NOTICE is hereby given that a Meeting of the Town of Gawler Council Development Assessment Panel will be held in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler, on Monday 27 February 2017 commencing 6.30pm.

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

Ryan Viney
Manager Economic Development, Regulatory Services and Communications
16 February 2017
For the Meeting of the Town of Gawler Council Development Assessment Panel to be held on Monday 27 February 2017 in the Conference Room, Town of Gawler Administration Centre, 43 High Street, Gawler, commencing at 6.30PM.

Welcome and Presiding Member Introductions

1. Attendance Record
   1.1 Roll Call
   1.2 Apologies
   1.3 Leave of Absence

2. Confirmation of Minutes –
   That the minutes of the Council Development Assessment Panel Meeting held on Monday 30 January 2017 be confirmed as a true and correct record of proceedings.

3. Business Arising from Previous Minutes

4. Declaration of Interest by Members of the Panel

5. Reports:
<table>
<thead>
<tr>
<th>Page No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application: 490/20/2017</td>
</tr>
<tr>
<td>Applicant: K M Duffield</td>
</tr>
<tr>
<td>Address: 1/60 Adelaide Road GAWLER SOUTH</td>
</tr>
<tr>
<td>Nature of Development: Change of Use from ‘consulting rooms’ to ‘offices’ (non-complying)</td>
</tr>
<tr>
<td>Development Application: 490/225/2016</td>
</tr>
<tr>
<td>Applicant: S M Bubner</td>
</tr>
<tr>
<td>Address: 21 Fourth Street GAWLER SOUTH</td>
</tr>
<tr>
<td>Nature of Development: Temporary Change of Use (12 Month Period) from Detached Dwelling to Consulting Room and associated car parking area</td>
</tr>
<tr>
<td>Development Application: 490/9/2016</td>
</tr>
<tr>
<td>Applicant: S M Bubner</td>
</tr>
<tr>
<td>Address: 21 Fourth Street GAWLER SOUTH</td>
</tr>
<tr>
<td>Nature of Development: Demolition of Existing Dwelling and Construction of a Consulting Room and associated car parking area, carport structure (max post height 4.13 metres) and landscaping</td>
</tr>
</tbody>
</table>

6. Information Items:
   6.1 Appeal Matters
7. Other Business


9. Closure
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA
Monday 27 February 2017

5. Reports:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>5.1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Development Application</td>
<td>490/20/2017</td>
</tr>
<tr>
<td>Author(s)</td>
<td>Development Assessment Planner (Jessica Lewig)</td>
</tr>
<tr>
<td>Applicant</td>
<td>K M DUFFIELD</td>
</tr>
<tr>
<td>Owner</td>
<td>KIES REAL ESTATE</td>
</tr>
<tr>
<td>Subject Land</td>
<td>1/60 Adelaide Road GAWLER SOUTH 5118 LOT: 342 PLN: 211128 CT: 5580/613</td>
</tr>
<tr>
<td>Description of Development</td>
<td>Change of Use from 'consulting rooms' to 'offices' (non-complying)</td>
</tr>
<tr>
<td>Zone</td>
<td>Residential Historic (Conservation)</td>
</tr>
<tr>
<td>Public Notification Category</td>
<td>Category 3</td>
</tr>
<tr>
<td>Previous Reference/Motion</td>
<td>nil</td>
</tr>
<tr>
<td>Lodgement Date of Application</td>
<td>17/01/2017</td>
</tr>
<tr>
<td>Relevant Development Plan</td>
<td>Consolidated 28 April 2016</td>
</tr>
<tr>
<td>Recommendation</td>
<td>Approval subject to Conditions</td>
</tr>
<tr>
<td>Delegation</td>
<td>Category 3 development where a representor wishes to be heard in support of their representation (3.3.1.1)</td>
</tr>
<tr>
<td>Attachments Under Separate Cover</td>
<td>Attachment 1 – Application Plans and Documentation Attachment 2 – Statement of Effect Attachment 3 – Representation received Attachment 4 – Response to representors</td>
</tr>
</tbody>
</table>

PROPOSAL

This proposal seeks Development Plan Consent for the following:

- Change in land use from 'consulting rooms' to an 'office' (non-complying form of development); and
- Hours of operation limited to Monday – Friday 8:30am - 5:30pm, Saturdays 8:30am – 1:00pm, closed Public Holidays.

Copies of the plans and documentation relating to this application are contained within Attachment 1.

A copy of the Statement of Effect (required for non-complying forms of development) is contained within Attachment 2.
BACKGROUND

The subject site at 1/60 Adelaide Road has existing use rights as ‘consulting rooms’ in the form of a Veterinary Clinic. The site previously has also been used as an ‘office’, (in particular a real estate agents) with the use ceasing (changing) in 2014. The change in land use to ‘consulting rooms’ was and is not listed as non-complying within the Residential Historic (Conservation) Zone.

The applicant wishes to revert the current use back to an ‘office’, (in particular a real estate office) which is listed as a non-complying form of development within the Residential Historic (Conservation) Zone.

In summary, the key aspects pertaining to the assessment of this application are:

- The suitability of the proposed office use within the Residential Historic (Conservation) Zone;
- The interface between land uses; and
- Car parking and traffic impacts.

Note: Signage is not included within this application. Originally the application did include signage, however, as the location and height details have not been confirmed, this aspect of the application has been removed. The applicant will lodge a future Development Application for signage. Any reference to signage within the Attachments should be ignored.

DEVELOPMENT APPLICATION HISTORY

- 490/766/2013 – Change in use to veterinary consulting room
- 490/50/2001 – New office alterations and office extensions
- 490/247/945 – Office alterations

SUBJECT SITE

- The subject site is located within the Residential Historic (Conservation) Zone and more specifically within the Gawler South Historic (Conservation) Policy Area;
- The site is described as Allotment 342, Hundred of Mudla Wirra;
- The site is rectangular in shape, with an area of approximately 1010m² (20.12m wide x 50.29m deep);
- The subject site contains two tenancies which front Adelaide Road, with a shared bitumen carpark to the rear;
• The tenancy to the north is currently used as a retail showroom while the tenancy to the south is the subject of this application (See Image 1 below).

Image 1: Site Map

<table>
<thead>
<tr>
<th>LOCALITY</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NORTH</td>
<td>• Directly to the north on the subject site is the adjoining tenancy which is currently being used as a retail showroom;</td>
</tr>
<tr>
<td></td>
<td>• Further north are residential properties, several of which are Contributory Items;</td>
</tr>
<tr>
<td></td>
<td>• The Town Centre Historic (Conservation) Zone is separated from the Residential Historic (Conservation) Zone to the north by Fifth Street.</td>
</tr>
<tr>
<td>EAST</td>
<td>• Ford Lane separates the subject site from adjacent residential allotments to the east;</td>
</tr>
<tr>
<td></td>
<td>• Residential allotments to the east are situated within the Residential Historic (Conservation) Zone, a number of which contain Contributory Items.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>• Directly to the south is a residential allotment containing a dwelling listed as a Contributory Item;</td>
</tr>
<tr>
<td></td>
<td>• Further to the south are residential allotments, some of which contain dwellings listed as Contributory Items.</td>
</tr>
<tr>
<td>WEST</td>
<td>• Directly adjoining the property to the west is Adelaide Road, a DPTI controlled road;</td>
</tr>
<tr>
<td></td>
<td>• Opposite the subject site to the west is Dodd’s Deli (Shop), a non-residential use;</td>
</tr>
<tr>
<td></td>
<td>• Several sites on the western side of Adelaide Road, fronting Adelaide Road have non-residential uses such as consulting rooms and offices;</td>
</tr>
</tbody>
</table>
Further to the west of Adelaide Road are residential dwellings, several of which are Contributory Items.

A locality plan is included below (See Image 2):
### CATEGORISATION (PUBLIC NOTIFICATION)

The application has been advertised pursuant to Section 38 of the *Development Act 1993*, as a **Category 3** application:

<table>
<thead>
<tr>
<th>Properties notified:</th>
<th>9 owners and occupiers were notified during the public notification period and an advertisement was placed in the local Bunyip newspaper.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representations in support of application:</td>
<td>No representations were received in support of the application.</td>
</tr>
<tr>
<td>Representations opposed to application:</td>
<td>One (1) representation was received in opposition to the application.</td>
</tr>
<tr>
<td>Persons wishing to be heard:</td>
<td>The following representors identified that they wish to address the Panel:</td>
</tr>
<tr>
<td>Address</td>
<td>Representor</td>
</tr>
<tr>
<td>64 Adelaide Road</td>
<td>G &amp; S Tauchnitz</td>
</tr>
<tr>
<td>Summary of Representations:</td>
<td>The issues contained in the representations can be briefly summarised as follows:</td>
</tr>
<tr>
<td></td>
<td>• Traffic impacts</td>
</tr>
</tbody>
</table>

A plan of the properties which were notified and where the representation was received is included later within this section of report as **Image 3**.

A copy of the representation is contained in **Attachment 3**.

The applicant has provided a detailed response to the representation above which is summarised as follows:

- The on-site car parking and access arrangements are existing and have been established and used for more than 10 years. On-site car parking spaces are in accordance with *AS 2890.1, 2004 - Parking facilities Part 1 Off-street car parking* and sufficient space is provided for vehicles to manoeuvre and exit the site in a forward direction, achieving safe and efficient movement of vehicles to and from the site.

- The traffic impact of the proposed office will be significantly less than when the site was used as a veterinary clinic as a majority of transactions will occur off site within clients homes.

- The existing car park will be occupied predominantly by staff who will be aware of the access arrangements to the car park. Staff will often leave the site in the morning to visit
clients and then return in the afternoon (i.e. no continual movement of vehicles to and from the site).

- If staff or customers need to quickly visit the office, it is likely that on-street car parking along Adelaide Road will be utilised in favour of the rear car park.

- The office will operate during ‘normal’ business hours and no afterhours transactions will take place (unlike the previous veterinary use).

- The height of the fence and the suggested signage at the intersection of Ford Lane and Fourth Street are external to the development site and are issues that are unable to be resolved by the applicant.

- The applicant would welcome permanent directional signage at the intersection of Ford Lane and Fourth Street (provided by Council) and are happy to provide a moveable sandwich board on the footpath directing clients to the car parking area behind the proposed office (to be discussed further below).

A copy of the response from the applicant to the representation is contained in Attachment 4.

A plan of the properties which were notified and where the representation was received is included below as Image 3.
REFERRALS

Whilst Adelaide Road is a Department of Planning, Transport and Infrastructure (DPTI) controlled road, no External Referrals were required pursuant to Schedule 8 of the Development Regulations 2008 as the application is not proposing to alter the nature of the existing access point to Adelaide Road.

An internal referral was undertaken to Councils Heritage Advisor and Engineering Department in the assessment of the application, their comments are outlined in the table below.

<table>
<thead>
<tr>
<th>Internal Council Referrals</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Advisor</td>
<td>• There are no structural changes proposed to the street facing façade, other than external painting.</td>
</tr>
</tbody>
</table>
| Engineering Department    | • The configuration of the laneway and the intersection width of Fourth Street and Ford lane is an existing situation, and thus is not an issue that can be rectified as part of this change in use application.  
• The current surface of the carpark is appropriate as Ford Lane is an unsealed road with no stormwater infrastructure within the lane.  
• The existing car parking lay out in accordance with the most current version of AS 2890 – Parking Facilities Part 1, Off-street car parking. |

ASSESSMENT

The zoning of the land and relevant provisions

At the time of lodgement, the subject land was within the Residential Historic (Conservation) Zone, and more specifically within the Gawler South Residential Historic (Conservation) Policy Area. The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC’s) were considered in the assessment of this application:

<table>
<thead>
<tr>
<th>Council Wide</th>
<th>Objectives</th>
<th>Principles of Development Control</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appearance of Land, Buildings and the Public Environment</td>
<td>1</td>
<td>1, 4, 6, 7, 8, 9</td>
</tr>
</tbody>
</table>
Nature of Development

The proposed development seeks the construction of an office within the Residential Historic (Conservation) Zone. Within this Zone, Residential Historic (Conservation) Zone Principle of Development Control (RH(C)ZPDC) 23 lists an office as a ‘non-complying’ form of development except where the total floor area is less than 100m².

As outlined within the planning report provided by the applicant (undertaken by Planning Solutions SA) the total floor area of the subject building is 161.82m². Thus, the proposal is assessed as a non-complying form of development against the relevant provisions of the Development Plan.

Schedule 9 of the Development Regulations 2008 does not make direct reference to the categorisation of an office for public notification purposes, resulting in the proposed application defaulting to Category 3 or Category 1(minor) public notification. For the application to be
considered as Category 1 (minor), Schedule 9, Part 1, 3 of the Development Regulations 2008 states:

3 Any development classified as non-complying under the relevant Development Plan which comprises –

(a) the alteration of, or addition to, a building which, in the opinion of the relevant authority, is of a minor nature only; or

(b) the construction of a building to be used as ancillary to or in association with an existing building which will facilitate the better enjoyment of the purpose for which the existing building being used, and which constitutes, in the opinion of the relevant authority, development of a minor nature only; or

(c) the division of land where the number of allotment resulting from the division is equal to or less than the number of existing allotments.

As the proposed change in land use does not satisfy any of the above criteria, the proposal cannot be considered to be minor, therefore resulting in the application requiring Category 3 public notification.

Residential Zone and Interface between Uses

Suitability of location within Residential Historic (Conservation) Zone

The proposed development is located within the Residential Historic (Conservation) Zone, however the subject allotment is located in close proximity to the Town Centre Historic (Conservation) Zone, separated only by two (2) allotments and Fifth Street.

Residential Historic (Conservation) Zone Objective (RH(C)ZO) 1 seeks for primarily residential development within the Zone, together with local facilities that support a healthy and convenient living environment.
Image 4: Non-residential development within Residential Historic (Conservation) Zone
However, it is worth noting that the subject land currently enjoys existing commercial use rights in the form of a retail showroom and a veterinary consulting room, both being of a non-residential use. Additionally, the site previously enjoyed land use rights as an office, in particular a Real Estate Office. The application therefore seeks to revert the use back to the previous lawful use of the site prior to 2014.

In close proximity to the subject allotment are several other non-residential uses within the same Zone, including:

- The northern tenancy located on the subject site is currently approved and operating as a ‘retail showroom’ for headstones and memorials (Garner Memorials);
- Dodd’s Deli (shop) is located to the west of the subject land;
- Nanyarra House to the south-west of the subject allotment enjoys existing use rights as ‘medical consulting rooms’.

These uses have been plotted on the map marked as 'Image 4: Non-residential development within Residential Historic (Conservation) Zone' above.

These non-residential uses within the locality demonstrate that low-impact commercial uses can exist within a residential setting, with limited impact on the amenity of the locality.

Given that the proposed change of use will take place in a building which has the form and appearance of a dwelling, is a low impact use and has limited proposed hours of operation (see below), it is not considered that the change of use will have a detrimental impact on the residential locality, satisfying the requirements of CWPDC’s 7, 8, 9, 52, 97, 100 and CWO 39 regarding minimising the conflicts between land uses.

**Hours of Operation, Staff Numbers and associated Traffic Impacts**

CWO 39 seeks for development to be designed and located to prevent adverse impact and conflict between land uses. This is further elaborated upon in CWPDC 97 which discusses the impact of hours of operation on the locality. In response, the applicant seeks to limit the use of the office to typical business hours of:

- Monday – Friday 8:30am-5:30pm;
- Saturdays 8:30am-1:00pm; and
- Public Holidays - Closed
The applicants planning consultant has noted within his report that the real estate agency typically averages approximately 4 clients per day. The proposed use is considered to be of a low impact and is likely to generate a lower volume of traffic (particularly during weekdays) than the current use as veterinary consulting rooms which has approved operating hours of Monday – Friday 8am-6pm and Saturdays 9am-12noon.

Eleven staff are currently employed by the real estate agency (currently located on Main Street in Willaston), however, not all staff work or are based on-site. The applicants planning consultant has stated that the amount of on-site transactions is limited as many of the business transactions and negotiations are undertaken at the client's homes, rather than within the office. Further, it is important to note that the car parking requirements for an Office are calculated on the floor area (size) of the office, rather than the number of staff of clients/customers generated.

It is therefore considered that the proposed operating hours accord with the intent of CWO 39 and CWPDC 97 and do not result in an increased impact on the immediate or adjoining properties.

**Car parking**

The existing number of on-site car parking spaces (total of 12) is sufficient in catering for the car parking demand of both the existing retail showroom located in the northern tenancy and the proposed real estate agency to be located in the southern tenancy. In line with Table Ga/1 of the Gawler Development Plan, the combined number of on-site car parking spaces required for both tenancies is 11 (5 spaces for the existing retail showroom and 6 spaces for the proposed real estate agency). As such, the proposal will not result in a car parking shortfall and is consistent with the requirements outlined within Table Ga/1 of the Gawler (CT) Development Plan and CWPDC 370. It is noted that the car parking rate for an office is considerably less than a consulting room within Table Ga/1, requiring 4 spaces per 100m² compared to 9.5.

The existing on-site car park satisfies the requirements AS 2890 – Parking Facilities Part 1, Off-street car parking and as such, satisfies CWPDs 345, 346, 352 and 364. The proposal utilises existing access arrangements and no additional access points are proposed or altered, therefore, satisfying the requirements of RH(C)ZPDC 3 and 4.

Council's engineering department has reviewed the car parking and access arrangements associated with the proposed use. They have confirmed that access to the car park is via an existing 'night cart' lane which is partially unsealed. Gawler South Policy Area (GSPA) PDC 5 and 6 state that residential densities adjoining laneways should not be increased and the historic alignment and width of 'residential night cart lanes' and their function should be preserved. Given
that the proposal is unlikely to result in increased vehicle movements along Ford Lane, access arrangements are existing and residential densities will not be increased, the upgrade and sealing of Ford Lane was not considered to be warranted by Council’s engineers. Furthermore as previously stated, it is considered that customers are likely to utilise the on-street parking along Adelaide Road for quick drop in/exchanges, further limiting the use of the unsealed portion Ford Lane. Engineering staff have added that sight lines at the intersection of Fourth Street and Ford Lane cannot be improved as part of the subject application as it is existing situation and the offending fence is not located or within control of the subject site/applicant.

**Visual Amenity/ Appearance**

There are no structural changes proposed to the street façade, other than external painting of the building. It is important to note that painting of a Contributory Item outside of a Prescribed Area as delineated within the relevant Development Plan does not constitute development in accordance with Section 4 of the *Development Act 1993*.

In relation to the traffic signage mentioned within the representation and applicant’s response, Council’s Engineering Department will considered investigating the provision of a “slow down” or speed limit sign at the entrance to Ford Lane from Fourth Street as part of upcoming road reviews. In accordance with clause 4.9 of Council By-Law 2, a moveable sign must be placed within close proximity to the boundaries of the Business Premises to which it relates. As such, a sandwich board placed on the footpath at the intersection of Ford Lane and Fourth Street is unlikely to be supported by Council. Irrespective of this, approval for a moveable sign is granted under Section 222 of the Local Government Act and does not form part of this development proposal.

**CONCLUSION**

Whilst the application is a non-complying form of development, there is merit in the proposed change in use as it is reverting back to a use that occupied the site less than 3 years ago. The office use is considered to be of a lesser impact within a residential setting than a use such as a consulting room.

The Statement of Effect provided by the applicant addresses the key issues pertaining to the proposal, in particular the impact of a non-residential use in a Residential Zone, and has determined that the proposal is appropriate given the existing use rights of the site.

Council’s Heritage Advisor has provided comment on the application, and does not oppose the proposed change of use. Further, Council’s engineers have provided comment with respect to the access issues raised by the representors and have determined that this access point is an existing issue, and given the number of vehicle movements accessing the unmade portion of Ford
Lane will not be increased by the subject proposal, the upgrade and sealing of Ford Lane is not considered to be warranted.

Given the low impact on the neighbouring residential allotments, it is considered that the proposal is not at variance with the provisions of the Development Plan and that Development Plan Consent should be granted subject to conditions and reserve matters.

RECOMMENDATION

That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and that the concurrence of the Development Assessment Commission be sought to enable DEVELOPMENT PLAN CONSENT to be GRANTED to Development Application 490/20/2017 by K M Duffield for Change of Use from consulting rooms to offices (non-complying) at 1/60 Adelaide Road GAWLER SOUTH 5118, subject to the following conditions:

Development Plan Consent Conditions:

1. That the development is undertaken in accordance with Development Application No 490/20/2017 the approved plans, details and conditions therein.  
   REASON: To ensure the development is undertaken in accordance with the approved plans.

2. The subject land shall be maintained to the reasonable satisfaction of Council at all times.  
   REASON: To ensure the site is maintained in a reasonable condition.

3. The hours of operation for the hereby approved use shall be limited to the following periods:
   • Monday – Friday 8:30am-5:30pm;
   • Saturdays 8:30am-1:00pm; and
   • Public Holidays - Closed
   REASON: To ensure the operation of the approved use does not detrimentally impact upon the amenity of adjoining properties.

4. Containers, bins or receptacles used for the temporary storage of garbage, waste or refuse arising from the premises, shall be located and/or screened from public view to the reasonable satisfaction of Council.  
   REASON: To ensure the storage of waste does not detrimentally impact the amenity of the locality.
5. The car park layout and dimensions shall conform to the requirements as set out in AS2890.1: 2004 – Off street car parking.
   
   **REASON:** To ensure the car parking area complies with the relevant Australian Standard.

6. All vehicle parking bays shall be appropriately line marked prior to the occupation of the use hereby approved.
   
   **REASON:** To ensure car parking areas are clearly delineated.

7. No materials, goods or containers shall be stored in the garage or in the carpark unless otherwise approved by Council.
   
   **REASON:** To ensure sufficient car parking has been provided on site.

8. External 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.
   
   **REASON:** Lighting shall not detrimentally affect the amenity of the locality.

9. All stormwater from buildings and paved areas shall be disposed of in accordance with recognised engineering practices in a manner and with materials that do not result in the entry of water onto any adjoining property or any building, and does not affect the stability of any building.
   
   **REASON:** To ensure stormwater is appropriately managed on site.


    **REASON:** To protect the amenity of the locality.
**PROPOSAL**

The applicant seeks Development Plan Consent for the temporary (12-month period) change in use from an existing detached dwelling to a consulting room (psychology clinic) with associated car parking. The 12 month period is proposed to commence from the date of issue of Development Approval should the panel resolve to grant Development Plan Consent to the proposal. The subject land comprises of two land titles, being lot 2 Sixth Street, Gawler South contained within Certificate of Title (CT) Volume 6091 Folio 919 and lot 1 Fourth Street, Gawler South contained within CT Volume 6091 Folio 918.

The area proposed to be utilised for the business, comprises of four components, those being:

- The existing Dwelling;
- Temporary Shipping Container;
- Temporary Site Office; and
BACKGROUND

The proposal seeks for a temporary approval to occupy an existing dwelling (building) during the construction phase of a new psychology clinic. The proposed construction of the new premises is contained within this CDAP agenda presented to the panel in the form of Development Application 490/009/2016. The two respected applications (490/009/2016 and the subject proposal) are independent from one another and the assessment/determination of the subject application is not affected by or reliant on the assessment/determination of the supplementary development proposal.

It is noted that the applicant is seeking retrospective approval for the proposed change in use. Council has previously initiated compliance on the applicant for the unauthorised development however, following a building inspection undertaken by Council’s building officer the compliance proceedings were placed on hold pending the outcome of the subject application. Given the building is currently compliant with the essential fire safety provisions (fire extinguisher, exit signs, etc.) of the National Construction Code, Council staff were satisfied the occupation of the site whilst unauthorised did not represent a risk to occupant safety.

The key aspects pertaining to the assessment of the subject application are:

- The appropriateness of the proposed land use;
- The interface with adjoining land uses;
- Provision of onsite car parking;
- Streetscape impact; and
- Stormwater management.

These aspects are discussed in detail in the body of the report.

DEVELOPMENT APPLICATION HISTORY

- 490/675/2009 - Office with associated car parking and landscaping granted Development Plan Consent by the Development Assessment Panel 8 February 2010 for the portion of the subject land referred to as lot 2. Full Development Approval was subsequently granted on 30 March 2011;
Monday 27 February 2017

- 490/270/2007 – Application for land division by way of Community Title was granted Development Approval on 31 August 2011; and

- 490/420/2006 - Proposed motor repair station (Non-complying) was refused Development Plan Consent by the Development Assessment Panel on 10 July 2006.

LOCALITY

The main characteristics of the locality are as follows:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Predominately a single storey residential character located within the Residential Historic (Conservation) Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>Located on the eastern corner of Sixth and Fourth Streets is a building which up until recent times accommodated a veterinary surgery (consulting room). This building, along with the adjoining buildings located at 16 Fourth Street &amp; 7 Second Street are not identified as contributing to the historic character of the zone. With the exception of the previously utilised veterinary clinic, the eastern locality is considered to be predominately residential in character.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>South of the subject land across Sixth Street is an allotment which land use is listed as a Service Trade Premises which contains a trailer hire company and a pet supplies business. This allotment is also located within the Residential Historic (Conservation) Zone. Further south east from the subject land extending down Fourth Street locality is substantially residential in character.</td>
</tr>
<tr>
<td>WEST</td>
<td>West of the subject land is the Town Centre Historic (Conservation) Zone, more specifically, the Gawler South policy area. The western locality comprises of a mixture of commercial land uses, including but not limited to offices, consulting rooms and bulky good outlets.</td>
</tr>
</tbody>
</table>

A Locality Plan is included below.
SUBJECT SITE

As detailed previously, the subject land comprises of two land titles, being lot 2 Sixth Street, Gawler South contained within Certificate of Title (CT) Volume 6091 Folio 919 and lot 1 Fourth Street, Gawler South contained within CT Volume 6091 Folio 918.

The subject land is rectangular in shape and has a primary road frontage of 19.81 metres to Fourth Street, a secondary road frontage of 50.29 metres to Sixth Street and a tertiary road frontage of 20.12 metres to 50.29 Water Lane. The proposal only seeks to utilise a portion of the subject land due to additional development (contained within Development Application 490/9/2016) proposed on the balance of the remaining land. Irrespective of this, the site as a whole has a total area of 1002m² and is relatively flat in topography.

A single storey 1950’s dwelling occupies the subject site. This building is not listed as an item of heritage significance and is not proposed to be altered externally as part of the subject application. The rear of the site is proposed to be utilised to accommodate temporary car parking which is to be accessed via an existing vehicle crossover on Sixth Street (secondary road frontage).

CATEGORISATION (PUBLIC NOTIFICATION)

The application has been advertised pursuant to Section 38 of the Development Act 1993, as a Category 3 form of development. Twenty-one (21) properties were notified and no representations were received during the public notification period.

REFERRALS

No external referrals were required to be undertaken in accordance with Schedule 8 of the Development Regulations 2008. An internal referral was undertaken to Council’s Heritage Advisor and Engineering Department in the assessment of the application, their comments are outlined in the table below.

<table>
<thead>
<tr>
<th>Internal Council Referrals</th>
<th>Advice/Response/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heritage Advisor</td>
<td>• As the proposal does not seek to alter the existing dwelling on site, the proposal will not detrimentally impact the historic character of the Residential Historic Conservation Zone.</td>
</tr>
<tr>
<td></td>
<td>• The proposal is for a temporary land use to accommodate the clinic during the construction of the new premises situated on the western portion of the land (Development Application 490/9/2016).</td>
</tr>
</tbody>
</table>
The potential heritage impacts are more prudently considered in the assessment of the subsequent development application for the new premise.

**Engineering Department**
- Driveway crossover to be increased to 6 metres wide.
- Vehicles to enter and exit the property in a forward direction.
- Maintenance of compacted rubble required to reduce dust and prevent erosion.
- Stormwater shall not enter adjoining properties and shall be managed on site.

**ASSESSMENT**

The zoning of the land and relevant provisions

The subject land is situated within the Residential Historic (Conservation) Zone, and more specifically within the Gawler South Residential Historic (Conservation) Policy Area. The following Town of Gawler Development Plan Objectives and Principles of Development Control (PDC’s) were considered in the assessment of this application:

<table>
<thead>
<tr>
<th>Section</th>
<th>Objectives</th>
<th>Principles of Development Control</th>
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<td>Interface Between Land Uses</td>
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<td></td>
</tr>
<tr>
<td>Residential</td>
<td>74</td>
<td>215</td>
</tr>
<tr>
<td>Zone: Residential Historic (Conservation) Zone</td>
<td>1, 2, 3, 4</td>
<td>1, 2, 3, 4, 5, 8, 11, 12, 13</td>
</tr>
<tr>
<td>Policy Area:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gawler South Policy Area</td>
<td>1, 3</td>
<td>1, 2, 5</td>
</tr>
</tbody>
</table>
Land Use / Form of Development
The proposal involves the change of use of an existing dwelling to accommodate a consulting room land use, in the form of a locally established psychology practice. A ‘consulting room’ in accordance with Schedule 1 of the Development Regulations 2008, is defined as:

A building or part of a building (not being a hospital) used in the practice of a profession by a medical, veterinary or dental practitioner, or a practitioner in any curative science, in the provision of medical services, mental, moral or family guidance, but does not include a building or part of a building in which animals are kept for fee or reward

Objective 1 of the Residential Historic (Conservation) Zone (RH(C)Z) seeks to achieve a primarily residential area, which also features local facilities to support a healthy and convenient living environment. Additionally, the Gawler South Residential Historic (Conservation) Policy Area (The Policy Area) recognises the existence of non-residential land uses stating that a number of land uses are appropriate including, but not limited to:

- Local Services;
- Shops;
- Service Trade Premises;
- Service Industry; and
- Retail Showrooms.

Although consulting rooms are not expressly listed as an appropriate land use, their establishment assists in satisfying RH(C)Z Objective 1 insofar as providing local facilities to support a healthy living environment. Furthermore, it is noted that the proposed use is not listed as being a non-complying form of development within the RH(C)Z. The Policy Area through PDC 7, seeks for non-residential land uses to be situated within the Gawler Railway Station Precinct located along Nineteenth Street. Whilst the subject land is not situated within this precinct, the site is located in a portion of the Policy Area which currently accommodates existing non-residential land uses. This is evident through the existing land uses which are located on Sixth Street, these uses comprise of the following:

- Shops (pet store);
- Consulting Room (veterinary clinic);
CW PDC 46 seeks to prevent ribbon development in the form of extensions to built up areas. Whilst CW PDC 46 makes direct reference to arterial roads (with Sixth and Fourth Street both falling within the categorisation of a local road), the intent of the PDC can still be applied to the assessment of the subject proposal. This intent is considered to apply insofar as seeking to limit commercial development to areas identified for such purpose (i.e. Town Centre Zones). In the matter between Koumi v Adelaide CC (2002) the courts provided commentary on applications where an assessment is required for a use in which no direct reference is made by the specific zone in a Development Plan. The court held that weight should be given to the desired character and amenity of the relevant zone and the extent to which the proposed development is conducive to achieving that character and amenity. If a use is neither listed as desirable nor non-complying, it may be approved, provided it does not detract from the objectives and principles of that zone. Given the proposal would be conducive in achieving Objective 1 of the RH(C)Z and the establishment of the temporary land use would not be out of character with the immediate locality, the proposal is not considered to detrimentally impact upon the amenity of the locality.

Irrespective of the above, the impact of the proposed development on the amenity of the locality has been discussed in greater detail below.

**Interface between Land Uses**

The Development Plan seeks to minimise any potential amenity impacts and conflict between residential and commercial land uses. Whilst the subject land is located within the RH(C)Z, the subject land only has a direct interface with one residential property which is situated immediately north of the site. As such, commercial land uses are not at odds with the prevailing character of the locality.

As the temporary proposal seeks to establish a temporary car park to the rear of the site which is accessed via Sixth Street, it is not considered that the proposal will give rise to any traffic impacts that will be detrimental to the adjoining residential land uses. The proposal also seeks for the placement of two temporary structures situated within close proximity to the adjoining residential property (19 Fourth Street). As the adjoining property within the intersecting boundary contains established landscaping and an existing outbuilding (shed), it is not considered that the temporary structures will detrimentally impair the amenity of the locality.
The applicant has indicated that the proposed consulting rooms will be limited in hours of operation to be between the hours of 8am – 6pm five days a week (closed weekends). These hours are considered to be consistent with such a land use and will ensure that the operation of the site does not unreasonably detract from the amenity of existing residents. To ensure the proposed use does not impact upon existing residents within the immediate locality, the proposal includes the establishment of a compacted gravel car park. The use of compacted gravel ensures dust will be appropriately managed on site within the temporary period. The provision of car parking is discussed in greater detail below.

In light of the above, the proposal is not considered to unreasonably impact the adjoining residential land uses and as such, satisfies Council Wide (CW) PDC 97 and 98.

**Car Parking and Access/Egress**

As detailed above, the proposal seeks to provide car parking on site which is accessed via an existing vehicle crossover located on Sixth Street. The car park is proposed to be constructed with a compacted gravel surface and provides for a total of 8 car parks on site. Table Ga1 of the Development Plan outlines that consulting room land uses should provide for a total of 9.5 car parking spaces per 100m² of building area. In accordance with Table Ga1, the proposal would require 14 car parking spaces to be provided on site. As this car parking rate is considered somewhat excessive, with generally a lower rate being supported by traffic engineers and the courts, the applicant has commissioned a traffic engineer to undertake a car parking review. Accordingly, Cirqa prepared correspondence (contained within Attachment 2) for Council that detailed the following:

- 8 car parking spaces (inclusive of disabled car parking space) is proposed to be provided on site;
- The car parking layout complies with the Australian Standards;
- Peak parking demand of 2.75 spaces per consulting room is envisaged based on a survey of the business prior to relocating premises;
- On this basis of the surveyed rate, a total of 9 car parks would be required;
- The provided 8 spaces will accommodate the majority of the car parking required on site;
- During peak periods a shortfall of 1 car park will be evident which can easily be accommodated on the existing road network (on street car parking) in front of the subject land.
Upon receipt of this report, Council commissioned GTA traffic consultants to undertake an independent review of the proposal. This review confirmed that the proposed car parking area is suitable to meet the needs of the proposed temporary land use with the minor shortfall in times of peak demand sufficiently accommodated on the existing road network. The report did however note that the vehicle crossover should be widened to improve accessibility to car parking space 1 and facilitate two way vehicle access from the site and the width of carparks to be increased by 100 millimetres (2.5 metres to 2.6 metres). An amended plan has been provided increasing the width of the respected carparks however the requirement for the increased width of the vehicle crossover has been recommended to be included as condition 8. Recommended condition 9 has also been included to limit the use of the site to a maximum of 3 consultants at any one time.

The Independent car parking review prepared by GTA Traffic Consultants is contained within Attachment 3.

In light of the above, the proposal is considered to provide sufficient on-site car parking to accommodate the temporary use and warrant the deviation from the car parking rate detailed in Table Ga/1. Accordingly, the proposal satisfies CW PDC 337, 338, 344, 345, 346, 350, 364 and 370.

**Streetscape Impact**

As the proposal seeks to temporarily utilise an existing detached dwelling on site, the existing streetscape as viewed from Fourth Street, is not detrimentally impacted by the proposal. As such, the visual impact of the proposed development is limited to that of the establishment of car parking visible from Sixth Street.

It is noted that the subject site currently has an existing 1.5-metre-high fence along the Sixth Street road frontage that does not aesthetically provide any significant visual contribution to the Sixth Street streetscape. Accordingly, the prevailing amenity of the Sixth Street road frontage (with reference to the subject land), is considered to be low. The existing fence however, does assist in reducing the extent of visibility of the car parking area provided, with the exception of the opening in the fence to provide vehicle access to the car park from the street. It is also noted that as the proposal is of a temporary nature (12-month period), the proposal does not seek to establish any landscaping adjacent to the Sixth Street road frontage.
Due to the above, it is considered that the proposal will have minimal impact on the prevailing streetscape character of both Fourth Street or Sixth Street, and as such will not detrimentally detract from the prevailing historic character of the area.

The application does not propose any signage to ensure patients personal confidentiality and security is maintained. However, it is noted that should signage be proposed at a later date, a development application would be required to be lodged with Council.

**Stormwater**

The applicant has commissioned a stormwater management report prepared by CRW Consulting Engineers. The report includes a stormwater management plan which demonstrates how stormwater will be managed on site during the temporary period. Council engineers have reviewed this aspect of the proposal and are satisfied that the development will adequately manage stormwater onsite in accordance with Council requirements. Subsequently, the proposal is considered to satisfy CW PDC 133, 134 and 137.

A copy of the stormwater management plan and report is contained within [Attachment 1](#).

**CONCLUSION**

When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality and the nature and intensity of the proposed development, it is considered that on balance the proposal satisfies the relevant provisions of the Development Plan. The proposal is not considered to detrimentally detract from the amenity or prevailing character of the locality and as such warrants the granting of Development Plan Consent.

**RECOMMENDATION**

That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously at variance with the Development Plan and that DEVELOPMENT PLAN CONSENT be GRANTED to Development Application 490/225/2016 by S M BUBNER for Temporary Change of Use (12 Month Period) from Detached Dwelling to Consulting Room and associated car parking area at 21 Fourth Street GAWLER SOUTH 5118, subject to the following conditions:
1. That the development is undertaken in accordance with Development Application No 490/225/16 the approved plans, details and conditions therein.

**REASON:** To ensure the development is undertaken in accordance with the approved plans.

2. The subject land shall be maintained to the reasonable satisfaction of Council at all times.

**REASON:** To ensure the site is maintained in a reasonable condition.

3. The hours of operation for the hereby approved use shall be limited to the following periods:
   - Monday – Friday: 8:30am to 7:00pm
   - Saturday, Sunday and Public Holidays: Closed

**REASON:** To ensure the operation of the approved use does not detrimentally impact upon the amenity of adjoining properties.

4. The car park layout and dimensions shall conform to the requirements as set out in AS2890.1: 2004 – Off street car parking.

**REASON:** To ensure the car parking area complies with the relevant Australian Standard.

5. All vehicle parking bays shall be provided with wheel stops and the wheel stops shall be installed prior to the occupation of the use hereby approved.

**REASON:** To ensure car parking areas are clearly delineated.

6. No materials, goods or containers shall be stored (other than where approved) in the carpark or driveways at any time unless otherwise approved by Council.

**REASON:** To ensure sufficient car parking has been provided on site.

7. All loading and unloading of vehicles and manoeuvring of vehicles in connection with the now approved land use shall be carried out entirely within the subject land.

**REASON:** To ensure vehicles do not impact the flow of traffic on the adjoining road.

8. Prior to the occupation of the use hereby approved, the existing vehicle crossover proposed to service the proposed car parking area shall be extended to a width of 6 metres in accordance with Council Standard Detail SK-303 to the reasonable satisfaction of Council. The crossover shall be sealed with a durable material such as compacted rubble or concreate.
9. The hereby approved use shall be limited to a maximum of 3 practicing consultants at any one time.

**REASON:** To ensure safe and convenient vehicle access/egress from the site can be achieved.

10. The temporary use hereby approval shall cease after 12 months from the date of the issue of Full Development Approval and revert back to the previously approved residential land use (Detached Dwelling).

**REASON:** To ensure the provision of available car parking is not surpassed.

11. Upon the ceasing of the approved use, all temporary structures shall be removed from the subject land to the reasonable satisfaction of Council.

**REASON:** To ensure the development is undertaken in accordance with the approved plans.


**REASON:** To protect the amenity of the locality.
Item Number | 5.3
--- | ---
Development Application | 490/9/2016
Author(s) | James Booker (Senior Development Assessment Planner) Scott Twine (Development Assessment Planner)
Applicant | S M Bubner
Owner | Fourth & Sixth Street Pty Ltd
Subject Land | 21 Fourth Street GAWLER SOUTH 5118 LOT: 1 PLN: 27003 CT: 6091/918 & LOT: 2 PLN: 27003 CT: 6091/919
Description of Development | Demolition of Existing Dwelling and Construction of a Consulting Room and associated car parking area, carport structure (max post height 4.13 metres) and landscaping
Zone | Residential Historic (Conservation)
Policy Area | Gawler South Residential Historic Conservation
Public Notification Category | Category 3
Representations Received | Nil (0)
Previous Reference/Motion | nil
Lodgement Date of Application | 07/01/2016
Relevant Development Plan | 30 April 2015
Recommendation | Development Plan Consent be Granted
Delegation | Deemed to be more appropriately considered by the CDAP (3.3.1.6)
Attachments Under Separate Cover | Attachment 1 – Application Plans and Documentation
| Attachment 2 – Applicant’s car parking assessment
| Attachment 3 – Applicant’s heritage assessment
| Attachment 4 – Council’s car parking assessment
| Attachment 5 – Council’s heritage assessment

PROPOSAL

This proposal is for the following:

- Demolition of an existing dwelling and associated structures;
- Construction of a two storey building accommodating Consulting Rooms and the construction of a carport structure. The building is proposed to be situated on the western side of the allotment adjacent to Water Lane and the car parking located to the centre and eastern side of the allotment. The building containing the Consulting Rooms is two storey and includes rendering, face brickwork and vertical timber slats. The carport structure is of
a contemporary design which primarily utilises steel as main building material and features a skillion roof;

- The proposed building includes eight consulting rooms and associated offices and reception area with a gross floor area of approximately 370m².

- Vehicular access is to be provided from Sixth Street comprising one entry/exit point to accommodate both entry and egress of the site;

- Construction of a car park which accommodates a total of twenty car parking spaces inclusive of five undercover spaces;

- Operational hours of the facility will be between 8.00am and 6.00pm Monday to Friday (closed weekends); and

- Substantial landscaping to both the Fourth Street and Sixth Street frontages.

Copies of the plans and documentation relating to this application are contained within Attachment 1.

BACKGROUND

Development Application 490/9/2016 was lodged on 07/01/2016 by S. Bubner, the proponent of the proposed consulting rooms. Originally the application only involved the development of Lot 2 Sixth Street, Gawler South contained within Certificate of Title (CT) Volume 6091 Folio 919 to accommodate the two storey building containing consulting rooms as well as car parking to accommodate eight vehicles. Council subsequently informed the applicant that the proposal did not provide sufficient car parking spaces and was at odds with TABLE Ga/1 of the Gawler Development Plan. The applicant subsequently amended their application to include the demolition of the existing dwelling located on adjoining Lot 1 Fourth Street, Gawler South contained within CT Volume 6091 Folio 918 in order to accommodate 20 car parking spaces as well as greater manoeuvring area and landscaping fronting Fourth Street.
The application was determined to be neither a complying nor non-complying form of development prompting an assessment on merit pursuant to Section 35(5) of the Development Act 1993. The proposal was processed as a Category 3 type of development for the purpose of public notification and advertised accordingly. No representations were received during the notification period.

During the course of assessment the proposal was also referred to Council’s Engineering department, Council’s Heritage Advisor and Council’s Technical Officer – Operations and Environment to assess the suitability of the proposal in terms of access arrangements, stormwater management, existing street trees and heritage impact. Responding to feedback from Council’s Heritage Advisor the applicant amended their plans to set the proposed car shelter in line with the adjoining Contributory Item, altered the design of the proposed car shelter and provided a demolition plan.

Pursuant to Council’s Delegation policy, the application is presented to the Development Assessment Panel (the Panel) for consideration.

DEVELOPMENT APPLICATION HISTORY

The history of Development Applications on the site includes:

- 490/675/2009 for an Office with associated car parking and landscaping granted Development Plan Consent by the Development Assessment Panel 8 February 2010. Full Development Approval was subsequently granted on 30 March 2011;

- 490/270/2007 for a land division (Community Title) granted Development Approval on 31 August 2011; and

**LOCALITY**

The main characteristics of the locality are as follows:

<table>
<thead>
<tr>
<th>NORTH</th>
<th>Single storey residential character located within the Residential Historic (Conservation) Zone.</th>
</tr>
</thead>
<tbody>
<tr>
<td>EAST</td>
<td>Located on the eastern corner of Sixth and Fourth Streets is a building which up until recent times accommodated a veterinary surgery. This building, along with the adjoining buildings located at 16 Fourth Street &amp; 7 Second Street are not identified as contributing to the historic character of the zone.</td>
</tr>
<tr>
<td>SOUTH</td>
<td>South of the subject land across Sixth Street is an allotment which land use is listed as a Service Trade Premises which contains a trailer hire company and a pet supplies business. This allotment is also located within the Residential Historic (Conservation) Zone. Further south east from the subject land extending down Fourth Street locality is substantially residential in character.</td>
</tr>
<tr>
<td>WEST</td>
<td>West of the subject land Town Centre Historic (Conservation) Zone’s Gawler South policy area. The immediate adjoining property to the west is 34 Adelaide Road is a motor repair station and shops are located in that zone on the southern side of Sixth Street.</td>
</tr>
</tbody>
</table>
SUBJECT SITE

The site is a rectangular piece of land that incorporates both Lot 2 Sixth Street, Gawler South contained within Certificate of Title (CT) Volume 6091 Folio 919 and Lot 1 Fourth Street, Gawler South contained within CT Volume 6091 Folio 918. The site has a frontage to Fourth Street of 19.81m, a 20.12m frontage to Water Lane and a frontage to Sixth Street of 50.29m. The subject land shares a boundary with a residential allotment to the north of the site. The site has a total area of 1002m² and is a substantially flat piece of land.

The subject land incorporates two allotments which were created by DA 490/270/2007 which subdivided that land into two Community Title allotments. A small portion of land fronting Fourth avenue is identified as the community land. The site is not affected by any easement, right of way, encumbrance or Land Management Agreement registered on the title. If the Panel are of the mind to grant consent to the application, a reserved matter that the applicant amalgamates these titles will be imposed (Reserved Matter 3). This would ensure that the land would function as one integrated site into the future.

A single storey 1950’s conventional style dwelling occupies the front of the site. This building is not listed as an item of heritage significance and approval is sought for its demolition. To the rear of the building is empty land which currently functions as a car parking area. The site is considerably flat and currently has eclectic fencing of varying heights.

Access is to the land is currently obtained via two crossovers with access to Sixth Street, there are no Regulated or Significant trees on or immediately adjoining the land and the land is not subject to flooding.

CATEGORISATION (PUBLIC NOTIFICATION)

As the proposal is not listed as a Category 1 or 2 form of development within the Residential Historic (Conservation) Zone or within Schedule 9 of the Development Regulations 2008, the application has been assigned to Category 3 for public notification purposes. The application has therefore been advertised pursuant to Section 38 of the Development Act, 1993.

No representations were received during public notification period.

<table>
<thead>
<tr>
<th>Properties notified:</th>
<th>Twenty one properties were directly notified via post during the public notification process. The greater community were notified of the proposal via an advertisement in the local newspaper</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representations in support of application:</td>
<td>None (0).</td>
</tr>
<tr>
<td>Representations opposed to application:</td>
<td>None (0).</td>
</tr>
</tbody>
</table>
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 27 February 2017

Properties directly notified

REFERRALS

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<tr>
<td>Heritage Advisor</td>
<td>A comprehensive report was provided by Council's Heritage Advisor which has been provided as an attachment. Please note that the applicant subsequently amended aspects of the proposal in order to more closely adhere to this heritage advice. Council's Heritage Advisor was ultimately in support of the application as the built form of the proposal is of a high architectural standard and the works do not adversely impact upon the Historic Zone.</td>
</tr>
<tr>
<td>Engineering Services</td>
<td>Council's Engineering department have reviewed the proposal and are conceptually comfortably both in terms of access and stormwater disposal. If the Panel are of the mind to grant Consent to the proposal a reserve matter will be applied to supply a detailed stormwater management plan prior to the issuance of Development Approval.</td>
</tr>
</tbody>
</table>
Environment Team

As the proposed access point requires the removal of street tree
*Eucalyptus torquata* (Coral Gum), the application was referred to
Council’s Environment Team. Investigation of the tree concluded
that it is of poor form and suffers from a structural defect in the
trunk. The Environment Team are of the opinion that the removal
of the tree is justified in order to accommodate the proposed
driveway location provided the applicant covers the costs of
removal and replacement. A cost of $300 has been requested for
its removal and replacement.

**ASSESSMENT**

**The zoning of the land and relevant provisions**

At the time of lodgement, the subject land was within the Residential Historic (Conservation) Zone,
and more specifically within the Gawler South Residential Historic (Conservation) Policy Area. The
following Town of Gawler Development Plan Objectives and Principles of Development Control
(PDC’s) were considered in the assessment of this application:

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<td>Residential</td>
<td>74</td>
<td>215</td>
</tr>
<tr>
<td>Transportation and Access</td>
<td>81</td>
<td>316, 323, 325, 328, 337, 338, 340, 343, 344, 345, 346, 347, 352</td>
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<td><strong>Zone:</strong></td>
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<tr>
<td>Residential Historic (Conservation) Zone</td>
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<td>1, 2, 3, 4, 5, 8, 11, 12, 13</td>
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<td><strong>Policy Area:</strong></td>
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<td>Gawler South Policy Area</td>
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Land Use / Form of Development

The proposal involves the construction of a building to accommodate a series of consulting rooms, reception area and offices to be used by a locally established psychology practice. The proposed land use is appropriately described as being ‘consulting rooms’ for land use purposes as identified by Schedule 1 of the Development Regulations 2008.

The subject land is located entirely within the Residential Historic (Conservation) Zone, specifically within the Gawler South Policy Area. Objective 1 of the Zone supports a primarily residential area which also features local facilities to support a healthy and convenient living environment. Additionally, the Policy Area recognises the existence of non-residential land uses stating that a number of land uses are appropriate including, but not limited to:

- Local Services;
- Shops;
- Service Trade Premises;
- Service Industry; and
- Retail Showrooms.

Although Consulting Rooms are not expressly listed as an appropriate land use, their impact to the locality is of a similar nature to the uses listed above. Furthermore, Consulting Rooms are not listed as being non-complying within the Zone.

The subject land is located in a portion of the Policy Area which has accommodated non-residential land uses for some time as over time allotments with frontage to Sixth Street have been occupied with land uses more congruent with the adjacent Town Centre Historic (Conservation) Zone. The site has a strong commercial connection with Adelaide Road and is a suitable location for the proposed land use in terms of local compatibility. Furthermore the proposal at hand is of a moderate scale and intensity and is not expected to cause disruption to established residential allotments or other varied land uses within the locality.

For these reasons, the proposed development sufficiently accords with the objectives and principles of the Residential (Conservation) Zone and the Gawler South Policy Area, and thus, is considered an acceptable form of development from a land use perspective.
Built Form / Historic Character / Streetscape / Amenity

As per Objective 2, of paramount importance to the Residential Historic (Conservation) Zone is the retention of State and Local Heritage Places as well as Contributory Items. The subject land contains a dwelling which is not listed as one of these items and is from a distinctly different architectural era. As such its demolition is not at odds with Objective 2 of both the Zone and Policy Area and is considered to be acceptable.

Existing dwelling on site

The proposed two storey building containing the consulting rooms is of a contemporary design which does not replicate the historic character of dwellings within the zone, but rather is a contrast to the existing built form. The building is of a high standard and utilises a variety of materials such as render, dark face brickwork and timber slats. The proposal has a flat roof hidden behind parapet walling. The application also proposes modern steel framed open car shelter which maintains the same setback as the adjoining Contributory Item located at 19 Fourth Street. The submitted Heritage report explains that proposed carport structure is to replace the physical presence of the dwelling with its similar width, set-back, materials and height. This architectural language speaks to the historic streetscape and along with the proposed landscaping represents the form of a dwelling within the proportions of nearby Contributory Items and landscaping which represents a garden setting. This approach is more preferred and integrates better with the streetscape than having an open carpark.

Although a building of this style is the first of its kind within this locality, it has been carefully designed with heritage considerations in mind. The proposed design is consistent with TABLE Ga/3 and Principle of Development Control 8 of the Zone in that the contemporary design is sympathetic to the existing built form whilst not imitating the historic architectural detailing. Residential Historic (Conservation) Zone Principle of Development Control 5 notes that new
building “should display creative and diverse example of high standard contemporary architecture”. The built form proposed is in line with this Principle of Development Control.

As the proposal is located within the Residential Historic (Conservation) Zone, the application has been referred to Council’s Heritage Advisor. The provisions of the Residential Historic (Conservation) Zone encourage new development enhances the character of the zone and that places of historic value are retained. Council’s Heritage Advisor is satisfied that the proposal does not impact adversely upon the locality and that the proposal is of a high standard and should be encouraged. The comprehensive report authored by Douglas Alexander of Flightpath Architects has been included as Attachment 5 to this report.

Both buildings maintain acceptable set-backs from streets and adjoining properties. The location of the two storey building is as close as possible to the western side of the allotment which limits amenity impacts to nearby residential development and creates a bookend from the Town Centre Historic (Conservation) Zone to the Residential Historic (Conservation) Zone. This siting allows the diminutive car shelter structure to obscure views of the two storey building at the rear of the site when viewed from Fourth Street whilst maintaining a physical presence in lieu of the removed dwelling. The proposed car shelter displays similar elements to nearby Contributory Items in terms of proportions and presence and responds well to the historic character. Although two storey buildings are not the predominant form of development within the locality, the scale of this proposal is not inconsistent with other built form within the locality. Non-residential buildings located both west and north of the subject land have high roof pitches greater than the 6.64m maximum height flat roofed design at hand.

Additionally the proposal takes into account adjoining residential land uses in terms of privacy as the upper level of the building does not feature any windows on the northern elevation and only one horizontal window to the eastern elevation having a sill height of 1.7m above the finished floor level. These are suitable measures to limit the ability to unreasonably overlook the residential land use to the north. The remaining upper level elevations allow casual surveillance of the public realm while also limiting unfettered views into the commercial properties to the west via the use of vertical steel blades. The proposal also includes Colorbond fencing to a height of 2.0 metres on the northern and western boundaries tapering down to 1.2m closer to Fourth Street and a low level masonry fence below hedging being located on the fourth street frontage wrapping around the southern boundary. The eastern and southern boundaries remain largely open with landscaping and hedging. The proposed fencing and landscaping is considered to be suitable for the site and consistent with Residential Historic (Conservation) Zone Principle of Development Control 3. A
detailed landscaping schedule shall be provided prior to full Development Approval as shown within Reserved Matter 2.

**Interface between Land Uses**

The Development Plan seeks to minimise potential amenity impacts and conflict between residential and commercial land uses. Although the subject land is located within the Residential Historic (Conservation) Zone, the subject land directly interfaces with only one residential property which is situated immediately north of the site. All other adjoining properties with visual connection to Sixth Street are of a commercial nature.
The applicant has indicated that the proposed consulting rooms will be limited to a maximum of seven (7) counsellors (consultants) practicing at any one time with the maximum hours of operation being 8am – 6pm five days a week (closed weekends). The nature of the consulting is such that sessions are approximately 45min to 1 hour rather than a standard medical practice where consulting times can be much shorter (approx. 15 mins). It is possible that clients may be seen outside these hours at times of emergency however this is expected to be infrequent. If clients are seen outside of the above hours on a regular basis the applicant will be required to lodge an amendment to authorise additional hours of operation. The activities that take place at consulting rooms typically do not generate an unreasonable level of noise. A possible source of contention is that the proposed land use generates more vehicular movements than a residential use. As considered in the traffic section below, traffic movements and car parking would be appropriately managed to ensure surrounding residential streets would not be significantly adversely affected.

The proposed car parking area is to be sealed with bitumen, have one shared access point and be landscaped to minimise streetscape impacts. As the proposed hours of operation do not extend into the evening it is not expected that substantial lighting is required which may cause spill into adjoining properties. As such the proposal is considered be in accordance with Council Wide Objectives 39 and 40 and Council Wide Principles of Development Control 97 and 98 relating to the interface between land uses.

On account of locality factors the proposed use is unlikely to disrupt the existing levels of amenity experienced within the locality as the proposal is not expected to increase the level of noise, odour, dust or any other factors. Therefore given the small scale nature of the use and the nominal impacts on the character and amenity within the locality the proposal is considered to be reasonable.

The threat of nearby allotments within the Residential Historic (Conservation) Zone being consolidated by non-residential land uses is limited and not expected due to the majority of dwellings within this locality containing dwellings identified as Contributory Items. Additionally the subject land has exceptional connectivity to the Town Centre Historic (Conservation) Zone and Adelaide Road, a factor which other sites cannot necessarily take advantage of. As such the development is unlikely to set a precedent that would adversely impact upon the Zone into the future.
Vehicle Access / Car Parking / Street Tree

The provisions of Development Plan provisions seek to ensure that development has provision for safe and convenient access for vehicles and sufficient on-site car parking to accommodate clients and staff. The proposed Consulting Rooms incorporates a carpark of 20 spaces which is to be accessed from one shared crossover onto Sixth Street. Council’s Engineering Department have reviewed the design of the crossover and are comfortably with its location and specifications. The proposed access arrangements are therefore safe and convenient in accordance with Council Wide Principle of Development Control 338 and 346.

In order to accommodate the proposed access location a relatively young street tree is required to be removed. An assessment of the tree was undertaken by Council’s Environment Team and the tree was found to have a flaw which impact upon its long term structure and health. It was assessed that in the circumstances the appropriate course of action is to allow the removal and nearby replacement of the tree at the applicant’s cost.
In terms of car parking provision, Table Ga/1 of the Town of Gawler Development Plan specifies a parking rate of 9.5 spaces per 100m² of floor area for the land use of Consulting Rooms. On the basis of the proposed psychology clinic having a total floor area of approximately 370m², there is a Development Plan requirement for at least 35 on-site spaces. This car parking rate is considered to be excessive as it is blanket approach which only takes into account the floor area of the building rather than the number of consulting rooms to be utilised. Additionally, this car parking rate is considered to be a guideline as the Development Plan is unable to consider the individual requirements of a particular businesses. To understand the true nature and intensity of the subject business the applicant commissioned a car parking survey from Cirqa. This assessment is contained within Attachment 2. After receiving this documentation Council staff referred the matter to an independent Traffic Engineering Consultancy (GTA Consultants) to independently verify the applied rate and offer recommendations. This assessment is contained within Attachment 4.

GTA Consultants have confirmed that the proposed car parking area is suitable to meet the needs of the proposed land use provided the practice is limited to a maximum of 7 consultants working at any one time. Although the proposed building has the capacity for 8 consulting rooms, the applicant has confirmed that having a maximum of 7 consultants is satisfactory. This has been enforced as a condition of the consent. Council is satisfied that the Traffic reports appropriately address recognised best practice in terms of both car parking layout and availability of spaces. Furthermore Sixth Street is capable of accommodating any possible overflow.

There will be a short period of time when the occupants of the site transfer their practice from the existing building (as part of temporary application DA 490/225/2016) to the proposed building, during this time the existing building will be demolished and the carpark will be bituminised and line marked. It is expected that this process will take a number of weeks however it is within the applicant’s interest to complete the works as soon as possible in order for the site to reach full functionality. During this period of time the clients of the practice will be able to utilise the ample public off street parking available in both Sixth Street and Adelaide Road. Council’s consultants (GTA Consultants) have reviewed this aspect of the proposal and concurred that the locality can accommodate this level of on-street car parking for this short period of time.
Stormwater Management
Stormwater calculations from CRW Consulting Engineers and plans were provided by the applicant which details the method of on-site stormwater management for the development.

Whilst the site works plan is sufficient for this initial stage of assessment, Council’s Engineering Services Department requires a detailed civil plan including:

- Water quality treatment details;
- Covering of treatment device details; and
- Confirmation of pipe details.

These details are to be provided in order to assure the stormwater management design is in accordance with the relevant standard. These details are to be provided prior to approval of the application as per Reserved Matter 1.

The proposal is considered to satisfy Council Wide Principles of Development Control 133, 134, 135, 136 and 137 in terms of stormwater treatment and disposal.

CONCLUSION
When assessed against the relevant provisions of the Town of Gawler Development Plan and having regard to the context of the locality and the nature and intensity of the proposed development, it is considered that on balance the proposal satisfies the relevant provisions of the Development Plan. The shortfall in car parking

The proposed development is a desirable built form outcome for a site which has significant connectivity to the Town Centre Historic (Conservation) Zone and is located in a section of the Residential Historic (Conservation) Zone which offers little amenity value. The built form is considered to have adequate regard for adjacent residential development in terms of the overall scale, massing and architectural style of the development. Accordingly, the proposal warrants Development Plan Consent subject to the following conditions.

RECOMMENDATION
That having regard to the relevant provisions of the Gawler (CT) Development Plan, pursuant to Section 33(1) of the Development Act 1993, that the application is not seriously
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA
Monday 27 February 2017

at variance with the Development Plan and that DEVELOPMENT PLAN CONSENT be
GRANTED to Development Application 490/9/2016 by S M BUBNER for Demolition of
Existing Dwelling and Construction of a Consulting Room and associated car parking area,
carport structure (max post height 4.13 metres) and landscaping at 21 Fourth Street
GAWLER SOUTH 5118, subject to the following conditions and reserved matters:

Reserved Matters:
The Council Development Assessment Panel requires the following matter which is reserved
pursuant to Section 33(3) of the Development Act 1993 to be addressed prior to the granting of
Development Approval to the reasonable satisfaction of Council staff:

1. Detailed plans shall be prepared and submitted to Council for approval demonstrating but
not limited to the following:

   a) Water quality treatment to be provided for stormwater runoff from the whole carpark.

   b) Construction drawings, specifications and maintenance schedule covering the water
      quality treatment device (WSUD and/or GPT). Water quality must comply with the
      EPA guidelines and Council Standards.

   c) Stormwater run-off from carpark to be conveyed to internal underground drainage
      system prior to kerb and gutter outlet.

   d) 90mm uPVC stormwater pipe is the maximum width to discharge to kerb and gutter.

   e) The pump station shall be designed as per AS/NZS3500.3:2015.

   f) Provide details of the packaged pump station including rising main and connection
      to pit GIP 1, pump make, model, pump curve and alarm system.

   g) Details of connection to pump station to the detention facility, including invert levels.

   h) A fully dimensioned carpark layout.

   NOTE: Council reserves the right to attach further conditions in relation to this.

2. A comprehensive landscaping plan detailing species, planting heights and location.

   NOTE: Council reserves the right to attach further conditions in relation to this.

3. Amalgamation of the titles for Lot 1 and Lot 2 to create one title for the whole of the site.
NOTE: Council reserves the right to attach further conditions in relation to this.

Conditions:

1. That the development is undertaken in accordance with Development Application No 490/225/16 the approved plans, details and conditions therein.
   
   **REASON:** To ensure the development is undertaken in accordance with the approved plans.

2. The hours of operation for the hereby approved use shall be limited to the following periods:
   
   - Monday – Friday: 8:00am to 6:00pm
   - Saturday, Sunday and Public Holidays: Closed
   
   **REASON:** To ensure the operation of the approved use does not detrimentally impact upon the amenity of adjoining properties.

3. The car park layout and dimensions shall conform to the requirements as set out in AS2890.1: 2004 – Off street car parking.
   
   **REASON:** To ensure the car parking area complies with the relevant Australian Standard.

4. All vehicle parking bays shall be provided with wheel stops and the wheel stops shall be installed prior to the occupation of the use hereby approved.
   
   **REASON:** To ensure car parking areas are clearly delineated.

5. Prior to the occupation of the use hereby approved, the existing vehicle crossover proposed to service the proposed car parking area shall be extended to a width of 6 metres in accordance with Council Standard Detail SK-303 to the reasonable satisfaction of Council. The crossover shall be sealed with a durable material such as compacted rubble or concrete.
   
   **REASON:** To ensure safe and convenient vehicle access/egress from the site can be achieved.

6. The hereby approved use shall be limited to a maximum of 7 practicing consultants at any one time.
   
   **REASON:** To ensure the provision of available car parking is not surpassed.

7. The proposed Colorbond fencing located on the western and northern boundaries shall be of a corrugated profile.
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 27 February 2017

REASON: To ensure the proposal adheres to established heritage criteria.

8. The subject land shall be maintained to the reasonable satisfaction of Council at all times.

REASON: To ensure the site is maintained in a reasonable condition.

9. No materials, goods or containers shall be stored (other than where approved) in the carpark or driveways at any time unless otherwise approved by Council.

REASON: To ensure sufficient car parking has been provided on site.

10. Any unused portion of the existing vehicular access points shall be re-instated. The footpath located within the redundant vehicle access point shall be reinstated to match existing in accordance with Council’s Standard Detail SK-200 to the reasonable satisfaction of Council. The barrier kerb located within the redundant vehicle access point shall be reinstated to match existing in accordance with Council’s Standard Detail SK-305 to the reasonable satisfaction of Council.

REASON: To ensure the road verge is repaired in accordance with Council standards.

11. Prior to the construction of the of the access point between the property boundary and the kerb, the applicant shall pay $300 to Council for the removal of the existing street tree.

NOTE: Please contact Council to arrange an invoice. Upon receipt of the payment, the removal of street tree will be undertaken by Council staff.

REASON: To ensure the street tree is removed and vehicle access can be obtained.


REASON: To protect the amenity of the locality.

13. Any external security lighting shall be directed away from neighbouring properties to ensure unreasonable light spill does not occur.

REASON: To protect the amenity of the locality.
6. Information Items:

- **Item Number**: 6.1
- **Title**: INFORMATION ITEM - APPEAL MATTERS
- **Date**: 27 February 2017
- **Author(s)**: Acting Team Leader Development Services

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**RECOMMENDATION:**

That the contents of this report be received and noted.
COUNCIL DEVELOPMENT ASSESSMENT PANEL
AGENDA

Monday 27 February 2017

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