

COUNCIL ASSESSMENT PANEL MEETING

14 October 2020

AGENDA – 9.1

Applicant: Neville Roberts	Landowner: Dodd Nominees Pty Ltd
Agent: Olden & van Senden and Peter Meline	Originating Officer: Melanie Scott
Development Application:	20/581/473 20/C24/473
Application Description: Community Division (1 into 4) & associated building works (non-complying)	
Subject Land: Lot:54 Sec: P94 FP:157900 CT:5564/877	General Location: 1-4/150 Mount Barker Road, Aldgate Attachment – Locality Plan
Development Plan Consolidated : 8 August 2019 Map AdHi/29	Zone/Policy Area: Country Living Zone & Country Living (Stirling and Aldgate) Policy Area
Form of Development: Non-complying	Site Area: Approx. 2261m ²
Public Notice Category: Category 3 Notice published in The Advertiser on 14 August 2020	Representations Received: Nil Representations to be Heard: N/A

1. EXECUTIVE SUMMARY

The purpose of this application is to separate four existing dwellings into individual community titled allotments. Included is common property consisting of an internal driveway with CFS turnaround and lawn/garden area. Two of the allotments are piece arrangements to ensure vehicle parking is as per existing on-ground arrangements.

The land division triggers building upgrades for fire separation, which are also included as part of the proposal.

Allotments for the dwellings range in size from 189 m² to 315 m², with the allotment boundaries following existing built form, parking and manoeuvring areas.

The subject land is located within the Country Living (Stirling and Aldgate) Policy Area of the Country Living Zone. The proposal is a non-complying form of development as the allotment sizes are less than 2000m² as per Zone procedural matters. No representations were received during the Category 3 public notification period.

As per the CAP delegations, the CAP is the relevant authority for non-complying land division development.

Following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that CAP **GRANT** Development Plan Consent and Land Division Consent.

Note, concurrence from SCAP is no longer required for consents to non-complying development effective 15 May 2020 as a result of the COVID-19 Emergency Response (Further Measures) Amendment Bill 2020 and subsequent amendment to Section 35 of the Development Act 1993 to delete the need for concurrence to be obtained.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the creation of three additional allotments by way of community title division, with associated common property and building upgrades.

Existing Allotments

Allotment	Area (m ²)	Currently containing
54	Approx. 2261 m ²	Four dwellings built in two groups of two, shared access and landscaping

Proposed Allotments

Allotment	Area (ha)	Containing
21	315 m ²	Two bedroom dwelling, single carport and visitor parking space
22	189 m ²	Two bedroom dwelling, single carport and visitor parking space
23* & 24*	246 m ²	Two bedroom dwelling, single carport and visitor parking space
25* & 26*	200 m ²	Two bedroom dwelling, single carport and visitor parking space

The proposed plan is included as **Attachment – Proposal Plans** with other information included as **Attachment – Applicant’s Professional Reports**.

3. BACKGROUND AND HISTORY

A search of Council records could not find the approval for the dwellings. However, they appear to be of 1970s or 1980s construction.

4. REFERRAL RESPONSES

- **DPTI (Commissioner of Highways)**
DPTI has no objection to the proposal, but have suggested conditions in relation to access from Mount Barker Road and stormwater discharge to the road which staff agree with. See recommended conditions 2-5.
- **SA WATER**
SA Water noted standard requirements.

In addition, the applicant's agent sought informal referral advice from the CFS regarding access. The access arrangement as shown on the amended plan of division has been accepted by the CFS. The amended plan was submitted in response to a staff request to demonstrate CFS access. No other changes were made to the proposal.

The above responses are included as ***Attachment – Referral Responses***.

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. No representations were received during the public notification period.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

i. The Site's Physical Characteristics

The subject land is a regular rectangular allotment, with an area of approximately 2261 square metres. The land contains four dwellings, in two groups of two which are located at the rear of the land. Forward of the dwellings is a large landscaped lawn area, and on the eastern side is a sealed driveway.

The dwellings are setback approximately 40m from the front boundary, and are not visible from Mount Barker Road. The land is provided with mains water, sewer and electricity supply.

ii. The Surrounding Area

The surrounding area is largely residential in nature and contains single dwellings on large allotments, with some commercial development to the east and west. The median allotment size is 1986m². Most allotments in the locality are regular rectangular in shape, but a few examples of hammerhead allotment configurations also exist.

iii. Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Country Living (Stirling and Aldgate) Policy Area and these provisions seek:

Policy Area

- *Development that contributes to the desired character of the Policy Area.*

The following are considered to be the relevant Policy Area provisions:

Objective: 1

PDC: 1

Objective 1 and PDC 1 seek for development to contribute to the desired character of the Policy Area.

The following is considered to be relevant from the Desired Character Statement:

Mount Barker and Strathalbyn Road provide the main road access routes through the Policy Area. Development adjoining these roads will feature generous setbacks, frontages and landscaping to ensure that their function and operation as arterial roads is retained.

Outside the District and Neighbourhood Centres, land uses will be predominantly residential apart from community related activities such as schools and churches, and small scale tourist accommodation premises scattered throughout the Policy Area. Residential densities will remain very low, apart from some pockets of higher density retirement housing.

Land division potential, will remain limited within the Policy Area, however additional allotments will be created where they complement the character of the locality in terms of size and frontage. 'Hammerhead' allotments will be developed where their shape and associated access 'handles' do not negatively impact on the character of the locality.

The land use will not alter as a result of the proposal. The proposed land division is a 'hammerhead' allotment arrangement, but the allotment boundaries follow existing "on-the-ground" features and the proposal will have no noticeable impact on the character of the locality.

The existing large landscaped lawn area forward of the dwellings is to be retained, and has been nominated as common property so there will be no change to the existing generous built form setback to Mount Barker Road.

The proposed land division is not considered to increase possible development opportunity. It is noted there is nothing to limit a development application being submitted for further residential development forward of the existing dwellings, however, the current development policies for the zone discourage higher residential density.

Country Living Zone

- *A residential Zone primarily comprising of detached dwellings at very low densities, including affordable housing.*
- *Development that contributes to the desired character of the Zone.*

The following are considered to be the relevant Zone provisions:

Objectives: 1 & 2

PDCs: 1, 2, 6, 14 & 15

Objective 1 and PDC 6 seek for development to contribute to the desired character of the Zone.

The following is considered to be relevant from the desired character statement:

Development within the Zone will predominantly comprise detached dwellings at very low densities.

Allotments will continue to vary significantly in size and shape throughout the Zone in response to the rolling hills and substantial vegetation. There will be no discernible pattern of allotment size with areas from about 800 square metres to more than 9000 square metres. Similarly, apart from being broadly rectangular in shape, the frontages and depths of allotments will vary significantly. Generally, new allotments will only be created where they match the median allotment size in the locality, where they will be connected to a mains sewer system, and where issues such as access, vegetation removal, stormwater management, and slope as well as the provision of essential services have been appropriately addressed.

The proposed allotments are much smaller in size than that anticipated by PDCs 14 and 15, which seek for allotments to match the prevailing character and size of allotments in the locality and be a minimum 2000 square metres in area (or median in the locality, whichever is greater).

However, the desired character statement does contemplate a significant variance in allotment size and shape in response to the features of the land.

The allotment sizes are dictated by the existing built form, driveway and parking areas. Whilst the allotments are smaller than the median allotment size and the development is non-complying due to the allotment size trigger this is not considered fatal to the proposal, despite PDC 2 stating that non-complying development is generally inappropriate.

The proposal is considered to have merit as it will have no visible impact in the Zone, and has the benefit of formalising parking areas, CFS access and common property for a historic multiple dwelling development. As noted earlier, the land division is not considered to increase the potential for further residential development which would be at variance with Objective 1 in achieving low density residential development.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- *Land division that occurs in an orderly sequence allowing efficient provision of new infrastructure and facilities and making optimum use of existing underutilised infrastructure and facilities.*
- *Land division that creates allotments appropriate for the intended use.*
- *Land division that is integrated with site features, including landscape and environmental features, adjacent land uses, the existing transport network and the availability of infrastructure.*
- *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.*
- *Development that does not prejudice the achievement of the provisions of the Development Plan*

- *Development that provides safe and efficient movement for all transport modes and provides off street parking*

The following are considered to be the relevant Council Wide provisions:

Land Division

Objectives: 1, 2, & 4

PDCs: 1, 2, 7 & 10

The proposal is somewhat unusual in that the land division is following the land use construction which occurred many years ago.

The land division will not alter the use of the land and is considered an orderly form of development in regard to existing built form, access, parking and common property.

As a community title land division there are implied easement rights for the provision of services, so there are no expected changes to stormwater management or service provision. Letterboxes are contained within the common property area.

PDC 10 relates specifically to land division for battle axe allotment configuration, which the proposal is a form of.

The proposal is consistent with PDC 10 in regards to the width of the access handle and inclusion of turnaround areas to ensure vehicles enter and exit Mount Barker Road in a forward direction.

PDC 10 does also seek for battle axe allotments to have an area of at least 1000 square metres, (except where a greater minimum allotment size is specified) and for the creation of battle axe allotments to be avoided where they would be incompatible with the prevailing pattern of development.

Although the proposal is partly at variance with PDC 10 because the allotments do not meet the minimum allotment size this is not considered to be fatal to the application, noting that the land division is following the historic land use. Whilst the general allotment pattern in the locality is regular rectangular there are a few examples of hammerhead allotments. As previously mentioned it is considered there will be no noticeable impact on character as a result of the proposal and the current dwelling status quo is maintained.

Orderly and Sustainable Development

Objectives: 1 & 4

PDC: 1

The proposal is considered to be an orderly form of development. The development should not prejudice the intended purpose of the Country Living Zone as being primarily for low density residential development as the built form currently exists.

The site is an historic anomaly in that it contains four dwellings. As discussed earlier, the land division is not considered to increase potential development opportunity. The large portion of land between the dwellings and Mount Barker Road has been nominated as common property. In any event, current development principles in the Zone discourage an increase to residential development even if an application is made for additional dwellings on this property.

Transportation & Access

Objective: 2

PDCs: 34, 45 & 46

The Commissioner of Highways reviewed the proposal and no objections were raised but several conditions were suggested. Staff agree with advice and the conditions in relation to access and stormwater discharge are all recommended – see conditions 2-5.

The conditions will help to ensure safe and convenient access is provided in regard to keeping the access handle clear of obstructions and re-enforcing vehicles are to enter and exit the land in a forward motion.

PDCs 34, 45 and 46 provide guidance to off-street parking requirements. Each dwelling is provided with two parking spaces – one covered and one uncovered. Table AdHi/4 – off-street vehicle parking requirements sets out that for a dwelling containing two bedrooms two off-street parking spaces should be provided. In addition for every four dwellings sharing a common driveway one visitor parking space should be provided.

A shared visitor parking space is not provided, however a shortfall of one space is not considered to be significant in the consideration of the proposal.

Other Matters

The land division also triggers the need to assess building upgrades for fire walls between each group of two dwellings. It is recommended that the construction of the fire walls to Council satisfaction is undertaken as a Section 51 clearance requirement to ensure this work is completed (refer Land Division Condition 1). The firewall detail plans are included in the proposal plans and require a building rules assessment.

7. SUMMARY & CONCLUSION

The proposal is for a community title land division to separate four existing dwellings into individual titles with associated common property. The land is in the Country Living Zone and the proposal is a non-complying form of development as the allotments do not meet the minimum 2000m² allotment size.

Despite being non-complying the proposal is considered to have merit. The land division is consistent with the existing land use and will have no visible impact on character. The proposal will provide certainty in regard to formalising access, parking and shared common land. The proposal is not considered to increase opportunity for further residential development, which would be at variance with the objective of the Country Living Zone in being a low density residential locality.

Associated with the proposal is firewall treatment to the dwellings which will be assessed at the building rules stage.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, despite its non-complying nature, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that the Council Assessment Panel **GRANT** Development Plan Consent & Land Division Consent, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent and Land Division Consent to Development Application 20/581/473 (20/C24/473) by Neville Roberts for Community Division (1 into 4) & associated building works (non-complying) at 1-4/150 Mount Barker Road, Aldgate subject to the following conditions:

Planning Conditions

1) Development in Accordance with the Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- Amended plan of division (version 1D – map ref. 6627-3-B) by Olden & van Senden dated 17 September 2020

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

2) Vehicle Movement

All vehicles must enter and exit Mount Barker Road in a forward direction.

REASON: DPTI condition for safe and convenient traffic movement.

3) Access to Mount Barker Road

All vehicle access shall be gained via the common property (CP2) only. This driveway shall connect to Mount Barker Road via the existing shared crossover.

REASON: To minimise the number of access points onto Mount Barker Road.

4) Stormwater management

Stormwater run-off shall be collected on-site and discharged without jeopardising the safety and integrity of Mount Barker Road. Any alterations to the road drainage infrastructure required to facilitate this shall be at the applicant's expense.

REASON: To maintain traffic safety on Mount Barker Road.

5) Maintenance of the sealed common driveway and car parking area

The surface treatment detail within the common driveway and car parking areas shall be maintained in good condition at all times. The common driveway shall be kept clear of obstructions at all times.

REASON: To provide adequate, safe and efficient movement of people and goods.

Planning Notes

1) Development Plan Consent

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

Council Land Division Statement of Requirements

1) Prior to Section 51 Clearance – Requirement for Completion of Building Upgrades

Prior to Section 51 clearance the proposed building upgrades to install firewalls in the buildings shall be completed to Council satisfaction.

REASON: To ensure section 33(1)(c)(v) of the Development Act 1993 is met.

Council Land Division Notes

1) Council Rubbish Collection

The applicant is advised that Council rubbish and recycling trucks will not enter the subject land. All collections will be from the kerbside. The onus is therefore on future land owners/occupiers to ensure that refuse bins are placed in suitable locations on the road verge so as to not obstruct motorists or pedestrians.

SCAP Land Division Statement of Requirements

1) Requirement For SA Water Provisions

The financial requirements of the SA Water Corporation shall be met for the provision of water supply and sewerage services (SA Water H0099055). SA Water advises that on receipt of the developer details and site specifications an investigation will be carried out to determine if the connections to your development will be standard or non-standard fees. The developer must inform potential purchasers of the community lots in regards to the servicing arrangements and seek written agreement prior to settlement, as future alterations would be at full cost to the owner/applicant.

REASON: Statutory requirement in accordance with Section 33(1)(c) of the Development Act 1993.

2) Requirement For Payment Into Planning & Development Fund

Payment of \$22,848.00 into the Planning and Development Fund (3 allotment/s @ \$7,616.00 /allotment). Payment may be made by credit card via the internet at www.edala.sa.gov.au or by phone (7109 7018), by cheque payable to the Department of Planning, Transport and Infrastructure marked "Not Negotiable" and sent to GPO Box 1815, Adelaide 5001 or in person, by cheque or credit card, at Level 5, 50 Flinders Street, Adelaide.

REASON: Statutory requirement in accordance with Section 50 and Regulation 56 of the Development Act 1993 and Regulations 2008.

3) Requirement For Certified Survey Plan

A final plan complying with the requirements for plans as set out in the Manual of Survey Practice Volume 1 (Plan Presentation and Guidelines) issued by the Registrar General to be lodged with the State Commission Assessment Panel for Land Division Certificate purposes.

REASON: Statutory requirement in accordance with Section 51 of the Development Act 1993.

SCAP Land Division Notes

Nil

9. ATTACHMENTS

Locality Plan
Proposal Plans
Applicant's Professional Reports
Referral Responses

Respectfully submitted

Concurrence

Melanie Scott
Acting Team Leader Statutory Planning

Deryn Atkinson
Assessment Manager

COUNCIL ASSESSMENT PANEL MEETING

14 October 2020

AGENDA – 9.2

Applicant: Adelaide Hills Council	Landowner: Adelaide Hills Council
Agent: N/A	Originating Officer: Marie Molinaro
Development Application:	18/802/473
<p>Application Description: Change of use of buildings numbered 12A-12B, 20A-20F & 21, & associated building alterations (internal fit-out) & car-parking:</p> <ul style="list-style-type: none"> • Building 12A-12B - change of use from offices to offices & light industry (artist studios) with associated ancillary retail sales • Building 20A-20F - change of use from offices & museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), & hall and associated special events (maximum 12 per year for 30 persons) • Building 21 - change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 200 persons), museum & associated ancillary retail sales 	
Subject Land: Lot:203 CP:41623 CT:6223/762	<p>General Location: 12A-12B/1 Lobethal Road, 20A-20F/1 Lobethal Road and 21/1 Lobethal Road Lobethal</p> <p>Attachment – Locality Plan</p>
Development Plan Consolidated : 24 October 2017 Maps AdHi/12 & 55	Zone/Policy Area: Light Industry Zone - Light Industry (Woollen Mills) Policy Area
Form of Development: Merit	Site Area: Approx. 8669m ²
Public Notice Category: Category 3 Notice published in The Advertiser on 31 July 2020	<p>Representations Received: One late representation</p> <p>Representations to be Heard: N/A</p>

1. EXECUTIVE SUMMARY

The purpose of this application is to change the use of three buildings in the former Woollen Mills complex at Lobethal for use as artist studios, art display and workshop/performance areas with associated retail sales and special events. The use of the buildings will form the Fabrik arts hub, which is operated by Council.

The use of the buildings partly for artist studios is a form of industry, as defined in the Development Regulations (2008). For the purposes of this application, the industry has been considered as a form of light industry.

The subject land is located within the Light Industry (Woollen Mills) Policy Area of the Light Industry Zone, and is a State Heritage Place. The proposal is a merit, Category 3 form of development. One late supporting representation was received.

As per the CAP delegations, the CAP is the relevant authority as the application was called in by the Assessment Manager.

The main issues relating to the proposal are heritage impacts and impacts on the amenity of the locality relative to noise, hours of operation and traffic/parking.

In consideration of all the information presented, and following an assessment against the relevant zone and Council Wide provisions within the Development Plan, staff are recommending that the proposal be **GRANTED** Development Plan Consent, subject to conditions.

2. DESCRIPTION OF THE PROPOSAL

The proposal is for the following:

- Building 12A-12B– change of use from offices to offices and light industry (artist studios) and associated ancillary retail sales:
 - Two office spaces in the building will be converted to artist studios. The remainder of the office spaces will be used by Fabrik administration staff, with a small area set-aside for retail sales of artist products
 - Open 8:30am-9:30pm seven days per week
- Building 20A-20F – change of use from offices and museum to light industry (artist studios), art galleries and hall:
 - Building 20 is a two storey building, the lower floor is to contain art studio/workshop space, art gallery spaces, amenities and area for retail sales of artist products
 - The upper floor is to contain workshop/hall space, art gallery area and office space
 - A lift is to be installed between the two floors for universal access, with other alterations for Building Code requirements also proposed
 - 20 special events associated with the art galleries are proposed per year, for a maximum of 150 persons per event
 - 12 special events associated with the hall are proposed per year, for a maximum of 30 persons per event
 - Special events are proposed to occur between 8:30am-10:30pm Monday-Thursday & Sunday and 8:30am-11:00pm Friday and Saturday
 - The building will be open from 8:30am-9:30pm seven days per week
- Building 21 – change of use from group of shops (market) to light industry (artist studio), art gallery and museum:
 - Building 21 is open plan with internal partitions to be installed to create six artist studio areas, art gallery/exhibition space and area for retail sales of artist products
 - 8 special events associated with the art gallery are proposed per year, for a maximum of 200 persons per event
 - Special events are proposed to occur between 8:30am--10:30pm Monday-Thursday & Sunday and 8:30am-11:00pm Friday and Saturday
 - Toilets will also be installed to meeting Building Code requirements
 - The museum use, being the 'Old Heritage Experience' is proposed to function as part of the overall space in the building

- The art studios across all the buildings will be available for small scale light industrial uses such as painting, craft, sculpting and jewellery making activities.

The proposed plans are included as **Attachment – Proposal Plans** with other information included as **Attachment – Applicant’s Professional Reports**.

3. BACKGROUND AND HISTORY

Building 12

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property

Internal correspondence accepts office as the existing use.

Building 20

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
28 October 2019	19/568/473	Alterations to Building 20 – internal – removal of office fit-out & replacement kitchen, removal of wall mounted computer server equipment and repair of opening & repair ceiling gaps – external – installation of 3x air-conditioning units, 2x motion sensors & 1x flood light
05 August 2019	19/567/473	Installation of 1x wall mounted air-conditioning unit to Building 20 (air-conditioning unit 4 only)
1 July 2019	19/509/473	Painting of interior walls of Building 20 – part of lower ground floor only
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
19 August 2008	08/559/473	Internal alterations to existing building to provide new toilet facilities Notes in the file show the building use as costume museum.

Internal correspondence shows this building was also used offices.

Building 21

APPROVAL DATE	APPLICATION NUMBER	DESCRIPTION OF PROPOSAL
12 September 2018	17/4/473	Community title land division (6 allotments into 4), including reserve allotments and common property
02 March 2017	17/89/473	Repairs & maintenance works to State Heritage Listed Buildings
11 November 2003	03/1040/473	Change of use from museum to market

4. REFERRAL RESPONSES

- **State Heritage**

State Heritage has no objection to the proposal, but have recommended a condition. *See recommended condition 6.*

The above response is included as **Attachment – Referral Response**.

5. CONSULTATION

The application was categorised as a Category 3 form of development in accordance with Section 38(2)(c) of the Development Act 1993 requiring formal public notification and a public notice. One late supporting representation was received from a nearby business owner.

Fabrik, and/or Council Property section staff may be in attendance to respond to any questions regarding the proposal.

6. PLANNING & TECHNICAL CONSIDERATIONS

This application has been evaluated in accordance with the following matters:

- i. The Site's Physical Characteristics

The subject buildings are located in the former Lobethal Woollen Mills complex on the northern side of Lobethal Road. The complex contains multiple buildings and a variety of industrial and commercial uses. There are parking areas to the north and south-west of the site, providing approximately 132 shared parking spaces. A further 28 parking spaces are available on-street directly adjacent to the site.

The largest parking area on-site is to the north of the site. It is approximately 115m away from the proposed Fabrik buildings. The entrance to this car-park is from Main Street, which is opposite a cluster of dwellings on the eastern side of Main Street. The car-park is also in view of a cluster of residential properties along Mill Road to the west.

The complex is a State Heritage Place.

ii. The Surrounding Area

The locality contains a mix of commercial and residential land uses. Building 21 is the closest building to residential property, with a separation distance of approximately 70m to 3 Lobethal Road to the west.

Development Plan Policy considerations

a) *Policy Area/Zone Provisions*

The subject land lies within the Light Industry (Woollen Mills) Policy Area of the Light Industry Zone and these provisions seek:

- *Provision of the operation of the Onkaparinga Woollen Mills for light industrial business development.*
- *Provision for the operation of the Onkaparinga Woollen Mills sites as a community hub.*
- *Development that contributes to the desired character of the Policy Area.*

The following are considered to be the relevant Policy Area provisions:

Objectives: 1, 2 & 3

PDCs: 1 & 2

Objective 2 and PDC 2 seek for development to contribute to the desired character of the Policy Area.

The following is considered to be relevant from the Desired Character Statement:

The former Onkaparinga Woollen Mills are a distinctive and well known part of the Lobethal Township. This site will continue to be a hub for community activities such as events, shows, workshops, displays and multi-use spaces (e.g. museum, arts exhibitions).

The former Onkaparinga Woollen Mills will be developed to accommodate a range of light industrial activities along with suitable provision for ancillary or related retail, wholesale and community orientated activities, such as restaurants, eateries, cellar doors and art spaces.

The heritage character and buildings of the Woollen Mills Complex are an integral part of the economic and heritage conservation roles of the complex.

The proposed uses will accommodate activities aligned with the Desired Character Statement, and the proposal is therefore considered consistent with the Objectives of the Policy Area.

A discussion on heritage impacts follows later in the report.

Light Industry Zone

- *A Zone accommodating a range of light industrial, storage and warehouse land uses.*
- *Development that contributes to the desired character of the Policy Area.*

The following are considered to be the relevant Zone provisions:

Objectives: 1 & 2

PDCs: 1 & 3

Objective 2 and PDC 3 seek for development to contribute to the desired character of the Policy Area.

The following is considered to be relevant from the Desired Character Statement:

The Zone will be an intensively developed, high quality, landscaped industrial area. The Zone will accommodate a wide range of low-impact industrial activities including manufacturing, warehousing, transport and distribution. High impact industrial uses will not be located within the Zone.

The proposed industry activities (artist studios) are considered to be low-impact. The artist activities are small scale and do not involve the use of machinery generating undue noise, vibration or the creation of odours or fumes.

b) Council Wide provisions

The Council Wide provisions of relevance to this proposal seek (in summary):

- *The continued use, or adaptive reuse of State and local heritage places that supports the conservation of their cultural, architectural, archaeological, scientific or other special significance.*
- *Industrial development occurring without adverse effects on the health and amenity of occupiers of land in adjoining Zones.*
- *Compatibility between industrial uses within Industrial Zones.*
- *Development located and designed to minimise adverse impact and conflict between land uses.*
- *Orderly and economic development that creates a safe, convenient and pleasant environment in which to live.*
- *Development that does not prejudice the achievements of the Development Plan, or jeopardise the continuance of adjoining authorised land uses.*
- *Development that provides safe and efficient movement for all transport modes and provides off street parking.*

The following are considered to be the relevant Council Wide provisions:

Heritage Places

Objectives: 1, 2 & 4

PDCs: 2 & 3

The application required a Schedule 8 referral to State Heritage. State Heritage advice is that the proposal is acceptable. In their opinion the *“change of use works will only have a minor internal impact on the heritage fabric of the complex of buildings and will ensure ongoing use and maintenance of these currently underutilised structures.”*

However, State Heritage have recommended a condition that further building alteration detail to buildings 20 & 21 is provided to Council and State Heritage satisfaction. *See recommended condition 6.*

As State Heritage are supportive of the proposal, it is considered to be sufficiently consistent with the Heritage Places Objectives and PDCs. Therefore, the proposal is also considered to be consistent with that part of the Policy Area desired character statement that recognises the heritage character and buildings of the former Woollen Mills Complex.

Industrial Development

Objectives: 4 & 5

PDC: 6

Objectives 4 & 5 and PDC 6 seek for industrial development to occur with minimal impact on adjoining uses, or the health and amenity of occupiers of land in adjoining zones.

The proposed light industry activities are considered to be low-impact and small in scale so as not to impact on adjoining uses in the Lobethal Woollen Mills complex or residential uses adjacent to the site.

The proposal is considered to be sufficiently consistent with the Industrial Development Objectives and PDCS.

Interface Between Land Uses

Objectives: 1, 2 & 3

PDCs: 1, 6, 8 & 10

PDC 1 seeks for development to not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following (in particular):

- a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
- b) noise
- c) vibration
- d) light spill
- e) hours of operation
- f) traffic impacts

As discussed, the proposed light industry uses (artist studios) are small in scale and are not expected to cause nuisance relative of odour, fumes, vibration or noise.

The general proposed hours of operation are across seven days per week, but are expected to have minimal impact on nearby residential properties noting the Fabrik buildings are centrally located within the former Lobethal Woollen Mills complex. The Fabrik hub buildings are approximately 70m from the nearest dwelling and separated by a public roadway.

Hours of operation for special events are more extensive, but are comparable to the approved hours of the Bierhaus micro-brewery and restaurant in the former Woollen Mills complex.

By way of comparison The Bierhaus is approved to operate within the following hours:

Thursday-Saturday: 10:00am - 1:00pm

Sundays & public holidays: 10:00am - 6:00pm

And at other times for private functions – seven days a week including public holidays: 10:00am - 11:00pm.

With regard to noise, some acoustic noise (entertainment) is proposed but limited to background and low level noise. Recommended *condition 4* imposes noise control limitations.

A discussion on traffic impacts follows later in the report.

Orderly and Sustainable Development

Objectives: 1, 3 & 4

PDCs: 1

The proposal is considered to be an orderly form of development. The proposal is in keeping with the desired character and uses for the Light Industry (Woollen Mills) Policy Area, and does not offend the Light Industry Zone provisions.

Transportation & Access

Objectives: 2

PDCs: 33, 34, 35, 36 & 38

A traffic report by Phil Weaver & Associates has been provided in support of the application. The report concludes that parking demand as a result of the change of use is not anticipated to increase above capacity during typical business hours.

For special events, the finding of the traffic report is that existing on-site parking provision should be sufficient, provided that events do not occur simultaneously or accommodate more than 200 people. The on-site parking areas are shared by businesses across the complex, with no vehicle parking space allocations to particular operators.

The report does recommend that the location of on-site parking areas could be improved by changed parking area directional signage, or the inclusion of parking area plans with the provision of event information. Council Property staff are generally satisfied though with the current parking directional signage, but are agreeable to a condition for altered parking directional signage if it is considered necessary. Parking information will be provided on the Fabrik website for the general public.

Trip movements associated with special events are anticipated to remain within the capacity of adjoining roads, but again provided that multiple events do not occur simultaneously or accommodate more than 200 people. Recommended condition three requires special events to not be held simultaneously, and for capacity to be capped at maximum of 200 persons.

For special events occurring outside regular business hours it is only anticipated that the Lobethal Bierhaus restaurant on the north-eastern side of the Woollen Mills complex would be generating notable parking demand during anticipated event periods. There may also be some overlap in parking with people attending events and dining at the restaurant. Occasionally other businesses may operate afternoon or evening shifts, but this is on an ad-hoc basis when they have large orders to complete.

The main car-parking area on the northern side of the complex is sealed, line-marked and provided with lighting.

The report recommends installation of compliant accessible parking adjacent to buildings 20 and 21. Council Property staff advise that accessible parking will be upgraded, but with potential to include these spaces in one of the shared car-parking areas. Recommended condition five seeks the provision of an accessible car-parking plan prior to Development Approval, so as Council staff can seek building rules advice as to the location and number of accessible parking spaces required by the proposed uses.

The report further recommends restrictions are imposed at a site access point opposite Woodside Road; and for large commercial vehicles greater than 6.4m in length manoeuvring within the site. Only small vans are expected for deliveries, so it not considered necessary to condition internal movements. Such a condition would also affect other businesses in the former Woollen Mills Complex.

It is not considered necessary to restrict site access, the main shared car-parking area on the northern side of the complex has a separate entry and exit point from Main Street. It is not anticipated that event attendees will drive through the site to use the access opposite Woodside Road.

Subject to conditions, the proposal is considered to be sufficiently consistent with the Transportation & Access Provisions.

Other Matters

The reports by URPS and Phil Weaver & Associates accompanying the proposal plans also make reference to events within the Mill Square Area. The Mill Square Area is a grassed area next to the Fabrik hub. It is common property of the Woollen Mills Complex and has traditionally been used as recreation and open space for the former Woollen Mills and it is considered it has existing use rights for events and thus events within the Mill Square Area do not form part of this proposal.

A separate development application was submitted and has been approved for signage advertising Fabrik.

7. SUMMARY & CONCLUSION

The proposal is for a change of use of three buildings at the former Lobethal Woollen Mills State Heritage complex. The change of use is to facilitate the Fabrik arts hub operated by Council. The proposed uses are in keeping with the desired development outcome for the Lobethal Woollen Mills Policy Area. The heritage impact is acceptable and subject to conditions, amenity impacts relative to noise, hours of operation and traffic/parking are also considered acceptable.

The proposal is sufficiently consistent with the relevant provisions of the Development Plan, and it is considered the proposal is not seriously at variance with the Development Plan. In the view of staff, the proposal has sufficient merit to warrant consent. Staff therefore recommend that Development Plan Consent be **GRANTED**, subject to conditions.

8. RECOMMENDATION

That the Council Assessment Panel considers that the proposal is not seriously at variance with the relevant provisions of the Adelaide Hills Council Development Plan, and GRANTS Development Plan Consent to Development Application 18/802/473 by Adelaide Hills Council for Change of use of buildings numbered 12A-12B, 20A-20F & 21, with associated building alterations (internal fit-out) & car-parking:

- **Building 12A-12B- change of use from offices to offices & light industry (artist studios) with associated ancillary retail sales**
- **Building 20A-20F- change of use from offices & museum to light industry (artist studios), art gallery (x 2) with associated ancillary retail sales & special events (maximum 20 per year for 150 persons), & hall and associated special events (maximum 12 per year for 30 persons)**
- **Building 21- change of use from group of shops (markets) to light industry (artist studio), art gallery with associated special events (maximum 8 per year for 250 persons), museum & associated ancillary retail sales**

at 1 Lobethal Road, Lobethal subject to the following conditions:

(1) Development In Accordance With The Plans

The development herein approved shall be undertaken in accordance with the following plans, details and written submissions accompanying the application, unless varied by a separate condition:

- **Site plan, received by Council 24 September 2018**
- **Amended proposed use floor plan (Rev. K) by Nielsen Architects, received by Council 23 September 2020**

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

(2) Hours of Operation

The opening hours of Buildings 12, 20 & 21 shall be from 8:30am to 9:30pm Monday - Sunday, with the exception of special events in Buildings 20 & 21. Special events shall only occur within the following times:

**Monday - Thursday, Sunday & public holidays: 8:30am - 10:30pm
Friday & Saturday: 8:30am - 11:00pm**

REASON: To ensure the development operates in accordance with the approval.

(3) Special Events

The number of special events in a calendar year shall not exceed the following:

Building 20 – 32

Building 21 – 8

Special events shall not be held simultaneously in both buildings, and shall not exceed a maximum capacity of 200 persons.

REASON: To ensure the proposed development minimises amenity impacts on the locality, and that off-street parking is adequate.

(4) Entertainment Noise Levels

The noise from the entertainment shall not exceed 55dB(A) between 10:00am and 10:00pm and 48dB(A) from 10:00pm and 12:00am (midnight) within nearby dwellings.

REASON: To maintain the amenity of the locality and to ensure compliance with Environmental Protection (Noise) Policy 2007.

(5) Prior to Development Approval – Car-parking Spaces For Persons With A Disability

Prior to Development Approval being granted a detailed layout plan for accessible car-parking provision shall be provided to Council satisfaction. These parking spaces shall be completed within three (3) months of Development Approval, and thereafter maintained in good condition at all times.

REASON: To provide adequate, safe and efficient off-street parking for users of the development.

(6) Prior to Building Rules Consent – Construction Details For Building Work For Buildings 20 & 21

Prior to Building Rules Consent being granted the following construction details shall be provided to the satisfaction of Council and the Department for Environment and Water (State Heritage Unit)

Building 20:

- Construction details associated with the lift installation
- Detailing associated with external opening to rear wall
- Proposed staircase and balustrade changes and room partition changes.

Building 21:

- Documentation of proposed amenities – in plan and elevation, including details of proposed treatment of original walls, appearance of partition walls facing into the open space, height of amenities rooms and floor drainage.

NOTES

(1) Development Plan Consent Expiry

This Development Plan Consent (DPC) is valid for a period of twelve (12) months commencing from the date of the decision (or if an appeal has been commenced the date on which it is determined, whichever is later). Building Rules Consent must be applied for prior to the expiry of the DPC, or a fresh development application will be required. The twelve (12) month time period may be further extended by Council agreement following written request and payment of the relevant fee.

(2) State Heritage Unit

Any changes to the proposal as assessed by the State Heritage Unit may give rise to heritage impacts requiring further consultation with the Department of Environment, Water and Natural Resources, or an additional referral to the Minister for Sustainability, Environment and Conservation. Such changes would include for example:

- (a) An application to vary the Development Plan Consent, or
- (b) Building Rules documentation that differs from the planning documentation.

(3) Requirements Under the Heritage Places Act

Please note the following requirements under the Heritage Places Act 1993:

- (a) If an archaeological artefact believed to be of heritage significance is encountered during excavation works, disturbance in the vicinity shall cease and the SA Heritage Council shall be notified.
- (b) Where it is known in advance (or there is reasonable cause to suspect) that significant archaeological artefacts may be encountered, a permit is required prior to commencing excavation works.

(4) Requirements Under the Aboriginal Heritage Act

Please note the following requirements of the Aboriginal Heritage Act 1988:

- (a) If Aboriginal sites, objects or remains are discovered during excavation works, the Aboriginal Heritage Branch of the Aboriginal Affairs and Reconciliation Division of the Department of the Premier and Cabinet (as delegate of the Minister) should be notified under Section 20 of the Aboriginal Heritage Act 1988.

9. ATTACHMENTS

Locality Plan
Proposal Plans
Referral Response

Respectfully submitted

Concurrence

Marie Molinaro
Statutory Planner

Deryn Atkinson
Assessment Manager