

# **Notice of the Strategic Planning and Development Policy Committee Meeting**

**NOTICE IS HEREBY GIVEN** in accordance with Section 101 A of the  
*Development Act 1993* that a meeting of the

**Strategic Planning and Development Policy Committee**

of the

**CITY OF BURNSIDE**

will be held in the Council Chambers, Civic Centre  
at 401 Greenhill Road, Tusmore

on

**Tuesday 23 August 2016  
at 6.00 pm**

A handwritten signature in black ink, appearing to read 'Paul Deb'.

**Paul Deb**  
Chief Executive Officer



# **Strategic Planning and Development Policy Committee Meeting Agenda**

**23 August 2016 at 6.00 pm  
Council Chamber, 401 Greenhill Road, Tusmore**

**Members:** Mayor David Parkin  
Councillors Bagster, Bills, Cornish, Davey, Davis, Ford, Lemon,  
Lord, Monceaux, Osterstock, Piggott and Wilkins

**1. Apologies**

**2. Leave of Absence**

Councillor Bills and Ford

**3. Confirmation of Minutes**

Recommendation

That the Minutes of the Strategic Planning and Development Policy Committee Meeting held on 9 August 2016 be taken as read and confirmed.

**4. Reports of Officers**

**4.1 Mixed Use and Activity Centres Development Plan Amendment (DPA)  
(Strategic)**

Attachment A

Attachment B

Attachment C

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**5. Other Business**

**6. Confidential Items**

Nil

**7. Closure**



**Item No:** 4.1  
**To:** Strategic Planning and Development Policy Committee  
**Date:** 23 August 2016  
**Author:** Paul Deb – Chief Executive Officer  
**General Manager and Division:** Louise Miller-Frost – General Manager, Community and Development Services  
**Contact:** 8366 4136  
**Subject:** MIXED USE AND ACTIVITY CENTRES DEVELOPMENT PLAN AMENDMENT (DPA) (STRATEGIC)  
**Attachments:** A. Draft Mixed Use and Activity Centres DPA (policy amendment)  
B. Schematic Zone Map  
C. Schematic Heights Map  
**Prev. Resolution:** C9853, 26/8/14

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### Officer's Recommendation

1. That the Report be received.
  2. That the Administration be authorised to prepare the documentation required for submission of the final draft of the Mixed Use and Activity Centres Development Plan Amendment to the Minister for Planning in line with the draft provided in Attachment A.
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### Purpose

1. To provide Council with a draft of the proposed policy for Mixed Use and Activity Centres Development Plan Amendment (DPA) for consideration and seek confirmation of the principles and direction of the DPA prior to finalisation.

### Strategic Plan

2. The following Strategic Plan provisions are relevant:

*"Conservation and enhancement of the historic character of the City"*

*"A range of housing that meets the varying needs of the community"*

*"Environmentally sustainable development which complements the City's Character"*

*"Sustainable, engaging and functional community public spaces and streetscapes"*

*"A range of businesses and organisations that increase vitality and wealth in the city"*

*"A vibrant and diverse community that has a strong sense of belonging"*

*"A community that can access a range of information, services and opportunities that enhance their lives"*

*"Our community is actively engaged and involved in shaping the City's future"*

*"Fit for purpose and cost effective infrastructure that meets community needs"*

*"An effective transport network that supports safe and efficient movement, connecting people and places"*

*"A safe community that values and supports its people"*

## **Communications/Consultation**

3. The following communication / consultation has been undertaken:
  - 3.1. Council staff have had a number of meetings with the Department of Planning Transport and Infrastructure (DPTI). These have related to the proposed form and policy content of the draft DPA.
  - 3.2. Internal discussions regarding the draft DPA have been held with the General Manager Community and Development Services, General Manager Urban Services, Manager City Development and Safety, Policy Planners and Development Officers (Planning).
  - 3.3. Community consultation Stage 1 and 2 on “Residential Growth in the City of Burnside” provided information on the community’s preferences for managing growth within the City of Burnside. There was a strong preference for higher density on main roads and in activity centres in preference to intensive growth along residential streets. This draft DPA reflects that preference.

## **Statutory**

4. The following legislation is relevant in this instance:

*Local Government Act 1999*

*Development Act 1993*

## **Policy**

5. The following Council policies are relevant in this instance:

*Burnside (City) Development Plan*

*Streetscape*

*Traffic and Road Management*

*Tree Management*

## **Risk Assessment**

6. The following risks have been identified:
  - 6.1. Failure to adequately address the aims and objectives of the *30-Year Plan for Greater Adelaide* may result in the Minister for Planning undertaking amendments to the Burnside (City) Development Plan in a manner inconsistent with community expectations.

## **CEO Performance Indicators**

7. There are no impacts on or threats to achieving the CEO’s Performance Indicators with this recommendation.

## **Finance**

8. The costs for undertaking the DPA (research and investigation, consultation, advertising, administration and staff resourcing) are included in the 2016/17 budget.

## Discussion

### Background

9. The Burnside (City) Development Plan, as Council's planning policy document, must assist in the implementation and realisation of the objectives of the State Planning Strategy. The current State strategy is set out in the *30-Year Plan for Greater Adelaide*, which details the State Government's objectives for growth and development across the Greater Adelaide region. It aims to guide the future development of Greater Adelaide and identify where people will live and work and where transport and infrastructure will be provided.
10. The *30-Year Plan* advocates that Councils should provide greater opportunities for mixed use precincts, which are both sustainable and vibrant and offer a greater diversity of housing options in close proximity to employment, shopping, community, recreation and education facilities.
11. The *30-Year Plan* also advocates for a reversal of the infill to urban sprawl ratio. Moving forward, the majority of residential growth will be within existing urban areas, as opposed to greenfield outer metropolitan areas. This will necessitate an increase in densities and heights in parts of the existing metropolitan area.
12. The increasing compactness of the metropolitan area is supported by the introduction through the Planning Development and Infrastructure Act of Environment and Food Production Areas and Character Preservation Districts. The Areas and Districts extend from Cape Jarvis, through the Adelaide Hills, the Barossa Valley and to the coast through the lower north areas of Mallala.
13. The purpose of these Areas and Districts are to protect our food bowl, valuable rural areas and environmental areas. As a result, the metropolitan area is effectively 'ring fenced' by these areas which can only be amended to allow urban development with the agreement of both Houses of Parliament.
14. A number of adjoining Councils, including the Cities of Unley, Campbelltown and Norwood Payneham and St Peters, have already undertaken DPAs that address these objectives of the *30 Year Plan*. The City of Burnside is required to undertake a similar process. It is important that this process is undertaken in a thoughtful way and in a manner that balances the objectives of the *30 Year Plan* and local amenity outcomes.
15. In addition to the Development Act requirement for Council to consider and address the directions of the *30-Year Plan for Greater Adelaide*, the Minister for Planning in his response to Council's Section 30 Review - Strategic Directions Report 2012 (C8940), highlighted the need for the City of Burnside to update planning policy pertaining to mixed-use, activity centres and residential zones and population growth targets as a priority.
16. In response to the Minister's letter, Council resolved to undertake a two stage program of community engagement prior to commencing the formal review of Council's existing planning policy.
17. Council undertook extensive community consultation in 2013/2014 to obtain feedback from the community regarding options for residential growth, including mixed-use, within our City, and to seek community responses in relation to providing for the needs of an ageing and changing population within the City of Burnside. This consultation process, undertaken in two stages, was entitled *Residential Growth in Burnside: Burnside is your city and we want to help it grow your way*.

18. The community's feedback from this consultation indicated a general acceptance of the need to allow for change, provided that development is sympathetic with existing neighborhoods and streetscapes, particularly within existing heritage areas.
19. The community response also indicated that options for increased growth should be particularly considered both along main roads and in commercial areas in the form of mixed use development.
20. Following the completion of the second stage of the residential growth consultation, Council endorsed a Statement of Intent for a Mixed-Use and Activity Centres DPA at its meeting held on 26 August 2014 (C9853).
21. The Statement of Intent was forwarded to the Minister for Planning on 2 September 2014 seeking his agreement to progress a Development Plan Amendment.
22. The Minister for Planning agreed that the Statement of Intent formed a reasonable basis for the preparation of the proposed DPA on 30 January 2015.
23. In addition to the above, in 2015, the Minister for Planning initiated investigations for Stage 2 of the Inner Metro Growth Project through the drafting of the Inner and Middle Metropolitan Corridor Infill DPA. This work followed on from the approval of the Inner Metropolitan Growth (Stage 1) Development Plan Amendments in October 2013 which rezoned parts of Fullarton Road and Greenhill Road as an Urban Corridor Zone.
24. At this stage the Minister has not progressed Stage 2 of the Inner Metro Growth Project and councils have been advised to continue with their own DPAs for the localities that were to be included in the Minister's second stage of the Inner Metro Growth project. In the City of Burnside, this was to affect Magill Road and parts of The Parade and Kensington Road. Consequently, these areas have now been included in Council's draft Mixed-Use and Activity Centres DPA, as was originally proposed in the Statement of Intent. If they had not been included this would potentially have left those areas without any guiding policy.

### *Discussion*

25. The planning policy for Centre, Business and Commercial zones in the Burnside (City) Development Plan is currently outdated and contains a number of anomalies. Amendments to the current Burnside (City) Development Plan are required to address these anomalies and update policy.
26. An updating of the Burnside (City) Development Plan policy will also facilitate increased opportunities for mixed-use development in appropriate locations to better reflect the aims and objectives of the *30-Year Plan for Greater Adelaide*.
27. Mixed-use development combines two or more different land uses in close proximity. Often the mixed use functions are both physically and functionally integrated, and provide strong pedestrian connections between the two land uses. The most common form of mixed-use development is the combination of residential use with a retail/commercial use. This frequently takes the form of retail/commercial at a ground floor level with residential accommodation located on floors above. Interesting and vibrant streets are created through a range of street level activities. Activity generated by ground level non-residential uses during the day, creates passive surveillance for dwellings above. This form of development also makes more efficient use of public infrastructure.
28. The draft Mixed-use and Activity Centres DPA has been drafted following a review of the zoning and policies for existing retail and commercial centres, offices, businesses and other commercial uses in and around these existing non-residential zones.



29. Draft DPA planning policy is contained in Attachment A.
30. The proposed policy and format is based on State Government templates which have been reworked to include local variations and specific policy to reflect the desired objectives and character of the City of Burnside.
31. The existing general policies which apply to retailing and centres have been updated in accordance with the State Government's planning policy module for Centres and Retail Development.

#### *Proposed Zones*

32. This DPA will affect the areas in and around the highlighted areas shown in the Schematic Zone Map contained in Attachment B.
33. The draft DPA policy proposes four new mixed use zones along several of the Council's main roads and amendments to the existing District, Neighbourhood and Local Centre zones.
34. Areas which are captured in existing Business and Office Zones within the current Burnside (City) Development Plan will be absorbed into either the amended Local Centre or new Mixed-Use zones.
35. The proposed Mixed-Use zones focus retail and commercial uses at lower floor levels. Where residential uses are appropriate they may be located above ground level, over non-residential uses, or in some instances at the rear of buildings.
36. The existing District Centre will continue to encompass Burnside Village, the council Civic Centre and various retail and commercial development around the Greenhill/Portrush Road intersection. Policy for this area will also facilitate the opportunity for some future upper-level residential development in association with the existing uses.
37. Some redefinition of the location of neighbourhood and local centres is proposed to better reflect the nature of existing use in these localities.
38. Neighbourhood Centre Zone policy will now only apply to the following two retail areas:
  - 38.1 Frewville shopping centre area; and
  - 38.2 Marryatville/Leabrook/Kensington Park shopping centre area.
39. In the Magill Village area, at the eastern end of Magill Road, the diverse cultural and community uses are better reflected in mixed use policy than the current Neighbourhood Centre Zone policy. This area is to be included in the new Mixed-Use (Urban Activity) Zone which is described in further detail below.
40. Amendments to the Neighbourhood Centre policy allow for future residential development in association with the existing retail/commercial uses in this zone. New Desired Character statements reflect the desired use and form of these centres into the future.
41. The draft DPA policy proposes 13 local centres (below) which are based on the existing local centres. These local centres will continue to provide a focus for the daily shopping and business needs of the local community. Each of the centres will have a new Desired Character statement which addresses the envisaged form and use within each of the centres.
  - 41.1. LCe1 – Devereux Road / Sturdee Street, Linden Park

- 41.2. LCe2 – Devereux Road / Hay Street, Linden Park
  - 41.3. LCe3 – Dulwich Avenue / Stuart Road, Dulwich
  - 41.4. LCe4 – Glen Osmond Road (Bevington Road Glenunga Avenue), Glenunga
  - 41.5. LCe5 – Glynburn Road / Knightsbridge Road, Leabrook
  - 41.6. LCe6 – Greenhill Road (Conyngham Street to Allinga Avenue), Glenside
  - 41.7. LCe7 – Greenhill Road / Devereux Road, Tusmore-Linden Park
  - 41.8. LCe8 – Hallett Road / Marble Terrace, Stonyfell
  - 41.9. LCe9 – Kensington Road, Erindale/Kensington Gardens
  - 41.10. LCe10 – Kensington Road / Penfold Road, Wattle Park
  - 41.11. LCe11 – Portrush Road / Hay Road, Linden Park
  - 41.12. LCe12 – Portrush Road / Queen Street, Glenunga
  - 41.13. LCe13 – The Parade (near Norwood Morialta High School), Kensington Gardens
42. In a few cases, minor amendments to zone boundaries are proposed to capture existing, non-conforming uses which currently sit outside the existing centre or business zones.
43. The draft DPA proposes four new Mixed Use Zones, each of which are further broken down into additional areas with their own specific Desired Character and policy:
- 43.1 Mixed Use (Business) Zone – Mu(Bu)
- This zone provides a focus for a diverse range of commercial and business activities in five defined areas:
- 43.1.1 Mu(Bu)1 – western end of Kensington Road, Rose Park
  - 43.1.2 Mu(Bu)2 – western end of Greenhill Road, Dulwich
  - 43.1.3 Mu(Bu)3 – Fullarton Road, Eastwood
  - 43.1.4 Mu(Bu)4 – south-east quadrant of the intersection of Portrush Road /  
43.1.5 Mount Barker Road, Glen Osmond
  - 43.1.6 Mu(Bu)5 – Glynburn Road / Greenhill Road (Feathers Precinct),  
Burnside
- 43.2 Mixed Use (Glen Osmond Road) Zone – Mu(GOR)
- This zone is located along Glen Osmond Road in three defined areas and provides a focus for office and commercial development of a low traffic generating nature:
- 43.2.1 Mu(GOR)1 – Glen Osmond Road (between Moar Street and Fullarton Road), Eastwood
  - 43.2.2 Mu(GOR)2 – Glen Osmond Road (between Main Avenue and Conyngham Street), Frewville

43.2.3 Mu(GOR)3 – Glen Osmond Road (between Vine Lane and Portrush Road), Glen Osmond

#### 43.3 Mixed Use (Urban Living) Zone – Mu(UL)

This zone has a focus on medium density residential development supported by a variety of mixed use business activities:

43.3.1 Mu(UL)1 – The Parade (between Portrush Road and Gurr's Road), Beulah Park

43.3.2 Mu(UL)2 – Kensington Road (between Close Street and Thomas Place), Rose Park

#### 43.4 Mixed Use (Urban Activity) Zone – Mu(UA)

This zone is located along Magill Road and comprises five areas of mixed use business activity that provide for the daily needs of both visitors and the local community.

43.4.1 Mu(UA)1 – Magill Road (between Penfold Road and Carey Street), Magill

43.4.2 Mu(UA)2 – Magill Road (between Glynburn Road and Water Street), Kensington Park

43.4.3 Mu(UA)3 – Magill Road (between Orient Road and Glynburn Road), Kensington Park

43.4.4 Mu(UA)4 – Magill Road (between Water Street and Birnie Avenue), Kensington Park

43.4.5 Mu(UA)5 – Magill Road (between Osborne Road and Portrush Road), Beulah Park

#### *Proposed Policy*

44. The proposed policy in each locality promotes the creation of lively and active pedestrian environments.
45. The current policy within the existing local centres and business areas generally restricts development to single storey, even though the surrounding residential area allows two storey buildings. The proposed policy removes this restriction in most local centre areas and enables built form within these centres and new mixed-use areas to be more compatible with that of surrounding residential areas. Development up to two storeys is envisaged in the majority of the commercial areas other than where specific site and local circumstances are specified within the Desired Character statement.
46. Increase above two stories is proposed only in certain areas which are appropriate for mixed use medium density residential development, in association with non-residential uses.
47. Attachment C provides a Schematic Map indicating proposed general building heights in centres and mixed use zones.
48. The 2014 Residential Growth consultation feedback indicated a strong preference by Burnside's community to locate any increased dwelling densities and buildings heights along main roads, rather than within established residential areas. As such, this draft DPA policy proposes that this increase in dwelling density should occur as part of mixed-use development in selected main road locations which can accommodate an

appropriate buffer between established residential areas by means of the depth of site, presence of a separating road or existing high buildings in that locality. For example, some four storey areas are suggested along parts of Fullarton Road, Portrush Road and Glen Osmond Road where these locations meet suitable buffer criteria.

49. In all locations, irrespective of overall maximum height, buildings will graduate to no more than two storeys where the development site directly abuts a Residential Zone or Historic Conservation Zone, and is not separated from that adjacent zone by a roadway.
50. This draft DPA incorporates the State Government's current interface height provision figure which addresses heights at the zone boundaries. This figure allows individual councils to specify desired set-back requirements. The draft DPA policy proposes that in most instances, the required setback will match the setbacks required for development in the adjacent zone.
51. It should be noted that although the policy provides opportunity for height increases in some areas, ultimately it will be up to the owner of the land to decide if they wish to enact this option. Individual preference and market forces will largely determine if, or when, this happens. For example, policy enabling up to five storeys is provided at the Civic Centre and Burnside Council Depot sites, however, it will be the option of the owners of this land, (in this case Council), to ultimately propose any increase in height as part of any future development of these sites.
52. In order to create built form of human scale which has visual interest in harmony with existing character buildings and the surrounding established residential built form, the proposed policy encourages development with articulated facades and pitched roof forms and rather than one homogenous mass.
53. Incentive towards human scale development is given by policy allowing an additional mezzanine floor level within pitched or gable roof spaces in order to discourage streetscapes exhibiting long sections of flat roof box-like commercial development which are at odds with human scale.
54. The State Government's review of the *30-Year Plan* envisions significant movement towards greening the metropolitan area and establishing green infrastructure and a viable green canopy across Greater Metropolitan Adelaide. In line with this objective, the draft DPA includes policy encouraging appropriate landscaping, environmental provisions to encourage sustainable development and green roofs in all centres and mixed-use areas.
55. The Complying Development policies, including carparking requirements that were introduced by the Minister as part of the *Existing Activity Centres Policy Review Ministerial DPA*, authorised in April 2016, are not proposed to be changed as part of this DPA.

#### *Next Steps*

56. Following Council's endorsement of the proposed policy for the Draft Mixed Use & Activity Centres DPA, final documentation, including formal mapping amendments and statutory explanatory statement and analysis, will be prepared for submission to the Minister for Planning, seeking approval to release the Draft DPA for public consultation.
57. The Draft DPA with associated formal documentation will be presented to Council for final review and endorsement for submission to the Minister, in accordance with Section 25 of the *Development Act 1993*.

*Conclusion*

58. Council is required to address the current State Planning Strategy as set out in the *30-Year Plan for Greater Adelaide*, and to address the needs of an ageing and changing population within the City of Burnside.
59. Proposed changes to the Burnside (City) Development Plan policy will address existing anomalies, outdated planning policy, current objectives of the *30-Year Plan for Greater Adelaide*, and will assist our business areas to remain viable and vibrant destinations into the future.
60. Draft planning policy for the Mixed-Use and Activity Centres DPA has been prepared for Council's consideration.

# Development Plan Amendment

By the Council

City of Burnside

DRAFT

Mixed-Use and Activity Centres

The Amendment

17 August 2016



**Attachment A**

DRAFT



## Centres and Retail Development

### OBJECTIVES

- 1 Shopping, administrative, cultural, community, entertainment, educational, religious and recreational facilities located in integrated centres and mixed use zones.
- 2 Centres that ensure rational, economic and convenient provision of goods and services and provide:
  - (a) a focus for community life
  - (b) safe, permeable, pleasant and accessible walking and cycling environments.
- 3 The provision of a safe pedestrian and cycling environments within and around centres which gives high priority to pedestrians, public and community transport.
- 4 Increased vitality and activity in centres through the introduction and integration of housing in appropriate locations.
- 5 Centres developed in accordance with a hierarchy based on function, so that each type of centre provides a proportion of the total requirement of goods and services commensurate with its role.
- 6 The hierarchy of centres within the area of metropolitan Adelaide is as follows:
  - Central Business District of the City of Adelaide
  - Regional Centre
  - District Centre
  - Neighbourhood Centre
  - Local Centre
- 7 The central business district of the City of Adelaide providing the principal focus for the economic, social and political life of Greater Adelaide and the State.
- 8 Retention and re-enforcement of the Burnside District Centre as a principal focus for retail and civic administration in the City of Burnside.

### PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development within centres should:
  - (a) integrate facilities within the zone
  - (b) allow for the multiple use of facilities and the sharing of utility spaces
  - (c) allow for the staging of development within the centre
  - (d) be integrated with public and community transport
  - (e) be of a scale and nature consistent with their location and role within the centre hierarchy.
- 2 Development within centres should be designed to be compatible with adjoining areas. This should be promoted through landscaping, screen walls, centre orientation, location of access ways, buffer strips and transitional use areas.

- 3 A landscaping strip of no less than 600mm, comprising appropriate trees, shrubs or other vertical plants, should be provided along the site boundary of the primary road frontage in all areas where buildings are set back more than zero metres from the primary road frontage.
- 4 Development within centres should provide the following in accordance with relevant current Australian standards or guidelines:
  - (a) public spaces such as malls, plazas and courtyards
  - (b) street furniture, including lighting, signs, litter bins, seats and bollards, that is sited and designed to complement the desired character
  - (c) unobtrusive facilities for the storage and removal of waste materials
  - (d) public facilities including toilets, infant changing facilities for parents, telephones and community information boards
  - (e) access for public and community transport and sheltered waiting areas for passengers
  - (f) lighting for pedestrian paths, buildings and associated areas
  - (g) a single landscaping theme
  - (h) safe and secure bicycle parking.
- 5 Development should be designed to minimise energy consumption for lighting, heating, cooling and ventilation.
- 6 Development within centres should be designed and located, in accordance with any relevant current Australian standards or guidelines, to minimise its impact on existing or potential dwellings in an adjacent zone with regard to:
  - (a) vehicular access, egress and circulation;
  - (b) the location and arrangement of service, refuse and waste storage and collection facilities;
  - (c) the scale, height and bulk of buildings where located close to the boundaries of the zone;
  - (d) loss of privacy or overshadowing; and
  - (e) the generation of noise, odour, light or particulate matter.

### **Carparking**

- 7 Car parking areas should generally be provided at the rear of premises.
- 8 Undercroft car parking, or partial basement car parking, where the car parking is partially below ground and the first floor of the building is located immediately above the car park and sits more than 500mm above ground level, is not acceptable in any zone, except in the south-west quadrant of the District Centre.
- 9 Access to basement car parking areas should be from the rear, a secondary road or within the centre and not visible from the primary street frontage.
- 10 Access to basement car parking areas should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.

## Outdoor Advertisements

- 11 Outdoor advertisements should be designed and located to be in keeping with the building to which they relate and the character of the area.
- 12 Advertisements and advertising hoardings should not include any of the following:
- (a) flashing or animated signs
  - (b) bunting, streamers, flags, or wind vanes
  - (c) roof-mounted advertisements projected above the roofline
  - (d) parapet-mounted advertisements projecting above the top of the parapet.
  - (e) verandah post mounted advertisements
- 13 Advertisements should be designed and erected as follows:
- (a) under canopy signs should comprise the predominant form of signage in the zone;
  - (b) flat wall signs located above canopy level should be of a size and shape relative to the building facade so as not to dominate the facade or appear disproportionate with respect to sign/wall area ratios;
  - (c) fascia signs should not obscure the alignment of curved or bull nose verandahs nor project beyond the alignment of the structure to which they are affixed;
  - (d) projecting signs above canopy level should only serve to identify the predominant use, name or function of a building and should be in a form which conserves and reinforces the character of the building and the streetscape;
- 14 Advertisements should be not erected upon:land or a building not in use for or related to the message denoted on the advertisement.

## Arterial Roads

- 15 Centres should develop on one side of an arterial road or in one quadrant of an arterial road intersection.
- 16 Centre development straddling an arterial road should:
- (a) concentrate on one side of the arterial road or one quadrant of the arterial road intersection
  - (b) minimise the need for pedestrian and vehicular movement from one part of the centre to another across the arterial road.

## Retail Development

- 17 Bulky goods outlets located within centres zones should:
- (a) complement the overall provision of facilities and services
  - (b) be sited towards the periphery of those centres

**Attachment B**

DRAFT

# District Centre Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

## OBJECTIVES

- 1 A centre that accommodates a range of retail facilities, offices, consulting rooms, and cultural, community, public administration, entertainment, educational, religious and residential facilities to serve the community and visitors within the surrounding district.
- 2 Development of a visually and functionally cohesive and integrated district centre.
- 3 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
- 4 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 5 A high degree of pedestrian activity and a vibrant street-life with well-lit and engaging shop fronts and business displays including alfresco seating and dining facilities and licensed areas.
- 6 A built form that provides transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
- 7 A centre accommodating medium density residential development in association with non-residential development.
- 8 Buildings fronting Portrush Road and Greenhill Road (west of Portrush Road) which are sited to provide a continuous and consistent built edge with verandahs and awnings over the public footpath and an intimate built scale, with fine-grained detailing of buildings in the public realm.
- 9 Development that minimises the traffic generated by the centre on nearby residential streets.
- 10 Development that contributes to the desired character of the zone.

## DESIRED CHARACTER

This zone comprises three defined areas around the intersection of Greenhill and Portrush Roads:

- Burnside Village Quadrant, (south-west quadrant of the Greenhill /Portrush intersection), bounded by Greenhill Road, Portrush Road, Cator Street and Sydney Street;
- Toorak Gardens Quadrant (north-west quadrant of the Greenhill /Portrush intersection), bounded by Greenhill Road, Portrush Road, Christie Avenue and Sturt Avenue;
- Civic Quadrant, (north-east quadrant of the Greenhill /Portrush intersection), bounded by Greenhill Road, Portrush Road, Fisher Street and Hyde Street.

These areas are the primary focus for civic, community, cultural, retailing, business, entertainment and service activity for the Council area. It is envisaged that these functions will be maintained and enhanced through diversification of uses and the establishment of mixed-use, medium density residential development, where appropriate, to improve the vibrancy and activity within the centre.

The District Centre should be developed with a distinct character and function and provide an identity for the City of Burnside in a way which enhances, extends, and creates a village atmosphere in the Centre.

The heritage listed Ballroom and Town Hall are important landmarks in the area and contribute to the Centre's character.

The zone will transition into a contemporary and active District Centre with a high intensity of activity focussed on pedestrians that is well connected to housing, jobs, shops, facilities and services. It will support a broad range of businesses, services and employment and will adapt according to community and market preferences and retail and commercial trends.

The introduction, over time, of medium density residential development is appropriate in a number of locations within the zone and is desired to support surrounding business, services, infrastructure and employment. Where residential development occurs it is important to ensure that the density is appropriate to the site available and to the intensity and scale of residential buildings in adjoining zones.

Where a vertical mix of land uses occur, non-residential uses will be focussed on the lower floors with the most active uses on the ground floor. These uses which include restaurants, cafes, shops, small scale fitness centres, licensed premises and offices that provide an interesting and appealing environment for pedestrians. Residential development will be located on upper floors.

Active building frontages are most desired along Portrush Road and Greenhill Road. In these locations building frontages at ground level will encourage interest and invite interaction by establishing a high frequency of different tenancies, with verandahs and awnings over footpaths, and incorporating windows, doors and openings rather than blank walls. Existing larger format retail outlets will be wrapped in smaller tenancies externalising the most active land uses and increasing the transparency of these uses to the street.

Buildings will generally incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Building facades with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse.

Living green roofs or roof top gardens are encouraged on all buildings.

Heritage listed buildings will be adapted as necessary while maintaining their heritage value with development encouraged behind the front facades. Buildings adjacent to heritage buildings will be sympathetic to the heritage nature in their design and contain design elements and building materials that are complementary.

Buildings at the interface adjoining the Residential or Historic Conservation Zone will create an appropriate transition of development scale, activity and massing between adjacent residential development.

### **Movement**

Encouraging more walking and cycling will be a key outcome of future development. High quality streetscapes and convenient pedestrian and cycle connections will be given a priority in the layout and design of development.

Cycling will be supported by providing bicycle parking and by establishing end of trip facilities such as sheltered bicycle storage, showers and changing facilities.

### **Car parking and access**

The provision for car parking will be shared throughout the zone recognising that visitors may visit multiple destinations within the centre. It is desirable to screen parking from public streets through the use of basement parking or multi-level parking that is sleeved behind retail, commercial or residential building facades. Where this is not possible landscaping, interesting facades and the use of innovative screening and materials will reduce the visual impact of vehicles and parking structures. Landscaping and planting of shade trees will improve the amenity of existing at grade parking. Access and egress points should be clearly signposted to avoid traffic and pedestrian conflict.

Safe access for maintenance and delivery vehicles will be provided and loading docks will include service yard enclosures that ensure the acoustic and visual amenity of the surrounding areas is not impacted upon and that are sited as far as practicable from residential areas.

### **Sense of Place and Destination**

Development will create a sense of address and arrival, highlighting key land uses in the centre.

A focus will be created through both public realm enhancements and the development of landmark buildings to highlight this key intersection. Buildings here will create dominant architectural and visual elements within the locality. They will address both street frontages through the use of prominent entries, street-front windows, verandahs and canopies and highlight street corners through increased building height and roof pitch and by projecting corner elements forward to the street boundary or alternatively chamfering the corner of buildings and creating forecourts and entries that contribute to the gateway through public art, landscaping and water features.

### **Safety**

Development should be well lit and designed to minimise unsafe areas to enhance personal safety of users of the area in accordance with relevant current Australian standards or guidelines.

### **Burnside Village Quadrant (south-west)**

This area will be a vibrant, active destination which encourages development that attracts people to its combination of and variety of land uses. The area will be strengthened as the main district focus for shopping and will accommodate 'district level' retailing in the form of a supermarket and specialty shops, combined with activities such as restaurants, banks, offices, consulting rooms, health centre, recreational and entertainment uses and medium density residential uses as part of an integrated mixed use development where differing land use conflicts and amenity impacts can be appropriately managed and addressed.

Ground floor areas will be used for non-residential purposes that attract people. Residential development is appropriate above ground level.

The Centre will incorporate a mix of commercial uses with a view to promoting after-hours use to reinforce the Centre as the focus of social activity in the district, attracting both the local population and visitors from a wider catchment. Facilities within the Centre will be sited and designed to enable strong physical and visual connections to be established with nearby facilities such as the Civic Centre and library.

Buildings will provide visual interest to pedestrians, contain frequent pedestrian entries and clear windows to the street. Buildings will continue the established width, rhythm and pattern of façades that support a variety of tenancies. Tenancies fronting Greenhill Road and Portrush Road will have narrow footprints of generally no more than 12 metres in width. Buildings will be built with zero set back from Greenhill Road and Portrush Road, with the occasional section of building set back to create outdoor dining areas, visually interesting building entrances and intimate but active spaces. The footpath will be sheltered with verandahs, awnings and the like to enhance the pedestrian experience. Safe, landscaped pedestrian walkways between buildings will encourage permeability to neighbouring streets and enhance the sense of place and identity of the area.

On-site vehicle parking will not be visible from street frontages through the use of design solutions such as locating parking areas behind the front building façade or publicly activated spaces such as outdoor eating areas and by screening parking areas with articulated screens and landscaping.

Buildings on the Burnside Village site will be of a high architectural standard, recognising the area's prominent location in the Council area. Development will contribute to a cohesive built form and style with a high degree of articulation. The built form character will be established through appropriate design, including interesting roof forms, a variety of complementary colours and materials.

Development will demonstrate principles of best practise in terms of innovative, sustainable and integrated development that responds to the opportunities and constraints within and adjacent the area.

Development will emphasise visual and physical connectivity with the surrounding area and facilities. Appropriate and cohesive pedestrian and bicycle movement corridors and visual links will be established between new development and adjoining areas including public recreation areas, public transport stops and community facilities.

Development throughout the area will be integrated across streetscapes, public plazas and public promenade through to private residential spaces. Landscaping will provide shade, vertical form, complement new development, frame views and integrate ecological issues into its design.

Multi level and undercroft car parks will be integrated with a principal building and designed to provide active street frontages and land uses such as commercial, retail or other non-car park uses, along ground floor street frontages to maintain pedestrian interest and activity at street level.

### **Toorak Gardens Quadrant (north-west)**

This area will provide a variety of uses which complement the Burnside Village Quadrant. Ground floor areas will accommodate non-residential uses that attract people such as shops, restaurants, cinema, art gallery, consulting rooms and offices. Residential development will be appropriate on upper levels.

Where possible, existing character buildings will be adapted and reused while maintaining their historic character, with development encouraged towards the rear and behind the front façades.

Development will be built with zero set back from Greenhill and Portrush Road, with visually interesting building entrances and active frontages. Buildings will support a variety of tenancies with narrow footprints and will provide visual interest to pedestrians, containing frequent pedestrian door entries and clear windows to the street. The footpath will be sheltered with verandahs to enhance the pedestrian experience.

Buildings will transition in height from low scale development at the interface with the adjoining residential zone, up to a maximum height of four (4) storeys fronting Greenhill and Portrush Roads.

On-site vehicle parking will be at the rear of buildings and not visible from the primary street frontage. Where possible, parking will be shared across tenancies.

Vehicle access points from Portrush Road and Greenhill Road will be minimised and where possible, shared between tenancies.

### **Civic Quadrant (north-east)**

This area is to be strengthened as the main district focus for civic, cultural and community service functions within the District Centre Zone. Development will create a strong civic character at the ground floor and lower levels of buildings. Ground floor uses will be non-residential and may include shops, offices, cafes and community facilities that contribute to the creation of a lively civic centre.

The State and Local Heritage listed buildings are key landmarks in the area and development will complement and respect the distinctive architectural character of these buildings in form and design. Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Use of materials and finishes that respect State Heritage places and Local Heritage places and contribute to the character of the centre are supported.

Along Hyde Street, buildings will transition in height from low scale (2) storey development for a distance of 18 metres from the site boundary fronting Hyde Street, up to a maximum of five (5) storeys fronting Portrush Road and Fisher Street.

Development will be set back three (3) metres from all road frontages and will be landscaped appropriately to provide a landscape buffer at ground floor level adjacent all roads.



On-site vehicle parking will not be visible from Portrush Road and Greenhill Road. Car parking will be located behind buildings which front these main roads. Along Hyde Street and Fisher Street, car parking areas that are not located behind building façades will be screened with landscaping.

Vehicular access and egress points will minimise interference with the free flow of traffic on Greenhill and Portrush Roads and be appropriate for the manoeuvring and parking of buses and movement of pedestrians.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

1 The following forms of development are envisaged in the zone:

- bank
- child care centre
- cinema
- civic building
- community centre
- consulting room
- cultural and community facility
- discount department store
- dwelling(s)
- educational establishment
- emergency services facility
- entertainment venue
- gymnasium
- health facility
- hotel
- library
- office
- place of worship
- restaurant
- serviced apartment
- shop
- swimming pool
- supermarket

2 Development listed as non-complying is generally inappropriate.

### **Form and Character**

3 Development should be consistent with the desired character for the zone.

4 Development should be sited and designed to promote linkages between the various developments within the centre and adjoining main roads.

5 Facilities within the centre should be sited and designed with a view to promoting after-hours use to reinforce the centre as the focus of commercial and social activity in the district.

6 Dwellings should not be located at ground level and should be located above non-residential uses as part of an integrated development.

7 Buildings should achieve a human scale at ground level through the use of elements such as canopies, verandahs or building projections.

8 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.

- 9 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 10 Entrances to multi-storey buildings should:
- (a) be oriented towards the street
  - (b) be clearly identifiable
  - (c) provide shelter, a sense of personal address and transitional space around the entry
  - (d) provide separate access for residential and non-residential land uses
- 11 The finished floor level of buildings should be at grade and level with the footpath so as to minimise the need for steps and pedestrian ramps at the access points/doorways.
- 12 The ground floor of buildings should be built to dimensions including a minimum floor to ceiling height of 4.5 metres to allow for adaptation to a range of land uses including retail and office without the need for significant change to the building.
- 13 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs.

## Building Envelope

### *Building Height*

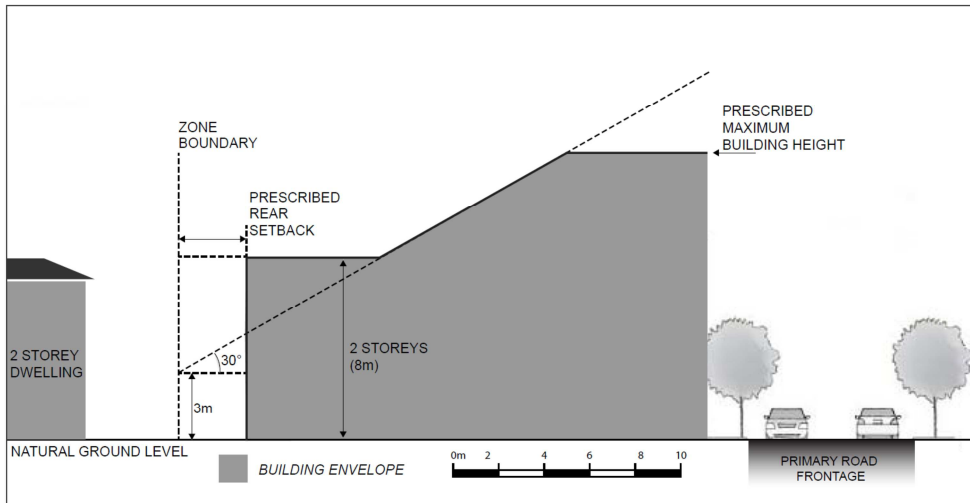
- 14 Except where interface height provisions require a lesser height, building heights should be consistent with the following parameters:

Area	Maximum Building Height
On the whole of the Burnside Village (south-west quadrant)	5 storeys other than within five metres of the boundary fronting Sydney Street where the maximum building height is 4 storeys
On land adjoining Greenhill Road between Portrush Road and Sturt Avenue	4 storeys
On land adjoining Portrush Road between Christie Avenue and Greenhill Road	4 storeys
On land fronting Hyde Street between Greenhill Road and Fisher Street	3 storeys
On land fronting Portrush between Greenhill Road and Fisher Street	4 storeys

### *Interface Height Provisions*

- 15 In the Toorak Gardens Quadrant (north-west), to minimise building massing at the interface with residential development outside of the zone, any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane

measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage), as illustrated in Figure 1:



**Figure 1**

*Setbacks*

**16** Where the side boundary of a site directly abuts a Residential Zone or the Historic Conservation Zone, the minimum side setbacks at both ground floor levels and at upper levels, will reflect the side boundary setback requirements specified for that adjoining zone.

**Open Space**

**17** Dwellings located above ground level should provide open space in accordance with the following table:

Dwelling Type	Minimum Area of private open space
Studio	8 square metres
One bedroom dwelling	8 square metres
Two bedroom dwelling	11 square metres
Three + bedroom dwelling	15 square metres

**18** Private open space located above ground level should have a minimum dimension of 3 metres and be directly accessible from a habitable room.

**19** Development should, wherever practicable, provide or make adequate provision for all of the following:

- (a) pedestrian linkages from public to private spaces
- (b) usable, pleasant and safe, open areas
- (c) street furniture including seating and rubbish bins

- (d) appropriate plantings
- (e) bicycle parking.

### **Land Division**

- 20 Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

### **Environmental**

- 21 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 22 Buildings should be designed in accordance with relevant current Australian standards or guidelines for energy efficiency in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 23 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow
- 24 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability
- 25 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 26 Development should provide the following in accordance with relevant current Australian standards or guidelines:
- (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

### **Car Parking**

- 27 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5](#) – Off-Street Vehicular Parking Requirements or [Table Bur/6](#) – Off-Street Vehicular Parking Requirements for Designated Areas (whichever applies).

## **PROCEDURAL MATTERS**

### **Complying Development**

- 28 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:
- (1) Advertisement or advertising display, other than in respect to a State or local heritage place and subject to compliance with the conditions set out in [Table Bur/8](#), where applicable

- (2) A change of use to a shop, office, consulting room or any combination of these uses where all of the following are achieved:
- (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
  - (b) the building is not a State Heritage Place;
  - (c) it will not involve any alterations or additions to the external appearance of a local heritage place as viewed from a public road or public space;
  - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
    - (i) all of the following:
      - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
      - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
    - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
  - (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
    - (i) the primary vehicle access (being the access where the majority of vehicles access /egress the site of the proposed development) is from a road that is not an arterial road;
    - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
  - (f) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 – Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
    - (i) the building is a local heritage place;
    - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved;
    - (iii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.

## Non-complying Development

29 Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Amusement Park	
Caravan Park	
Construction of a new detached dwelling	
Dwelling	Except where in conjunction with a non-residential development.
Fuel depot	
Industry	
Major public service depot	
Motor Repair Station	
Plant Nursery	
Road transport terminal	
Stadium	
Stock sales yard	
Stock slaughter works	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

## Public Notification

30 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

**Attachment C**

DRAFT

## Neighbourhood Centre Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A centre providing a range of shopping, community, business, and recreational facilities for the surrounding neighbourhood.
- 2 A centre that provides the main focus of business and community life outside a district centre, and provides for the more frequent and regularly recurring needs of a community.
- 3 A centre accommodating residential development in conjunction with non-residential development.
- 4 Development of a high design standard and appearance that responds to and reinforces positive aspects of the local environment and built form.
- 5 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 6 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

The zone exists in two locations within the Council:

- Frewville Shopping Centre - Glen Osmond Road, Frewville
- Marryatville Shopping Centre - Kensington Road/Tusmore Avenue Leabrook/Kensington Park

This zone will accommodate a broad range of retail, business and community activities, including supermarkets, shops, cafes, restaurants, consulting rooms and offices, which serve the daily to weekly shopping and business needs for the surrounding areas.

The introduction, over time, of medium density residential development is appropriate at floor levels directly over the existing supermarkets or in new buildings.

State and Local Heritage listed items within the zone are important landmarks which create unique historic character within their locality, and development should conserve and enhance their features.

Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Building facades with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

Buildings will frame the main road with active street frontages that establish an interesting pedestrian environment and human scale at ground level. Ground floor uses will contribute to the creation of lively and active pedestrian environments and will include shops, cafes and similar active uses.

Development on corner sites will generally incorporate taller buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.

Both centres within the zone share an interface with residential areas. Development of the centres will ensure that this interface is sensitively treated and potential adverse impacts associated with the centres are minimised through the transition of building heights and scale. New development will use appropriate means of screening the activity of the centre from adjacent residential areas wherever



possible. Any adverse impacts on adjoining residential areas will be minimised through carefully considered setbacks, design and siting of windows and balconies, and the use of densely planted landscape buffers. Particular consideration will be given to the orientation of buildings and plant equipment, minimising patron and service vehicle intrusion into residential streets and the careful placement and design of ingress/egress points and internal traffic movement patterns to avoid congestion within surrounding roads.

On-site vehicle parking will not be visible from the primary street frontages through the use of design solutions such as locating parking areas behind the front building façades and screening parking areas with appropriate landscaping.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Strong landscaping themes will be developed within the centres having regard to landscaping that exist within surrounding neighbourhoods. Plant species should be appropriate for the area and used to complement built form and reduce and screen building bulk.

In addition to the above, the following policy specific to each existing Neighbourhood Centre should also be considered:

#### **Frewville Shopping Centre - Glen Osmond Road, Frewville**

The supermarket forms the nucleus of this Centre and it is envisaged that the supermarket will continue to function as an important shopping facility serving the locality which surrounds it.

The appearance, surroundings, parking areas and accessibility of the Centre will be improved by new development and landscaping.

Development will include improvements to the aesthetic and functional integration of the main shopping building with other shops on the site, to maximise pedestrian comfort and safety. Pedestrian access and protection will be provided by verandahs or canopies adjacent to bus stops. Lighting will be improved throughout public areas.

Additional landscaping will be provided throughout existing and new car parking areas with appropriate shade trees and shrubs. Outdoor furniture and structures with an integrated design theme is encouraged.

Over time, the supermarket site will be redeveloped to include residential accommodation immediately above the supermarket complex. Building heights of up to 4 storeys are envisaged in this zone. Buildings may incorporate an additional mezzanine level within pitched or gable roof spaces.

Development in the form of new, low density dwellings is not appropriate.

#### **Marryatville Shopping Centre - Kensington Road/Tusmore Avenue Leabrook/Kensington Park**

This Centre includes a supermarket and historic cinema, along with a range of small retail and business premises.

The Centre is dissected by Kensington Road, Tusmore Avenue and Uxbridge Street. Built form will address each of these key road frontages. Development within the zone will have minimal impact on the free flow of traffic on Kensington Road and not generate significant levels of traffic in nearby residential streets.

The State Heritage listed cinema and the Local Heritage listed former Primary School are key landmarks in the area and development will complement and respect the distinctive architectural

character of these buildings. Development adjacent these buildings will be sympathetic in scale, form and materials.

The form of buildings in this Centre will contribute to high quality design outcomes. Buildings will incorporate articulated facades, fenestration and architectural detailing which will contribute towards creating a human scale and village environment. Roof forms will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest.

Buildings which are located north of Kensington Road, between Shipsters Road and Uxbridge Street, will transition in height from low scale development, of no more than 2 storeys at the interface with adjoining policy areas and zones, up to a maximum height of 3 storeys fronting Kensington Road.

Buildings which are located north of Kensington Road, east of Uxbridge Street, will be up to two storeys in height.

Buildings which are located south of Kensington Road and east of Tusmore Avenue will be up to two storeys in height.

Buildings which are located south of Kensington Road and west of Tusmore Avenue will be up to 4 storeys in height. It is envisaged that over time, the key supermarket site will be redeveloped to include upper level residential accommodation immediately above the supermarket complex.

Buildings may incorporate an additional mezzanine level within pitched or gable roof spaces.

Development in the form of new, low density dwellings is not appropriate anywhere within the zone.

The location of noisy or night time activities close to housing adjoining the centre is not appropriate. Such activities will be located, with associated car parking, where they can be separated by existing buildings from adjacent housing.

Storage and loading areas will be unobtrusive and screened from public view. The introduction of theming, tree planting and seating will improve the amenity for users and cohesiveness of the centre.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

1 The following forms of development are envisaged in the zone:

- bank
- child care facility
- cinema (on existing cinema site)
- consulting room
- dwelling(s) above ground floor level
- library
- health centre
- office
- petrol filling station
- place of worship
- playing field
- recreation area
- restaurant
- shop
- supermarket.

2 Development listed as non-complying is generally inappropriate.

- 3 Development comprising a variety of residential and non-residential uses should only be undertaken if such development does not prejudice the operation of existing or future non-residential activity within the zone.

**Form and Character**

- 4 Development should not be undertaken unless it is consistent with the desired character for the zone.
- 4 Development should be sited and designed to promote linkages between the various developments within the centre and adjoining main roads.
- 5 Dwellings should not be located at ground level and should be located above non-residential uses as part of an integrated development.
- 6 Buildings should achieve a human scale at ground level through the use of elements such as canopies, verandahs or building projections.
- 7 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 8 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 9 Entrances to multi-storey buildings should:
- (a) be oriented towards the street
  - (b) be clearly identifiable
  - (c) provide shelter, a sense of personal address and transitional space around the entry
  - (d) provide separate access for residential and non-residential land uses
- 10 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs.

**Building Envelope**

*Building Height*

- 11 Except where interface height provisions require a lesser height, building heights should be consistent with the following parameters:

Area	Maximum Building Height
Frewville Shopping Centre – (Glen Osmond Road, Frewville)	4 storeys (or 5 levels where the fifth level is a mezzanine level within a pitched or gable roof space).
Marryatville Shopping Centre – (Kensington Road/Tusmore Avenue, Leabrook/Kensington Park)	3 storeys north of Kensington Road and between Shipsters Road and Uxbridge Street (or 4 levels where the fourth level is a mezzanine level within a pitched or gable roof space).  2 storeys north of Kensington Road and east of Uxbridge Street (or 3 levels where the third level is a

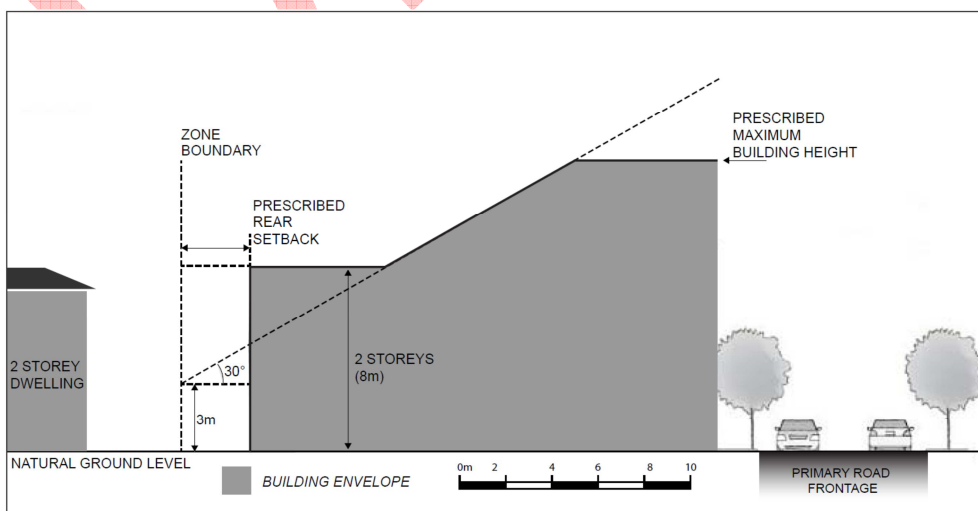
Area	Maximum Building Height
	mezzanine level within a pitched or gable roof space).  2 storeys south of Kensington Road and east of Tusmore Avenue  4 storeys south of Kensington Road and west of Tusmore Avenue, (or 5 +levels where the fifth level is a mezzanine level within a pitched or gable roof space).

*Setbacks*

- 12 Where the side boundary of a site directly abuts a residential zone, the minimum side setbacks at both ground floor levels and at upper levels, will reflect the side boundary setback requirements specified for that adjoining zone, except where the side boundary immediately abuts an adjacent adjoining local government area.
- 13 Where the rear boundary of a site directly abuts a residential zone, the minimum rear setbacks at both ground floor levels and at upper levels, will reflect the rear boundary setback requirements specified for that adjoining zone, except where the rear boundary immediately abuts an adjacent adjoining local government area.
- 14 Buildings which are located south of Kensington Road and west of Tusmore Avenue will be set back from the western boundary, at any point where that boundary directly abuts residential development in an adjacent zone, a minimum of 1 metre from the western site boundary for single storey development and a minimum of 4 metres for any upper storey.

*Interface Height Provisions*

- 15 Any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:



**Figure 1**

## Land Division

- 16 Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

## Environmental

- 17 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 18 Buildings should be designed in accordance with relevant current Australian standards or guidelines for energy efficiency in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 19 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow
- 20 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability
- 21 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 22 Development should provide the following in accordance with relevant current Australian standards or guidelines:
- (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

## Car Parking

- 23 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5 - Off-Street Vehicular Parking Requirements](#) or [Table Bur/6 – Off-street Vehicle Parking Requirements for Designated Areas](#) (whichever applies).
- 24 Undercroft car parking, or partial basement car parking, that is, car parking which is partially below ground and which necessitates the floor of the building which is located immediately above the car park to sit more than 500mm above ground level, is not acceptable in the zone.
- 25 Access to basement car parking areas should be from the rear, within the centre or from a secondary road frontage, not visible from the primary street frontage and should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.

## PROCEDURAL MATTERS

## Complying Development

- 26 Complying developments are prescribed in Schedule 4 of the Development Regulations 2008. In addition, the following forms of development (except where the development is non-complying) are complying:
- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in Table Bur/8, where applicable.
  - (2) A change of use to a shop, office, consulting room or any combination of these uses where all of the following are achieved:
    - (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
    - (b) the building is not a State Heritage Place;
    - (c) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
    - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
      - (i) all of the following:
        - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
        - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
      - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
    - (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
      - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;
      - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
    - (f) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 - Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:

- (i) the building is a Local Heritage Place;
  - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved;
- (3) (iii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.

### Non-complying Development

27 Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Amusement Machine Centre	
Construction of a new detached dwelling	
Dwelling	Except where in conjunction with and located above a non-residential development.
Fuel depot	
Horticulture	
Indoor Recreation Centre	
Industry	
Major public service depot	
Motor repair station	
Road transport terminal	
Store	
Stadium	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	

Form of development	Exceptions
Wrecking yard	

**Public Notification**

28 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

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**Attachment D**

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## Local Centre Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A centre accommodating small-scale convenience shopping, office, medical and community facilities to serve the local community.
- 2 A centre characterised by traditional corner stores or small groups of shops located within easy walking distance of the population they serve.
- 3 A centre accommodating residential development in conjunction with non-residential development.
- 4 Development of a high design standard and appearance that complements and reinforces positive aspects of the local environment and built form.
- 5 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 6 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

The Local Centre Zone comprises 13 small centres that provide for the daily needs of the local community. Development in the zone will be suited in height, scale and form to the locality and its design will be sensitive to adjacent residential areas. Buildings will contribute to a cohesive urban form and be of a high quality that presents an active frontage to the street.

Buildings up to two storeys are envisaged in this zone, unless otherwise stated in the specific Desired Character statements below.

The ground floor of buildings will be used for non-residential uses that contribute to a vibrant street life. Residential development in the form of upper level dwellings located above non-residential uses may be appropriate in some centres where described in the Desired Character, provided that such development will not prejudice the development and operation of non-residential land uses. Development in the form of new, low density dwellings is not appropriate.

Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Roof forms and facades will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest. Buildings of large mass and bulk with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Activity in the zone will take account of adjacent residential development and new development will use appropriate means of screening the activity of the centre from adjacent residential areas wherever possible.

Development of the centres will ensure that the interface between the centres and residential areas is sensitively treated and potential adverse impacts associated with the centres are minimised through the transition of building heights and scale. Any adverse impacts on adjoining residential areas will be minimised through carefully considered setbacks, design and siting of windows and balconies, and the use of densely planted landscape buffers. Particular consideration will be given to the orientation of buildings and plant equipment, minimising patron and service vehicle intrusion into residential streets and the careful placement and design of ingress/egress points and internal traffic movement patterns to avoid congestion within surrounding roads.

In addition to the above, the following policy specific to each existing local centre will also be considered:

**LCe1- Devereux Road / Sturdee Street, Linden Park**

This Centre will accommodate a range of shops, cafes, consulting rooms and low traffic generating local services. Revitalisation of the Centre to create a village-style character is encouraged.

Development will have zero setbacks from the Devereux Road and Sturdee Street property boundaries and will provide a continuous built-edge to the street with verandahs over footpaths. Façade treatments will enhance streetscape character and human scale.

Any off-street carparking will be located to the rear of buildings.

**LCe2 - Devereux Road / Hay Street, Linden Park**

This Centre will accommodate a range of shops, cafes, consulting rooms and low traffic generating local services. Revitalisation of this centre to create a village-style character is encouraged.

Development will have zero setback from the Devereux Road service lane property boundary and will provide a continuous built-edge to the street with verandahs over footpaths. Façade treatments will enhance streetscape character and human scale.

**LCe3 - Dulwich Avenue / Stuart Road, Dulwich**

This Centre will accommodate a range of single storey shops, restaurants, consulting rooms and low traffic generating local services.

Character and good amenity will be maintained through the retention of existing character buildings and associated features. Development will reflect the existing single storey buildings which are characterised by red brick and tiled shopfronts, traditional parapet detailing, and full width verandahs which are sited and designed to maintain the traditional shopping and streetscape character.

It will be important for development to respect the design features of existing streetscapes. Buildings will have zero setback to the primary road frontage. The hard edged frontage with shops directly abutting the footpath will be maintained and enlivened by an attractive street environment, outdoor eating areas, street furniture and plantings.

Off-street carparking will be located to the rear of buildings.

**LCe4 - Glen Osmond Road (Bevington Road to Glenunga Avenue), Glenunga**

This Centre will accommodate a small supermarket and a range of shops, consulting rooms, restaurants, offices and low traffic generating local services.

The consolidation and strengthening of the Centre is supported through the upgrading of the appearance of buildings, coordinated signage and enhanced landscaping.

Development of the Centre will have regard to the Historic Conservation Zone to the east.

Development will create a village character with articulated roof forms and façades, and unifying features such as verandahs over footpaths. Buildings at the corner of Glen Osmond Road and Bevington Road will maintain a continuous built-edge to the street with zero setbacks from the street frontage.

#### **LCe5 - Glynburn Road / Knightsbridge Road, Leabrook**

This Centre, with a small supermarket, an integrated service station complex and a number of shops and services, forms part of a busy precinct fronting Glynburn Road. The improvement of this Centre through the upgraded appearance of its buildings and landscaping of its car parking area is encouraged.

Development will create a village character with articulated roof forms and façades and will have regard to Local Heritage Places adjacent the zone through appropriate and respectful scale, form and detailing of buildings. Any major redevelopment of this centre site will locate buildings with limited setback from Glynburn Road and carparking to the rear of buildings, screened from the primary road.

#### **LCe6 - Greenhill Road (Conyngham Street to Allinga Avenue), Glenside**

This Centre will accommodate a range of small-scale retail shops, cafes, consulting rooms and local services.

New development will have zero setbacks from the Greenhill Road property boundary and provide a continuous built-edge to the street. Buildings will incorporate verandahs over the footpath along the Greenhill Road frontage. Any off-street carparking will be located to the rear of buildings.

#### **LCe7 - Greenhill Road / Devereux Road, Tusmore-Linden Park**

This Centre straddles both sides of Greenhill Road at the intersection of Greenhill and Devereux Roads, and will accommodate a range of commercial premises including shops, cafes, restaurants, consulting rooms, and local services.

The improvement of this Centre through the upgraded appearance of its buildings, coordinated signage and enhanced landscaping, particularly to car parking areas, is encouraged. The creation of visual and physical linkages between the two parts of the Centre, which are currently divided by Greenhill Road, is encouraged.

Development in the northern part of the Centre, on land fronting Greenhill Road between Tusmore Avenue and Northumberland Street will maintain zero setbacks from the street frontage and create a village character with articulated roof forms and façade treatments and verandahs over footpaths. Development in this part of the centre will be single storey. Buildings will be carefully designed and located to minimise the impact on adjoining residential amenity, particularly at the interface between this zone and the adjoining Residential Zone and Historic Conservation Zone, through careful consideration of appropriate uses and minimisation of the negative impacts of overlooking, overshadowing and noise. Off-street carparking will be located to the rear of buildings.

Development on land to the south of Greenhill Road between Devereux Road and Linden Avenue will maintain a typical residential bulk and scale and will not have any additional adverse impacts on premises in any adjoining residential zone. Buildings will be setback a minimum of six metres from the boundary of that portion of Linden Avenue bounding the north-eastern end of the area.

Development on land to the south of Greenhill Road, between Verdale Avenue and Devereux Road, may include residential development in the form of upper storey dwellings located above non-residential

uses, provided that such development will not prejudice the development and operation of non-residential land uses. Any major redevelopment of this area will locate buildings with limited setbacks from Greenhill and Devereux Roads and carparking to the rear of buildings.

#### **LCe8 - Hallett Road / Marble Terrace, Stonyfell**

This Centre will accommodate small-scale, low-intensity non-residential uses at ground floor level and the replacement of any buildings with new, low density dwellings is not appropriate. The improvement of this Centre through the upgraded appearance of its buildings and landscaping of car parking areas is encouraged.

Residential development in the form of upper storey dwellings located above non-residential uses may be appropriate, provided that such development will not prejudice the development and operation of non-residential land uses. Any off-street carparking will be located to the rear of buildings.

#### **LCe9 - Kensington Road, Erindale/Kensington Gardens**

This Centre straddles both sides of Kensington Road and will accommodate a supermarket and a range of commercial premises including shops, cafes, and local services.

The upgrading of the appearance of the Centre with coordinated signage and enhanced landscaping is encouraged. The creation of visual and physical linkages between the two parts of the Centre, which are currently divided by Kensington Road, is encouraged in a safe and convenient manner.

Development south of Kensington Road will have zero setbacks from the Kensington Road boundary and will provide a continuous built-edge to the street with unifying features such as verandahs over footpaths. Carparking will be located to the rear of buildings.

#### **LCe10 - Kensington Road / Penfold Road, Wattle Park**

This Centre will accommodate a small supermarket and a range of small-scale retail shops, cafes, consulting rooms and local services.

The improvement and revitalisation of this Centre through the upgraded appearance of its buildings, car parking area and landscaping is encouraged.

Buildings will be designed to create and enhance a village character with articulated roof forms and verandahs over pedestrian footpaths. Façade treatments will include the articulation of individual tenancies in a village style which is sympathetic to its residential locality.

#### **LCe11 – Portrush Road / Hay Road, Linden Park**

This Centre will accommodate a range of small-scale commercial uses including shops, cafes, and restaurants.

The improvement and revitalisation of this Centre through the upgraded appearance of its buildings, car parking area and landscaping is encouraged.

#### **LCe12 - Portrush Road / Queen Street, Glenunga**

This Centre will continue as an active commercial destination which accommodates a range of shopping and business activities. Mixed-use development will enhance the Centre with the ground floor of buildings accommodating non-residential uses that contribute to a vibrant street life and residential accommodation located above non-residential uses.

Buildings up to four storeys in height are anticipated along the Portrush Road frontage and may incorporate an additional level as a mezzanine within pitched or gable roof spaces.

The form of buildings will contribute to high quality design outcomes. Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Buildings of large mass and bulk with long lengths of solid walling are not appropriate.

Development fronting Portrush Road will have zero setbacks from the Portrush Road boundary and will provide a continuous built-edge to the street with verandahs over the footpaths. Building façades along the Portrush Road frontage will be well articulated and visually permeable with transparent or clear glass to promote active street frontages.

Development fronting the Queen Street and Portrush Road intersection will create a village-style character with verandahs over footpaths, articulated roof forms and character façade treatments of human scale.

Car parking areas will be provided to the rear of buildings.

### **LCe13 - The Parade (near Norwood Morialta High School), Kensington Gardens**

This Centre will accommodate small-scale, low-intensity non-residential uses at ground floor level and the replacement of any buildings with new, low density dwellings is not appropriate. The improvement of this Centre through the upgraded appearance of its buildings and better integration is encouraged.

Residential development in the form of upper storey dwellings located above non-residential uses may be appropriate, provided that such development will not prejudice the development and operation of non-residential land uses. Any off-street carparking will be located to the rear of buildings with access from the side streets.

New development will have zero or limited setbacks from the Parade Road property boundary and provide a continuous built-edge to the street with character façade treatments of human scale. Buildings will incorporate verandahs along The Parade street frontage for pedestrian comfort.

Densely planted landscape buffers will be provided along the interface of the centre and adjoining zones.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

- 1 The following forms of development are envisaged in the zone:
  - advertisement
  - community facility
  - consulting room
  - office
  - office and dwelling(s)
  - shop where the gross leasable floor area is 450 square metres or less
  - shop and dwelling(s)
- 2 Development listed as non-complying is generally inappropriate.
- 3 Development comprising a variety of residential and non-residential uses should only be undertaken if such development does not prejudice the operation of existing or future non-residential activity within the zone.

- 4 Development should not be of a high traffic generating nature and should not add significantly to traffic volumes in residential streets outside the zone.

### **Form and Character**

- 5 Development should be consistent with the desired character for the zone.
- 6 Dwellings should only be located behind or above non-residential uses on the same allotment.
- 7 Development should not exceed two storeys in height other than where a differing height is specified in the Desired Character Statement. Where there is no conflict with heritage considerations, privacy and overlooking, or neighbour amenity, development may incorporate a third level as a mezzanine level within a pitched or gable roof space.
- 8 Buildings should achieve a human scale at ground level through the use of elements such as canopies, verandahs or building projections.
- 9 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 10 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 11 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs
- 12 Development abutting residential areas should incorporate an intensive landscape buffer to screen centre activities.

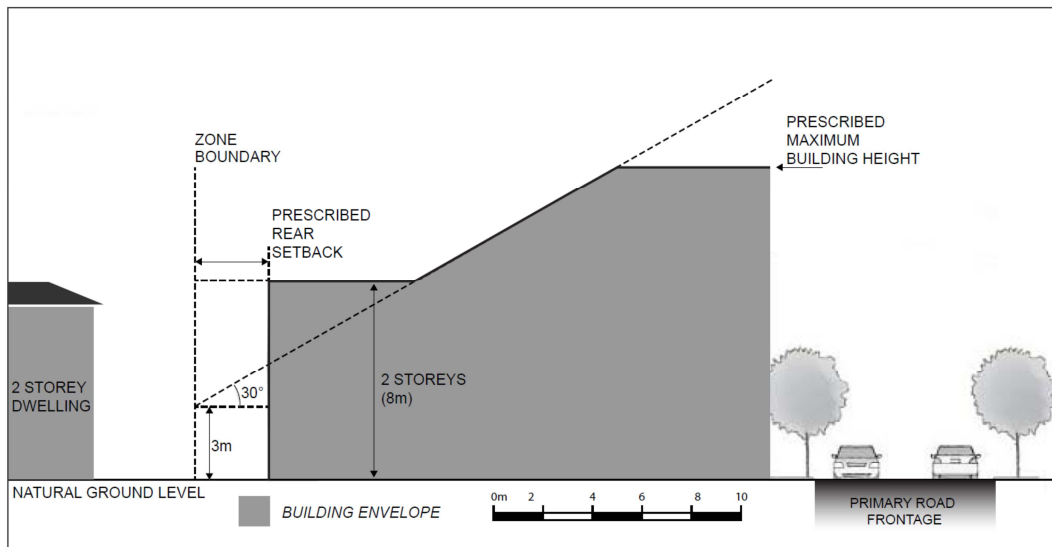
### **Building Envelope**

#### *Setbacks*

- 13 Where the side boundary of a site directly abuts a Residential Zone or the Historic Conservation Zone, the minimum side setbacks at both ground floor levels and at upper levels, should reflect the side boundary setback requirements specified for that adjoining zone:
- 14 Where the rear boundary of a site directly abuts a Residential Zone or the Historic Conservation Zone, the minimum rear setbacks at both ground floor levels and at upper levels, should reflect the rear boundary setback requirements specified for that adjoining zone:

#### *Interface Height Provisions*

- 15 Any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:



**Figure 1**

### Land Division

- 16** Land division in the zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

### Environmental

- 17** Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter
- 18** Buildings should be designed having regard to best practice energy efficiency principles, in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 19** Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.
- 20** Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 21** Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 22** Development should provide the following in accordance with relevant current Australian standards or guidelines:
- (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.



## Car Parking

- 23 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5 - Off-Street Vehicular Parking Requirements](#) or [Table Bur/6 – Off-street Vehicle Parking Requirements for Designated Areas](#) (whichever applies).

## PROCEDURAL MATTERS

### Complying Development

- 24 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:
- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in [Table Bur/8](#), where applicable.
  - (2) change in the use of land, from residential to shop less than 250 square metres on the ground floor of a building.
  - (3) change in the use of land, from residential to office on the ground or first floor of a building; or
  - (4) change of use to a shop, office, consulting room or any combination of these uses, on the ground or first floor of a building, where all of the following are achieved:
    - (a) the building is not a State Heritage Place;
    - (b) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
    - (c) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
      - (i) all of the following:
        - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
        - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
      - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
    - (d) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
      - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;

- (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
- (e) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 - Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
  - (i) the building is a Local Heritage Place;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared.
  - (iii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved;

### Non-complying Development

25 Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Amusement machine centre	
Bulky goods outlet	
Bus depot	
Bus station	
Caravan Park	
Construction of a new detached dwelling	
Dwelling	Except where in conjunction with a non-residential development.
Fuel depot	
Horticulture	
Hospital	
Hotel	Except in the Feathers Precinct, east of Glynburn Road and north of Greenhill Road

Form of development	Exceptions
Indoor Recreation Centre	Except in the Feathers Precinct, west of Glynburn Road and north of Greenhill Road
Industry	
Motel	
Motor repair station	
Petrol filling station	
Public service depot	Except in the Feathers Precinct, east of Glynburn Road and south of Greenhill Road (Council depot)
Road transport terminal	
Service trade premises	
Store	
Stadium	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

**Public Notification**

26 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

**Attachment E**

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## Mixed-Use (Business) Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A mixed use business zone accommodating a low traffic generating range of office, commercial, consulting room, community, place of worship, small-scale shop land uses and medium density residential development in association with non-residential development.
- 2 Development of a high design standard and appearance that complements and reinforces positive aspects of the local environment and built form.
- 3 Development undertaken in a manner which respects and enhances the character, and which does not unreasonably compromise the amenity, of surrounding development in both this zone and any adjoining zone.
- 4 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 5 The conservation and enhancement of State Heritage Places, Local Heritage Places and Contributory Items either within this zone or any adjacent zone.
- 6 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

This mixed-use zone provides a focus for commercial and business activities and comprises five defined areas:

- Mu(Bu)1 - Kensington Road (western end), Rose Park
- Mu(Bu)2 - Greenhill Road (western end), Dulwich
- Mu(Bu)3 - Fullarton Road, Eastwood
- Mu(Bu)4 - Portrush Road / Mount Barker Road (south-east quadrant of intersection), Glen Osmond
- Mu(Bu)5 - Glynburn Road / Greenhill Road (Feathers Precinct), Burnside

Parts of these areas contain Local Heritage Places as well as a number of older character buildings of high integrity which have been adapted for low-key business and consulting uses. These existing historic buildings create unique historic character within their locality, and development should conserve and enhance their features.

Development in the form of new, low density dwellings is not appropriate.

As much of this zone fronts prominent roads, buildings will be of a high standard which will create a unique character and urban form that enhances the attractiveness of these roads.

Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Roof forms and facades will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest. Building of large mass and bulk with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Development within this zone will be carefully designed and located to minimise the impact on adjoining residential amenity, particularly at the interface between this zone and the adjoining Residential Zone and Historic Conservation Zone, through careful consideration of appropriate uses and minimisation of the negative impacts of overlooking, overshadowing and noise. Noise impacts will be moderated through good design and noise attenuation techniques.

The greatest height, mass and intensity of development will be focussed at the main road frontage and in these locations development will transition down in scale and height towards the periphery of the zone, particularly at the boundaries with the existing residential areas and Historic (Conservation) Zone.

Allotments will be buffered by appropriate vegetation at the rear boundary and landscaped to reduce the visual impact on nearby residential uses.

The level of traffic generated by any development will minimise any adverse effects on adjoining residential areas. Car parking will be located to the rear and where possible, shared.

Outdoor advertisements will be of a style, type and scale appropriate to the built form and not detract from the character of the streetscape.

In addition to the above, the following policy specific to each area within this zone should also be considered:

#### **Mu(Bu)1 - Kensington Road, Rose Park**

The character of this area is primarily established by the nature and appearance of the historic buildings and their settings on Kensington Road. The majority of these buildings are Local Heritage Places which were former residences and are now being used for business and consulting room purposes.

This section of Kensington Road will continue to accommodate low traffic generating small-scale business and consulting room land uses.

The traditional character and forms of the historic buildings are significant elements of this area and will continue to be conserved. Although some buildings have been altered over time, this area is largely intact with alterations and additions at the rear of the historic buildings. The key architectural elements of original buildings, including the front and side façades, roof forms and ornamentation will remain and will continue to be preserved.

The existing single storey historic character of this area will be maintained along Kensington Road. Two storey residential development may be appropriate at the rear of some sites fronting Eliza Lane provided that car parking arrangements for non-residential use are not compromised. Residential development will also be cognisant of existing non-residential land uses within the zone.

Adequate car parking will be provided for commercial and residents activities and will be located at the rear of the building so as not to detract from the established streetscape character.

Development will take a form and scale that acknowledges, respects and reflects the historic buildings within this area and will include the use of appropriate traditional design elements, such as verandahs, balconies and hipped and gabled roofs. Development will be carefully integrated into the established streetscape and finishes will be carefully chosen to complement the finishes of surrounding buildings. Reflective glass and brightly coloured schemes will not be used.

Alterations and additions will be in a style which reflects the form and detailing of the original sections of the building and will be similar in scale to the original building. Any extensions or alterations to heritage buildings will seek to retain original materials and finishes particularly unpainted brickwork, stonework and the use of original corrugated iron roofing material.

An active pedestrian environment is encouraged along Kensington Road. Solid or high fencing is not appropriate.

#### **Mu(Bu)2 - Greenhill Road, Dulwich**

This section of Greenhill Road will continue to accommodate low traffic generating office, commercial, business and consulting room land uses or residential development in association with non-residential land uses.

Development will be setback not less than two metres from the Greenhill Road frontage to provide for landscaping of a size and scale appropriate to the development which it fronts.

New buildings will be between two and four storeys in height along Greenhill Road and graduate to no more than 2 storeys where the development site abuts the Residential or Historic Conservation Zone. Buildings may incorporate a fifth level as a mezzanine level within pitched or gable roof spaces.

Adequate car parking will be provided for commercial and residential activities, and will be located at the rear of buildings.

#### **Mu(Bu)3 - Fullarton Road, Eastwood**

Development will primarily accommodate low traffic generating office, commercial, business and consulting room land uses or residential development in association with non-residential land uses.

New buildings will be between two and four storeys in height along Fullarton Road and graduate to no more than 2 storeys where the development site abuts the Residential or Historic Conservation Zone. Buildings may incorporate an additional mezzanine level within pitched or gable roof spaces.

#### **Mu(Bu)4 - Portrush Road / Mount Barker Road, Glen Osmond**

This area will accommodate a variety of land uses. Ground floor uses will be non-residential such as shops, offices, community meeting places and consulting rooms.

New buildings will be up to three storeys in height and may incorporate an additional mezzanine level within pitched or gable.

Heritage buildings may be adapted and reused while maintaining their heritage qualities. Alterations and additions to heritage buildings will be located behind the front façade and towards the rear, and will be in scale with the original building, in a style which reflects the form and detailing of the original sections of the building and will seek to retain original materials and finishes particularly unpainted brickwork, stonework and original corrugated iron roofing material. Buildings adjacent to heritage buildings will be sympathetic to the heritage nature and character in their design.

Buildings will be set back from the intersection of Portrush Road and Mount Barker Road to facilitate clear sight lines and safe vehicle and pedestrian movement at that intersection.

Safe, landscaped pedestrian walkways between buildings will encourage permeability to neighbouring streets and enhance the sense of place and identity of the area.

On-site vehicle parking will be screened from the primary street frontage by appropriate locating parking areas behind buildings and screening parking areas with appropriate vegetation and landscaping.

#### **Mu(Bu)5 - Glynburn Road / Greenhill Road (Feathers Precinct), Burnside**

This section of the zone straddles both sides of Greenhill and Glynburn Roads and provides a wide range of services and facilities for the local community. It is made up of six distinct areas with each of these having differing character and performing slightly differing roles and functions.

The creation of visual and physical linkages between the five areas is encouraged. The revitalisation and consolidation of the area is supported through the upgrading of the appearance of buildings, coordinated signage and enhanced landscaping.

High quality residential development above non-residential uses is encouraged where this can make a positive contribution to revitalising the area.

Replacement of existing, detached dwellings with new, low density dwellings is not appropriate.

Development, including the location of access and egress points, will be undertaken in a manner which will minimise interference with the safe and free flow of traffic on Greenhill and Glynburn Roads.

Adjacent housing will be buffered by screen plantings along rear boundaries.

**Area Mu(Bu)5A:** The north-east portion of this part of the zone which fronts Glynburn Road, between John Street and High Street will continue to be occupied by low traffic generating and less intrusive uses such as consulting rooms and offices. Development will respect the heritage listed post office building. Buildings will not exceed two storeys in height above the adjacent public footway level. Buildings may incorporate a third level as a mezzanine level within pitched or gable roof spaces.

**Area Mu(Bu)5B:** The north-east portion of this part of the zone which fronts Glynburn Road, between John Street and Greenhill Road incorporating the Feathers Hotel will remain a commercial area, with the hotel and its associated drive-through liquor outlet and carpark, small retail shops, consulting rooms, offices and restaurants being the key uses in this area. The section between Greenhill Road and John Street will contain buildings up to three storeys in height above the adjacent public footway. Buildings may incorporate a fourth level as a mezzanine level within pitched or gable roof spaces.

**Area Mu(Bu)5C:** The north-west portion of this part of the zone which fronts Glynburn Road and Greenhill Road will contain buildings up to three storeys in height which may incorporate an additional mezzanine level within pitched or gable roof spaces. Development fronting the intersection of Greenhill Road and Glynburn Road will form a visual landmark with zero setbacks from the Glynburn Road and Greenhill Road street frontages and may incorporate verandahs over footpaths to provide shelter and visual interest. The intersection will maintain a commercial focus with restaurants and outdoor cafes which will reinforce this locality as a meeting place for the local community. Car parking will be located to the rear or below ground and where possible, shared.

**Area Mu(Bu)5D:** The south-west portion of this part of the zone which fronts the intersection of Glynburn and Greenhill Roads, north of number 529 Glynburn Road, will cater for a mix of land-uses with a range of small shops, offices, restaurants and consulting rooms. Buildings will be up to three storeys in height above the adjacent public footway, and may incorporate an additional mezzanine level within pitched or gable roof spaces. Development fronting the intersection of Greenhill Road and Glynburn Road will form a visual landmark with zero setbacks from the Glynburn Road and Greenhill Road street frontages. The pedestrian environment will be enhanced with verandahs, pergolas and awnings over footpaths to provide shelter and visual interest. Car parking will be located to the rear or below ground and where possible, shared.

**Area Mu(Bu)5E:** The south-west portion of this part of the zone which fronts Glynburn Road from and including number 529 Glynburn Road, and up to and including number 535 Glynburn Road, will contain buildings up to two storeys in height above the adjacent public footway, comprising a mix of land-uses and a range of small shops, offices, restaurants, consulting rooms and childcare centre. Buildings may incorporate a third level as a mezzanine level within pitched or gable roof spaces. Additional activities which reinforce existing uses are appropriate. An active pedestrian environment is encouraged along Glynburn Road. Solid high fencing is not appropriate.

**Area Mu(Bu)5F:** The south-east portion of this part of the zone which fronts Glynburn Road, between Greenhill Road and Waterfall Terrace comprises a mix of land-uses, including the City of Burnside Council Depot. The improvement of the area through upgraded appearance of buildings, landscaping and car parking areas is encouraged. Mixed use buildings of up to five stories on the existing Council Depot site are envisaged, adjacent buildings of three storeys in the remaining parts of this area. Buildings may incorporate an additional mezzanine level within pitched or gable roof spaces. The



pedestrian environment of this area will be enhanced with verandahs, pergolas and awnings over footpaths.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land Use**

- 1 The following forms of development are envisaged in the zone:
  - (a) throughout the zone:
    - community facility
    - consulting room
    - office
    - shop where the gross leasable area is 250 square metres or less
  - (b) along Fullarton Road, Eastwood:
    - dwelling(s) above ground floor level, in association with non-residential development
  - (c) along Greenhill Road, Dulwich,
    - dwelling(s) above ground floor level, in association with non-residential development
  - (d) along Kensington Road, Rose Park:
    - dwelling within an existing heritage building
    - dwelling in association with other uses within an existing heritage building
    - laneway housing or mews dwelling at rear of existing heritage building
  - (e) along Portrush Road and Mount Barker Road, Glen Osmond
    - dwelling(s) above ground floor level
    - educational establishment
    - entertainment, cultural and exhibition venue
    - function centre
    - meeting hall
    - place of worship
    - restaurant
    - tourist accommodation
  - (f) along Glynburn Road and Greenhill Road, Burnside/Hazelwood Park
    - dwelling(s) above ground floor level, in association with non-residential development
    - entertainment, cultural and exhibition venue
    - function centre
    - hotel
    - meeting hall
    - place of worship
    - restaurant
    - tourist accommodation
- 2 Shops or groups of shops contained in a single building, other than a restaurant, should have a gross leasable area of less than 250 square metres.
- 3 Land uses on the ground floor of buildings should be non-residential.
- 4 Development listed as non-complying is generally inappropriate.

### **Form and Character**

- 5 Development should be consistent with the desired character for the zone.
- 6 Buildings should be of low or medium rise with ground floor uses creating active and vibrant streets.

- 7 In mixed use buildings, other than in Mu(Bu)1, non-residential development should be located at the front, on the ground floor and lower levels, and residential uses should only be located on the upper levels or behind non-residential uses on the same allotment.
- 8 In mixed use buildings within Mu(Bu)1, non-residential uses should be located at the front of the building and residential uses should be located behind non-residential uses or as laneway living accommodation located at the rear of the site.
- 9 Additions to heritage places will be undertaken at the rear of the building and ideally not visible from the primary street frontage.
- 10 Buildings should be of a high standard of design and achieve a human scale, particularly at ground level, through the use of articulated roof and façade treatments in conjunction with elements such as canopies, verandahs or building projections.
- 11 Bulk and scale of development should have regard to that of adjoining land uses, with a built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
- 12 At the interface of adjacent zones, and where not separated by a public street or laneway, new buildings should provide a transition in height and bulk down to a two storey scale.
- 13 Development should provide a varied built streetscape with multiple built form design responses that limit long, uninterrupted facades and roof forms.
- 14 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 15 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 16 Development should reinforce those parts of the zone which have a distinctive and historic architectural character and be of a compatible design where their scale, height, mass, setbacks and materials enhance the character of the zone.
- 17 Buildings, facilities and car parks should be located and designed to respect and complement the appearance and scale of any heritage buildings and not be detrimental to any items of heritage significance which are located either on or adjacent the site.
- 18 Except at ground floor level, glazing in windows will be obscure to 1.8 metres from the finished floor level on all elevations except where the window faces a primary or secondary road (but not a laneway).
- 19 Entrances to multi-storey buildings should provide separate access for residential and non-residential land uses.
- 20 Buildings should be designed to have their ground floor finished floor levels at the same height of an abutting footpath on the primary street frontage, provided the footpath is constructed to an appropriate level to mitigate flood risk at the edge of the development site.
- 21 Solid fencing should not be constructed between the front building line and the primary street.
- 22 Landscaping should be provided between commercial and residential development

- 23** Buildings should be appropriately landscaped between the rear façade and the rear boundary to reduce the visual impact on nearby residential uses.
- 24** A landscaping strip of no less than 600mm, comprising appropriate trees, shrubs or other vertical plants, should be provided along the site boundary of the primary road frontage in all areas where buildings are set back greater than zero metres from the primary road frontage.

### **Building Envelope**

#### *Setbacks*

- 25** Buildings (excluding verandahs, porticos and the like) should be set back from boundaries in accordance with the following parameters:

<b>Area</b>	<b>Minimum setback from primary road frontage</b>	<b>Minimum setback from primary road frontage in all other cases</b>
<b>Mu(Bu)1</b>	In alignment with adjacent Local Heritage Places along Kensington Road	N/A
<b>Mu(Bu)2</b>	2 metres from Greenhill Road	N/A
<b>Mu(Bu)3</b>	4 metres from Fullarton Road	4 metres from Hauteville Terrace
<b>Mu(Bu)4</b>	8 metres from Portrush Road	3 metres from Mount Barker Road
<b>Mu(Bu)5</b>	Mu(Bu)5A: less than 8 metres from Glynburn Road; Mu(Bu)5B: less than 8 metres from Glynburn Road; Mu(Bu)5C: 0 metres from Glynburn Road; Mu(Bu)5D: less than 8 metres from Glynburn Road; Mu(Bu)5E: less than 8 metres from Glynburn Road; Mu(Bu)5F: less than 8 metres from Glynburn Road;	Mu(Bu)5A: N/A; Mu(Bu)5B: less than 8 metres from Greenhill Road; Mu(Bu)5C: 0 metres from Greenhill Road; Mu(Bu)5D: 0 metres from Greenhill Road; Mu(Bu)5E: N/A; Mu(Bu)5F: less than 8 metres from Greenhill Road;

#### *Other Setbacks*

- 26** Buildings (excluding verandahs, porticos and the like) should be set back in accordance with the following parameters:

Area	Minimum setback from secondary road frontage	Minimum setback from rear allotment boundary (where not separated by a public road or laneway)	Minimum setback from side boundaries (where not on a street boundary)
<b>Mu(Bu)1</b>	2 metres	4 metres where directly abutting a residential zone or Historic Conservation Zone	Where boundary directly abuts a residential zone or Historic Conservation Zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(Bu)2</b>	2 metres	4 metres where directly abutting a residential zone	Where boundary directly abuts a residential zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(Bu)3</b>	2 metres	4 metres where directly abutting a residential zone or Historic Conservation Zone	Where boundary directly abuts a residential zone or Historic Conservation Zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(Bu)4</b>	2 metres	4 metres where directly abutting a residential zone	Where boundary directly abuts a residential zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(Bu)5</b>	2 metres	4 metres where directly abutting a residential zone	Where boundary directly abuts a residential zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels

### **Interface Height Provisions**

- 27** Any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:

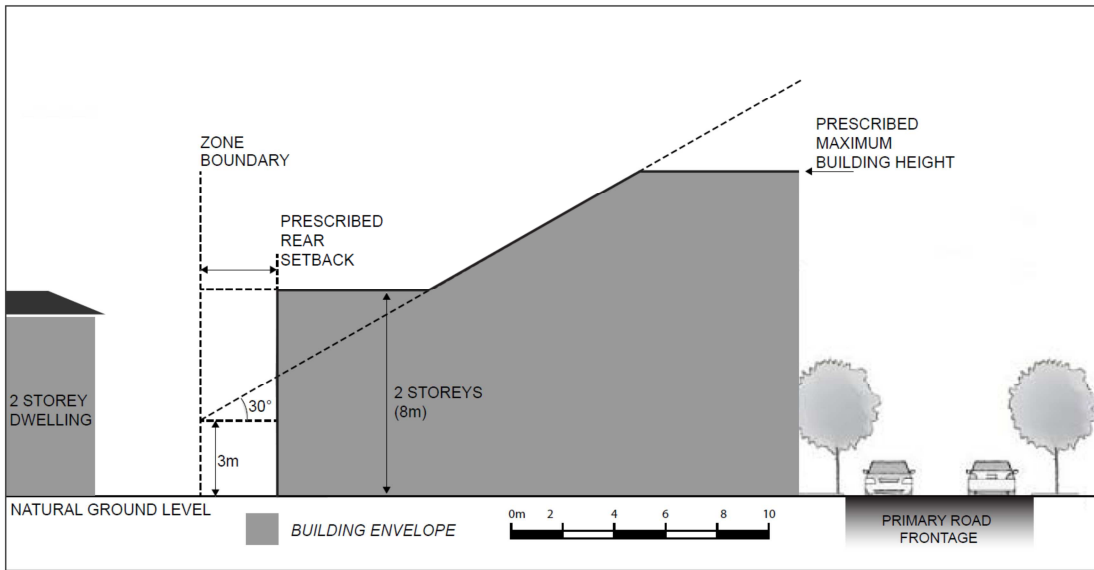


Figure 1

### Land Division

28 Land division should create allotments that vary in size and are suitable for a variety of business activities.

### Vehicle Parking and Access

- 29 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5 - Off-Street Vehicular Parking Requirements](#) or [Table Bur/6 – Off-street Vehicle Parking Requirements for Designated Areas](#) (whichever applies).
- 30 Vehicle access points on side streets and rear access ways should be located and designed to avoid excessive traffic flows into residential streets and minimise the impacts of headlight glare and noise on nearby residents.
- 31 Car parking areas should be provided at the rear or side of premises.
- 32 Undercroft car parking, or partial basement car parking, where the car parking is partially below ground and the first floor of the building is located immediately above the car park and sits more than 500mm above ground level, is not acceptable.
- 33 Basement carparking, which is entirely below ground level, maybe appropriate on larger sites in Mu(Bu)2, Mu(Bu)3 and Mu(Bu)4 where both of the following are achieved:
- (a) Access to basement car parking areas should be from the rear and not visible from the primary street frontage, and
  - (b) Access to basement car parking areas should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.

## **Environmental**

- 34 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 35 Buildings should be designed having regard to best practice energy efficiency principles, in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 36 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.
- 37 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 38 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 39 Development should provide the following in accordance with relevant current Australian standards or guidelines:
  - (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

## **Outdoor Advertisements**

- 40 Outdoor advertisements should be designed and located to be in keeping with the building to which they relate and the character of the area.
- 41 Advertisements and advertising hoardings should not include any of the following:
  - (a) flashing or animated signs
  - (b) bunting, streamers, flags, or wind vanes
  - (c) roof-mounted advertisements projected above the roofline
  - (d) parapet-mounted advertisements projecting above the top of the parapet.
  - (e) verandah post mounted advertisements
- 42 Advertisements should be designed and erected as follows:
  - (a) under canopy signs should comprise the predominant form of signage in the zone;
  - (b) flat wall signs located above canopy level should be of a size and shape relative to the building facade so as not to dominate the facade or appear disproportionate with respect to sign/wall area ratios;
  - (c) fascia signs should not obscure the alignment of curved or bull nose verandahs nor project beyond the alignment of the structure to which they are affixed;

- (d) projecting signs above canopy level should only serve to identify the predominant use, name or function of a building and should be in a form which conserves and reinforces the character of the building and the streetscape;

43 Advertisements should be not erected upon:land or a building not in use for or related to the message denoted on the advertisement.

## PROCEDURAL MATTERS

### Complying Development

44 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:

- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in Table Bur/8, where applicable.
- (2) A change of use to a shop less than 250 square metres, office, consulting room or any combination of these uses, on the ground or first floor of a building, where all of the following are achieved;
  - (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
  - (b) the building is not a State Heritage Place;
  - (c) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
  - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
    - (i) all of the following:
      - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
      - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
    - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
  - (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
    - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;
    - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities

for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;

- (f) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 - Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
- (i) the building is a Local Heritage Place;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
  - (iii) the development is the same or substantially the same as a development, which has previously been granted development approval under the *Development Act 1993* or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved.

### Non-complying Development

45 Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Amusement machine centre	
Bulky goods outlet	
Construction of a new detached dwelling	
Fuel depot	
Horse keeping	
Horticulture	
Indoor Recreation Centre	



Form of development	Exceptions
Industry	
Intensive animal keeping	
Motor Repair Station	
Petrol filling station	
Prescribed mining operations	
Public Service Depot	
Road transport terminal	
Service Trade Premises	
Special industry	
Stock sales yard	
Stock slaughter works	
Stadium	
Store	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

**Public Notification**

46 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

**Attachment F**

DRAFT

## Mixed-Use (Glen Osmond Road) Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

### OBJECTIVES

- 1 A mixed use zone accommodating office, commercial and residential land uses of a low traffic-generating nature with limited vehicle movements which do not disrupt the free flow of traffic on Glen Osmond Road or generate unduly large traffic volumes in residential streets.
- 2 Development of a high design standard and appearance that complements and reinforces positive aspects of the local environment and built form.
- 3 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 4 Development undertaken in a manner which respects and enhances the character, and which does not unreasonably compromise the amenity, of surrounding development in both this zone and any adjoining zone.
- 5 The conservation and enhancement of State Heritage Places, Local Heritage Places and Contributory Items both within this zone and the adjacent zone.
- 6 Development along Glen Osmond Road reflecting the role of the road as a principal gateway to the City of Adelaide.
- 7 Orderly and proper development of the zone through comprehensive redevelopment and rehabilitation of existing buildings.
- 8 A zone with an attractive character and amenity, not marred by large or inappropriately located signs.
- 9 Development that contributes to the desired character of the zone.

### DESIRED CHARACTER

This mixed-use zone is located in three defined areas along Glen Osmond Road:

- Mu(GOR)1 – Glen Osmond Road (between Moar Street and Fullarton Road), Eastwood
- Mu(GOR)2 – Glen Osmond Road (between Main Avenue and Conyngham Street), Frewville
- Mu(GOR)3 – Glen Osmond Road (between Vine Lane and Portrush Road), Glen Osmond

Glen Osmond Road is part of the National route between Adelaide and Melbourne, and is an important thoroughfare for interstate traffic and residents of the Adelaide Hills. The road carries high traffic volumes and development along the road will not hinder traffic flow.

Development along Glen Osmond Road will comprise mainly small office, commercial, retail and restaurant uses which do not generate large traffic flows onto Glen Osmond Road or through neighbouring residential areas.

Parts of the zone will provide scope for a mix of residential and commercial development. Along Glen Osmond Road and Portrush Road, development will continue to be used for non-residential uses at ground level. The replacement of any buildings which front these two roads, with new low density dwellings, is not appropriate. Residential development, in association with non-residential land uses,

located in an upper level or behind commercial premises, may be appropriate provided that such development will not prejudice the development and operation of non-residential land uses.

Development in the form of new, low density dwellings fronting Glen Osmond Road and Portrush Road is not appropriate.

Shops or businesses contained in a single building, other than a restaurant or a supermarket, will have a gross leasable area of less than 450 square metres.

Parts of this zone contain historic buildings which have been adapted for business, shop and consulting uses. These existing historic buildings in their respective areas create a unique historic character and development will complement, conserve and enhance their features.

Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Roof forms and facades will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest. Building of large mass and bulk with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

Development on key the corner sites at Fullarton Road and Portrush Road will form a visual landmark through the use of taller buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.

Development will have regard to the design and scale of buildings on the southern side of Glen Osmond Road.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Development within this zone will be carefully designed and located to minimise the impact on adjoining residential amenity, particularly at the interface between this zone and the adjoining Residential Zone and Historic Conservation Zone, through careful consideration of appropriate uses and minimisation of the negative impacts of overlooking, overshadowing and noise. Noise impacts will be moderated through good design and noise attenuation techniques.

Allotments will be buffered by appropriate vegetation at the rear boundary and landscaped to reduce the visual impact on nearby residential uses.

The level of traffic generated by any development will be in keeping with the fact that Glen Osmond Road is an arterial road, and minimise any adverse effects on adjoining residential areas.

Vehicle parking will be located to the rear and where possible, shared. Car parks will be constructed with two way access and an adequate turning area, so that vehicles do not have to reverse onto Glen Osmond Road and the number of access points onto that road are minimised. Vehicles will be discouraged from using streets in residential areas and common access points will be provided to smaller developments, and to those lacking direct road access.

Many of the existing allotments in the zone are small and this limits the options available for the location and design of buildings, making it difficult for developments to incorporate adequate loading, car parking and landscaping areas and limiting opportunities to rationalize the number of access points onto Glen Osmond Road and residential streets to the north-east of the zone. When small allotments are developed, adjoining owners will share common access points, and agree on the location and design of parking, loading and landscaping areas.

An active pedestrian environment is to be enhanced along Glen Osmond Road. Solid or high fencing is not appropriate. On the footpath and at the front façade of developments, landscaping will be small scale or vertical, such as through the use of creepers and green walls and in planter boxes on the footpath.

Outdoor advertisements will be of a style, type and scale appropriate to the built form and not detract from the character of the Glen Osmond Road streetscape.

In addition to the above, the following policy specific to each area within this zone should also be considered:

**Mu(GOR)1 – Glen Osmond Road (between Moar Street and Fullarton Road), Eastwood**

The character of this area is primarily established by the nature and appearance of the historic buildings and their settings on Glen Osmond Road. In particular, the traditional character of the commercial buildings, which are a significant element of this area, will continue to be preserved and re-used. Although some of the original shops have been altered over time, many of the significant streetscape elements, such as the timber shopfronts and verandahs, still remain and will continue to be preserved.

This area will continue to consist primarily of shops, cafes, consulting rooms, community facilities and other compatible uses, in both preserved and converted buildings which contribute positively to the historic character of the zone.

New development will conserve, enhance and complement the existing heritage places, including the use of appropriate traditional design elements, such as verandahs, balconies and hipped and gabled roofs. New development will be carefully integrated into the established streetscape. Reflective glass and brightly coloured schemes will not be used. Finishes will be carefully chosen to complement the finishes of surrounding buildings.

The siting of new buildings will continue the alignment of adjacent heritage places and incorporate the use of verandahs over footpaths, where appropriate. Buildings fronting Glen Osmond Road will be constructed to the road boundary to form a continuous road frontage interspersed with walkway access to the rear parking areas.

Extensions and additions to heritage places will be undertaken at the rear of a building and ideally not be visible from the primary street frontage. They will be in a style which reflects the form and detailing of the original sections of the building and will be similar in scale to the original building. Any extensions or alterations to heritage buildings will seek to retain original materials and finishes particularly unpainted brickwork, stonework and the use of original corrugated iron roofing material.

Carparking will be sensitively positioned at the rear of the building so as not to detract from the established streetscape character.

**Mu(GOR)2 – Glen Osmond Road (between Main Avenue and Conyngham Street), Frewville**

Properties fronting Glen Osmond Road will have a strong employment focus, encouraging the continuation and revitalisation of business and commercial uses within the area and will not compromise the free flow of traffic on Glen Osmond Road through large traffic generating uses, heavy vehicle traffic/servicing requirements or increased access points. Limited residential development in association with non-residential land uses, located in an upper level or behind commercial premises may be appropriate on some sites. Residential development above non-residential development will be appropriately treated to minimise the impact of noise from Glen Osmond Road.

Development fronting Avenue Road will be residential in use and character.

The appearance of commercial development within the policy area will be improved through the redevelopment and upgrading of existing development sites. Buildings will be designed and sited to accommodate creative use of landscape treatments, active street frontages and be of a “human scale”.

Buildings fronting Glen Osmond Road will create an attractive pedestrian environment through the positioning of windows, building entries, and projections such as verandahs and porticos on this elevation.

Car parking areas for buildings fronting Glen Osmond Road will be predominantly at the rear of buildings or within basements. These car parking areas will include landscaping along perimeters, particularly along boundaries adjacent to residential development and where visible from a public side street.

Car parking areas will be consolidated and integrated across sites to minimise the number of access points onto Glen Osmond Road and to provide for the shared use of parking facilities. Car park access points will be located and designed to minimise the impact on the flow of traffic along Glen Osmond Road and discourage traffic through local side streets. Limited on-site parking in front of buildings along the Glen Osmond Road frontages will be for short term use only.

### **Mu(GOR)3 – Glen Osmond Road (between Vine Lane and Portrush Road), Glen Osmond**

This area will have a strong employment focus, encouraging the continuation and revitalisation of office and commercial uses within the area. Development will not compromise the free flow of traffic on Glen Osmond Road and Portrush Road through large traffic generating uses, heavy vehicle traffic/servicing requirements or increased access points.

Development will be varied in form to accommodate a mixture of commercial and business land uses, with residential development in association with non-residential land uses, located in an upper level or behind commercial premises. Dwellings located above non-residential development will be appropriately treated to minimise the impact of noise from Glen Osmond Road and Portrush Road.

The appearance of commercial development within the policy area will be improved through the redevelopment and upgrading of existing development sites. Buildings will be designed and sited to accommodate creative use of landscape treatments, active street frontages and be of a “human scale”.

Buildings will be designed to address Glen Osmond Road and Portrush Road and create an attractive pedestrian environment through the siting of non-residential development on or close to the road frontage and providing windows, building entries, and projections such as verandahs and porticos on this elevation.

Well designed landscaping will assist to visually reduce the scale of built form, soften edges and provide visual amenity and shade.

Car parking areas will be predominantly at the rear of buildings or within basements. Car parking areas will be consolidated and integrated across sites to minimise the number of access points onto Glen Osmond Road and Portrush Road and to provide for the shared use of parking facilities. Car park access points will be located and designed to minimise the impact on the flow of traffic along Glen Osmond Road and Portrush Road and discourage traffic through local side streets. Limited on-site parking in front of buildings along the Glen Osmond Road and Portrush Road frontages will be for short term use only.

Car parking areas will include landscaping along perimeters, particularly along boundaries adjacent to residential development and where visible from a public side street.

## **PRINCIPLES OF DEVELOPMENT CONTROL**

### **Land use**

1 The following forms of development are envisaged in the zone:

- office
- consulting room
- commercial development
- dwelling(s) in consultation with non-residential development
- shop

- 2 Development comprising a variety of residential and non-residential uses should only be undertaken if such development does not prejudice the operation of existing or future non-residential activity within the zone.
- 3 Land uses on the ground floor of buildings fronting Glen Osmond Road should be non-residential.
- 4 Development listed as non-complying is generally inappropriate.

### **Form and Character**

- 5 Development should be consistent with the desired character for the zone.
- 6 In mixed use buildings, non-residential development should be located on the ground floor and lower levels, and dwellings should only be located on the upper levels or behind non-residential uses on the same allotment.
- 7 Where the building fronts Glen Osmond Road, dwellings should only be located above or behind non-residential uses on the same allotment.
- 8 In Mu(GOR)1, buildings, including shops, offices and consulting rooms, should have a maximum ground floor area of less than 250 square metres.
- 9 In Mu(GOR)2 and Mu(GOR)3, buildings, including shops, offices and consulting rooms, should have a maximum ground floor area of less than 450 square metres.
- 10 Buildings should be of a high standard of design and achieve a human scale, particularly at ground level, through the use of articulated roof and façade treatments in conjunction with elements such as canopies, verandahs or building projections.
- 11 Bulk and scale of development should have regard to that of adjoining land uses, with a built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
- 12 At the interface of adjacent zones, and where not separated by a public street or laneway, new buildings should provide a transition in height and bulk down to a two storey scale.
- 13 Development should provide a varied built streetscape with multiple built form design responses that limit long, uninterrupted facades and roof forms.
- 14 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 15 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 16 Development should reinforce those parts of the zone which have a distinctive and historic architectural character and be of a compatible design where their scale, height, mass, setbacks and materials enhance the character of the zone.
- 17 Buildings, facilities and car parks should be located and designed to respect and complement the appearance and scale of any heritage buildings and not be detrimental to any items of heritage significance which are located either on or adjacent the site.

- 18 Except at ground floor level, glazing in windows will be obscure to 1.8 metres from the finished floor level on all elevations except where the window faces a primary or secondary road (but not a laneway).
- 19 Entrances to multi-storey buildings should provide separate access for residential and non-residential land uses.
- 20 Buildings should be designed to have their ground floor finished floor levels at the same height of an abutting footpath on the primary street frontage, provided the footpath is constructed to an appropriate level to mitigate flood risk at the edge of the development site.
- 21 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs, particularly where buildings are built to the primary street boundary
- 22 Development should not generate significant increases in traffic volumes in adjacent or nearby residential streets.
- 23 Solid fencing should not be constructed between the front building line and the primary street.
- 24 Landscaping should be provided between commercial and residential development.
- 25 Buildings should be appropriately landscaped between the rear façade and the rear boundary to reduce the visual impact on nearby residential uses.
- 26 A landscaping strip of no less than 600mm, comprising appropriate trees, shrubs or other vertical plants, should be provided along the site boundary of the primary road frontage to Glen Osmond Road, Fullarton Road, Main Street, Avenue Road, Conyngham Street and Chessington Avenue, where buildings are not located on that front boundary.

## Building Envelope

### *Building Height*

- 25 Except where interface height provisions require a lesser height, building heights should be consistent with the following parameters :

Area	Maximum Building Height (measured above the adjacent public footway level)
Mu (GOR)1 – west of Markey Street	2 storeys (or 3 levels where the third level is a mezzanine level within a pitched or gable roof space)
Mu (GOR)1 - east of Markey Street	4 storeys (or 5 levels where the fifth level is a mezzanine level within a pitched or gable roof space)
Mu (GOR)2	4 storeys (or 5 levels where the fourth level is a mezzanine level within a pitched or gable roof space) up to and  2 storeys (or 3 levels where the fourth level is a



Area	Maximum Building Height (measured above the adjacent public footway level)
	mezzanine level within a pitched or gable roof space)where the building either fronts Avenue Road or Frederick Street
Mu (GOR)3	3 storeys (or 4 levels where the fourth level is a mezzanine level within a pitched or gable roof space)

*Setbacks*

**26** Buildings (excluding verandahs, porticos and the like) should be set back from boundaries in accordance with the following parameters:

Area	Minimum setback from Glen Osmond Road frontage	Minimum setback from primary road frontage in all other cases
<b>Mu(GOR)1</b>	3 metres (measured from the widened or proposed widened boundary of this road)  OR  0 metres where extended outdoor dining / licensed area is proposed forward of the building and a pedestrian friendly verandah is provided over the footpath in the following locations:  (a) between John Street and up to and including the Local Heritage Place at 43 Glen Osmond Road and;  (a) from and including the Local Heritage Place at 71 Glen Osmond Road to Markey Street.	4 metres from Fullarton Road
<b>Mu(GOR)2</b>	3 metres (measured from the widened or proposed widened boundary of this road)	6 metres from Avenue Road; 6 metres from Conyngham Street 6 metres from Frederick Street 1 metre from Jane Street 2 metres from North Street
<b>Mu(GOR)3</b>	3 metres (measured from the widened or proposed widened boundary of this road)	2 metres from Chapel Street 2 metres from Queen Street 2 metres from Allawah Avenue 2 metres from Vine Lane

*Other Setbacks*

- 27** Buildings (excluding verandahs, porticos and the like) should be set back in accordance with the following parameters:

Area	Minimum setback from secondary road frontage	Minimum setback from rear allotment boundary (where not separated by a public road or laneway)	Minimum setback from side boundaries (where not on a street boundary or where directly abutting a residential zone or Historic Conservation Zone)
<b>Mu(GOR)1</b>	2 metres	4 metres where directly abutting a residential zone or Historic Conservation Zone	Where boundary directly abuts a residential zone or Historic Conservation Zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(GOR)2</b>	2 metres	4 metres where directly abutting a residential zone  OR  3 metres where fronting Glen Osmond Road, and backing onto allotments fronting Avenue Road:	Where boundary directly abuts a residential zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.
<b>Mu(GOR)3</b>	2 metres	4 metres where directly abutting a residential zone	Where boundary directly abuts a residential zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.

*Interface Height Provisions*

- 28** Any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:

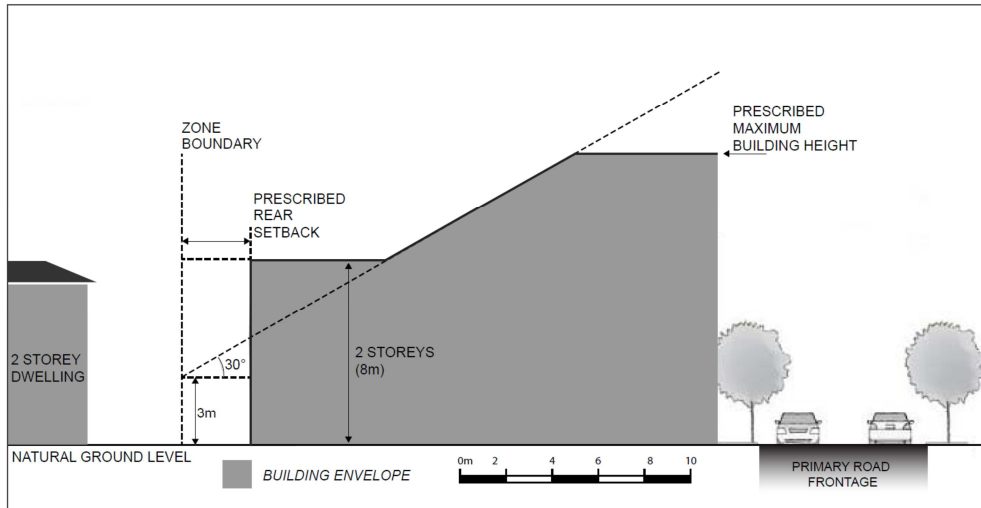


Figure 1

### Vehicle Parking and Access

- 29 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5](#) - Off-Street Vehicular Parking Requirements or [Table Bur/6](#) – Off-street Vehicle Parking Requirements for Designated Areas (whichever applies).
- 30 Car parking areas should be located at the rear of developments to facilitate visual screening from public roads with access to and availability of such car parking areas being clearly displayed on signage appropriate to the development.
- 31 Car parking areas should be effectively screened from view from any public road by the use of landscaping or other means which enhance the external appearance of the land and buildings.
- 32 The safe and convenient movement of vehicles should be facilitated by:
  - (a) limiting the number of access and egress points onto Glen Osmond Road to those required to accommodate the traffic generated by the development they serve;
  - (b) access and egress points being located and designed in a manner which minimises traffic hazards, queuing on roads and interference with the function of road intersections, junctions and traffic control devices and;
  - (c) the linking and shared use of car parking areas where practicable.
- 33 Undercroft car parking, or partial basement car parking, where the car parking is partially below ground and the first floor of the building is located immediately above the car park and sits more than 500mm above ground level, is not acceptable.
- 34 Basement carparking, which is entirely below ground level, maybe appropriate on larger sites in Mu(GOR)3 where both of the following are achieved:
  - (a) access to basement car parking areas should be from the rear or a secondary road and not visible from the primary street frontage, and
  - (b) access to basement car parking areas should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.

## Environmental

- 35 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 36 Buildings should be designed having regard to best practice energy efficiency principles, in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 37 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.
- 38 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 39 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 40 Development should provide the following in accordance with relevant current Australian standards or guidelines:
  - (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

## Outdoor Advertisements

- 41 Outdoor advertisements should be designed and located to be in keeping with the building to which they relate and the character of the area.
- 42 Advertisements and advertising hoardings should not include any of the following:
  - (a) flashing or animated signs
  - (b) bunting, streamers, flags, or wind vanes
  - (c) roof-mounted advertisements projected above the roofline
  - (d) parapet-mounted advertisements projecting above the top of the parapet.
  - (e) verandah post mounted advertisements
- 43 Advertisements should be designed and erected as follows:
  - (a) under canopy signs should comprise the predominant form of signage in the zone;
  - (b) flat wall signs located above canopy level should be of a size and shape relative to the building facade so as not to dominate the facade or appear disproportionate with respect to sign/wall area ratios;
  - (c) fascia signs should not obscure the alignment of curved or bull nose verandahs nor project beyond the alignment of the structure to which they are affixed;
  - (d) projecting signs above canopy level should only serve to identify the predominant use, name or function of a building and should be in a form which conserves and reinforces the character of the building and the streetscape;

- 44 Advertisements should be not erected upon: land or a building not in use for or related to the message denoted on the advertisement.

## PROCEDURAL MATTERS

### Complying Development

- 45 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:
- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in Table Bur/8, where applicable.
  - (2) A change of use to a shop less than 250 square metres, office, consulting room or any combination of these uses, on the ground or first floor of a building, where all of the following are achieved;
    - (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
    - (b) the building is not a State Heritage Place;
    - (c) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
    - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (A) or (B):
      - (i) all of the following:
        - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
        - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
      - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
    - (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
      - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;
      - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;

- (f) off-street vehicular parking is provided in accordance with the rate(s) specified in Table Bur/5 - Off Street Vehicle Parking Requirements or the desired minimum rate in Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
- (i) the building is a Local Heritage Place;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
  - (iii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved.

### Non-complying Development

46 Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
Advertisement and /or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Builder's Yard	
Construction of a new detached dwelling	
Crematorium	
Fuel depot	
Horticulture	
Industry	
Intensive animal keeping	
Petrol filling station	
Public service depot	
Road transport terminal	
Service trade premises	
Waste reception, storage, treatment or disposal	
Wrecking yard	

Form of Development

Exceptions

**Public Notification**

47 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

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**Attachment G**

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## Mixed Use (Urban Living) Zone

### Introduction

The objectives and principles of development control that follow apply in the Mixed-Use (Urban Living) Zone shown on [Maps Bur/X, X, X and X](#). They are additional to those expressed for the whole of the Council area.

### OBJECTIVES

- 1 A mixed use zone accommodating medium density residential development which is supported by local shops, businesses and community land uses.
- 2 Development of a high design standard and appearance that complements and reinforces positive aspects of the local environment and built form.
- 3 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 4 Development undertaken in a manner which respects and enhances the character, and which does not unreasonably compromise the amenity, of surrounding development in both this zone and any adjoining zone.
- 5 The conservation and enhancement of State Heritage Places, Local Heritage Places and Contributory Items either within this zone or any adjacent zone.
- 6 A cohesive built streetscape allowing multiple built form design responses that support innovative housing and mixed use development outcomes.
- 7 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The Mixed Use (Urban Living) Zone exists in two defined areas:

- Mu(UL)1 - The Parade (between Portrush Road and Gurrs Road), Beulah Park
- Mu(UL)2 - Kensington Road (between Close Street and Thomas Place), Rose Park

This zone will comprise medium density residential areas supported by a variety of mixed-use business activities that provide for the daily needs of both visitors and the local community.

Ground floor areas of non-residential uses will contribute to the creation of lively and active pedestrian environments and may include shops, cafes, restaurants, offices, consulting rooms and community services. Retail and commercial activities such as cafes and food shops are encouraged to activate public spaces and thoroughfares through the provision of seating, tables and shelter adjacent to premises.

Medium density residential developments will be an integral part of the zone and will be carefully located to add to the vibrancy of the zone.

Development in the form of new, low density dwellings is not appropriate.

The form of buildings will contribute to high quality design outcomes. Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural

quality. Roof forms and facades will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest. Building of large mass and bulk with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Development at the interface with residential zones will have regard to potential visual overlooking and overshadowing impacts on the occupants of adjacent and nearby residential properties. By careful and innovative architectural design, buildings will be designed to minimise negative impacts on adjoining residential areas in terms of noise and visual impact. Noise impacts will be moderated through good design and noise attenuation techniques.

The greatest height, mass and intensity of development will be focussed at the main road frontage and in these locations development will transition down in scale and height towards the periphery of the zone, particularly at the boundaries with the existing residential areas and Historic (Conservation) Zone.

Allotments will be buffered by appropriate vegetation at the rear boundary and landscaped to reduce the visual impact on nearby residential uses.

Vehicle access will be shared, and occur from the side and rear of sites where possible. Adequate car parking will be provided for commercial and residential activities. Parking will be located at the rear, behind the front façade of buildings. Car parking areas and access ways will be enhanced through landscaping, particularly where visible from adjacent streets or public spaces.

Development within the zone will have minimal impact on the free flow of traffic on Kensington Road and The Parade.

In addition to the above, the following policy specific to each existing mixed-use area should also be considered:

#### **Mu(UL)1 - The Parade (between Portrush Road and Gurrs Road), Beulah Park**

The character of this area is varied and is partially established by the presence of some Local Heritage Places and historic buildings, including many former residences which have been adapted for business and commercial uses. The traditional character of these early buildings is a significant element of this area and where possible they will be preserved and re-used.

Development will primarily accommodate medium density dwellings and low traffic generating shops, cafes, office, commercial, business and consulting room land uses and residential development in association with non-residential land uses.

Buildings of up to three storeys in height are anticipated and may incorporate an additional mezzanine level within pitched or gable roof spaces. New buildings will graduate to no more than 2 storeys where the development site abuts a residential zone and the Historic Conservation Zone.

Replacement of existing buildings with new, low density dwellings is not appropriate.

The adaption of heritage buildings for an alternative use or mixed uses, may occur through sensitive rear additions to the building. Any alterations or additions to heritage places will be undertaken at the rear of the building and preferably not be visible from the primary street frontage. They will be in a style which reflects the form and detailing of the original sections of the building and will be similar in scale to the original building. Any extensions or alterations to heritage listed buildings will seek to retain original materials and finishes particularly unpainted brickwork, stonework and the use of original corrugated iron roofing material.

### **Mu(UL)2 - Kensington Road (between Close Street and Thomas Place), Rose Park**

Development will primarily accommodate medium density residential development or residential development in association with non-residential land uses such as cafés or small restaurants. Replacement of existing buildings with new, low density dwellings is not appropriate.

Development will have regard to the buildings within the adjacent Historic Conservation Zone through the appropriate and respectful scale, forms and detailing of new buildings.

Development will be carefully designed and located to minimise the impact on residential amenity in the adjacent residential Historic Conservation Zone.

Buildings up to four storeys in height are anticipated along the Kensington Road frontage and may incorporate an additional mezzanine level within pitched or gable roof spaces.

Amalgamation of sites in order to facilitate medium density residential development greater than three storeys is encouraged.

Car parking areas will be at the rear of buildings or within basements that are accessed from Eliza Lane, Close Street or Thomas Place.

### **PRINCIPLES OF DEVELOPMENT CONTROL**

#### **Land Use**

1 The following types of development, or combination thereof, are envisaged in the zone:

- Affordable housing
- Aged persons accommodation
- Community centre
- Consulting room
- Medium density dwellings
- Licensed premises
- Office
- Place of worship
- Residential flat building
- Restaurant
- Retirement village
- Shop or group of shops
- Student accommodation
- Supported accommodation

2 Development listed as non-complying is generally inappropriate.

#### **Form and Character**

3 Development should be consistent with the desired character for the zone.

4 Development should comprise medium density residential buildings and mixed use buildings supported by a variety of business and community activities that provide for the needs of both visitors and the local community.

5 Buildings, including shops, offices and consulting rooms, should have a maximum ground floor area of less than 250 square metres.

- 6 In mixed use buildings, non-residential development should be located on the ground floor and lower levels, and dwellings should only be located on the upper levels or behind non-residential uses on the same allotment.
- 7 Buildings should be of a high standard of design and achieve a human scale, particularly at ground level, through the use of articulated roof and façade treatments in conjunction with elements such as canopies, verandahs or building projections.
- 8 Bulk and scale of development should have regard to that of adjoining land uses, with a built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.
- 9 At the interface of adjacent zones, and where not separated by a public street or laneway, new buildings should provide a transition in height and bulk down to a two storey scale.
- 10 Development should provide a varied built streetscape with multiple built form design responses that limit long, uninterrupted facades and roof forms.
- 11 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 12 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance.
- 13 Development should reinforce those parts of the zone which have a distinctive and historic architectural character and be of a compatible design where their scale, height, mass, setbacks and materials enhance the character of the zone.
- 14 Buildings, facilities and car parks should be located and designed to respect and complement the appearance and scale of any heritage buildings and not be detrimental to any items of heritage significance which are located either on or adjacent the site.
- 15 Except at ground floor level, glazing in windows will be obscure to 1.8 metres from the finished floor level on all elevations except where the window faces a primary or secondary road (but not a laneway).
- 16 Entrances to multi-storey buildings should provide separate access for residential and non-residential land uses.
- 17 Buildings should be designed to have their ground floor finished floor levels at the same height of an abutting footpath on the primary street frontage, provided the footpath is constructed to an appropriate level to mitigate flood risk at the edge of the development site.
- 18 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs, particularly where buildings are built to the primary street boundary.
- 19 Buildings should be designed to enable suitable sunlight access to public open space and overlook or orientate towards public open space and defined pedestrian routes.
- 20 Solid fencing should not be constructed between the front building line and the primary street.
- 21 Landscaping should be provided between commercial and residential development.
- 22 Buildings should be appropriately landscaped between the rear façade and the rear boundary to reduce the visual impact on nearby residential uses.
- 23 A landscaping strip of no less than 600mm, comprising appropriate trees, shrubs or other vertical plants, should be provided along the site boundary of the primary road frontage in all areas where buildings are set back greater than zero metres from the primary road frontage.

## Building Envelope

### Building Heights

- 24 Except where interface height provisions require a lesser height, building heights should be consistent with the following parameters:

Area	Maximum Building Height (measured above the adjacent public footway level)
Mu(UL)1 - The Parade (between Portrush Road and Gurrs Road), Beulah Park	3 storeys (or 4 levels where the fourth level is a mezzanine level within a pitched or gable roof space)  2 storeys where the southern boundary of a property directly abuts a residential zone or the Historic Conservation Zone.
Mu(UL)2 - Kensington Road (between Close Street and Thomas Place), Rose Park	4 storeys (or 5 levels where the fifth level is a mezzanine level within a pitched or gable roof space)

### Setbacks

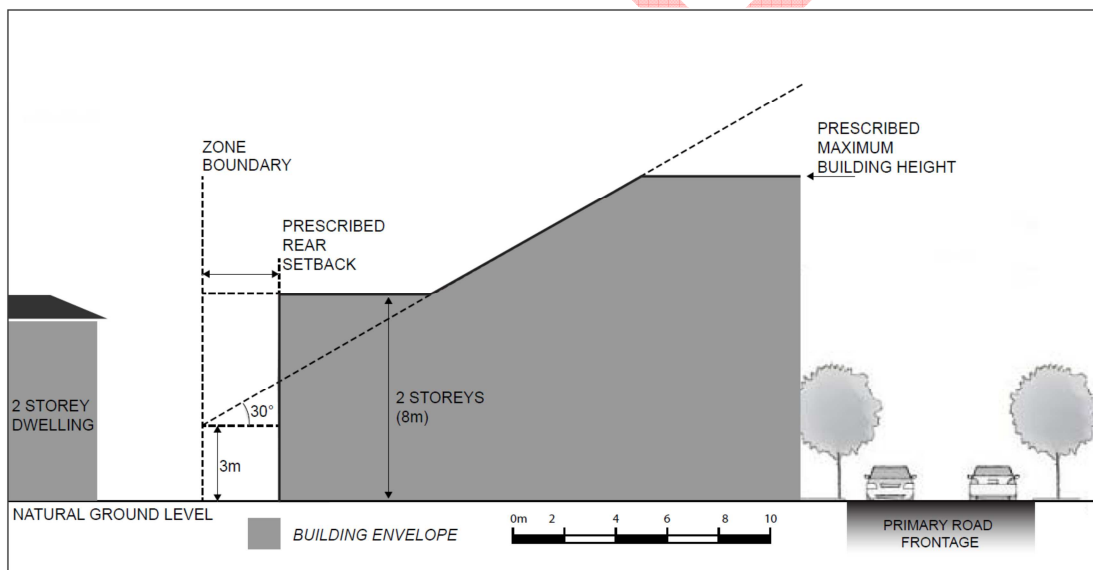
- 25 Buildings (excluding verandahs, porticos and the like) should be set back from boundaries in accordance with the following parameters:

Area	Minimum setback from the primary road frontage	Minimum setback from secondary road frontage	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a street boundary)
Mu(UL)1	0 metres where extended outdoor dining / licensed area is proposed forward of the building and a pedestrian friendly verandah is provided over the footpath	2 metres	No minimum, other than where boundary directly abuts a residential zone or Historic Conservation Zone, rear setback from that boundary to reflect rear boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper	No minimum, other than where boundary directly abuts a residential zone or Historic Conservation Zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.

			levels	
<b>Mu(UL)2</b>	2 metres OR  0 metres where extended outdoor dining / licensed area is proposed forward of the building and a pedestrian friendly verandah is provided over the footpath	2 metres from Thomas Place and Close Street	0 metres from Eliza Lane for buildings up to 2 storeys	No minimum.

*Interface Height Provisions*

- 26** In Mu(UL)1, any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:



**Figure 1**

**Land Division**

- 27** Land division in the zone may be appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

**Vehicle Parking and Access**

- 28** Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5](#) - Off-Street Vehicular Parking Requirements or [Table Bur/6](#) – Off-street Vehicle Parking Requirements for Designated Areas (whichever applies).

- 29 Vehicle access points on side streets and rear access ways should be located and designed to avoid excessive traffic flows into residential streets and minimise the impacts of headlight glare and noise on nearby residents.
- 30 Car parking areas should be provided at the rear or side of premises.
- 31 Basement carparking, which is entirely below ground level, maybe appropriate on larger sites where both of the following are achieved:
- (a) Access to basement car parking areas should be from the rear and not visible from the primary street frontage, and
  - (b) Access to basement car parking areas should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.
- 32 Undercroft car parking, or partial basement car parking, where the car parking is partially below ground and the first floor of the building is located immediately above the car park and sits more than 500mm above ground level, is not acceptable.

### Environmental

- 33 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 34 Buildings should be designed having regard to best practice energy efficiency principles, in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 35 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.
- 36 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 37 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 38 Development should provide the following in accordance with relevant current Australian standards or guidelines:
- (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

### Outdoor Advertisements

- 29 Outdoor advertisements should be designed and located to be in keeping with the building to which they relate and the character of the area.
- 30 Advertisements and advertising hoardings should not include any of the following:
- (a) flashing or animated signs

- (b) bunting, streamers, flags, or wind vanes
- (c) roof-mounted advertisements projected above the roofline
- (d) parapet-mounted advertisements projecting above the top of the parapet.
- (e) verandah post mounted advertisements

**31** Advertisements should be designed and erected as follows:

- (a) under canopy signs should comprise the predominant form of signage in the zone;
- (b) flat wall signs located above canopy level should be of a size and shape relative to the building facade so as not to dominate the facade or appear disproportionate with respect to sign/wall area ratios;
- (c) fascia signs should not obscure the alignment of curved or bull nose verandahs nor project beyond the alignment of the structure to which they are affixed;
- (d) projecting signs above canopy level should only serve to identify the predominant use, name or function of a building and should be in a form which conserves and reinforces the character of the building and the streetscape;

**32** Advertisements should be not erected upon: land or a building not in use for or related to the message denoted on the advertisement.

## PROCEDURAL MATTERS

### Complying Development

**33** Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are complying:

- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in [Table Bur/8](#), where applicable.
- (2) A change of use to a shop less than 250 square metres, office, consulting room or any combination of these uses, on the ground or first floor of a building, where all of the following are achieved;
  - (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
  - (b) the building is not a State Heritage Place;
  - (c) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
  - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
    - (i) all of the following:



- (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
- (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
- (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
- (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
  - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
- (f) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 - Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
  - (i) the building is a Local Heritage Place;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
  - (iii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved.

### **Non-complying Development**

**34** Development (including building work, a change in the use of land or division of an allotment) involving any of the following is non-complying:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> </ul>

Form of development	Exceptions
	(b) it is roof mounted and does not project above the roof line; or (c) it is parapet mounted and does not protrude above the top of the parapet
Amusement Machine Centre	
Construction of a new detached dwelling	
Fuel depot	
Horticulture	
Indoor Recreation Centre	
Industry	
Major public service depot	
Motor repair station	
Petrol filling station	
Road transport terminal	
Service trade premises	
Store	
Stadium	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

**Public Notification**

35 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

**Attachment H**

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## Mixed Use (Urban Activity) Zone

### Introduction

The objectives and principles of development control that follow apply in the Mixed-Use (Urban Activity) Zone shown on [Maps Bur/X, X, X and X](#). They are additional to those expressed for the whole of the Council area.

### OBJECTIVES

- 1 A mixed use activity zone accommodating a range of facilities to meet the shopping, community, business, cultural and recreational needs of the surrounding neighbourhood, with appropriate medium density residential development in association with non-residential development.
- 2 A cohesive built streetscape allowing multiple built form design responses that support innovative mixed use development outcomes.
- 3 Development of a high design standard and appearance that complements and reinforces positive aspects of the local environment and built form.
- 4 Development designed and sited to be energy and water efficient and consistent with the principles of water sensitive design.
- 5 Development undertaken in a manner which respects and enhances the character, and which does not unreasonably compromise the amenity, of surrounding development in both this zone and any adjoining zone.
- 6 The conservation and enhancement of State Heritage Places, Local Heritage Places and Contributory Items either within this zone or any adjacent zone.
- 7 Development that contributes to the desired character of the policy area.

### DESIRED CHARACTER

The Mixed Use (Urban Activity) Zone exists in five defined areas:

- Mu(UA)1 - Magill Road (between Penfold Road and Carey Street), Magill
- Mu(UA)2 - Magill Road (between Glynburn Road and Water Street), Kensington Park
- Mu(UA)3 - Magill Road (between Orient Road and Glynburn Road), Kensington Park
- Mu(UA)4 - Magill Road (between Water Street and Birnie Avenue), Kensington Park
- Mu(UA)5 - Magill Road (between Osborne Road and Portrush Road), Beulah Park

This zone will provide a focus for mixed-use business activity that caters for the daily needs of both visitors and the local community.

Ground floor uses will contribute to the creation of lively and active pedestrian environments and will include shops, office, consulting rooms, community services and facilities. Retail and commercial activities such as cafes and food shops are encouraged to activate public spaces and thoroughfares with the provision of seating, tables and shelter adjacent to premises.

Medium density residential developments will be carefully located to add to the vibrancy of the zone. The economic and amenity relationship between active ground floor uses and residential uses positioned above will contribute the success of the zone. Mixed use development will assist in activation and occupation of areas outside of commercial/retail business hours.

Development in the form of new, low density dwellings is not appropriate.

Shops or businesses contained in a single building, other than a supermarket or a restaurant, will have a gross leasable ground floor area of less than 450 square metres.

Development will form a continuous line of activated frontages linking sites along Magill Road, framing the street to the benefit of pedestrian amenity and creating an important 'sense of place'.

The form of buildings will contribute to high quality design outcomes. Buildings will incorporate modelling of facades, fenestration and architectural detailing which contributes to a rich, textural quality. Roof forms and facades will be articulated rather than one homogenous mass, in order to provide a more human scale and visual interest. Buildings of large mass and bulk with long lengths of solid walling are not appropriate and will be avoided through articulation and innovative design.

The design of development will be environmentally sensitive to ensure that energy efficiency is maximised, and will provide opportunities for stormwater reuse. Living green roofs or roof top gardens are encouraged on all buildings.

Development at the interface with residential zones will have regard to potential visual overlooking and overshadowing impacts on the occupants of adjacent and nearby residential properties. By careful and innovative architectural design, buildings will be designed to minimise negative impacts on adjoining residential areas in terms of noise and visual impact. Noise impacts will be moderated through good design and noise attenuation techniques.

The greatest height, mass and intensity of development will be focussed at the main road frontage and in these locations development will transition down in scale and height towards the periphery of the zone, particularly at the boundaries with the existing residential areas.

Allotments will be buffered by appropriate vegetation at the rear boundary and landscaped to reduce the visual impact on nearby residential uses.

Vehicle access will be shared, and occur from the side and rear of sites where possible. Adequate car parking will be provided for commercial and residential activities. Parking will be located at the rear, behind the front façade of buildings recognising that non vehicular traffic is encouraged as the preferred transport choice for customers. Car parking areas and access ways will be enhanced through landscaping, particularly where visible from adjacent streets or public spaces. Development within the zone will have minimal impact on the free flow of traffic on Magill Road.

In addition to the above, the following policy specific to each existing mixed-use area should also be considered:

**Mu(UA)1 - Magill Road (between Penfold Road and Carey Street), Magill**

Development will enhance this area as an exciting vibrant destination centred around a high quality public realm, with a range of shops, cafes, restaurants, businesses, and community facilities. This locality will provide a focus for business and community life for the regular needs of the surrounding community.

Medium density residential development will be in the form of upper level dwellings, provided that such development will not prejudice the development and operation of non-residential land uses. Residential uses that are not developed in association with non-residential development are not appropriate.

Buildings fronting Magill Road will form a continuous road frontage interspersed with occasional walkway access to the rear parking areas, and will create an attractive pedestrian environment through the siting of non-residential development on the Magill Road frontage and providing windows, building entries, and projections such as verandahs and porticos on this elevation.

Development on the key corner site at the intersection of Magill Road and Penfold Road will form a visual landmark through the use of taller buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.

Buildings up to three storeys in height are anticipated and may incorporate an additional mezzanine level within pitched or gable roof spaces.

To minimise building massing at the interface with directly abutting residential development outside the zone, (and where not separated by a public street or laneway), new buildings will provide a transition in height and bulk down to a two storey scale at the interface.

Vehicle access will be shared, and occur from the side and rear of sites via secondary roads. The development of access laneways may be appropriate.

#### **Mu(UA)2 - Magill Road (between Glynburn Road and Water Street), Kensington Park**

Development will enhance this area as a retail and business destination with a range of shopping and business activities centred around an upgraded supermarket.

The improvement of this section of Magill Road and Glynburn Road through the upgraded appearance of its buildings is encouraged. Buildings will be designed to create and enhance a pedestrian character along Magill Road and will incorporate verandahs over footpaths.

Buildings fronting Magill Road will be constructed to the road boundary to form a continuous road frontage interspersed with occasional walkway access to the rear parking areas.

Development on the key corner site at the intersection of Magill Road and Glynburn Road will form a visual landmark through the use of taller buildings that provide a strong built form edge and pedestrian scale detailing to both street frontages.

Limited residential development, in the form of upper level dwellings only, may be appropriate provided that such development will not prejudice the development and operation of non-residential land uses. Residential uses that are not developed in association with non-residential development are not appropriate.

Buildings up to three storeys in height are anticipated and may incorporate an additional mezzanine level within pitched or gable roof spaces.

Where the southern boundary of a property directly abuts a residential zone, (and is not separated from that zone by a public road or laneway), new buildings will graduate to no more than 2 storeys.

Vehicle access will be from the rear of sites. The development of access laneways may be appropriate.

#### **Mu(UA)3 - Magill Road (between Orient Road and Glynburn Road), Kensington Park, and**

#### **Mu(UA)4 - Magill Road (between Water Street and Birnie Avenue), Kensington Park, and**

#### **Mu(UA)5 - Magill Road (between Osborne Road and Portrush Road), Beulah Park**

Development in Mu(UA)3, Mu(UA)4 and Mu(UA)5 will primarily accommodate low traffic generating shops, offices, businesses, consulting rooms and service facility land uses.

Residential development, in association with non-residential land uses, located in an upper level or behind commercial premises, may be appropriate provided that such development will not prejudice the development and operation of non-residential land uses.

Replacement of existing buildings with new, low density dwellings is not appropriate.

The character of these areas is varied and in some sections is partially established by the nature and appearance of early twentieth century character commercial buildings, with verandahs over footpaths and streetfront parapets with reveals and cappings. The traditional character of these early commercial buildings is a significant element of this area and where possible these front facades will be preserved and re-used.

Buildings up to two storeys in height are anticipated and, where appropriate, may incorporate a third level as a mezzanine level within pitched or gable roof spaces.

Buildings will be designed to minimise negative impacts on the surrounding Residential Zone, in terms of noise, visual impact, overshadowing and overlooking.

Buildings will be setback no less than four metres from the southern boundary and allotments will be appropriately landscaped to reduce the visual impact on nearby residential uses.

Carparking will be positioned at the rear of the building so as not to interrupt the established streetscape character.

## PRINCIPLES OF DEVELOPMENT CONTROL

### Land Use

1 The following types of development, or combination thereof, are envisaged in the zone:

Affordable housing  
Aged persons accommodation  
Community centre  
Consulting room  
Dwelling(s)  
Entertainment venue  
Licensed premises  
Office  
Residential flat building  
Restaurant  
Retirement village  
Shop or group of shops  
Student accommodation  
Supported accommodation  
Tourist accommodation.

2 Development listed as non-complying is generally inappropriate.

### Form and Character

3 Development should be consistent with the desired character for the zone.

4 In mixed use buildings, non-residential development should be located on the ground floor and lower levels, and dwellings should only be located on the upper levels or behind non-residential uses on the same allotment.

6 Buildings should be of a high standard of design and achieve a human scale, particularly at ground level, through the use of articulated roof and façade treatments in conjunction with elements such as canopies, verandahs or building projections.

7 Bulk and scale of development should have regard to that of adjoining land uses, with a built form that provides a transition down in scale and intensity at the zone boundary to maintain the amenity of residential properties located within adjoining zones.

8 At the interface of adjacent zones, and where not separated by a public street or laneway, new buildings should provide a transition in height and bulk down to a two storey scale.

9 Development should provide a varied built streetscape with multiple built form design responses that limit long, uninterrupted facades and roof forms.

- 10 Buildings with facades greater than 8 metres should be well articulated through variations in form, materials, openings, colours and visually interesting treatments.
- 11 The ground floor primary frontage of buildings should be visually permeable, transparent or clear glazed to promote active street frontages and maximise passive surveillance
- 12 Development should reinforce those parts of the zone which have a distinctive and historic architectural character and be of a compatible design where their scale, height, mass, setbacks and materials enhance the character of the zone.
- 13 Buildings, facilities and car parks should be located and designed to respect and complement the appearance and scale of any heritage buildings and not be detrimental to any items of heritage significance which are located either on or adjacent the site.
- 14 Except at ground floor level, glazing in windows will be obscure to 1.8 metres from the finished floor level on all elevations except where the window faces a primary or secondary road (but not a laneway).
- 15 Entrances to multi-storey buildings should provide separate access for residential and non-residential land uses.
- 16 Buildings should be designed to have their ground floor finished floor levels at the same height of an abutting footpath on the primary street frontage, provided the footpath is constructed to an appropriate level to mitigate flood risk at the edge of the development site.
- 17 Pedestrian shelter and shade should be provided over public footpaths through the use of structures such as awnings, canopies and verandahs, particularly where buildings are built to the primary street boundary.
- 18 Solid fencing should not be constructed along any Magill Road frontage or between the front building line and the primary street.
- 19 Buildings should be appropriately landscaped between the rear façade and the rear boundary to reduce the visual impact on nearby residential uses
- 20 A landscaping strip of no less than 600mm, comprising appropriate trees, shrubs or other vertical plants, should be provided along the site boundary of the primary road frontage in all areas where buildings are set back greater than zero metres from the primary road frontage.

## **Building Envelope**

### *Building Height*

- 21 Except where interface height provisions require a lesser height, building heights should be consistent with the following parameters:

<b>Area</b>	<b>Maximum Building Height</b> (measured above the adjacent public footway level)
Mu(UA)1 - Magill Road (between Penfold Road and Carey Street), Magill	3 storeys (or 4 levels where the fourth level is a mezzanine level within a pitched or gable roof space)
Mu(UA)2 - Magill Road (between Glynburn Road and Water Street), Kensington Park	3 storeys (or 4 levels where the fourth level is a



Area	Maximum Building Height (measured above the adjacent public footway level)
	<p>mezzanine level within a pitched or gable roof space)</p> <p>2 storeys where the southern boundary of a property directly abuts a residential zone, (and is not separated from that zone by a public road or laneway)</p>
<p>Mu(UA)3 - Magill Road (between Orient Road and Glynburn Road), Kensington Park, and</p> <p>Mu(UA)4 - Magill Road (between Water Street and Birnie Avenue), Kensington Park, and</p> <p>Mu(UA)5 - Magill Road (between Osborne Road and Portrush Road), Beulah Park</p>	<p>2 storeys (or 3 levels where the third level is a mezzanine level within a pitched or gable roof space)</p>

*Setbacks*

- 22 Buildings (excluding verandahs, porticos and the like) should be set back from boundaries in accordance with the following parameters:

Area	Minimum setback from the primary road frontage	Minimum setback from secondary road frontage	Minimum setback from rear allotment boundary	Minimum setback from side boundaries (where not on a street boundary)
<b>All areas</b>	0 metres	2 metres	No minimum, other than where boundary directly abuts a residential zone or Historic Conservation Zone, rear setback from that boundary to reflect rear boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.	No minimum, other than where boundary directly abuts a residential zone or Historic Conservation Zone, side setback from that boundary to reflect side boundary setback requirements specified for the adjoining zone at both ground floor levels and at upper levels.

*Interface Height Provisions*

- 23 Any portion of a development above two storeys (8 metres) in height should be constructed within a building envelope provided by a 30 degree plane measured from a point 3 metres above natural

ground level at the zone boundary (except where this boundary is a primary road frontage or a laneway), as illustrated in Figure 1:

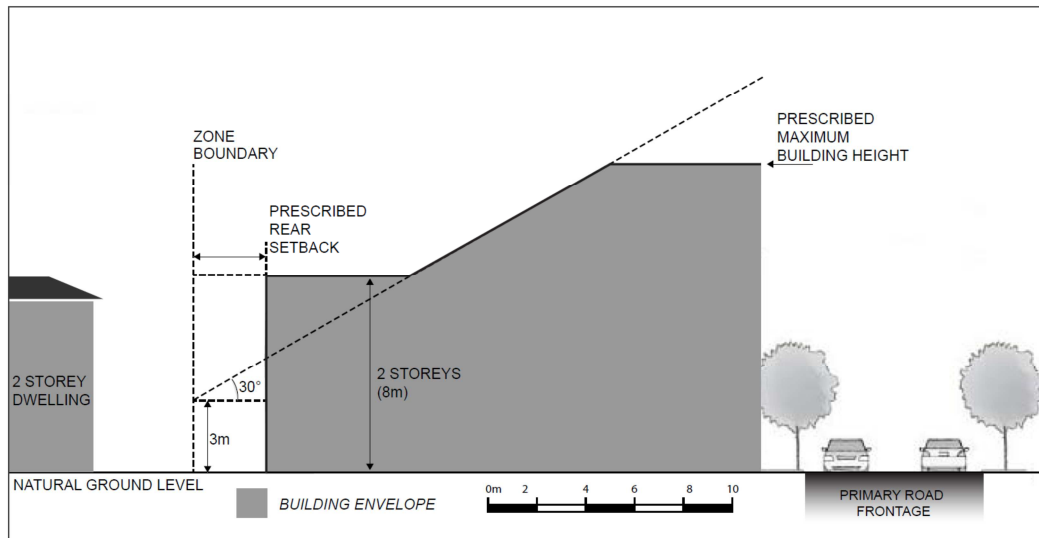


Figure 1

## Land Division

- 24 Land division in the zone maybe appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

## Vehicle Parking and Access

- 25 Vehicle parking should be provided in accordance with the applicable rates as set out in [Table Bur/5 - Off-Street Vehicular Parking Requirements](#) or [Table Bur/6 – Off-street Vehicle Parking Requirements for Designated Areas](#) (whichever applies).
- 26 Development should minimise the number of access points onto Magill Road, by providing vehicle access from side streets or rear access ways and via co-ordinated through-property access rights of way or common rear vehicle parking areas.
- 27 Vehicle access points on side streets and rear access ways should be located and designed to avoid excessive traffic flows into residential streets, and minimise the impacts of headlight glare and noise on nearby residents.
- 28 Car parking areas should be provided at the rear or side of premises.
- 29 Undercroft car parking, or partial basement car parking, where the car parking is partially below ground and the first floor of the building is located immediately above the car park and sits more than 500mm above ground level, is not acceptable.
- 30 Basement carparking, which is entirely below ground level, maybe appropriate on larger sites in Mu(UA)1 and Mu(UA)2 where both of the following are achieved:
- access to basement car parking areas should be from the rear and not visible from the primary street frontage, and
  - access to basement car parking areas should not detract from the visual quality and amenity of adjacent pedestrian paths, streets or public spaces.

## Environmental

- 31 Development should not be detrimental to the safety, convenience or amenity of any adjacent residential area, particularly in terms of the generation of excessive noise, odours, fumes, dust or other matter.
- 32 Buildings should be designed having regard to best practice energy efficiency principles, in order to reduce dependence on mechanical heating, cooling and lighting systems and include options for solar collection and the harvest, treatment, storage and reuse of stormwater.
- 33 Buildings should minimise detrimental micro-climatic and solar access impacts on adjacent land or buildings, including effects of patterns of wind, temperature, daylight, sunlight, glare and shadow.
- 34 Buildings should incorporate roof designs that enable the provision of rain water tanks (where they are not provided elsewhere), photovoltaic cells and other features that enhance sustainability.
- 35 Any roof area which is greater than 100 square metres and which has a pitch less than 10 degrees should incorporate a living green roof of at least 60% of the total roof area.
- 36 Development should provide the following in accordance with relevant current Australian standards or guidelines:
  - (a) unobtrusive facilities for the storage and removal of waste materials
  - (b) lighting for pedestrian paths, buildings and associated areas
  - (b) safe and secure bicycle parking.

## Outdoor Advertisements

- 36 Outdoor advertisements should be designed and located to be in keeping with the building to which they relate and the character of the area.
- 37 Advertisements and advertising hoardings should not include any of the following:
  - (a) flashing or animated signs
  - (b) bunting, streamers, flags, or wind vanes
  - (c) roof-mounted advertisements projected above the roofline
  - (d) parapet-mounted advertisements projecting above the top of the parapet.
  - (e) verandah post mounted advertisements
- 38 Advertisements should be designed and erected as follows:
  - (a) under canopy signs should comprise the predominant form of signage in the zone;
  - (b) flat wall signs located above canopy level should be of a size and shape relative to the building facade so as not to dominate the facade or appear disproportionate with respect to sign/wall area ratios;
  - (c) fascia signs should not obscure the alignment of curved or bull nose verandahs nor project beyond the alignment of the structure to which they are affixed;

- (d) projecting signs above canopy level should only serve to identify the predominant use, name or function of a building and should be in a form which conserves and reinforces the character of the building and the streetscape;

39 Advertisements should be not erected upon:land or a building not in use for or related to the message denoted on the advertisement.

## PROCEDURAL MATTERS

### Complying Development

40 Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*. In addition, the following forms of development (except where the development is non-complying) are **complying**:

- (1) Advertisement or advertising display, other than in respect to a State or Local Heritage Place and subject to compliance with the conditions set out in Table Bur/8, where applicable.
- (2) A change of use to a shop less than 250 square metres, office, consulting room or any combination of these uses, on the ground or first floor of a building, where all of the following are achieved;
  - (a) the area to be occupied by the proposed development is located in an existing building and is currently used as a shop, office, consulting room or any combination of these uses;
  - (b) the building is not a State Heritage Place;
  - (c) it will not involve any alterations or additions to the external appearance of a Local Heritage Place as viewed from a public road or public space;
  - (d) if the proposed change of use is for a shop that primarily involves the handling and sale of foodstuffs, it achieves either (i) or (ii):
    - (i) all of the following:
      - (A) areas used for the storage and collection of refuse are sited at least 10 metres from any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop);
      - (B) if the shop involves the heating and cooking of foodstuffs in a commercial kitchen and is within 30 metres of any Residential Zone or Historic Conservation Zone boundary or a dwelling (other than a dwelling directly associated with the proposed shop), an exhaust duct and stack (chimney) exists or is capable of being installed for discharging exhaust emissions;
    - (ii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the development is to be undertaken and operated in accordance with the conditions attached to the previously approved development;
  - (e) if the change in use is for a shop with a gross leasable floor area greater than 250 square metres and has direct frontage to an arterial road, it achieves either (i) or (ii):
    - (i) the primary vehicle access (being the access where the majority of vehicles access/egress the site of the proposed development) is from a road that is not an arterial road;

- (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
- (f) off-street vehicular parking is provided in accordance with the rate(s) specified in [Table Bur/5 - Off Street Vehicle Parking Requirements](#) or the desired minimum rate in [Table Bur/6 - Off Street Vehicle Parking Requirements for Designated Areas](#) (whichever table applies) to the nearest whole number, except in any one or more of the following circumstances:
  - (i) the building is a Local Heritage Place;
  - (ii) the development is located on a site that operates as an integrated complex containing two or more tenancies (and which may comprise more than one building) where facilities for off-street vehicle parking, vehicle loading and unloading, and the storage and collection of refuse are shared;
  - (iii) the development is the same or substantially the same as a development, which has previously been granted development approval under the Development Act 1993 or any subsequent Act and Regulations, and the number and location of parking spaces is the same or substantially the same as that which was previously approved.

### **Non-complying Development**

**41** Development (including building work, a change in the use of land or division of an allotment) involving any of the following is **non-complying**:

Form of development	Exceptions
Advertisement and/or advertising hoarding	Except where: <ul style="list-style-type: none"> <li>(a) it is freestanding and measures 6 metres or less in height; or</li> <li>(b) it is roof mounted and does not project above the roof line; or</li> <li>(c) it is parapet mounted and does not protrude above the top of the parapet</li> </ul>
Amusement Machine Centre	
Construction of a new detached dwelling	
Fuel depot	
Horticulture	
Indoor Recreation Centre	
Industry	
Major public service depot	
Motor repair station	
Petrol filling station	
Road transport terminal	
Service trade premises	

Form of development	Exceptions
Store	
Stadium	
Telecommunications facility	Except a telecommunications facility 30 metres or less in height
Warehouse	
Waste reception, storage, treatment or disposal	
Wrecking yard	

**Public Notification**

- 42 Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

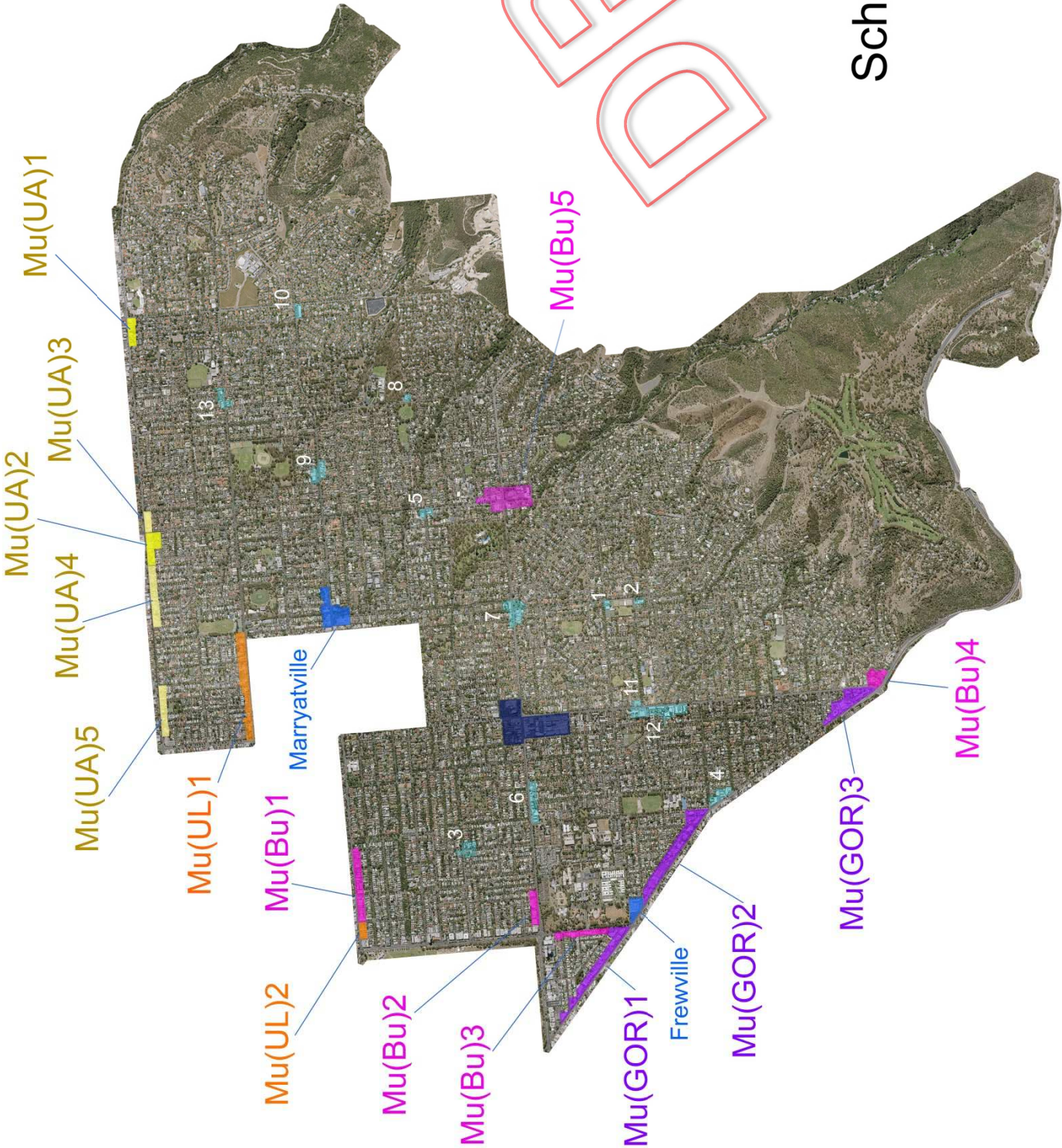
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# Schematic Zone Map

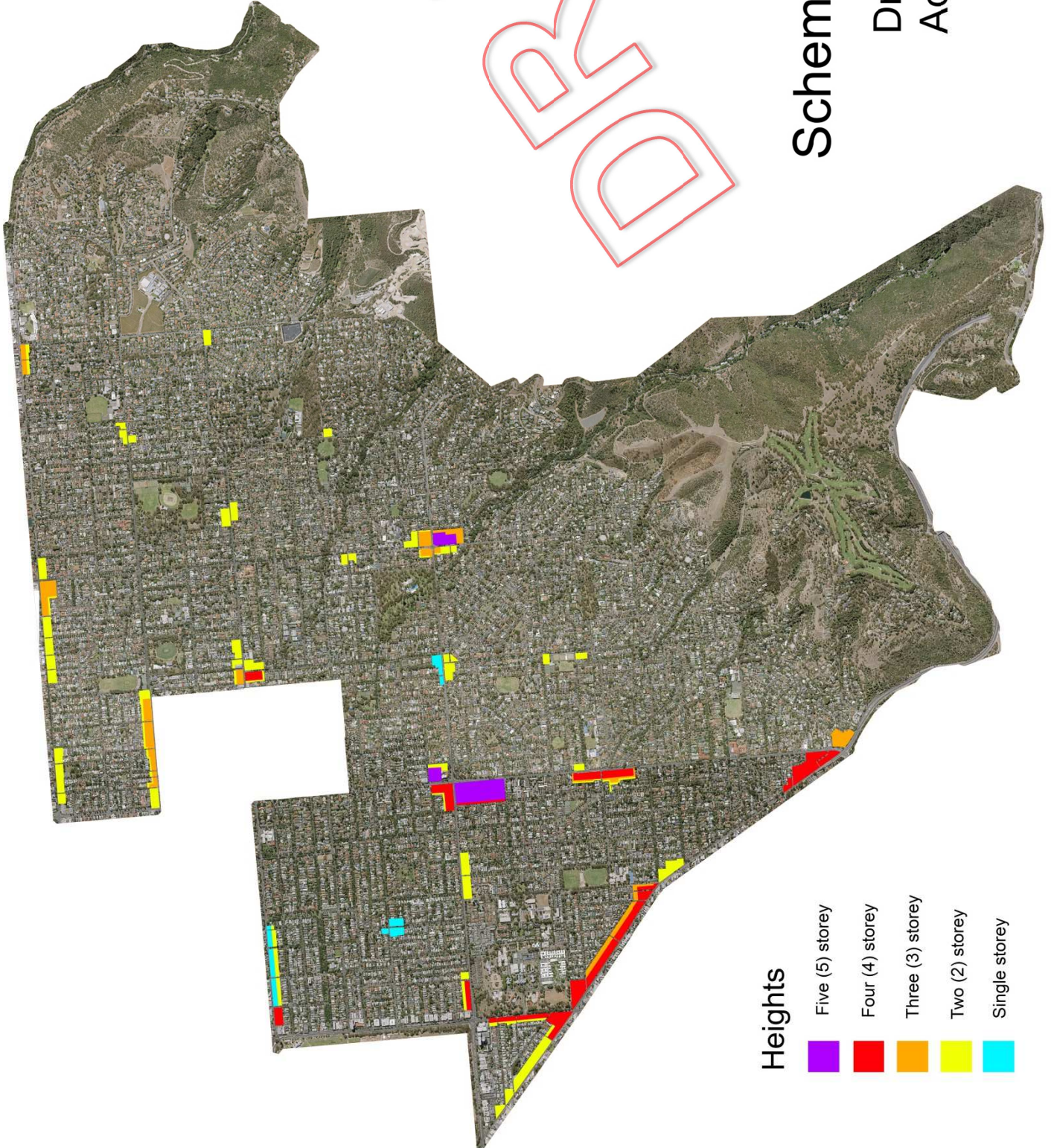
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Activities Centres DPA

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Heights

- Five (5) storey
- Four (4) storey
- Three (3) storey
- Two (2) storey
- Single storey

Schematic Height Map

Draft Mixed-Use and  
Activities Centres DPA

08082016