

Notice of Council Assessment Panel Meeting



MEMBERSHIP

Mr M Adcock	Independent Member (Presiding Member)
Mr A Mackenzie	Independent Member
Ms N Taylor	Independent Member
Mr G Hewitt	Independent Member
Cr K Foreman	Elected Member
Mr A Squires	Deputy Independent Member
Cr B Lawrenson	Deputy Elected Member

NOTICE is given pursuant to Sections 83 of the Planning, Development and Infrastructure Act 2016 that the next **COUNCIL ASSESSMENT PANEL MEETING** will be held in the Council Chambers, 571 Montague Road, Modbury on **TUESDAY 16 JANUARY 2024** commencing at **10.00am**

A copy of the Agenda for the above meeting is supplied.

Members of the community are welcome to attend the meeting.

RYAN MCMAHON
CHIEF EXECUTIVE OFFICER

Dated: 10 January 2024

CITY OF TEA TREE GULLY
COUNCIL ASSESSMENT PANEL MEETING
16 JANUARY 2024

AGENDA

1. Attendance Record:

- 1.1 Present
- 1.2 Apologies

2. Minutes of Previous Meeting

That the Minutes of the Council Assessment Panel Meeting held on 19 December 2023 be confirmed as a true and accurate record of proceedings.

3. Business Arising from Previous Minutes - Nil

4. Reports and Recommendations

- 4.1 CAP. 23031663** - Advertisement (Realestate Billboard) to the corner of Smart Road and Australia Avenue Modbury **3**

Reccomended to Grant Planning Consent

5. Other Business

- 5.1 E.R.D. Court Matters Pending - Nil**

5.2 Planning Policy Considerations

Planning Policy Considerations will be recorded in the minutes following discussion by members.

6. Information Reports - Nil

7. Date of Next Meeting

28 February 2024 at 6.00pm

REPORT NO: CAP.23031663

RECORD NO: D23/103493

TO: COUNCIL ASSESSMENT PANEL MEETING - 16 JANUARY 2024

FROM: Blake O'Neil
Senior Planning Officer

SUBJECT: ADVERTISEMENT (REALESTATE BILLBOARD) TO THE CORNER OF SMART ROAD AND AUSTRALIA AVE - 23031663

SUMMARY

DEVELOPMENT NO.	23031663
APPLICANT	Mr Karl Fielke
ADDRESS	Lot 2, 1-7 Australia Avenue, Modbury SA 5092
NATURE OF DEVELOPMENT	Advertisement (Real estate billboard)
ZONING INFORMATION	<p>Zones:</p> <ul style="list-style-type: none">• Housing Diversity Neighbourhood <p>Overlays:</p> <ul style="list-style-type: none">• Affordable Housing• Hazards (Flooding)• Hazards (Flooding - Evidence Required)• Prescribed Wells Area• Regulated and Significant Tree• Stormwater Management• Urban Tree Canopy• Water Resources
LODGEMENT DATE	30 October 2023
RELEVANT AUTHORITY	Council Assessment Panel at City of Tea Tree Gully

Item 4.1

PLANNING & DESIGN CODE VERSION	2023.15
CODE RULES APPLICABLE AT LODGEMENT	Code Rules at Assessment Start
CATEGORY OF DEVELOPMENT	Code Assessed - Performance Assessed
NOTIFICATION	Yes – Notification Period 21 November 2023 to 11 December 2023
NUMBER OF PROPERTIES NOTIFIED	53
REPRESENTATIONS RECEIVED	2
REPRESENTATIONS TO BE HEARD	0
RECOMMENDING OFFICER:	Blake O’Neil
REFERRALS STATUTORY	0
REFERRALS NON-STATUTORY:	0
RECOMMENDATION	Grant Planning Consent

1. Detailed Description of Proposal

The application proposes an advertisement located on the corner of Australia Avenue and Smart Road in Modbury. The subject land is in the Housing Diversity Neighbourhood Zone for which 'advertisement' is not an expressly envisaged land use in **Housing Diversity Neighbourhood Zone PO1.1**.

The sign is 2.4m in height and 4.8m wide, and will be raised 2m off the ground using two steel posts. The billboard is single sided and will not be illuminated or move in any way. The face of the advertisement is to be predominantly green with yellow writing and one large image. The design is clear and will not distract passing motorists.

The land has previously been divided to create a smaller allotment for residential purposes and the subject land being a Council reserve is to be upgraded, including new play equipment. The built form on the separate residential allotment does not form part of this application. The proposed advertisement is intended to promote the sale of the dwellings.

2. Subject Land & Locality

2.1 Site Description:

Location reference: Lot 2 1-7 Australia Ave, Modbury SA 5092

Title Reference:	Plan Parcel:	Council:
CT6280/722	D130593 AE2	CITY OF TEA TREE GULLY

The subject site is a recently-created allotment commonly known as 1-7 Australia Avenue, Modbury with an area of 6697m² and a substantial frontage to Smart Road and Australia Avenue which totals approximately 250m. The site is wholly within the Housing Diversity Neighbourhood Zone. The site has an irregular shape to follow the contour of Australia Ave.

The land division which created the subject site also divided off an allotment intended for dwellings to be built centrality of the site, comprising an area of 4459m². The land division created an irregular allotment configuration, as shown in Figure 1 below. The overall site comprising both allotments has a total site area of some 10,150m² and 283m of frontages.

A stormwater catchment runs parallel to the northern boundary of Smart Rd and has several large trees. The remainder of the site is generally level and grassed. A walking path follows the eastern boundary along Australia Avenue and another is sited on the southern portion to provide access to the ECH retirement village to the west.

2.2 Locality

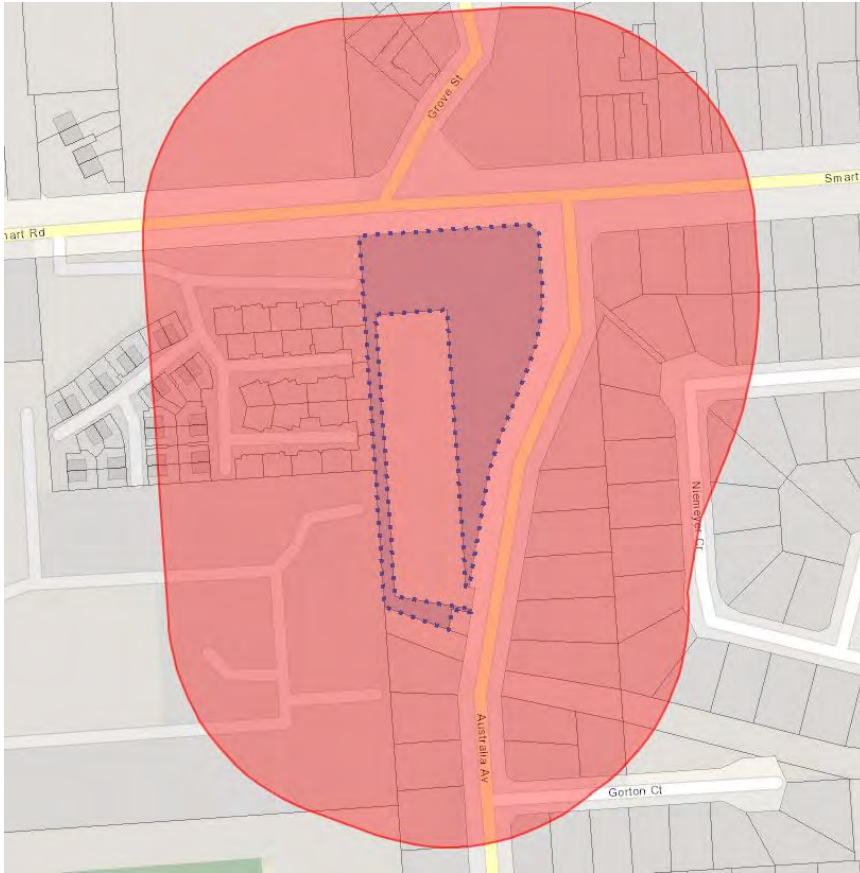


Figure 1: Locality Map and Subject Site in blue

The surrounding locality consists of a range of uses. To the west of the site is a retirement village. To the east and south are residential allotments of 600m² to 800m² in area. The pattern of development is uniform with large front setbacks to allow for green spaces and brick and tile dwellings.

The northern portion of the locality has a mix of land uses with a TAFE building that is undergoing redevelopment to become a call centre, childcare and other uses. To the east of the TAFE is predominantly higher density residential development as envisaged in the Housing Diversity Neighbourhood Zone.

3. **Category of Development**

Per Element

Advertising – Performance Assessed

Overall Application Category

Code Assessed - Performance Assessed

Reason
Planning and Design Code

4. Public Notification

Reason

General Neighbourhood Zone Table 5 lists development that does not require public notification. As Advertising is not listed in Table 5 it requires notification.

53 owners or occupiers of adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period.

There were 2 representations received, one of which was withdrawn. The remaining representation is opposed to the development and does not wish to be heard.

List of Representations

Name	Address	Position	Wishes to be Heard
Debbie Vinecombe	33 Australia Ave, Modbury SA 5092	Oppose	No



Figure 2: Notified properties in red and Representation received marked in black.

Summary

53 owners or occupiers of the adjacent land were directly notified and a sign detailing the proposal was placed on the subject site for the duration of the notification period. Figure 2 above shows the allotments that were directly notified in red and the location of the representation received in black.

The representation received is opposed to the development and has not nominated to speak at the meeting. The representor was contacted to confirm that their concerns were related to the advertisement and not the development of the dwellings, the representor confirmed the sign was an issue and wished to continue with their representation. A copy of the representation received can be found **in Attachment 5**.

The relevance of this representation to the planning assessment is limited to a question of whether the advertisement is needed. A response to representations can be found **in Attachment 6**.

5. Agency Referrals

None Required

6. Internal Referrals

None Required

7. Planning Assessment

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in summary section, and are available on Council's website as a supplementary document.

7.1 Land Use

Advertising is not an expressly envisaged land use in **Housing Diversity Neighbourhood Zone DPF 1.1**.

Notwithstanding this the Code does provide assessment criteria in **Housing Diversity Neighbourhood Zone PO 11.1** which states *Advertisements identify the associated business activity, and do not detract from the residential character of the locality*. **General Development Advertisements PO 1.1** states that *Advertisements are compatible and integrated with the design of the building and/or land they are located on*.

In addition, **Advertisements PO 3.1** states that *Advertisements are limited to information relating to the lawful use of land they are located on to assist in the ready identification of the activity or activities on the land and avoid unrelated content that contributes to visual clutter and untidiness.*

The sign is to advertise an approved use on the land. This style of real-estate sign is not uncommon and needs to be in proximity to the dwellings to be effective. It is therefore considered to be compatible with the land based on its location and intent.

On balance the sign satisfies in **Zone PO 11.1** and **Advertisements PO 1.1 and 3.1.**

There is no time limit imposed on the application, however signs of this form are removed upon sale of the dwellings.

7.2 Setbacks, Design & Appearance

The Code does not provide minimum setbacks, site coverage or the like for Advertisements. The sign is to be on the boundary at the corner cut-off adjacent the Smart Road frontage. The location will allow for viewing by traffic on Smart Road and being adjacent the road it allows for public surveillance of the sign which helps to minimise vandalism. The location is therefore considered to be appropriate.

Advertisements PO 1.5 refers to advertisements being of a size and scale appropriate to the locality.

When the 4.8m wide sign is taken in context of the total 283m of street frontage, the visual impact of a sign this size is considered to be acceptable, ensuring **Advertisements PO 1.5** and **PO 1.1** are satisfied with respect to impact on the character of the locality.

The sign is to be 2m clear of the finished ground level and is supported by two steel posts concreted into the ground. This satisfies **Advertisements PO 1.2** and the guiding **DPF 1.2** which envisages a dual post design.

The applicant has provided a subdued colour palette sympathetic to the locality, using green and yellow as the main colours. The extent of writing is minimised as the aim is to draw attention to a website for further information. The sign will not be illuminated or move. The sign provides an advertising area of 11.52m² which is a scale considered acceptable for a site that is approx. 10,150m² in area. The size and appearance of the sign is therefore consistent with the intent of **Advertisements PO 1.1.**

7.3 Traffic Impact

The sign is not illuminated or near a signalised intersection, therefore reducing the chance of being mistaken for or obscuring a traffic signal. This satisfies **Advertisements PO 1.2.**

The sign is located 8.5m from the kerb on Australia Ave and 9.5m from the kerb on Smart Rd to provide clearance from the road carriageway, as stipulated by **Advertisements PO 5.3**

8. **Conclusion**

The Housing Diversity Neighbourhood Zone does not expressly envisage advertising as a land use. Further, the Zone does provide policy for assessment of advertising except where in association with a business activity.

The location, size and design of the proposed advertisement is considered to be acceptable in context of being sited on a site which has a total area of approx. 10,150m² site and 283m of frontages. The Advertisement meets the relevant General Section policy by not posing an impact to traffic. On balance the proposed advertisement warrants Planning Consent.

9. **Planning and design Code Policies**

Housing Diversity Neighbourhood Zone

PO 1.1, PO 11.1

Hazards (Flooding) Overlay

PO 3.1, PO 3.3

Advertisements

PO 1.1, PO 1.2, PO 1.3, PO 1.5, PO 2.1, PO 3.1, PO 5.2, PO 5.3, PO 5.5

Design

PO 8.1

10. **RECOMMENDATION**

That pursuant to the authority delegated to the Council Assessment Panel, the Council Assessment Panel:

- A. RESOLVES that the proposed development is not seriously at variance with the policies in the Tea Tree Gully (City) Development Plan.

- B. RESOLVES to GRANT Development Plan Consent to the application by Mr Karl Fielke to install an advertisement (Realestate Billboard) Lot 2 Australia Av, Modbury as detailed in Development Application No.23031663 subject to the following conditions and advisory notes:

Conditions

Condition 1

Any type of graffiti which occurs on the subject land shall be removed within seven (7) days of its occurrence.

Reason: To preserve the amenity of the locality.

Condition 2

The signage, herein approved, must be maintained in good repair with all words and symbols being clearly visible at all times.

Reason: To ensure amenity of the site and locality.

Condition 3

The signage, herein approved, must not move, flash, blink or rotate in any manner.

Reason: To preserve and enhance the amenity of the locality and not to distract road users.

Advisory Notes

General Notes

1. No work can commence on this development unless a Development Approval has been obtained. If one or more consents have been granted on this Decision Notification Form, you must not start any site works or building work or change of use of the land until you have received notification that Development Approval has been granted.
2. Appeal rights – General rights of review and appeal exist in relation to any assessment, request, direction or act of a relevant authority in relation to the determination of this application, including conditions.
3. A decision of the Commission in respect of a development classified as restricted development in respect of which representations have been made under section 110 of the Act does not operate—
 - a. until the time within which any person who made any such representation may appeal against a decision to grant the development authorisation has expired; or

- b. if an appeal is commenced—
 - i. until the appeal is dismissed, struck out or withdrawn; or
 - ii. until the questions raised by the appeal have been finally determined (other than any question as to costs).

Planning Consent Notes

Note 1

This consent does not obviate the need to obtain any other necessary approvals from any/all parties with an interest in the land.

Note 2

The cost of rectifying any damage or conflict with any existing services or infrastructure arising out of this development will be borne by the applicant.

Note 3

All earthworks must be confined to and contained entirely within the property boundaries and must not encroach on or over the roadside verge/reserve.

Note 4

The Council has not surveyed the subject land and has, for the purpose of its assessment, assumed that all dimensions and other details provided by the Applicant are correct and accurate.

Note 5

This application involves development located on the boundary or within close proximity to the boundary of the allotment. To ensure that the proposed development is constructed within the allotment, it is recommended that a site survey be undertaken to confirm the location of the relevant boundaries.

Attachments

1.	Aerial photo	14
2.	Application Snapshot	155
3.	Certificate of Title	199
4.	Site Plan and Design	21
5.	Representation Received	23
6.	Response to Representation	24

Report Authorisers

Blake O'Neil	
Senior Planning Officer	8397 7331
Chelsea Tully	
Team Leader Planning	8397 7223
Michael Pereira	
General Manager Community Services	8397 7377



Contact Details

571 Montague Road, Modbury SA 5092
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E customerservice@cttg.sa.gov.au
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Development Locations

Location 1

Location reference

LOT 2 AUSTRALIA AV MODBURY SA 5092

Title Ref

CT 6280/722

Plan Parcel

D130593 AE2

Additional Location Information**Council**

CITY OF TEA TREE GULLY

Zone Overlays

Zones

- Housing Diversity Neighbourhood

Sub-zones

(None)

Overlays

- Affordable Housing
- Hazards (Flooding)
- Hazards (Flooding - Evidence Required)
- Prescribed Wells Area
- Regulated and Significant Tree
- Stormwater Management
- Urban Tree Canopy
- Water Resources

Variations

- Maximum Building Height (Levels) (Maximum building height is 2 levels)

Application Contacts

Applicant(s)

Stakeholder info

Mr Karl Fielke

Tel. 0448220768

karl@kolabb.com.au

Contact

Stakeholder info

Mr Karl Fielke

Tel. 0448220768

karl@kolabb.com.au

Invoice Contact

Stakeholder info

Australia Reserve Development

65 KING WILLIAM STREET
KENT TOWN
SA
5067
Tel. 0448220768
karl@kolabb.com.au

Invoice sector type

Builder

Stakeholder info
gigantic signs
UNIT 1 45 KING WILLIAM STREET
KENT TOWN
SA
5067
Tel. 0416 22 03 53
PKing@GiganticSigns.com

Land owners

Stakeholder info
Tea Tree Gully Council
571 MONTAGUE ROAD
MODBURY
SA
5092
blakeny.oneil@cttg.sa.gov.au

Nature Of Development

Nature of development
Billboard to the corner of Smart Road and Australia Ave- ready to commences sale for project

Development Details

Current Use
Vacant Land

Proposed Use
Billboard for sales

Development Cost
\$6,000.00

Proposed Development Details
Billboard to the corner of Smart Road and Australia Ave- ready to commences sale for project

Element Details

You have selected the following elements

- Temporary Buildings and Structures within the Adelaide Aquatic Centre Sub Zone - \$0.00
- Advertisement - \$0.00

Regulated and Significant Trees

Does the application include any works that will result in damage (includes impacts to roots and pruning) or removal to regulated or significant tree(s) on the site or neighbouring land?

No

Commercial & Industrial Elements

Does the application include signage?

Yes

Number of Signs

1

Location of signs

Corner of Smart Road and Australia Avenue

Advertisement

Is the sign illuminated?

No

Septic/Sewer information submitted by applicant

Does this development require a septic system, i.e. septic tank and/or waste water disposal area?

No

Certificate of Title information submitted by applicant

Does the Certificate of Title (CT) have one or more constraints registered over the property?

No

Consent Details

Consent list:

- Planning Consent
- Building Consent

Have any of the required consents for this development already been granted using a different system?

No

Planning Consent

Apply Now?

Yes

Who should assess your planning consent?

Assessment panel/Assessment manager at City of Tea Tree Gully

If public notification is required for your planning consent, who would you like to erect the public notification sign on the land?

Applicant

Building Consent

Do you wish to have your building consent assessed in multiple stages?

No

Apply Now?

Yes

Who should assess your building consent?

City of Tea Tree Gully

Has a builder been engaged for the proposed development?
Yes

Is the development being constructed by an Owner Builder?
No

Consent Order

Recommended order of consent assessments
1. Planning Consent
2. Building Consent

Do you have a pre-lodgement agreement?
No

Declarations

Electricity Declaration

In accordance with the requirements under Clause 6(1) of Schedule 8 of the Planning, Development and Infrastructure (General) Regulations 2017, the proposed development will involve the construction of a building which would, if constructed in accordance with the plans submitted, not be contrary to the regulations prescribed for the purposes of section 86 of the Electricity Act 1996.

Submission Declaration

All documents attached to this application have been uploaded with the permission of the relevant rights holders. It has been acknowledged that copies of this application and supporting documentation may be provided to interested persons in accordance with the Act and Regulations.

Documents

Document	Document Type	Date Created
Euca - Billboard.pdf	Location Plan	26 Oct 2023 9:28 AM
Billboard 4800x2400 Sketch.pdf	Engineering Structural	26 Oct 2023 9:28 AM

Application Created User and Date/Time

Created User
karl.fielke

Created Date/Time
26 Oct 2023 9:28 AM



Product	Register Search (CT 5518/650)
Date/Time	13/12/2019 04:27PM
Customer Reference	A127519
Order ID	20191213008712

REAL PROPERTY ACT, 1986



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5518 Folio 650

Parent Title(s)	CT 4381/944		
Creating Dealing(s)	CONVERTED TITLE		
Title Issued	27/03/1998	Edition 1	Edition Issued 27/03/1998

Estate Type

FEE SIMPLE (RESERVE)

Registered Proprietor

CITY OF TEA TREE GULLY
OF PO BOX 571 MODBURY SA 5092

Description of Land

ALLOTMENT (RESERVE) 213 DEPOSITED PLAN 9673
IN THE AREA NAMED MODBURY
HUNDRED OF YATALA

BEING A RESERVE

Easements

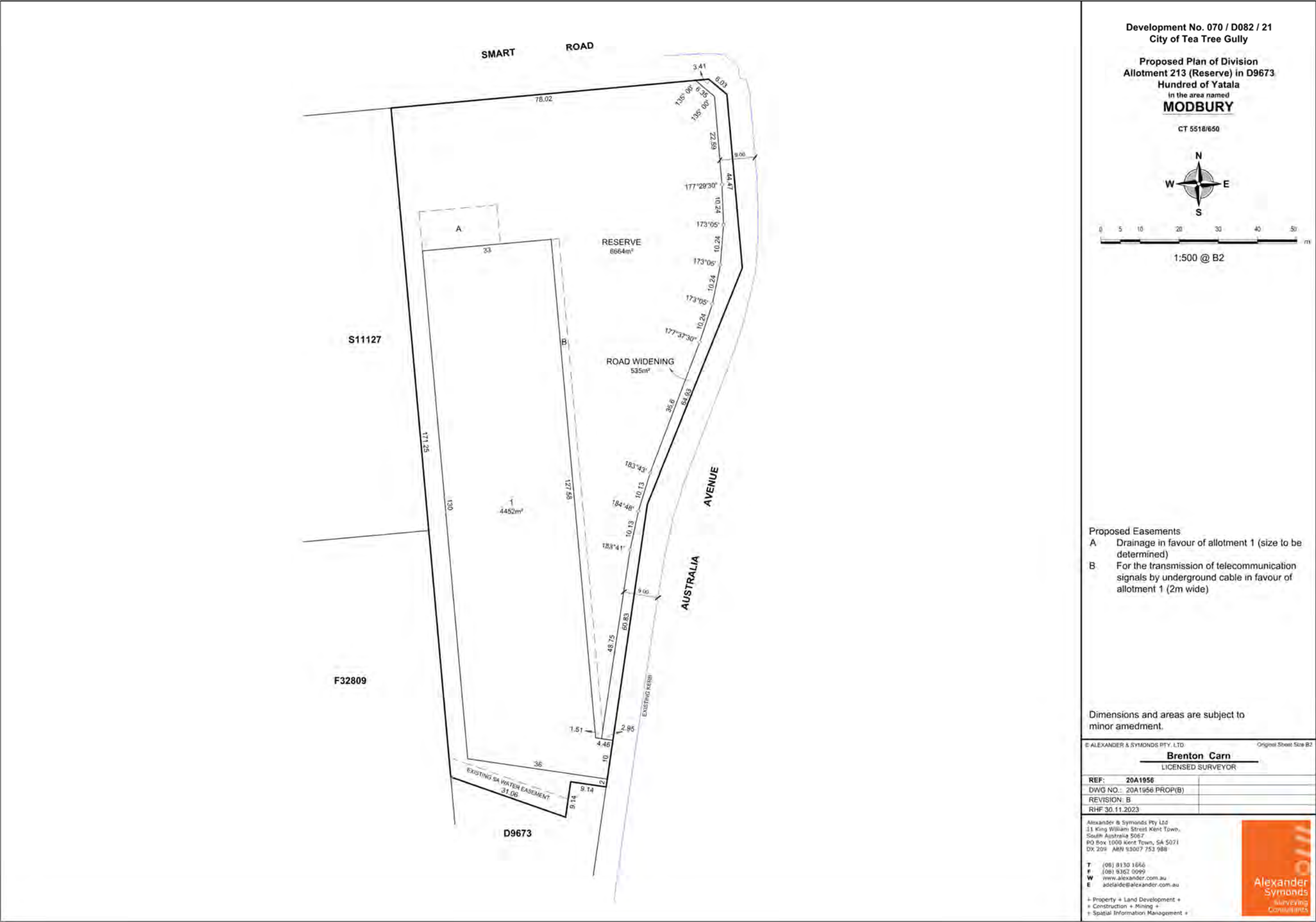
SUBJECT TO SERVICE EASEMENT(S) OVER THE LAND MARKED EASEMENT A ON DP 9673 FOR SEWERAGE PURPOSES TO SOUTH AUSTRALIAN WATER CORPORATION (223LG RPA)

Schedule of Dealings

NIL

Notations

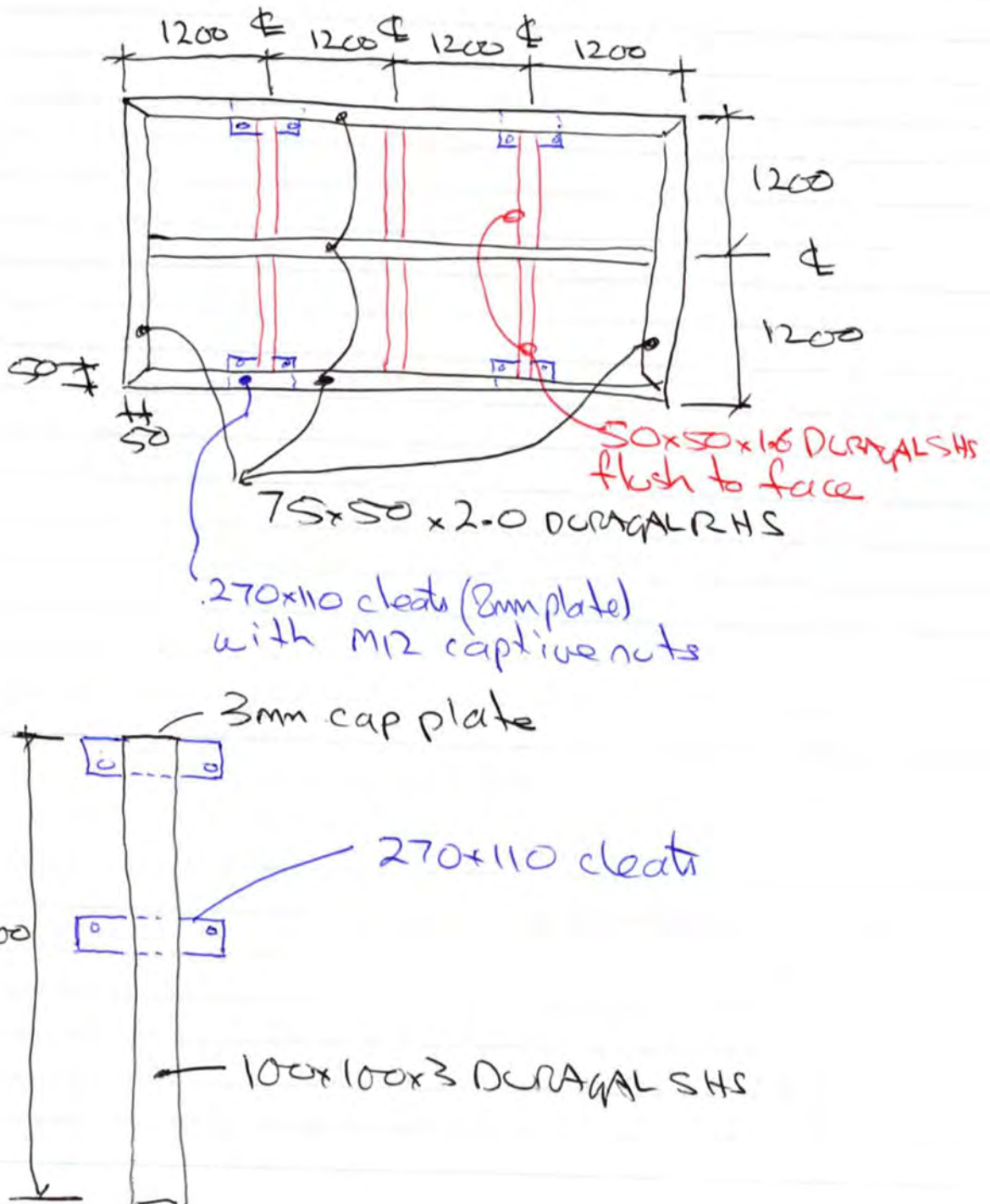
Dealings Affecting Title	NIL
Priority Notices	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL





Sign dimensions 4800mmx 2400mm

- Sign clearance from ground – 2000mm
- Top of billboard will be 4400mm
- Legs are imbedded into the ground 1460mm with a 450mm diameter concrete footing.



Details of Representations

Application Summary

Application ID	23031663
Proposal	Advertisement (Realestate Billboard) to the corner of Smart Road and Australia Ave
Location	LOT 2 AUSTRALIA AV MODBURY SA 5092

Representations

Representor 1 - Debbie Vinecombe

Name	Debbie Vinecombe
Address	33 Australia Ave MODBURY SA, 5092 Australia
Submission Date	10/12/2023 01:26 PM
Submission Source	Online
Late Submission	No
Would you like to talk to your representation at the decision-making hearing for this development?	No
My position is	I oppose the development
Reasons No need for a billboard to promote a development that is already destroying our green spaces. Unsightly, UN needed, UN Australia Ave.	

Attached Documents

Kolabb

19/12/2023

ATT: Debbie Vinecombe

RE: Public Notification Period – Development Application ID 23031663
AT: Lot 2 Australia Avenue Modbury SA 5092

Dear Debbie,

Thank you for taking the time to share your concerns regarding our proposed billboard for the development on Australia Ave. We appreciate community feedback as it helps us to better understand and address local perspectives.

We understand your concerns about the preservation of green spaces and the visual impact of advertising in the area. Please be assured that our commitment to environmental stewardship and community aesthetics is a priority for the project.

In keeping with most housing developments of this nature, advertising is integral to sales particularly when aiming to sell prior to construction commencement. The size and style of the sign is in keeping with the provisions of the Code. The design is simple in nature and uses a colour palate to not be jarring to the locality.

We hope this additional information addresses some of your concerns.

Thank you again for your engagement in this process.

Sincerely,

Karl Fielke

65 King William Street, Kent Town 5067

Ph. 0448 220 768

karl@kolabb.com.au