

Council Assessment Panel Agenda & Reports

16 February 2026

Our Vision

*A City which values its heritage, cultural diversity,
sense of place and natural environment.*

*A progressive City which is prosperous, sustainable
and socially cohesive, with a strong community spirit.*

City of Norwood Payneham & St Peters
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City of
Norwood
Payneham
& St Peters

11 February 2026

To all Members of the Council Assessment Panel:

- Mr Stephen Smith (Presiding Member)
- Mr Julian Rutt
- Cr Christel Mex
- Mr Paul Mickan (Deputy Member)
- Mr Mark Adcock
- Mr Ross Bateup
- Cr Kester Moorhouse (Deputy Member)

NOTICE OF MEETING

I wish to advise that pursuant to Clause 1.5 of the Meeting Procedures, the next Ordinary Meeting of the Norwood Payneham & St Peters Council Assessment Panel, will be held in the Council Chambers, Norwood Town Hall, 175 The Parade, Norwood, on:

Monday 16 February 2026, commencing at 6.30pm.

Please advise Tala Aslat on 8366 4530 or email taslat@npsp.sa.gov.au if you are unable to attend this meeting or will be late.

Yours faithfully



Geoff Parsons
ASSESSMENT MANAGER

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067

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City of
Norwood
Payneham
& St Peters

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VENUE Council Chambers, Norwood Town Hall

HOUR 6.30PM

PRESENT

Panel Members Mr Stephen Smith
Mr Mark Adcock
Mr Ross Bateup
Mr Julian Rutt
Cr Kester Moorhouse

Staff Geoff Parsons – Assessment Manager
Kieran Fairbrother – Senior Urban Planner
Ned Feary – Senior Urban Planner
Tala Aslat – Administration Officer

Staff

APOLOGIES

ABSENT

1. **COMMENCEMENT AND WELCOME**
2. **APOLOGIES**
3. **CONFIRMATION OF THE MINUTES OF THE MEETING OF THE COUNCIL ASSESSMENT PANEL HELD ON 19 JANUARY 2026**
4. **DECLARATION OF INTERESTS**

5. **DEVELOPMENT APPLICATIONS – PDI ACT**
6. **DEVELOPMENT APPLICATIONS – DEVELOPMENT ACT**

7. REVIEW OF ASSESSMENT MANAGER DECISIONS

**7.1 DEVELOPMENT NUMBER ID 25010920 – CREATIVE HOME RENOVATIONS
– 291 GLYNBURN ROAD ST MORRIS SA 5068**

DEVELOPMENT NO.:	25010920
APPLICANT:	Creative Home Renovations
ADDRESS:	291 Glynburn Road, St Morris
NATURE OF DEVELOPMENT:	Illuminated Signage Attached to Rooftop Telecommunications Tower
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Main Street <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Hazards (Flooding – General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	28 April 2025
RELEVANT AUTHORITY:	<p>Original Decision – Assessment Manager at City of Norwood Payneham & St Peters</p> <p>Review of AM Decision – Council Assessment Panel at City of Norwood Payneham & St Peters</p>
PLANNING & DESIGN CODE VERSION:	Version applicable at lodgement – (28 April 2025) – Version 2025.7 10/04/2025
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	No
RECOMMENDING OFFICER:	<p>Geoff Parsons</p> <p>Assessment Manager</p>
REFERRALS STATUTORY:	Commissioner of Highways
REFERRALS NON-STATUTORY:	None required

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APPENDIX 1:	Relevant P&D Code Policies	ATTACHMENT 4:	Delegated Planning Assessment Report
ATTACHMENT 1:	Council Assessment Panel Review of Decisions of the Assessment Manager Policy	ATTACHMENT 5:	Application Documents
ATTACHMENT 2:	Application to Assessment Panel and accompanying correspondence		
ATTACHMENT 3:	Decision Notification Form		

INTRODUCTION

Section 202(1)(b)(i)(A) of the *Planning, Development & Infrastructure Act 2016* provides an applicant with a right to apply to the Council Assessment Panel for a review of the Assessment Manager's decision relating to a prescribed matter.

A prescribed matter is defined as follows:

Prescribed matter, in relation to an application for a development authorisation, means -

- (a) any assessment, request, decision, direction or act of a relevant authority under this Act that is relevant to any aspect of the determination of the application; or
- (b) A decision to refuse to grant the authorisation; or
- (c) The imposition of conditions in relation to the authorisation; or
- (d) Subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of a relevant authority under this Act in relation to the authorisation.

To assist with undertaking a review under Sections 201-203 of the *Planning, Development & Infrastructure Act 2016*, the Council Assessment Panel adopted a procedure to guide the consideration of an application for such at its meeting held on 21 October 2024. A copy of that Policy is provided in **Attachment 1**.

The Panel should be aware that the South Australian Government made changes to the *Planning, Development & Infrastructure (General) Regulations 2017* on 25 May 2023. An amended regulation was introduced which states:

- (2) An applicant to an assessment panel for a review of a prescribed matter must be given an opportunity to provide the assessment panel with the applicant's submissions in relation to the review (and, if the assessment panel determines to hold a hearing, must be given written notice of the date of the hearing and an opportunity to appear and make submissions at the hearing in person)

Council (together with the rest of the local government sector) has received advice in relation to the new regulation and such advice confirms that an Applicant should be provided with the right to make submissions (both written and verbal). Accordingly, the Applicant's written submission has been provided in **Attachment 2** (together with the request for the review) and the Presiding Member and Assessment Manager have agreed it is reasonable for both the Applicant and Assessment Manager to address the Panel verbally for five (5) minutes each, as per the Panel's normal processes for a hearing of representations. This is now allowed for as per clause 6.3 and 6.4 of the adopted *Policy*.

DETAILED DESCRIPTION OF PROPOSAL

The Application to which the review relates is Development Application 25010920. The Application sought Planning Consent for:

Illuminated signage attached to rooftop telecommunications tower

Specifically, the development comprises:

- The placement of an advertisement on an existing advertising hoarding on a telecommunications tower (east facing façade);
- The advertisement would measure 2 metres by 2 metres;
- The advertisement will be illuminated via LED face illumination;
- The advertisement would display the logo of the business operating from the premises where it is to be placed (i.e. it is **not** third-party advertising).

Development Application 25010920 was refused Planning Consent under delegation from the Assessment Manager. It is that determination that is the subject of this review.

Clause 7 in the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy* stipulates that the Panel may:

- Affirm the Assessment Manager's decision on the Prescribed Matter;
- Vary the Assessment Manager's decision on the Prescribed Matter; or
- Set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

In addition, the Council Assessment Panel may defer its decision in accordance with clause 6.8 of the *Council Assessment Panel Review of the Assessment Manager Policy*.

Draft resolutions for each option have been included at the appropriate point within this report.

BACKGROUND

As outlined in the Delegated Planning Assessment Report, the advertisement forming part of this Application was originally proposed in DA 24035869 (together with other signage). The Assessment Manager raised concern regarding the "tower sign" as part of the assessment of DA 24035869 and accordingly that component of the Application was removed. The other signage proposed as part of DA 24035869 received approval.

The "tower sign" has now been proposed as part of DA 25010920.

SUBJECT LAND & LOCALITY:

Development Location(s)

291 Glynburn Road, St Morris SA 5068

Title and Parcel

Title Ref: CT 6129/308 **Plan Parcel:** F134513 AL62 **Council:** The City Of Norwood Payneham And St Peters

Subject Land

The subject land comprises two (2) allotments in an irregular shape, situated on the north-western corner of the Glynburn Road / Magill Road intersection.

The subject land forms part of a group of shops which stretch west along Magill Road (with other shops / land in different ownership). The groups of shops share a car parking area at the rear of the shops.

The two (2) allotments combined have an area of approximately 1,014 square metres. Built form on the allotments is essentially boundary-to-boundary, with the exception of the northern portion of the land which grants access to the rear car park.

The built form has recently been updated with revised façade treatments which reflect the business on the land. Some minor landscaping is present on the subject land adjacent the corner of the intersection. The land is relatively level, with a slope towards the west.

The telecommunications tower forms a notable visual element of the subject land given its height which, with the exception of the street lights, is much higher than other built form in the locality.

Locality

The locality is mixed in terms land uses, built form and zoning.

Along Magill Road to the west, land uses predominately comprise commercial and retails uses in both more recent and older built form. Land to the north-east and north-west is residential, as is land to the south east, with the exception of the service station on the south-eastern corner some further commercial development along Magill Road.

The land is also located at the intersection of three (3) separate Council areas being the City of Burnside, City of Campbelltown and City of Norwood Payneham & St Peters.

As mentioned previously, the telecommunications tower is a notable visual element in the locality.

The intersection is void of street trees (likely due to traffic manoeuvrability and flow being the primary concern) and the amenity of the locality is impacted by the heavy volumes of traffic and mixture of land uses.

PROCEDURAL MATTERS

The Application was performance assessed and did not require public notification (advertisement is an excluded form of development in Table 5 of the Suburban Main Street zone).

AGENCY REFERRALS

A referral to the Commissioner of Highways was required. They raised no objection to the development but did require a number of conditions and advisory notes to be attached to the Planning Consent, if so issued.

INTERNAL REFERRALS

No internal referrals were required.

DOCUMENTS FOR REVIEW

In accordance with clause 5 of the *Council Assessment Panel Review of Decisions of the Assessment Manager* a number of different materials have been included as attachments to this agenda, as follows:

- Appendix 1 – Applicable Planning & Design Code Policies
- Attachment 1 – Council Assessment Panel Review of Decisions of the Assessment Manager Policy
- Attachment 2 – Application to Assessment Panel and accompanying correspondence
- Attachment 3 – Decision Notification Form
- Attachment 4 – Delegated Assessment Report
- Attachment 5 – Application Documentation

REVIEW OF ASSESSMENT MANAGER DECISION

The reasons for refusal of the Application are set out in the Decision Notification Form (**Attachment 3**), as follows:

The proposed development fails to satisfy Performance Outcome 5.1 of the Suburban Main Street Zone in that the advertisement is sited above the shop building and fails to achieve an overall consistency of signage

along the Magill Road (Main Street) frontage. The proposed development fails to satisfy the following Performance Outcomes of the Advertisements module: Performance Outcome 1.1 – the positioning of the advertisement is not integrated with the shop building itself. Performance Outcome 2.3 – the advertisement represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness.

For Members ease of the reference, the Performance Outcomes referenced in the above-mentioned reasons for refusal are reproduced below:

Suburban Main Street Zone

PO 5.1 – Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.

Advertisements Module

PO 1.1 – Advertisements are compatible and integrated with the design of the building and / or land they are located on.

PO 2.3 – Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.

The applicant, via the correspondence provided for in **Attachment 2**, has provided a valid and clear argument as to why the decision of the Assessment Manager (i.e. the refusal of DA 25010920) should be set aside, namely (my wording):

- Prior to the current owners of the land taking occupation of the site, the base of the telecommunications tower and the existing advertising hoardings were used for advertising, more extensive than that currently proposed.
- The sign faces to the east, not directly towards the Magill Road frontage (south).
- There are other examples of similar signage in the locality along Magill Road (such as the “ALDI” sign and “Shell” sign).
- There is no coherent streetscape pattern with respect to advertising to be consistent with.
- The advertisement is integrated with the building as it proposed on an advertising hoarding purpose built for that purpose.
- The advertisement and message displayed are consistent and integrated with the building.
- There is no proliferation of signage, DPF 2.3 is complied with, and if it is not, PO 2.3 is met given the extent of the proposal, locality, and minimal impact.

To assist the Panel in their consideration of this matter, and in accordance with clause 5.1.4 of the Council Assessment Panel Review of Decisions of the Assessment Manager Policy I have briefly set out the rationale for the Assessment Manager’s decision below.

The Delegated Planning Assessment Report (provided for in **Attachment 4**) sets out the rationale for the original decision of the Assessment Manager in detail. The report is balanced and notes that the proposed development displays merit in a number of respects, despite some exceedances to the relevant policy, such as:

- There are other examples of signage above buildings, although such examples are limited.
- The sign is associated with the land use (i.e. not third-party advertising) and it is complementary to the existing signage and “branding” on the building.

The Assessment Manager’s decision was ultimately based on the following considerations with respect to proliferation of signage, visual clutter and untidiness and inappropriate signage siting:

- The Suburban Main Street Zone is an activity centre where a main street character is desired – often comprised of active, fine-grain built form consisting of narrow building frontages and numerous pedestrian access points / pathways and both daytime and nighttime activation.

- While the advertisement will face east, the Assessment Manager considered it would be visible from a portion of Magill Road to the south. In addition, it is placed at the entrance to western end of Magill Road when travelling towards Glynburn Road.
- The intersection to which the sign is adjacent is a highly trafficked, visually prominent location.
- Examples of rooftop signage along the northern side of Magill Road are limited, and where such signage does exist, it is relatively low and narrow in design and specifically identifies the business name or services offered.
- When interpreting PO 1.1 of the Advertisements Module, the Assessment Manager took the view that the phrase "*land they are located on*" refers to freestanding signs and "*integrated with the design of the building*" refers to signs attached to a building. The Assessment Manager did not consider the sign to be integrated with the design of the building as it is proposed to sit above the building, in a prominent location (the associated DPF speaks about appropriate signage locations being below canopy / roof level).
- It is understood the Council did not approve the original Home Hardware signage above the building – that was approved by the ERD Court as part of a previous appeal. Those signs were also non-illuminated.
- Development assessment is not a "tick box" exercise and requires a careful weighing of the relevant policies within a specific context. The failure of a development to meet several Performance Outcomes may not be fatal dependent on the relevant policies and the extent and impact of a development when assessed on its own merits.

While signage is a common visual element in the locality, the proposed signage would sit in a prominent location, above the building, in a highly trafficked and visible location, at the entrance to a commercial / retail "strip" which has a somewhat unique character.

The sign would add to the visual clutter and untidiness of the immediate locality, contribute to a proliferation of signage, and would not be integrated with the building to which it relates.

It is evident from the Delegated Planning Assessment Report that a careful weighing of the applicable policies has been undertaken but unfortunately the nature of the signage and its siting and impact cannot be overlooked.

For these reasons the Assessment Manager concluded that Development Application 25010920 could not be supported and was refused Planning Consent.

As the Council Assessment Panel now has before it the rationale for the review as provided by the Applicant, and justification for the decision as provided by the Assessment Manager, the Panel must now consider this matter afresh taking into consideration all relevant factors.

CONCLUSION

This report outlines the rationale for the decision of the Assessment Manager, as required by clause 5.1.4 of the *Council Assessment Panel Review of Decisions of the Assessment Manager Policy*. The attachments provide all of the other relevant information and details as required by clause 5.1.

The Council Assessment Panel must determine whether to affirm the decision of the Assessment Manager, vary it, set it aside and substitute its own decision, or defer consideration of the matter for more information.

Relevant options for the consideration of the Panel are outlined below.

RESOLUTION OPTIONS

Resolution to affirm the decision of the Assessment Manager

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager that Development Application 25010920 is not seriously at variance with the Planning and Design Code, but that it does not warrant Planning Consent for the following reason:

1. *The proposed development fails to satisfy Performance Outcome 5.1 of the Suburban Main Street Zone in that the advertisement is sited above the shop building and fails to achieve an overall consistency of signage along the Magill Road (Main Street) frontage. The proposed development fails to satisfy the following Performance Outcomes of the Advertisements module: Performance Outcome 1.1 – the positioning of the advertisement is not integrated with the shop building itself. Performance Outcome 2.3 – the advertisement represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness.*

Resolution to vary a decision of the Assessment Manager

The Council Assessment Panel resolves to vary the decision of the Assessment Manager in relation to Development Application 25010920 by including the following reasons for refusal:

- *[insert additional / alternate reasons]*

Resolution to set aside a decision of the Assessment Manager

The Council Assessment Panel resolves to set aside the decision of the Assessment Manager to refuse Planning Consent to Development Application 25010920 and substitute the following decision:

- *Development Application 25010920 is not seriously at variance with the Planning and Design Code and Planning Consent is granted to the application subject to the following conditions and notes:*

CONDITIONS

Condition 1

The development granted Planning Consent shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).

CONDITIONS AS IMPOSED BY THE COMMISSONER OF HIGHWAYS

Condition 2

The illuminated sign shall be installed as shown on plans uploaded on the portal on 14/04/2025.

Condition 3

The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.

Condition 4

The illuminated signage shall be limited to a low level of illumination to minimise distraction to motorists ($\leq 150\text{cd/m}^2$).

Condition 5

The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

ADVISORY NOTES

Note 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.

Note 2

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 3

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.

Note 4

The granting of this consent does not remove the need for the beneficiary to obtain all other consents which may be required by any other legislation.

Note 5

The Applicant is reminded of its responsibilities under the Environment Protection Act 1993, to not harm the environment. Specifically, paint, plaster, concrete, brick wastes and wash waters should not be discharged into the stormwater system, litter should be appropriately stored on site pending removal, excavation and site disturbance should be limited, entry/exit points to the site should be managed to prevent soil being carried off site by vehicles, sediment barriers should be used (particularly on sloping sites), and material stockpiles should all be placed on site and not on the footpath or public roads or reserves. Further information is available by contacting the EPA.

Note 6

The Applicant is advised that construction noise is not allowed:

- 1. on any Sunday or public holiday; or*
- 2. after 7pm or before 7am on any other day*

Note 7

The Applicant is advised that the condition of the footpath, kerbing, vehicular crossing point, street tree(s) and any other Council infrastructure located adjacent to the subject land will be inspected by the Council prior to the commencement of building work and at the completion of building work. Any damage to Council infrastructure that occurs during construction must be rectified as soon as practicable and in any event, no later than four (4) weeks after substantial completion of the building work. The Council reserves its right to recover all costs associated with remedying any damage that has not been repaired in a timely manner from the appropriate person.

Note 8

The Applicant is advised that any works undertaken on Council owned land (including but not limited to works relating to crossovers, driveways, footpaths, street trees and stormwater connections), or works that require the closure of the footpath and / or road to undertake works on the development site, will require the approval of the Council pursuant to the Local Government Act 1999 prior to any works being undertaken. Further information may be obtained by contacting Council's Public Realm Compliance Officer on 8366 4513.

Note 9

Consents issued for this Development Application will remain valid for the following periods of time:

- 1. Planning Consent is valid for 24 months following the date of issue, within which time Development Approval must be obtained;*
- 2. Development Approval is valid for 24 months following the date of issue, within which time works must have substantially commenced on site;*
- 3. Works must be substantially completed within 3 years of the date on which Development Approval is issued.*

If an extension is required to any of the above-mentioned timeframes a request can be made for an extension of time by emailing the Planning Department at townhall@npsp.sa.gov.au. Whether or not an extension of time will be granted will be at the discretion of the relevant authority.

Note 10

If excavating, it is recommended you contact Before You Dig Australia (BYDA) (www.byda.com.au) to keep people safe and help protect underground infrastructure.

ADVISORY NOTES AS IMPOSED BY THE COMMISSINER OF HIGHWAYS

Note 11

The Metropolitan Adelaide Road Widening Plan shows a possible requirement for a strip of land up to 4.5 metres in width from the Magill Road and Glynburn Road frontage of this site for future upgrading of the Glynburn Road / Magill Road intersection. The consent of the Commissioner of Highways under the Metropolitan Adelaide Road Widening Plan Act is required to all building works on or within 6.0 metres of the possible requirement. As the signage does not result in an additional encroachment into the above areas, consent is not required in this instance.

Resolution to defer review hearing

The Council Assessment Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to refuse Planning Consent to Development Application 25010920 until:

- The next ordinary meeting of the Panel;*
- The next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided;*
- Until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)].*

Address: 291 GLYNBURN RD ST MORRIS SA 5068

To view a detailed interactive property map in SAPPA click on the map below



Property Zoning Details

Zone

Suburban Main Street

Overlay

Airport Building Heights (Regulated) (*All structures over 45 metres*)
 Advertising Near Signalised Intersections
 Future Road Widening
 Hazards (Flooding - General)
 Prescribed Wells Area
 Regulated and Significant Tree
 Traffic Generating Development
 Urban Transport Routes

Local Variation (TNV)

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

Selected Development(s)

Advertisement

This development may be subject to multiple assessment pathways. Please review the document below to determine which pathway may be applicable based on the proposed development compliances to standards. If no assessment pathway is shown this mean the proposed development will default to performance assessed. Please contact your local council in this instance. Refer to Part 1 - Rules of Interpretation - Determination of Classes of Development

Advertisement - Code Assessed - Performance Assessed

Part 2 - Zones and Sub Zones

Suburban Main Street Zone

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	A mix of land uses including retail, office, commercial, community, civic and medium density residential development that supports the local area.
DO 2	A high degree of pedestrian activity and main street activity with well-lit and visually engaging shop fronts and business displays including alfresco seating and dining facilities.
DO 3	An intimate public realm with active streets created by integrated mixed use buildings.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Advertisements	
PO 5.1 Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.	DTS/DPF 5.1 None are applicable.
PO 5.2 Freestanding advertisements: (a) identify the associated business(es) (b) are of a size that is commensurate with the scale of the centre and the street frontage (c) avoid visual clutter (d) positively respond to the context without dominating the locality (e) are sited and designed to not detract from the main street character.	DTS/DPF 5.2 Freestanding advertisements: (a) do not exceed 8m in height, the adjacent building wall height, or the zone's height allowance (whichever is the lesser) (b) do not have a sign face that exceeds 6m ² per side.

Table 5 - Procedural Matters (PM) - Notification

The following table identifies, pursuant to section 107(6) of the *Planning, Development and Infrastructure Act 2016*, classes of performance assessed development that are excluded from notification. The table also identifies any exemptions to the placement of notices when notification is required.

Interpretation

Notification tables exclude the classes of development listed in Column A from notification provided that they do not fall within a corresponding exclusion prescribed in Column B.

Where a development or an element of a development falls within more than one class of development listed in Column A, it will be excluded from notification if it is excluded (in its entirety) under any of those classes of development. It need not be excluded under all applicable classes of development.

Where a development involves multiple performance assessed elements, all performance assessed elements will require notification (regardless of whether one or more elements are excluded in the applicable notification table) unless every performance assessed element of the application is excluded in the applicable notification table, in which case the application will not require notification.

A relevant authority may determine that a variation to 1 or more corresponding exclusions prescribed in Column B is minor in nature and does not require notification.

Class of Development (Column A)	Exceptions (Column B)
1. Development which, in the opinion of the relevant authority, is of a minor nature only and will not unreasonably impact on the owners or occupiers of land in the locality of the site of the development.	None specified.
2. Any kind of development where the site of the development is not adjacent land to a site (or land) used for residential purposes in a neighbourhood-type zone.	Except any of the following: <ol style="list-style-type: none"> the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
3. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> advertisement child care facility cinema community facility consulting room dwelling located above a non-residential building level indoor recreation facility library office place of worship shop temporary public service depot tourist accommodation. 	Except development that exceeds the maximum building height specified in Suburban Main Street Zone DTS/DPF 3.1 or does not satisfy any of the following: <ol style="list-style-type: none"> Suburban Main Street Zone DTS/DPF 3.2 Suburban Main Street Zone DTS/DPF 3.3.
4. Any development involving any of the following (or of any combination of any of the following): <ol style="list-style-type: none"> air handling unit, air conditioning system or exhaust fan carport deck fence internal building works land division outbuilding pergola private bushfire shelter recreation area replacement building retaining wall shade sail solar photovoltaic panels (roof mounted) swimming pool or spa pool and associated swimming pool safety features 	None specified.

<p>(p) temporary accommodation in an area affected by bushfire</p> <p>(q) tree damaging activity</p> <p>(r) verandah</p> <p>(s) water tank.</p>	
5. Demolition.	<p>Except any of the following:</p> <ol style="list-style-type: none"> 1. the demolition (or partial demolition) of a State or Local Heritage Place (other than an excluded building) 2. the demolition (or partial demolition) of a building in a Historic Area Overlay (other than an excluded building).
6. Railway line.	Except where located outside of a rail corridor or rail reserve.
Placement of Notices - Exemptions for Performance Assessed Development	
None specified.	
Placement of Notices - Exemptions for Restricted Development	
None specified.	

Part 3 - Overlays

Advertising Near Signalised Intersections Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Provision of a safe road environment by reducing driver distraction at key points of conflict on the road.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Advertisements Near Signalised Intersections	
<p>PO 1.1</p> <p>Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.</p>	<p>DTS/DPF 1.1</p> <p>Advertising:</p> <ol style="list-style-type: none"> (a) is not illuminated (b) does not incorporate a moving or changing display or message (c) does not incorporate a flashing light(s).

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Advertisement or advertising hoarding that: <ul style="list-style-type: none"> (a) is within 100m of a: <ul style="list-style-type: none"> (i) signalised intersection or (ii) signalised pedestrian crossing and (b) will: <ul style="list-style-type: none"> (i) be internally illuminated or (ii) incorporate a moving or changing display or message or (iii) incorporate a flashing light. 	Commissioner of Highways.	To provide expert technical assessment on potential risks relating to pedestrian and road safety which may arise from advertisements near intersections.	Development of a class to which Schedule 9 clause 3 item 21 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Airport Building Heights (Regulated) Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Management of potential impacts of buildings and generated emissions to maintain operational and safety requirements of registered and certified commercial and military airfields, airports, airstrips and helicopter landing sites.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Built Form	
PO 1.1 Building height does not pose a hazard to the operation of a certified or registered aerodrome.	DTS/DPF 1.1 Buildings are located outside the area identified as 'All structures' (no height limit is prescribed) and do not exceed the height specified in the Airport Building Heights (Regulated) Overlay which applies to the subject site as shown on the SA Property and Planning Atlas. In instances where more than one value applies to the site, the lowest value relevant to the site of the proposed development is applicable.

Procedural Matters (PM) - Referrals

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning,

Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Any of the following classes of development: (a) building located in an area identified as 'All structures' (no height limit is prescribed) or will exceed the height specified in the <i>Airport Building Heights (Regulated) Overlay</i> (b) building comprising exhaust stacks that generates plumes, or may cause plumes to be generated, above a height specified in the <i>Airport Building Heights (Regulated) Overlay</i> .	The airport-operator company for the relevant airport within the meaning of the <i>Airports Act 1996</i> of the Commonwealth or, if there is no airport-operator company, the Secretary of the Minister responsible for the administration of the <i>Airports Act 1996</i> of the Commonwealth.	To provide expert assessment and direction to the relevant authority on potential impacts on the safety and operation of aviation activities.	Development of a class to which Schedule 9 clause 3 item 1 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.

Future Road Widening Overlay

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Development which is consistent with and will not compromise efficient delivery of future road widening requirements.

Performance Outcomes (PO) and Deemed to Satisfy (DTS) / Designated Performance Feature (DPF) Criteria

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Future Road Widening	
PO 1.1 Development does not compromise or is located and designed to minimise its impact on future road widening requirements.	DTS/DPF 1.1 Development does not involve building work, or building work is located wholly outside the land subject to the 6m Consent Area, the C Type Requirement or the Strip Requirement of the Metropolitan Adelaide Road Widening Plan.

Procedural Matters (PM)

The following table identifies classes of development / activities that require referral in this Overlay and the applicable referral body. It sets out the purpose of the referral as well as the relevant statutory reference from Schedule 9 of the Planning, Development and Infrastructure (General) Regulations 2017.

Class of Development / Activity	Referral Body	Purpose of Referral	Statutory Reference
Other than where all deemed-to-satisfy criteria for all policies relevant to this referral are met, development (including the division of land) that is within or may encroach within a Future Road Widening Area.	Commissioner of Highways.	To provide expert technical assessment and direction to the relevant authority on the safe and efficient operation and management	Development of a class to which Schedule 9 clause 3 item

		of all roads relevant to the Commissioner of Highways as described in the Planning and Design Code.	4 of the Planning, Development and Infrastructure (General) Regulations 2017 applies.
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Part 4 - General Development Policies

Advertisements

Assessment Provisions (AP)


Desired Outcome (DO)

Desired Outcome	
DO 1	Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Appearance	
<p>PO 1.1</p> <p>Advertisements are compatible and integrated with the design of the building and/or land they are located on.</p>	<p>DTS/DPF 1.1</p> <p>Advertisements attached to a building satisfy all of the following:</p> <ul style="list-style-type: none"> (a) are not located in a Neighbourhood-type zone (b) where they are flush with a wall: <ul style="list-style-type: none"> (i) if located at canopy level, are in the form of a fascia sign (ii) if located above canopy level: <ul style="list-style-type: none"> A. do not have any part rising above parapet height B. are not attached to the roof of the building (c) where they are not flush with a wall: <ul style="list-style-type: none"> (i) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure (ii) if attached to a two-storey building: <ul style="list-style-type: none"> A. has no part located above the finished floor level of the second storey of the building B. does not protrude beyond the outer limits of any verandah structure below

	<p>C. does not have a sign face that exceeds 1m2 per side.</p> <p>(d) if located below canopy level, are flush with a wall</p> <p>(e) if located at canopy level, are in the form of a fascia sign</p> <p>(f) if located above a canopy:</p> <ul style="list-style-type: none"> (i) are flush with a wall (ii) do not have any part rising above parapet height (iii) are not attached to the roof of the building. <p>(g) if attached to a verandah, no part of the advertisement protrudes beyond the outer limits of the verandah structure</p> <p>(h) if attached to a two-storey building, have no part located above the finished floor level of the second storey of the building</p> <p>(i) where they are flush with a wall, do not, in combination with any other existing sign, cover more than 15% of the building facade to which they are attached.</p>
<p>PO 1.2</p> <p>Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.</p>	<p>DTS/DPF 1.2</p> <p>Where development comprises an advertising hoarding, the supporting structure is:</p> <ul style="list-style-type: none"> (a) concealed by the associated advertisement and decorative detailing or (b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.
<p>PO 1.3</p> <p>Advertising does not encroach on public land or the land of an adjacent allotment.</p>	<p>DTS/DPF 1.3</p> <p>Advertisements and/or advertising hoardings are contained within the boundaries of the site.</p>
<p>PO 1.4</p> <p>Where possible, advertisements on public land are integrated with existing structures and infrastructure.</p>	<p>DTS/DPF 1.4</p> <p>Advertisements on public land that meet at least one of the following:</p> <ul style="list-style-type: none"> (a) achieves Advertisements DTS/DPF 1.1 (b) are integrated with a bus shelter.
<p>PO 1.5</p> <p>Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.</p>	<p>DTS/DPF 1.5</p> <p>None are applicable.</p>
Proliferation of Advertisements	
<p>PO 2.1</p> <p>Proliferation of advertisements is minimised to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.1</p> <p>No more than one freestanding advertisement is displayed per occupancy.</p>
<p>PO 2.2</p> <p>Multiple business or activity advertisements are co-located and coordinated to avoid visual clutter and untidiness.</p>	<p>DTS/DPF 2.2</p> <p>Advertising of a multiple business or activity complex is located on a single advertisement fixture or structure.</p>

PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.	DTS/DPF 2.3 Advertisements satisfy all of the following: (a) are attached to a building (b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building facade to which they are attached (c) do not result in more than one sign per occupancy that is not flush with a wall.
Advertising Content	
PO 3.1 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.	DTS/DPF 3.1 Advertisements contain information limited to a lawful existing or proposed activity or activities on the same site as the advertisement.
Amenity Impacts	
PO 4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.	DTS/DPF 4.1 Advertisements do not incorporate any illumination.
Safety	
PO 5.1 Advertisements and/or advertising hoardings erected on a verandah or projecting from a building wall are designed and located to allow for safe and convenient pedestrian access.	DTS/DPF 5.1 Advertisements have a minimum clearance of 2.5m between the top of the footpath and base of the underside of the sign.
PO 5.2 Advertisements and/or advertising hoardings do not distract or create a hazard to drivers through excessive illumination.	DTS/DPF 5.2 No advertisement illumination is proposed.
PO 5.3 Advertisements and/or advertising hoardings do not create a hazard to drivers by: (a) being liable to interpretation by drivers as an official traffic sign or signal (b) obscuring or impairing drivers' view of official traffic signs or signals (c) obscuring or impairing drivers' view of features of a road that are potentially hazardous (such as junctions, bends, changes in width and traffic control devices) or other road or rail vehicles at/or approaching level crossings.	DTS/DPF 5.3 Advertisements satisfy all of the following: (a) are not located in a public road or rail reserve (b) are located wholly outside the land shown as 'Corner Cut-Off Area' in the following diagram 
PO 5.4 Advertisements and/or advertising hoardings do not create a hazard by distracting drivers from the primary driving task at a location where the demands on driver concentration are high.	DTS/DPF 5.4 Advertisements and/or advertising hoardings are not located along or adjacent to a road having a speed limit of 80km/h or more.
PO 5.5 Advertisements and/or advertising hoardings provide sufficient	DTS/DPF 5.5 Where the advertisement or advertising hoarding is:

clearance from the road carriageway to allow for safe and convenient movement by all road users.	<ul style="list-style-type: none"> (a) on a kerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 0.6m from the roadside edge of the kerb (b) on an unkerbed road with a speed zone of 60km/h or less, the advertisement or advertising hoarding is located at least 5.5m from the edge of the seal (c) on any other kerbed or unkerbed road, the advertisement or advertising hoarding is located a minimum of the following distance from the roadside edge of the kerb or the seal: <ul style="list-style-type: none"> (a) 110 km/h road - 14m (b) 100 km/h road - 13m (c) 90 km/h road - 10m (d) 70 or 80 km/h road - 8.5m.
<p>PO 5.6</p> <p>Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.</p>	<p>DTS/DPF 5.6</p> <p>Advertising:</p> <ul style="list-style-type: none"> (a) is not illuminated (b) does not incorporate a moving or changing display or message (c) does not incorporate a flashing light(s).

Clearance from Overhead Powerlines

Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Protection of human health and safety when undertaking development in the vicinity of overhead transmission powerlines.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
<p>PO 1.1</p> <p>Buildings are adequately separated from aboveground powerlines to minimise potential hazard to people and property.</p>	<p>DTS/DPF 1.1</p> <p>One of the following is satisfied:</p> <ul style="list-style-type: none"> (a) a declaration is provided by or on behalf of the applicant to the effect that the proposal would not be contrary to the regulations prescribed for the purposes of section 86 of the <i>Electricity Act 1996</i> (b) there are no aboveground powerlines adjoining the site that are the subject of the proposed development.

Infrastructure and Renewable Energy Facilities

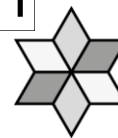
Assessment Provisions (AP)

Desired Outcome (DO)

Desired Outcome	
DO 1	Efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

Performance Outcomes (PO) and Deemed-to-Satisfy (DTS) Criteria / Designated Performance Feature (DPF)

Performance Outcome	Deemed-to-Satisfy Criteria / Designated Performance Feature
Wastewater Services	
PO 12.2 Effluent drainage fields and other wastewater disposal areas are maintained to ensure the effective operation of waste systems and minimise risks to human health and the environment.	DTS/DPF 12.2 Development is not built on, or encroaches within, an area that is, or will be, required for a sewerage system or waste control system.



NAME OF POLICY:	Council Assessment Panel Review of Decisions of the Assessment Manager
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POLICY MANUAL:	Governance
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BACKGROUND

The *Planning Development and Infrastructure Act 2016* (the Act) provides that where an application for development is made to an Assessment Manager, a person who has applied for the development authorisation may apply to the Council Assessment Panel for a review of a prescribed matter.

DISCUSSION

The Council Assessment Panel (CAP) has endorsed the following Policy.

KEY PRINCIPLES

The Policy has been prepared to provide clear guidance on the procedures involved in the CAP's review of an Assessment Manager's decision.

POLICY

1. Introduction

- 1.1 Section 202 (Rights of Review & Appeal) of the *Planning, Development & Infrastructure Act 2016* (PDI Act) allows an applicant who has received a determination from a relevant authority, including the Council Assessment Panel or Assessment Manager, regarding a Development Application, the right to seek a review of the decision.
- 1.2 Where such a decision has been made by the Assessment Manager (or his or her delegate), Section 202 (1)(b)(i)(A) permits the applicant to apply to the Council Assessment Panel (CAP) to review the decision regarding a Prescribed Matter.
- 1.3 Section 203(2)(a) of the PDI Act states that CAP may adopt a procedure for the consideration of such review requests as it thinks fit. This Policy has been formulated to accord with Section 203 of the PDI Act.
- 1.4 This Policy outlines the process to be followed by an applicant when lodging such a request for review and how the matter will be considered by CAP.
- 1.5 This Policy applies in addition to the statutory requirements for the review by the Council Assessment Panel (CAP) of a decision of an Assessment Manager as set out in Part 16, Division 1 of the PDI Act.

2. Definitions & interpretation

- 2.1 “**applicant**” in this instance refers to the person or entity named as such on the Development Application form who sought the development authorisation in question and who may or may not be the owner of the land on which the development is to occur.
- 2.2 “**Assessment Manager**” in this instance includes his or her delegate
- 2.3 “**business day**” means any day except— (a) Saturday, Sunday or a public holiday; or (b) any other day which falls between 25 December in any year and 1 January in the following year;
- 2.4 “**next available meeting**” is not necessarily the next in-time CAP meeting (which could be a matter of days away) as the agenda for the next meeting may have closed or is full, or there may be insufficient time for the CAP members to consider the information provided to them. In this case, it is intended that the review would be assigned to and be heard at, the meeting after the next in time CAP meeting.
- 2.5 A “**Prescribed Matter**” means:
 - 2.5.1 any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the development application, or
 - 2.5.2 a decision to refuse to grant development authorisation to the application, or
 - 2.5.3 the imposition of conditions in relation to a grant of development authorisation, or
 - 2.5.4 subject to any exclusion prescribed by the *Planning, Development and Infrastructure (General) Regulations 2017*, any other assessment, request, decision, direction or act of the Assessment Manager under the PDI Act in relation to the granting of a development authorisation.

3. Commencing a review

- 3.1 An application for review in relation to a development application or development authorisation may only be commenced by the applicant for the development authorisation.
- 3.2 An application for review must relate to a Prescribed Matter in relation to which the Assessment Manager was the relevant authority.
- 3.3 An application for review must be:
 - 3.3.1 made using the Application to Assessment Panel for Assessment Manager’s Decision Review form (the Form - for ease of reference, a copy of the current Application to CAP Form is attached to this Policy).
 - 3.3.2 lodged in a manner identified on the Form, and
 - 3.3.3 lodged within one (1) month of the applicant receiving notice of the Prescribed Matter, unless the Presiding Member, in his or her discretion, grants an extension of time.
- 3.4 The Presiding Member may, in their discretion, determine that an application for review shall not be considered by the CAP on the basis that it is frivolous or vexatious, or is otherwise an abuse of process.
- 3.5 In determining whether to grant an extension of time, the Presiding Member may consider:
 - 3.5.1 the reason for the delay;
 - 3.5.2 the length of the delay;
 - 3.5.3 whether any rights or interests of other parties would be affected by allowing the review to be commenced out of time;
 - 3.5.4 the interests of justice;
 - 3.5.5 whether the applicant has, or is within time to, appeal the Prescribed Matter to the ERD Court, and

3.5.6 any other matters the Presiding Member considers relevant.

- 3.5 An application for review should, upon receipt by the CAP, be notified to the Assessment Manager within five (5) business days.

4. Applicant's Documents

- 4.1 An applicant must be given an opportunity to provide written submissions (which, for the avoidance of doubt, may include additional information and materials) in support of his or her application for review.
- 4.2 The Assessment Manager must inform the applicant of their right to provide written submissions to the CAP within 10 business days of receipt of the application for review.
- 4.3 Such written submissions must be received by the Presiding Member within 10 business days of receipt of the notice from the Assessment Manager, or such longer period as is requested by the applicant and granted by the Presiding Member, in his or her discretion.
- 4.4 A written submission should be marked to the attention of the Presiding Member and lodged in a manner specified in Clause 8.
- 4.5 The Presiding Member should provide a copy of any written submission to the Assessment Manager within 5 business days of its receipt.
- 4.6 Within 5 business days of the receipt of the applicant's written submissions, the Presiding Member should determine, in his or her discretion, whether to provide a referral agency which provided a response on the application with the opportunity to review and respond to any additional information and/or materials, in such manner and within such time as is determined by the Presiding Member.
- 4.7 Where a response is received from a referral agency, the Presiding Member should provide a copy to the applicant and Assessment Manager within 2 business days.
- 4.8 If the Presiding Member considers that an applicant's written submissions are substantial, the Presiding Member may defer the date for a hearing for such reasonable period as the Presiding Member considers appropriate, in order to:
- 4.8.1 provide the Assessment Manager with an opportunity to review and respond to the written submissions; and
 - 4.8.2 provide any relevant referral bodies with an opportunity to review and respond to the written submissions in accordance with Clause 4.6.

and must provide written notice to the applicant as soon as reasonably practicable after determining to defer the hearing, and in any event, no less than 24 hours before the hearing was due to take place.

5. Materials for review hearing

- 5.1 The Assessment Manager shall collate for the CAP:
- 5.1.1 all materials which were before the Assessment Manager at the time of the decision on the Prescribed Matter, including but not limited to:
 - 5.1.1.1 application documents, reports, submissions, plans, specifications or other documents submitted by the applicant;
 - 5.1.1.2 internal and/or external referral responses; and
 - 5.1.1.3 any report from Council staff or an external planning consultant written for the Assessment Manager;
 - 5.1.2 any assessment checklist used by the Assessment Manager when making the decision on the Prescribed Matter;
 - 5.1.3 any written submission, including additional information or materials, prepared by the applicant pursuant to Clause 4.1;

- 5.1.4 a report prepared by the Assessment Manager (or delegate) setting out the details of the relevant development application; the Prescribed Matter; an assessment of any additional information and/or materials provided by the applicant pursuant to Clause 4.1 (including, where appropriate, whether the additional information changes the Assessment Manager's original decision on the Prescribed Matter); and the reasons for the Assessment Manager decision on the Prescribed Matter; and
- 5.1.5 any further information requested by the Presiding Member or CAP.
- 5.2 After the completion of the requirements in Clause 5.1, the Assessment Manager should assign the review application to the next available CAP ~~Panel~~ meeting.
- 5.3 The documents identified in Clause 5.1 will be included as Attachments to the agenda item.
- 5.4 The Assessment Manager must, by written notice to the applicant:
 - 5.4.1 advise the applicant of the time and date of the CAP meeting at which the review application will be heard; and
 - 5.4.2 inform the applicant of their right to appear and make submissions in person to the Panel at the hearing; and
 - 5.4.3 invite the applicant to confirm in writing at least 2 business days prior to the hearing whether he or she wishes to be heard,not less than 5 business days before the meeting.
- 6. Review hearing**
- 6.1 On review, the CAP will consider the Prescribed Matter afresh.
- 6.2 The CAP will not hear from any party other than the applicant (and / or their representative) and the Assessment Manager.
- 6.3 An applicant will be allowed five minutes to address the CAP. The Presiding Member may allow additional time at his or her discretion.
- 6.4 Where an applicant is heard by the CAP, the Assessment Manager will be allowed five minutes to respond to any issues raised by the applicant. The Presiding Member may allow additional time at his or her discretion.
- 6.5 CAP members may ask questions and seek clarification from the applicant and / or Assessment Manager at the conclusion of their addresses.
- 6.6 Whether or not the applicant chooses to be heard by the CAP, the Assessment Manager should be present at the CAP meeting to respond to any questions or requests for clarification from the CAP.
- 6.7 Following any addresses from the applicant and / or Assessment Manager, the Presiding Member will invite all CAP Members to speak on any matter relevant to the review.
- 6.8 The CAP may resolve to defer its decision if it considers it requires additional time, or additional information from the applicant or the Assessment Manager (including legal or other professional advice), to make its decision.
- 6.9 The deferral will be to the next ordinary meeting of the CAP, or such longer period of time as is determined by the CAP and/or the Presiding Member in consultation with the Assessment Manager to enable the information sought to be obtained and considered.
- 6.10 Where an applicant is to provide further information to a CAP pursuant to Clause 6.8, the information must be provided within the time specified by the CAP and in a manner specified in Clause 8.
- 6.11 Where an Assessment Manager is to provide further information to the CAP pursuant to Clause 6.8, a copy of the information must also be provided to the applicant not less than five (5) business days before the meeting at which it will be considered by the CAP.

7. Outcome on review hearing

7.1 The CAP may, on a review:

- 7.1.1 affirm the Assessment Manager's decision on the Prescribed Matter;
- 7.1.2 vary the Assessment Manager's decision on the Prescribed Matter; or
- 7.1.3 set aside the Assessment Manager's decision on the Prescribed Matter and substitute its own decision.

7.2 An applicant should be advised in writing of the CAP's decision by the Assessment Manager (or delegate) within a reasonable time.

8. Lodging written materials & documents with the CAP

8.1 All documents and written communications with the CAP must be lodged via:

- 8.1.1 the SA Planning Portal (to the extent the Portal is able to receive such a submission);
- 8.1.2 email to: developmentassessment@npsp.sa.gov.au; or
- 8.1.3 hand-delivery or post to 175 The Parade Norwood 5067

9. Draft resolutions

The draft resolutions below are intended to provide guidance to the CAP as to how it might word resolutions to give effect to the decisions it makes on review. CAP may adopt this wording, or amend it as appropriate.

9.1 Resolution to affirm a decision of the Assessment Manager:

The Council Assessment Panel resolves to affirm the decision of the Assessment Manager [insert description of decision, for example:]

- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent be granted to DA No [insert] for [insert nature of development] subject to the [insert number] of conditions imposed by the Assessment Manager*
- *that DA No [insert] is classified as code assessed (performance assessed) development*
- *that the application is not seriously at variance with the Planning and Design Code (disregarding minor variations), but that DA No. [insert] does not warrant planning consent for the following reasons:*

9.2 Resolution to vary a decision of the Assessment Manager:

The Council Assessment Panel resolves to vary the decision of the Assessment Manager in relation to DA No [insert] by deleting condition [insert number] of planning consent and replacing it with the following condition:

[insert varied condition]

9.3 Resolution to set aside a decision of the Assessment Manager:

The Council Assessment Panel resolves to set aside the decision of the Assessment Manager to [insert description of decision being reversed, for example, refuse planning consent to DA No [insert]] and substitute the following decision:

- *DA No [insert] is not seriously at variance with the Planning and Design Code (disregarding minor variations) and that planning consent is granted to the application subject to the following conditions:*

9.4 Resolution to defer review hearing:

The Council Assessment Panel resolves to defer its decision in relation to its review of the decision of the Assessment Manager to [insert description of the decision] in relation to DA No [insert] until:

- *the next ordinary meeting of the Panel;*
- *the next ordinary meeting of the Panel after [insert additional information which has been requested by the Panel] is provided*
- *until the next ordinary meeting of the Panel after [insert date (i.e. giving an applicant 2 months to provide information)] (etc).*

REVIEW PROCESS

The Council Assessment Panel will review this Policy within five (5) years of the adoption date of the Policy.

INFORMATION

The contact officer for further information at the City of Norwood Payneham & St Peters is the Council's General Manager, Urban Planning & Environment, telephone 8366 4555.

ADOPTION OF THE POLICY

This Policy was adopted by the Council Assessment Panel on 21 October 2024.


TO BE REVIEWED

This Policy will be reviewed in October 2029.

APPLICATION TO ASSESSMENT PANEL¹

Decision Review Request

Prescribed form pursuant to section 203(1) for review of a decision of an Assessment Manager under section 202(1)(b)(i)A of the *Planning, Development and Infrastructure Act 2016* (Act)

Applicant details:	Name: Creative Home Renovations Phone: c/- Syd McDonald – 0411 554 253 Email: syd@mcdonaldgame.com.au Postal address: 1 King William Road, Unley SA 5061	
Development Application Number:	25010920	
Subject Land:	291 Glynburn Road, St Morris SA 5068, as comprised in Certificates of Title Volume 6129 Folio 308 and Volume 5220 Folio 747	
Date of decision of the Assessment Manager:	20 November 2025	
Decision (prescribed matter²) for review by Assessment Panel:	A decision to refuse to grant planning consent to DA No. 25010920	
Reason for review:	Details to be included in letter of submissions from McDonald Game Lawyers	
Do you wish to be heard by the Assessment Panel?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Date:	19 December 2025	
Signature:	 <input checked="" type="checkbox"/> If being lodged electronically please tick to indicate agreement to this declaration.	

¹ This application must be made through the relevant facility on the SA planning portal. To the extent that the SA planning portal does not have the necessary facilities to lodge this form, the application may be lodged—

- (i) by email, using the main email address of the relevant assessment panel; or
- (ii) by delivering the application to the principal office or address of the relevant assessment panel.

² **Prescribed matter**, in relation to an application for a development authorisation, means—

- (a) any assessment, request, decision, direction or act of the Assessment Manager under the Act that is relevant to any aspect of the determination of the application; or
- (b) a decision to refuse to grant the authorisation; or
- (c) the imposition of conditions in relation to the authorisation; or
- (d) subject to any exclusion prescribed by the regulations, any other assessment, request, decision, direction or act of the assessment manager under the Act in relation to the authorisation.



McDonald Game Lawyers

M|G

22 December 2025

Mr Stephen Smith
Presiding Member, Assessment Panel
City of Norwood, Payneham and St Peters
PO Box 204
KENT TOWN SA 5067

By email: developmentassessment@npsp.sa.gov.au

Dear Presiding Member

DA No. 25010920 – Illuminated advertisement attached to rooftop telecommunications tower – 291 Glynburn Road, St Morris – Application for review of Assessment Manager decision by Panel

1. This firm acts for Creative Home Renovations.
2. By DA No. 25010920 our client sought planning consent for development described as “*Illuminated signage attached to rooftop telecommunications tower*” on the land at 291 Glynburn Road, St Morris (**proposed development**).
3. On 20 November 2025, the Council’s Assessment Manager (via a delegate) determined to refuse the grant of planning consent to the proposed development (**the decision**). The Decision Notification Form provides the following reason for refusal:

The proposed development fails to satisfy Performance Outcome 5.1 of the Suburban Main Street Zone in that the advertisement is sited above the shop building and fails to achieve an overall consistency of signage along the Magill Road (Main Street) frontage. The proposed development fails to satisfy the following Performance Outcomes of the Advertisement module: Performance Outcome 1.1 – the position of the advertisement is not integrated with the shop building itself. Performance Outcome 2.3 – the advertisement represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness.

4. Please find **enclosed** an application to the Assessment Panel for a review of the decision pursuant to section 202(1)(b)(i)(A) of the *Planning, Development and Infrastructure Act 2016*. This letter sets out our client’s submissions in support of that application.

McDonald Game Pty Ltd
ABN 22 689 125 228
1 King William Rd, Unley SA 5061
info@mcdonaldgame.com.au
mcdonaldgame.com.au

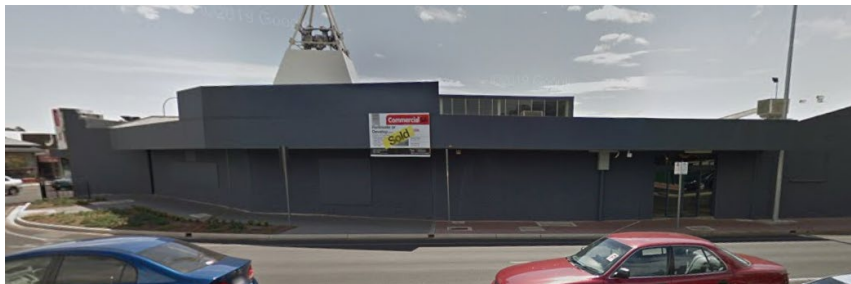
Liability limited by a scheme approved under Professional Standards Legislation.

Background

5. The land the subject of the proposed development is comprised in Certificates of Title Volume 6129 Folio 308 and Volume 5220 Folio 747 and is located on the northwestern corner of the intersection of Magill Road and Glynburn Road (**Land**). The Land is within the Suburban Main Street Zone.
6. Our client has occupied the building on the Land since late 2016, prior to which the building was a Home Hardware store. Before that it was a Mitre 10 store.
7. A telecommunications tower is located on the roof of the building set back approximately 13 metres from both the Magill and Glynburn Road frontages. The base of the telecommunications tower has shrouds/screens applied to the frame to create a flat face on all four sides of the tower. The base of each side of the telecommunications tower measures approximately 5 metres.
8. Prior to our client's occupation of the building, at least the south and east facing sides of the telecommunications tower had, for many years, signage for the Home Hardware Store (and, it is understood, for the Mitre 10 store prior to that) affixed to them as demonstrated in the below Google Street View image.



9. Indeed, it is understood that the shrouds added to each side of the telecommunications tower were intended and approved for the very purpose of advertising relating to the use of the building below. The shrouds are accordingly a form of advertising hoarding.
10. In the course of the building being sold (in late December 2015) the signs on the telecommunications tower were painted over. The actual Home Hardware signs were not physically removed from the telecommunications tower (see below).



11. In 2016, Visionstream Pty Ltd obtained a development authorisation for development described as “*extension of shroud/screen to an existing mobile phone base station*” (DA 379/2016). Additional shrouds, above the existing, were subsequently added to each face of the tower as shown in the image below.
12. Pursuant to development applications numbered 24027968 and 24029899 significant upgrades have been made to the facades of the building within the last twelve months.



13. Our client has the benefit of a development approval, pursuant to application number 24035869, for additional street and fascia level signage in a style and colours highly consistent with the signage depicted above.
14. The proposed development involves one additional advertisement on the east facing shroud of the telecommunications tower. The proposed advertisement:
 - 14.1. consists of the Creative Home Renovations logo/monogram in the same style and colour as the logo in the approved façade signage;
 - 14.2. will have total dimensions of 2000mm by 2000mm with a profile depth of 80mm;
 - 14.3. will be illuminated with low lux, static internal LEDs (i.e. no flashing or other variations in the lighting).
15. The existing shroud/signs on which the sign will sit (and the shrouds on the other sides of the telecommunications tower) will be painted in Monument to match the cladding on the fascia of the building below.

Reasons for review

16. We consider that the Assessment Manager (or delegate) has erred in concluding that the proposed development fails to satisfy PO 5.1 of the Suburban Main Street Zone and POs 1.1 and 2.3 of the General Development Policies, Advertising. The reasons for this position are set out below.

Suburban Main Street Zone – PO 5.1

17. In concluding that the proposed development did not satisfy PO 5.1 of the Suburban Main Street Zone, the Assessment Manager reasoned that *“the advertisement is sited above the shop building and fails to achieve an overall consistency of signage along the Magill Road (Main Street) frontage”*.
18. PO 5.1 seeks that *“advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages”*.
19. The Assessment Manager took the view that the proposed advertisement is not consistent with the Magill Road frontage. However, being located on the east-facing shroud of the telecommunications tower, there are very few angles from which the proposed advertisement will be visible at the same time as signage along the Magill Road frontage. The exception to this is the existing, east facing, ALDI signs. The ALDI sign which is attached to the building is located at a consistent height and is of a similar size to the proposed sign. It is also set back from the Magill Road frontage in a manner consistent with the proposed sign. This is well demonstrated in Appendix A of the letter from Garth Heynen of Heynen Planning Consultants to Ms Molinaro (as a delegate of the Assessment Manager) dated 21 October 2025.
20. The proposed advertisement will also be of a similar height and size to the Shell logo which sits at the top of the pylon sign at the service station on the southeast corner of the Magill and Glynburn Roads intersection.
21. In considering the locality more generally, there is no coherent streetscape pattern or appearance of advertising to be consistent with. The building does not form part of a uniform streetscape, such as might be found with a row of shops in a high street setting. It follows that PO 5.1 is of limited relevance to the proposed development.
22. Notwithstanding, the size and location of the proposed advertisement is clearly consistent with advertising elsewhere within the locality and should, therefore, not be deemed to be contrary to PO 5.1.

General Development Policies, Advertising – PO 1.1

23. In concluding that the proposed development did not satisfy PO 1.1 of the General Development Policies, Advertising, the Assessment Manager reasoned that *“the position of the advertising is not integrated with the shop building itself”*.
24. Given that the advertisement is proposed to be affixed to a part of the building that was purpose built and approved by the Council to be used for advertising relating to the use of the building, it is difficult to see how the proposed advertisement could be reasonably said to not be integrated.
25. PO 1.1 seeks that *“advertisements are compatible and integrated with the design of the building and/or land they are located on”*. This performance outcome is

included under the heading of “appearance” and applies to advertising which is both fixed to a building and freestanding.

26. In order to properly consider the assessment provision, it must be read in its entirety. The provision seeks that advertising be “*integrated with the design of the building and/or land*”.
27. The word “*integrated*” means to “*combine or form (a part of parts) into a whole*”. Land and buildings can have an infinite number of characteristics/features which go to the design of a building and/or land, and which are therefore relevant to a consideration of whether advertising is integrated with that land or building. “Integrated” does not mean “attached”. If it did, this provision would have no application to freestanding advertising. This cannot have been the intention.
28. The freestanding ALDI sign pictured below, which sits to the southwest of the Land, provides a helpful example. The characteristics/features which are relevant to considering whether this sign is integrated with the design of the building and/or land would include the carpark layout, the location of the access points, the siting, form and colour of the building, and other advertising located on the building or the land.



29. When considered in the context of first party advertising, the clear intention of PO 1.1 is to ensure that the advertising integrates with the other characteristics or features of the land or building such that it presents as a whole.
30. Considering the proposed development, the telecommunication tower and existing shrouds are features which clearly form part of the design of the Land. Whether the tower and shrouds technically form part of the building or not is irrelevant, they are features of the Land and therefore must be considered when determining whether the proposed sign is integrated with the design of the Land on which it is located.
31. From this position, it can be readily determined that the proposed advertisement is “*compatible and integrated with the design of the building and/or land*” on which is to be located as:
 - 31.1. the proposed logo will be located on the existing east-facing shroud;

- 31.2. the proposed logo and the shrouds on which it is located will be consistent in its colours and materiality with other elements of the building;
 - 31.3. the design of the proposed logo is consistent with the advertisements elsewhere on the building;
 - 31.4. it will be located on a purpose-built and previously approved advertising hoarding; and
 - 31.5. the proposed logo will sit within the same visual plane as the fascia signage (when viewed from certain directions).
32. Accordingly, we are of the view that the proposed development satisfies PO 1.1 of the General Development Policies, Advertising.

General Development Policies, Advertising – PO 2.3

33. In concluding that the proposed development did not satisfy PO 2.3 of the General Development Policies, Advertising, the Assessment Manager reasoned that *“the advertising represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness”*.
34. PO 2.3 seeks that *“proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness”*. This performance outcome is included within the Code under a heading of “Proliferation of Advertisements”.
35. The correspondence Designated Performance Feature, DPF 2.3, provides the test for what will generally be considered as satisfying PO 2.3 in the following terms:

Advertisements satisfy all of the following:

- (a) are attached to a building*
 - (b) other than in a Neighbourhood-type zone, where they are flush with a wall, cover no more than 15% of the building façade to which they are attached*
 - (c) do not result in more than one sign per occupancy that is not flush with a wall.*
36. We consider that the proposed development satisfies DPF 2.3 on the basis that:
- 36.1. Per DPF 2.3(a), the proposed advertisement is attached to “a building” noting that the telecommunications tower is a structure and therefore included in the definition of “building” for the purpose of the PDI Act;
 - 36.2. Per DPF 2.3(b), the proposed advertisement does not result in the total advertisements exceeding 15% of the building façade; and

- 36.3. Per DPF 2.3(c), if the proposed advertisement is not considered as being “flush with a wall” (which we accept might be the case), it constitutes the one advertisement on the land that is not flush with a wall permissible under DPF 2.3(c).
37. If the Panel does not agree that DPF 2.3 is met, we otherwise submit that the proposed development satisfies PO 2.3.
38. The use of the word “proliferate” within planning policy is somewhat curious as definitions of “proliferate” most commonly include a temporal element, for example, “*the fact of something increasing a lot and suddenly in number or amount*”,¹ or “*rapid growth or increase in numbers*”.
39. In our view, proliferation of advertising is more likely to arise when there are multiple businesses within a building which are competing for advertising space on the façade of that building. There could, however, be situations in which the amount of advertising for a single business is excessive and leads to visual clutter and untidiness.
40. The phrase “visual clutter and untidiness” was considered in the recent decision of *Regional Billboard Co Pty Ltd v Council Assessment Panel at Rural City of Murray Bridge*.² At [90] the Court stated that:
- In terms of visual clutter, in each case it would be a matter of fact and degree as to the impact of the proposed advertisement, based predominantly on its size, scale and location, rather than content.*
41. The position taken by the decision-maker appears to be that, when considered in addition to the advertisements approved in application number 24035869, the proposed logo will result in a proliferation of advertising. This is a matter of fact and degree which is to be considered in the context of the Land.
42. The Land has extensive frontages to both Glynburn Road and Magill Road. There is obvious wayfinding and advertising benefit to having signage on both frontages as, depending on the direction of approach of cars/passersby, only certain advertisements will be visible. There are, in fact, very few viewpoints (if any) from which all of the advertisements on the building will be visible.
43. It would be incorrect to approach the assessment of visual clutter and untidiness as if all of the advertisements on the building sat within the same visual plane. That is not the reality of the Land.
44. The proposed advertisement will sit above, and be setback from (by approximately 13 metres) the façade signage. The proposed advertisement is limited to one side of the telecommunication tower and will be entirely consistent in its appearance with the other first party advertisements located on the Land.

¹ Cambridge online dictionary.

² [2025] SAERDC 19.

45. The proposed advertisement will not result in visual clutter or untidiness. Considering the improvements which have been made to the appearance of the building in the last 12 months or so, quite the opposite is true.

Advertising hoarding previously approved

46. As above, the shrouds on each side of the telecommunication tower form a purpose-built advertising hoarding which has been previously approved and used for advertising for many years.
47. It is reasonable to expect consistency in the decision making by Council.

Nature of review

48. Pursuant to the "Council Assessment Panel Review of the Decisions of the Assessment Manager" policy, the Panel is to consider the application afresh.
49. The Panel may confirm the refusal or alternatively set aside the refusal and grant planning consent to the application.
50. The nature of a review is that it is conducted by an independent decision maker in accordance with the principles of procedural fairness and natural justice.

Procedural fairness request

51. We seek to be heard by the Panel in relation to this application for review and would be grateful if you would please advise us of the date and time of the relevant meeting.
52. Further, in respect of the right to a fair hearing, we request that we be provided with a copy of any report prepared for the Panel by staff, and that we be given an opportunity to response to that report.
53. Please contact me or Lucy Dillon of this firm should you have any questions or require further information.

Yours faithfully



Syd McDonald
McDonald Game Lawyers
M: 0411 554 253
E: syd@mcdonaldgame.com.au

DECISION NOTIFICATION FORM

Section 126(1) of the Planning, Development and Infrastructure Act 2016

TO THE APPLICANT(S):

Name: Creative Home Renovations
Postal address: 291 GLYNBURN ROAD ST MORRIS SA 5068
Email: gc@creativehomerenovations.com.au

IN REGARD TO:

Development application no.: 25010920	Lodged on: 28 Apr 2025
Nature of proposed development: Illuminated signage attached to rooftop telecommunications tower	

LOCATION OF PROPOSED DEVELOPMENT:

Location reference: 291 GLYNBURN RD ST MORRIS SA 5068		
Title ref.: CT 6129/308	Plan Parcel: F134513 AL62	Council: THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Location reference: 291 GLYNBURN RD ST MORRIS SA 5068		
Title ref.: CT 5220/747	Plan Parcel: F125333 AL1	Council: THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

DECISION:

Decision type	Decision (granted/refused)	Decision date	No. of conditions	No. of reserved matters	Entity responsible for decision (relevant authority)
Planning Consent	Refused	20 Nov 2025			Assessment Manager at City of Norwood, Payneham and St. Peters
Building Consent					To be Determined
Development Approval - Planning Consent; Building Consent					City of Norwood, Payneham and St. Peters

FROM THE RELEVANT AUTHORITY: Assessment Manager at City of Norwood, Payneham and St. Peters
Date: 20 Nov 2025

REFUSAL REASONS

Planning Consent

The proposed development fails to satisfy Performance Outcome 5.1 of the Suburban Main Street Zone in that the advertisement is sited above the shop building and fails to achieve an overall consistency of signage along

This form constitutes the form of a decision notification under section 126(1) of the Planning, Development and Infrastructure Act 2016, as determined by the Minister for Planning for the Purposes of regulation 57(1) of the Planning, Development and Infrastructure (General) Regulations 2017.
Published: 7 July 2022.



Government of South Australia

Department for Trade and Investment

the Magill Road (Main Street) frontage. The proposed development fails to satisfy the following Performance Outcomes of the Advertisements module: Performance Outcome 1.1 - the positioning of the advertisement is not integrated with the shop building itself. Performance Outcome 2.3 - the advertisement represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness.

ADVISORY NOTES

Planning Consent

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.

CONTACT DETAILS OF CONSENT AUTHORITIES

Name: Assessment Manager at City of Norwood, Payneham and St. Peters	Type of consent: Planning
Telephone: 0883664530	Email: developmentassessment@npsp.sa.gov.au
Postal address: PO Box 204, Kent Town SA 5071	

ASSESSMENT REPORT

DEVELOPMENT NO.:	25010920
APPLICANT:	Creative Home Renovations
NATURE OF DEVELOPMENT:	Illuminated signage attached to rooftop telecommunications tower
ZONING INFORMATION:	<p>Zones:</p> <ul style="list-style-type: none"> • Suburban Main Street <p>Overlays:</p> <ul style="list-style-type: none"> • Airport Building Heights (Regulated) • Advertising Near Signalised Intersections • Future Road Widening • Hazards (Flooding - General) • Prescribed Wells Area • Regulated and Significant Tree • Traffic Generating Development • Urban Transport Routes <p>Technical Numeric Variations (TNVs):</p> <ul style="list-style-type: none"> • Maximum Building Height (Levels) (Maximum building height is 2 levels)
LODGEMENT DATE:	28 April 2025
RELEVANT AUTHORITY:	Assessment Manager at City of Norwood Payneham & St. Peters
PLANNING & DESIGN CODE VERSION:	P&D Code (in effect) Version 2025.7 10/04/2025

DETAILED DESCRIPTION OF PROPOSAL:

Attach one (1) 2m x 2m illuminated 'Creative Home Renovations' logo sign to a rooftop telecommunications tower. The sign is to be attached to the east facing side of the telecommunications tower.

An indicative image is below:



By way of background the other signage included in the image was approved via development authorisation 24035869. The logo sign proposed in this application was originally included as part of application 24035869 but was removed by the applicant on the basis of advice by Council staff it was considered to be at variance with Performance Outcome 2.3 of the Advertisements module – proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.

Staff were of the view that combined with the other signage that the rooftop logo sign represented a proliferation of advertisements.

LOCATION OF DEVELOPMENT:

Location reference: 291 GLYNBURN RD ST MORRIS SA 5068

Title ref.:	Plan Parcel:	Council: THE CITY OF NORWOOD PAYNEHAM
CT	F134513 AL62	AND ST PETERS
6129/308		

Location reference: 291 GLYNBURN RD ST MORRIS SA 5068

Title ref.:	Plan Parcel:	Council: THE CITY OF
CT	F125333 AL1	NORWOOD
5220/747		PAYNEHAM AND ST PETERS

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Advertisement: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**

Code Assessed - Performance Assessed

- **REASON**
P&D Code

PUBLIC NOTIFICATION

No – per Table 5 procedural matters of the Suburban Main Street Zone, advertisement is excluded from public notification.

- **REASON**
See above

AGENCY REFERRALS

- Commissioner of Highways

INTERNAL REFERRALS

N

PLANNING & DESIGN CODE POLICIES

Suburban Main Street Zone

DO 1

DO 2

DO 3

Advertisements

PO 5.1

Overlays

Advertising Near Signalised Intersections Overlay

DO 1

PO 1.1 & DTS/DPF 1.1

Future Road Widening Overlay

DO 1

PO 1.1 & DTS/DPF 1.1

General Development Policies

Advertisements

Appearance

PO 1.1 & DTS/DPF 1.1

PO 1.3 & DTS/DPF 1.2

PO 1.5

PO 2.3 & DTS/DPF 2.3

Advertising Content

PO 3.1 & DTS/DPF3.1

Amenity Impacts

PO 4.1 & DTS/DPF 4.1

PO 5.2 & DTS/DPF5.2

PO 5.3 & DTS/DPF 5.3

PO 5.6 & DTS/DPF 5.6

Clearance from Overhead Powerlines

DO 1

PO 1.1 & DTS/DPF1.1

PLANNING ASSESSMENT

The site is on the eastern fringe of the Suburban Main Street Zone, adjoining the Local Activity Centre Zone and Established Neighbourhood Zone to the east. It is on the northern side of Magill Road and western side of Glynburn Road.

The Suburban Main Street Zone is an activity centre where a main street character is desired. Main Street character/quality is understood to be typified by activated, fine-grain, narrow building frontages with frequent pedestrian entry points and provide both daytime and night-time activation.

The proposed sign is not attached to the associated building proper and neither is it freestanding.

Performance Outcome (PO) 5.1 of the Zone seeks for advertisements to be sited and designed to achieve an overall consistency of appearance along individual street frontages.

This is considered to be within the realm of Magill Road, being the 'Main Street'. The site is on the eastern entrance to the Zone / 'Main Street strip'; and is a prominent corner site forming the boundary between three (3) Council areas. The location of the proposed logo sign, being on the eastern side of the telecommunications tower is visible from Magill Road to the east. This side/face of the tower is also visible from Glynburn Road to the south. Existing buildings obscure views of the western side of the telecommunications tower from Magill Road.

In respect to siting, the proposal would represent (in my count) only the fourth example of rooftop signage on the northern side of the 'Main Street strip' between the subject site and Breaker Street to the west, a distance of approximately 600m. Breaker Street is the western end of the Suburban Main Street Zone.

So, in this respect whilst there are examples of rooftop signage, the more consistent siting of advertisements is considered to be those attached to buildings and not exceeding the associated building roofline. There are some freestanding advertisements also, however these are less common. Further, DPF 5.2 of the Zone although limited to freestanding advertisements seeks for these to not exceed 8m in height or the adjacent building wall height, whichever is the lesser. In this particular 'Main Street' strip most buildings do not exceed 8m in height, so freestanding advertisements are generally anticipated to not exceed the adjacent building wall

height. This is considered to ensure that they do not detract from the fine-grain main street character as in part desired by PO 5.2.

This intent is replicated in DPF 1.1 of the Advertisements module which states for advertisements located above canopy level to not be attached to the roof of the building. This is to assist with the achievement of PO 1.1, which seeks for advertisements to be compatible and integrated with the design of the building and/or land they are located on. A further assessment of PO 1.1 is that the proposed logo sign is compatible in design with approved signage attached to the fascia level of the building, however its siting above the roofline is not integrated with the building.

In the event that the rooftop siting of the proposed logo sign is not considered to be inconsistent in the setting of this 'Main Street' strip, the design of this rooftop signage is considered to be inconsistent. Of the identified existing rooftop signage examples on the northern side of Magill Road, they are low and narrow in design and clearly identify the associated business name, or service offered in the case of the laundromat sign on the corner of Magill Road and Breaker Street. The proposed sign is a large square shape containing a logo that does not clearly identify the associated business, being Creative Home Renovations.

This design aspect of the sign is also considered to mean that PO 3.1 of the Advertisements module is not met in that this logo does not assist in the ready identification of the activity. It is not a well-known logo, such as that of the Aldi chain-store signage opposite the land, to the south-west. Upon further reflection, it is not so much that the proposed logo sign is not well known, it is that for example the Aldi signage also clearly includes the word 'Aldi'. Of the 'Shell' retail fuel outlet to the south-east of the site, this does not contain the word 'Shell' but the logo itself is of the shape of a shell.

In considering signage on the southern side of Magill Road, the 'Aldi' signage is the most prominent, being attached to the front and eastern side of the building (and with a separate freestanding sign). The building sits above the shopfronts to the east, which makes this signage more prominent. Nonetheless, it is attached to the building proper.

The intent of PO 3.1 is avoid visual clutter and untidiness, which is also the aim of PO 2.3 of the Advertisements module which seeks for the proliferation of advertisements attached to buildings to be minimised to avoid visual clutter and untidiness.

The applicant has provided an opinion from Heynen Planning Consultants that the proposed sign will not represent a proliferation of advertisements as in essence it will sit at its own building level, separate from the approved signage attached to the fascia of the building.

This conclusion was drawn in reference to *Keast v City of Marion* [1999] SAERDC 74. This matter was concerned with a freestanding double-sided sign for third-party advertising.

Considered important for this proposal it was found that advertisements are a given in 'strip situations' but they *"cannot be added to randomly."* *"Context is an important principle and in 'strip situations' there are two factors that are very important in creating context. The first is that of advertisements; the second that of views from vehicles."*

With respect to advertisements and views from vehicles this site is a prominent corner site. The approved signage attached to the fascia of the building is simple in nature, removing the former plethora of signage images and lettering attached to the building. Such that in my opinion at this building level signage is clear and meaningful. Further it can be seen with little or no distraction, the street light poles at the signalised intersection are slender in design and light in colour such as to not take away from views of the building fascia.

It is appreciated that the business operator has greatly improved the appearance of the building at this prominent site, through recent facade upgrade works and simplification of advertising at the fascia level. Further, the tower used to contain advertising for the former business 'Home Hardware' on two (2) sides – the eastern and southern sides. This advertising was approved as part of the Development Approval for the telecommunication tower – extend the existing hardware store building in the form of a tower and flat pole structure to support a mobile phone telecommunication antenna and a Mitre 10 advertising display (ref. 155/417/99). The application was approved upon appeal to the ERD Court (ERD 1260 of 1999). Around the advertising, the judgement found that it would not be “inappropriate”. However, an important distinction was that this advertising was not illuminated and further clearly identified the business type – ‘Mitre 10 lettering’ was replaced with ‘Home Hardware’ advertising. Further, my read of the judgement is that it did not consider proliferation of advertisements.



On balance the proposal is considered to be partly at variance with PO 5.1 of the Suburban Main Street Zone and at variance with POs 1.1 and 3.1 of the Advertisements module.

Question of Seriously at Variance

N – advertisement is an anticipated form of development in the Suburban Main Street Zone.

RECOMMENDATION

REFUSE PLANNING CONSENT

The proposed development is not seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

REASONS FOR REFUSAL

The proposed development fails to satisfy Performance Outcome 5.1 of the Suburban Main Street Zone in that the advertisement is sited atop the shop building and fails to achieve an overall consistency of signage along the Magill Road (Main Street) frontage.

The proposed development fails to satisfy the following Performance Outcomes of the Advertisements module:

Performance Outcome 1.1 - the positioning of the advertisement is not integrated with the shop building itself.

Performance Outcome 2.3 - the advertisement represents a proliferation of advertisements associated with the shop use and as such contributes to visual clutter and untidiness.

ADVISORY NOTES

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.

OFFICER MAKING RECOMMENDATION

Name: Marie Molinaro

Title: Urban Planner

Date: 20 November 2025

DECISION AUTHORITY

Relevant Authority: Assessment Manager at City of Norwood Payneham & St. Peters

Consent: Planning Consent

Date: 20 November 2025

Delegation Policy: NPSP

Delegate Name: Marie Molinaro

Delegate Title: Urban Planner

Development Locations

Location 1

Location reference

291 GLYNBURN RD ST MORRIS SA 5068

Title Ref

CT 6129/308

Plan Parcel

F134513 AL62

Additional Location Information**Council**

THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Location 2

Location reference

291 GLYNBURN RD ST MORRIS SA 5068

Title Ref

CT 5220/747

Plan Parcel

F125333 AL1

Additional Location Information**Council**

THE CITY OF NORWOOD PAYNEHAM AND ST PETERS

Zone Overlays

Zones

- Suburban Main Street

Sub-zones

(None)

Overlays

- Airport Building Heights (Regulated)
- Advertising Near Signalised Intersections
- Future Road Widening
- Hazards (Flooding - General)
- Prescribed Wells Area
- Regulated and Significant Tree
- Traffic Generating Development
- Urban Transport Routes

Variations

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

Application Contacts

Applicant(s)

Stakeholder info

Creative Home Renovations

Main Contact: Giancarlo Rescignano
291 GLYNBURN ROAD ST MORRIS SA 5068
gc@creativehomerenovations.com.au

Contact

Stakeholder info

Mr Garth Heynen
UNIT 15 198 GREENHILL ROAD EASTWOOD SA 5063
Tel. 0417848061
Alternate Tel. 0882717944
garth@heynenplanning.com.au

Invoice Contact

Stakeholder info

Creative Home Renovations
Main Contact: Giancarlo Rescignano
291 GLYNBURN ROAD ST MORRIS SA 5068
gc@creativehomerenovations.com.au

Land owners

Stakeholder info

Creative Home Renovations
Main Contact: Giancarlo Rescignano
291 GLYNBURN ROAD ST MORRIS SA 5068
gc@creativehomerenovations.com.au

Nature Of Development

Nature of development

Illuminated Advertisement

Development Details

Current Use

Commercial

Proposed Use

Commercial

Development Cost

\$8,000.00

Proposed Development Details

Illuminated Advertisement

Element Details

You have selected the following elements

Advertisement - \$8,000.00

Regulated and Significant Trees

Does the application include any works that will result in damage (includes impacts to roads and plumbing) removal to regulated or significant tree(s)?
No

Commercial & Industrial Elements

Does the application include signage?
Yes

Number of Signs
1

Location of signs
East Elevation

Advertisement

Is the sign illuminated?
Yes

Does the sign scroll or flash?
No

Septic/Sewer information submitted by applicant

Does this development require a new septic system or amendment to an existing septic system? i.e. septic tank and / or wastewater 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?
Unsure

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 Norwood, Payneham and St. Peters

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

Building Consent

Do you wish to have your building consent assessed in multiple stages?
No

Apply Now?

No

Consent Order

Recommended order of consent assessments

- 1. Planning 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
glynburn CHR HPC opinion.pdf	All application documentation	14 Apr 2025 4:00 PM
Glynburn Tower Sign.pdf	All application documentation	14 Apr 2025 4:00 PM

Application Created User and Date/Time

Created User

garth.heyne1

Created Date/Time

14 Apr 2025 4:00 PM



HEYNEN
PLANNING CONSULTANTS

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Suite 15, 198 Greenhill Road
EASTWOOD SA 5063

ABN 54 159 265 022
ACN 159 265 022

14 April 2025

City of Norwood Payneham & St Peters
ATT Planning Department

By Upload

Dear Assessment Manager

RE: ILLUMINATED ADVERTISEMENT – 291 GLYNBURN ROAD, ST MORRIS

Please find attached the following documents pertaining to the proposal to construct an illuminated advertisement at 291 Glynburn Road, St Morris on the existing telecommunications tower structure:

- Planning drawings, comprising 3 sheets, undated illustrating elevation of the proposed advertisement, details of the message and location of the proposed advertisement.

The subject land currently accommodates Creative Home Renovations, a display centre, and the telecommunications tower.

By way of background I have been advised by the applicant that the illuminated advertising displayed on the proposed elevation at the fascia level and the level below the fascia has been granted planning consent per DA ID 24035869.

I have also been advised that during the assessment of DA ID 24035869 Council included within a request for information (RFI) dated 29 November 2024 a concern regarding “proliferation” of advertising and recommended the removal of the now proposed tower sign (extract provided below):

“However, when assessing the application against the Planning & Design Code the addition of the illuminated logo sign on the phone tower is considered to represent with all the signage combined an excessive amount of signage. The Code, clearly discourages the proliferation of (large amount) of advertising. The two senior planners agree with this view.

Below is the specific part of the Code regarding proliferation of advertising.

Performance Outcome 2.3 – Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.

With this in mind, I can issue Planning Consent to the application immediately if this logo sign on the phone tower is removed from the application. Alternatively, if you wish to keep this logo sign I would need to refuse the whole application.”

In response to this RFI the applicant removed the advertising to the phone tower to allow the remainder of the application to commence construction.

The applicant has since considered the proposed “tower sign” and in doing so has sought my opinion on whether the proposed development exhibits planning merit when assessed against the relevant policies of the Planning and Design Code (Code).

From my assessment of the policy contained within the relevant zone, Overlays and the development policies of the Code, both conceptually and in the technical sense, the proposed advertisement is highly consistent with the applicable policies and displays planning merit. I outline the basis for my opinion hereafter.

Subject Land and Locality

The subject land is located within the Suburban Main Street Zone (SMSZ). The same zone applies to land to the west, a Local Activity Centre Zone (LACZ) applies to land south of Magill Road, and land east of Glynburn Road is within the Established Neighbourhood Zone (ENZ).

The locality is dominated by a pattern of commercial buildings, including multiple levels of advertising displays. Opposite the subject land (to the south), the locality also sustains a variety of smaller shops, offices, a petrol station, and a supermarket. Buildings within the SACZ are single and double storey in scale. Land to the east of the subject land is residential in nature (predominantly single storey in scale).

The immediate perception of the locality is the predominance of retail and commercial land uses. Almost all the retail and commercial premises within the locality and adjacent to the subject land present advertising areas on facades, whilst some major freestanding advertisements are also evident, including the Aldi (southwest of the subject land), and the OTR (southeast of the subject land). This character is directly linked to the importance placed upon this area for commercial land uses and invariably associated advertising.

Advertising within the locality contributes to the character of the area and wholly retail/commercial streetscape. When reviewing advertising within the locality, three levels have been created over time. The levels can be described as:

1. Window level;
2. Fascia/Facade level; and
3. Above Fascia/Facade level.

Appendix A illustrates provides the three levels of advertising which exist within the locality. The extent and pattern of advertising reflects the importance of exposure associated with Magill and Glynburn Road.

The amenity of the locality is moderate. A mix of newer and older buildings and advertising within the locality contributes to the level of amenity.

History of the Subject Land and Building

Home Hardware formerly occupied the subject land and installed advertising on the building during their tenancy, see Figure 1 through to 4 overleaf. It is evident that the former advertising included the three levels, discussed above in Subject Land and Locality. From my investigations the advertising on the telecommunications tower existed on the land for 15 years. This advertising hoarding remains evident in Figure 5, overleaf, whereby the hoarding remains in place but has been painted over by the existing tenant, Creative Homes.



Figure 1: Advertising on the tower as viewed from the junction of Glynburn Road and Magill Road. Advertising is evident to both the South and Eastern display of the Phone Tower (circa 2015).



Figure 2: View of the tower advertising from the junction of Glynburn Road and Magil Road (circa 2015).



Figure 3: View of the tower advertising display from the junction of Glynburn Road and Magil Road showing the three levels of advertising that existed at the time (circa 2015).



Figure 4: View of the tower advertising presenting to the East (circa 2015).



Figure 5: View of the tower as painted on occupation by the existing tenant, Creative Homes.

Assessment Approach

The development constitutes a performance assessed kind of development as per the procedural matters referred to within the SMSZ. In undertaking a “performance assessment” the following is well accepted planning practice:

Adelaide Hills Council Assessment Manager v Parkins & Anor [2023] SASCA 66

Each of these DPFs is a guide to what is generally considered to satisfy the corresponding performance outcome. Neither determines compliance with the performance outcome...

Geber Super Pty Ltd v The Barossa Assessment Panel [2023] SASC 154 (my underlining added):

88. The designated performance features also assist in the interpretation of the performance outcomes. They identify a standard outcome that will generally meet the corresponding performance outcome. However, they are not policies in their own right. On the one hand, merely because the designated performance features for a corresponding performance outcome are met does not entail that the performance outcome is met because the Code states that the features are only a standard outcome that will generally meet the performance outcome. On the other hand, merely because the designated performance features are not met does not entail that the performance outcome is not met.

Rymill Park Apartments Pty Ltd v Rymill House Foundation Pty Ltd & Anor [2023] SASC 107 (my underlining added):

...is not a mechanical assessment of a development, seriatim, against each performance outcome without consideration of other overlapping or competing performance outcomes.

Rather it remains for the decision-maker an iterative weighing and balancing exercise guided by the Code.

The Development

This application seeks to construct an illuminated advertisement in substantially the same location as the former Home Hardware non-illuminated advertising hoarding as previously affixed to the tower.

Documentation provided by the applicant outlines that the advertisement shall be:

- acrylic lettering with an LED face illuminated;
- to comprise a dimension of 2.0 x 2.0 metres, with a profile depth of 80mm; and
- to be affixed with a new frame structure to the tower cladding.

Given the longstanding Home Hardware advertisement affixed to the tower structure the proposed development it is arguable that existing use rights remain for this advertising display. The applicant “reserves the right” to investigate the existing use rights, if required, and in which case the application would simply involve the change to the internal illumination.

Noting the substantial planning merit of the advertising hoarding, and for the avoidance of doubt, the applicant seeks that this application be assessed on a “without prejudice basis”.

Procedural Matters

With reference to the *Planning, Development and Infrastructure Act 2016*, advertising is defined as follows:

An advertisement or sign that is visible from the street, road or public place or by passengers carried on any form of public transport.

Having regard to Table 5 of the SMSZ, the development for advertising is “captured” in dot point 3, and the applicable exemptions are the following (my underlining):

Except development that exceeds the maximum building height specified in Suburban Main Street Zone DTS/DPF 3.1 or does not satisfy any of the following:

1. *Suburban Main Street Zone DTS/DPF 3.2*
2. *Suburban Main Street Zone DTS/DPF 3.3.*

Simply put, the exemptions require notification in the following circumstances:

- (i) The advertising exceeds the building height of two building levels; or
- (ii) The advertising is outside of the 45 and 30 degree plane diagrammatically illustrated within SMSZ DTS/DPF 3.2 and 3.3.

The definition for “building height” as contained within Part 8 of the Code is (my underlining added):

*“Means the maximum vertical distance between the lower of the natural or finished ground level or a measurement point specified by the applicable policy of the Code (in which case the Code policy will prevail in the event of any inconsistency) at any point of any part of a building and the finished roof height at its highest point, ignoring any antenna, aerial, chimney, flagpole or the like. For the purposes of this definition, building does not include any of the following:...
(b) telecommunications facility tower or monopole”*

The development is attached to a telecommunications tower and as such either satisfies that exemption by not being included in the definition for “building height” or, in alternate the existing building height does not alter from one building level and the advertisement maintains this height as it affixed to the existing structure.

Furthermore, the development does not intersect the interface height sought in SMSZ DTS/DPF 3.2 and 3.3 of the SMSZ measured from ENZ to the northern side boundary at 289 Glynburn Road.

Accordingly, given the development satisfies that exemption criteria within SMSZ DTS/DPF 3.1, and DTS/DPF 3.2 and 3.3, the development does not require public notification.

In accordance with the Advertising Near Signalised Intersections Overlay, given that the advertising hoarding is to be internally illuminated within 100 m of a signalised intersection, the development requires a referral to the Commissioner of Highways.

Planning Assessment

I have assessed the development against the relevant provisions of the Code and, in my opinion, the development is one which is appropriate for the subject land and the locality and displays planning merit. The table below contains the Table 3 policies for “advertisement”, noting that not all are relevant to the assessment when considering the application.

Table 1: Applicable Policies from Part 3 of the Code

Overlays	Suburban Main Street Zone
Advertising Near Signalised Intersections [Advertisements Near Signalised Intersections] PO 1.1	Advertisements PO 5.1, PO 5.2
Airport Building Heights (Regulated)[Built Form] PO 1.1	
Future Road Widening [Future Road Widening] PO 1.1	
General Section	General Section
Advertisements Performance Outcome: 1.1, 1.2, 1.3, 1.4, 1.5, 2.1, 2.2, 2.3, 3.1, 4.1, 5.1, 5.2, 5.3, 5.4, 5.5, 5.6	Clearance from Overhead Powerlines Performance Outcome: 1.1

Interface and Renewable Energy Facilities
Performance Outcome: 12.2

For the sake of brevity, the relevant provisions have been summarised and discussed in accordance with the following topics.

- Form of development;
- Appearance of land and buildings; and
- Advertising near intersections.

FORM OF DEVELOPMENT**Suburban Main Street Zone**

DO 1 A mix of land uses including retail, office, commercial, community, civic and medium density residential development that supports the local area.

DO 2 A high degree of pedestrian activity and main street activity with well-lit and engaging shop fronts and business displays including alfresco seating and dining facilities.

DO 3 An intimate public realm with active streets created by integrated mixed use buildings.

PO 5.1 Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontage

The application proposes to construct an illuminated advertisement at the former advertising location on the tower. To that extent, advertising has been a form of development within the locality, while the position of the Home Hardware tower advertising displays was at the third level of advertising (i.e. above fascia/façade level).

Appendix A clearly illustrates that within the locality above fascia/façade level advertising is also common place, as it advertising at fascia/facade level and at the window level. Plainly, the proposed tower advertisement is consistent with the “appearance” of advertising “along individual street frontages”.

This is the case both historically (see Figures 1, 2, 3 and 4) and as proposed. Additionally, advertising is anticipated within the SMSZ and desirable given the exposure garnered from the location on the westward approach on Magill Road to the commercial precinct formed by the SMSZ and LACZ.

The appropriateness of the use in the commercial and retail hierarchy established by the Code is reinforced by the following extract from *Russell Ads P/L v City of Charles Sturt* [1997] SAERDC 251:

The character of the locality is far from devoid of the influence of advertisements, although the predominant character of the locality is not that of an area in which advertisements are a major element. Notwithstanding this, I see the development advertising display as having a commercial character which is not inconsistent with the character of other uses of land which could conceivably occur in the General Industry Zone.

In this regard, I note that the SMSZ and the adjoining LACZ clearly anticipate higher levels of advertising than that within a General Industry Zone and it follows that the development is anticipated within the zone.

At this point, I also note that the appearance of the CHR logo to displayed is also consistent with the materials, colours and finishes of the fascia/facade level associated with DA ID 24035869.

Accordingly, the intended advertisement is an appropriate use and one that is “sited and designed to achieve an overall consistency of appearance along individual street frontage”.

APPEARANCE OF LAND AND BUILDINGS**Suburban Main Street Zone**

PO 5.1 Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontage

Part 4: Advertisements

PO 1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.

PO 2.1 Proliferation of advertisements is minimised to avoid visual clutter and untidiness.

PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness.

In considering the above provisions, the outcomes in “couched” in terms of “minimising” planning impacts and achieving “compatibility”. In this regard, “ompatibility” does not require conformity with a guide contained within Advertisements DTS/DPF 1.1¹. Specifically, the definition of “compatible” was considered within *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel [2023] SAERDC 14* at paragraph 64 (my underlining added).

64 First, Performance Outcome 1.1 requires the development to be compatible with a low density residential character. The Macquire Dictionary relevant defines “compatible” as (1) capable of existing together in harmony (2) capable of orderly, efficient integration with other elements in a system”...

Without replication of the reasoning or the background of the assessment of the Court in *PC Infrastructure* it is sufficient to state that context is a fundamental consideration when assessing Part 4: Advertising DO 1 (my underlining added) and to the interpretation of PO 2.3:

Part 4: Advertisements

DO 1 Advertisements and advertising hoardings are appropriate to context, efficient and effective in communicating with the public, limited in number to avoid clutter, and do not create hazard.

Given the intent of PO 1.1 is for the orderly sequencing of advertising to achieve compatibility, it is now important to understand the hierarchy of advertising within a this commercial context, as identified within the ERD Court judgement in the matter of *Keast v City of Marion* [1999] SAERDC 74 (extract provided below – my underlining added):

11 Context is an important principle and in "strip" situations, there are two factors that are very important in creating the context. The first is that of advertisements; the second that of views from vehicles. The advertisements at Darlington occur typically at three levels; at that of the footpath and display window; at that of the facade; and at that above roof-lines. From a moving vehicle the plethora of advertisements at the first level is such as to make them almost meaningless. At the second level, their bold lettering and colors, while more obvious, tend to get lost in the confusion of building shapes, parked cars and trucks, fences and poles. At the third level, the precise, simple shapes of the hoardings are such that their messages can be clearly seen with little or no distraction.

12 The addition of one double-sided hoarding in the form of that development would be acceptable in this context. The development will be so located that it will be clearly separated from the others in the strip and so that its messages will be able to be read clearly without confusion with others. Its supports will be hidden by the buildings to its north and south and its other structural and associated details will generally be in accord with the relevant provisions of the Plan, such as Council-wide Principle of Development Control 129.

Plainly, an assessment to be undertaken by Council is not a mechanical exercise of the development, but rather an assessment of the “three levels” of advertising displays evident within the locality.

¹*Riley & Ors v City of Unley & Anor [2009] SAERDC 90* (15 December 2009), with para 47 providing the following of assistance: (my underlining)

47. We appreciate that, in order to be compatible with or complementary to the existing development, a development need not be the same height, bulk or scale

The *Keast* matter establishes three levels of advertising as:

- (i) Window level;
- (ii) Fascia/Facade level; and
- (iii) Above Fascia/Facade level.

Turning now to the context, the amenity of the subject land and the locality is moderate, and the contributing factors include the mix of older and newer buildings and the visual prominence of advertising. More finely, though there is an abundance of hard surfaces and a limited area for landscaping within the Council verge given the pattern of development built to the primary street boundary with verandahs and awnings to provide shelter and shade to pedestrians. Advertisements at a pedestrian scale on the subject land occur at the window level and fascia/façade level. The visibility of the proposed development to pedestrians is not evident and does not constitute “proliferation” at this level as it is not relevant.

Put another way, views of all three levels of advertising (i.e. as approved and herein proposed) is limited from longer views by pedestrians or motorists travelling in an westbound direction.

Clearly, the subject land contains an existing telecommunications tower with former advertising upon it which was displayed to street as an identifier to vehicular traffic, this of course is subject to the vehicles approach direction when travelling on Magill and Glynburn Road. In this circumstance, the proposed advertisement will remain consistent with the former Home Hardware advertising displays and maintains the former above fascia/façade level of advertising.

I am also mindful that the size of the development is compatible with the telecommunications tower structure to which it is to be attached. Views of the proposed development from vehicles would be contained within the vertical limits of the existing phone tower and will remain concealed to all approaches to the subject land by drivers of vehicles other than the from the east. It follows that the development will be commensurate with the existing scale of the phone tower, no more evident and only visible to vehicular traffic. Patently, the development is separated from the window level and fascia/façade level of the advertisements on the building and does not create confusion with other advertisements at that level given also the limited visibility to pedestrians.

Consequently, the development aligns with the SMSZ PO 5.1, as it will be of negligible evidence to the north, west and south presentation of the land, and have a primary presentation to the east. The development will be appropriately sited to the appearance of the subject land within the third level advertising to the eastern presentation of the land, and overall, not be evident to the Magill streetscape.

Plainly, such a setting cannot be an incongruous, and the position of the development within the third level of advertising is entirely consistent with the Code and particularly Part 4: Advertisements PO 1.1 and PO 5.2.

Put simply, the development is consistent with the SMSZ PO 5.1 and Advertising 1.1 as:

- it is appropriately sited to address the eastern presentation of the land;
- it “sits” within a band of the third level advertising that is clearly separated from lower levels of advertising;
- it will result in a level of advertising that does not compete with other advertising messages; and
- it will not create confusion or appear out of character.

With these details in mind, the Code seeks for advertisements to occur on the subject land, while the proposed additional level of advertising exhibits planning merit, as follows:

- (i) the existing Creative Home Renovations building and context of the land is of fundamental applicability to the interpretation of Part 4: Advertising DO 1;
- (ii) when interpreting Part 4: Advertising PO 2.3 and SMSZ PO 5.1 compatibility of advertising displays for “individual street frontages” is sought, for which the development displays consistency;
- (iii) the proposed development has limited presentation, other than for the westward approach on Magill Road; and
- (iv) the advertising location is situated above the fascia/façade level, wherein the development constitutes a single advertisement and cannot be “proliferation” given it is the first advertisement within this third level on the land and does not confuse other advertising messages within the locality.

In my opinion, the development will reinforce the character of the locality. In addition, the development will not dominate the locality due to the size of the phone tower and will align with the presence of advertising sought to occur within *Keast* above the fascia/façade level. The development satisfies Part 4: Advertisements PO 1.1, 2.1, and 2.3 of the Code.

ADVERTISING NEAR INTERSECTIONS

Advertising Near Signalised Intersections Overlay

DO 1 Provision of a safe road environment by reducing driver distraction at key points of conflict on the road.

PO 1.1 Advertising near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.

Part 4: Advertising

PO 4.1 Light spill from advertisement illumination does not unreasonably compromise the amenity of sensitive receivers.

PO 5.6 Advertisements near signalised intersections does not cause unreasonable distraction to road users through illumination, flashing lights, or moving or changing displays or messages.

The applicant anticipates and accedes to the implementation of conditions consistent with prior grants of consent relating to light control, luminance levels and display. In this regard it is common practice for the following conditions of consent to be imposed by the Commissioner of Highways:

Condition

The illuminated signage shall be permitted to use LED lighting for internal illumination of a light box only.

Condition

The illuminated signage shall be limited to a low level of illumination to minimise distraction to motorists (<150cd/m²).

Condition

The signage shall not contain any element that flashes, scrolls, moves or changes, or imitates a traffic control device.

Additionally, the applicant is willing also to comply with a condition of consent ensuring compliance with Australian Standard 4282 – *Control of Obtrusive Effects of Outdoor Lighting*.

In my opinion, the combination of conditions is reasonable and typical and will ensure “compliance” with the relevant Code provisions as they relate to the avoidance of distraction.

Conclusion

It is clear that the impacts of the proposed advertisement need to be considered and assessed in the context of the existing circumstances. The Court has established within *Keast* that the levels of advertising evident within a locality are to be reviewed when considering proliferation. Within this locality, as was the case with the *Keast* matter three levels of advertising exist, for which this development involves development above the fascia/façade level.

I am also mindful of the decision in the matter *Russell Ads P/L v City of Charles Sturt [1997] SAERDC 251* where the interpretation in *Keast* is very clear and consistent:

“From wherever it may be viewed, the proposed advertisement would be seen apart from all other signage in the locality, and would in no way contribute to visual clutter.”

Again, it is clear that the proposed advertisement does not offend the Code.

Furthermore, the proposed advertisement is compatible with the levels of advertising evident within Appendix A. Given the consistency of the development with respect to SMSZ PO 5.1 and 5.2 it follows that the development is also appropriate having regard to:

Part 4: Advertisements

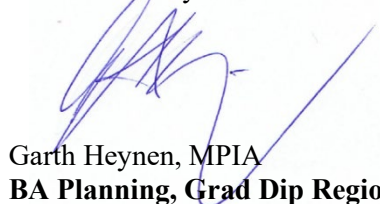
PO 1.5 Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

PO 3.1 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.

With the imposition of suitable conditions of consent advertising near the intersection will remain appropriate.

In my opinion, the development warrants the grant of Planning Consent.

Yours faithfully



Garth Heynen, MPIA
BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. CHR, by email

APPENDIX A: Distinct Levels of Advertisements within the Locality









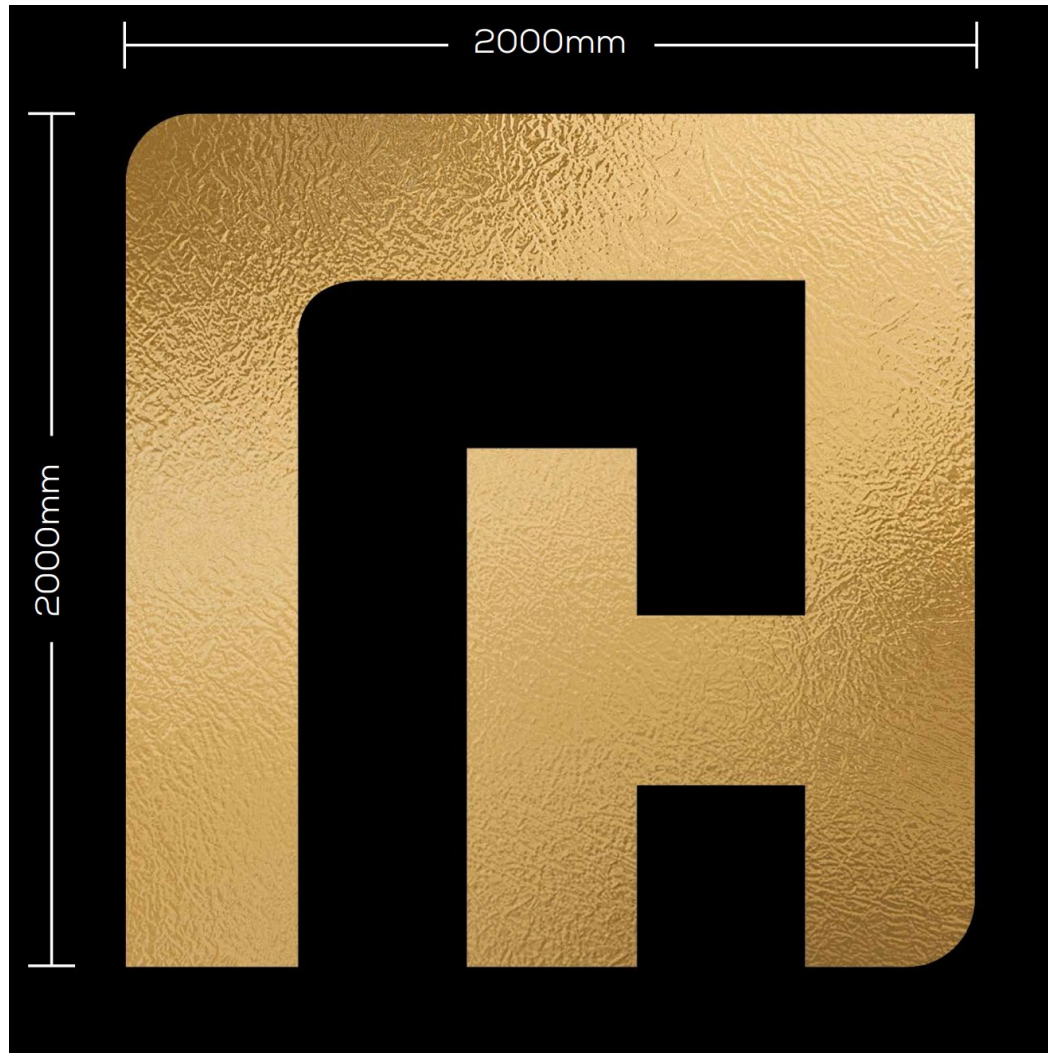
CHR Tower Sign Specification

291 Glynburn Rd, ST MORRIS



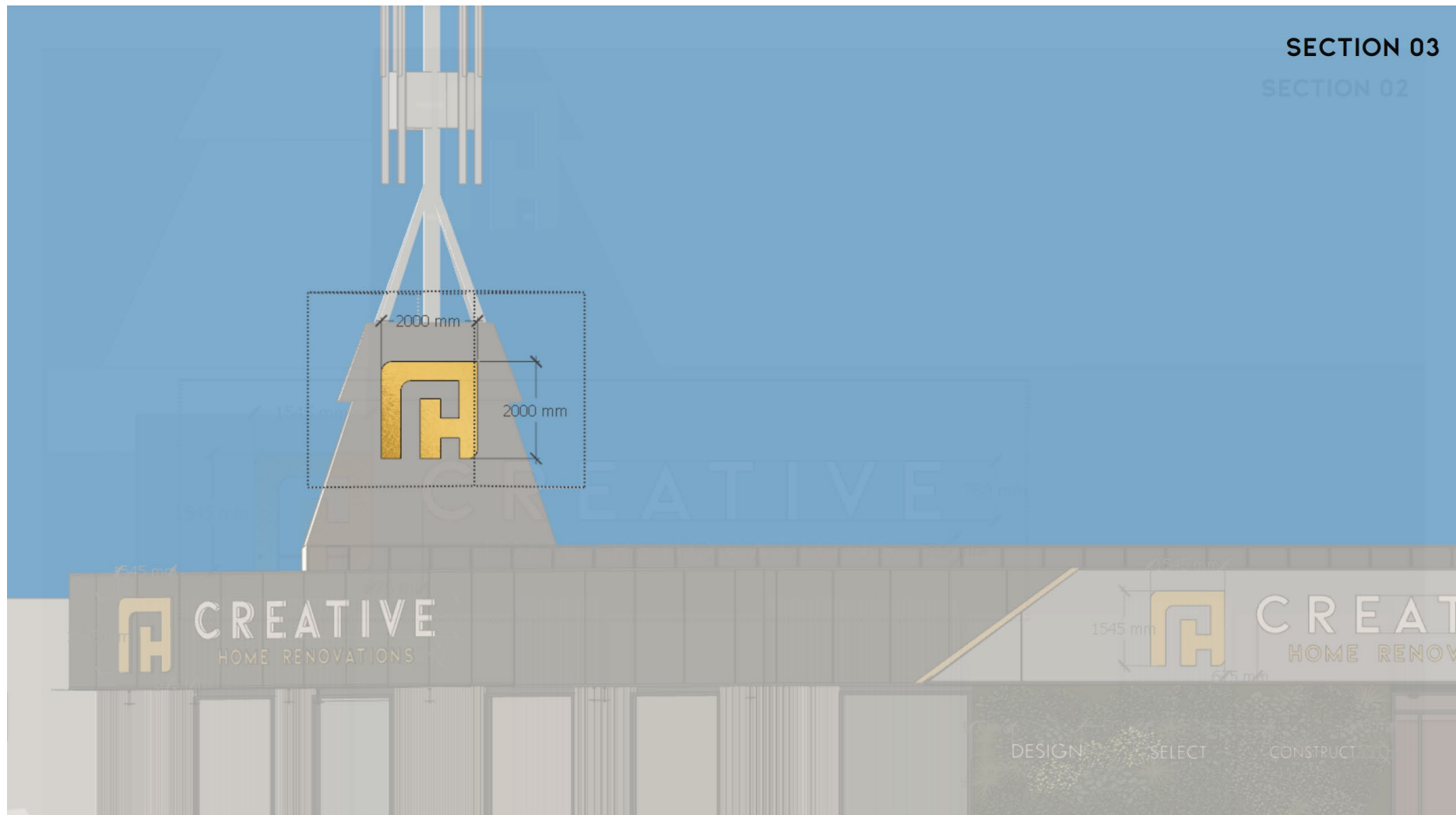
3 – Logo Icon signage to Tower above Building

Acrylic letter (max 80mm depth), LED face illumination.



SECTION 03

SECTION 02



Site inspection photo taken 12 May 2025



Marie Molinaro

From: Marie Molinaro
Sent: Friday, 20 June 2025 9:39 AM
To: 'Garth Heynen'
Cc: 'gc@creativehomerenovations.com.au'
Subject: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Garth

Hope you have been well.

This is an email to provide an update on the application for the illuminated sign attached to the rooftop telecommunications tower above Creative Home Renovations at 291 Glynburn Road, St Morris.

I would have liked to have been in touch much sooner but leave and additional unplanned leave put me behind sorry.

At this point, I have completed an assessment and believe the application is at variance with the below Performance Outcomes of the Code:

Suburban Main Street Zone

Performance Outcome 5.1 – Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.

Advertisements Module

Performance Outcome 1.1 – Advertisements are compatible and integrated with the design of the building and/or land they are located on.

Performance Outcome 2.3 – Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness

Performance Outcome 3.1 – Advertisements are limited to information relating to the lawful use of the 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.

Appreciate all the recent façade upgrade work Creative Home Renovations have completed, which has greatly improved the appearance of the building. However, as this signage application is at variance with the above Performance Outcomes it cannot be supported.

Below are some of my supporting comments, so you can see my reasoning.

Suburban Main Street Zone

The site is on the eastern fringe of the Suburban Main Street Zone, adjoining the Local Activity Centre and Established Neighbourhood Zones.

The Suburban Main Street Zone is an activity centre where a main street character is desired. Main Street character/quality is understood to be typified by activated, fine-grain, narrow building frontages with frequent pedestrian entry points to provide both daytime and nighttime activation.

The proposed sign is not attached to the associated building proper and neither is it freestanding.

Performance Outcome 5.1 of the Zone, seeks for advertisements to be sited and designed to achieve an overall consistency along individual street frontages. This is considered to be within the realm of the Magill Road being the 'main street'.

In respect to siting, the proposal (by my count at least) would represent only the fourth example of rooftop signage on the northern side of the 'main street strip' between the subject site and Breaker Street to the west, a distance of approximately 600m. Breaker Street is at the western end of the Suburban Main Street Zone.

So, whilst there are examples of rooftop signage, the more consistent siting of advertisements (in my view) when attached to buildings is that they are below the roofline. There are some freestanding advertisements also, however these are less common.

Further, DPF 5.2 although limited to freestanding advertisements seeks for these to not exceed 8m in height, or the adjacent building wall height, whichever is the lesser. In this particular 'main street strip' most buildings do not exceed 8m in height, so advertisements are generally anticipated to not exceed the adjacent building wall height. This is considered to ensure that they do not detract from the fine-grain main street character as in part desired by Performance Outcome 5.2.

This intent is replicated in DPF 1.1 of the Advertisements Module, which states for advertisements located above canopy level to not be attached to the roof of the building. This is to assist with the achievement of PO 1.1, which seeks for advertisements to be compatible and integrated with the design of the building and/or land they are located on. A further assessment of PO 1.1 is that the proposed logo sign is compatible in colour with recently approved signage attached to the fascia level of the building, however its siting above the roofline on an unrelated structure is not integrated with the shop building.

In the event that the rooftop siting of the proposed sign is consistent in the setting of this 'main street strip', the design of it is considered to be inconsistent. Of the identified existing rooftop signage examples on the northern side of Magill Road, they are (in my view) low and narrow in design, non-illuminated and clearly identify the associated business name, or service offered in the case of the laundromat sign on the corner of Magill Road and Breaker Street. The proposed sign is a large square shape containing an illuminated logo that in my opinion does not clearly identify the associated business, being Creative Home Renovations.

This design aspect of the sign is also considered to mean that PO 3.1 of the Advertisements Module is not met in that this logo does not assist in the ready identification of the activity (Creative Home Renovations). It is not a well-known logo, such as that of chain-stores.

The intent of PO 3.1 is to avoid visual clutter and untidiness, which is also the aim of PO 2.3 of the Advertisements Module.

Regarding your view that as the proposed sign sits at its own building level, it therefore doesn't represent a proliferation of advertising, I have a different view. My view is that the recently approved signage attached to the fascia of the building is simple in nature, such that at this building level, signage is clear and meaningful. Further, it can be seen with little or no distraction, the street light poles at the signalised intersection are slender in design and light in colour such as to not take away from view of the building fascia.

I will place the application on-hold to allow you to consider this advice and let me know how you wish to proceed. That is if you would like me to determine the application (issue a refusal), or present additional information for me to consider.

Looking forward to hearing from you soon.

Kind regards
Marie

Marie Molinaro
URBAN PLANNER

City of Norwood Payneham & St Peters
175 The Parade, Norwood SA 5067
Telephone 8366 4537
Email mmolinaro@npsp.sa.gov.au
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Marie Molinaro

From: Marie Molinaro
Sent: Tuesday, 7 October 2025 12:47 PM
To: 'Garth Heynen'
Cc: Giancarlo Rescignano
Subject: FW: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Garth and Giancarlo

I hope all is well.

This is an email please to follow-up on the signage application atop the building. Can you please let me know where you are up to?

Giancarlo as the applicant you can instruct me to withdraw the application if you are no longer going ahead.

If I do not hear from you by end of Tuesday 21 October I will proceed to finalise my refusal of the application.

Kind regards
Marie

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URBAN PLANNER

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From: Marie Molinaro
Sent: Friday, 20 June 2025 9:39 AM
To: 'Garth Heynen' <garth@heyneplanning.com.au>
Cc: 'gc@creativehomerenovations.com.au' <gc@creativehomerenovations.com.au>
Subject: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Garth

Hope you have been well.

This is an email to provide an update on the application for the illuminated sign attached to the rooftop telecommunications tower above Creative Home Renovations at 291 Glynburn Road, St Morris.

I would have liked to have been in touch much sooner but leave and additional unplanned leave put me behind sorry.

At this point, I have completed an assessment and believe the application is at variance with the below Performance Outcomes of the Code:

Suburban Main Street Zone

Performance Outcome 5.1 – Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.

Advertisements Module

Performance Outcome 1.1 – Advertisements are compatible and integrated with the design of the building and/or land they are located on.

Performance Outcome 2.3 – Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness

Performance Outcome 3.1 – Advertisements are limited to information relating to the lawful use of the 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.

Appreciate all the recent façade upgrade work Creative Home Renovations have completed, which has greatly improved the appearance of the building. However, as this signage application is at variance with the above Performance Outcomes it cannot be supported.

Below are some of my supporting comments, so you can see my reasoning.

Suburban Main Street Zone

The site is on the eastern fringe of the Suburban Main Street Zone, adjoining the Local Activity Centre and Established Neighbourhood Zones.

The Suburban Main Street Zone is an activity centre where a main street character is desired. Main Street character/quality is understood to be typified by activated, fine-grain, narrow building frontages with frequent pedestrian entry points to provide both daytime and nighttime activation.

The proposed sign is not attached to the associated building proper and neither is it freestanding.

Performance Outcome 5.1 of the Zone, seeks for advertisements to be sited and designed to achieve an overall consistency along individual street frontages. This is considered to be within the realm of the Magill Road being the 'main street'.

In respect to siting, the proposal (by my count at least) would represent only the fourth example of rooftop signage on the northern side of the 'main street strip' between the subject site and Breaker Street to the west, a distance of approximately 600m. Breaker Street is at the western end of the Suburban Main Street Zone.

So, whilst there are examples of rooftop signage, the more consistent siting of advertisements (in my view) when attached to buildings is that they are below the roofline. There are some freestanding advertisements also, however these are less common.

Further, DPF 5.2 although limited to freestanding advertisements seeks for these to not exceed 8m in height, or the adjacent building wall height, whichever is the lesser. In this particular 'main street strip' most buildings do not exceed 8m in height, so advertisements are generally anticipated to not exceed the adjacent building wall height. This is considered to ensure that they do not detract from the fine-grain main street character as in part desired by Performance Outcome 5.2.

This intent is replicated in DPF 1.1 of the Advertisements Module, which states for advertisements located above canopy level to not be attached to the roof of the building. This is to assist with the achievement of PO 1.1, which seeks for advertisements to be compatible and integrated with the design of the building and/or land they are located on. A further assessment of PO 1.1 is that the proposed logo sign is compatible in colour with recently approved signage attached to the fascia level of the building, however its siting above the roofline on an unrelated structure is not integrated with the shop building.

In the event that the rooftop siting of the proposed sign is consistent in the setting of this 'main street strip', the design of it is considered to be inconsistent. Of the identified existing rooftop signage examples on the northern side of Magill Road, they are (in my view) low and narrow in design, non-illuminated and clearly identify the associated business name, or service offered in the case of the laundromat sign on the corner of Magill Road and Breaker Street. The proposed sign is a large square shape containing an illuminated logo that in my opinion does not clearly identify the associated business, being Creative Home Renovations.

This design aspect of the sign is also considered to mean that PO 3.1 of the Advertisements Module is not met in that this logo does not assist in the ready identification of the activity (Creative Home Renovations). It is not a well-known logo, such as that of chain-stores.

The intent of PO 3.1 is to avoid visual clutter and untidiness, which is also the aim of PO 2.3 of the Advertisements Module.

Regarding your view that as the proposed sign sits at its own building level, it therefore doesn't represent a proliferation of advertising, I have a different view. My view is that the recently approved signage attached to the

fascia of the building is simple in nature, such that at this building level, signage is clear and meaningful. Further, it can be seen with little or no distraction, the street light poles at the signalised intersection are slender in design and light in colour such as to not take away from view of the building fascia.

I will place the application on-hold to allow you to consider this advice and let me know how you wish to proceed. That is if you would like me to determine the application (issue a refusal), or present additional information for me to consider.

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Marie Molinaro

From: Garth Heynen <garth@heyneplanning.com.au>
Sent: Wednesday, 8 October 2025 8:39 AM
To: Marie Molinaro
Cc: Giancarlo Rescignano
Subject: RE: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Marie

Thank you for the reminder.

A response will be provided to you in advance of 21 October.

In the meantime, please continue to place the application "on hold".

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063

M 0417 848 061

T 8271 7944

www.heyneplanning.com.au

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Think before you print.

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Further, DPF 5.2 although limited to freestanding advertisements seeks for these to not exceed 8m in height, or the adjacent building wall height, whichever is the lesser. In this particular 'main street strip' most buildings do not exceed 8m in height, so advertisements are generally anticipated to not exceed the adjacent building wall height. This is considered to ensure that they do not detract from the fine-grain main street character as in part desired by Performance Outcome 5.2.

This intent is replicated in DPF 1.1 of the Advertisements Module, which states for advertisements located above canopy level to not be attached to the roof of the building. This is to assist with the achievement of PO 1.1, which seeks for advertisements to be compatible and integrated with the design of the building and/or land they are located on. A further assessment of PO 1.1 is that the proposed logo sign is compatible in colour with recently approved signage attached to the fascia level of the building, however its siting above the roofline on an unrelated structure is not integrated with the shop building.

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ABN 54 159 265 022
ACN 159 265 022

21 October 2025

City of Norwood Payneham & St Peters
ATT: Marie Molinaro

By Email

Dear Marie

RE: 25010920– 291 GLYNBURN ROAD, ST MORRIS

I confirm receipt of your email of 20 June 2025 with respect to the proposal to construct an attached illuminated advertisement at 291 Glynburn Road, St Morris. Thank you for your patience in awaiting this response to the various items raised therein.

I have since considered and viewed the “main street strip” as described by you as the area between the subject site and Breaker Street to the west (a distance of approximately 600 m). I have also considered the various other points raised in your email.

Council may also be aware of the decision in the matter of *Regional Billboard Co Pty Ltd v Council Assessment Panel at Rural City of Murray Bridge* [2025] SAERDC 19 as issued on 2 October 2025. The judgement is also helpful in clarifying and resolving some of the concerns that you previously raised.

For convenience, I repeat the provisions of the Planning and Design Code (the Code)¹ as raised in your email of 20 June 2025:

Suburban Main Street Zone

PO 5.1 Advertisements are sited and designed to achieve an overall consistency of appearance along individual street frontages.

Advertisements Module

PO 1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.

PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness

PO 3.1 Advertisements are limited to information relating to the lawful use of the 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.

¹ I have not referred to Suburban Main Street Zone (SMSZ) DTS/DPF 5.2 as noted in Councils email as it relates to heights associated with freestanding advertisements, whereas this structure is to be mounted to the existing building and assessment of freestanding structures connotes different considerations of scale and appearance of supporting structures, likewise SMSZ PO 5.2 specifically refers only to freestanding advertisements

From my understanding, your key concern is whether or not the proposed advertisement is consistent with the Suburban Main Street Zone in terms of appearance and placement. Before considering this point and returning to the *Regional Billboard Co* matter, the Court referred to *A and A Centofanti Pty Ltd v City of Port Adelaide Enfield* [2009] SAERDC 8 which provided highly relevant clarity with respect to Part 4: Advertisements PO 3.1.

In this regard you raised a concern regarding the Create Home Renovations logo and whether it is well-known, “such as that of chain-stores”. Per the *Centofanti* matter the Court stated:

“It is true that signs that relate to the building to which they are attached or adjacent may make more contribution to the meaning or legibility of a locality than third party signs of a generic nature, unrelated to that building or locality, and might therefore be said to make more contribution to enhancing the amenity and appearance of an area.”

Put simply, whether the logo is well known is not a planning issue, noting that the logo is related to the building and the business being undertaken therein. It is noteworthy in fact that the role of the proposed advertising on the building is actually to make the applicant's business more well known. This is primarily the intent of advertising, and in my opinion cannot be to the detriment of the planning merit of the proposed development.

I note also within the *Regional Billboard Co* matter that the Court questioned whether the “message mattered”. Of relevance, I note:

94. In some instances there will be little to no difference between the impact of a first or third-party advertisement. They may equally be appropriate or inappropriate on a given site or within a certain locality. The observable difference being that third-party advertising does have the ability to detract from the perceptibility of the activity or activities on a site through the display of unrelated images/content in a way that draws attention away from first-party signage identifying the site and the services offered upon it.

In relation to this development application, the message relates to the business undertaken on the subject land and the content therefore cannot detract from the perceptibility of the activity or activities on the site. Rather, the proposed advertisement is consistent with the Part 4: Advertisements PO 3.1 as it “avoid[s] unrelated content that contributes to visual clutter and untidiness”.²

I am also mindful of *Keast v City of Marion* [1999] SAERDC 74, which considered the relevance of the advertising message, see extract below:

5... A message advertising a product or service available on the land on which a hoarding may be erected can be just as offensive in terms of its visual impact as one advertising a generic product or service. What is at issue is the size, height, shape etc of the hoarding.”

Additionally, as the proposed advertisement (i) does not alter the silhouette of the existing building and (ii) is to be affixed to the existing building the following Code provisions are likewise satisfied:

Part 4: Advertisements

DTS/DPF 1.2 Where development comprises an advertising hoarding, the supporting structure is:

- (a) concealed by the associated advertisement and decorative detailing
- or
- (b) not visible from an adjacent public street or thoroughfare, other than a support structure in the form of a single or dual post design.

² My underlining added

Furthermore, the proposed development is consistent with the Code as follows:

Part 4: Advertisements

PO 1.2 Advertising hoardings do not disfigure the appearance of the land upon which they are situated or the character of the locality.

Finally, the proposed development will not affect the amenity of the locality, as it will not create visual disorder, clutter or untidiness noting the comments of the Court in the matter *Russell Ads P/L v City of Charles Sturt* [1997] SAERDC 251:

From wherever it may be viewed, the proposed advertisement would be seen apart from all other signage in the locality, and would in no way contribute to visual clutter.

In this regard the proposed advertisement can only be seen from an eastern perspective and therefore will be “seen apart from of all other signage” from a southern, northern and western perspective. Additionally, the advertisement is to “sit” at a level that is distinct from all other advertising on the building. It will therefore not diminish the ability to view advertising on the fascia of the building as perceived from the easterly direction.

Given the clear guidance provided by the ERD Court the proposed development does not offend Part 4: Advertisements PO 3.1 and consequently PO 2.3.

I will consider the position of the advertisement in more detail having regard to Appendices A and B hereafter.

Returning to your concern regarding the main street strip, I note that you have referred only to the northern side of Magill Road and considered the appearance of the proposed development within this context.

I note from the *Regional Billboard Co* matter the following extract of relevance with respect to the “locality”:

8. As noted by the experts the locality contains three areas of distinct character; the commercial properties along the northern side of Adelaide Road, the predominately residential land uses along the southern side of the road and the intervening landscaped open space/drainage reserve between the primary portion of Adelaide Road and the secondary ‘service’ road.

In describing the locality, the Court stated:

14. I concur with both experts that the level of amenity experienced across the locality varies, with a greater level experienced within the landscaped median and residential area as opposed to the commercial strip and arterial road portion of Adelaide Road. However, I agree with Mr Thomson that the overall character and level of amenity experienced within the locality can be distilled from the separate character and experience of the component parts. Overall, I find that the locality displays a medium level of amenity, influenced by the ordered appearance and well-maintained nature of the landscaped median, but tempered by the level of traffic upon Adelaide Road and the average to acceptable appearance of the commercial properties.

Clearly, the Court assessed the locality as being a two-sided street, and with a wide landscaped median and other characteristics. In the same way, this development application is to be assessed as being informed by the northern and southern sides of Magill Road.

This assessment should also only be focused on the locality and not a main street strip of some 600 mm in length. In this regard, the locality³, in my opinion, is illustrated per Figure 1.

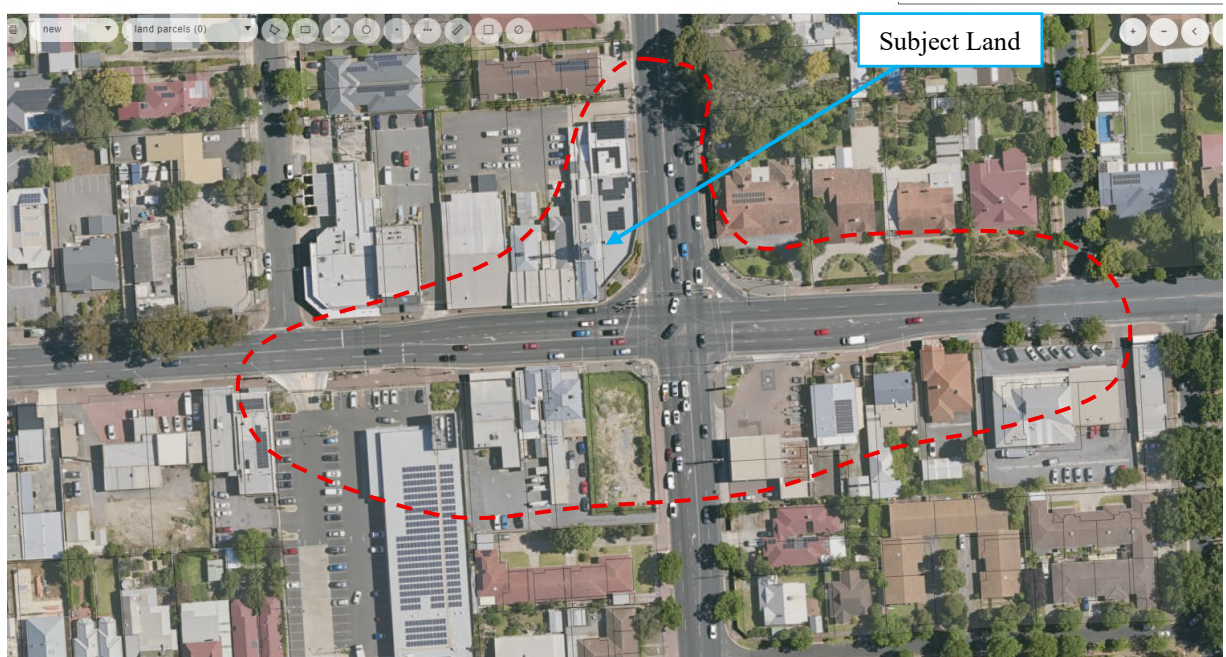


Figure 1: Locality (red dashed line)

I also note per Figure 2 that the locality is comprised of land within the Suburban Main Street Zone, the Local Activity Centre Zone and the Established Neighbourhood Zone.

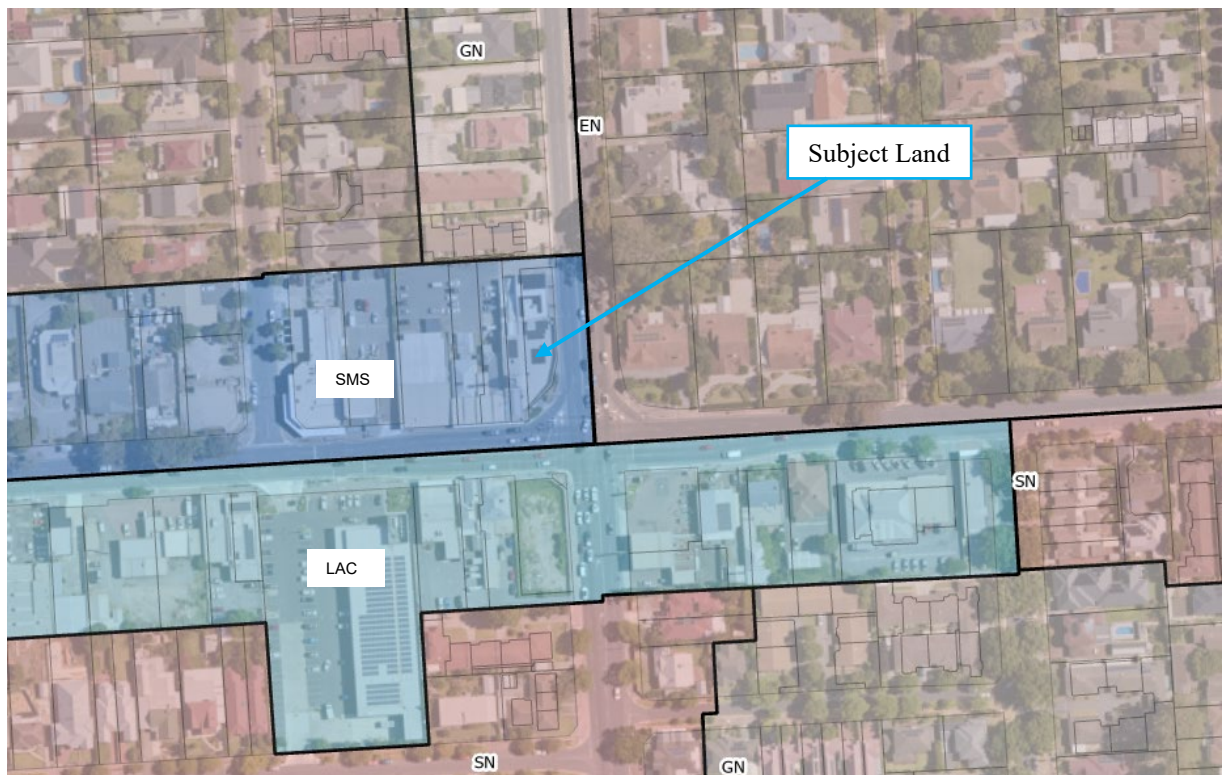


Figure 2: Planning and Design Code Zoning

³ The locality in this instance is the area that informs the visual context in which to view the advertisement and within which the advertisement can be viewed

In my opinion, the “individual street frontages” referred to in PO 5.1 of the Suburban Main Street Zone (SMSZ) are those that exist within the locality (as was clearly the approach in the *Regional Billboard Co* matter). Put another way, the Court did not consider an extended locality of broader context when determining planning merit.

As mentioned per my opinion of 14 April 2025 the locality is dominated by a pattern of commercial buildings, including multiple levels of advertising displays. Opposite the subject land (to the south), the locality also sustains a variety of smaller shops, offices, a petrol station, and a supermarket. Buildings within the locality are single and double storey in scale. Land to the east of the subject land is residential in nature (predominantly single storey in scale).

The immediate perception of the locality is created by the retail and commercial land uses and the vehicle movements associated with Magill Road and Glynburn Road. Almost all retail and commercial premises within the locality and adjacent to the subject land present advertising areas on facades, with a freestanding advertisement also evident at the Aldi site (south west of the subject land), and the Shell petrol station (south east of the subject land). This character is directly linked to the importance placed upon this area for commercial land uses, the visibility associated with the daily vehicle movements (23,300 vpd for Magill Road and 28,000 vpd for Glynburn Road⁴) and invariably the associated desire to advertise goods and services.

The appearance of land, buildings and advertisements within the locality is noted per Appendix B.

In your email you mentioned that “whilst there are examples of rooftop signage, the more consistent siting of advertisements (in my view) when attached to buildings is that they are below the roofline. There are some freestanding advertisements also, however these are less common.”

However, as noted in the *Regional Billboard Co* matter what is “common” is not the relevant “test”, see for example:

48. Both experts agreed that the test was not whether the Sign was inconsistent with other signage in the locality or was prominent or noticeable, it is whether it would be a dominant element of the locality. The nature of the locality is an important aspect of the assessment and is given further consideration below.

And:

56. I accept that the assessment sought by the Code policy is not whether a person within the locality, or passing through it along Adelaide Road, would simply notice the Sign and its content. It is a higher bar than this - whether it is visually dominant in one’s experience of the locality...

On review of Appendix B, advertisements are clearly evident at:

1. Window level;
2. Fascia level; and
3. Above Fascia/Facade level.

On my review, businesses have installed advertising to the extent that the building/tenancy can accommodate a signage display. This pattern of advertising reflects the importance of exposure associated with Magill Road and Glynburn Road.

⁴ Source: Location SA MAP Viewer, Traffic Volume Estimates

On review of Appendix A the proposed advertisement “sits” at the above fascia level in a manner that is consistent with the Aldi advertisement to the south-west and at a presentation level that is comparable with the Shell petrol station advertising hoarding.

On review, SMSZ PO 5.1 seeks “consistency of appearance”. In applying this provision of the Code, I note the matter of *Vikhlyaev v City of West Torrens Assessment Manager* [2023] SAERDC 1 in which the Court defined “complementary” as follows (my underlining added):

84 Unhelpfully, the authors of the Code have used the terms “consistent”, “complementary” and “compatible” interchangeably throughout the most relevant Zone POs and its DO...

86 Notwithstanding the lack of rigour in the drafting of the Zone provisions, I expect it was intended that the words carry essentially the same meaning....

87 The term “compatibility” was considered in the decision of this Court in Lodge Construction and Building Pty Ltd v City of Salisbury (No. 2) where the Commissioner referred to a decision of the NSW Land and Environment Court in the matter Project Venture Developments v Pittwater Council. At paragraph 22 of the LEC decision it made the following observations:

There are many dictionary definitions of compatibility. The most apposite meaning in an urban design context is capable of existing together in harmony. Compatibility is thus different from sameness. It is generally accepted that buildings can exist together in harmony without having the same density, scale or appearance, though as the difference in these attributes increases, harmony is harder to achieve.

This assessment approach was reinforced within *PC Infrastructure Pty Ltd v City of Mitcham Council Assessment Panel* [2023] SAERDC 14 as follows (my underlining added).

64 First, Performance Outcome 1.1 requires the development to be compatible with a low density residential character. The Macquarie Dictionary relevant defines “compatible” as (1) capable of existing together in harmony (2) capable of orderly, efficient integration with other elements in a system”...

In my opinion, Appendix A clearly illustrates that the proposed advertisement is consistent (and “compatible”) with the locality and in accordance with SMSZ PO 5.1.

Finally, I note your concern regarding the advertisement and its “siting above the roofline on an unrelated structure is not integrated with the shop building”. In this respect, your comment differentiates one part of the building from another. Before considering this point you note the unrelated “structure” which is a reference to the existing and longstanding telecommunications tower and associated panels and surrounds to four sides.

Of assistance the ERD Court considered terms such as “structure”, “building” and methods of affixing structures in the matter of *OM Holdings (SA) Pty Ltd v Minister for Climate, Environment and Water & Ors* [2025] SAERDC 14. I note in this regard (my underlining added):

20 ‘[B]uilding’, relevantly, 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), whether temporary or permanent, moveable or immovable...’.

21 ‘[S]tructure’ is defined as ‘including a fence or wall’.

In the *OM Holdings* matter the appellant submitted that a large sign attached to the wall of an existing building was not a building or structure, but rather a “fixture” (see para. 22).

In the opposite, the Minister (respondent) submitted that “the sign is a ‘structure’ and therefore a ‘building,’ having regard to its size, permanence and physical connection. Particularly, the Minister submitted the sign was not easily moveable and would require dismantling” (see para. 25).

In the same way, the telecommunications tower has a size, permanence and physical connection to the “shop building” to which you refer such that it would not be easily moveable and would require dismantling.

Relevantly, the Court found in the *OM Holdings* matter (my underlining added):

35 For several reasons we have found, as a matter of fact and degree in all the circumstances, the sign is a fixture to the building.

65 Notwithstanding the description, the Minister submitted the definition of ‘place’ incorporated the sign as part of the Façade, because it is an item permanently fixed or moored, or a fixture, to the Façade.

66 We accept that submission. We have found the sign is a fixture. Accordingly, by operation of the definition of place in the Heritage Places Act 1993 (SA), the sign is incorporated into the Façade (the State Heritage Place) as it is an item permanently fixed or moored to it and a fixture.

In the same way, the telecommunications tower is permanently fixed to the existing building. Furthermore, the telecommunications tower is a “fixture... which [is] subject to the provisions of the Building Code”. That is, by definition, the telecommunications tower is a building.

Whether the telecommunications tower is a separate building or integrated so as to be an element of the same and/or one building is not relevant, in my opinion, to the interpretation of the following Code provisions (noting the definition of “building”) Accordingly, the proposed advertisement is consistent with the following provisions (my underlining added):

Part 4: Advertisements

PO 1.1 Advertisements are compatible and integrated with the design of the building and/or land they are located on.

PO 1.5 Advertisements and/or advertising hoardings are of a scale and size appropriate to the character of the locality.

PO 2.3 Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness

Having regard to the scale and size of the proposed advertisement, it does not extend beyond the existing building and it must, from a planning perspective, continue to be “appropriate to the character of the locality”.

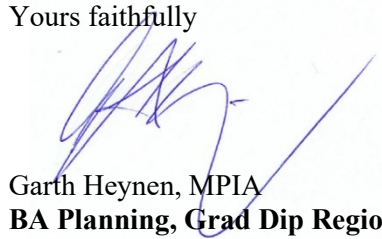
It is also note trite to acknowledge that the telecommunications tower has formed part of the locality and the character of the locality for at least 18 years, and for a substantial period of that time has included advertising on that building (see Appendix C).

With the above in mind, and with the clarity of guidance provided by various ERD Court judgements, I am of the opinion that the proposed advertisement displays substantial planning merit.

Additionally, the proposed development will (a) continue the character of the locality, (b) support the recognition and understanding of the existing business on the land, and (c) not dominate the locality due to the size or scale.

In my opinion, the development warrants the grant of Planning Consent.

Yours faithfully



Garth Heynen, MPIA

BA Planning, Grad Dip Regional & Urban Planning, Grad Dip Property

cc. Complete Home Renovations, by email

APPENDIX A: Montages of the Proposed Advertisement





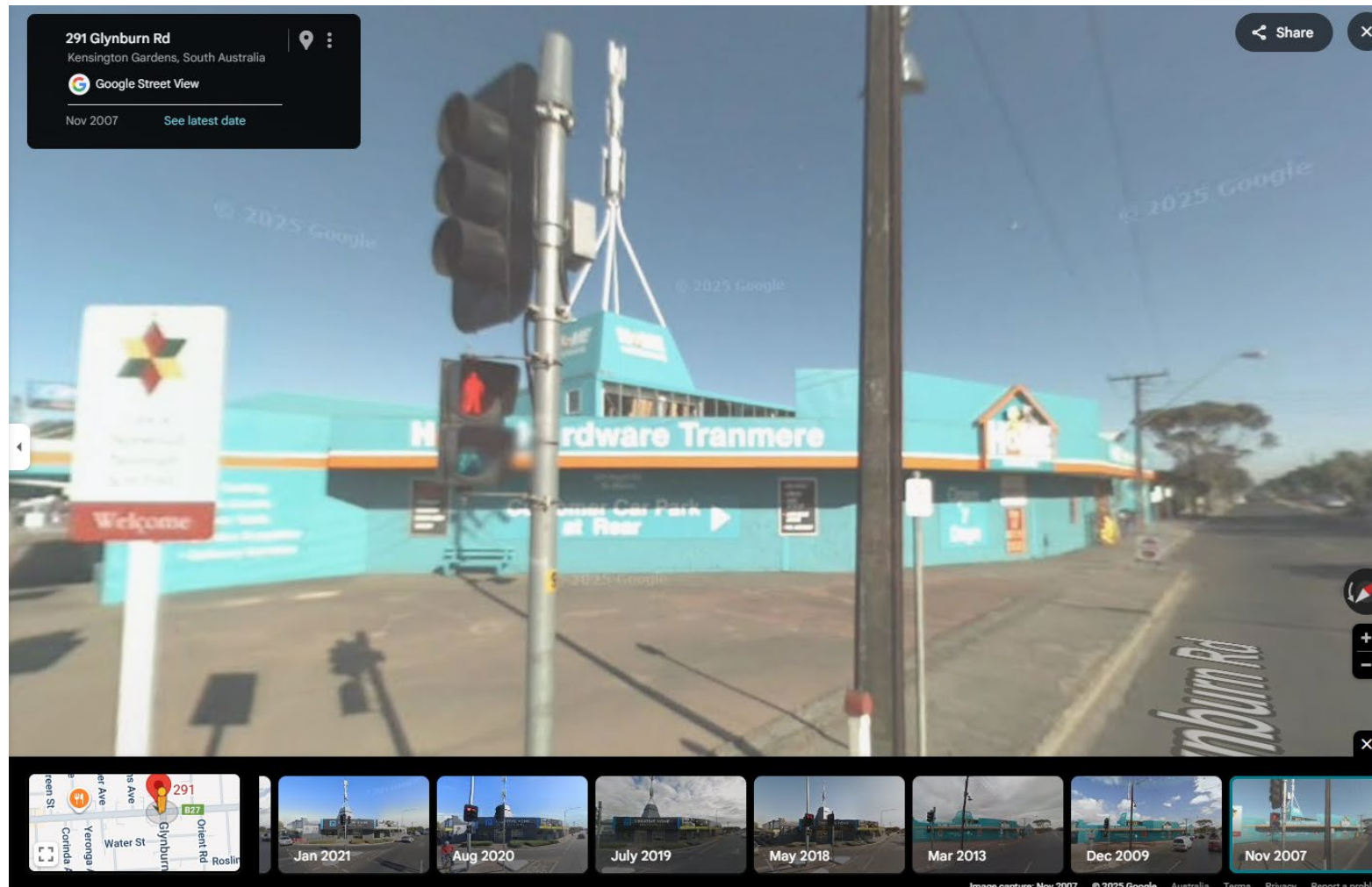
APPENDIX B: Advertisements within the Locality







APPENDIX C: Google Streetview of the Subject Land – Nov 2007



Marie Molinaro

From: Marie Molinaro
Sent: Thursday, 30 October 2025 3:12 PM
To: 'Garth Heynen'
Cc: Giancarlo Rescignano
Subject: RE: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

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Telephone 8366 4537
Email mmolinaro@npsp.sa.gov.au
Website www.npsp.sa.gov.au

From: Garth Heynen <garth@heyneplanning.com.au>
Sent: Tuesday, 21 October 2025 12:34 PM
To: Marie Molinaro <MMolinaro@npsp.sa.gov.au>
Cc: Giancarlo Rescignano <gc@creativehomerenovations.com.au>; Stephen Maio <sm@creativehomerenovations.com.au>
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T 8271 7944

www.heynenplanning.com.au

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To: Garth Heynen <garth@heynenplanning.com.au>

Cc: Giancarlo Rescignano <gc@creativehomerenovations.com.au>

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Cc: 'gc@creativehomerenovations.com.au' <gc@creativehomerenovations.com.au>

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Performance Outcome 1.1 – Advertisements are compatible and integrated with the design of the building and/or land they are located on.

Performance Outcome 2.3 – Proliferation of advertisements attached to buildings is minimised to avoid visual clutter and untidiness

Performance Outcome 3.1 – Advertisements are limited to information relating to the lawful use of the 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.

Appreciate all the recent façade upgrade work Creative Home Renovations have completed, which has greatly improved the appearance of the building. However, as this signage application is at variance with the above Performance Outcomes it cannot be supported.

Below are some of my supporting comments, so you can see my reasoning.

Suburban Main Street Zone

The site is on the eastern fringe of the Suburban Main Street Zone, adjoining the Local Activity Centre and Established Neighbourhood Zones.

The Suburban Main Street Zone is an activity centre where a main street character is desired. Main Street character/quality is understood to be typified by activated, fine-grain, narrow building frontages with frequent pedestrian entry points to provide both daytime and nighttime activation.

The proposed sign is not attached to the associated building proper and neither is it freestanding.

Performance Outcome 5.1 of the Zone, seeks for advertisements to be sited and designed to achieve an overall consistency along individual street frontages. This is considered to be within the realm of the Magill Road being the 'main street'.

In respect to siting, the proposal (by my count at least) would represent only the fourth example of rooftop signage on the northern side of the 'main street strip' between the subject site and Breaker Street to the west, a distance of approximately 600m. Breaker Street is at the western end of the Suburban Main Street Zone.

So, whilst there are examples of rooftop signage, the more consistent siting of advertisements (in my view) when attached to buildings is that they are below the roofline. There are some freestanding advertisements also, however these are less common.

Further, DPF 5.2 although limited to freestanding advertisements seeks for these to not exceed 8m in height, or the adjacent building wall height, whichever is the lesser. In this particular 'main street strip' most buildings do not exceed 8m in height, so advertisements are generally anticipated to not exceed the adjacent building wall height. This is considered to ensure that they do not detract from the fine-grain main street character as in part desired by Performance Outcome 5.2.

This intent is replicated in DPF 1.1 of the Advertisements Module, which states for advertisements located above canopy level to not be attached to the roof of the building. This is to assist with the achievement of PO 1.1, which seeks for advertisements to be compatible and integrated with the design of the building and/or land they are located on. A further assessment of PO 1.1 is that the proposed logo sign is compatible in colour with recently approved signage attached to the fascia level of the building, however its siting above the roofline on an unrelated structure is not integrated with the shop building.

In the event that the rooftop siting of the proposed sign is consistent in the setting of this 'main street strip', the design of it is considered to be inconsistent. Of the identified existing rooftop signage examples on the northern side of Magill Road, they are (in my view) low and narrow in design, non-illuminated and clearly identify the associated business name, or service offered in the case of the laundromat sign on the corner of Magill Road and Breaker Street. The proposed sign is a large square shape containing an illuminated logo that in my opinion does not clearly identify the associated business, being Creative Home Renovations.

This design aspect of the sign is also considered to mean that PO 3.1 of the Advertisements Module is not met in that this logo does not assist in the ready identification of the activity (Creative Home Renovations). It is not a well-known logo, such as that of chain-stores.

The intent of PO 3.1 is to avoid visual clutter and untidiness, which is also the aim of PO 2.3 of the Advertisements Module.

Regarding your view that as the proposed sign sits at its own building level, it therefore doesn't represent a proliferation of advertising, I have a different view. My view is that the recently approved signage attached to the fascia of the building is simple in nature, such that at this building level, signage is clear and meaningful. Further, it can be seen with little or no distraction, the street light poles at the signalised intersection are slender in design and light in colour such as to not take away from view of the building fascia.

I will place the application on-hold to allow you to consider this advice and let me know how you wish to proceed. That is if you would like me to determine the application (issue a refusal), or present additional information for me to consider.

Looking forward to hearing from you soon.

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From: Garth Heynen <garth@heyneplanning.com.au>
Sent: Thursday, 20 November 2025 11:25 AM
To: Marie Molinaro
Cc: 'Giancarlo Rescignano'
Subject: RE: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Marie

I have received instructions from the applicant, and accordingly I request that you proceed to make your decision on the application.

Regards

Garth Heynen
Heynen Planning Consultants
Suite 15, 198 Greenhill Road
EASTWOOD SA 5063

M 0417 848 061

T 8271 7944

www.heyneplanning.com.au

From: Marie Molinaro <MMolinaro@npsp.sa.gov.au>
Sent: Monday, 17 November 2025 12:15 PM
To: Garth Heynen <garth@heyneplanning.com.au>
Cc: 'Giancarlo Rescignano' <gc@creativehomerenovations.com.au>
Subject: RE: Update & Seeking Instruction Please - Signage Application For 291 Glynburn Road, St Morris (25010920)

Hi Garth and Giancarlo

Can I please have your instruction on this by the end of the week.

Kind regards
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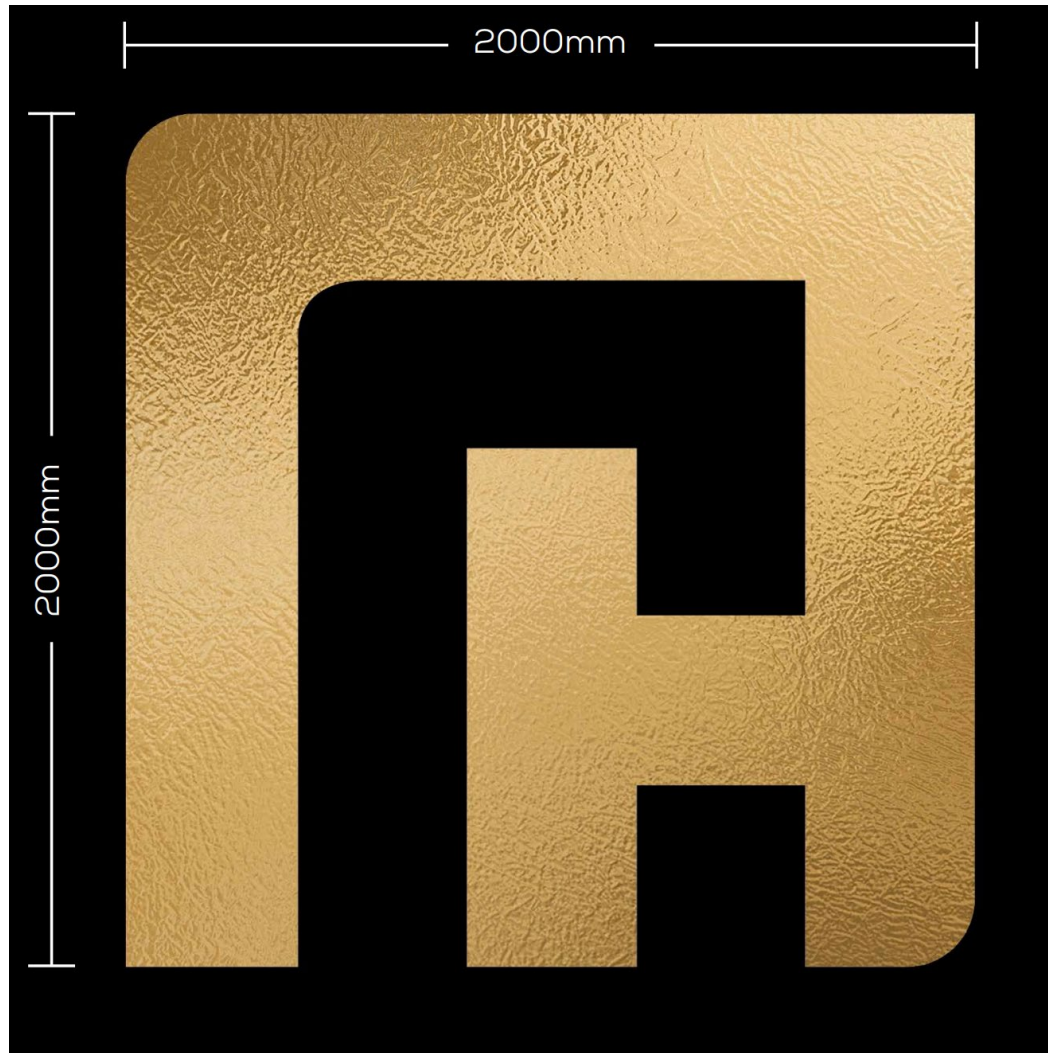
CHR Tower Sign Specification

291 Glynburn Rd, ST MORRIS



3 – Logo Icon signage to Tower above Building

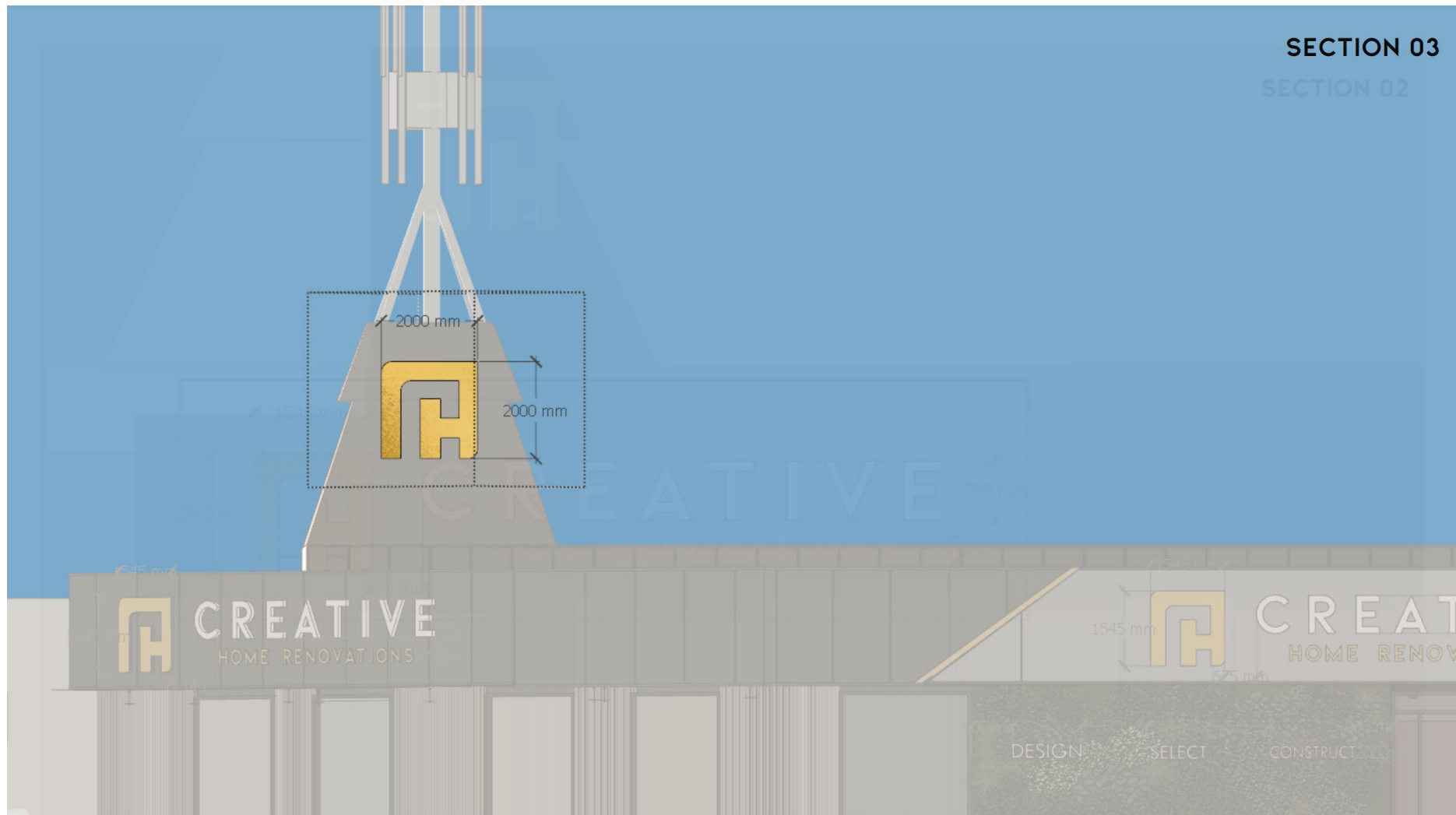
Acrylic letter (max 80mm depth), LED face illumination.



CITY OF NORWOOD PAYNEHAM ST PETERS
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT
PLANNING CONSENT REFUSED

SECTION 03

SECTION 02



CITY OF NORWOOD PAYNEHAM ST PETERS
PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT
PLANNING CONSENT REFUSED

8. ERD COURT APPEALS

**8.1 CONFIDENTIAL MATTER – ENVIRONMENT RESOURCES AND DEVELOPMENT
COURT APPEAL – DEVELOPMENT APPLICATION ID 25010920**

- 9. **OTHER BUSINESS**
(Of an urgent nature only)
- 10. **CONFIDENTIAL REPORTS**
- 11. **CLOSURE**