

<b>DEVELOPMENT NO.:</b>	24003550
<b>APPLICANT:</b>	Ivan Samardzhiev
<b>ADDRESS:</b>	17-19 OAKLANDS RD SOMERTON PARK SA 5044
<b>NATURE OF DEVELOPMENT:</b>	Change in use of land from shop to service trade premises (vehicle dealership) at 2/17-19 Oaklands Road, Somerton Park
<b>ZONING INFORMATION:</b>	<p><b>Zones:</b></p> <ul style="list-style-type: none"> <li>• Employment</li> </ul> <p><b>Overlays:</b></p> <ul style="list-style-type: none"> <li>• Airport Building Heights (Regulated)</li> <li>• Building Near Airfields</li> <li>• Future Road Widening</li> <li>• Hazards (Flooding - General)</li> <li>• Prescribed Wells Area</li> <li>• Regulated and Significant Tree</li> <li>• Traffic Generating Development</li> <li>• Urban Transport Routes</li> </ul>
<b>LODGEMENT DATE:</b>	16 Feb 2024
<b>RELEVANT AUTHORITY:</b>	Assessment panel at City of Holdfast Bay
<b>PLANNING &amp; DESIGN CODE VERSION:</b>	P&D Code (in effect) Version 2024.3 15/02/2024
<b>CATEGORY OF DEVELOPMENT:</b>	Code Assessed - Performance Assessed
<b>NOTIFICATION:</b>	Yes
<b>RECOMMENDING OFFICER:</b>	Dean Spasic Development Officer - Planning

**CONTENTS:**

---

**APPENDIX 1: Relevant P&D Code Policies**

**ATTACHMENT 1: Proposed Plan**

---

**DETAILED DESCRIPTION OF PROPOSAL:**

The proposal seeks approval for a change in use of land from shop, (retail clothes store) to a service trade premises in the form of a second hand vehicle dealership, by way of a physical expansion of the existing second hand vehicle dealership and car detailing located on the western side of the subject site. A total of 29 vehicle would be displayed for sale at any one time. The hours of operation include Monday to Saturday 8.30am to 5pm.

**SUBJECT LAND & LOCALITY:****Site Description:**

**Location reference:** 17-19 OAKLANDS RD SOMERTON PARK SA 5044

**Title ref.:** CT 5713/936 **Plan Parcel:** F9505 AL512 **Council:** CITY OF HOLDFAST BAY

**Location reference:** 17-19 OAKLANDS RD SOMERTON PARK SA 5044

**Title ref.:** CT 5797/565 **Plan Parcel:** F9505 AL513 **Council:** CITY OF HOLDFAST BAY

The site comprises 2 allotments side by side, identified as 17-19 Oaklands Road, Somerton Park. The total site frontage to Oaklands Road is 36.8 metres with a depth of 47 metres (1729 square metres).

The site contains 3 existing buildings, car parking and landscaping.

**Locality**

The locality comprises the interface between the Employment Zone, for which the site is situated on the southern side of Oaklands Road, and the General Neighbourhood Zone to the north.



**CONSENT TYPE REQUIRED:**

Planning Consent

**CATEGORY OF DEVELOPMENT:**

- **PER ELEMENT:**  
Change of use: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**  
Code Assessed - Performance Assessed
- **REASON**  
P&D Code

**PUBLIC NOTIFICATION**

**REASON**

Service trade premises adjacent to residential is not considered minor.  
 There were no statements of representations received as part of the public notification process.

**PLANNING ASSESSMENT**

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One. The proposal is considered to not be seriously at variance with the Design Code.

### **Zone and Land Use – Employment Zone**

Desired Outcome 1 seeks a diverse range of low-impact light industrial, commercial and business activities that complement the role of other zones accommodating significant industrial, shopping and business activities. The proposed land use satisfies this.

Performance Outcome 1.1 seeks a range of employment generating light industrial, service trade, motor repair and other compatible businesses servicing the local community that do not produce emissions that would detrimentally affect the local community. One of many examples of suitable development includes a *service trade premises*. The proposed second hand vehicle dealership satisfies this key Performance Outcome.

The land use is considered to complement the existing land use character in the surrounding locality, which includes the existing associated car yard on the western side of the subject site, the High Quality Car Sales dealership further west on the Corner of Brighton Road and Oaklands Road, as well as various other business such as automotive repairs, and service, service trade premises, small scale manufacturing and warehousing.

### **Landscaping**

Performance Outcomes 5.1 and 5.2 identifies landscaping as a requirement to enhance the visual amenity when viewed from public roads, site and locality. The subject site has existing landscaping along the Oaklands Road frontage as well as along the western side boundary. Landscaping amounts to 330 square metres, which is 19 percent of the total site area.

The site contains a volume of landscaping that is greater than usually seen within this Zone, particularly as the Design Code seeks a minimum coverage of 10 percent of the site area for development sites. Much of the older longstanding sites have little to nil landscaping, hence it is positive to see this proposed land use retain the existing landscaping. This reflects a positive outcome and surrounding locality with respect to creating and maintaining green spaces.





**Traffic and Car Parking**

Vehicle access for visitors and staff is via Vincent Street, on the existing crossover located some 27 metres from Oaklands Road.

Display vehicles would occasionally access Oaklands Road via existing crossovers, however the frequency is negligible, and not such that would result in any appreciable changes to historic frequency of access onto this arterial road. The site layout and configuration does not accommodate or invite vehicle access from Oaklands Road for staff or customers.

Given the Oaklands Road crossovers are existing, and the proposed land use does not result in any additional frequency of vehicle movements via these crossovers (i.e. visitor and staff car parking is strictly via Vincent Avenue), a formal referral to the Commissioner of Highways (State Government) was not required. Further, the proposed development does not incorporate any new building work that would interfere with any future road widening plans.

A service trade premises generates a minimum of 2.5 on-site car parking spaces per 100 square metres of gross leasable floor area and 1 space per 100 square metres of outdoor area used for display purposes.

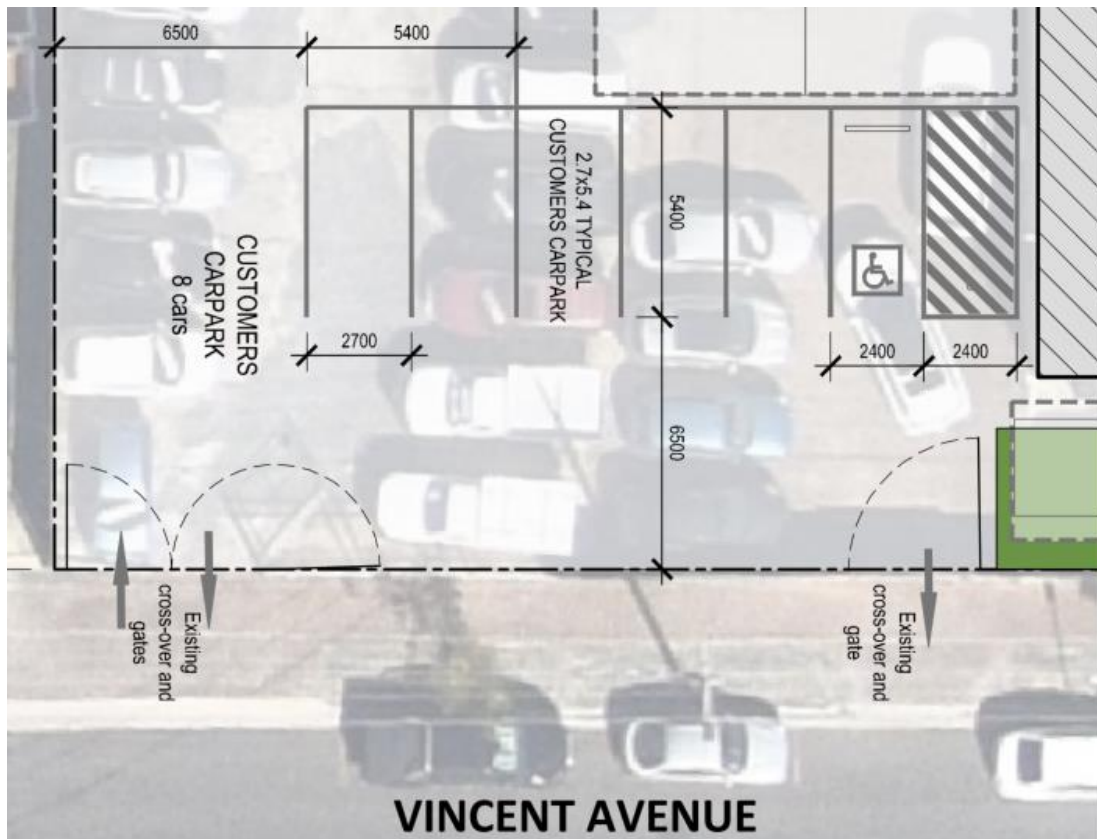
The total gross leasable floor area is 230 square metres, therefore generating a minimum of 5 spaces.

The total outdoor area used to display vehicles is 525 square metres, therefore generating 5 spaces.

A total of 10 on-site car parking spaces is theoretically required based on the Design Code, Table 1 General Off-Street Car Parking Requirements.

The site accommodates 10 on-site car parking spaces, which reflects a negligible shortfall, particularly as the proposal states that the building on the north-eastern corner of the site is listed as 'unused' as part of the land use, hence when subtracting this floor area from the calculation, results in the existing office and amenities building generating only 1 car parking space plus the vehicle display area generating 5 spaces, therefore a real demand of 6 on-site car parking spaces, which is a surplus of 2 spaces.

The vehicle dealership is a low scale, modest second hand dealership therefore it is considered that the frequency and volume of customer visits will be at the lower scale relative to larger and more prominent vehicle dealerships, such as those found along Brighton Road.



### Zone Interface

Desired Outcome 1 promotes development that is located and designed to mitigate adverse effects on neighbouring land uses. The proposed services trade premises is not considered to generate a kind of activity that would result in an unreasonable measurable impact on nearby residences.

Performance Outcome 2.1 seeks non-residential development that does not unreasonably impact the amenity of sensitive receivers (i.e. residential) through its hours of operation, having regard to the nature of development, measures to mitigate off-site impacts, the extent to which the development is desired in the zone and measures that might be taken in an adjacent zone. The proposed land use will not generate any appreciable traffic or noise and its hours of operation are during typical day time hours, hence the actual impacts on neighbouring residential land is negligible. The traffic flow along Oaklands Road will dominate any localised noise generation.

Operating hours are from Monday to Saturday between 8.30am and 5pm, which comprises timeframes which are within typical working hours and therefore less likely to impact on nearby residents with respect to nuisance during the evenings.

The proposal does not include any new advertising displays, which contributes to the proposal generating negligible interface amenity impacts.

### Existing Building

The existing building on the north-eastern corner of the site has been confirmed by the applicant as remaining unused and vacant, as the use of the site is focused on supplying land to accommodate vehicle displays and on-site car parking and access. The site accommodates a suitable and convenient expansion of the existing vehicle



dealership, whereby it happens to contain a building which is surplus to the business needs. The existing building to the west of the site is already set up for vehicle sales and office.

The existing building remaining unused and vacant as part of the land use does not present any adverse planning implications, as it is simply an existing building that is unused and surplus to the business needs and will not generate any additional activities on site.

## **CONCLUSION**

The proposed change in land use to a service trade premises is a kind of development specifically envisaged in the Employment Zone, and the proposed land use is an expansion of an existing second hand vehicle dealership to the west of the subject site.

The proposal therefore satisfies the test of comprising a land use that is envisaged in the zone, does not generate a nuisance or compromise the amenity of nearby residential, provides sufficient on-site car parking and contains a great quantity of landscaping.

## **RECOMMENDATION**

It is recommended that the Council Assessment Panel resolve that:

1. Pursuant to Section 107(2)(c) of the Planning, Development and Infrastructure Act 2016, and having undertaken an assessment of the application against the Planning and Design Code, the application is NOT seriously at variance with the provisions of the Planning and Design Code; and
2. Development Application Number 24003550, by Ivan Samardzhiev is GRANTED Planning Consent subject to the following conditions:

## **CONDITIONS**

Planning Consent

1. The development granted approval shall be undertaken and completed in accordance with the stamped plans and documentation, except where varied by conditions below (if any).
2. Existing landscaping to be maintained and kept health, with any dying or diseased vegetation to be replaced.
3. Any lighting used on the premises shall be designed in accordance with AS/NZS 4282 in order to control the obtrusive effects from outdoor lighting.
4. That the development herein approved shall operate between the hours of 7am to 6pm Monday to Saturday inclusive unless written approval to vary the times is given by council.

## **OFFICER MAKING RECOMMENDATION**

**Name:** Dean Spasic

**Title:** Development Officer - Planning

**Date:** 29/05/2024