

ITEM 4**DEVELOPMENT APPLICATION – 090/82/2014/C2 – 1 / 98-100 KING WILLIAM ROAD, GOODWOOD 5034 (UNLEY)**

**Economic Development & Planning
Grant Croft – 18 March 2014
Community Direction 3 – Natural and Built
Environment**

Community Goal 3.1

Ensure that Urban Development and Infrastructure meet the changing needs of the community whilst maintaining the City's heritage, amenity and character.

DEVELOPMENT PROPOSAL:	Change of use from shop to tapas bar / cafe (restaurant).
DEVELOPMENT PLAN:	30 January 2014
ZONE:	Specialty Goods Centre
APPLICANT:	S Russell
APPLICATION TYPE:	Merit
PUBLIC NOTIFICATION:	Category 2
REPRESENTATIONS RECEIVED:	YES – One (1) oppose
DAP'S CONSIDERATION IS REQUIRED DUE TO:	Unresolved representations Shortfall in car-parking.

PROPOSAL

The applicant seeks to change the use of 1 / 98-100 King William Road, Goodwood from a shop to a restaurant (tapas) with a 30 seat capacity.

Site Description

The subject site is located on the southern corner of Bloomsbury Street and King William Road, Goodwood. The site comprises a single storey building containing five (5) individual tenancies which vary from personal services (massage and beautician), shop (patisserie) and restaurant (fronting Bloomsbury).

Vehicle access to the rear car-park facility is gained via Bloomsbury Street. This car-park contains ten (10) vehicle spaces, which are shared between the five (5) tenancies.

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It should be noted that in 2009 the land owner signed a Deed with the Council, which makes provision for a Right of Way across the rear car-park from Bloomsbury Street to the southern (side) property boundary. The purpose of this agreement was to help facilitate the potential to link of all the car-parking and vehicle access / egress to the commercial properties on the western side of King William Road between Bloomsbury Street to the north and Boffa Street to the south.

Figure 1 Locality Map for 1 / 98-100 King William Road, Goodwood



PROCESSING

Referrals

Statutory Referrals

No statutory referrals required.

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Non-Statutory Referrals (Internal Council Referrals)

The application was referred to Council's Transportation and Traffic Department for comment on the shortfall of car-parking, comments are summarised below (refer to Attachment C for further detail):

- *The subject site provides 11 car parking spaces servicing 360sqm floor areas at 98-100 King William Road.*
- *During the site visit, it was observed that the rear car park was not fully utilized and the on-street parking in Bloomsbury Street and King William Road were completely at capacity.*
- *The operational hours for Monday to Wednesday, coincides with the majority of other land uses in the vicinity and the shortfall of the parking spaces could adversely impact on the access to parking in local area as parking demand is highest during these hours.*
- *It is noted that the land owner has allowed Council, a right of way to potentially amalgamate the rear car parks with the adjoining site (#102).*
- *The amalgamation would achieve access to another two car parking spaces at the rear of #102 King William Road.*

Administration Negotiations

Council staff discussed with the application the opportunities to contribute to the car-parking fund however this was declined as the applicant felt they had previously facilitated the amalgamation of car-parking by allowing the creating of a right of way across the rear car-park.

Public Notification

Category 2 notification was undertaken in accordance with Table Un/8 of the Unley Development Plan. During the ten (10) business day notification period one (1) representation was received from:

1. 6 Bloomsbury Street, Goodwood (oppose).

Representations

The representations received in response to Category 2 notification and a summary of the Applicant's response is provided below.

Issues Raised	Applicant's Response
6 Bloomsbury Street, Goodwood (oppose)	
There is not enough car-parking space.	No comment provided.

(* Note – not a relevant planning consideration)

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DEVELOPMENT PLAN ASSESSMENT

Qualitative Assessment

Detailed assessment is provided below in respect of:

- Zoning and Land-use; and
- Shortfall in Car-Parking.

Zone Objectives and Descriptions

Speciality Goods Centre Zone

Objective 1: *Accommodation of small-scale retail specialty goods outlets, local convenience shopping facilities and neighbourhood, community, entertainment, education, religious and recreational facilities of a low traffic generating nature.*

Principles of Development Control

- 1 Development should be, primarily, small-scale retail specialty goods outlets, local convenience shopping facilities, and neighbourhood community, entertainment, education, religious and recreational facilities of a low traffic generating nature.*
- 4 Small-scale specialty goods outlets and restaurants should be located within the King William Road Speciality Goods Centre Zone.*
- 6 Development should limit direct vehicular access to arterial roads.*

Zoning and Land-Use

Objective 1 of the Speciality Goods Centre Zone seeks *accommodation of small scale... entertainment and recreational facilities of a low traffic generating nature.* PDC 4 reinforces this vision by stipulating that *small-scale restaurants should be located within the King William Road Speciality Goods Centre Zone.* Therefore the proposed change in use from shop (clothing) to tapas bar / café (restaurant) is appropriate, having regard to the relevant objectives and provisions of the zone in the following manner:

- The proposed tapas bar / café (restaurant) will have a maximum capacity of 30 seats, which is considered small in scale compared to other restaurants in the immediate locality; and
- The proposed tapas bar / café is located within the King William Road section of the Speciality Goods Centre Zone; and
- The proposed use does not propose any new vehicular access to or from an arterial road, instead utilising the existing crossover and car-parking facility to the rear, which is accessed off Bloomsbury Street.

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Council Wide PDC 203 states that operating hours should not exceed the following:

- Sunday – 11:00pm; and
- Monday to Thursday – Midnight; and
- Friday and Saturday – 1:00am on the following day.

The applicant seeks the following operating hours:

- Monday to Wednesday: 7:00am – 4:00pm
- Thursday: 7:00am – 11:00pm
- Friday to Sunday: 7:00am – 11:30pm

These hours of operation are considered reasonable, with the exception of the extra half an hour on Sunday, having regard to the relevant Council Wide provisions relating to operating hours for premises seeking a liquor license. If approved by the Panel, a condition of consent will ensure that Sunday trading closes at 11:00pm. These trading hours are also in line with the adjacent restaurant, which fronts Bloomsbury Street.

Shortfall in Car-Parking

The previous use of the site was a clothing store (shop) which, in accordance with Table Un/5 of the Unley Development Plan, required the provision of four (4) on-site vehicle parks (total floor area 74sqm at 6 spaces per 100sqm). The proposed change of use to a tapas bar / café (restaurant) with a seating capacity of 30, would generate the requirement for ten (10) on-site vehicle parks to be provided, creating an overall shortfall of six (6).

Councils Transportation and Traffic Department expressed concerns about the operational hours from Monday to Wednesday, which coincides with the majority of other land uses in the vicinity. Comments also made mention that the rear car-park, at the time of inspection, was underutilised. It should also be noted that the applicant has sought, with Council, to create a right of way along the rear car-park. This helps facilitate the potential to amalgamate vehicle access and parking with adjacent commercial properties, creating improved efficiencies with regard to vehicle movement and parking.

On balance, this shortfall is considered appropriate for the following reasons:

- The Speciality Goods Centre Zone specifically seeks to accommodate small scale entertainment and restaurant facilities such as proposed; and
- The peak trading hours of the tapas bar / café (restaurant) will be after 5:00pm when the majority of surrounding retail businesses close, allowing greater use of the rear car-parking facility and surrounding on-street parking; and
- The use is a 'destination' venue with a substantial component of business operations surrounding take away coffee and the consumption of alcohol, which increase the likelihood of patrons utilising alternative modes of transport; and
- The potential amalgamation of the vehicle access and car-parking facilities presents potential to facilitate greater efficiencies in vehicle movement and parking.

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CONCLUSION

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

- The Speciality Goods Centre Zone specifically seeks to accommodate small scale entertainment and restaurant facilities such as proposed; and
- The shortfall in vehicle parking is considered appropriate given the underutilised rear car-park and potential for amalgamation of the rear vehicle access and car-park; and
- The nature of the business will predominantly capture foot traffic during the day, with greater availability of vehicle parking after hours when the surrounding commercial properties close; and
- The change in use is not considered to have detrimental impacts on adjacent residential properties given the physical separation and orientation of the main entrance to King William Road.

The application is therefore recommended for Development Plan CONSENT.

RECOMMENDATION

MOVED:

SECONDED:

That Development Application 090/82/2014/C2 at 1 / 98-100 King William Road, Goodwood 5034 is not seriously at variance with the provisions of the Development Plan and should be GRANTED Planning Consent subject to the following conditions:

1. The Development herein approved shall be undertaken in accordance with all plans, drawings, specifications and other documents submitted to Council and forming part of the relevant Development Application except where varied by conditions set out below (if any) and the development shall be undertaken to the satisfaction of Council.
2. The hours of operation of the premises not exceed the following periods:
 - Monday to Wednesday: 7:00am to 4:00pm
 - Thursday and Sunday: 7:00am to 11:00pm
 - Friday and Saturday: 7am to 11:30pm.
3. There shall be no music or any amplified noise played external to the premises at any time. Only background low volume pre-recorded music is permitted to be playing in the restaurant premises to prevent the generation of excessive noise outside the subject building and nuisance or inconvenience to occupiers of the buildings in the locality.
4. The premises not cater for nor accommodate more than 30 persons at any one time.
5. No signs to be erected or displayed without prior consent of Council.

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- The emission of noise from the premises is subject to control under the Environment Protection Act and Regulations, 1993 and the applicant (or person with the benefit of this consent) should comply with those requirements.
- This planning assessment has not taken into account the specific requirements for access and facilities for people with disabilities (AS1428-2001). These are building assessment related matters and will be dealt with accordingly at the time of lodgment for Building Consent.

List of Attachments		Supplied By:
A	Application Documents	Applicant
B	Representations	Representors
C	Transportation and Traffic Department Comments	Administration