

7.0 **DEVELOPMENT SERVICES DEPARTMENT APPLICATIONS
DECEMBER 2018**

Register of planning and building applications report tabled for Council Assessment Panel information.

Moved: Roger Hartley
CARRIED

Seconded: David Ellis

RECOMMENDATION

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

NIL

8.0 **APPLICATIONS REQUIRING COMMITTEE DECISION**

Individual reports are attached hereabouts for committee decision.

ITEM 8.1

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 520/134/18 for the establishment of a **shed** at Section 243 HP110800, 137 Bates Road in the Hundred of Menzies, identified in CT 5919/816. By the applicant Mr. Paul Frank Berden and owner Mr. Andrew Nehme, 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. Where cut and/or fill in excess of 300mm is required as a result of the proposed development, retaining walls or other suitable soil retention devices shall be employed.
5. 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.
6. The site must be kept in a neat and tidy manner at all times.
7. The development herein approved shall be screened with suitable endemic species of tree or shrub, particularly on the northern and eastern sides, with a light covering of vegetation, i.e. *allocasuarina verticillata* (drooping sheoak) to mitigate clear and direct view of the shed walls from northern and eastern perspectives.

8. Proposed rainwater tank(s) shall be benched as far as practicable below the shed's building pad to match the adjacent natural ground level and to minimise the visual impact of the tanks.

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 -

Building work must not be commenced until Provisional Building Rules Consent and Development Approval is granted.

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.

Moved: David Ellis

Seconded: Jackie Kelly

CARRIED

ITEM 8.2

RECOMMENDATION

That Council's Assessment Panel resolve that the Development Application is substantially at odds with the Kangaroo Island Development Plan consolidated 17 September 2015, and therefore, the panel resolve to **Refuse** Development Application 520/068/18 for establishment of a **Store (Storage Building)**, for the purpose of storing a commercial rock lobster fishing vessel (and associated equipment) at Section 204 HP110800, Keith Road, Hundred of Menzies, by Halcyon Storage c/- URPS, for the following reasons:

Reasons for Refusal:

1. The proposed development is prejudicial to the intent of the zone; to preserve land 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 the 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.

Moved: Peter Debholm
CARRIED

Seconded: Roger Hartley

9.0 **LAND DIVISION APPLICATIONS – APPROVED UNDER DELEGATED AUTHORITY (GREEN PAGES)**

No Land division

10.0 **GENERAL BUSINESS**

10.1 Emu Bay rezoning – Moved to correspond to Council regarding re-submission of rezoning proposal (Consistent with the Emu Bay Structure Plan 2014 submission) for re-zoning of Deferred Urban Zone.

Moved: David Ellis
CARRIED

Seconded: Roger Hartley

11.0 **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.

NIL

CLOSURE

The Chairperson Jayne Bates declared the meeting closed at 2.20pm

The minutes of the **04 February 2019** Council Assessment Panel will be confirmed at the next Council Assessment Panel meeting.

Signed.....
Chairperson Jayne Bates