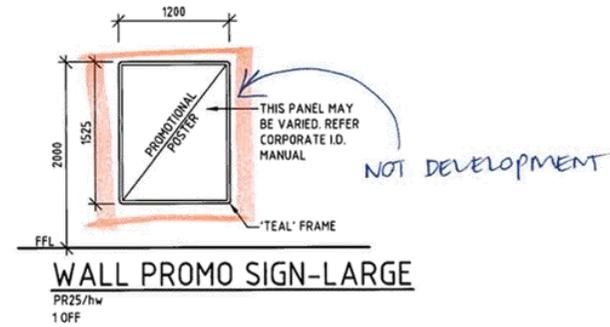
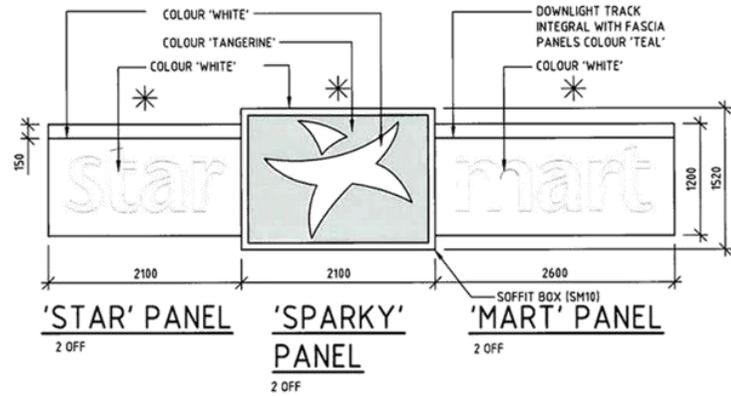
**SIGNAGE APPLICATION**



REV.	BY	DATE	DESCRIPTION OF CHANGE
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B	JS	27.08.15	PROMO SIGN REMOVED
REVISION			

PROJECT	ELIZABETH VALE - SA MAIN NORTH ROAD CNR HOGARTH ROAD
TITLE	SITE SIGNAGE PLAN

DRAWN	DATE	APPROVED	DATE
JS	12.02.15		
SCALE	SIZE	DRAWING No.	REV.
1:400	A3	44204-S100	B



REFERENCE:  
ALSO REFER TO SPARKY STAR MART ORG.



PROJECT CONSULTANTS WA  
P T Y L T D  
ACN 602 924 338 ABN 40 415 457 574  
CONTACT No 0430 466 223

**AIR & WATER SIGN**  
PROPOSED - 1 OFF

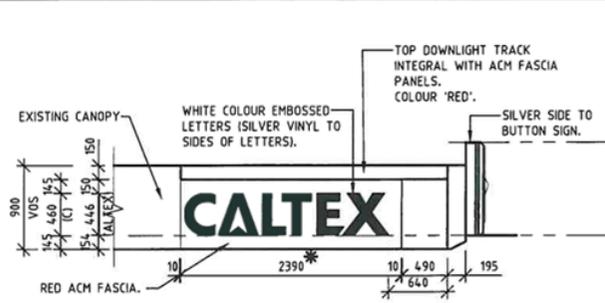
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REV.	BY	DATE	DESCRIPTION OF CHANGE
A	JS	22.06.15	ISSUED FOR SIGNAGE APPLICATION
REVISION			

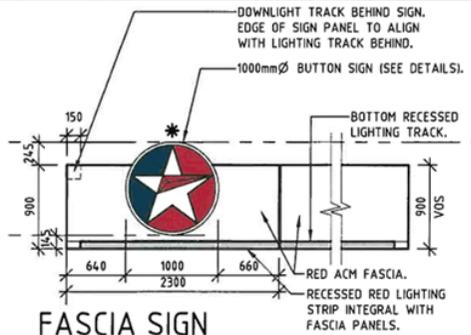
PROJECT  
**ELIZABETH VALE - SA**  
MAIN NORTH ROAD  
CNR HOGARTH ROAD

TITLE  
SITE SIGNAGE DETAILS

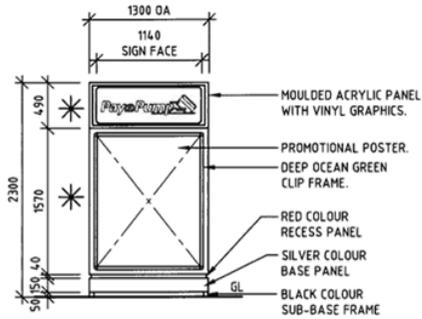
DRAWN	DATE	APPROVED	DATE
JS	12.02.15		
SCALE	SIZE	DRAWING No.	REV.
1:50	A3	44204-S110	A



**FASCIA SIGN**  
**(RETAIL CAR CANOPY)**  
 1 OFF  
 EXISTING REPLACED

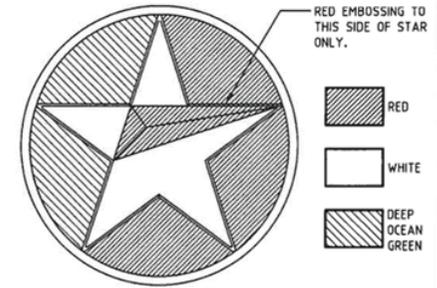


**FASCIA SIGN**  
**(RETAIL CAR CANOPY-CF3-BL)**  
 1 OFF



**STREET PROMO SIGN**  
 1 OFF TYPE PR3-SC

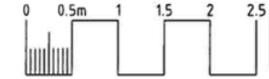
**NOTE:**  
 SIGN MANUFACTURER NOTE :  
 SIGNAGE PANEL SIZES & GRAPHICS INDICATIVE ONLY.  
 FOR FINAL DETAILS REFER TO APPROVED SIGNAGE SUPPLIER ARTWORK SHOWING PANEL DETAILS & GRAPHICS.



**BUTTON COLOUR DETAILS**

PROJECT CONSULTANTS WA  
 P T Y L T D  
 ACN 802 924 336 ABN 40 415 457 574  
 CONTACT NO. 0430 488 223

\* INTERNALLY ILLUMINATED ACRYLIC SIGN BOX



**SIGNAGE APPLICATION**

 <b>CALTEX</b> Caltex Australia Petroleum Pty Ltd <small>COPYRIGHT                  THIS DRAWING &amp; DESIGN MUST NOT BE COPIED IN WHOLE OR PART WITHOUT THE WRITTEN CONSENT OF CALTEX AUSTRALIA PETROLEUM PTY LTD.</small>	REV.	BY	DATE	DESCRIPTION OF CHANGE	PROJECT <b>ELIZABETH VALE - SA</b> MAIN NORTH ROAD CNR HOGARTH ROAD	TITLE <b>SIGNAGE DETAILS</b> RETAIL CANOPY	DRAWN	DATE	APPROVED	DATE
	A	JS	22.06.15	ISSUED FOR SIGNAGE APPLICATION			JS	18.02.15		
	B	JS	27.08.15	PROMO BOARD DETAIL ADDED			SCALE	SIZE	DRAWING No.	REV.
REVISION							1:50	A3	44204-S334	B



28 August 2015

City of Playford  
12 Bishopstone Rd  
DAVOREN PARK SA 5113



Attention: Mr Michael Bosio

Dear Mr Bosio

Re: 149 Main North Road, Elizabeth Vale  
Development Application for Signage

We act for Caltex Australia Petroleum Pty Ltd the applicant for the above matter.

On behalf of our client, please find **enclosed** with this letter an application for Development Plan Consent for advertisements to be permanently located at the proposed retail fuel outlet building at 149 Main North Road, Elizabeth Vale.

Our client's application contains:

- a completed and signed application form;
- a completed and signed Office of the Technical Regulator Powerline Clearance Form;
- a copy of the Certificate of Title; and
- Site Signage Plan and Signage Details.

Once the applicable fees have been determined by your colleagues, would you kindly arrange for a copy of the tax invoice to be issued to our office at the earliest opportunity.

SOUTH AUSTRALIA  
33 Carrington Street  
Adelaide, 5000  
P (08) 8221 6000

masterplan.com.au

NORTHERN TERRITORY  
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14521LET05



### **The Subject Land**

The site of the proposed development is located on the western side of Main North Road, at the corner of Hogarth Road in Elizabeth Vale. Provisional Planning Consent has recently been received for the demolition of the existing retail fuel outlet building, and the construction of a new retail fuel outlet building in Development Application 292/431/2015.

### **The Proposed Development**

The proposed development incorporates the erection of advertisements that are subservient and ancillary to the previously approved 'Retail Fuel Outlet'.

The eastern elevation of the building will contain three panel fascia signs with white, teal and tangerine colouring. In the centre, a 2.1 metre by 1.52 metre 'Sparky' white fascia sign is proposed, with a 2.1 metre by 1.2 metre 'Star Panel' to the left, and a 2.6 metre by 1.2 metre 'Mart Panel' to the right. Beneath the fascia signage four 2.21 metre by 1.1 metre butt jointed feature graphic panels are proposed.

The southern elevation of the proposed building fascia will feature the same 'star mart' and 'sparky' fascia signage as the eastern elevation. Two 4.58 metre by 1.2 metre 'Star Mart Smile – 2 panel' signs will also be erected. In addition, four 0.8 metre by 1.0 metre wall promo signs are proposed adjacent the sliding door entry to the building and one 1.2 metre by 1.52 metre promotional sign.

The western and northern elevations of the built form will not contain any signage.

The fuel bowser canopy will contain signage including the Caltex button logo and Caltex fascia signage in red, white and 'deep ocean green'. The proposed Caltex fascia signage will replace the existing canopy fascia sign.

A number of the proposed signs are considered to be 'replacements' of existing signage which are currently erected on site. These are as follows;

- in its current form the retail building contains one central 'Sparky' orange and white fascia sign as well as two 1.2 metre by 1.52 metre promotional signs and four 0.8 metre by 1.0 metre wall promo signs – this will be replaced by one of the proposed 2.1 metre by 1.52 metre 'Sparky' white fascia signs and one of the proposed wall large promo signs and four of the proposed small wall promo signs;
- the petrol filling canopy has two Caltex fascia signs approximately 2.5 metres by 0.9 metres in size – one of these will be replaced by one 2.39 metres by 0.446 metre Caltex fascia sign; and
- one 1.5 metre by 0.3 metre freestanding 'Air and Water Sign' which will replace the existing 'Air and Water Sign' adjacent to the Hogarth Road access way.



Where a sign of the same dimension and type is proposed, we consider that these signs can reasonably be considered by Council to be replacements. As such, these signs are included in the proposal for Council's reference only and are not considered to constitute development in this instance.

Additionally, one 2.315 metre by 1.3 metre freestanding 'Street Promo Signs' is proposed which will be located adjacent the crossover to Hogarth Road.

The existing freestanding pylon sign located in the north-eastern corner of the subject land will not be altered from its current form. The sign will continue to display fuel pricing information.

Further detail of the proposed signs can be found on Drawing Numbers 44204-S110 Revision A, 44204-S201 Revision A, 44204-S202 Revision A and 44204-S334 Revision A.

The location of the proposed advertisements is depicted on Drawing Number 44204-S100 Revision A.

### **Procedural Matters**

The procedural matters of the Residential Zone list advertisements as a non-complying kind of development. Whilst it is acknowledged that the proposed advertisements are non-complying, Regulation 17 of the *Development Regulations 2008*, provides for particular types of non-complying development to be treated as minor and accordingly, to not require the submission of a Statement of Effect, nor require public notification under Schedule 9.

*Applications for development approval—Part 4, 17—Non-complying development* clause 6 (b) of the *Development Regulations, 2008* states:

*"(6) A statement of effect is not required if the proposed development consists (wholly or substantially) of—*

*...*

*(b) the construction of a new building which is to be used in a manner which is ancillary to, or in association with, the use of an existing building and which would facilitate the better enjoyment of the existing use of the existing building; or*

*...*

*and the relevant authority considers that the proposed development is of a minor nature."*



We have formulated the opinion that a statement of effect will not be required based on the following:

- the proposed advertisements are considered 'structures' which under the *Development Act 1993* are encompassed under the definition of 'building', according to;

*"building means a building or structure or a portion of a building or structure (including any fixtures or fittings which are subject to the provisions of the Building Code of Australia), whether temporary or permanent, moveable or immovable, and includes a boat or pontoon permanently moored or fixed to land, or a caravan permanently fixed to land;"*

- the subject land currently accommodates an existing approval for the use of the land as a retail fuel outlet, and therefore the erection of the signage comprises a building (structure) which will be ancillary to the existing building; and
- we believe that the relevant authority can consider that the proposed development is of a minor nature (as discussed below in the context of determining the degree of public notification in accordance with Schedule 9).

Accordingly, we are of the opinion, that a Statement of Effect is not required.

Furthermore, and in consideration of determining the Category of Public Notification, we submit that Council can reasonably form the opinion that the proposed development is of a nature that may be considered minor under Schedule 9, 17 of the *Development Regulations 2008*, and as such we seek concurrence from Council in regard to this matter. Schedule 9, clause 17 states:

*"17 For the purpose of determining whether a development should be considered to be of a minor nature only, the relevant authority—*

- (a) must not take into account what is included within Schedule 3; and*
- (b) may take into account the size of the site of the development, the location of the development within that site, and the manner in which the development relates to the locality of the site; and*
- (c) if relevant, may conclude that the development is of a minor nature only despite the fact that it satisfies some, but not all, of the criteria set out in item 2(d)."*

With reference to the above, the proposed development:

- constitutes the use of a small portion of the overall allotment for the purposes of displaying promotional signage;



- the proposed signage is ancillary and subservient to the use of the retail fuel outlet and will benefit the facilitation of its operation;
- the approval of this application would not result in the proliferation of further signage about the site but would contribute to the co-ordinated signage typically envisaged with the nature of development approved for the land;
- a number of petrol filling stations within proximity to the site contain similar signage, for example Lot 92 Main North Road, Hillbank;
- the development directly relates to the main function of the retail fuel outlet building and is in keeping with the land use of the site as well as the proposed built form.

Accordingly, we respectfully submit that the proposal to erect signage on the site approved for use as a retail fuel outlet is a form of development which can be considered to be minor and, for the purposes of public notification Council can determine the application to be a Category 1 form of development in accordance with Schedule (Part 1 Clause 3 (b)):

*"3 Any development classified as non-complying under the relevant Development Plan which comprises—*

- (a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or*
- (b) the construction of a building to be used as ancillary to or in association with an existing building and which will facilitate the better enjoyment of the purpose for which the existing building is being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or*
- (c) the division of land where the number of allotments resulting from the division is equal to or less than the number of existing allotments.."*

### **Relevant Assessment Matters**

In support of this application, we specifically note that:

- the location, siting, design, materials, size, and shape of advertisements will not have any adverse impact on the character of the locality and are complementary to the design of the building (Council-wide 'Advertisements' PDC 1);



- the number of proposed advertisements and their design maximises visual exposure on the corner site without visual clutter, disorder and untidiness, and without distracting drivers (Council-wide 'Advertisements' PDC 2);
- the content of the advertisements relates to the use of the land as a retail fuel outlet (Council-wide 'Advertisements' PDC 4);
- the proposed advertisements will be completely contained within the boundaries of the subject allotment, will not obscure views or amenity and are not proposed to be located adjacent to existing trees which may require pruning or lopping (Council-wide 'Advertisements' PDC 5);
- the proposed fascia signs are appropriately erected on the existing fascia panels and canopy and will not be sited on the roof or higher than the walls of the building (Council-wide 'Advertisements' PDC 7 and 8);
- the proposed advertisements will contain the official logo and colouring for the Caltex brand; using simple, clear and concise language, symbols, print style and layout (Council-wide 'Advertisements' PDC 10);
- advertisements which perform a secondary role in identifying the business, goods or services are in the form of wall promotional signs which are only readable in the immediate vicinity of the site (Council-wide 'Advertisements' PDC 11);
- the proposed advertisements will not endanger public safety by reason of their location, construction or design (Council-wide 'Advertisements' PDC 13 and 14);
- Council-wide 'Advertisements' PDC 15 suggests that free standing advertisements and / or advertising hoardings should be:
  - (a) limited to only one primary advertisement per site or complex; and
  - (b) of a scale and size in keeping with the desired character of the locality and compatible with the development on the site.

We submit that the pylon sign would be the primary free standing advertisement in this instance and the street promo signs which are of a much smaller scale are compatible and complementary to the proposed development of the site and are not greatly at odds with that of the immediate locality. (Council-wide 'Advertisements' PDC 15); and



- no additional advertising and/or advertising hoardings are proposed to be located on Main North Road as per Council-wide 'Advertisements' PDC 20 which restricts the placement of advertisements along arterial roads that have a speed limit of 80 km/h or more. (Council-wide 'Advertisements' PDC 20).

In accordance with the above, we respectfully submit that Council can reasonably form the opinion that the proposed development comprises a kind of development which is of a minor nature only and is unlikely to be the subject of reasonable objection from the owners or occupiers of land in the locality.

It is on this basis the proposed development results in minor external impact from the site and detriment to the land uses present within the locality.

Accordingly, we submit this letter to form the brief statement in support needed for Council to pursue the assessment of this application under delegation without the need for the preparation of a statement of effect.

Should you wish to discuss any aspect of this matter in more detail, please do not hesitate to contact the undersigned.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G. Vincent'.

**Greg Vincent**  
MasterPlan SA Pty Ltd

enc: Documents as Listed.  
cc: Caltex Petroleum Australia, Att: Dennis Delaney.

## 6.2 CONSTRUCTION OF A SHOPPING CENTRE WITH ASSOCIATED CAR PARK, SIGNAGE AND LANDSCAPING

### 1. Snapshot

<b>Author:</b>	Danni Biar
<b>Proposal:</b>	Construction of a shopping centre with associated car park, signage and landscaping
<b>Development Number:</b>	292/1722/15
<b>Date of Lodgement:</b>	4 December 2015
<b>Owner:</b>	Urban Renewal Authority
<b>Applicant:</b>	Eyre Retail Pty Ltd
<b>Location:</b>	Lot 2 Stebonheath Road, Penfield
<b>Zone:</b>	Residential Playford
<b>Classification:</b>	Non-complying
<b>Public Notification Category:</b>	Category 3
<b>Representation Received:</b>	Not yet undertaken
<b>Development Plan:</b>	Consolidated 20 March 2014
<b>Request for Additional Information Made?</b>	No
<b>Recommendation:</b>	Resolve to proceed with an assessment of the application.
<b>Attachments:</b>	Nil

### 2. The Subject Land

The application relates to a portion of Lot 2 Stebonheath Road, Penfield. This portion forms the subject land that is rectangular in shape, with a frontage of approximately 125 metres, depth of 100 metres and a total area of 10960 square metres. The subject land is located to the north of the "Eyre at Penfield" residential development which is in its first stages of development. The existing residential development is currently located on the corner of Womma and Stebonheath Roads with future stages moving north towards Petheron Road. There are no regulated or significant trees within the subject land or current access points. The Certificate of Title refers to an easement which is not within the area of the subject land and is within the balance of the allotment.

The land is relatively flat and contains a triangular advertising signage fronting the intersection of Womma and Stebonheath Roads. Other than the signage, the subject land is vacant and there is no existing land use.

### 3. The Locality

By virtue of the subject land, the extent of the locality is considered to include:

- The subject land
- The balance of the parcel of land as depicted on the Certificate of Title
- 167 - 195 Wilderness Lane Andrews Farm
- Lot 815 Stapleton Street Davoren Park (Council Reserve)
- Lot 1 Stebonheath Road Davoren Park (Council Reserve)

The locality generally consists of low density residential allotments and an open space buffer along the eastern side of Stebonheath Road. The balance of the allotment which the subject land is contained within is vacant and will accommodate future dwellings as Eyre at Penfield is developed.

Within the wider locality, approximately 900 metres northeast is the Elizabeth Field Shopping Centre and 850 metres south east is the Davoren Park Shopping Centre both within Neighbourhood Centre Zones. The eastern side of Stebonheath Road is currently zoned Residential Regeneration.

#### 3.1 Locality Plan



#### 3.2 Zoning

The subject land is depicted on Zone Map Play/20 in the Mapping Section of the Development Plan.

By virtue of its location, the land is entirely within:

- The Residential Playford Zone;

## 4 The Proposal

According to Regulation 16, if an application will require a relevant authority to assess a proposed development against the provisions of a Development Plan, the relevant authority must determine the nature of the development, and proceed to deal with the application according to that determination.

As such, it is considered that the proposal is best described as follows:

*“The construction of a shopping centre with associated car park, signage and landscaping”*

## 5 Procedural Matters

### 5.1 Classification

According to Section 35 of the Development Act (1993), there will be three kinds of development, with all developments being classified as either *complying*, *non-complying* or *merit*.

A shop or group of shops with a total floor area exceeding 500 square metres in the Residential Playford Zone is listed as a Non-Complying form of development within the City of Playford’s Development Plan.

### 5.2 Public Notification

Section 38(2)(a) of the Development Act (1993) states that a Development Plan or the Development Regulations (2008) may assign different forms of development to a Category for the purposes of public notification.

Further, the Development Act (1993) also states that the Regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a category by both the Regulations and a Development Plan:

- If the Regulations provide that an assignment by a Development Plan may prevail, the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail; but
- In any other case, the assignment provided by the regulations will, to the extent of any inconsistency, prevail.

A shop is not listed within Council’s Development Plan as either a Category 1 or Category 2 development, and similarly, Schedule 9 of the Development Regulations 2008 excludes non-complying development from being assigned to Category 1 or Category 2 development.

Therefore, the development must be assigned to Category 3 for public notification purposes, which will occur should the Council’s Development Assessment Panel adopt the recommendation and resolve to proceed with a full assessment of the application.

## 6 Key Issues

The following matters are considered pertinent in reaching a recommendation for the proposal:

- Current Development Plan Amendment (DPA) for Playford Alive and adjoining suburbs;
- Relocation of the Neighborhood Centre Zone to the subject land;

## 7 Reasons to Proceed with an Assessment

Despite the application being a non-complying form of development, it is considered that a full and detailed assessment of the merits of the proposal is appropriate given the current DPA to rezone the subject land to a Neighbourhood Centre Zone. The current Development Plan proposes the location further to the west, as described in Concept Plan Map Play/6; however this location is detached from the existing residential development and does not provide the same opportunity for connectivity into the surrounding areas.

## 8 Recommendation

### STAFF RECOMMENDATION

That pursuant to the authority delegated to the Council Development Assessment Panel by the Council, it is recommended that the Council Development Assessment Panel:

- Resolve to proceed with an assessment of the application.

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# **DEVELOPMENT PLAN POLICY DISCUSSION FORUM**

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## **11.1 Policy Matters Raised**

During the term of the current Panel, the following items have been raised for discussion on matters relating to Development Plan Policy:

1. The conflict of the “Desired Character” with the supporting Principles of Development Control within a Zone.
2. Guidance is required to inform the assessment of a “Place of Worship”, particularly in relation to the Primary Production Zone and other areas outside of Centre Zones where a Place of Worship is currently an envisaged use.

In order for the Panel to provide a more detailed response to Council, further discussion is required to identify key points from an assessment perspective.