

CITY OF UNLEY
COUNCIL ASSESSMENT PANEL

Dear Member

I write to advise of the Special Council Assessment Panel Meeting to be held on Tuesday 24 September 2019 in the Unley Council Chambers, 181 Unley Road Unley.



Gary Brinkworth
ASSESSMENT MANAGER

Dated 17/09/2019

ACKNOWLEDGEMENT

We would like to acknowledge this land that we meet on today is the traditional lands for the Kaurna people and that we respect their spiritual relationship with their country. We also acknowledge the Kaurna people as the custodians of the Adelaide region and that their cultural and heritage beliefs are still as important to the living Kaurna people today.

MEMBERS: Ms Shanti Ditter (Presiding Member),
Mr Alexander (Sandy) Wilkinson
Mrs Jennie Boisvert
Mr Brenton Burman
Mr Roger Freeman

APOLOGIES:

CONFLICT OF INTEREST:

CONFIRMATION OF MINUTES:

MOVED:

SECONDED:

That the Minutes of the City of Unley, Council Assessment Panel meeting held on Tuesday 17 September 2019, as printed and circulated, be taken as read and signed as a correct record.

CITY OF UNLEY

COUNCIL ASSESSMENT PANEL

24 September 2019

A G E N D A

Apologies
Conflict of Interest
Confirmation

| Item No | Development Application | Page |
|----------------|---|-------------|
| 1. | <u>21 Edmund Avenue Unley SA 5061</u> | 3-29 |

Any Other Business
Matters for Council's consideration

ITEM 1
DEVELOPMENT APPLICATION – 090/183/2019/C3 – 21 EDMUND AVENUE, UNLEY SA 5061 (UNLEY)

| | |
|--|---|
| DEVELOPMENT APPLICATION NUMBER: | 090/183/2019/C3 |
| ADDRESS: | 21 Edmund Avenue, Unley SA 5061 |
| DATE OF MEETING: | 24 September 2019 |
| AUTHOR: | Brendan Fewster |
| DEVELOPMENT PROPOSAL: | Redevelopment of existing petrol filling station, including alterations to existing building and signage. |
| HERITAGE VALUE: | None |
| DEVELOPMENT PLAN: | 19 December 2017 |
| ZONE: | Residential Historic (Conservation) Policy Area 6 – Spacious Unley and Malvern Trimmer Estate |
| APPLICANT: | Fitzsimons Group of Companies |
| OWNER: | P1 Property Pty Ltd |
| APPLICATION TYPE: | Merit |
| PUBLIC NOTIFICATION: | Category 3 |
| REPRESENTATIONS RECEIVED: | Yes 27 oppose (15 to be heard) |
| CAP'S CONSIDERATION IS REQUIRED DUE TO: | Unresolved representations Category 3 application where a representor wishes to be heard |
| RECOMMENDATION: | Approval |
| KEY PLANNING ISSUES: | Land Use Built Form and Character Interface and Amenity Traffic and Car Parking |

1. PLANNING BACKGROUND

21 Edmund Avenue:

090/869/2017/C1 – Demolition of the workshop and verandah - **Approved**

090/360/2016/C1 – Removal of the underground fuel storage, canopy, fuel pumps and office - **Approved**

090/731/2018/C3 - Change of use from service station and motor repair workshop to office and restaurant (including takeaway) and associated car parking – **Approved**

21-23 Edmund Avenue

090/51/2018 - Construction of integrated service station complex with associated fencing, landscaping, carparking and illuminated signage (including one 6m high pylon sign) and the removal of two (2) street trees along Duthy Street.

The Council Assessment Panel resolved to refuse the above application at its meeting on 18 December 2018 for the following reasons:

- The proposal is seriously at variance with the provisions of the City of Unley Development Plan and should be REFUSED.
- The proposal involves a use of land (namely 23 Edmund Avenue) for a non-residential use despite it being currently residential in nature.
- The proposal is not constructing a detached dwelling of a street fronting format that displays the themes and styles of housing as desired by PA6.
- The design and appearance of the proposed service station is at odds with the prevailing character of the locality and desired character of the Zone and PA 6.
- The proposal involves the expansion of a non-residential use beyond an existing non-residential site that is not minor in scale and nature.
- The proposal gives rise to unacceptable interface impacts upon nearby properties with respect to visual impacts, but primarily with respect to light spill/glare, hours of operation and traffic generation.

2. DESCRIPTION OF PROPOSAL

The application is seeking the redevelopment of an existing motor repair station and petrol filling station to comprise a new service station complex. The proposal includes alterations to the existing building and canopy, new underground fuel storage tanks, signage and associated car parking and landscaping.

The following is a more detailed overview of the proposed development:

- Demolition of existing control building and canopy;
- Alterations to the existing workshop building to comprise a new control building for retail display and sales, storage and toilet facilities (gross leasable floor area of 50m²);
- A new building façade consisting of glass windows and doors and replacement of existing roof cladding with steel sheeting (Monument);
- Alterations to an existing brick wall adjacent to Duthy Street to comprise a canopy over the building entrance and fuel dispensers;
- The proposed operating hours are between 6.00am and 9.00pm on any day (7 days a week);
- Reconfiguration of car parking areas to provide a total of six (6) on-site spaces and installation of a bicycle parking rail;
- Landscaping adjacent to the Edmund Avenue frontage and along the western side boundary; and
- Installation of internally illuminated signs to the fascia of the canopy.

Please note that the submitted plans indicate a digital fuel price board positioned near the north west corner of the site, however, the applicant has stated in recent correspondence that the existing fuel board on the site will be utilised and that any alterations requiring development approval will be subject to a separate development application.

3. SITE DESCRIPTION

The subject land comprises one allotment located at the corner of Duthy Street and Edmund Avenue in Unley. The land is formally described as Allotment 96 in Filled Plan 214679 and is known as 21 Edmund Avenue.

The subject property is considered to have existing use rights as a petrol filling station and motor repair station and comprises a single storey control building, canopy and workshop – see photos below.

The allotment has a frontage of 42.82 metres to Duthy Street, a 15.24 metre wide frontage to Edmund Avenue and a total area of approximately 653m².

It should be noted that the Unley Development Plan indicates that the site contains Contributory items, however, on further investigation, including discussions with Council's Policy Planner and Consultant Heritage Architect, it is considered that the Contributory status was derived from the site's relationship to no.23 Edmund Avenue, which previously contained a Contributory dwelling. Council's Heritage Architect has also confirmed that the buildings on the land, whilst being of a modest commercial scale, do not have any attributes that would contribute to the desired character of the Historic Conservation Zone. There is also an existing approval to demolish the existing buildings on the site.

The land is naturally flat and is mostly covered with buildings and concrete paving. There are no regulated trees on the site or on adjacent land.

There is an unrestricted right of way (forming part of 23 Edmund Avenue) adjacent to the rear boundary in favour of no. 21 Edmund Avenue for driveway access.

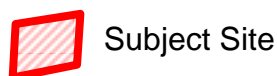


The former petrol filling station and motor repair station viewed from Duthy Street



Side wall of the former workshop building viewed from Duthy Street

4. LOCALITY PLAN



Subject Site

5. LOCALITY DESCRIPTION

Land Use

The locality is predominantly residential in land use, although there is a small group of shops fronting Duthy Street to the south.

Land Division/Settlement Pattern

The original allotment layout and development pattern is largely intact. Allotments are rectangular in shape with relatively consistent building forms and street setbacks.

Dwelling Type / Style and Number of Storeys

Dwellings along Edmund Avenue typically comprise villas and double fronted cottages that reflect the original pattern of settlement. There are more recent dwelling styles to the north and south along Duthy Street.

6. STATUTORY REFERRALS

A referral to the Environment Protection Authority (EPA) under Section 37 of the Development Act was not required in this instance given that the capacity of the underground fuel tanks would not exceed 100 cubic metres (100,000L). On this basis, the proposal does not comprise an activity of environmental significance.

7. NON-STATUTORY (INTERNAL) REFERRALS

Transport and Traffic

The internal referral comments are summarised as follows:

- Off-street parking supply meets the requirements of the Development Plan. However, the line marking associated with the disabled space must reflect DPTI's Pavement Marking Manual and bicycle parking for two bicycles should be provided;
- A No Entry sign is required at the southern Duthy Street access, facing inward;
- The plans must indicate necessary modifications to the pavement bars on Edmund Avenue and Duthy Street;
- The northern Duthy Street crossover, as well as the Edmund Avenue crossover, are within 6m of the tangent point. Although PWA consider this acceptable this presents a potential hazard;
- Turning profiles provided by the applicant suggest that a fuel vehicle can enter and exit the property, however this requires use of a Right of Way, which may not be guaranteed into the future. In addition to this, the space available depends on some of the structural details, which may need to be resolved during the planning process to ensure access is maintained;
- The traffic volume on Edmund Avenue may increase by 70-119 vehicles, however if this is at the lower end of this range as expected, it would not have a significant impact on resident amenity;
- The traffic increase on Duthy Street would be insignificant in context of its daily traffic volume. The SIDRA model suggests that the queues and delays on Duthy Street would be minimal and are not considered a concern;
- An electronic sign is potentially proposed (based on the perspective images provided) and should be confirmed by the applicant.

The above referral comments were provided to the applicant and the following response was received:

- the accessible space will reflect DPTI’s Pavement Marking Manual and bicycle parking for two (2) bicycles has been provided for;
- an inward facing ‘No Entry’ sign is provided at the southern Duthy Street access;
- Figure 3 on page 8 of Phil Weaver & Associates, Traffic and Parking Assessment shows that modifications to the pavement bars are not necessary;
- the Edmund Avenue crossover *vis a vis* the tangent point is addressed at the top of page 8 of the Phil Weaver & Associates Report” *Narrowing of the Edmund Avenue Crossover will permit this crossover to be located in accordance with Section 3.2.3 Access driveway location of AS/NZ 2890.1 : 2004 i.e. 6m clear of the tangent point along the southern (sic) of Edmund Avenue.*”
- the height of the proposed delivery vehicle is 3m;
- at this stage the existing Consumer Fuel Price Board will remain in situ and any changes requiring the approval of Council will be the subject of a separate application at the appropriate time.

8. PUBLIC NOTIFICATION

Category 3 notification was undertaken in accordance with the Development Act and Regulations. During the ten (10) business day notification period, a total of 27 representations were received with a summary of the issues raised provided below:

| Summary of Issues Raised | APPLICANTS RESPONSE |
|---|---|
| <p>Land Use</p> <ul style="list-style-type: none"> • Inappropriate land use for the zone • Excessive operating hours • The previous application was refused • There is no need for another service station • The use should have a community focus • No evidence to suggest that it would serve the local community | <ul style="list-style-type: none"> • The subject land has been used historically (circa 1932) for non-residential purposes and the land use has at no time been abandoned. • The continuance of a lawful existing use cannot be prohibited by the Development Act 1993. • There can be no doubt that the present proposal meets the policy intent of Council Wide PDC 7. • The existing lawful use of the land has no enforceable conditions, particularly in respect of hours of operation. The proposed development will operate daily between the hours of 6:00 a.m. and 9:00 p.m. |
| <p>Scale</p> <ul style="list-style-type: none"> • Is not small-scale • Overdevelopment of site | <ul style="list-style-type: none"> • The present proposal is significantly reduced in size and scale of operation and now only relates to No. 21 Edmund Avenue. |

| Summary of Issues Raised | APPLICANTS RESPONSE |
|---|--|
| | <ul style="list-style-type: none"> The present proposal is of a much-reduced scale and impact to that previously proposed. |
| <p>Building Work / Appearance</p> <ul style="list-style-type: none"> Loss of heritage value Visual impacts | <ul style="list-style-type: none"> The overall changes to the building are relatively minor and aimed at the practical continuation of the existing lawful use. The proposal will improve and adapt the existing use to address contemporary South Australian socio-economic conditions and will generally improve and not detract from the appearance of the site. |
| <p>Traffic</p> <ul style="list-style-type: none"> Increase in traffic congestion Increase in on street parking Impacts on the safety of drivers, cyclists and pedestrians Increase in truck movements Queuing on public land | <ul style="list-style-type: none"> A comprehensive Traffic Impact Assessment prepared by Phil Weaver and Associates, a recognised and appropriately qualified expert in this field, accompanied the application. The traffic assessment concludes that given the small scale of the proposed development it will not result in adverse traffic impacts on the adjoining road network. The authors expertise is not challenged. |
| <p>Noise</p> <ul style="list-style-type: none"> Increase in noise resulting from the use; increase in traffic noise; Impacts of the residential amenity | <ul style="list-style-type: none"> The present proposal adopts all the relevant recommendations, specific constructions, installation of acoustic absorbing material and restricted times for rubbish collection and fuel deliveries of the Environmental Noise Assessment carried out by Sonus as part of the previous application for the integrated service station complex. |
| <p>Risk of fuel spills, fire and contamination</p> | <ul style="list-style-type: none"> No response provided |
| <p>Air Quality</p> | <ul style="list-style-type: none"> A vapour recovery system will be fitted to the underground fuel storage tanks so that vapours displaced from the storage tanks when the tanks are being filled by road tankers are properly captured. |

| Summary of Issues Raised | APPLICANTS RESPONSE |
|---|---|
| Possible extinguishment of right of way | <ul style="list-style-type: none"> The right of way was specifically created as a special condition to a recent sales agreement (November 2018) with the sole purpose of facilitating safe and convenient access to No.21 Edmund Avenue. |

9. ASSESSMENT

Zone Desired Character and Principles of Development Control

| Residential Historic (Conservation) Zone |
|--|
| <p>Objective 1: Conservation and enhancement of the heritage values and desired character described in the respective policy areas, exhibited in the pattern of settlement and streetscapes of largely intact original built fabric.</p> <p>Objective 2: A residential zone for dwellings primarily in street-fronting format, together with the use of existing buildings and sites used for non-residential purposes for small-scale local businesses and community facilities supporting an appealing, pleasant and convenient living environment.</p> <p>Objective 3: Retention, conservation and enhancement of contributory items, and the complementary replacement or redevelopment of non-contributory buildings.</p> <p>Objective 4: Sensitive adaptation of contributory items for alternate, small household, living where offering tangible benefit in the retention and refurbishment of such items.</p> |
| Desired Character |
| <p>Heritage Value</p> <p>The Residential Historic (Conservation) Zone and its 7 policy areas have particular significance to the history of Unley’s settlement. These areas tell a story about life in the late 19th and early 20th Century, and of the features and circumstances of the original European communities in Unley. It is for this reason, as well as the appealing and coherent streetscapes of largely intact original building stock, that these areas merit particular attention and protection.</p> <p>The important defining heritage values and statements of desired character are expressed for each of the zones seven distinctive policy areas. These values stem from the original road layout and settlement patterns. There is a strong consistency and an identifiable pattern in the way buildings, of varying proportions, are sited and massed relative to the site sizes and widths of street frontages. There is also an identifiable rhythm of spaces between buildings and their street setbacks. Dwellings are of a traditional street-fronting format and adopt a strong street “address” with open front gardens and fencing, and with outbuildings and garaging being a recessive or minor streetscape element.</p> |

There is also a consistency in the built fabric itself with characteristic use of building forms, detailing, materials and colours.

Contributory Items

A building making a positive contribution to the heritage value and desired character of the respective policy areas is termed a “contributory item”. All contributory items are highly valued and ought not be demolished as this would significantly erode the integrity of the zone. Sensitively designed alterations and additions to a contributory item are appropriate, as are changes removing or making more positive contribution of discordant building features detracting from its contributory value. The adaptation of a contributory item for alternative residential accommodation where this provides for the retention, and ongoing refurbishment, of such items is also appropriate.

Non-contributory Buildings

A building which detracts from the heritage value and desired character of the zone is termed a “non-contributory building”. The demolition and replacement of a non-contributory building with carefully designed infill is supported subject to meeting stringent design parameters to ensure compatible building forms and complementary, rather than inferior reproduction, buildings or building elements.

Assessment

The subject land is situated entirely within the Residential Historic (Conservation) Zone. While the Objectives and Desired Character for the zone primarily seek the retention and enhancement of land and buildings for residential purposes, the Development Plan provisions do not preclude non-residential development, particularly if such development would retain and refurbish existing buildings.

Although situated within an established residential area, the subject land has longstanding use rights for non-residential purposes. A petrol filling station and motor repair workshop has operated from the site for many years (established circa 1932) and served the needs of local residents and passing motorists. The existing buildings on the land are of a modest scale and are representative of early non-residential development that sits relatively comfortably within the historic character of the area. The proposal will, for the most part, retain the main workshop building and modify the building facades to form a small-scale and modern service station complex. The proposed modifications would be sensitive to original fabric and integrity of the building, with new openings in the existing brick wall and the new roof sheeting considered to enhance the existing streetscape, particularly along the Duthy Street frontage. The proposal is therefore considered to satisfy Objective 1, 3 and 4 of the Residential Historic (Conservation) Zone.

While Objective 4 and the Desired Character for the Residential Historic (Conservation) Zone seek the adaption of existing buildings for residential use, in this instance the land is not considered suitable for a sensitive land use (i.e. residential accommodation) given the lawful and longstanding use of the land as a petrol filling station and mechanical repair workshop. As these non-sensitive uses involve activities that pose risks of soil contamination, it is considered appropriate from a land suitability perspective that petrol filling

activities continue to take place on the site. The replacement of the former mechanical repair activities with a small retail building (the 'control building') for the sale of fuel and convenience goods is also supported given that it would be fully integrated with the petrol filling operations and would be small in scale with a modest floor area of only 50m².

Therefore, the proposed land use and associated built form is considered small-scale and low-impact in nature, and thus, would not impair the amenity of the locality or prejudice the commercial function of nearby centre zones.

Having regard to the lawful use of the land, the adaption of existing buildings and the relatively low intensity of the use, the proposed development would not entrench an incompatible land use within the locality or undermine the Objectives of the Residential Historic (Conservation) Zone. Accordingly, the proposal is an orderly and appropriate form of development.

| Relevant Zone Principles of Development Control | Assessment |
|---|--|
| <p>PDC 7 <i>A non-contributory building and its site should be brought into conformity with the desired character, or otherwise consistent with a prevailing, character of the locality at every opportunity through:</i></p> <p>(a) <i>demolition and redevelopment of the whole of such buildings on their sites;</i> or (b) <i>removing elements, features or materials of the building, and/or its outbuilding(s) as well as fencing, that detract from the desired character; or</i> (c) <i>redeveloping such building(s) with alterations and additions that complement the desired character.</i></p> | <p>Given that the land has the historically been used as a motor repair station and petrol filling station, it is considered that the modest redevelopment of the site and adaption of existing single storey buildings is an appropriate response to the constraints of the site.</p> |

Policy Area Desired Character

| Policy Area 6 – Spacious Unley and Malvern Trimmer Estate |
|--|
| Desired Character |
| <p>Heritage Value <i>An important appreciation of the heritage value is formed by the comprehensive subdivision by Trimmer (and Grainger) during 1881-1884 of the area originally known as 'New Parkside', 'Malvern' and 'Malvern Extension'. This subdivision demonstrates the extensive growth of Unley as a suburban area in the late 19th Century.</i></p> |
| <p>Desired Character <i>The spacious streetscape character is founded on wide, tree-lined streets, grid street layout (with axial views focussed on the central oval feature in 'New</i></p> |

Parkside') and generous front gardens. Intrinsic to the area is an extensive, intact collection of contributory items including distinctive Victorian and Turn-of-the-Century villas (asymmetrical and symmetrical), double-fronted cottages and limited complementary, Inter-war era, styles. More affluent, original owners developed some larger, amalgamated allotments in the southern areas establishing grander residences and gardens.

Development will:

(a) conserve contributory items, in particular symmetrical and asymmetrical villas of Victorian and Turn-of-the-Century era and double-fronted cottages; and

(b) be of a street-fronting dwelling format, primarily detached dwellings; and

(c) maintain or enhance the predominant streetscapes and regular road and allotment patterns with:

(i) dwelling sites typically of 15 metres in street frontages and with site areas of 750 square metres; and

(ii) front set backs of some 7 metres; and

(iii) side setbacks of between 1 metre and 3 metres so as to maintain a total spacing between neighbouring dwelling walls, of some 4 metres; and

(d) maintain and respect important features of architectural styles of contributory items having typically:

(i) building wall heights in the order of 3.6 metres; and

(ii) total roof heights in the order of 5.6 metres or 6.5 metres; and

(iii) roof pitches in the order of 27 degrees and 35 degrees.

Assessment

As already considered, the refurbishment, modifications and adaptation of the existing workshop building would be relatively modest and would generally improve the appearance of the site. The new modern components, being the glass shopfront, has a recessive appearance as it is well setback from the road frontage and sits behind the existing brick wall (with new openings created).

The proposed signage is appropriately sited and proportioned so as not to overwhelm the building or visually detract or clutter the site.

Relevant Council Wide Objectives and Principles of Development Control

An assessment has been undertaken against the following Council Wide Provisions:

| City-wide Objectives and Principles of Development Control | | |
|---|-------------------|---|
| Crime Prevention | <i>Objectives</i> | 1 |
| | <i>PDCs</i> | 1, 2 |
| Design and Appearance | <i>Objectives</i> | 1, 2 |
| | <i>PDCs</i> | 1, 2, 3, 4, 9, 12, 13, 14, 15, 18, 19, 20, 21, 22 |
| Form of Development | <i>Objectives</i> | 1, 2, 3, 4, 7 |
| | <i>PDCs</i> | 1, 2, 7, 8, 9, 12, 13 |
| Hazards | <i>Objectives</i> | 1, 2, 3, 4, 5, 6 |
| | <i>PDCs</i> | 1, 2, 3, 4, 5, 6, 7, 8 |
| Heritage | <i>Objectives</i> | 5 |
| | <i>PDCs</i> | N/A |

| | | |
|--|-------------------|---|
| Interface Between Land Uses | <i>Objectives</i> | 1, 2, 3 |
| | <i>PDCs</i> | 1, 2, 5, 6, 7, 8, 9, 10, 11, 12 |
| Landscaping | <i>Objectives</i> | 1 |
| | <i>PDCs</i> | 1, 2 |
| Natural Resources | <i>Objectives</i> | 1, 2, 3, 4, 5, 6, 7, 8, |
| | <i>PDCs</i> | 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, |
| Outdoor Advertisements | <i>Objectives</i> | 1, 3 |
| | <i>PDCs</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24 |
| Transportation (Movement of People and Goods) | <i>Objectives</i> | 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 |
| | <i>PDCs</i> | 1, 3, 5, 6, 9, 10, 11, 12, 13, 14, 18, 19, 20, 21, 22, 32 |
| Waste | <i>Objectives</i> | 1, 2 |
| | <i>PDCs</i> | 1, 2, 3, 4, 5, 6 |

The following table includes the Council-wide provisions that warrant further discussion in regards to the proposed development:

| Relevant Council Wide Provisions | Assessment |
|--|---|
| Form of Development | |
| PDC 7 & 8 – Non-Residential Use | <p>Council Wide PDC 7 and 8 consider some non-residential uses in a residential zone to be appropriate where confined to a site already used for non-residential purposes. Non-residential uses should be non-intensive so as to preserve the established residential character and improve the range and quality of local facilities and services.</p> <p>The subject land has longstanding use rights as a petrol filling station and motor repair workshop, which has operated from the site for the past 80 years or so. Although the proposal would intensify the use of the land with the introduction of a control building for retail display and sales, the small size of the retail building (gross leasable floor area of 50m²) and limited number of petrol bowsers would ensure the new facility remains small-scale and thus continuing to serve a local catchment.</p> <p>As considered below, noise and traffic impacts would be suitably controlled to minimise the impacts on the surrounding residential area.</p> <p>The proposal is considered to satisfy Council Wide PDC 7 and 8.</p> |
| Hazards | |

| Relevant Council Wide Provisions | Assessment |
|---|---|
| <p>Objectives 4 & 5 and PDC 6 – Site Contamination</p> | <p>The subject land is occupied by a former petrol filling station which contains a series of underground fuel tanks. It is noted that development approval has been granted for the removal of these underground tanks, however, the work has yet to be completed.</p> <p>New underground fuel tanks with a total capacity of 90,000L (90 cubic metres) will be provided. As the capacity of the tanks would not exceed 100 cubic metres, the proposal does not comprise a kind of development that is required to be referred to the EPA under Section 37 of the <i>Development Act 1993</i>. Notwithstanding this, the developer will be required to ensure that appropriate vapour recovery and leak detection monitoring systems are in place.</p> <p>As the proposal would not include any sensitive uses or activities, there would be no site contamination issues.</p> |
| <p>Interface Between Land Uses</p> | |
| <p>PDC 1, 2 & 6 – Interface/Amenity</p> | <p>As the subject land interfaces with established residential development and is within a Residential Zone, Council Wide PDC 1, 2 and 6 seek to ensure that new development is designed and operated in a manner that 'minimises' adverse amenity impacts. Many of the representors have raised concerns with the potential for noise and disturbance from vehicles accessing the site and surrounding roads.</p> <p>While some noise and disturbance is inevitable, as was the case with the former petrol filling station and workshop, the overall impact upon the amenity of the surrounding area is not considered to be significant.</p> <p>The applicant submitted an Environmental Noise Assessment (ENA) prepared by Sonus, which formed part of the previous application that was refused by the CAP. This report provided an analysis of the existing acoustic environment and the predicted noise levels against Environment Protection Authority (EPA) noise criteria. The assessment recommended the following acoustic treatments and operational restrictions in order for</p> |

| Relevant Council Wide Provisions | Assessment |
|----------------------------------|---|
| | <p>the development to meet the goal noise levels of the <i>Environment Protection (Noise) Policy 2007</i>:</p> <ul style="list-style-type: none"> • Fencing along the western boundary is to be 1.8 metre in height and sealed airtight from top to bottom, including at the ground and at junctions; • Acoustic absorption material incorporated into the control building wall (this building is no longer proposed); • Fuel deliveries to take place between 7.00am and 10.00pm only; and • Refuse collection to take place between the hours of 9.00am and 7.00pm on a Sunday or public holiday and between 7.00am and 7.00pm on any other day. <p>The proposal includes 1.8 metre high fencing along the western side boundary that is to be insulated as recommended by the Sonus report. As the current proposal utilises the existing building that has a solid masonry wall on the boundary, the previous recommendation for acoustic absorption material to be incorporated into the control building wall is no longer considered necessary.</p> <p>With the proposed insulated boundary fence and the solid masonry construction of the existing wall of the control building, the proposed development is considered achieve the relevant Environment Protection (Noise) Policy criteria when assessed at the nearest existing noise sensitive receptor.</p> <p>The proposed operating hours are 6.00am to 9.00pm on any day (7 days a week). These hours are considered reasonable from an amenity perspective.</p> <p>As considered in the traffic and car parking section below, there is sufficient car parking provided as well as capacity on-site for vehicle queuing and delivery vehicles.</p> <p>Accordingly, the proposal would not unduly impact upon the amenity of nearby residential properties or the locality by way of noise, dust, fumes, traffic or vibration.</p> |

| Relevant Council Wide Provisions | Assessment |
|--|--|
| Outdoor Advertisements | |
| Objectives 1, 2 & 3 and PDC 1-22 | <p>The proposal includes advertising signage that displays the business branding ('Liberty') in the form of fascia signs. The advertisements will be internally illuminated.</p> <p>Council Wide PDC 3 supports advertisements in residential zones provided they are erected upon a non-residential premises. The proposed advertisements would be ancillary and subordinate to a non-residential premises which has existing use rights for non-residential purposes.</p> <p>The proposed advertising displays are of an appropriate size, scale and appearance and would not cause distraction to drivers on the adjacent road network.</p> |
| Transportation (Movement of People and Goods) | |
| PDC 13 – Vehicle Access | <p>The proposal will utilise the existing vehicular access points from Duthy Street and Edmund Avenue with some modifications required to facilitate one-way traffic flows through the site. Entry will occur only from the southern access point on Duthy Street with the remaining access points restricted to exit only (i.e. northernmost access point on Duthy Street and the Edmund Avenue access point). The access points will be sign-posted accordingly. These access arrangements have been supported by the applicant's traffic consultant, Phil Weaver & Associates, and by Council's Transport and Traffic Department from a safety and convenience perspective.</p> <p>Council's Transport and Traffic Department has also confirmed the following with respect to traffic volumes and accessibility for fuel vehicles:</p> <ul style="list-style-type: none"> • Turning profiles provided by the applicant suggest that a fuel vehicle can enter and exit the property, however this requires use of a Right of Way, which may not be guaranteed into the future. In addition to this, the space available depends on some of the structural details, which may need to be resolved during the planning process to ensure access is maintained; |

| Relevant Council Wide Provisions | Assessment |
|---|---|
| | <ul style="list-style-type: none"> • The traffic volume on Edmund Avenue may increase by 70-119 vehicles, however if this is at the lower end of this range as expected, it would not have a significant impact on resident amenity; and • The traffic increase on Duthy Street would be insignificant in context of its daily traffic volume. The SIDRA model suggests that the queues and delays on Duthy Street would be minimal and are not considered a concern. <p>In relation to the right of way, the owners of the subject land have a legal right over this land for access (i.e. unrestricted access). All existing obstructions over this land will be removed to ensure that fuel vehicles are afforded unrestricted access at all times.</p> <p>Accordingly, the proposal would not lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic on the surrounding road network.</p> |
| <p>PDC 19, 20, 21, 22 & 25 – Car Parking</p> | <p>An existing at-grade car park will be reconfigured to provide a total of six (6) on-site car parking spaces for patrons and staff. For the purposes of a car parking assessment, <i>Table Un/5 Off-Street Vehicle Parking Requirements</i> prescribes a car parking rate of 7 spaces per 100m² of floor area for a shop. As the proposed control building would have a gross leasable floor area of 50m², there is a Development Plan requirement for at least four car parking spaces. The provision of six car parking spaces satisfies Council Wide PDC 20.</p> <p>It has also been demonstrated that the car parking spaces and driveway aisles have been designed to accord with Australian Standard AS 2890 Parking facilities and therefore satisfy Council Wide PDC 21, 22 and 25.</p> |
| <p>Waste</p> | |
| <p>PDC 2, 5 & 6 – Waste Management</p> | <p>All refuse bins will be stored in a designated service yard enclosure at the southern end of the control building. The service yard is large enough to accommodate commercial size bins, is well removed from the road frontages and would be enclosed with a timber screen and insulated</p> |

| Relevant Council Wide Provisions | Assessment |
|----------------------------------|--|
| | <p>boundary fence.</p> <p>A condition of consent is recommended to ensure that waste collection is carried out at least once a week by a private contractor and within suitable collection hours.</p> <p>The proposed waste management facilities are considered acceptable.</p> |

10. CONCLUSION

In summary, the application is not considered to be seriously at variance with the Development Plan and is considered to satisfy the provisions of the Development Plan for the following reasons:

- The proposal would improve the range and quality of local facilities and services without undermining the commercial function of nearby centre zones;
- The small scale nature of the development and the proposed acoustic treatments and operational restrictions would ensure the overall impact upon the amenity of the surrounding area is not significant;
- The proposed refurbishment and adaption of the existing building would maintain the original fabric of the building and generally improve the appearance of the site; and
- The proposal is unlikely to lead to conditions detrimental to the free flow and safety of pedestrian and vehicular traffic within the site and on the adjacent road network.

The application is therefore recommended for Development Plan CONSENT.

11. RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/183/2019/C3 at 21 Edmund Avenue, Unley SA 5061 for redevelopment of existing petrol filling station, including alterations to existing building and signage is not seriously at variance with the provisions of the City of Unley Development Plan and should be GRANTED Planning Consent subject to the following conditions:

DEVELOPMENT PLAN CONSENT DETAILS OF DECISION:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. All materials, refuse and goods including fuel shall at all times be loaded and unloaded within the confines of the subject land. Fuel delivery vehicles shall only access the site between the hours of 7.00am and 10.00pm on any day, with refuse collection and the delivery of goods to take place between the hours of 9.00am and 7.00pm on a Sunday or public holiday and between 7.00am and 7.00pm on any other day.
3. The operating hours of the service station approved herein shall be between 6.00am and 9.00pm on any day.
4. The landscaping approved herein (Landscaping Plan prepared by Startari dated 14/03/19) shall be planted prior to occupation/operation of the development and any person(s) who have the benefit of this approval shall cultivate, tend and nurture the landscaping and replace any plants which may become diseased or die.
5. No goods, materials or equipment associated with the approved development shall be stored outside of the control building or designated storage areas.
6. All solid waste shall be stored in bins/containers having a close fitting lid. The bins/containers shall be stored within the designated screened bin enclosure. Collection of waste shall be carried out at least once a week by a private contractor and within the approved collection hours.
7. The car parking layout shall satisfy the requirements of *AS/NZS 2890.1-2004 Off-Street Car parking* and *AS/NZS 2890.6-2009 - Off-Street Parking for People with Disabilities*.
8. Flood lighting shall be restricted to that necessary for security purposes only and shall be directed and shielded in such a manner as to not cause nuisance to adjacent properties.
9. The advertising displays shall not contain any elements that flash, scroll or move.
10. The internal illumination of the advertising displays shall be limited to a low level in order to minimise the impact on road safety.

11. Any obsolete crossover/s (or portions thereof) shall be replaced with upright kerb and gutter to Council's specifications at the applicant's expense prior to operation of the development.

| List of Attachments | | Supplied By: |
|----------------------------|--|---------------------|
| A | Application Documents | Applicant |
| B | Representations | Administration |
| C | Response to Representations | Applicant |
| D | Transport and Traffic Comments | Administration |