AGENDA

COUNCIL ASSESSMENT PANEL MEETING

1 April 2019
at 13:30pm
KANGAROO ISLAND COUNCIL

NOTICE is hereby given that a Development Assessment Panel Meeting is to be held at the Kangaroo Island Council Chambers, Dauncey Street, Kingscote on Monday, 1 April 2019 at 1:30pm.

Greg Georgopoulos
Acting Chief Executive Officer
AGENDA

1.0 APOLOGIES

Jackie Kelly

2.0 CONFLICT OF INTEREST DECLARATION

NIL

3.0 REPRESENTATIONS

NIL

4.0 CAP MINUTES OF MEETING HELD 4 FEBRUARY 2019 (YELLOW PAGES)

That the Minutes of the Council Assessment Panel Meeting held on 4 February 2019 be confirmed.

5.0 BUSINESS ARISING FROM MINUTES OF 4 FEBRUARY 2019

Nil

6.0 DEVELOPMENT SERVICES DEPARTMENT REPORTS

Chairperson and Panel Members, the following reports are submitted to the 1 April 2019 Council Assessment Panel Meeting.

RECOMMENDATION

That the Development Services Department Reports be received.

7.0 DEVELOPMENT SERVICES DEPARTMENT APPLICATIONS

JANUARY - FEBRUARY 2019

Register of Planning and Building applications report tabled for Development Assessment Panel information.

RECOMMENDATION

That the report detailing applications approved and / or being processed under delegated authority by the Development Services Department be received and noted.

8.0 APPLICATIONS REQUIRING COMMITTEE DECISION

Individual reports are attached hereabouts for committee decision.
ITEM 8.1

APPLICATION NO. 520/165/18

DEVELOPMENT DETAILS Establishment of a Domestic Garage (associated with an existing residential dwelling within the Rural Living Zone.

Applicant Mr. Luke & Mrs. Brie Barrett
160 Glen Barrett Drive
Kingscote SA 5223

Owner Mr. Luke & Mrs. Brie Barrett
160 Glen Barrett Drive
Kingscote SA 5223

Site Address Allotment 26, 160 Glen Barrett Drive, Hundred of Menzies.

Property Details Certificate of Title Volume 5956 Folio 169

Zone Rural Living Zone, Map KI/23

Public Notification Merit Category 3
Full public notification undertaken, No representations received.

Application Date 9 November 2018

Relevant Development Plan Consolidated 17 September 2015

Department Development Services
Monika Matej - Development Services Officer

Issues Summary Merit, Category 3 Development –
Delegated Authority to CAP

The development is referred to the Panel in accordance with the CAP terms of reference as the shed is considered to be substantially at variance with the building scale and bulk provisions in the Development Plan relevant to the Rural Living zone.
BACKGROUND
An application was lodged by the applicant on 1 November 2018 for a new domestic garage associated with an established dwelling on the site in the Rural Living zone.

During initial correspondence with the applicant soon after lodgement, Council requested that the applicant revise the floor area and height of the proposed development from 138.32 square metres to be closer in line with prescribed maximum limit of 115 square metres given the use of the structure as a domestic shed and the location of the proposed shed to be sited forward of the dwelling’s building line.

The applicant maintained that a shed with the specified size of 15.2 metres in length x 9.1 metres in width (total floor area of 138.32 square metres) with a wall height of 3.6 metres and an 11 degree gable roof pitch reaching an overall height of 4.5 metres to the roof's ridgeline is required for domestic garaging of vehicles and other domestic items and equipment.

The application has proceeded through all statutory elements of the assessment and is presented to the Panel, subject to this report for a final decision.

SUBJECT LAND AND LOCALITY
The subject land is identified as Allotment 26 DP69789, 160 Glen Barrett Drive in the Hundred of Menzies, identified in CT 5956/169. The land is situated approximately 750 metres south from the Bay of Shoals coastline.

The land is approximately 2.5 hectares in area, with a driveway access to the allotment from Glen Barrett Drive leading to the dwelling on the site.

The locality has developed distinct rural living characteristics, with the prevalence of large allotments developed with single detached dwellings and large domestic sheds and often hobby scale animal keeping activities on land. The immediate locality demonstrates sheds sited closer to the road than the dwelling to which they relate (as discussed further in the report).

The subject allotment has an associated Land Management Agreement on the property defining boundaries to protect the existing native vegetation on the site. This defined boundary consumes approximately one third to almost half of the northern aspect of the allotment. The proposed shed falls within these acceptable parameters for built form on the site.

The existing dwelling on the site is located 67 metres from the front road boundary line and the proposed shed is located forward of this dwelling boundary line and is located 41.5 metres from the road boundary.

Moderately dense vegetation exists in the northern half of the allotment and an existing dwelling is located to the south of this vegetation. Some scattered vegetation also exists toward the south-eastern corner of the allotment.

The subject allotment contains an approved dwelling 520/120/07. The recent application for the proposed shed is located approximately 20 metres south-west from the existing dwelling.

The subject land is contained within the Rural Living Zone as delineated in Map KI/23 of the Kangaroo Island Development Plan, and is identified on the following maps and images:
Zone Map, Kangaroo Island Development, Consolidated 17 September 2015.

PROPOSAL

The proposal seeks Development Approval for a domestic shed which is ancillary to the existing dwelling on the site. The proposed shed is to be screened by existing vegetation on the allotment which will assist in concealing the building from the street. The shed is to be located forward of the existing dwelling’s building line and is to be located 20 metres south-west of the dwelling. The proposed shed is 15.2 metres x 9.1 metres (138.32m²) with 3.6 metre wall height and 4.5 metres to the top of the ridgeline of the gable roof with an 11 degree pitch.

The proposed shed is sited on the allotment 15 metres from the western allotment boundary with its 15.2 metre length parallel to this boundary. The 9.1 metre width faces the front road boundary, thus limiting its bulk directly visible from the streetscape. This view is also attenuated with the existing vegetation around the proposed development to be maintained which will offer landscape screening to the structure.

The shed is to have Colorbond Trimdek wall cladding in a ‘Paperbark’ finish and a corrugated roof deck in ‘Woodland Grey’ to match the existing dwelling.

The location of the proposed shed is to be screened from public view with the established vegetation on the site with sliding door access located along the eastern façade.

The application plans and details are contained in Attachment A.

DETERMINATION OF APPLICATION, PUBLIC NOTIFICATION & OTHER STATUTORY REQUIREMENTS

Development Classification:
The Kangaroo Island Development Plan, Consolidated 17 September 2015, Map KI/23 indicates that the allotment lies wholly within the Rural Living Zone.

The proposed building is determined to constitute a domestic garage / outbuilding, with the proposed shed is intended to be used for vehicles storage and other equipment in association with the domestic / residential use of the land and buildings. Hence, the proposal is determined to be a ‘merit’ form of development.

Categorisation:
The proposed development was determined to constitute a Category 3 form of development, pursuant to the Section 38 (2) of the Development Act 1993, as the proposal fails to fall within Category 1 or Category 2 Development in Part 1 or Part 2 of Schedule 9 of the Development Regulations 2008.

Public Notification:
A Category 3 public notification process was undertaken between the dates of 10 January and 25 January 2019. There were no representations received in relation to the proposal.

REFERRALS AND AGENCY CONSULTATION

Pursuant to Schedule 8 of the Development Regulations 2008, there were no mandatory referrals undertaken.
DEVELOPMENT PLAN & POLICY

The proposal is presented to the Panel in accordance with Council Delegations – where it is considered that the nature of the development warrants the consideration of the CAP, particularly due to the scale and bulk of the proposed building.

The following Objectives and Principles of Development Control (PDC) of the Kangaroo Island Development Plan – Consolidated 17 September 2015, are considered relevant to the assessment of this application.

Rural Living Zone
Objectives: 1, 2 & Desired Character Statement
PDC’s: 1, 7 & 9

Residential Development – Garages, Carport & Outbuildings
PDC’s: 11, 12, & 13

Design and Appearance
Objective: 1
PDC’s: 2, 5, 7, 18 & 20

Siting and Visibility
PDC’s: 1 & 2

PLANNING ASSESSMENT

Rural Living Zone

RuL Objective 1: A zone consisting of large allotments, detached dwellings, tourist accommodation, supported accommodation and rural activities that do not adversely impact the amenity of the locality.

RuL Objective 2: Development that contributes to the desired character of the zone.

Desired Character Statement: The zone has a high standard of amenity that will be retained, primarily through extensive vegetation, screening of buildings, structures and uses of land. The development of detached dwellings on large allotments is intended.

Parts of the zone have coastal frontages which feature coastal dunes, which will be protected from excavation and similar interference. Indeed, the natural landform of the zone is valued and further excavation and filling of land is not encouraged.

Development throughout the zone will be largely self-sufficient in terms of water supply and effluent disposal. To maximise water re-use, development will be expected to provide for rainwater storage and on-site sewage treatment systems that allows re-use of water for irrigation.

Domestic outbuildings will be considered where accompanied by an application for a dwelling and built in association with the dwelling or on a staged basis consistent with an agreed staging plan for the domestic outbuilding and dwelling that accompanies the application – outbuildings will not be allowed to be used for human habitation.

RuLPDC 1: The following forms of development are envisaged in the zone:
- bed and breakfast
- detached dwelling
- domestic outbuilding in association with a detached dwelling
- domestic structure
• dwelling addition
• farming
• farm building
• stable
• tourist accommodation and associated land uses and facilities.

**RuL PDC 7:** Development should not be undertaken unless it is consistent with the desired character for the zone.

**RuL PDC 9:** Domestic outbuildings should be ancillary to a dwelling and be no greater than 115 square metres in area.

The proposed shed is an ancillary structure to the established dwelling on the site. Accordingly, the Desired Character Statement and PDC 1 for the Rural Living zone envisage this type of development.

The proposed shed has a greater floor area than the prescribed 115 square metres stated in PDC 9, exceeding this area by 23.32 square metres and an overall building height of 4.5 metres. Although this is at variance to this policy, it is believed that landscape screening established surrounding the building site will attenuate the buildings scale and bulk.

Many of the allotments in the vicinity have residential developments with associated shed structures. As the northern portion of the allotment is subject to a Land Management Agreement it restricts development to be located in the southern portion of the allotment.

The proposed development is to be sited forward of the dwelling’s building line and set behind established existing vegetation obscuring the structure from public view. There is a demonstrated pattern in the immediate vicinity which exhibits domestic sheds located in front of the dwellings building line.

Given the established landscape screening to the south (front) and western aspect of the proposed shed, and a further condition to ensure the landscape screening is maintained and established to a minimum height, it is believed that it will be extensively obscured from public view.

**Residential Development – Garages, Carports and Outbuildings**

**Residential Development PDC 11:** Garages, carports and outbuildings should have a roof form and pitch, building materials and detailing that complement the associated dwelling.

**Residential Development PDC 12:** Garages and carports facing the street should not dominate the streetscape.

**Residential Development PDC 13:** Outbuildings should satisfy all of the following requirements:

(a) be in association with an existing dwelling
(b) not be greater than 75 square metres in floor area except within the Rural Living Zone and Primary Production Zone where they should not exceed 115 square metres of floor area
(c) not be greater than 3.1 metres in height from natural ground level to the top of the walls
(d) not be greater than 3.6 metres in height from natural ground level to the top of the gable (if relevant)
be finished in external surfaces in a colour that matches or blends with any existing dwelling on the site, and is in keeping with the character of the locality.

The Trimdek profile wall cladding in a ‘Paperbark’ colour and corrugated roof decking in ‘Woodland Grey’ of the proposed shed which is to be set behind an existing area of vegetation on the site is believed to be of a sympathetic nature with the surrounding landscape and locality.

The proposed shed is in excess of the maximum prescribed size limitations set in PDC 13 for the height and floor area as the height of the structure is 4.5 metres to the gable’s ridgeline and the floor area is 138.32 square metres. This policy allows for a shed in a Rural Living zone to be 115 square metres with an overall height 3.6 metres of which the proposed shed is exceeding this height provision by 900 millimetres. However, consideration should be given to the location of the shed behind landscape screening which will reduce the apparent scale and bulk of the building. These factors are believed to help mitigate the building’s visibility from neighbouring views and generally from the street frontage.

**Design and Appearance**

**Design and Appearance Objective 1:** Development of a high architectural standard that responds to and reinforces positive aspects of the local environment and built form.

**Design and Appearance PDC 2:** Buildings should be designed and sited to avoid creating extensive areas of uninterrupted walling facing areas exposed to public view.

**Design and Appearance PDC 5:** Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

**Design and Appearance PDC 7:** The external walls and roofs of buildings should not incorporate highly reflective materials which will result in glare.

**Design and Appearance PDC 18:** The setback of buildings from public roads should:
(a) be similar to, or compatible with, setbacks of buildings on adjoining land and other buildings in the locality
(b) contribute positively to the streetscape character of the locality
(c) not result in or contribute to a detrimental impact upon the function, appearance or character of the locality.

**Design and Appearance PDC 20:** Lesser setback distances may be considered where the proposed building will be substantially screened by existing vegetation, natural form and features of the land or adjacent existing buildings.

**Siting and Visibility**

**Siting and Visibility PDC 1:** Development should be sited and designed to minimise its visual impact on:
(a) the natural, rural or heritage character of the area
(b) areas of high visual or scenic value, particularly rural and coastal areas
(c) views from the coast, near-shore waters, public reserves, tourist routes and walking trails
(d) the amenity of public beaches.

**Siting and Visibility PDC 2:** Buildings should be sited in unobtrusive locations and, in particular, should:
(a) be grouped together
(b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.
The Design and Appearance provisions and the Siting and Visibility PDCs are believed to be generally accorded. The proposed setback of the shed is 41.5 metres meeting the required 30 metre setback from the road boundary prescribed in the Rural Living zone. The external wall colour ‘Paperbark’ and roof ‘Woodland Grey’ are non-reflective and blends in with the surrounding landscape.

As the proposed development is a shed some uninterrupted walling can be expected, however the landscape screening of the development with existing vegetation and for this to be conditioned it is believed that he view of the building largely obscured from view from neighbouring properties and from any public outlook.

**CONCLUSION**

The proposed shed is for the purposes of garaging domestic vehicles and other equipment within the Rural Living zone. This proposal exceeds the prescribed maximum height and area limitations set for the Rural Living zone.

The provisions in the Development Plan prescribe restrictions of which the proposed shed exceeds in area by 23.32 square metres and height by 900 millimetres. The location of the proposed shed incorporates the existing native vegetation on the site which resolves to attenuate the view of the shed from the southern road frontage of Glen Barrett Drive and western side aspects. Further mitigation of the proposed shed’s scale and bulk is by way of a condition to incorporate with the existing vegetation on the proposed site a further sparse screen of landscape trees and shrubs to in order to create cover up to 4m and shrubs to infill the lower storey once established.

Although the location of the shed is to be in front of the existing dwelling’s building line, consideration should be given to the established context in the immediate vicinity of domestic outbuildings located in front of dwellings. These examples are situated on the allotment opposite the subject site and also south east from the subject site, on allotments 40, 41 and 42 of Glen Barrett Drive. The setback of the proposed shed from the subject site’s front allotment boundary is to be 41.5 metres meeting the prescribed setbacks for a Rural Living zone.

The proposal attempts to minimise the scale and bulk of the structure by incorporating existing vegetation on the site and a further condition will be applied to ensure the height of the landscaping will screen the structure from public view. The colours of the proposed shed are believed to be acceptable and blend with the surrounding landscape.

In summary of all the discussed factors, including the limited visibility of the building and the appearance which blends with the natural surrounding landscape the proposal is considered upon fine balance to warrant the Panel’s support subject to conditions.

**RECOMMENDATION**

The Council Assessment Panel (i) resolve that the Development Application is **not seriously at variance** with the Kangaroo Island Development Plan consolidated 17 September 2015, and (ii) the panel resolve to **approve** Development Application 520/165/18 for the establishment of a **shed** at Allotment DP69789, 160 Glen Barrett Drive in the Hundred of Menzies, identified in CT 5956/169. By the applicant and owner Mr. Luke and Mrs. Brie Barrett, subject to (but not limited to) the following conditions of consent.
Kangaroo Island Council – Planning Conditions:

1. The Development herein approved must, except as varied by the condition of consent be carried out in accordance with the approved plans and details to the satisfaction of Council.

2. The building shall not be used for any purpose other than that described on this notification.

3. All excess stormwater from roofed buildings, sealed areas and tank overflows shall be discharged within the allotment boundaries so that no erosion, nuisance or inconvenience will occur off-site.

4. There shall be no human habitation of the shed herein approved. Human habitation includes overnight and weekend accommodation. Changing the use of a building or structure without approval is a contravention of the Development Act 1993, and can result in legal action under the Act, and may incur significant penalty.

5. The site must be kept in a neat and tidy manner at all times.

6. The applicant shall establish, within the first available planting year, landscape screening with native / species to reach a mature height of 4 metres minimum, and shall be planted in a position to mitigate clear and direct view of the building to view from eastern and western aspects.

Note -
Note - Building Site Fire Safety Requirements
The applicant/owner shall ensure that there is adequate water supply and hoses or prescribed water spray fire fighting implement in accordance with Regulation 41 of the Fire and Emergency Services Act 2005 available on site during the performance of building work in order to prevent the outbreak of fire at the premises, or the spread of fire from the premises Pursuant to Subdivision 6 of the Fire and Emergency Services Act 2005. Maximum Penalty $10,000.00

Note -
You have a right of appeal against the conditions which have been imposed on this provisional Development Plan consent or Development Approval.
Such an appeal must be lodged at the Environment, Resources and Development Court within two months of the day on which you receive this notice or such longer time as the Court may allow.

Please contact the Court if you wish to appeal. The Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, Ph. 8204 0300.

Note -
Class 10 Notification - Regulation 74
A person undertaking building work (Class 10) must give Council one business day notice of commencement of the building work.
9.0 LAND DIVISION APPLICATIONS – APPROVED UNDER DELEGATED AUTHORITY (GREEN PAGES)

January & February 2019 - Three (3)

10.0 GENERAL BUSINESS

11.1 CONFIDENTIAL REPORTS

NOTE – Pursuant to Section 56A (12) of the Development Act 1993 the Panel reserve the right to move proceedings ‘in camera’ for deliberations of Development Applications to be considered under Section 11.0 of this Agenda.

12.0 CLOSURE