AGENDA

COUNCIL ASSESSMENT PANEL MEETING

2 MARCH 2020
at 13:30pm
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, 2 MARCH 2020 at 1:30pm.

Greg Georgopoulos
Chief Executive Officer
AGENDA

1.0 APOLOGIES
NIL

2.0 CONFLICT OF INTEREST DECLARATION
NIL

3.0 REPRESENTATIONS
NIL

4.0 CAP MINUTES OF MEETING HELD 16 DECEMBER 2019 (YELLOW PAGES)
That the Minutes of the Council Assessment Panel Meeting held on 1 July 2019 be confirmed.

5.0 BUSINESS ARISING FROM MINUTES OF 16 DECEMBER 2019
Nil

6.0 DEVELOPMENT SERVICES DEPARTMENT REPORTS
Chairperson and Panel Members, the following reports are submitted to the 2 March 2020 Council Assessment Panel Meeting.

RECOMMENDATION
That the Development Services Department Reports be received.

7.0 DEVELOPMENT SERVICES DEPARTMENT APPLICATIONS DECEMBER 2019 – JANUARY 2020
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.
9.0  **LAND DIVISION APPLICATIONS - APPROVED UNDER DELEGATED AUTHORITY (GREEN PAGES)**

DECEMBER 2019 - JANUARY 2020

10.0  **GENERAL BUSINESS**

- Discuss issues around Bushfire Affected development applications

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**
ITEM 8.1

APPLICATION NO. 520/067/19

DEVELOPMENT DETAILS Construction of a two storey dwelling with associated storage under main roof

Applicant Ben Tyley
PO Box 540
Kingscote SA 5223

Owner Halcyon Storage
PO Box 540
Kingscote SA 5223

Site Address Section 204 in the Hundred of Menzies
52 Keith Road, Emu Bay

Property Details Certificate of Title Volume 5421 Folio 643

Zone Deferred Urban Zone, Map KI/4

Public Notification N/A – Category 1

Application Date 2 May 2019

Relevant Development Plan Consolidated 17 September 2015

Department Development and Environmental Services

Issues Summary Categorisation of development – determined to be a Category 1 ‘merit’ application for a detached dwelling with associated storage. Consideration given as to whether the storage of a commercial fishing boat constitutes a separate and different land use.

Proposed land use at odds with the broad intent of the Deferred Urban Zone but considered to be appropriate in the local context.

The overall bulk and scale of development, whilst considerable, was not considered to be of detriment to the locality or adjoining properties on account of the size of allotments, setbacks proposed and extent of screening vegetation, both existing and proposed.
BACKGROUND

Development Application 520/068/18 was lodged on 23 May 2018 for the construction of a store. The proposed store was to accommodate the landowner’s commercial fishing vessel along with other vehicles and goods.

The application was assessed as a non-complying, Category 3 development. The application was considered by Council’s Assessment Panel on February 4 2019 and was refused Development Plan Consent for the following reasons:

1. The proposed development is prejudicial to the intent of the zone; to preserve and prevent development which is likely to be incompatible with long-term urban development, or likely to be detrimental to the orderly and efficient servicing and conversion of the land for urban use;
   And
2. The proposed development is at substantial odds with the provisions of the Deferred Urban zone, such that it would prejudice the desired character sought by Kangaroo Island Development Plan, and the reasonable expectation of owners and occupiers of land in the locality in respect of the intended characteristics, use and enjoyment of the land in the locality.

The current application was subsequently lodged by the applicant in May 2019 following the refusal of the abovementioned application. Council staff sought legal advice as to the correct categorisation of the proposal, particularly regarding the relationship between the proposed residential and storage elements within the building.

The advice provided concluded that the proposal was correctly defined as a dwelling with ancillary store rather than dwelling and a store. This view was formed given that:
- the storage element is integrated into the dwelling such that they form the same building;
- the boat storage component can be used for other purposes when not used to store the boat; and
- the occupant of the dwelling is the owner of the boat;

The advice ultimately determined that it was a question of fact and degree to be determined on the facts of the matter in this instance. A second legal opinion was sought which recommended that, whilst the matter was finely balanced, the proposal was an integrated, undefined form of development in the nature of a dwelling and boat storage facility.

I have reviewed both legal opinions and sought further clarification from the applicant in regard to the proposed use. It is my view that the proposal is for a dwelling with associated storage. The following factors were taken into consideration in reaching this determination:

- The proposed dwelling will be the applicant’s primary and full-time place of residence;
- The boat will be deregistered as a commercial fishing boat for the period during which it is stored on the premises;
- The dwelling and associated storage spaces are well integrated under one roof;
- The building provides all necessary facilities and services to be considered a self-contained habitable building;
- All goods stored onsite will be owned by, or for the use of, the applicant; and
- For the majority of the year the boat will be located off-site either in the water or dry dock facility being serviced.
SUBJECT LAND AND LOCALITY

The subject land is located at 52 Keith Road, Emu Bay on the corner of Lonie Lane. It is legally described in Certificate of Title 5421 Folio 643 as being Section 204 in the Hundred of Menzies. The land is subject to an overhead powerline easement in favour of ETSA Corporation over a strip of land running parallel to Lonie Lane as detailed within the Certificate of Title.

The subject land is rectangular in shape with frontages to Keith Road of approximately 200 metres along the southern boundary and to Lonie Lane of approximately 175 metres along the western boundary. The allotment has a total area of approximately 3.56 hectares. An area of native vegetation is located within the north western portion of the allotment with smaller clusters of vegetation located in the south eastern corner and along the boundaries adjacent Keith Road, Lonie Lane and the boundary to the north as seen in Figure 1 below.

![Figure 1: Subject Land](image)

The site is currently developed with a domestic shed of approximately 75m² in area along with associated rainwater tanks. The shed appears to have been utilised as a ‘shack’ for semi-permanent occupation of the land. Vehicle access is provided via two access points along the southern boundary to Keith Road and a recently constructed access to Lonie Lane within the south western corner of the land.

The subject land demonstrates a slight fall of 7 metres over the entirety of the site (approximately 175 metres) from the southern to the northern allotment boundary.

In forming an opinion as to the extent of the locality I have considered the extent to which the proposed development on the subject land is likely to be evident to surrounding occupiers and landowners.
The locality is characterised by a mixture of rural living allotments and small-scale farming and grazing activities. Allotments within the locality are generally 3 to 3.5 hectares in area and exhibit a mixture of dense native vegetation, cleared land and varying built form including a variety of dwellings, farm buildings and outbuildings.

The immediate locality contains:
- single storey dwelling/shack to the east;
- single storey dilapidated dwelling to the south (Figure 6 below);
- an elevated single storey dwelling to the south-west (Figure 5 below);
- vacant allotment to the west;
- alpaca farm to the northwest;
- two-storey dwelling to the north (Figure 3 below); and
- single storey dwelling to the north-east (Figure 4 below).

![Figure 2: Locality Plan](image)

Dwellings within the locality are typically single storey and exert a range of building designs and floor areas. The dwelling to the north is constructed with a partial two-storey element within the centre with gable roofing and timber walls. The dwelling has an approximate roofed area of 140m² (Figure 3). The dwelling to the north-east is of a single storey nature consisting of a steep gable/A-frame design with a large opening through the centre of the building. The roofed area for this dwelling is approximately 270m² (Figure 4). The dwelling to the south-west is single storey with a gable roof. The dwelling is elevated with an enclosed underfloor storage area. The dwelling has an approximate roofed area of 380m².
**Figure 3:** View of the partial two-storey dwelling at 15 Lonie Lane as viewed from Lonie Lane looking north east.

**Figure 4:** View of the A-frame dwelling at 108 Emu Bay Road as viewed from Emu Bay Road looking south west.
**Figure 5:** View of the elevated dwelling at 52 Lonie Lane as viewed from Keith Road looking south.

**Figure 6:** View of the dilapidated dwelling at 43 Lonie Lane as viewed from Lonie Lane looking east.
The subject land is located within the Deferred Urban Zone as shown in Zone Map KI/4 and located within the Medium Bushfire Risk area as shown in BPA Map KI/4 as seen below.
Figure 8: BPA Map KI/4
PROPOSAL

The proposal seeks the construction of a dwelling with associated storage as detailed within the built form plans prepared by Rob Ellson Homes and the site plan prepared by URPS attached in Appendix 1.

The proposed building consists of a taller central gabled section with two lower skillion roofed ‘wing’ sections. The northern wing will contain a kitchen, dining, laundry, bathroom and toilet with the southern wing comprised of two bedrooms. The central section will be used for the storage of a large boat at ground level with a mezzanine/upper level to contain a master bedroom with walk-in robe, lounge, retreat area and office.

A 6 metre wide by 6 metre high sliding door and two 3 metre wide by 3 metre high roller doors will be located on the western façade providing vehicle access into the building. Vehicle storage will be located within the western portion of each wing and throughout the centre of the proposal beneath the mezzanine. Access to the site is to be gained via the recently constructed access from Lonie Lane.

The two wings will have an eave height of 4.5 metres with the central gabled section having an eave height of 6 metres and a total height of 6.6 metres.

A pergola will be constructed along the northern and eastern façade with access from the open kitchen/dining area. The pergola will have an approximate area of 60m² and a total height of 2.8 metres. A verandah area will be set along the southern wing and will be accessed from the two bedrooms within the southern wing. The verandah will have an approximate area of 32m² and a total height of 2.8 metres.

The materials of the building will comprise of colorbond cladding for the external walls and roofing. The cladding will be Woodland Grey in a trim-deck profile. The pergola and verandah areas will utilise timber posts.

The proposal will be setback approximately 31 metres from the southern boundary/Keith Road, approximately 126 metres from the western boundary/Lonie Lane, 57 metres from the eastern boundary and 130 metres from the northern boundary.

The applicant seeks to occupy the dwelling as their primary place of residence. In terms of the proposed storage areas the applicant has provided the following comment:

The garage/storage area will be used to store my personal items in, such as cars, caravan, lawn mower, trailer and boats. I plan on storing a larger boat in the centre high area of the building through the winter months, going in to storage in May or June and coming out around the end of September. The boat in question is a dual registered vessel being able to be used as both commercial and recreational. There will only be one in and out movement per year.

DETERMINATION OF APPLICATION, PUBLIC NOTIFICATION & OTHER STATUTORY REQUIREMENTS

Development Classification:

As detailed above advice was sought as to the classification of the development. I have determined that the proposal is a dwelling with associated storage under the main roof.
**Categorisation:**

The proposal represents a Category 1 form of development, pursuant to the requirements of Schedule 9 of the Development Regulations. The construction of a detached dwelling falls within Schedule 9 2(a)(i) and is therefore a Category 1 development.

**Public Notification:**

As the proposal is a Category 1 form of development no public notification was undertaken.

**REFERRALS AND AGENCY CONSULTATION**

There were no mandatory referrals required Pursuant to Schedule 8 of the Development Regulations 2008. It is noted that the subject land is located within the Medium Bushfire Risk Area and as such does not trigger a referral to the CFS which is restricted to High Bushfire Risk Areas only.

**DEVELOPMENT PLAN & POLICY**

I have undertaken an assessment of the proposal against the relevant provisions of the Kangaroo Island Development Plan, consolidated 17 September 2015.

The provisions of the Development Plan with the most relevance for an assessment of the proposal are as follows:

**Deferred Urban Zone**
Objectives: 1-3
Principles of Development Control: 1, 3 & 4

**Design and Appearance**
Objective: 1
Principles of Development Control: 1, 3, 5, 7, 17 & 18

**Hazards**
Objectives: 2 & 3
Principles of Development Control: 1, 6-9

**Landscaping, Fences and Walls**
Objective: 1
Principles of Development Control: 1-3

**Orderly and Sustainable Development**
Objectives: 1, 3 & 4
Principles of Development Control: 1-3

**Residential Development**
Objectives: 1 & 2
Principles of Development Control: 1, 6, 14, 22, 23, 34, 35 & 41

**Siting and Visibility**
Principles of Development Control: 4, 5, 7 & 8

**Transportation and Access**
Objective: 2
Principles of Development Control: 8, 9, 21, 22, 27, 30 & 31
PLANNING ASSESSMENT

Deferred Urban Zone

The following provisions are of most relevance to the assessment of the proposal within the Deferred Urban Zone:

Objectives:

1. A zone accommodating a restricted range of rural uses that are not prejudicial to development of the land for urban purposes and maintain the rural appearance of the zone.

2. A zone comprising land to be used primarily for broad-acre cropping and grazing purposes until required for future urban expansion.

3. Prevention of development likely to be incompatible with long-term urban development, or likely to be detrimental to the orderly and efficient servicing and conversion of the land for urban use.

Desired Character:

The zone exists in several areas, namely around the towns of American River, Emu Bay, Kingscote, Parndana, and Penneshaw.

Development within the zone is expected to maintain the ‘status quo’ and not intensify the use of land, including the division of land, which has been identified as potentially being required for the expansion of existing developed areas. In the meantime, the zone will be characterised by farming development conducted in an orderly manner.

Principles of Development Control:

1. The following forms of development are envisaged in the zone:
   - farming
   - recreation area.

3. Development should not be undertaken if it will be prejudicial to the orderly and economic development of future urban land uses within the zone.

4. Development should not be undertaken unless it is consistent with the desired character for the zone.

Procedural Matters:

Non-complying Development

Dwelling – Except a detached dwelling that does not result in more than one dwelling on an allotment.

The provisions of the Deferred Urban Zone seek to limit development to a restricted range of rural land uses (primarily broad-acre cropping and grazing) until such time that the land within the zone is required for future urban expansion. The Deferred Urban Zone is located at the periphery of the larger settlement areas of American River, Emu Bay, Kingscote, Parndana, and Penneshaw. As such the land within the zone forms the future stock of residential land for the expansion of each township. The Development Plan provides no guidance as to when
such expansion is likely to occur and as such the limitation of development within the zone is desired until such time that it is re-zoned to residential.

Whilst Principle of Development Control (PDC) 1 of the zone envisages only farming and recreational areas within the zone the locality contains a range of detached dwellings on what would be considered rural living sized allotments of 3 to 3.5 hectares. The size of the allotments within the locality is such that they are unable to be economically or practically utilised for broad-acre cropping or grazing. Some allotments are used for a level of grazing however this would appear to be smaller scale, hobby uses rather than viable farming.

As such there is a significant disconnect between the Deferred Urban Zone provisions and the nature and form of development within this portion of the zone at Emu Bay. The subject locality is more akin to a rural living area than the other parts of the Deferred Urban Zone within the Council area. The other areas of the zone around American River, Kingscote, Penneshaw and Parndana are predominantly large, undivided parcels of land which contain little to no built form and are predominately used for grazing and other farming pursuits. These portions of the zone align strongly with the desired intent of the zone for low intensity rural land uses to preserve the future options to expand the townships. All the land within the Deferred Urban Zone in the Council area is shown below:

Emu Bay
The proposed dwelling with associated storage is a suitable land use within the context of the locality and surrounding single and two storey detached dwellings. The dwelling is located at the rear of the allotment, screened by existing and proposed vegetation to such an extent that it is not considered to be at odds with the character of the locality which is dominated by areas of native vegetation, cleared land and scattered dwellings and outbuildings.

The proposed development will not impact on the long-term urban land use aspirations of the zone. The proposed location within the south-east corner of the subject land is such that the subject allotment is capable of being divided into smaller lots in the future, preserving the dwelling on its own allotment. The dwelling and storage uses are capable of integrating with any future urban development upon surrounding allotments and do not impact upon the economic servicing of development in the future.

The proposal is considered to meet the broader intent of the Deferred Urban Zone as it seeks to develop a single dwelling on the allotment (in keeping with the existing character of the locality) that is located and designed to not adversely impact on future urban development in the area.

Design and Appearance

The following provisions are of most relevance to the assessment of the proposal:

Objectives:

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

Principles of Development Control:

1. The design of a building may be of a contemporary nature and exhibit an innovative style provided the overall form is sympathetic to the scale of development in the locality and with the context of its setting with regard to shape, size, materials and colour.

3. Buildings should be designed to reduce their visual bulk and provide visual interest through design elements such as:
   (a) articulation
   (b) colour and detailing
   (c) small vertical and horizontal components
   (d) design and placing of windows
   (e) variations to facades.

5. Building form should not unreasonably restrict existing views available from neighbouring properties and public spaces.

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

17. The external materials and colours of a building should not result in a detrimental impact upon the existing character of the locality.

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.

The Council Wide Design and Appearance provisions seek that development should be of a high design standard that responds to and reinforces positive aspects of the local environment and built form. Buildings should be designed so as to reduce their visual bulk and create visual interest. They should not restrict existing views of neighbouring properties nor be constructed with highly reflective materials. Buildings should have setbacks that are compatible with nearby buildings on adjacent land and be sited so as to not negatively impact on the locality.

The scale of the proposed dwelling, whilst considered to be relatively large, is sympathetic to and compatible with the scale of other dwellings and farm buildings within the locality, particularly the dwellings 52 Lonie Lane and 108 Emu Bay Road. Whilst the proposal is of a utilitarian design and appearance it does have a degree of interest and articulation through the use of pitched roofs, variation to façade heights and the incorporation of pergola and verandah areas. The use of non-reflective materials will further ensure an overall unobtrusive design and integration with the natural environment.

The location of the dwelling is such that it will not obscure any views or be readily visible from any neighbouring dwellings. The dwelling is considered to be appropriately setback from Keith Road and Lonie Lane so as to not impact on the visual amenity of the existing landscape or views from these public roads.

Hazards

The following provisions are of most relevance to the assessment of the proposal:

Objectives:

2 Development located away from areas that are vulnerable to, and cannot be adequately and effectively protected from the risk of natural hazards.

3 Development located to minimise the threat and impact of bushfires on life and property.

Principles of Development Control:

1 Development should:
   (a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards
   (b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood, coastal flooding, storm surge, landslip, earthquake, toxic emissions or other hazards such as vermin
   (c) not occur on land where the risk of flooding is likely to be harmful to safety or damage property.

6 The following bushfire protection principles of development control apply to development of land identified as General, Medium and High bushfire risk areas as shown on the Bushfire Protection Area BPA Maps - Bushfire Risk.

7 Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister’s Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.
8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:
(a) vegetation cover comprising trees and/or shrubs
(b) poor access
(c) rugged terrain
(d) inability to provide an adequate building protection zone
(e) inability to provide an adequate supply of water for fire-fighting purposes.

9 Residential, tourist accommodation and other habitable buildings should:
(a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect
(b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation
(c) have a dedicated and accessible water supply available at all times for fire fighting.

The subject land is located within a Medium Bushfire Risk area as per the Bushfire Protection Area BPA Map KI/4. The proposed dwelling will generally accord with the bushfire provisions for the following reasons:

- The dwelling will be located upon a section of the subject land which is relatively flat and devoid of native vegetation;
- The subject land has two existing access points from Keith Road and a proposed access point from Lonie Lane which will provide suitable access to and from the site;
- The subject land has sufficient space for truck turnaround; and
- The proposal will have a dedicated and accessible water supply available at all times for firefighting.

Landscaping, Fences and Walls

The following provisions are of most relevance to the assessment of the proposal:

Objective:

1 The amenity of land and development enhanced with appropriate planting and other landscaping works, using locally indigenous plant species where possible.

Principles of Development Control:

1 Development should incorporate open space and landscaping in order to:
(a) complement built form and reduce the visual impact of larger buildings (eg taller and broader plantings against taller and bulkier building components)
(b) enhance the appearance of road frontages
(c) screen service yards, loading areas and outdoor storage areas
(d) minimise maintenance and watering requirements
(e) enhance and define outdoor spaces, including car parking areas
(f) provide shade and shelter
(g) assist in climate control within buildings
(h) maintain privacy
(i) maximise stormwater re-use
(j) complement existing native vegetation
(k) contribute to the viability of ecosystems and species
(l) promote water and biodiversity conservation.
Landscaping should:
(a) include the planting of locally indigenous species
(b) be oriented towards the street frontage
(c) result in the appropriate clearance from powerlines and other infrastructure being maintained.

Landscaping should not:
(a) unreasonably restrict solar access to adjoining development
(b) cause damage to buildings, paths and other landscaping from root invasion, soil disturbance or plant overcrowding
(c) introduce pest plants
(d) increase the risk of bushfire
(e) remove opportunities for passive surveillance
(f) increase autumnal leave fall in waterways
(g) increase the risk of weed invasion.

Additional landscaping is proposed to be planted along Keith Road and along the southern portion of Lonie Lane. The proposed landscaping will be integrated with the existing native vegetation located within the road reserves adjacent the site. The mix of landscape screening and native vegetation will create a substantial buffer between the proposal and the roadway. The proposal will therefore have minimal visual impact when viewed from Keith Road and Lonie Lane.

Orderly and Sustainable Development

The following provisions are of most relevance to the assessment of the proposal:

Objectives:

1. Orderly and economical development that creates a safe, convenient and pleasant environment in which to live.

3. Development that does not jeopardise the continuance of adjoining authorised land uses.

4. Development that does not prejudice the achievement of the provisions of the Development Plan.

Principles of Development Control:

1. Development should not prejudice the development of a zone for its intended purpose.

2. Land outside of townships and settlements should primarily be used for primary production and conservation purposes.

The proposal is considered to provide a satisfactory level of residential amenity for future occupants. It is to be setback from neighbouring properties and roadways so as to not impact upon existing land uses within the locality, which are predominantly rural living. As noted above the proposal is considered to be compatible with the intent of the Deferred Urban Zone for minimal development to occur and for the retention of the existing “status quo” within the zone; which in this instance is considered to be low intensity rural living uses.
Residential Development

The following provisions are of most relevance to the assessment of the proposal:

Objectives:

1. Safe, convenient, pleasant and healthy-living environments that meet the needs and preferences of the community.

2. An increased mix in the range and number of dwelling types available within urban boundaries to cater for changing demographics, particularly smaller household sizes and supported accommodation.

Principles of Development Control:

1. Residential allotments and sites should have the appropriate orientation, area, configuration and dimensions to accommodate:
   (a) the siting and construction of a dwelling and associated ancillary outbuildings
   (b) the provision of landscaping and private open space
   (c) convenient and safe vehicle access and off street parking
   (d) passive energy design.

6. Dwellings should not exceed a height of 6.5 metres above natural ground level — as depicted in Figure 1 below, this measurement should be taken to be equivalent to a theoretical line drawn 6.5 metres above and parallel to the natural ground level.

14. Dwellings should be set back from allotment or site boundaries to:
   (a) contribute to the desired character of the area
   (b) provide adequate visual privacy by separating habitable rooms from pedestrian and vehicle movement.

22. Dwellings should have associated private open space of sufficient area and shape to be functional, taking into consideration the likely needs of the occupant(s), the location of the dwelling, and the dimension and gradient of the site.

23. Dwellings, particularly those with ground-level habitable rooms should include private open space that conforms to the requirements identified in the following table:

<table>
<thead>
<tr>
<th>Site Area of Dwelling: 250m²</th>
<th>Minimum Area of Private Open Space: 20 per cent of site area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions: Balconies, roof patios, decks and the like, can comprise part of this area provided the area of each is 10 square metres or greater.</td>
<td></td>
</tr>
</tbody>
</table>

One part of the space should be directly accessible from a living room and have an area equal to or greater than 10 per cent of the site area with a minimum dimension of 5 metres and a maximum gradient of 1 in 10.

34. Driveway crossovers should be single width and appropriately separated, and the number should be minimised to optimise the provision of on-street visitor parking.

35. On-site parking should be provided having regard to:
   (a) the number, nature and size of proposed dwellings
   (b) proximity to centre facilities, public and community transport within walking distance of the dwellings.
(c) the anticipated mobility and transport needs of the likely occupants, particularly groups such as aged persons
(d) availability of on-street car parking
(e) any loss of on-street parking arising from the development (e.g. an increase in number of driveway crossovers).

41 Dwellings (except supported accommodation) should provide for at least 2 car parking spaces, one of which is covered.

The proposed dwelling is considered to achieve the above Council Wide Residential Development provisions with a satisfactory level of residential amenity likely to be experienced by future occupants. It is noted that the proposal provides a sufficient level of private open space, car parking, internal living area and storage space.

The proposed setbacks to both Keith Road and Lonie Lane are appropriate within the context of surrounding development and existing setbacks within the locality.

It is noted that the proposed height of the dwelling of 6.6 metres slightly exceeds the maximum height of 6.5 metres. The exceedance is considered to be minor in this instance particularly given the that the dwelling is to be setback a considerable distance from the allotment boundaries.

Siting and Visibility

The following provisions are of most relevance to the assessment of the proposal:

Principles of Development Control:

4 Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:
(a) the profile of buildings should be low and the rooflines should complement the natural form of the land
(b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land
(c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.

5 The nature of external surface materials of buildings should not detract from the visual character and amenity of the landscape.

7 Driveways and access tracks should be designed and constructed to blend sympathetically with the landscape and to minimise interference with natural vegetation and landforms.

8 Development should be screened through the establishment of landscaping using locally indigenous plant species:
(a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds
(b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads
(c) along the verges of new roads and access tracks to provide screening and minimise erosion.
The proposal includes both single storey and two storey elements resulting in a variation in height and a level of articulation and variation to the external façades. The incorporation of the verandah and pergola areas will also add a level of interest and shadow on the facades. Whilst the appearance of the building is not considered to be of high quality, with more of a functional appearance, this is balanced by the proposed setbacks and existing level of landscape screening. In my view the proposal will appear more as a farm building than a dwelling which is considered to be appropriate within the semi-rural context within which it is located.

The dwelling will utilise non-reflective materials such as steel cladding, timber and Colorbond roofing which will result in minimal light glare. The dwelling will utilise the existing driveway which is of an all-weather nature and devoid of any native vegetation. Landscaping will be planted along the allotment boundaries adjacent Keith Road and Lonie Lane so as to create an extensive visual buffer to screen the proposal from view.

Transportation and Access

The following provisions are of most relevance to the assessment of the proposal:

Objective:

2 Development that:
   (a) provides safe and efficient movement for all motorised and non-motorised transport modes
   (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles
   (c) provides off street parking
   (d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.

Principles of Development Control:

8 Development should provide safe and convenient access for all anticipated modes of transport including cycling, walking, public and community transport, and motor vehicles.

9 Development at intersections, pedestrian and cycle crossings, and crossovers to allotments should maintain or enhance sightlines for motorists, cyclists and pedestrians to ensure safety for all road users and pedestrians.

21 Development should have direct access from an all weather public road.

22 Development should be provided with safe and convenient access which:
   (a) avoids unreasonable interference with the flow of traffic on adjoining roads
   (b) accommodates the type and volume of traffic likely to be generated by the development or land use
   (c) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

27 Driveways, access tracks and parking areas should be designed and constructed to:
   (a) follow the natural contours of the land
   (b) minimise excavation and/or fill
   (c) minimise the potential for erosion from run-off
   (d) avoid the removal of existing vegetation
   (e) be consistent with Australian Standard AS 2890 Parking facilities.
Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table K1/2 - Off Street Vehicle Parking Requirements.

Development should be consistent with Australian Standard AS 2890 Parking facilities.

Access to the proposal will be from Lonie Lane via an existing all-weather internal access track. The access track follows the topography of the land and does require the removal of any existing native vegetation for the purposes of the proposal. Lonie Lane is constructed to an all-weather standard. The dwelling will provide undercover parking for up to 2 vehicles.

Conclusion

The proposal has been categorised as a detached dwelling with associated storage under the main roof which is a merit form of development within the Deferred Urban Zone of the Kangaroo Island Development Plan.

The development is located within a portion of the Deferred Urban Zone that is characterised by detached dwellings and associated outbuildings situated on medium to large rural living allotments. A limited amount of low intensity, small scale farming and grazing activities exist within the locality which is at odds with the broad-acre cropping and grazing land use generally desired within the Zone.

The setback of the proposed building from adjacent allotments and to Keith Road and Lonie Lane, along with the existing and proposed landscape screening is such that it will result in minimal disturbance to the character of the area and to the amenity of the locality.

Whilst the proposal has a higher level of bulk and scale than what many would consider to be a ‘normal’ dwelling it does have a degree of articulation and interest within the design. Ultimately it is the significant setbacks and landscape screening which is sufficient to soften any negative impacts that the bulk and scale may have.

In summary, I am satisfied the proposed development is not seriously at variance with the requirements of Kangaroo Island Development Plan (Consolidated 17 September 2015).

The proposal demonstrates a significant degree of merit without offending the relevant provisions of the Development Plan and so warrants the grant of consent by Council

Recommendation

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 520/067/19 for the construction of a detached dwelling and associated storage at Section 204 in the Hundred of Menzies (52 Keith Road, Emu Bay) by the applicant and owner Mr. B Tyley, 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. The site must be kept in a neat and tidy manner at all times.

4. The approved landscaping shall be planted within 3 months from the date of approval and shall be maintained and nurtured at all times and replaced as necessary to the satisfaction of Council.

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.