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Government of South Australia

Department of Planning,
Transport and Infrastructure

Kangaroo Island Council Development Plan

Kangaroo Island Sustainable Futures

Development Plan Amendment

By the Minister

THE AMENDMENT

Declared by the Minister for Planning to be an approved amendment under Section 26 (8), of the *Development Act 1993*

.....
Signature

19 FEB 2014
.....
Date of Gazette

Approval DPA

Background

The Kangaroo Island Sustainable Futures Development Plan Amendment (DPA) by the Minister amends the Kangaroo Island Council Development Plan.

This DPA was undertaken as a DPA process B, which included:

- an Initiation Document agreed on 27 August 2013
- a DPA released for concurrent agency, council and public consultation from 16 September 2013 and concluded on 11 November 2013
- a Public Meeting conducted by the Development Policy Advisory Committee (DPAC) Public Meeting Subcommittee on 19 November 2013 in Kingscote and reconvened on 21 November 2013 in Adelaide.

Consultation

A total of nineteen (19) public submissions and eight (8) agency submissions were received in relation to the DPA during the consultation period. Five (5) verbal representations were made at the Public Meeting.

Approval Stage

Based on a review of all submissions and the recommendations of DPAC, the following key alterations have been made to the Amendment:

General

- Reference to '*Marine Park*' has been including with commentary about National Parks, Conservation Parks and Wilderness Protection Areas where they appear in the zones with a coastal frontage affected by the draft DPA.

General Section – Tourism Development

- Insert a new principle of development control, (PDC) to discourage the conversion of tourist accommodation buildings into dwellings outside towns and settlements, identifying building design and layout, and the provision of multiple accommodation units as 'techniques' that might be employed to achieve this.
- Proposed PDC 12 has been altered by removing the requirement that tourist accommodation outside towns and settlements to be in the form of multiple accommodation units – the PDC provides guidance for multi-unit tourism developments.

Coastal Conservation Zone & Conservation Zone

- The Desired Character statements clarify expectations that tourism development in these zones should be appropriately sited and where:
 - a) cleared or degraded sites are preferred for tourist accommodation and associated facilities

- b) development is located away from areas of significant conservation and cultural value, including the habitat and breeding grounds of endangered or vulnerable species.
- In the non-complying development table, 'motel' has been deleted from the list of both zones (as it is inconsistent with the proposed land use directions for tourist accommodation).

Primary Production Zone

- The term 'Commercial forestry' has replaced the proposed listing of 'Forestry' as non-complying development to provide scope for plantings for environmental benefit and land care projects.

Water Protection Zone

- Additional criteria have been inserted to ensure waste water associated with 'tourist accommodation' and 'restaurants' is appropriately managed, consistent with requirements for the Watershed Protection Zone of the S.A. Planning Policy Library (SAPPL).

Amendment Instructions Table – Development Plan Amendment

Name of Local Government Area: Kangaroo Island Council

Name of Development Plan: Kangaroo Island Council

Name of DPA: Kangaroo Island Sustainable Futures

*The following amendment instructions (at the time of drafting) relate to the Kangaroo Island Council Development Plan consolidated on **26 April 2013**. Where amendments to this Development Plan have been authorised after the aforementioned consolidation date, consequential changes to the following amendment instructions will be made as necessary to give effect to this amendment.*

Amendment Instruction Number	Method of Change	Detail what is to be replaced or deleted or detail where new policy is to be inserted.	Detail what material is to be inserted (if applicable, i.e., use for <u>Insert</u> or <u>Replace</u> methods of change only).	Is Renumbering required (Y/N)	Subsequent Policy cross-references requiring update (Y/N) if yes please specify.
	<ul style="list-style-type: none"> • Replace • Delete • Insert 	<ul style="list-style-type: none"> • Objective (Obj) • Principle of Development Control (PDC) • Desired Character Statement (DCS) • Map/Table No. • Other (Specify) 			

INTRODUCTION SECTION

Amendments required (Yes/No): Yes

State Strategic Setting

1.	Replace	All of the text related to the subheading 'Forestry'	With the content of PART 1 in Attachment A	N	N
2.	Replace	All of the text related to the subheading 'Tourism'	With the content of PART 2 in Attachment A	N	N

COUNCIL WIDE / GENERAL PROVISIONS (including figures and illustrations contained in the text)

Building near Airfields

3.	Insert	A new PDC after the last PDC	As follows: <i>'7 The siting of buildings and structures located in the area shown as 'potential runway extension' on Overlay Map KI/9 - Development Constraints should not obstruct the potential extension of the Kingscote Airport runway RWY 01/19 to allow for the landing and take-off of domestic jet aircraft.'</i>	N	N
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Forestry

4.	Insert	New Objectives	As follows: <i>'2 No expansion of forestry plantations.'</i>	N	N
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			3 Existing forestry plantations in areas of high land capability replaced by farming and horticulture.'		
5.	Replace	Existing PDC 7 which states '7 Forestry plantations should not: (a) adversely impact on sustainable water limits at the catchment, sub-catchment and property level (b) unreasonably impact on the water needs of downstream users (c) exacerbate the over-abundance of native species. Management plans should be in place and enacted to manage populations of both native species and feral species (d) be established on high value agricultural land.'	With the following: '7 Forestry plantations (including for carbon sequestration) should not: (a) adversely impact on sustainable water limits at the catchment, sub-catchment and property level (b) unreasonably impact on the water needs of downstream users (c) exacerbate the over-abundance of native species. Management plans should be in place and enacted to manage populations of both native species and feral species (d) be established on land with high capability for farming and horticulture (e) increase the total area used for forestry.'	N	N
6.	Replace	Clause (f) in PDC 8 which states: (f) be used to address other land management issues (such as salinity and soil erosion) and should not occur on high value agricultural land	With the following: '(f) be used to address land management issues (such as salinity and soil erosion)'	N	N
Industrial Development					
7.	Replace	Existing Objective 2 which states: 2 The development of small-scale agricultural industries, wineries, mineral water extraction and processing plants, and home based industries in rural areas.	With the following : 2 Industrial development in rural areas that is associated with farming, horticulture, fishing or aquaculture products.'	N	N

8.	Insert	At the end of PDC 10(b)	The following: '(other than in rural areas)'	N	N
9.	Delete	The subheading 'Small-scale agricultural industries, home-based industries, mineral water extraction and processing plants, and wineries in rural areas' and all the associated PDCs (PDC 13 to 18).		N	N
Interface Between Land Uses					
10.	Replace	The whole section	With the content of Attachment B	N	N
Orderly and Sustainable Development					
11.	Insert	In PDC 10, an additional dot point	As follows: <ul style="list-style-type: none"> ▪ Concept Plan Map KI/5 – Aircraft Noise Contours. 	N	N
Tourism Development					
12.	Replace	The whole section	With the content of Attachment C	N	N
ZONE AND/OR POLICY AREA AND/OR PRECINCT PROVISIONS (including figures and illustrations contained in the text)					
Amendments required (Yes/No):Yes					
Airfield Zone					
13.	Insert	In the column headed 'Category 2' in the table under the subheading 'Public Notification'	The following: 'All forms of development not listed as Category 1'	N	N
Coastal Conservation Zone (including Policy Area and Precincts)					
14.	Replace	The whole of the Desired Character	With the content of PART 1 in Attachment D	N	N
15.	Delete	In PDC 1, the following words from the third and fourth dot points respectively: 'nature-based/eco-' 'small scale'		N	N
16.	Replace	Existing PDC 12 which states: <i>12 Tourist accommodation should be limited to nature-based development that contributes to the local economy, complements the natural landscape and is designed in a way that minimises impact on the natural environment.</i>	With: <i>'12 Tourist accommodation should complement the natural landscape and be designed in a way that minimises impact on the natural environment.'</i>	N	N
17.	Delete	Existing PDC 13		Y	N

18.	Replace	The whole of the Desired Character for the Landscape Protection Policy Area 1	With the content of PART 2 in Attachment D	N	N
19.	Replace	In Landscape Protection Policy Area 1, existing PDC 3 which states: <i>3 Development in the policy area should be primarily associated with existing farming activities.</i>	With: <i>'3 Development in the policy area should be primarily associated with existing farming activities or in the form of low-key tourism facilities and accommodation in appropriate locations.'</i>	N	N
20.	Delete	In Landscape Protection Policy Area 1, existing PDC 4.		Y	N
21.	Delete	In the table under the heading 'Non-complying Development', and in the column headed 'Form of Development' the following: <i>'Motel'</i>		N	N
22.	Insert	In the 'Exceptions' column in the table under the heading 'Non-complying Development', and in the row commencing 'Shop'	The following: <i>'Except where ancillary to and in association with tourist accommodation and either of the following apply: (a) it is a restaurant (b) other than a restaurant, the gross leasable area does not exceed 50 square metres.'</i>	N	N
23.	Replace	In the 'Exceptions' column in the table under the heading 'Non-complying Development', and in the row commencing: <i>'Tourist accommodation within the Landscape Protection Policy Area 1'</i> The following: <i>'Except for minor alterations or additions to existing tourist accommodation that do not adversely affect the scenic and landscape features.'</i>	With: <i>'Except where all of the following criteria are satisfied: (a) the building(s) are one storey and no more than 6.5 metres in height from natural ground level (b) the total number of accommodation units existing and proposed does not exceed 25.'</i>	N	N
24.	Replace	In the column headed 'Category 2' in the table under the subheading 'Public Notification', the following: <i>'Small-scale tourism/visitor facilities i.e. picnic areas,</i>	With: <i>'Tourism/visitor facilities i.e. picnic areas, public shelters and visitor information displays</i>	N	N

		<i>public shelters visitor information displays excluding within the Landscape Protection Policy Area 1 and within Precinct 1 Reeves Point.</i>	<i>Shop Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture'</i>		
Conservation Zone					
25.	Replace	The first paragraph of the Desired Character which states: <i>'Conservation areas, including National and Conservation Parks, will continue to provide representative samples of the countryside and shoreline. Picnic areas, camp sites, toilets and similar facilities will be well designed and sited, so that they are unobtrusive and do not disfigure the natural landscape. In this way the needs for conservation, recreation and tourism, can be catered for.'</i>	With: <i>'Conservation areas, including National, Conservation and Marine Parks and Wilderness Protection Areas, will continue to provide representative samples of the countryside and shoreline. Facilities for the use of visitors including picnic areas, shelters, huts / bothies, camp sites, toilets, and similar public amenities as well as various forms of low-key, short stay tourist accommodation such as semi-permanent tents and lodges are anticipated provided they are appropriately sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised. The siting of tourism development, including any associated access driveways and ancillary structures, on cleared or degraded areas is preferred. Development should be located away from fragile coastal environments and significant habitat or breeding grounds.</i>	N	N
26.	Replace	The following in the list of uses described in PDC 1: <i>'small-scale facilities associated with the interpretation and appreciation of natural and cultural heritage such as public amenities, camping grounds, remote shelters or huts'</i>	With: <i>'facilities associated with the interpretation and appreciation of natural and cultural heritage such as public amenities camping grounds, remote shelters, huts / bothies'</i>	N	N
27.	Insert	In the list of uses provided in PDC 1, in alphabetical order	The following: ▪ <i>tourist accommodation</i>	N	N
28.	Delete	In the table under the heading 'Non-complying Development', and in the column headed 'Form of		N	N

		Development' the following: 'Motel'			
29.	Insert	In the 'Exceptions' column in the table under the heading 'Non-complying Development', and in the row commencing 'Shop'	The following: <i>Except where:</i> (a) <i>it is a restaurant</i> (b) <i>other than a restaurant, the gross leasable area does not exceed 50 square metres.</i>	N	N
30.	Replace	In the column headed 'Category 1' in the table following the subheading 'Public Notification, the following: <i>'Small-scale facilities associated with the interpretation and appreciation of natural and cultural heritage such as public amenities, camping grounds, remote shelters or huts.'</i>	With: <i>'Facilities associated with the interpretation and appreciation of natural and cultural heritage and public amenities.'</i>	N	N
31.	Insert	In the column headed 'Category 1' in the table following the subheading 'Public Notification', and in alphabetical order	The following: <i>'Shop</i> <i>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture'</i>	N	N
Primary Production Zone					
32.	Insert	New Objective 1	As follows: <i>'1 The long term continuation of primary production.'</i>	Y	N
33.	Replace	In the Desired Character, all of the paragraph commencing with: <i>'The intent of the zone is primarily to strengthen the role and value of.....'</i>	With: <i>'The intent of the zone is primarily to strengthen the role and value of primary production. The quality of Island produce is high and the burgeoning food and wine industries is a testimony to this. However, the opportunity also exists to provide tourist accommodation and tourism activities within the zone where such development is designed to put people back in touch with the natural and rural environment, or would positively contribute to the Island's tourism experiences. It is expected that such</i>	N	N

			<p><i>development will cater primarily for the “get away” nature or adventure orientated market which is environmentally conscious, although other niche tourism development opportunities will also be considered where they strengthen the Island’s tourism appeal.</i></p> <p><i>The design and siting of tourist accommodation should ensure emphasis is given to raising consciousness and appreciation of natural surroundings and should be sited where it does not undermine the primary intent of the zone for primary production. Tourism development will be encouraged in areas that are of low capability for farming or horticulture.’</i></p>		
34.	Replace	<p>All of the uses listed in PDC 1 as follows:</p> <ul style="list-style-type: none"> ▪ <i>dairy farming</i> ▪ <i>diversification of existing farming activities through small-scale tourist accommodation: within existing buildings; or</i> ▪ <i>in the form of farm stay, guesthouse, rural or nature retreat, or bed and breakfast accommodation as an integral part of the farm buildings complex</i> ▪ <i>farming</i> ▪ <i>farm building</i> ▪ <i>home based industry</i> ▪ <i>horticulture</i> ▪ <i>intensive animal keeping</i> ▪ <i>land-based aquaculture</i> ▪ <i>tourist accommodation</i> ▪ <i>wind farm and ancillary development</i> ▪ <i>wind monitoring mast and ancillary development</i> 	<p>With:</p> <ul style="list-style-type: none"> ▪ <i>bulk handling and storage facility</i> ▪ <i>conference facility (in association with tourist accommodation or tourism facilities)</i> ▪ <i>dairy farming</i> ▪ <i>farming</i> ▪ <i>farm building</i> ▪ <i>home based industry</i> ▪ <i>horticulture</i> ▪ <i>intensive animal keeping</i> ▪ <i>land-based aquaculture</i> ▪ <i>tourist accommodation (including through the diversification of existing farming activities and conversion of farm buildings)</i> ▪ <i>tourism activities and facilities</i> ▪ <i>wind farm and ancillary development</i> ▪ <i>wind monitoring mast and ancillary development</i> 	N	N
35.	Insert	New part (f) in PDC 4	<p>As follows:</p> <p><i>(f) the capacity of the infrastructure, including roads, is capable of supporting the use without detriment to existing users.’</i></p>	N	N
36.	Replace	Existing PDC 12 which states:	With:	N	N

		12 <i>Biodiversity planting should only be established where reasonably required, without compromising the land for primary production use.</i>	'12 <i>Biodiversity planting should only be established where reasonably required, without compromising the land for farming and horticultural use.'</i>		
37.	Replace	The current subheading 'Tourist Accommodation'	With: 'Tourism Development'	N	N
38.	Replace	Existing PDC 18 which states: 18 <i>Tourist accommodation should small-scale, low-impact farm stay, farmhouse, bed and breakfast, hikers hut, cottage or bunkhouse style accommodation.</i>	With: '18 <i>Tourism development:</i> (a) <i>should not be located on land that has a high capability for farming or horticulture, or compromise established rural activities</i> (b) <i>may comprise a range of tourist accommodation, recreational and leisure activities at various scales that complement the existing tourism offerings in the locality.'</i>	N	N
39.	Insert	In the table under the subheading 'Non-complying Development' in alphabetical order	The following in the column headed 'Form of Development': 'All buildings and structures in the 'Potential runway extension' area shown on Overlay Map KI/9 - Development Constraints' And in the same row, the following in the 'Exceptions' column: 'Except for a farm building'	N	N
40.	Insert	In the column headed 'Form of Development' of the table under the subheading 'Non-complying Development' in alphabetical order	The following: 'Commercial forestry'	N	N
41.	Replace	In the 'Exceptions' column of the table under the subheading 'Non-complying Development', and in the same row as 'Land Division' the following: <i>Except where the following apply:</i> (a) <i>the allotments are 100 hectares or</i>	With: 'Except where either of the following apply: (a) <i>each allotment is at least 100 hectares in area and has a frontage to a public road of greater than 200</i>	N	N

		<p><i>greater in area</i></p> <p>(b) <i>the allotments have a frontage to a public road of greater than 200 metres.</i></p>	<p><i>metres</i></p> <p>(b) <i>the allotment will contain an existing building or buildings (or a building or buildings that are substantially complete) involved in the processing, packaging and/ or transportation of farming, horticultural or aquaculture products.'</i></p>		
42.	Replace	<p>In the 'Exceptions' column of Development' of the table under the subheading 'Non-complying Development', and in the same row as 'Shop or group of shops' the following:</p> <p><i>Except where the gross leasable area does not exceed 100 square metres.</i></p>	<p>With:</p> <p><i>'Except where ancillary to and in association with primary production, rural industry or tourist accommodation and achieves either of the following:</i></p> <p>(a) <i>it is a restaurant</i></p> <p>(b) <i>other than a restaurant, the gross leasable area does not exceed 250 square metres.'</i></p>	N	N
43.	Delete	<p>In the column headed 'Form of Development' in the table under the subheading 'Non-complying Development', the following:</p> <p><i>'Tourist accommodation'</i></p> <p>And all the associated material in the 'Exceptions' column as follows:</p> <p><i>'Except where the development achieves all of the following:</i></p> <p>(a) <i>the number of tourist accommodation units does not exceed 25</i></p> <p>(b) <i>the number of tourist accommodation bed spaces does not exceed 50</i></p> <p>(c) <i>the building(s) are one storey in height</i></p> <p>(d) <i>the building(s) are set back greater than 100 metres from adjoining land and public roads.'</i></p>		N	N
44.	Delete	<p>In the column headed 'Category 2' in the table under the subheading 'Public Notification', the following:</p> <p><i>'Bed and breakfast accommodation where the number of tourist</i></p>		N	N

		<i>accommodation beds is greater than 6 but less than 12.'</i>			
45.	Replace	<p>In the column headed 'Category 2' in the table under the subheading 'Public Notification', the following:</p> <p><i>'Tourist accommodation other than bed and breakfast where all of the following criteria apply:</i></p> <p>(a) <i>the total number of tourist accommodation units, existing and proposed, does not exceed 25</i></p> <p>(b) <i>the total number of tourist accommodation bed spaces, existing and proposed, does not exceed 50</i></p> <p>(c) <i>the buildings and structures do not exceed a height of 6.5 metres above natural ground level or a height greater than one storey</i></p> <p>(d) <i>the total floor area of all tourist related buildings, existing or proposed, does not exceed 5 per cent of the total site area</i></p> <p>(e) <i>tourist development is set-back from public roads and adjoining allotments a minimum distance of 100 metres</i></p> <p>(f) <i>tourist development is set-back from the high water mark of any coastal or waterfront area a minimum distance of 100 metres.'</i></p>	<p>With:</p> <p><i>'Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture'</i></p>	N	N
46.	Insert	In the column headed 'Category 2' in the table under the subheading 'Public Notification'	<p>The following:</p> <p><i>'Shop'</i></p>	N	N
Town Centre Zone (including Policy Areas)					
47.	Replace	<p>The second paragraph of the 'Desired Character' for the zone which states:</p> <p><i>'The town centres of American River and Penneshaw are connected to wharf areas where development will be orderly and compact in nature. This will result in clear linkages to the remainder of the town centre areas through unified</i></p>	<p>With:</p> <p><i>'The town centre of American River is connected to the wharf area where development will be orderly and compact in nature. This will result in clear linkages to the remainder of the town centre area through unified access, landscape treatment and signage. The public realm makes for an important element of the wharf</i></p>	N	N

		<i>access, landscape treatment and signage. The public realm makes for an important element of the wharf areas, so free and open access to the public is sought while also accommodating operational wharf functions.'</i>	<i>area, so free and open public access is sought while also accommodating operational wharf functions.'</i>		
48.	Insert	A new third paragraph in the Desired Character for the zone	As follows: <i>'The town centre at Penneshaw is near to wharf areas providing a key sea access point between the mainland and the Island. The relationship between the town centre and wharf areas will be important to maintain and strengthen through legible pedestrian and car linkages, consistent landscaping themes, and built form and design elements that recognise the significance of the area as a 'gateway' to the Island.'</i>	N	N
49.	Delete	In the list of uses in PDC 1, the following: ▪ <i>'wharf facility'</i>		N	N
50.	Delete	The whole of Objective 1 for the Penneshaw Policy Area 12.		Y	N
51.	Replace	The first paragraph of the Desired Character for Penneshaw Policy Area 12 which states: <i>'Penneshaw will continue to develop as the principal tourist and freight entry/exit point to Kangaroo Island by sea. The town will further develop to 'capture' this significant tourist market, and will expand its international reputation as the art and cultural hub of the Island. Development within the town centre will provide for the tourist market and complement and reinforce its historic and quaint seaside character.'</i>	With: <i>'Penneshaw will further develop to 'capture' the significant tourist market, and will expand its international reputation as the art and cultural hub of the Island. Development within the town centre will provide for the tourist market and complement and reinforce its historic and quaint seaside character.'</i>	N	N
52.	Replace	The third paragraph of the Desired Character for the Penneshaw Policy Area 12 which states:	With: <i>'Future development will complement efforts in the adjacent Wharf Zone to create</i>	N	N

		<i>Future development of the wharf area will provide a welcoming gateway to Kangaroo Island. Pedestrian access and safety should also be improved throughout the entire zone to facilitate the development of a pedestrian dominated environment.</i>	<i>a welcoming gateway to Kangaroo Island and establish a high quality pedestrian environment that enhances public access and safety to the Penneshaw town centre for people arriving by sea.'</i>		
Water Protection Zone					
53.	Insert	After existing PDC 11	<p>The following as new PDC 12:</p> <p><i>Restaurants (including as part of a motel) should:</i></p> <p>(a) <i>not be sited:</i></p> <p>(i) <i>within areas subject to inundation by a 1-in-100 year average return interval flood event or sited on land fill which would interfere with the flow of such flood waters</i></p> <p>(ii) <i>on land with a slope more than 20 per cent (1-in-5)</i></p> <p>(b) <i>be setback a minimum of 25 metres from any bore, well or watercourse, where a watercourse is identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks where water flows at any time and includes all:</i></p> <p>(i) <i>dams or reservoirs that collect water flowing in a watercourse</i></p> <p>(ii) <i>lakes through which water flows</i></p> <p>(iii) <i>channels into which water has been diverted</i></p> <p>(iv) <i>any known underground seepage condition.</i></p>	Y	N
54.	Insert	In the 'Exceptions' column for 'Motel' in the table under the subheading 'Non-complying Development'	The contents of Attachment E	N	N
55.	Insert	In the table under the subheading 'Non-complying Development'	<p>The following in the column headed 'Form of Development':</p> <p><i>'Restaurant'</i></p> <p>The following in the</p>	N	N

			<p>'Exceptions' column for 'Restaurant':</p> <p><i>'Except where ancillary to and in association with primary production or tourist accommodation and all of the following criteria are satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) the method of waste water disposal does not involve the storage of waste water in holding tanks</i> <i>(b) it does not result in more than 75 seats for customer dining purposes on the allotment</i> <i>(c) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time</i> <i>(d) no part of the development is under taken in areas subject to inundation by a 1-in-100 year average return interval flood or sited on land fill that would interfere with the flow of such flood waters.'</i> 		
56.	Replace	<p>In the table under the subheading 'Non-complying Development', the following:</p> <p>'Shop'</p>	<p>The following in the column headed 'Form of Development':</p> <p>'Shop (other than a restaurant)'</p> <p>The following in the 'Exceptions' column for 'Shop':</p> <p><i>'Except where ancillary to and in association with primary production or tourist accommodation and all of the following criteria are satisfied:</i></p> <ul style="list-style-type: none"> <i>(a) the gross leasable area does not exceed 250 square metres</i> <i>(b) development is set back more than 50 metres from a bore, well or the top of the bank of a watercourse.'</i> 	N	N

57.	Replace	<p>In the 'Exceptions' column for 'Tourist accommodation' in the table under the subheading 'Non-complying development which states:</p> <p><i>'Except where the:</i></p> <p>(a) <i>number of tourist accommodation bed spaces, existing and proposed, does not exceed a maximum of 25</i></p> <p>(b) <i>development is set back more than 50 metres from the top of the bank of a watercourse.'</i></p>	<p>With:</p> <p><i>'Except where all of the following criteria are satisfied:</i></p> <p>(a) <i>is not located in areas subject to inundation by a 1-in-100 year average return interval flood event or situated on land fill which would interfere with the flow of such flood waters</i></p> <p>(b) <i>be connected to an approved waste treatment system</i></p> <p>(c) <i>not have any part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse, where a watercourse is identified as a blue line on a current series 1:50,000 Government standard topographic map or where there is observed a clearly defined bed and banks where water flows at any time, and when accommodating eleven guests or more any effluent generated is not disposed onto land:</i></p> <p>(A) <i>in a high rainfall zone (>900 millimetres/year)</i></p> <p>(B) <i>within 200 metres of a major watercourse (3rd or higher order)</i></p> <p>(d) <i>not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or depth to bedrock or seasonal or permanent watertable less than 1.2 metres</i></p> <p>(e) <i>not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event</i></p> <p>(f) <i>is sited at least 25 metres from any watercourse</i></p> <p>(g) <i>the number of tourist accommodation bed spaces existing and proposed does not exceed a maximum of 25.</i></p>	N	N
58.	Insert	In the column headed 'Category 2' in the table	The following in alphabetical order:	N	N

		under the subheading 'Procedural Matters'	<i>'Shop'</i> <i>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture'</i>		
Wharf Zone					
59.	Replace	The whole of the Wharf Zone	With the contents of Attachment F.	N	N
TABLES					
Amendments required (Yes/No): No					
MAPPING SECTION (Structure Plans, Overlays, Enlargements, Zone Maps & Policy Area Maps)					
Amendments required (Yes/No): Yes					
Map Reference Tables					
60.	Insert	After the reference to 'Wharf Zone' in the Zone Maps section	In the column headed Zone Map Numbers: 'KI/33'	N	N
61.	Insert	In the same row of the 'Concept Plan Maps' section	In the column headed Concept Plan Map Title: 'Aircraft Noise Contours' In the column headed Map Numbers: 'Concept Plan Map KI/5'	N	N
Spatial Extent Maps					
62.	Replace	Replace the following maps: Overlay Maps: - Overlay Map KI/9 – Development Constraints Zone Maps: - Zone Map KI/15 - Zone Map KI/33 Policy Area Maps: - Policy Area Map KI/33	As contained in Attachment G.	N	N

ATTACHMENT A

(State Strategic Setting – replacement text for Forestry and Tourism)

PART 1 (Forestry)

The forestry industry on Kangaroo Island consists of blue gum and pine plantations and there is potential for the industry to continue to contribute to the Island's economy.

However, further expansion of forestry plantations on the Island is not encouraged so as to ensure land is available on a continuous basis for a full range of other primary industries, particularly those capitalising on the Island's 'clean and green' food and wine image and that enrich visitor experiences.

PART 2 (Tourism)

Tourism has shown growth over recent years and it is anticipated that tourism numbers will increase in the future. It is of extreme importance that Kangaroo Island Tourism is managed in a manner that ensures that the experiences of visitors continue to match their Kangaroo Island expectations and perceptions.

Tourism to Kangaroo Island has historically been largely dependent on the natural resources of the Island and people's perception of the quality of these resources. The concept of a 'clean and green' image for the Island is a fundamental component of tourism and other industries, and its continuing success will be dependent on a well-managed natural environment.

A range of sustainable tourism facilities, accommodation and products must be developed to suit a range of visitor budgets and experiences. However, tourism development must also consider the impact of increasing numbers on the natural environment so as not to diminish the very reason that attracts so many visitors to the Island in the first instance.

With the international growth in the nature-based tourism market, Kangaroo Island is well placed and has the potential to be one of Australia's leading eco-tourism destinations.

It is expected that the Island will continue to develop as a pre-eminent sustainable, nature-based tourism destination, but there is also a need to provide opportunities in other tourism markets around the themes of outdoor adventure and leisure activities, the coast, niche food and wine products, heritage and culture. These markets should add depth to the Island's appeal as a visitor destination and encourage longer stays.

ATTACHMENT B

(General Section – Interface between Land Uses)

Interface Between Land Uses

OBJECTIVES

- 1 Development located and designed to minimise adverse impact and conflict between land uses.
- 2 Protect community health and amenity from adverse impacts of development.
- 3 Protect desired land uses from the encroachment of incompatible development.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Development should not detrimentally affect the amenity of the locality or cause unreasonable interference through any of the following:
 - (a) the emission of effluent, odour, smoke, fumes, dust or other airborne pollutants
 - (b) noise
 - (c) vibration
 - (d) electrical interference
 - (e) light spill
 - (f) glare
 - (g) hours of operation
 - (h) traffic impacts.
- 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.
- 3 Development adjacent to a **Residential Zone** should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.
- 4 Residential development adjacent to non-residential zones and land uses should be located, designed and/or sited to protect residents from potential adverse impacts from non-residential activities.
- 5 Sensitive uses likely to conflict with the continuation of lawfully existing developments and land uses desired for the zone should be designed to minimise negative impacts.
- 6 Non-residential development on land abutting a residential zone should be designed to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses.

Noise Generating Activities

- 7 Development that emits noise (other than music noise) should include noise attenuation measures that achieve the relevant *Environment Protection (Noise) Policy* criteria when assessed at the nearest existing noise sensitive premises.
- 8 Development with the potential to emit significant noise (e.g. industry) should incorporate noise attenuation measures that prevent noise from causing unreasonable interference with the amenity of noise sensitive premises.

- 9 Outdoor areas (such as beer gardens or dining areas) associated with licensed premises should be designed or sited to minimise adverse noise impacts on adjacent existing or future noise sensitive development.
- 10 Development proposing music should include noise attenuation measures that achieve the following desired noise levels:

Noise level assessment location	Desired noise level
Adjacent existing noise sensitive development property boundary	Less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise ($LA_{90,15min}$) for the overall (sum of all octave bands) A-weighted level.
<i>Adjacent land</i> property boundary	Less than 65dB(Lin) at 63Hz and 70dB(Lin) in all other octave bands of the sound spectrum or less than 8 dB above the level of background noise ($L_{90,15min}$) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.

Air Quality

- 11 Development with the potential to emit harmful or nuisance-generating air pollution should incorporate air pollution control measures to prevent harm to human health or unreasonable interference with the amenity of sensitive uses within the locality.
- 12 Chimneys or exhaust flues associated with commercial development (including cafes, restaurants and fast food outlets) should be designed to ensure they do not cause a nuisance or health concerns to nearby sensitive receivers by:
- (a) incorporating appropriate treatment technology before exhaust emissions are released to the atmosphere
 - (b) ensuring that the location and design of chimneys or exhaust flues maximises dispersion and takes into account the location of nearby sensitive uses.

Rural Interface

- 13 The potential for adverse impacts resulting from rural development should be minimised by:
- (a) not locating horticulture or intensive animal keeping on land adjacent to townships
 - (b) maintaining an adequate separation between horticulture or intensive animal keeping and townships, other sensitive uses and, where desirable, other forms of primary production.
- 14 Traffic movement, spray drift, dust, noise, odour, and the use of frost fans and gas guns associated with primary production activities should not lead to unreasonable impact on adjacent land uses.
- 15 Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.
- 16 Development that is adjacent to land used for primary production (within either the zone or adjacent zones) should include appropriate setbacks and vegetative plantings designed to minimise the potential impacts of chemical spray drift and other impacts associated with primary production.

- 17 New urban development should provide a buffer of at least 40 metres wide (inclusive of any fuel break, emergency vehicle access or road) separating urban and rural activities.
- 18 Development within 300 metres of facilities for the handling, transportation and storage of bulk commodities should:
 - (a) not prejudice the continued operation of those facilities
 - (b) be located, designed, and developed having regard to the potential environmental impact arising from the operation of such facilities and the potential extended operation of activities.

ATTACHMENT C

(General Section – Tourism Development)

Tourism Development

OBJECTIVES

- 1 Environmentally sustainable and innovative tourism development.
- 2 Tourism development that assists in the conservation, interpretation and public appreciation of significant natural and cultural features including State or local heritage places.
- 3 Tourism development that sustains or enhances the local character, visual amenity and appeal of the area.
- 4 Tourism development that protects areas of exceptional natural value, allows for appropriate levels of visitation, and demonstrates a high quality environmental analysis and design response which enhances environmental values.
- 5 Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.
- 6 Tourism development that contributes to local communities by adding vitality to neighbouring townships, regions and settlements.
- 7 Increased opportunities for visitors to stay overnight.
- 8 Ensure new development, together with associated bushfire management minimise the threat and impact of bushfires on life and property while protecting the environment.

PRINCIPLES OF DEVELOPMENT CONTROL

- 1 Tourism development should have a functional or locational link with its natural, cultural or historical setting.
- 2 Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.
- 3 Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.
- 4 Tourism development should, where appropriate, add to the range of services and accommodation types available in an area.
- 5 Any upgrading of infrastructure to serve tourism development should be consistent with the landscape and the intrinsic natural values of the land and the basis of its appeal.
- 6 Car parking should be designed in clusters instead of large expanses.

Tourism Development in Association with Dwelling(s)

- 7 Tourist facilities developed on the site of a dwelling should not detrimentally affect residential amenity.
- 8 Car parking for tourist accommodation associated with a dwelling should be provided at the rate of one space for each guest room or suite of rooms, and ensure that:
 - (a) parking areas are attractively developed and landscaped, or screen fenced, and do not dominate the street frontage

- (b) the bedrooms of residential neighbours are suitably shielded from noise and headlight glare associated with guest vehicle movements
- (c) a domestic character is retained through the scale and appearance of landscaping and paving materials that provide a suitable all-weather surface.

Tourism Development Outside Townships and Settlements

- 9 Tourist developments located within areas of high conservation value, high indigenous cultural value, high landscape quality or significant scenic beauty should demonstrate excellence in design to minimise potential impacts or intrusion.
- 10 Tourism developments in rural areas should be sited and designed to minimise adverse impacts on either of the following:
- (a) the surrounding agricultural production or processing activities
 - (b) the natural, cultural or historical setting of the area.
- 11 Buildings and structures to accommodate tourists and associated activities should:
- (a) not exceed a building height of 6.5 metres (from natural ground level)
 - (b) have a minimum setback of 100 metres from any of the following:
 - (i) public roads or be no closer to a public road than existing buildings on the subject land, whichever is the lesser
 - (ii) adjoining allotment boundaries
 - (iii) the high water mark
 - (iv) cliff facesunless it can be demonstrated that a lesser setback would achieve one or more of the following:
 - (v) will achieve a superior outcome in respect to the requirements of the relevant zone, policy area or precinct than if the minimum setback was applied
 - (vi) would assist in avoiding areas of high value remnant native vegetation
 - (vii) would provide a comparatively safer location in respect to exposure to bushfire hazard, including along access roadways
 - (viii) would not result in unacceptable exposure to coastal flood and erosion process or stormwater inundation.
- 12 Development providing accommodation for tourists should be designed to minimise the potential for buildings to be converted into or used as a dwelling(s) where:
- (a) if the development comprises multiple tourist accommodation units – by ensuring that facilities, access driveways, parking areas, amenities and the like are shared
 - (b) if the development involves a single accommodation unit on a site or allotment in the **Coastal Conservation Zone, Conservation Zone or Water Protection Zone**, one or more of the following characteristics is evident:
 - (i) the structure provides basic shelter and limited internal space (eg cabin, hikers-hut)
 - (ii) one or more of the functional areas typically found in a dwelling (eg, laundry, kitchen) is absent

- (iii) the structure is of a temporary or semi-permanent nature.
- 13 Development comprising multiple tourist accommodation units (including any facilities and activities for use by guests and visitors, including conference facilities) should:
- (a) ensure buildings and structures are clustered on the same allotment
 - (b) for larger scale developments (ie those proposing or resulting in more than 25 accommodation units), have direct or convenient access to a sealed public road.
- 14 Tourism developments in rural areas:
- (a) should primarily be developed in association with one or more of the following:
 - (i) agricultural, horticultural, viticultural or winery development
 - (ii) heritage places and areas
 - (iii) public open space and reserves
 - (iv) walking and cycling trails
 - (v) interpretive infrastructure and signs
 - (vi) rural industries that primarily use ingredients sourced primary from the Island's farms and coastal waters
 - (b) may involve the provision of facilities and accommodation associated with outdoor adventure, recreation and leisure activities.
- 15 Where appropriate, tourism developments in areas outside townships and settlements should:
- (a) adapt and upgrade existing buildings of heritage value
 - (b) seek to improve conditions in disturbed or degraded areas on the site.
- 16 Advertisements associated with tourism developments should:
- (a) not exceed 0.5 square metres in area for each display
 - (b) be limited to no more than two per site
 - (c) be located on the same site as the tourist development
 - (d) not be internally illuminated.
- 17 Tourism development in rural areas should occur only where it:
- (a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)
 - (b) will not give rise to demands for infrastructure and services, especially on public lands, that are inappropriate to the purpose of the zone and/or policy area.
- 18 Tourism development, particularly in remote areas should be designed to minimise energy and water demands and incorporate alternative, sustainable technologies that use renewable energy sources and/or treat and reuse stormwater and wastewater to minimise reliance on mains services.

- 19 Natural features, signs and walkways should be used to manage and minimise potential risks of visitors damaging areas of cultural or natural significance, fragile areas, and areas of highest environmental value.
- 20 The visual and ambient impact of vehicles should be minimised by placing roadways and parking areas in unobtrusive locations.

ATTACHMENT D

**(Coastal Conservation Zone and Policy Area 1 – replacement Desired
Character)**

Part 1 (Coastal Conservation Zone)

The zone defines the coastal areas of high landscape or conservation value and incorporates policy to ensure the preservation of the coastal landscape resource.

Pelican Lagoon, Prospect Hill and Sapphire town Peninsula in particular, have been identified as having high conservation value and should be protected. In addition, the high scenic value of Chapman River and the surrounding area at Antechamber Bay should be protected for camping and recreational use.

However, the coastal environment plays an important role in Kangaroo Island's economy and the tourist attraction provided by the coastal environment, coastal scenery and abundant wildlife is expected to see growth in visitor numbers that will need to be appropriately managed and catered for. The provision of facilities, including tourist accommodation and recreational facilities, may be established in the zone provided they are sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised.

The preference is that tourism development, including any associated access driveways and ancillary structures, be located on cleared areas or areas where environmental improvements can be achieved. Development should be located away from fragile coastal environments and significant habitat or breeding grounds.

In order to reinforce the Island's scenic and landscape experiences, tourism development should maintain a strong visual impression of a sparsely developed or undeveloped coastline from public roads and land-based vantage points.

The design and siting of tourist accommodation should ensure emphasis is given to raising consciousness and appreciation of the natural, rural, coastal and cultural surroundings.

Upgrading of existing dwellings is encouraged in order to meet various criteria, including approved waste control and effluent disposal systems, the raising of living areas above the level of hazard risk for flooding and inundation or to reduce the level of hazard risk, and other environmental considerations.

It is envisaged that development is not undertaken on coastal dune systems, tidal wetlands, mangroves, sand dunes or other environmentally sensitive areas.

The desired character of the zone does not seek to encroach on the existing use rights of farmers.

Part 2 (Landscape Protection Policy Area 1)

An area containing outstanding landscape qualities, where particular care will be taken to ensure the scenic beauty and natural features of the coastal landscape are maintained.

Some parts of the policy area in association with various National Parks, Conservation Parks, Marine Park and Wilderness Protection Areas create a coastline that is relatively free from buildings and structures. Further development in such areas should reinforce this by ensuring new buildings and structures are appropriately separated from one another and avoid an over concentration of development in any one locality that would detract from the natural experiences.

Other than in respect to distant views, development comprising multiple units to accommodate tourists will be sited to avoid overlooking other similar developments so that visitor experiences of and investment in the natural assets of the Island can be positively maintained and secured.

ATTACHMENT E

(Water Protection Zone – exception for ‘motel’)

Except where all of the following criteria are satisfied:

- (a) in relation to building(s) providing temporary accommodation:
 - (i) is not located in areas subject to inundation by a 1-in-100 year average return interval flood event or situated on land fill which would interfere with the flow of such flood waters
 - (ii) be connected to an approved waste treatment system
 - (iii) not have any part of a septic tank effluent drainage field or any other wastewater disposal area (eg irrigation area) located within 50 metres of a watercourse, where a watercourse is identified as a blue line on a current series 1:50000 Government standard topographic map or where there is observed a clearly defined bed and banks where water flows at any time, and when accommodating eleven guests or more any effluent generated is not disposed onto land:
 - (A) in a high rainfall zone (>900 millimetres/year)
 - (B) within 200 metres of a major watercourse (3rd or higher order)
 - (iv) not have a wastewater disposal area located on any land with a slope greater than 20 per cent (1-in-5), or depth to bedrock or seasonal or permanent watertable less than 1.2 metres
 - (v) not have a septic tank or any other wastewater treatment facility located on land likely to be inundated by a 1-in-10 year average return interval flood event
 - (vi) is sited at least 25 metres from any watercourse
 - (vii) the number of tourist accommodation bed spaces existing and proposed does not exceed a maximum of 25
- (b) in relation to the restaurant component:
 - (i) the method of waste water disposal does not involve the storage of waste water in holding tanks
 - (ii) it does not result in more than 75 seats for customer dining purposes on the allotment
 - (iii) the development is setback at least 25 metres from a bore, well or watercourse identified as a blue line on a current series 1:50 000 Government standard topographic map or where there is observed a clearly defined bed and banks in which water may flow at any time
 - (iv) no part of the development is undertaken in areas subject to inundation by a 1-in-100 year average return interval flood or sited on land fill that would interfere with the flow of such flood waters.

ATTACHMENT F

(Wharf Zone - Replacement)

Wharf Zone

Refer to the [Map Reference Tables](#) for a list of the maps that relate to this zone.

OBJECTIVES

- 1 A functional and diverse zone accommodating a mix of commercial, business, tourism, and community facilities together with activities associated with the transportation of passengers and freight by sea-going vessels, public recreation and mooring of boats for recreational or commercial use.
- 2 Wharf areas developed as a public realm, allowing for free and open access to the community and visitors whilst accommodating operational constraints.
- 3 Development that does not adversely impact on the amenity of adjacent land use for residential or tourist accommodation purposes.
- 4 Development that contributes to the desired character of the zone.

DESIRED CHARACTER

The zone encompasses the Kingscote and Penneshaw wharf areas that will be characterised by a diversity of port related activities, together with community, tourist, recreational and commercial fishing facilities that make the most of the coastal location. The range of services and facilities established in the zone will complement the role and function of the respective town centres.

Through the siting and design of buildings, provision of links with the surrounding areas, use of open space, and the adoption of unified landscape treatments and signage, the zone will create a strong sense of arrival for people entering the Island by sea, establish legible routes for visitors to access the adjacent town centre, and provide passive recreational elements in which to enjoy the coastal setting and explore the coastal foreshore. Pedestrian paths, boardwalks and viewing platforms may be provided in appropriate locations along the foreshore.

Development within the zone will be sympathetic to the port related character, historic town elements and create an integrated environment through built form, scale, and the use of materials and colours that is visually attractive and incorporates shelter and protection.

As operational wharfs, provision will also be made for car and truck parking, boating facilities and interpretive facilities.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

- 1 The following forms of development are envisaged in the zone:
 - boat fuelling facility
 - boat ramp or other boat launching facility
 - breakwater
 - coastal protection works
 - community facility / meeting room
 - consulting room
 - commercial fishing support services
 - conference facility
 - freight transportation facilities
 - institutional facility
 - light industry
 - marina, a boat mooring or a boat storage facility

- marine harbour or channel
 - navigation aid structure
 - office
 - recreation facilities
 - rock wall / retaining wall
 - service trade premises
 - shop or group of shops
 - tourism facilities
 - tourist accommodation
 - jetty / wharf
 - warehouse.
- 2 Development listed as non-complying is generally inappropriate and not acceptable unless it can be demonstrated that it does not undermine the objectives and principles of the Development Plan.
- 3 A shop or group of shops (excluding a restaurant) should have a gross leasable area that does not exceed 450 square metres.

Form and Character

- 4 Development should not be undertaken unless it is consistent with the desired character for the zone.
- 5 Development within the Kingscote wharf area should be in accordance with [Concept Plan Map KI/2 - Kingscote Wharf](#) and not unduly impact on penguin habitat.
- 6 Development should provide safe and convenient access for vehicles, cyclists and pedestrians via well defined linkages, with car parking provided in accordance with the requirements of [Table KI/2 - Off Street Vehicle Parking Requirements](#).
- 7 The bulk and scale of development should be compatible with adjoining land uses.
- 8 Car parking and facilities for trade vehicles should be provided:
- (a) appropriate to the intensity of the use
 - (b) at the rear or side of premises where possible.
- 9 Advertisements and advertising hoardings should not include:
- (a) flashing or animated signs
 - (b) bunting, streamers, flags, or wind vanes
 - (c) roof-mounted advertisements projected above the roofline
 - (d) parapet-mounted advertisements projecting above the top of the parapet.

Land Division

- 10 Land division should create allotments that vary in size and are suitable for a variety of commercial activities.

PROCEDURAL MATTERS

Complying Development

Complying developments are prescribed in Schedule 4 of the *Development Regulations 2008*.

Non-complying Development

Development (including building work, a change in the use of land, or division of an allotment) for the following is non-complying:

Form of Development	Exceptions
Builder's yard	
Dwelling	Except one of the following built in conjunction with a non-residential development on the same allotment: (a) group dwelling (b) row dwelling (c) residential flat building.
Fuel depot	
General industry	
Horse keeping	
Intensive animal keeping	Except aquaculture.
Motor sales premises	
Petrol filling station	Except in relation to wharf related activities.
Prescribed mining operations	
Road transport terminal	
Shop or group of shops	Except where: (a) it is a restaurant (b) other than a restaurant, the gross leasable area does not exceed 450 square metres.
Special industry	
Stock sales yard	
Stock slaughter works	
Wrecking yard	

Public Notification

Categories of public notification are prescribed in Schedule 9 of the *Development Regulations 2008*.

Further, the following forms of development (except where the development is non-complying) are designated:

Category 1	Category 2
Boat fuelling facility	All forms of development not listed as Category 1
Boat ramp or other boat launching facility	
Breakwater	

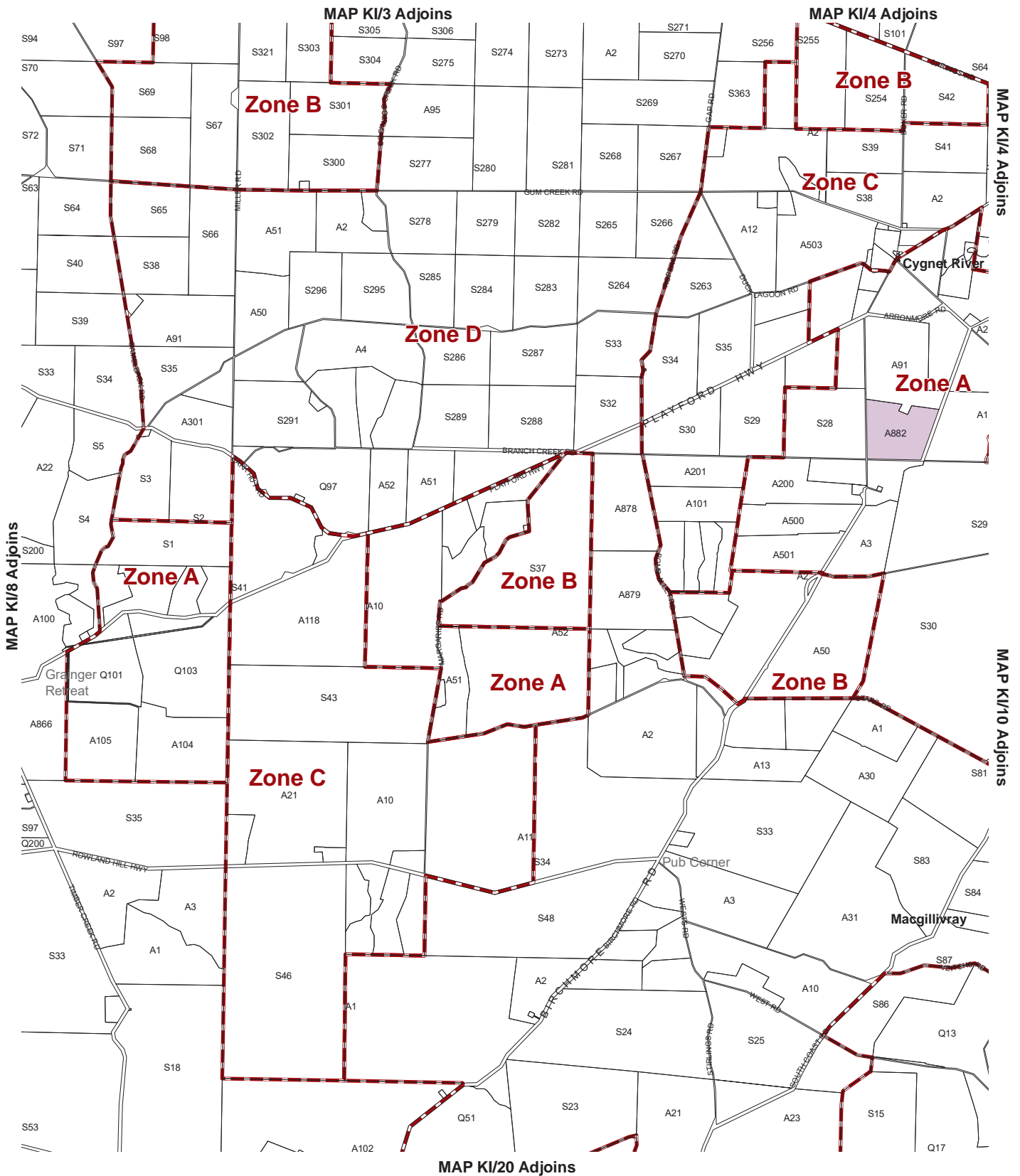
Category 1

Category 2



Coastal protection works
Community facility
Commercial fishing support services
Conference facility / meeting room
Consulting room
Freight transportation facilities
Institutional facility
Jetty / wharf
Light industry
Marina, a boat mooring or a boat storage facility
Marine harbour or channel
Navigation aid structure
Office
Recreation facilities
Rock wall / retaining wall
Service trade premises
Shop or group of shops
Tourism facilities
Tourist accommodation
Warehouse

ATTACHMENT F

Replacement Maps



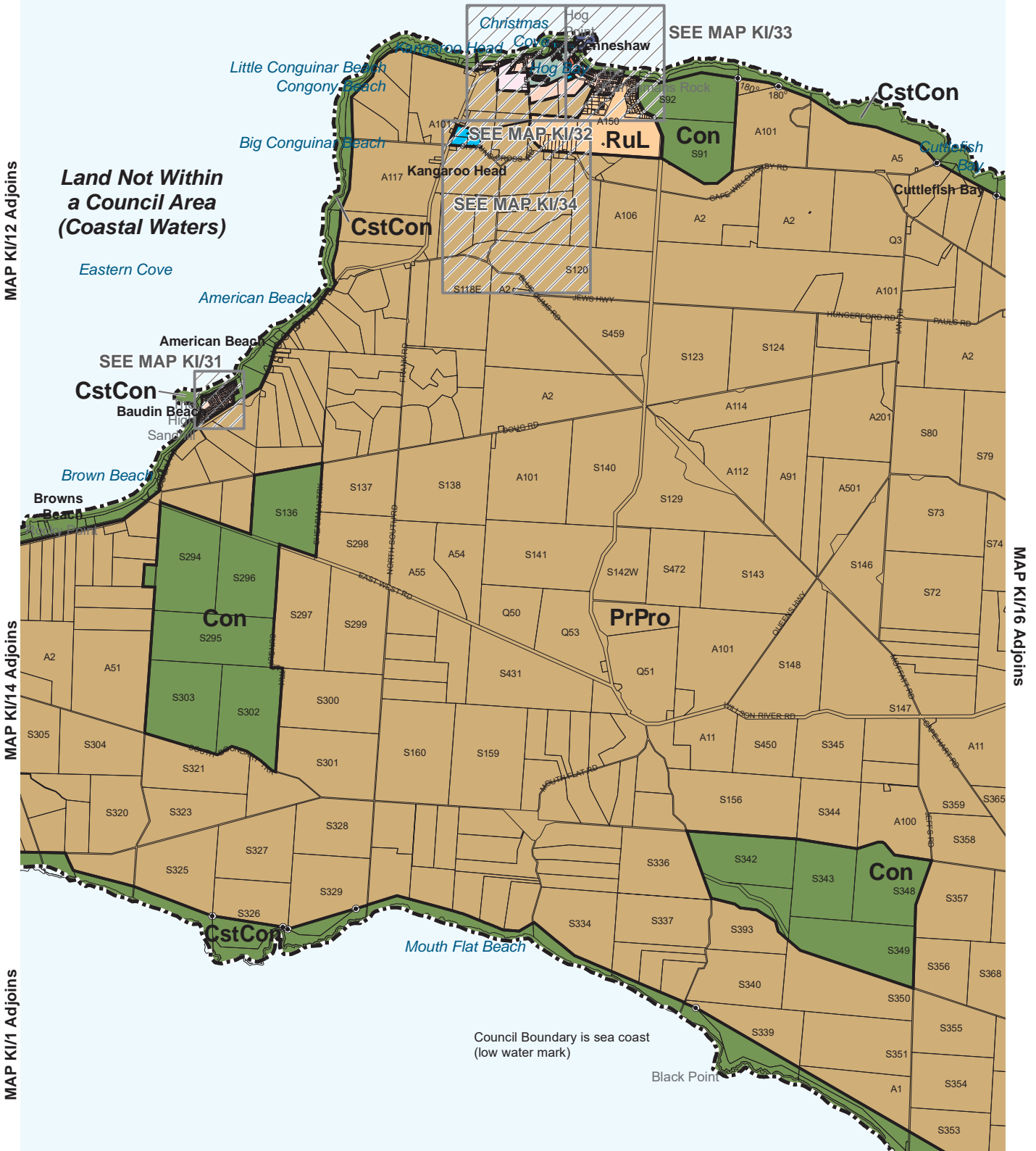
- Airport Building Heights**
- Zone A** All Structures
 - Zone B** All Structures Exceeding 10 metres above Natural Ground Level
 - Zone C** All Structures Exceeding 15 metres above Natural Ground Level
 - Zone D** All Structures Exceeding 45 metres above Natural Ground Level

-  Potential runway extension
-  Airport Building Heights

Overlay Map KI/9

DEVELOPMENT CONSTRAINTS

MAP KI/1 Adjoins



MAP KI/1 Adjoins

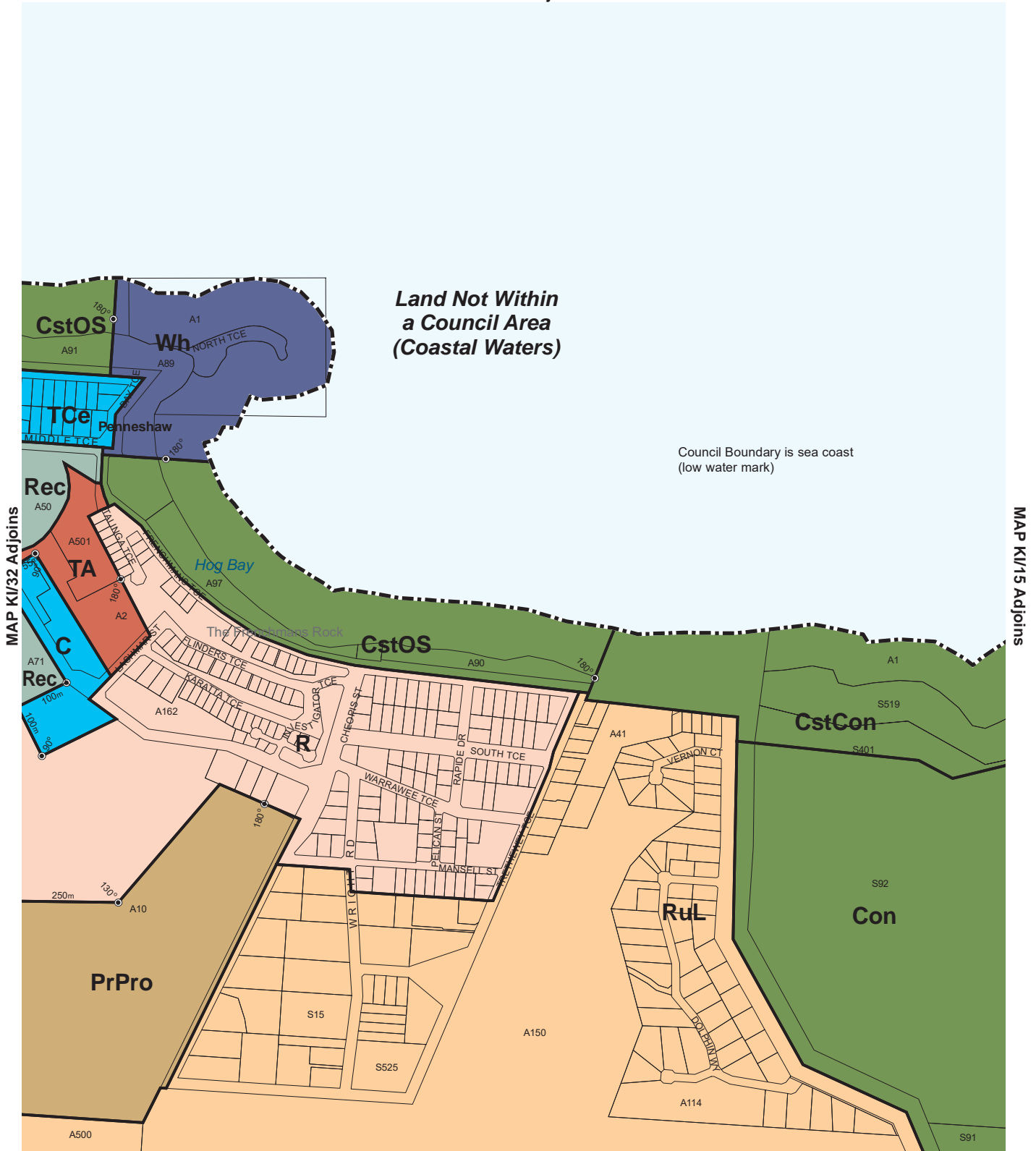
See enlargement map for accurate representation.
Lamberts Conformal Conic Projection, GDA94



Zones

- CstCon Coastal Conservation
- Con Conservation
- PrPro Primary Production
- RuL Rural Living
- Zone Boundary
- Development Plan Boundary

Zone Map KI/15



**Land Not Within
a Council Area
(Coastal Waters)**

Council Boundary is sea coast
(low water mark)

MAP KI/32 Adjoins

MAP KI/15 Adjoins

MAP KI/34 Adjoins

MAP KI/15 Adjoins

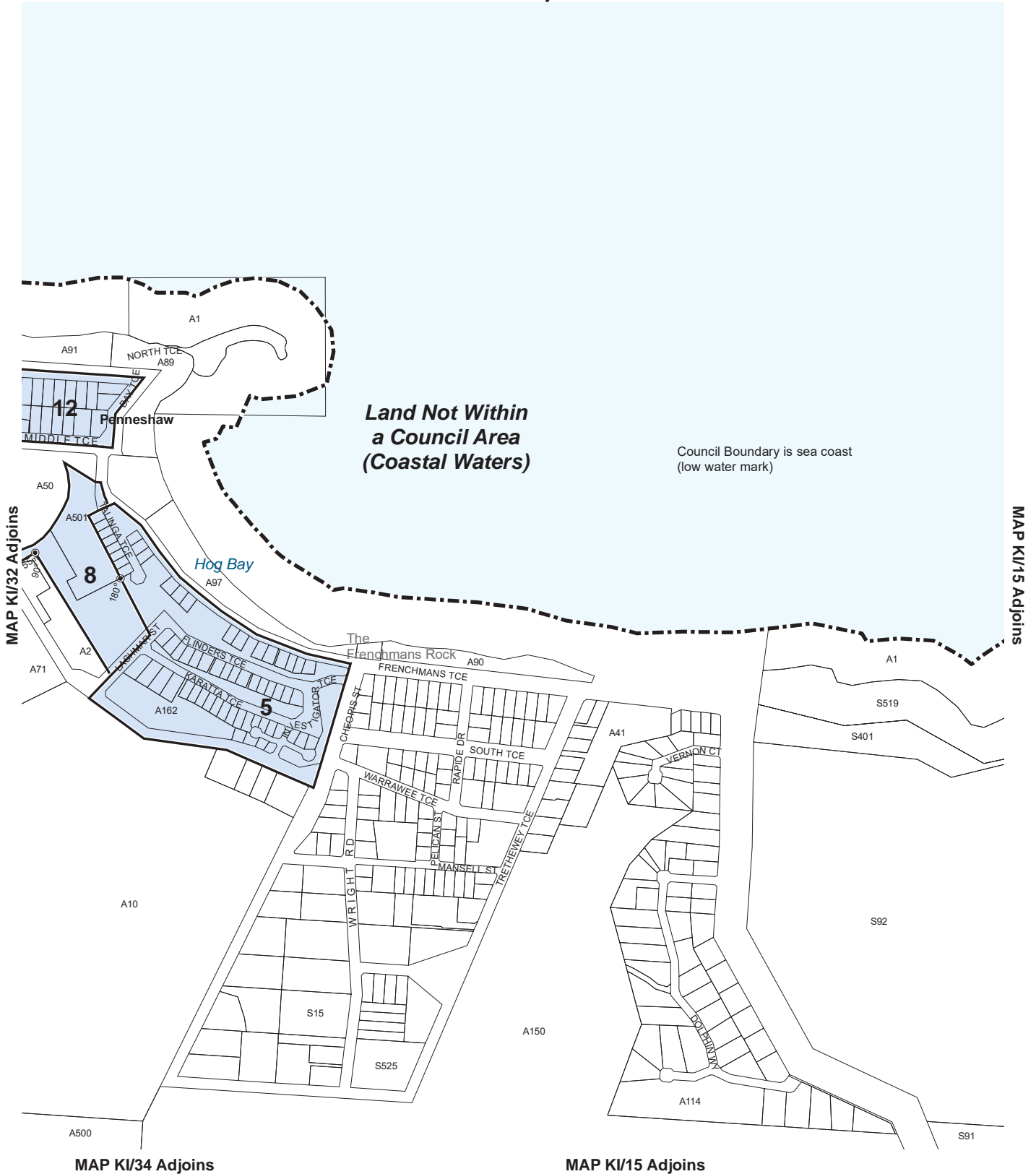
Lamberts Conformal Conic Projection, GDA94



Zones	
 CstCon	Coastal Conservation
 CstOS	Coastal Open Space
 C	Commercial
 Con	Conservation
 PrPro	Primary Production
 Rec	Recreation
 R	Residential
 RuL	Rural Living
 TA	Tourist Accommodation
 TCe	Town Centre
 Wh	Wharf
	Zone Boundary
	Development Plan Boundary

PENNESHAW

Zone Map KI/33



Lamberts Conformal Conic Projection, GDA94

- Policy Area**
- 12 Penneshaw
 - 5 Dudley
 - 8 Visitor



PENNESHAW

Policy Area Map KI/33

- Policy Area Boundary
- Development Plan Boundary



Government of South Australia

Department of Planning,
Transport and Infrastructure

Kangaroo Island Council Development Plan

KANGAROO ISLAND SUSTAINABLE FUTURES

Development Plan Amendment

By the Minister

**EXECUTIVE SUMMARY AND
ANALYSIS RELEASED FOR
CONSULTATION FROM 16
SEPTEMBER 2013 TO 11
NOVEMBER 2013**

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APPENDICES

Appendix A - Principles & Policies

THE AMENDMENT

EXECUTIVE SUMMARY

INTRODUCTION

The *Development Act 1993* (the Act) provides the legislative framework for undertaking amendments to a Development Plan. The Act allows either the relevant council or, under prescribed circumstances, the Minister for Planning to amend a Development Plan.

This Development Plan Amendment (DPA) has been prepared by the Minister in accordance with sections 24(1)(g) and 26 of the Act. Section 24(1)(g) allows the Minister to prepare an amendment where of the opinion that the matter 'is of significant social, economic or environmental importance'.

A DPA (this document) explains what policy changes are being proposed and why, and how the amendment process will be conducted.

A DPA may consist of:

- Executive Summary (this section)
- Analysis
- Conclusions and Recommended Policy Changes
- References/Bibliography
- The Amendment.

NEED FOR THE AMENDMENT

In June 2010 the State Economic Development Board presented a report to the State Government entitled *Paradise Girt by Sea*. The report identified that the island was lagging behind economically, socially and environmentally leaving many residents facing an uncertain future. In preparing the report the Board recognised persistent difficulties in delivering tangible outcomes for the Island when it wrote:

*'Over decades, reports and development plans for the island have promised much and delivered little. It is a tribute to islander resilience that so many battle on in the face of repeated disappointment.'*¹

The report set out a number of recommendations to improve the island's prospects, including the establishment of a Kangaroo Island Futures Authority (KIFA) to see the recommendations through. KIFA was formed by the South Australian Government in late 2011 and is working with the local community and a range of stakeholders to:

- deliver economic, environmental and social sustainability and a viable and prosperous community now and into the future
- coordinate government service delivery to Kangaroo Island
- increase Kangaroo Island's social prosperity.

One of KIFA's early tasks was the identification of a number of priorities and projects for the island that would guide its actions over the next five years. These actions are captured under the following themes:

- Land use
- Government services
- Brand

¹ Paradise Girt by Sea, 16 June 2011 (pg 5)

- Tourism benefits
- Utility and infrastructure
- Business and economy
- Access
- Community

These 'themes' are inter-related and require intervention on multiple levels involving participation by and partnerships across different levels of governments, businesses and the local community.

Because the purpose of a DPA is to amend a Development Plan, which is used in the assessment and determination of 'development' proposals that require approval under the *Development Act 1993*, only some of the 'themes' or associated actions will be of relevance here. More specifically, 'development' has a specific meaning under the Act which means that activities involving the provision of infrastructure, construction of buildings and structures, or actions resulting in a change in the use of land will be of particular interest.

So, how are the current expectations for 'development' across the Island articulated? From a statutory perspective, the following documents are of particular note:

- The Kangaroo Island volume of the Planning Strategy - the Kangaroo Island Plan (the Plan) released in January 2011. Although the Plan has no role in the assessment and determination of development applications, it provides a basis for amending land use requirements in Development Plans that are used in assessing actual development proposals
- The Kangaroo Island Council Development Plan which contains the detailed requirements used to assess and determine development proposals.

After nearly two years of extensive consultation and investigations by KIFA, it is apparent that the Plan and Development Plan are not entirely aligned with the priorities for the Island.

The intentions for the Island are three fold.

- To alter the Kangaroo Island Plan to:
 - Build on Kangaroo Island's reputation as a unique tourism destination by identifying and expanding new tourism opportunities for the region
 - Attract investment, encourage innovative business practices and processes, and develop strategic partnerships that promote and build on the Island's brand, and further diversify the Island's agricultural base
 - Facilitate improvements to the quality of life for the Island's residents and their families
 - Coordinate long-term solutions to affordable and reliable access, energy, roads, water, communication, waste and renewable resources.
- To prepare a draft Structure Plan to provide a basis for access, infrastructure and governance across the whole Island. Although the draft Structure Plan will have no statutory function, it will bridge a gap between statutory land use functions and guiding priorities for action, implementation and delivery.
- To amend the Kangaroo Island Council Development Plan via this DPA, cognisant of KIFA's land use priorities, the existing and proposed changes to the Kangaroo Island Plan and the spatial representation for land uses as expressed in the draft *Kangaroo Island Structure Plan – Unlocking Opportunities*.

The review of the current Development Plan found that the requirements used to assess developments proposed on the Island are extensive and are based largely on best practice policy found in the South Australian Planning Policy Library (SAPPL). The focus therefore fell on how well the Development Plan caters for the following:

- key access points to the Island - comprising Kingscote Airport and the two wharf areas at Kingscote and Penneshaw
- current requirements for tourism development that support various tourism sub-markets, and assist with increasing visitor numbers and length of stay on the Island
- diversity in primary production and value adding enterprises aligned with the tourism industry and 'Island fresh produce'.

In all cases, some adjustments to the Development Plan have been considered desirable in order to drive land use opportunities and provide a greater level of certainty through the development processes. The specific amendments to the Development Plan are contained in The Amendment section of this DPA.

AREA AFFECTED

The area affected is the whole of the Kangaroo Island Council Development Plan area.

PROPOSED POLICY CHANGE(S)

The DPA proposes to amend the kangaroo Island Council Development Plan by:

- Altering commentary in the *State Strategic Setting* in relation to Forestry and Tourism to better capture the current intention for these types of land uses
- Including policy into the *General Section - Building near Airfields* to ensure development does not hinder future expansion of the Kingscote Airport runway, supported by amendments to the land south of the airport in the *Primary Production Zone* to allow only farm buildings so as not to compromise future runway lengthening
- Amending the *General Section – Forestry and Primary Production Zone* to discourage further expansion of the Island's forestry plantations
- Amending the *General Section- Industrial Development and Primary Production Zone* to provide for a wider range of rural industries, including land division to accommodate such uses
- Replacing the *General Section – Interface Between Land Uses* to ensure consistency with the SA Planning Policy Library and
- Amending the *General Section - Tourism Development* to remove current size limitations on tourism accommodation in out-of-town areas
- Amending the *Coastal Conservation, Conservation, Primary Production and Water Protection* zones to enhance opportunities for tourist accommodation and associated facilities, taking into account the priorities for these areas (ie, conservation, farming etc)
- Amending the *Wharf Zone* at Kingscote to identify additional activities as desired in the zone and including the wharf areas at Penneshaw in to the zone by rezoning a portion of the current Town Centre Zone located generally eastward of Bay Terrace.
- Adjusting several maps to reflect the zone changes outlined above.

LEGAL REQUIREMENTS

Prior to the preparation of this DPA, the Minister received advice from a person or persons holding prescribed qualifications pursuant to Section 26 of the *Development Act 1993*.

The DPA has assessed the extent to which the proposed amendment:

- accords with the Planning Strategy
- accords with other parts of council's Development Plan
- complements the policies in Development Plans for adjoining areas
- satisfies the requirements prescribed by the Regulations.

CONSULTATION

The organisations and agencies to be consulted are:

- Department of the Premier and Cabinet
- Department of Planning, Transport and Infrastructure (Public Transport Division, Transport Services Division, KIFA)
- Department of Environment, Water and Natural Resources (Planning and Assessment Unit, Coast Protection, KI Regional Office)
- Department for Communities and Social Inclusion
- Department of Health and Ageing
- Department of Treasury and Finance
- Department of Primary Industries and Regions
- Department of Further Education, Employment, Science and Technology
- Department for Manufacturing, Innovation, Trade, Resources and Energy
- State Emergency Service
- South Australian Tourism Commission
- Country Fire Service
- Environment Protection Authority
- Kangaroo Island Council
- Member for Finnis
- Conservation Council of SA
- Tourism Kangaroo Island
- Good Food Kangaroo Island
- Agriculture Kangaroo Island

All written and verbal agency and public submissions made during the consultation phase will be recorded and considered by the Development Policy Advisory Committee (DPAC), which is an independent body responsible for conducting the consultation stage of Ministerial DPAs. Changes to the DPA may occur as a result of this consultation process.

THE FINAL STAGE

When DPAC has considered the comments received and heard all the public representations, it will provide the Minister for Planning with a report on its findings.

The Minister will then either approve (with or without changes) or decline to proceed with the DPA.

(Note: This Executive Summary is for information only and does not form part of the Amendment to the Development Plan)

ANALYSIS

1. INTRODUCTION

Kangaroo Island is a recognised destination that has considerable appeal through its pristine environment and natural visitor attractions. The result has been a tourism industry which has grown steadily over the past decade. Alongside the Island's 'clean and green' environment is a rural industry in fresh Island produce.

Together, these two sectors make up the bulk of Kangaroo Island's economy and their continued success and growth have achieved recognition through government strategies and objectives over a number of years. The importance of these two sectors was initially espoused by the Economic Development Board's 2011 report *Paradise Girt by Sea* which identified two headline targets for the next five years:

- *Double tourism numbers within a decade.*
- *Double farm gate income within a decade.*

Recent investigations suggest that based on current trends the growth of these sectors will fall short of these targets without further intervention and a common purpose being embraced by Island residents, Council, government and non-government agencies and organisations.

The draft *Kangaroo Island Structure Plan – Unlocking Opportunities* has been prepared by the Department of Planning, Transport and Infrastructure following additional research into the Island's agriculture and tourism industries and access issues, and consultation with locals. The draft Structure Plan, which is also being released for consultation, provides the following vision for the Island:

Economy - Tourism – *Build on Kangaroo Island's reputation as a unique tourist destination by identifying and expanding new tourism opportunities for the region.*

Economy - Agriculture – *Attract investment, encourage innovative business practices and processes and develop strategic partnerships that promote and build on the Island's brand, and further diversity the Island's agricultural base*

People – *Improve the quality of life for the Island residents and their families.*

Access and Infrastructure – *Coordinate long-term solutions to affordable and reliable access, energy, roads, water, communication, waste and renewable resources.*

The role of this DPA is to help 'unlock' some of the Island's potential and in this context three key land use themes were identified:

- protection of agricultural land and associated policy to support ongoing farming and horticultural activities and associated value adding opportunities, with limitations on activities that can negatively impact on island produce and farm gate economy and experiences (eg, forestry and carbon farming)
- a review of the land use requirements relating to the island's key access 'gateways' comprising Kingscote and Penneshaw wharfs and Kingscote Airport, with a view to better accommodating potential expansion and improvements in these locations to enhance the capacity and experience of these main entry / exit points

- a review of the island’s tourism policies to ensure there is potential to consider a range of tourist accommodation and tourism related projects across the island.

The following sections are broadly centred on these themes and provide the context for the amendments proposed to the Kangaroo Island Council Development Plan.

2. THE STRATEGIC CONTEXT AND POLICY DIRECTIONS

2.1 South Australia’s Strategic Plan 2011

‘South Australia’s Strategic Plan provides an important blueprint for our state that identifies the aspirations for our future success. It is a plan that provides direction not only to the State Government, but also to business and community organisations to identify and align their long term visions with the Plan.’ (Page 8, South Australia’s Strategic Plan)

Consideration has been given to the various Targets set out under the six Priorities (Our Community, Our Prosperity, Our Environment, Our Health, Our Education and Our Ideas) established by the Strategic Plan.

Relevant Priorities, Goals and Targets from the Strategic Plan are listed in the Table below, with comment provided on how the policies proposed in this DPA will assist in achieving the Goals and Targets.

Table 1: Strategic Plan Summary

Strategic Plan Priorities/Goals/Targets	Comment
OUR COMMUNITY	
<p><i>Goal: We are committed to our towns and cities being well designed, generating great experiences and sense of belonging.</i></p>	<p>The DPA applies mainly to the rural and coastal areas of the Council. With the exception of the wharf areas at Penneshaw and Kingscote, the townships and settlements of Kangaroo Island are not directly affected by the proposed changes.</p> <p>The wharf area at Penneshaw is currently included within the wider Town Centre Zone which does not reflect the importance of the wharf as one of the few access ‘gateways’ to the Island.</p> <p>The inclusion of the wharf area into a Wharf Zone is consistent with the approach adopted at the Kingscote wharf, and provides a basis to articulate the needs of the wharf area and position the zone as important transition into the towns proper.</p> <p>Opportunities to further develop the wharf area are proposed, provided it complements the function of the adjacent town centres of Kingscote and Penneshaw.</p>
<p>Target 1</p>	<p><i>Urban Spaces: Increase the use of public space by the community</i></p> <p>The Kingscote and Penneshaw wharf areas, coastline and natural wilderness</p>

		<p>areas provide opportunities to create additional areas of open space that can be used by the community.</p> <p>This DPA supports this target by seeking improved access around the two wharfs, with improved links to the respective town centres. In addition, by contemplating a range of tourist accommodation in places where people want to visit, including coastal areas and parks, there is potential to take advantage of established walking and hiking trails and to encourage the provision on new ones.</p>
Targets 4	<p>Tourism Industry: Increase visitor expenditure in South Australia's total tourism industry to \$8 billion and on Kangaroo Island to \$180 million by 2020 (Milestone of \$6.3 billion (total industry) by 2014)</p>	<p>The DPA enhances opportunities in tourism development that can encourage longer stays on the Island. In particular, the DPA allows greater scope for a variety of different forms of tourist accommodation and tourist activities on the Island.</p> <p>Supporting growth in the food and wine related sectors can also contribute to the quality of visitor experiences.</p>
Target 20	<p>Bushfire preparedness: Increase the number of households in high bushfire prone areas that are prepared for a bushfire by 30% by 2020 (baseline: 2010-11)</p>	<p>Bushfire risk mapping for Kangaroo Island was completed in March 2011. The mapping and related bushfire land use and building requirements provide a basis to assess whether proposed development is suitability sited and constructed to mitigate risk to life and property in the event of a bushfire.</p> <p>Many sections of the Island's coastline and parks are categorised as 'high' for bushfire purposes. These areas require new houses and other habitable buildings to be referred to the Country Fire Service for consideration of bushfire risk factors, where it can direct the planning authority in relation to the proposal.</p> <p>While this DPA does not alter the overarching requirements for development proposals to be sited and designed having regard to bushfire safety issues, it does propose to change the way setback requirements might be applied to tourism developments to reduce risk to development, including access driveways.</p>
Target 33	<p>Government planning decisions: South Australia leads the nation in timely decisions of development applications through to 2020 (baseline: 2009-10)</p>	<p>The DPA proposes to amend the notification requirements related to tourist accommodation and associated ancillary uses comprising cafes/restaurants and small shops and development within the key Island 'gateways' to establish greater certainty in the decision making process</p>

		and limit third party appeals.
OUR PROSPERITY		
Goal: South Australia has a resilient, innovative economy.		
Target 35	Economic growth: Exceed the national economic growth rate over the period to 2020.	The DPA will assist in supporting this target by providing opportunities within the land use system linked to the two major economic drivers for the Island - tourism and the farm gate sectors.
Goal: We develop and maintain a sustainable mix of industries across the state.		
Target 40	Food industry: Grow the contribution made by the South Australian food industry to \$20 billion by 2020 (baseline: 2001-02).	One of the main aims of this DPA is to ensure land remains available to allow diversification in farm produce and associated value adding and tourism in appropriate circumstances to take advantage of the Island's image. This involves limiting some activities that can negatively impact the Island produce and farm gate economy and experiences (i.e. forestry).
Goal: South Australia has a sustainable population.		
Target 46	Regional population levels: Increase regional populations, outside of Greater Adelaide, by 20 000 to 320 000 or more by 2020 (baseline: 2010).	Kangaroo Islands' population is relatively stable with a minor increase that was below the regional average between 2011 and 2012. By providing more opportunities in tourism and farm gate employment sectors, the DPA will assist in achieving an increase in regional population levels.
Goal: All South Australians have job opportunities.		
Target 47	Jobs: Increase employment by 2% each year from 2010 to 2016 (baseline: 2010)	As indicated above, the DPA will support this target.
Goal: South Australia's transport network enables efficient movement by industry and the community.		
Target 56	Strategic infrastructure: Ensure the provision of key economic and social infrastructure accommodates population growth.	The DPA seeks to provide opportunities for economic development that may support growth in jobs and population. The realisation of economic opportunities will be affected by the availability and upgrading key reticulated services or the ability to meet the needs of development on-site (eg, rainwater capture, on-site power generation (including solar energy)). The draft Structure Plan acknowledges that there is sufficient available land within the existing towns and rural living areas to accommodate anticipated growth in the foreseeable future.

OUR ENVIRONMENT		
Goal: We look after our land, rivers and wetlands		
Target 69:	Lose no species: <i>Lose no native species as a result of human impacts</i>	The DPA proposes changes to the Coastal Conservation and Conservation zones to expand the possibilities tourism development. However, such opportunities will need to take into account potential impacts on the environment based on established requirements in the Development Plan. Importantly, the DPA does not alter requirements under other legislation (State and potentially Federal) regarding the clearance of native vegetation and loss of habitat.
Goal: South Australia has reliable and sustainable water resources and is a leader in wastewater, irrigation, storm water and groundwater management.		
Target 73	Recycled stormwater: <i>South Australia has the system capacity to harvest up to 35 GL of stormwater per annum by 2025.</i>	The Kangaroo Island Council Development Plan currently supports harvesting of stormwater. In any event, much of the Island does not have a water supply and many activities rely on on-site capture. Development is not supported under the requirements of the Development Plan if a suitable water supply is not available.
Target 74	Recycled wastewater: <i>South Australia has the system capacity to recycle up to 50 GL of wastewater per annum by 2025.</i>	See previous comments.

2.2 Consistency with the Planning Strategy

The Planning Strategy presents current State Government policy for development in South Australia. In particular, it seeks to guide and coordinate State Government activity in the construction and provision of services and infrastructure that influence the development of South Australia. It also indicates directions for future development to the community, the private sector and local government.

The Kangaroo Island Plan (January 2011) is the volume of the Planning Strategy relevant to this DPA. The vision for Kangaroo Island (Chapter C) is captured by the following seven (7) aims:

- Strengthen the role of the main towns
- Ensure sustainable coastal development
- Protect natural and industry assets
- Expand the role of active, nature based tourism, particularly in coastal locations
- Maintain and strengthen primary production in appropriate areas
- Ensure an appropriate and well located supply of residential, commercial and industrial land to support growth
- Retain the built and natural heritage in and around towns and settlements.

The principles and policies of *the Kangaroo Island Plan* are set out under three main themes:

- environment and culture
- economic development
- population and settlements.

The Plan includes a comprehensive suite of principles and policies relevant to the DPA which are identified and discussed in Appendix A.

In general terms this DPA seeks to embrace opportunities associated with two of the Island's major economic drivers – tourism and primary production, as well as ensure that improvements to key access gateways are catered for in anticipation of additional visitor and freight movements.

While the assessment against relevant principles and policies in Appendix A is against the current Kangaroo Island Plan, readers should also be aware that alterations are also proposed that document that will undergo consultation with the community. The alterations will focus on amendments to the sections relating to economy, people and Access and infrastructure, principally:

- Balancing the growth, competitiveness and productivity of the Island with protection of its natural resources
- Achieving a sustainable economy through the expansion of tourism and farm-gate opportunities, diverse agricultural land uses, value adding opportunities and linked tourism experiences, and encouraging agricultural land uses with high capacity to deliver this aim
- Restricting the further expansion of forestry to encourage a greater diversity of primary production activities that have higher capacities to provide value adding opportunities and linked tourism experiences
- Ensuring development is of high quality design to protect coastal landscapes.

Response

The DPA is generally considered to be consistent with many of the principles and priorities of the Kangaroo Island Plan. Some tensions with current strategic aims and DPA policy directions are observed, particularly in relation to 'forestry' and development in 'scenic landscapes', however, these could be short lived pending endorsement of proposed amendments to the Kangaroo Island Plan.

For the time being there is an obvious divergence in the treatment of forestry. In short, the DPA establishes a tougher stance against forestry than the Planning Strategy to favour farm gate production that can be more closely aligned with tourism markets and experiences.

In terms of whether development in areas of scenic value should be 'avoided' in accordance with the Planning Strategy, this is perhaps a question of emphasis as there are other policies that seek to reinforce the Island as a preferred tourism destination.

However, the matter is not considered significant as development will be subject to the extensive requirements of the Development Plan dealing with environmental issues and siting and design matters to minimise visual impacts. Furthermore, legislative requirements (eg, Native Vegetation Act) will influence decisions about the siting and management of development proposed in more sensitive areas as a separate exercise to

those matters considered under the *Development Act 1993*.

2.3 Consistency with Other Key Policy Documents

2.3.1 Strategic Infrastructure Plan for South Australia 2004/5 – 2014/15

The Strategic Infrastructure Plan for South Australia provides an overarching state framework for the planning and delivery of infrastructure by all government and private sector infrastructure providers. The Infrastructure Plan identifies strategic priorities for the period between 2005-06 and 2014-15 for 14 infrastructure sectors.

The Regional Overview presents infrastructure challenges based on regional boundaries. The Barossa, Adelaide Hills, Northern Adelaide Plains, Fleurieu Peninsula and Kangaroo Island region is relevant to this DPA.

The projects identified and relevant to Kangaroo Island relate to:

- improving the island's water and power supplies;
- enhancing harbours and the airport for passenger and freight movements, including mainland facilities;
- upgrading tourism roads, and
- supporting a range of accommodation for visitors.

The ability to achieve infrastructure projects is influenced by a range of factors including requirements contained in the relevant development plan and related procedural matters.

Response

The amendments proposed in this DPA seek to strengthen the basis for the development and redevelopment of the Island's key access gateways and seeks to create opportunities for a wider range of tourist accommodation.

The DPA is therefore considered to meet a number of strategic priorities identified in the Strategic Infrastructure Plan.

Studies commissioned by KIFA on island access and energy issues will further inform infrastructure planning on the Island.

2.3.2 South Australian Tourism Plan 2009–2014

The South Australian Tourism Plan 2009-2014 maps out key strategies for growing the value of the state's tourism sector. It is inextricably linked to the South Australian Strategic Plan target of creating a \$6.3 billion tourism industry by 2014. This is designed to ensure that tourism and tourism related businesses are viable and sustainable.

South Australian Tourism Plan 2009-2014 identifies a number of priorities, including the following that are relevant to the Development Plan:

- ***Develop new signature experiences:*** attract investment capital into South Australia and grow/attract events. South Australia needs 'new news' and to further develop areas of raw appeal to change our target consumer's perception of SA. This includes an accent on the word 'tourism' in the food and wine tourism offering, higher profile of its natural heritage and cultural strengths, links to SA products and services; and further development of areas of appeal including Kangaroo Island, the Murray River and Eyre Peninsula, among others.

- **Ensure a positive policy environment.** align the rules with the vision to facilitate new sustainable development. Encourage investors by ensuring that external planning and policy impediments to sustainable tourism development are removed. This will require an all-of-government approach.

The above priorities are supported by strategies under several themed 'focus areas', with the following considered relevant to this DPA:

DEVELOP

3. *Create new and refreshed tourism developments in South Australia.*
5. *Ensure external planning and policy impediments to sustainable tourism development are removed and that strategic investments are case managed through the development process.*

LEVERAGE

7. *Encourage further investment in South Australia's tourism assets and experiences (e.g. food and wine, nature).*

ACTIVATE

11. *Make Adelaide and South Australia a destination that can be easily and affordably reached.*

Response

The DPA is consistent with the Tourism Plan as it seeks to create opportunities for a range of tourism experiences to complement the established offerings. This includes provision for:

- a wider range of accommodation types at different scales
- tourism development under a wider range of circumstances, including outdoor adventure, recreation and leisure activities (that are not associated with primary production and nature reserves, for example)
- cafes / restaurants and small shops as ancillary to one of a number uses including tourist accommodation, rural industries or primary production to support tourism development directly or indirectly through businesses the can broaden the visitor experiences.

2.3.3 Concurrent Ministerial and Council DPAs

Ministerial DPAs

There are no current Ministerial DPAs that will be affected by the policy amendments proposed in this DPA.

Council DPAs

The Kangaroo Island Council has prepared a Rural Living DPA which proposed to rezone land in the following locations for rural living purposes:

- on the southern, eastern and western sides of Hog Bay Road, adjacent Pelican Lagoon
- on the north coast of the Island, focussing on Emu Bay, Stokes Bay and Snellings Beach
- on the south coast of the Island, in the Vivonne Bay area.

The council DPA is also proposing to replace two General Section of the Development Plan – ‘Interface between Land Uses’ and ‘Natural Resources’. These amendments will introduce up to date policy from the SA Planning Policy Library.

The site specific rezoning proposals in the Council’s DPA have no bearing on the changes being proposed in this DPA. However, this DPA also identifies merit is updating the General Section - Interface between Land Uses as it provides additional protection for rural land from urban encroachment.

Response

The fact that this DPA and Council’s Rural Living DPA are both proposing to introduce the latest SAPPL policy on ‘Interface between Land Uses’ simply acknowledges the importance of the requirements it introduces. Beyond this, it is an editorial matter to remove the ‘Interface between Land Uses’ component from a DPA if the changes have been introduced as a result of the approval of either DPA.

2.3.4 Other Sections of the Development Plan

The Kangaroo Island Council Development Plan was converted to the new format based on relevant components of the South Australian Planning Policy Library following approval of its General Development Plan Amendment in May 2010.

The format and policies proposed in this DPA are in accord with the format and policy content of the current Development Plan, although amendments are proposed to introduce some of the latest relevant policy from the latest version of the Library. The ‘Interface between Land Uses’ section will, in particular, provide a more robust framework for the assessment of development in the proposed amended Wharf Zone and for tourism development in rural areas given the potential for impacts in mixed use environments and issues between farming activities and sensitive land uses (eg, housing, accommodation).

This aspect of the DPA is discussed in more detail in Section 2.4 below.

Response

The format and policy content of this DPA is consistent with the format and policy content of the wider Development Plan. Consideration has been also been given to avoiding repetition, ambiguity and conflict of policies.

2.3.5 Adjacent Development Plans

As an Island, there are no adjacent council jurisdictions to consider, although the Kangaroo Island Council shares a relationship with the Yankalilla Council via the existing ferry service.

All of the waters surrounding the Island fall within the boundaries of the Land Not Within a Council Area (Coastal Waters) Development Plan. Development in the coastal waters and out-of-council islands is largely determined against general (coastal wide) provisions. There are only a few areas actually zoned in the entire Development Plan area (ie various zones on Boston Island and a number of Aquaculture Zones), none of which are close to Kangaroo Island.

In terms of the activities that may have some relevance to the key land use themes identified earlier, the Land not within a council area Coastal Waters Development Plan includes policy in relation to aquaculture development, ports and marinas.

Response

No amendments are considered necessary as part of this DPA to the Land Not Within a Council Area (Coastal Waters) Development Plan policies to take into account the policy directions being considered herein.

2.4 South Australian Planning Policy Library

As indicated in Section 2.3.5 above, the Kangaroo Island Council Development Plan was converted to the new Development Plan format based on relevant components of the South Australian Planning Policy Library (SAPPL) in May 2010.

Since that time, the State Government has undertaken a review to update some of the General Section Library policies as well as introduced new zones and General Section topics to assist in delivering on wider strategic directions.

The SAPPL is subject to review and updates by the Department of Planning, Transport and Infrastructure (DPTI) from time to time and therefore Development Plans can become inconsistent with the SAPPL policy framework over time.

The most recent updates to the Library included new general provisions and a number of new urban zones to reposition Greater Adelaide to become more infill focussed, and to reduce the need to identify new Greenfield development areas consistent with the Planning Strategy.

These changes are not specifically intended to be used in less developed parts of the State, such as the island's key towns and settlements, and therefore the DPA review focussed on those General Section policies of the Kangaroo Island Council Development Plan relevant to the 'key land use themes' identified earlier - the Island's access 'gateways', tourism development and forestry and interface issues.

As a result of this review, some General Sections of the Kangaroo Island Council Development Plan are proposed to be amended via this DPA. Some policies will be introduced as replacements for existing policies, while others will be new policies. It should be noted that proposed updates to the General Sections will apply across the Council area.

The following sections provide information on the how selected General Sections of the Kangaroo Island Council Development Plan are proposed to be amended based on whether it is replacement sections or an alteration to a section in-situ.

2.4.1 General Section – Replacements

Due to the nature of some of the changes being proposed, it has proved to be more efficient to 'replace' some whole General Sections in the Kangaroo Island Council Development Plan, notwithstanding that the intent of many policies within that section remain largely unaltered. The following General Sections fit into the 'replacement' category:

- Interface Between Land Uses
- Tourism Development

Each replacement section is contained in The Amendment section of this DPA as an individual Attachment. Further commentary about the proposed changes to the above 'replacement' General Sections is provided later in this Analysis.

The retention of the 'Interface Between Land Uses' section will be affected by Council's Rural Living DPA which also proposed to update this.

2.4.2 General Section – Amendments 'in Situ'

In reviewing the General Sections of the Kangaroo Island Council Development Plan it became apparent that there are some requirements that differ with the Library which are benign and could be considered via a whole of Development Plan review rather than through this more focussed DPA. As such, and aside from the replacement of those General Sections mentioned above, other alterations proposed as part of this DPA are restrained and focussed on amending only relevant General Sections where it supports the identified priorities for the Island.

Amendments in-situ are proposed for the following General Sections:

- Building near Airfields
- Forestry
- Industrial Development
- Orderly and Sustainable Development

The proposed alteration to the Building near Airfields section is site specific and as such the does not have any implications for development in other parts of the Council.

The change to the Orderly and Sustainable Development section is to correct an oversight by including reference to a Concept Plan to which development should conform. The Concept Plan in question relates to the noise contours around the Kingscote Airport and is used to guide the location and design of dwellings around the airport. The topic matter has some relevance to this DPA.

Changes proposed to the Forestry and Industrial Development sections are regarded as more substantive.

Changes to the Forestry section are most significant because they seek to establish a basis to discourage further expansion of forestry plantations anywhere on the Island. Based on current zoning requirements, the change is most relevant to land within the Primary Production Zone where forestry is currently a merit activity – it is non-complying in other non-urban type zones.

The changes to the Industrial Development section are essentially removing some provisions that are SA Planning Policy Library text intended to apply in areas across the Mount Lofty Ranges, and inserted via a Ministerial Plan Amendment Report (PAR, now referred to as DPAs) in September 2000.

The removal of the General Section policy on 'small-scale' rural industries will provide some additional flexibility regarding the use of rural land based on the Primary Production Zone requirements and remove requirements intended to apply to the Mount Lofty Ranges that are generally more onerous than the requirements found in other regional parts of South Australia.

3 INVESTIGATIONS INFORMING THIS DPA

3.1 Introduction

The context for the amendments proposed to the Kangaroo Island Council Development Plan is provided by the draft *Kangaroo Island Structure Plan – Unlocking Opportunities*.

In addition, the policy directions have been informed by various strategic documents, including the proposed alterations to the *Kangaroo Island Plan* and other reports and studies that are referred to in the references/bibliography table.

The following sections cover the key directions for the DPA, being based around the three themes mentioned earlier.

3.2 Island Gateways

3.2.1 Kingscote Airport

Potential expansion

The long term planning for Kingscote airport is described in the *Kingscote Aerodrome: Long Term Strategic Plan* and *Kingscote Airport Master Plan*.

In April 2013, a Council run DPA was approved that introduced additional requirements when building houses in areas affected by noise generated by aircraft types anticipated within the 15 year timeframe of the Master Plan.

The amendment involved introducing a new Concept Plan (partly shown on Figure 1) into the Development Plan that identified noise contours at both ends on the main runway.

All of the land surrounding the airport lies within the Primary Production Zone which identifies the following desired uses:

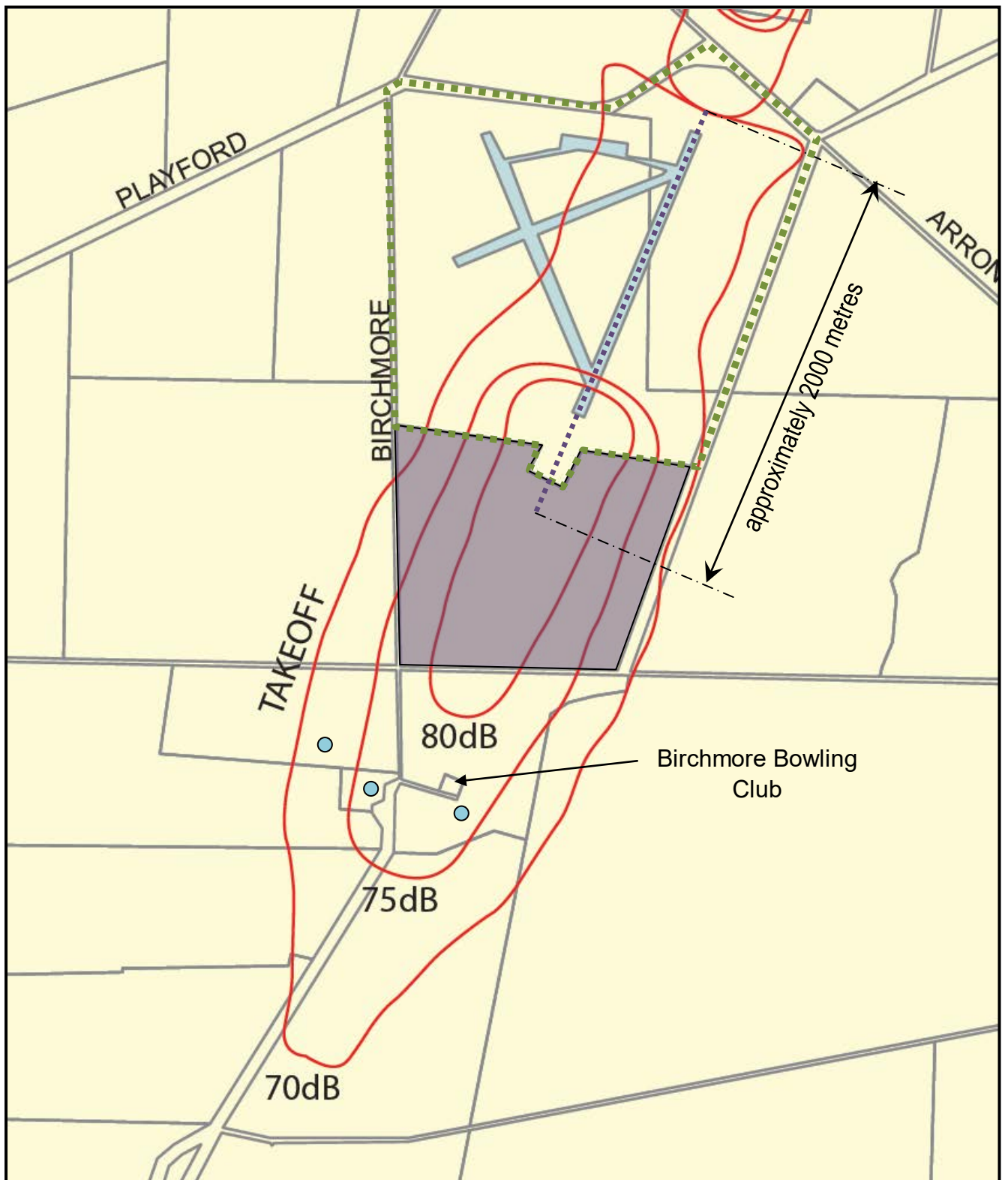
Table 2: Desired Uses – Primary Production Zone

<ul style="list-style-type: none">• diversification of existing farming activities through small-scale tourist accommodation:<ul style="list-style-type: none">○ within existing buildings; or○ in the form of farm stay, guesthouse, rural or nature retreat, or bed and breakfast accommodation as an integral part of the farm buildings complex• farming• farm building	<ul style="list-style-type: none">• home based industry• horticulture• intensive animal keeping• land-based aquaculture• tourist accommodation• wind farm and ancillary development• wind monitoring mast and ancillary development
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Consistent with the Zone's intentions, limitations are placed on activities that can impact the use of land for primary production or lead to conditions that could undermine the zone's objectives. Amongst other policy directions, the Zone controls the proliferation of dwellings and the further fragmentation of rural land through:

- a limit of one dwelling per allotment (and the allotment needs to be at least 40 hectares in area), although some allowance is made for a second dwelling
- a minimum allotment size of 100 hectares.

FIGURE 1: Kingscote Airport



- Existing dwelling (approximate location)
- Affected Area - potential runway extension
- Airfield Zone boundary

The requirements of the Primary Production Zone in combination with existing General Section policy under the heading 'Building near Airports' and the recent introduction of Concept Plan Map KI/5 – Aircraft Noise Contours, provide a sound basis to ensure development surrounding the airport does not impact existing and reasonably anticipated airport operations.

In considering the need for further protective measures, the following commentary from the *Kingscote Airport Master Plan* is considered relevant:

Runway Length Needed for the Critical Aircraft

In broad terms, a runway length of approximately 1600m is needed for turbo prop regional airliners such as the Q400. Regional jets such as the Embraer 170, need around 1800m while B737/A320 domestic jet aircraft require in the order 2000m of runway. Refer Appendix A.

The actual length needed will depend primarily on the aircraft model and the destination stage length (the longer the stage length means the aircraft has to carry more fuel which adds to the weight which increases the length requirement). Within the master planning 15 year time frame, it is unlikely stage lengths longer than Kingscote direct to Melbourne or Sydney will be needed. The runway lengths noted above would be suitable for Kingscote- Melbourne/Sydney.

The existing 1402m main runway 01/19 can be increased to 1524m while remaining inside the existing runway strip and clearway area (marked by the white gable markers). Further lengthening in the order of 220m is available within the aerodrome boundary to the south if needed.

An extension to the north beyond the current clearway is unavailable due to the presence of Arranmore Road and a requirement to maintain an obstacle clear gradient over vehicles.

So it is possible to have a runway length of 1740m without the need for land acquisition, although some clearing of trees on the adjacent properties will be needed.

A future runway length of 1740m has been adopted for the 15 year Master Plan.

The needs associated with different aircraft appear to be catered for within the timeframe adopted by the Master Plan. However, if a longer term view is adopted in the context of elevated growth in tourism numbers (or a drive to increase numbers through infrastructure enhancements to support access by larger aircraft) then a more cautious approach might be taken in respect to the runway length.

Response

This DPA seeks to ensure future runway lengthening beyond the current airport boundaries is not compromised.

As indicated in the Master Plan, the possible lengthening of the airport's main runway to the north is affected by the location of Arranmore Road. As a result, land to the immediate south of the airport has been identified for potential runway extension needs as shown on Figure 1. This area is proposed to be shown on a Development Constraints map in the Development Plan and supported by policy in the General Section – Building near Airports and changes to the Primary Production Zone that restricts buildings and structures in the affected area.

Importantly, the existing use of that land can continue and improvements made in relation to the farming of that land until either acquired for airport purposes (and possibly included in to the Airport Zone) or determined that the land will not be required.

Land use within the Airport

The Airfield Zone identifies a range of desired uses as follows.

Table 3: Desired Uses – Airfield Zone

<ul style="list-style-type: none">• air passenger or air freight terminal• aircraft related facilities• airport• fuel depot• light industry ancillary to and in association with aviation activities	<ul style="list-style-type: none">• recreation area• service industry ancillary to and in association with aviation activities• shop within the terminal building• warehouse ancillary to and in association with aviation activities.
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All of these desired uses are included in the list of activities designated as Category 1 (discussed later) for the purposes of Public Notification.

Clause 38(2)(a) and (2a) of the *Development Act 1993* state:

- (2) *Subject to subsection (2a), the following provisions apply in relation to the assignment of developments to these categories:*
- (a) *the regulations or a Development Plan may assign a form of development to Category 1 or to Category 2 and if a particular form of development is assigned to a category by both the regulations and a Development Plan—*
- (i) *if the regulations provide that an assignment by a Development Plan may prevail—the assignment provided by the Development Plan will, to the extent of any inconsistency, prevail (subject to the operation of paragraph (b)); but*
- (ii) *in any other case—the assignment provided by the regulations will, to the extent of any inconsistency, prevail;*
- (2a) *The assignment of a form of development to Category 1 under subsection (2)(a) cannot extend to a particular development if that development involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993.*

Schedule 22 of the Development Regulations 2008 (Activities of major environmental significance) lists the following in part 8(1):

- (1) *Aerodromes: the conduct of facilities for commercial or charter aircraft take-off and landing, being facilities estimated to be used for—*
- (a) *more than 200 flight movements per year but excluding facilities more than 3 kilometres from residential premises not associated with the facilities; or*
- (b) *more than 2 000 flight movements per year in any case.*

Information about the Kingscote airport shows that the number of landing and take-offs exceeds 2000 flight movements, which means that the assignment of 'airport' to Category 1 in the Development Plan could be anomalous in respect to any expansion plans in that the a proposal could default to Category 3 for Public Notification purposes.

Given the specific listing of 'airport' as a Category 1 use, it is doubtful that the intention would have been to expose expansion of the airport to the third part appeals that arise from Category 3 for Public Notification. Furthermore, one of the purposes of this DPA is to ensure key infrastructure upgrades can occur with a higher degree of certainty pending an assessment against the extensive requirements in the Development Plan and referral processes.

Response

This DPA seeks to ensure that future development of the airport can proceed with a higher degree of certainty following a decision by the relevant planning authority.

In this regard, an amendment is proposed to the Airfield Zone to introduce the following into the list of Category 2 developments for the purposes of Public Notification:

'All forms of development not listed as Category 1'

There are currently no uses identified as Category 2 in the Zone. The amendment provides opportunity for adjacent landowners to have a say on any proposed development that is not a Category 1 use.

3.2.2 Kingscote and Penneshaw Wharfs

The two major wharf areas in Kangaroo Island are affected by two different zones.

Kingscote wharf is included within a specific Wharf Zone which contains the following Objective:

A functional and diverse zone accommodating a mix of commercial, business, tourism, and community facilities together with activities associated with the transportation of freight by sea-going vessels, public recreation and mooring of boats for recreational or commercial use.

It is notable that the current operating wharf area at Penneshaw is part of a Town Centre Zone rather than the dedicated Wharf Zone in light of the importance of the sea transport facilities to the Island's economy and access needs.

However, a comparison between the two zones illustrates that there are some similarities between them. The desired uses identified in each zone are repeated in the following table for convenience.

Table 4: Comparison of Desired Uses – Wharf and Town Centre

Wharf Zone	Town Centre Zone
<ul style="list-style-type: none">• community facility• commercial fishing support services• freight transportation facilities• institutional facility• light industry• office• recreation facilities• service trade premises• shop or group of shops• tourism facilities• tourist accommodation• warehouse.	<ul style="list-style-type: none">• bulky goods outlet• café• consulting room• cultural centre• entertainment facility• fitness studio• hotel• meeting room• motor repair station• office• petrol filling station• restaurant• service trade premises• shop• tourist accommodation• tourist facility• wharf facility

In general terms, both the Wharf and Town Centre zones contemplate a mix of uses. The wider range of uses identified in the Town Centre Zone probably has more to do with the fact that the zone provides services and facilities to meet the needs of the local community and visitors as opposed to the more targeted needs of passenger and freight movements by sea.

In addition, the extent of the Wharf Zone at Kingscote comprises land that is arguably affiliated with the coastal foreshore whereas the Penneshaw Town Centre Zone includes land that is removed spatially from actual wharf functions, such as the commercial and recreational areas west of Bay Terrace that imbue a 'main-street' character.

The land at Penneshaw generally north and east of the alignment of Bay Terrace is owned by the State Government (Minister for Transport). It includes under-developed, elevated land close to the built up areas south of North Terrace and overlooks the wharf and ferry terminal facilities, as well as land closer to the water's edge comprising expanses of parking areas and access roads, the sea wall, wharf and terminal structures. Its inclusion into the Wharf Zone is favoured by this DPA because it provides opportunities to encourage further improvements and development within the wharf area without affecting the requirements applicable to the centre of Penneshaw township.

The integration of the Penneshaw wharf area into the Wharf Zone requires irrelevant material to be removed from the Town Centre Zone and amendments to the Wharf Zone to account for the rezoning.

In considering the new expanded Wharf Zone, consideration was given to the range of uses desired in the zone as well as the proximity of the wharf areas to the commercial centres of the respective towns. Some inspiration was drawn from the land uses assigned to Category 1 for the purposes of public notification in schedule 9 of the *Development Regulations 2008* that applies to the Cape Jervis wharf area.

The amended Wharf Zone desired uses list follows and shows the new material added to the Wharf Zone (underlined text) and what uses from the Town Centre Zone made it into the revised Wharf Zone list.

Table 5: Proposed Desired Uses – Wharf Zone

Wharf Zone –desired uses list (proposed)	Town Centre Zone – changes in the desired uses for Penneshaw wharf	
	Included	Not included
<ul style="list-style-type: none"> • <u>boat fuelling facility</u> • <u>boat ramp or other boat launching facility</u> • <u>breakwater</u> • <u>coastal protection works</u> • community facility • commercial fishing support services • <u>conference facility / meeting room</u> • <u>consulting room</u> • freight transportation facilities • institutional facility • <u>jetty / wharf</u> • light industry • <u>marina, a boat mooring or a boat storage facility</u> • <u>marine harbour or channel</u> • <u>navigation aid structure</u> • office 	<ul style="list-style-type: none"> • Café (same as shop) • consulting room • meeting room (see conference facility) • office • restaurant (same as shop) • service trade premises • shop • tourist accommodation • tourist facility • wharf facility (see jetty / wharf) 	<ul style="list-style-type: none"> • bulky goods outlet (not included - preferred location is town centre) • cultural centre • entertainment facility • fitness studio • hotel • motor repair station • petrol filling station

<ul style="list-style-type: none"> • recreation facilities • <u>rock wall / retaining wall</u> • service trade premises • shop or group of shops • tourism facilities • tourist accommodation • warehouse. 		
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Notwithstanding the expanded list of desired uses, the list of non-complying development in the Wharf Zone is relatively concise and therefore many other uses can be considered 'on-merit'.

<p>Response</p> <p>The current Wharf Zone at Kingscote is proposed to be expanded to include the Penneshaw wharf area, establishing consistency between the two main wharfing areas on the Island.</p> <p>The expanded Wharf Zone will include a revised Desired Character and an expanded list of desired uses. Some consequential amendments are also needed to both the Wharf Zone and Town Centre Zone to correct anomalies created as a result of rezoning land at Penneshaw.</p>

3.3 Farm Gate - diversification in rural areas

3.3.1 Rural industries and value adding

Providing opportunities for primary producers to value add to their products is a well recognised and established practice within land use schemes and the Kangaroo Island Council Development Plan is no different.

The rural areas of the Council are essentially divided into four zones:

- Coastal Conservation Zone
- Conservation Zone
- Primary Production Zone
- Water Protection Zone

Combined, these zones make up around 99% of the Islands land mass. The potential use of this land varies according to the specific zone requirements, however the Primary Production Zone is established as the pre-eminent place in which to pursue a range of primary production activities and associated value adding opportunities. It comprises an area of some 279,000 hectares (2790 square kilometres) and accounts for more than 60 percent of the island's total land mass.

The environment within the Primary Production Zone is highly variable and the use of land will be influenced by a range environmental and land capability factors. Notable amongst these factors is native vegetation coverage. It is estimated that this alone accounts for about one third of the zone's area and about two fifths (40%) of all the native vegetation found on the Island.

Leaving aside issues about clearance of native vegetation which is controlled under the State *Native Vegetation Act 1993* (and may also trigger referral under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*), native vegetation and

other issue reduce the land 'budget' available for farming, horticulture, land based aquaculture and other activities that provide a basis to value add.

The loss of such land to revegetation efforts has been a matter considered by Council via its *Primary Production, Forestry and Bushfire Protection DPA* approved in April 2013. The DPA inserted policy into the Primary Production Zone as follows:

Biodiversity planting should only be established where reasonably required, without compromising the land for primary production use.

This Ministerial DPA does not seek to alter the intent of the policy but clarify its meaning.

Some terms used in development plan are defined in schedule 1 of the Development Regulations. The term 'primary production' is not defined here. As such, the meaning of the term needs to be considered from other sources. A search in this regard provides a mixed response, but in a biological sense generally takes on a meaning than is perhaps wider than what is intended in the policy. For example, one definition states:

Primary production is the synthesis of organic compounds from atmospheric or aqueous carbon dioxide. It principally occurs through the process of photosynthesis, which uses light as its source of energy, but it also occurs through chemosynthesis, which uses the oxidation or reduction of chemical compounds as its source of energy. Almost all life on earth is directly or indirectly reliant on primary production.

It is considered prudent in this instance to reword the policy using the definitions found in the Development Regulations (ie, farming and horticulture) in place of 'primary production'.

In terms of enhancing capacity to value add to farm produce, two key land use types were considered:

- activities involved in the processing, packaging and transportation of farm produce
- activities that allow on-site sampling and purchase of farm products.

The processing, packaging and transportation aspects of value adding are reasonably well catered for in the existing Development Plan with the following exceptions:

- the General Section – Industrial Development includes policy from the SAPPL that is intended to apply to the rural areas of Mount Lofty Ranges Region near Adelaide.

Objective 2 in this section states:

The development of small-scale agricultural industries, wineries, mineral water extraction and processing plants, and home based industries in rural areas.

The Objective is supported by a number of policies under the heading '*Small-scale agricultural industries, home-based industries, mineral water extraction and processing plants, and wineries in rural areas*', which are intended to respond the particular circumstances found in the Mount Lofty Ranges.

These policies establish a higher benchmark for undertaking development than that typically found in other councils rural areas and could act as a disincentive for development on the island which is already affected by higher business costs (ie transportation).

- Land division in the Zone is requires allotments to be 100 hectares or more which is not conducive to resourcing value adding enterprises.

The Primary Production Zone also includes policy for undertaking industrial and warehousing development in the zone, consistent with the SAPPL. The current Primary Production Zone policies seem sufficient and could be retained in preference to the General Section – Industrial Development requirements.

In relation to on-site sampling and purchase of farm products, these uses are captured under the definition for 'shop' (and include a restaurant/café). In the Primary Production Zone all shops are non-complying when the gross floor area exceeds 100 square metres. An adjustment would allow further capacity for shops to occur in the rural areas, however, some caution is required to ensure uses better suited to commercial areas (eg, bulky goods outlets – like hardware and furniture stores) are not permitted in rural settings.

Response

The interventions proposed to support value adding development in the rural areas (specifically the Primary Production Zone) involve:

- deletion of General Section- Industrial Development policy dealing with 'small-scale agricultural industries.....'
- An adjustment to the land division requirements to contemplate separate allotments accommodating buildings involved in the processing, packaging or transportation of agricultural or aquaculture products
- Allowing 'shops' in the Primary Production Zone where ancillary to and in association with primary production, rural industry or tourist accommodation, with no size restrictions on a restaurant and a maximum floor area of 250 square metres for other types of shop.

3.3.2 Forestry

During the preparation of this DPA the role of forestry on the Island has been raised as an issue (by both supporters and detractors).

Council has sought to address the spread of forestry plantations and was most recently tackled in Council's *Primary Production, Forestry and Bushfire Protection DPA* approved in April 2013. This DPA amended the *General Section – Forestry* in the Development Plan to direct forestry plantations away from 'high value agricultural land'.

Work was commissioned to appreciate what this might mean for the Island and involved mapping areas of 'high value/ capability' to consider how such matters might inform a policy position.

The policy option chosen is one that does not require the identification of 'high value' farming and horticultural areas as a basis to exclude forestry, as this can create uncertainty during assessment processes due to the complex nature of determining land capability is the first place and judgements about what is 'high value'. Instead a clearer 'blanket' policy position has been adopted in this DPA that does not support further expansion of forestry.

Response

Most major zones (by size) including the Coastal Conservation Zone, Conservation Zone and Water Protection Zone, identify new forestry as a non-complying form of development. Only the Primary Production Zone specifically contemplates forestry development.

The status of 'forestry' in the Primary Production Zone is proposed to change to non-

complying. In addition, some changes are proposed to the General Section – Forestry to clarify that the expansion of forestry is not contemplated.

3.4 Tourism Development

3.4.1 Accommodation

Expectations about tourism development are largely derived from the General Section – Tourism Development. Several policies in particular appear to set the scene for expression found through the Development Plan. These include:

Major tourism developments should generally be located within designated areas and existing townships, or settlements.

Tourist accommodation should not occur where it results in a facility exceeding 25 accommodation units and 50 bed spaces, except in the District Town Centre Zone, Tourist Accommodation Zone, Town Centre Zone, Township Zone and Wharf Zone.

Tourism developments in rural areas should generally be small-scale and have a functional or locational link with either of the following:

- (a) the surrounding agricultural production or processing activities*
- (a) the natural, cultural or historical setting of the area.*

The acceptable form of tourism development contemplated in the Island's four major zones is consistently couched in terms of 'small-scale', with the 25 unit / 50 bed limit used to trigger a non-complying assessment path for development exceeding these figures in the Primary Production and Water Protection zones.

In addition, the General Section – Tourism Development includes setback requirement for accommodation when provided outside townships as follows:

Tourist accommodation outside of townships should:

- (a) not exceed a building height of 6.5 metres (from natural ground level)*
- (b) have a minimum setback of 100 metres from any of the following:*
 - (i) public roads*
 - (ii) adjoining allotment boundaries*
 - (iii) the high water mark*
 - (iv) cliff faces.*

While the policy establishes measurable outcomes, its purpose and intent are not self evident. It is not uncommon for measurable or quantifiable requirements to be used to help achieve subjective and qualitative outcomes (ie, limit intrusion on landscapes). However, such an approach does not necessarily result in better outcomes or engender confidence in those proposing development that the planning authority won't 'gravitate' towards measurable aspects of the Development Plan irrespective of how well a project performs against qualitative matters.

To ensure the policy environment caters for a wide range of accommodation in places visitors prefer to stay, some additional flexibility should be considered within the existing policy environment at both the general, zone and policy area levels. The types of changes proposed will not alter existing extensive requirements regarding the careful siting of development to minimise impacts and visual prominence and buildings and structure.

In framing the policy amendments consideration was given to:

- Zone / policy area emphasis and priorities – what is the main purpose of the zone or policy area (ie, conservation, water protection, farming)
- Status of the land (ie, protected areas, public versus private ownership)

- Landscape characteristics of the zone (coastal position, native vegetation cover, slope)
- Hazard avoidance (bushfire risk, coastal flooding).

These and other factors influence what type of development might be suited to a location and the likelihood of it actually occurring from a market perspective on the one hand and public policy and statutory rules perspective on the other.

The Coastal Conservation Zone, for example, occupies much of the coastal frontage around the island and its protrusion inland is highly variable. On the surface, the zone provides a logical choice for undertaking tourism development because it offers desirable coastal views and greater access to foreshore areas. However, the opportunities are likely to be limited, with about half of the zone affected by native vegetation and current setback requirements too difficult to meet along many sections of the coastline due to allotment sizes and zone characteristics (particularly around the Dudley peninsula).

Response

In order to provide opportunities for a full range of accommodation choices, requirements for larger tourism developments to be located in specific locations (ie towns) is proposed to be removed to provide greater flexibility about location decisions that is not based on arbitrary size considerations. There are some areas that are likely to be more sensitive than others, and this is catered for at the zone policy level through Desired Character statements, objectives and policies, as well as using procedural requirements (discussed below) that can be effective in the market decisions about location (ie, non-complying triggers, avoidance of third party appeals).

In addition, the existing setback requirements are proposed to be retained, however, scope for variations to the setbacks is proposed where development can demonstrate that a lesser setback will have benefits.

3.4.2 Expanding the tourism experience

One of the challenges for Kangaroo Island's tourism industry is the development of new opportunities and attractions while maintaining, improving and expanding the established offerings.

The draft Kangaroo Island Structure Plan provides commentary about potential new tourism sub-markets including:

- Iconic multi-day walks/hikes
- Attracting the caravan/camping/motor home market
- Development of 'hero experiences' such as an iconic golf course and conference facilities.

The question is whether there is sufficient scope within the current Development Plan to introduce new tourism offerings and enhance the existing ones. More specifically, would a proposal be a matter for determination as 'development' under the *Development Act 1993* given that a Development Plan has no role to play otherwise?

This is not a simple question. However, to simplify matters tourist attractions might be grouped into two main categories - natural and artificial/man-made.

For nature based attractions such as the coastal environment (eg, Admirals Arch), wildlife areas (eg, Seal Bay), and nature reserves the main issue is whether a value adding component requires assessment against the Development Plan, rather than the attraction itself. In such cases value adding could involve anything from access paths, interpretive and directional signage to the provision of lookouts and accommodation.

A good example might be a multi-day hike around part of the Island's coastline. The establishment of the route itself is unlikely to require consideration under the *Development Act 1993*, being a matter incidental to the use of the land (ie, a reserve) and essentially requiring the route to be defined and resourced based around principles of safety, minimising disturbance to the land form and avoiding areas of flora and fauna significance.

However, the addition of interpretive signage, public amenities like toilets and shelters, and provision of accommodation along the route may require approval under the *Development Act 1993* (any activity subject to scale). In short, tourism 'development' might be viewed as being associated with the hike route – or any other 'natural attraction' for that matter.

Manmade tourist attractions will generally require an approval and therefore Development Plan policy for both the attraction and any associated value adding components should be considered. Examples include golf courses, polo fields, dedicated trail bike tracks and four-wheel drive circuits that could add to the established activities and attractions found on the island.

The existing General Section – Tourism Development in the Development Plan currently provides the following (existing principle of development control 14):

Tourism developments in rural areas should primarily be developed in association with one or more of the following:

- (a) *agricultural, viticultural and winery development*
- (b) *heritage places and areas*
- (c) *public open space and reserves*
- (d) *walking and cycling trails*
- (e) *interpretive infrastructure and signs.*

'Rural areas' refers to any land not within a town or settlement (ie, non-urban) and therefore the policy applies to most parts of the island including the Coastal Conservation, Conservation, Primary Production and Water Protection zones.

Although the policy only assists in a merit based assessment and therefore does not exclude consideration of other tourism developments, it could also be more explicit about contemplating tourism developments that might not be 'associated' with parts (a) to (e) given the value of tourism to the Island's economy and the desire to encourage longer visitation.

Response

Existing principle 14 of the General Section – Tourism Development is proposed to be replaced with the following (new text underlined):

Tourism developments in rural areas:

- (a) *should primarily be developed in association with one or more of the following:*
 - (i) *agricultural, horticultural, viticultural or winery development*
 - (ii) *heritage places and areas*
 - (iii) *public open space and reserves*
 - (iv) *walking and cycling trails*
 - (v) *interpretive infrastructure and signs*
 - (vi) *rural industries that primarily use ingredients sourced primary from the Island's farms and coastal waters*

(b) may involve the provision of facilities and accommodation associated with outdoor adventure, recreation and leisure activities in appropriate locations.

The priorities of each zone will again assist in determining whether a new tourism venture is appropriate or not. In this regard, the Primary Production Zone is likely to offer the greatest opportunities for alternative tourism ventures given the other three major 'rural' zones are generally more sensitive and restrictive. In this regard, some changes to the Primary Production Zone are also proposed to support a greater range of tourism activities but not in areas of high capability for farming and horticulture.

4. CONCLUSIONS AND RECOMMENDED POLICY CHANGES

4.1 Introduction

Overall the Kangaroo Island Development Plan provides a reasonably sound basis to assess proposed development. While this DPA seeks to provide opportunities and create additional certainty when undertaking particular forms of development linked to tourism, rural industries and the main access 'gateways' onto the island, it does not alter the fundamental desire to make the most of and maintain the Island's key assets and attributes.

This DPA is proposing to amend the planning policies that apply to most of the Island. With the exception of the wharf areas at Kingscote and Penneshaw, the amendments do not directly affect existing towns and settlements.

4.2 Recommended Planning Policy

4.2.1 General Section amendments

Some of the proposed General Section amendments are standalone and easily identifiable. These sorts of changes are detailed in the Amendment Instructions table by including detail of what is being deleted, replaced or inserted to assist the reader.

However, there are a number of General Sections where the nature of the amendments are not immediately obvious, and relate to the replacement General Sections mentioned earlier in section 2.4.1.

The proposed amended replacement General Sections are important in ensuring the Development Plan remains up to date with the Library, and are worth highlighting because the amended policy could be called upon by the relevant planning authority when assessing development proposals located anywhere on the island, where relevant.

The differences between the replacement General Sections and those currently in the Kangaroo Island Council Development Plan vary in terms of significance. In some cases the nature of the changes are regarded as fairly benign and largely relate to form rather than altering the intent and purpose of existing policy. Both replacement General Sections include changes of this type.

The more substantive amendments to each replacement General Section are summed up in the following table.

Table 6: Summary of General Section Amendments

General Section title	Key Changes
<i>Interface Between Land Uses</i>	<ul style="list-style-type: none"> • inclusion of policy that requires non-residential development abutting a residential zone to minimise noise impacts to achieve adequate levels of compatibility between existing and proposed uses • a inclusion of policy strengthening requirements relating to the design and siting of noise generating uses, including entertainment venues • inclusion of new policy for assessment of development with potential to emit odours • inserting new provisions that seeks to ensure development near areas used for primary production take appropriate steps to mitigate potential adverse impacts arising from primary production activities. <p>The above changes are consistent with the SAPPL.</p>
<i>Tourism Development</i>	<ul style="list-style-type: none"> • deletion of policy that limits tourism development in rural areas, including deletion of local policy that established an Island wide limit on the number of tourist accommodation units that might occur outside of defined zones (eg, townships, tourist accommodation zones etc) • adjustment to local setback policy for tourist accommodation to apply the setbacks to a range of buildings and structure for tourism purposes (not just accommodation) and provide capacity to reduce setbacks in certain situations (eg, retail high value vegetation, reduce bushfire risks) • introduction of new policy to encourage tourism developments comprising multiple units to be located on the same allotment, with larger projects located near sealed roads (reduce management issues on unsealed roads and assist with access / exit issues in the case of a bushfire) • expand the range of reasons whereby tourism development may occur in rural areas <p>The above changes affect both local addition (Council prepared) policy as well as core SAPPL policy which are desired to address local circumstances and priorities.</p>

4.2.2 Zone Changes

The changes proposed in this DPA at the zone level are primarily intended to shift considerations about tourism development towards impact management and site suitability rather than scale (ie, small-scale, number of units) and form based around terms like ‘eco’ and ‘nature- based’. The types of changes are generally subtle and often appear as changes to desired Character Statements in the selected zones.

An important aspect of the zone changes is that the general aspirations and priorities attached to the Island’s coastal and rural areas remains intact. Most of the changes relating to the use of land have been described in previous sections and will not be repeated here.

However, important changes are proposed in each of the following zones to provide additional scope for the merit assessment of shops/restaurant and tourist accommodation and additional certainty for desired uses through amendments to the notification requirements:

- Airfield Zone
- Coastal Conservation Zone
- Conservation Zone
- Primary Production Zone
- Water Protection Zone
- Wharf Zone

The changes to the non-complying development lists and associated criteria, as well as public notification, are detailed below.

4.3 Assessment Matters

4.3.1 Complying, Non-complying and Merit Development

Different types of development are subject to three main types of assessment processes – complying, ‘on-merit’ or non-complying.

Provided development can satisfy any quantitative criteria established for complying development in the Development Plan or the *Development Regulations 2008*, development designated as complying must be granted Development Plan consent.

Development listed as non-complying in the Development Plan is generally not desired and invokes a more rigorous assessment path where the planning authority can decline to assess the application, approval is subject to concurrence with the Development Assessment Commission (where the Council is the planning authority) and there is no appeal right for the proponent if the decision is to refuse the application.

All forms of development not listed as either complying or non-complying is required to be assessed ‘on-merit’ against all the relevant provisions in the Development Plan (i.e. General Section and specific zone provisions) by the relevant planning authority.

The assessment path plays an important role in discouraging or encouraging development within a particular zone or area. For this DPA, the transition is towards making additional allowances for the assessment of shops / restaurants and tourist accommodation through the merit path. The changes in related to these uses for each zone is summarised in the flowing table.

Table 7: Change in status – accommodation and shops

Zone / Policy Area	Land use type	Existing	Proposed
Airfield	Tourist accommodation	Non-complying	Non-complying
	Shop/restaurant	Merit when located in the terminal building	Merit when located in the terminal building
Coastal Conservation	Tourist accommodation	Merit assessment	Merit assessment
	Shop/restaurant	Non-complying	Merit for all restaurants and for shops up to 50 square metres
<i>Landscape Protection Policy Area 1</i>	Tourist accommodation	Non-complying except for alterations and additions	Merit in buildings that do not exceed 6.5 metres in height and the total number of accommodation units

	Shop/restaurant	Non-complying	does not exceed 25
	Shop/restaurant	Non-complying	Same as zone
<i>Precinct 1 Reeves Point</i>	Tourist accommodation	Non-complying	Non-complying
	Shop/restaurant	Non-complying	Same as zone
Conservation	Tourist accommodation	Merit assessment	Merit assessment
	Shop/restaurant	Non-complying	Merit for all restaurants and shops up to 50 square metres
Primary Production	Tourist accommodation	Non-complying unless: <ul style="list-style-type: none"> the number of units does not exceed 25 number of beds does not exceed 50 buildings are one storey buildings are setback 100 metres from adjoining land and public roads 	Deletion – all accommodation considered on-merit
	Shop/restaurant	Non-complying if the floor area exceeds 100 square metres	Merit when ancillary to and in associated with primary production, rural industry, or tourist accommodation and is a restaurant or a shop not exceeding 250 square metres
Water Protection	Tourist accommodation (changes are underlined)	Non-complying unless: <ul style="list-style-type: none"> the number of tourist accommodation beds does not exceed 25 development is at least 50 metres from the top of the bank of a watercourse 	Non-complying unless: <ul style="list-style-type: none"> the number of tourist accommodation beds does not exceed 25 development is at least 50 metres from <u>a bore, well or the top of the bank of a watercourse</u>
	Shop/restaurant	Non-complying	Merit when ancillary to and in associated with primary production or tourist accommodation and meets the following: <ul style="list-style-type: none"> the number of seats in a restaurant is less than 75 for other shops, the floor area is less than 250 square metres development is at least 50 metres

			from a bore, well or the top of the bank of a watercourse
Wharf	Tourist accommodation	Merit assessment	Merit assessment
	Shop/restaurant	Non-complying if the gross leasable area exceeds 250 square metres.	Merit for all restaurants and in any other case the gross leasable area does not exceed 450 square metres.

The criteria proposed for shops / restaurant in the Water Protection Zone are similar to those adopted in the Mount Lofty Ranges Watershed. The relevance and appropriateness of the criteria will be considered further during the DPA consultation process.

4.3.2 Categories of Notification

The *Development Regulations 2008* or the Development Plan can assign public notification to development as either Category 1 or 2. The *Regulations* may also assign development to Category 2A.

Development assigned Category 1 cannot be notified, whereas Category 2 development allows notification to adjacent landowners or occupiers. In either case, no third party appeal rights to the Environment, Resources and Development Court exists.

Any uses not assigned to either category 1 or 2 defaults to Category 3 for public notification purposes. Such developments invoke wide notification and allow third party appeals against the decision of the planning authority.

The assignment of Categories of Notification in a Development Plan generally occurs at the zone level and can be varied depending on the priorities for the zone. With the exception of the Town Centre Zone at Penneshaw, changes are proposed to the Categories of Notification for each zone reviewed as part of this DPA.

Generally, there DPA seeks to provide more certainty for proponents through listing uses considered in this DPA as either Category 1 or 2. The following table details the nature of these changes, with underlined material being new material and strikethrough text being deleted.

Table 8: Change in public notification by zone

Zone	Category 1	Category 2
Airfield	<p>No change:</p> <ul style="list-style-type: none"> • Air passenger or air freight terminal • Aircraft related facilities • Airport • Fuel depot in association with aviation activities • Light industry ancillary to and in association with aviation activities. • Recreation area • Service industry ancillary to and in association with aviation activities. 	<p>None existing.</p> <p><u>All forms of development not listed as Category 1</u></p>

	<ul style="list-style-type: none"> • Shop within the terminal building • Warehouse ancillary to and in association with aviation activities. 	
Coastal Conservation	<p>No change:</p> <ul style="list-style-type: none"> • Coastal protection works • Conservation works • Interpretive signage and facilities 	<ul style="list-style-type: none"> • Small-scale Tourism/visitor facilities i.e. picnic areas, public shelters <u>and</u> visitor information displays excluding within the Landscape Protection Policy Area 1 and within Precinct 1 Reeves Point. • <u>Shop</u> • <u>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture</u>
Conservation	<ul style="list-style-type: none"> • Directional, identification and/or interpretative advertisements and/or advertising hoardings for conservation management and tourist information purposes. • Small-scale Facilities associated with the interpretation and appreciation of natural and cultural heritage such as <u>and</u> public amenities, camping grounds, remote shelters or huts. • Scientific monitoring structures or facilities. • Structures for conservation management purposes. 	<ul style="list-style-type: none"> • <u>Shop</u> • <u>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture</u>
Primary Production	<p>No change:</p> <p>Horticulture (excluding the growing of olives) where the setback from a dwelling is greater than 100 metres.</p>	<ul style="list-style-type: none"> • Bed and breakfast accommodation where the number of tourist accommodation beds is greater than 6 but less than 12. • Dwellings where the setback from horticulture is less than 100 metres. • Horticulture involving the growing of olives. • Horticulture (excluding the growing of olives) where the setback from a dwelling is less than 100 metres. • <u>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture other than bed and breakfast where all of the following criteria apply:</u> <ul style="list-style-type: none"> (a) the total number of tourist accommodation units, existing and proposed, does not exceed 25 (b) the total number of tourist accommodation bed spaces, existing and proposed, does not exceed 50 (c) the buildings and structures do not exceed a height of 6.5 metres above natural ground

		<p>level or a height greater than one storey</p> <p>(d) the total floor area of all tourist related buildings, existing or proposed, does not exceed 5 per cent of the total site area</p> <p>(e) tourist development is set-back from public roads and adjoining allotments a minimum distance of 100 metres</p> <p>(f) tourist development is set-back from the high water mark of any coastal or waterfront area a minimum distance of 100 metres.</p> <ul style="list-style-type: none"> • <u>Shop</u> • Wind farms and ancillary development such as substations, maintenance sheds, access roads and connecting power-lines (including to the National Electricity Grid) where the base of all wind turbines is located at least 2000 metres from: <ul style="list-style-type: none"> (a) an existing dwelling or tourist accommodation that is not associated with the wind farm (b) a proposed dwelling or tourist accommodation for which an operable development plan consent exists (c) the boundaries of any Airfield, Airport, Centre, Community, Fringe, Historic Conservation, Home Industry, Living, Mixed Use, Residential, Settlement, Tourist, Township or Urban Zone, Policy Area or Precinct or any Heritage Area (including within the area of an adjoining Development Plan). • Wind monitoring mast and ancillary development.
Water Protection	None	<ul style="list-style-type: none"> • <u>Shop</u> • <u>Tourist accommodation setback a minimum of 100 metres from land within an adjoining allotment used for farming or horticulture</u> • Wind farms and ancillary development such as substations, maintenance sheds, access roads and connecting power-lines (including to the National Electricity Grid) where the base of all wind turbines is located at least 2000 metres from:

		<ul style="list-style-type: none"> (a) an existing dwelling or tourist accommodation that is not associated with the wind farm (b) a proposed dwelling or tourist accommodation for which an operable development plan consent exists (c) the boundaries of any Airfield, Airport, Centre, Community, Fringe, Historic Conservation, Home Industry, Living, Mixed Use, Residential, Settlement, Tourist, Township or Urban Zone, Policy Area or Precinct or any Heritage Area (including within the area of an adjoining Development Plan) <ul style="list-style-type: none"> • Wind monitoring mast and ancillary development
Wharf	<p>None existing</p> <ul style="list-style-type: none"> • <u>boat fuelling facility</u> • <u>boat ramp or other boat launching facility</u> • <u>breakwater</u> • <u>coastal protection works</u> • <u>community facility</u> • <u>commercial fishing support services</u> • <u>conference facility</u> • <u>freight transportation facilities</u> • <u>institutional facility</u> • <u>light industry</u> • <u>marina, a boat mooring or a boat storage facility</u> • <u>marine harbour or channel</u> • <u>navigation aid structure</u> • <u>office</u> • <u>recreation facilities</u> • <u>rock wall / retaining wall</u> • <u>service trade premises</u> • <u>shop or group of shops</u> • <u>tourism facilities</u> • <u>tourist accommodation</u> 	<p>None existing</p> <p><u>All forms of development not listed as Category 1</u></p>

In a number of instances a use identified as Category 1 or 2 becomes non-complying development if criteria are not satisfied. In such cases the notification requirements will default to Category 3.

As with the assessment path, Categories of Notification can provide additional confidence to prospective developers that they can proceed with a proposal once approved by the planning authority. As such, a trend toward limiting third part appeals is proposed.

However, the proximity of tourist accommodation to farming and horticultural uses on adjacent land is an important issue given the desire to encourage and ensure the longevity

of these uses. On this basis, accommodation within 100 metres of adjacent land used for farming or horticulture is proposed to default to Category 3.

5. STATEMENT OF STATUTORY COMPLIANCE

Section 26 of the *Development Act 1993* prescribes that the DPA must assess the extent to which the proposed amendment:

- accords with the Planning Strategy
- accords with other parts of the Development Plan
- complements the policies in the Development Plans for adjoining areas
- satisfies the requirements prescribed by the Regulations.

5.1 Accords with the Planning Strategy

Relevant strategies from the Planning Strategy are summarised in Section 2.2 of this document and in Appendix A. It is the intent of the DPA to generally support the achievement of the existing Planning Strategy policies.

However, the Kangaroo Island Plan volume of the Planning Strategy is under review with the intention to align it with the land use priorities of KIFA. These have been considered in preparing this DPA.

5.2 Accords with Other Parts of the Development Plan

The policies proposed in this DPA are consistent with the format, content and structure of the other parts of the Kangaroo Island Council Development Plan as discussed in Section 2.3.5 of this document.

5.3 Complements the policies in the Development Plans for adjoining areas

The policies proposed in this DPA will not affect the Development Plans for adjoining areas as discussed in Section 2.3.6 of this document.

5.4 Satisfies the Requirements Prescribed by the Regulations

The requirements for public consultation (Regulation 11) and the public meeting (Regulation 12) associated with this DPA will be met.

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KANGAROO ISLAND PLAN: PRINCIPLES & POLICIES

PRINCIPLES AND POLICIES		RESPONSE
PRINCIPLE 1: RECOGNISE, PROTECT AND RESTORE KANGAROO ISLAND'S ENVIRONMENTAL ASSETS		
Water		
Policy 1.1	<i>Protect the quality and function of water ecosystems by preventing adverse impacts of land use and development (such as overuse of resources, erosion, impeded surface and subsurface water flows, increases in acid sulphate soils, land degradation and clearing, and pollution).</i>	<p>The DPA does impact existing requirements in the Kangaroo Island Council Development Plan that address environmental water flows and water quality.</p> <p>Any tourism development or rural industry will be assessed having regard to the impact on water resources.</p>
Coastal, estuarine and marine environments		
Policy 1.5	<i>Protect natural coastal, marine and estuarine areas of high conservation, landscape or environmental significance by limiting development in these areas. Development may require such a location in limited circumstances—for example, a tourism development of state significance—in which case the development's social and economic benefits must be shown to outweigh the environmental and amenity impacts.</i>	<p>The Coastal Conservation and Conservation zones affect much of the Island's coastal landscape and high conservation areas. Parts of the Primary Production and Water Protection zones are also of conservation value, with some areas subject to Vegetation Heritage Agreements.</p> <p>The current Development Plan envisages (to varying degrees) some form, or tourism accommodation and/or facilities in all of these zones.</p> <p>The DPA seeks to provide some additional opportunities for tourism development, including accommodation, than contemplated under current Development Plan requirements. However, the DPA retains expectations that development will minimise impacts on the landscape through appropriate siting and design, including the use of materials and built form scale.</p>
Policy 1.6	<i>Protect coastal features and biodiversity by establishing coastal zones (see Box 2) that incorporate:</i> <ul style="list-style-type: none"> ➤ <i>habitats that are highly sensitive to the direct impacts of development</i> ➤ <i>important geological and/ or natural features of scientific, educational or cultural importance</i> ➤ <i>landscapes of very high scenic quality.</i> 	See previous comment.
Biodiversity		
Policy 1.8	<i>Introduce a clear hierarchy of environmental areas to be protected to</i>	The Development Plan for Kangaroo Island provides zoning that identifies areas

PRINCIPLES AND POLICIES		RESPONSE
	<p><i>improve development certainty and transparency, and incorporate the protection of these areas into the Development Plan. The three categories in the hierarchy, which will be managed through the Development Plan, are:</i></p> <ul style="list-style-type: none"> ➤ <i>areas of high environmental significance, including protected public lands (such as National Parks and Conservation Parks), private/public lands under a Heritage Agreement, and land containing high-value native vegetation. These areas will be protected from development unless a specific regulatory exemption applies</i> ➤ <i>areas of environmental significance, including habitat areas and lands that have human uses, such as primary production, but also support biodiversity because the uses are of relatively low environmental impact. Higher impact land uses in these areas should be avoided. If development cannot be avoided, the impacts will be minimised and offsets provided</i> ➤ <i>areas designated for human use, where human use is the principal consideration. Development is to be consistent with the Development Plan and existing legislation.</i> 	<p>of conservation and coastal value, with the majority of the inland areas included in the Primary Production Zone.</p> <p>However, areas of conservation value within the Primary Production Zone are subject to Vegetation Heritage Agreements that serve to protect them within the agricultural landscape.</p> <p>Areas primarily intended for intensive human activities are included within various township zones and settlement areas.</p>
Policy 1.9	<p><i>Recognise areas of high biodiversity value, and locate and design development to prevent the loss, degradation and/or fragmentation of native vegetation and any loss of species and/or ecological communities.</i></p>	<p>See previous comments for policy 1.15 regarding the impact of development on areas of high biodiversity. In addition, the KI Council Development Plan includes up to date provisions on natural resources that provide for the retention of significant vegetation and minimise the loss / clearance of vegetation more generally.</p> <p>In relation to land division, further fragmentation of land is not envisaged in the Conservation and Coastal Conservation zones, with limited opportunities in the Primary production Zone through minimum size requirements. In addition, policy exists specifically to ensure the designs of land divisions take into account native vegetation and drainage lines.</p>
Scenic landscapes		
Policy 1.14	<p><i>Avoid development in areas with significant landscapes that can be</i></p>	<p>Taken literally the policy means that no tourism development should occur in</p>

PRINCIPLES AND POLICIES		RESPONSE
	<p><i>viewed from tourist routes, walking trails, the beach or the sea, unless the development requires such a location (such as a development of state significance), in which case the scale, height, design and siting of buildings must:</i></p> <ul style="list-style-type: none"> ➤ <i>protect views to, from and along the ocean and scenic coastal areas</i> ➤ <i>minimise the alteration of natural landforms</i> ➤ <i>be visually compatible with the character of surrounding areas</i> ➤ <i>restore and enhance visual quality in visually degraded areas, where feasible.</i> 	<p>significant landscape areas on the basis that it would be difficult to claim a 'development requires such a location'.</p> <p>While tourism development may seek to take advantage of a position overlooking a scenic part of the coastline, it is not a use that is intrinsic to a locality. Tourism development (and indeed many other uses) is unlikely to be so wedded to a position that there is no alternative. Mining is perhaps one of a few exceptions that could satisfy the test of 'require such a location', because the material to be mined is fixed.</p> <p>In order to achieve other strategic objectives some compromises need to be made. On this basis, the DPA supports the position that sensitively located, sited and designed tourism development should be contemplated where it does not adversely impact the predominant ambience of the locality.</p> <p>This position recognises much of the coastline and adjacent hinterlands of Kangaroo Island are of scenic value and attract holiday home makers and short term visitors alike.</p>
PRINCIPLE 2: PROTECT PEOPLE, PROPERTY AND THE ENVIRONMENT FROM EXPOSURE TO HAZARDS		
Policy 2.1	<p><i>Design and plan development to prevent the creation of hazards and to avoid naturally occurring hazards.</i></p>	<p>The KI Council Development Plan includes the General Section – Hazards, which requires hazards to be taken into account when undertaking development.</p> <p>The DPA seeks to amend current setback requirements applicable to tourism development in out-of-town areas to ensure appropriate regard is given to the siting of development to minimise exposure to hazards.</p>
PRINCIPLE 4: CREATE THE CONDITIONS FOR KANGAROO ISLAND TO ADAPT AND BECOME RESILIENT TO THE IMPACTS OF CLIMATE CHANGE		
Policy 4.1	<p><i>Promote carbon sequestration and greenhouse gas mitigation through land-use/ management practices (for example, reintroducing vegetation and restoring habitat), taking into account climate and soil suitability and species characteristics.</i></p>	<p>Commercial forestry in coastal and conservation areas on the island is already discouraged, however, these areas would allow areas to be revegetated.</p> <p>The DPA does not support expansion of any forestry in primary production areas in order to ensure the land is retained for farming and horticultural activities.</p>

PRINCIPLES AND POLICIES		RESPONSE
PRINCIPLE 5: PROTECT AND BUILD ON THE ISLAND'S STRATEGIC INFRASTRUCTURE		
Policy 5.3	<i>Reinforce the role of the Kingscote Airport to support economic and social development and to provide emergency access for the Royal Flying Doctor Service (RFDS), and protect it from incompatible development in the surrounding area.</i>	<p>The Kingscote Airport is included in the established Airfield Zone which support airport related activities and development.</p> <p>Some changes are proposed in the DPA to:</p> <ul style="list-style-type: none"> • ensure airport related development does not default to Category 3 for public notification purposes which provides greater certainty for proponents of development, particularly any expansion of the airport • ensure buildings and structures do not compromise future extensions to the main runway. <p>Other activities around the airport are subject to assessment against existing polices (Building near Airfields) that seek to ensure the long term operations of the airport.</p>
Policy 5.4	<i>Ensure land uses surrounding the airport near Cygnet River are compatible with airport operations and do not detract from its intended function.</i>	See comments above.
PRINCIPLE 6: RETAIN AND STRENGTHEN THE ECONOMIC POTENTIAL OF THE ISLAND'S PRIMARY PRODUCTION LAND		
Policy 6.1	<p><i>Prevent loss of productive agricultural land and potential conflict with incompatible uses by:</i></p> <ul style="list-style-type: none"> ➤ <i>ensuring that proposed town and urban expansion does not affect areas of primary production significance</i> ➤ <i>preventing fragmentation of agricultural land</i> ➤ <i>managing interfaces with residential areas and other sensitive activities through the use of buffers</i> ➤ <i>ensuring tourist-based developments are sited away from agricultural land where practical</i> ➤ <i>designating areas of primary production significance (in particular high value agricultural land) in the Development Plan and introducing a standard set of planning controls to protect their use.</i> 	<p>The DPA proposed to update the <i>General Section – Interface between Land Uses</i> policies in the Development Plan to be consistent with the SA Planning Policy Library.</p> <p>The revised suite of policies includes the need for an appropriate separation between new urban areas and rural activities.</p> <p>This updated section will also provide a basis to mitigate impacts between incompatible uses located in rural areas. In addition, the changes to Primary Production Zone encourage tourism development to locate in areas of low production potential and to avoid displacing high value agricultural land and established rural activities.</p>

PRINCIPLES AND POLICIES		RESPONSE
Policy 6.2	<i>Support new horticultural development south of Penneshaw (as identified on Map D2), and generally towards the western end of the island, where good quality water is available. These areas should be preserved for future horticultural activities, and avoid any incompatible land uses.</i>	<p>The Primary Production Zone supports the use of land for horticulture and is a matter not affected by the DPA.</p> <p>However, the DPA does seek to prevent further expansion of forestry activities on the Island ensuring land is continuously available for a diverse range of farming and agricultural pursuits consistent with the intention to improve the Island's farm gate economy.</p>
Policy 6.4	<i>Encourage the development of small-scale value-adding activity that complements primary production in the local area. Value-adding clusters and medium- to large-scale value-adding activities should be located in industrial or commercial estates where possible.</i>	<p>Industrial development in rural areas, in the form of value adding enterprises, is envisaged by the current Development Plan.</p> <p>Some of the existing policy requirements have been included from the SA Planning Policy Library that were only intended to apply to the Mount Lofty Ranges Region. While the DPA proposed to remove these policies, the general intention to allow value adding industries in the Primary Production Zone remains unaffected.</p>
Policy 6.6	<i>Rehabilitate unproductive and degraded primary production land affected by salinity through revegetation using native species, increasing the vitality and integrity of existing remnant stands of native vegetation, and introducing perennial pastures.</i>	<p>The DPA does not specifically address the rehabilitation of degraded land.</p> <p>Consideration about the revegetation of degraded land will need to be considered on a case by case basis to determine if such action is a change in the use of land and therefore is subject to the requirements of the <i>Development Act 1993</i>.</p> <p>Notably, existing policy in the KI Council Development Plan for the Primary Production Zone discourages 'biodiversity planting' where it would compromise the land for primary production use.</p> <p>The DPA proposed to amend the subject policy for clarity purposes, but the intent has been retained.</p>
Commercial forestry		
Policy 6.8	<i>Encourage forestry plantations in locations that are sustainable and maximise use of existing transport infrastructure.</i>	<p>Contrary to this policy, the DPA does not support expansion of forestry development on Kangaroo Island and adopts a land use position that underpins a farm gate economy.</p> <p>This takes efforts made by Council to curtail expansion of forestry activity in areas of high value for agriculture a step further and also recognises that the processing and transportation of harvested timber has not yet been resolved.</p>

PRINCIPLES AND POLICIES	RESPONSE	
PRINCIPLE 8: REINFORCE THE ISLAND AS A PREFERRED TOURISM DESTINATION		
<p>Policy 8.1</p>	<p><i>Protect, enhance and promote those assets of the island that attract tourists and are of value to the community, including:</i></p> <ul style="list-style-type: none"> ➤ <i>coastal landscapes, the marine environment, the foreshore, jetties and boat ramps</i> ➤ <i>open space, trails networks and scenic tourist drives</i> ➤ <i>National and Conservation Parks and scenic views</i> ➤ <i>the heritage, cultural and/or built character of towns, including town approaches</i> ➤ <i>seafront campsites, including large campsites, with effluent disposal facilities for motor homes</i> ➤ <i>the unique archaeological and geological features.</i> 	<p>The DPA supports the existing tourism assets on the Island by contemplating a wide range of accommodation in various locations.</p>
<p>Policy 8.2</p>	<p><i>Reinforce the desired roles of various towns and locations in the Kangaroo Island tourist experience, including:</i></p> <ul style="list-style-type: none"> ➤ <i>Penneshaw as the main visitor gateway to the island</i> ➤ <i>the coastline, particularly in National and Conservation Parks, for ecotourism and adventure- and nature based tourism (see Box 7), as well as food and wine experiences</i> ➤ <i>Penneshaw and Kingscote as service towns for tourists</i> ➤ <i>Vivonne Bay, Emu Bay and American River as key hubs for coastal tourism</i> ➤ <i>Cape Borda, Cape Willoughby and Cape du Couedic for historical lighthouses and lighthouse keepers' cottages, as well as the seal colonies below the elevated boardwalk at Cape du Couedic</i> ➤ <i>the high-value niche food companies that focus on products sourced from honey and sheep milk, as well as numerous wineries scattered across the island.</i> 	<p>The DPA applies mainly to the rural and coastal areas of the Council. With the exception of the wharf areas at Penneshaw and Kingscote, the townships and settlements of Kangaroo Island are not directly affected by the proposed changes.</p> <p>The wharf area at Penneshaw is currently included within the wider Town Centre Zone which does not reflect the importance of the wharf as one of the few access 'gateways' to the Island.</p> <p>The inclusion of the wharf area into a Wharf Zone is consistent with the approach adopted at the Kingscote wharf, and provides a basis to articulate the needs of the wharf area and position the zone as important transition into the towns proper.</p> <p>Opportunities to further develop the wharf area are proposed, provided it complements the function of the adjacent town centres of Kingscote and Penneshaw.</p>
<p>Policy 8.3</p>	<p><i>Facilitate sustainably designed tourist accommodation in suitable locations throughout the island, in accordance with Policy 1.5 and as identified as 'Coastal management' and 'Scenic</i></p>	<p>The DPA provides a basis to consider tourist accommodation at various scales and in different forms throughout the rural areas based on the priorities and desired character of the relevant zone.</p>

PRINCIPLES AND POLICIES		RESPONSE
	<i>landscape' areas on Map D1.</i>	
Policy 8.4	<i>Facilitate tourism-related developments such as restaurants, specialist retail and accommodation that add value to existing enterprises.</i>	Current policy in the Kangaroo Island Development Plan places strict limits on 'shops' in rural areas or list such uses as non-complying outright. Such an approach is not consistent with the policy and it is proposed to adjust out-of-town zones to allow restaurants and other small shops when undertaken in association with other activities including tourism accommodation and rural industries/production.
Policy 8.5	<i>Promote Kangaroo Island as a culinary, coastal and nature-based destination by:</i> <ul style="list-style-type: none"> ➤ <i>preserving the character and appeal of the coastal towns</i> ➤ <i>ensuring high quality design to protect scenic landscapes</i> ➤ <i>supporting ecotourism and adventure- and nature based tourism experiences (particularly in National and Conservation Parks)</i> ➤ <i>developing links with the fishing, aquaculture and wine industries.</i> 	The DPA supports the achievement of this policy by encouraging tourism development in rural and coastal areas that is sympathetic to the attributes of a location and provides opportunities for a wide range of accommodation products and experiences.
PRINCIPLE 10: ENSURE COMMERCIAL DEVELOPMENT IS WELL SITED AND DESIGNED TO SUPPORT THE ROLE AND FUNCTION OF TOWNS		
Policy 10.3	<i>Cluster local and/or tourism focused commercial facilities in main streets and/or local/ town centres.</i>	The land use opportunities created by the proposed changes in the DPA are limited to rural related industries and tourism development, including associated and ancillary activities like cafes and small shops. The focus of towns for the provision of a range of commercial facilities to meet the needs of visitors and island residents has not changes as a result of the DPA.
Policy 10.4	<i>Locate commercial uses in town centres or existing commercial zones, which should be expanded where necessary to support activity commensurate with the town's role.</i>	See previous comment.
PRINCIPLE 11: STRATEGICALLY PLAN AND MANAGE THE GROWTH OF TOWNS		
Policy 11.1	<i>Focus development in existing towns and settlements based on their roles and functions as described in</i>	The DPA provides opportunity for limited development in out-of-town locations to build on the Island's tourist

PRINCIPLES AND POLICIES		RESPONSE
	<i>Principle 10 and shown on Map D3.</i>	<p>accommodation offerings and allow visitors to stay in or closer to the areas that make Kangaroo Island a popular destination.</p> <p>Such changes are not expected to alter the role of towns for the majority of services and facilities and indeed may become more important as the Island's employment opportunities and permanent population grow.</p>
Policy 11.2	<p><i>The expansion of towns should:</i></p> <ul style="list-style-type: none"> ➤ <i>ensure new areas are contiguous with, and form compact extensions of, existing built-up areas and prevent linear development along the coast and arterial roads</i> ➤ <i>not encroach on areas of importance to economic development</i> ➤ <i>not encroach on environmentally sensitive areas</i> ➤ <i>support cost-effective provision of infrastructure and services (for example, health and education), avoiding unnecessary expansion or duplication of existing regional infrastructure and services</i> ➤ <i>promote development on vacant land, surplus government land, renewed existing developed areas (where it does not compromise town character or heritage) or infill sites in preference to greenfield sites</i> ➤ <i>locate land for rural living (large residential allotments) in such a way that it retains opportunities for future town expansion and does not impact on areas of primary production significance</i> 	<p>The DPA does not propose changes to existing town boundaries as there is sufficient land available to accommodate new residents and workers for the foreseeable future.</p> <p>In addition, the Kangaroo Island Council is proposing new rural living areas through a separate DPA and preparing a Structure Plan for the Emu Bay township that may result in a DPA for the town in due course pending consultation on that Structure Plan.</p>
Policy 11.3	<i>Development in areas remote from infrastructure should be self-sufficient in energy, water supplies, and wastewater management.</i>	<p>Infrastructure availability and capacity on the Island is limited. As a result development in rural areas will need to rely on on-site rain water capture and wastewater disposal.</p> <p>The current Development Plan requires development to be provided with adequate services.</p>

PRINCIPLES AND POLICIES		RESPONSE
PRINCIPLE 13: PROVIDE LAND FOR A SUPPLY OF DIVERSE, AFFORDABLE AND SUSTAINABLE HOUSING TO MEET THE NEEDS OF CURRENT AND FUTURE RESIDENTS AND VISITORS		
<i>Policy 13.1</i>	<i>Ensure a 15-year zoned supply of land for residential development in towns/centres identified for growth (refer Principle 11 and Map D3).</i>	<p>Investigations into vacant land and population growth indicate there is sufficient available zoned land to accommodate new residents for the foreseeable future.</p> <p>As there is sufficient capacity, this DPA does not propose to make any changes in respect to the capacity of the established towns.</p>
<i>Policy 13.6</i>	<i>Encourage provision of rental housing and accommodation for temporary workers in areas of demand.</i>	As mentioned above, there is sufficient spare capacity within existing towns to provide accommodation for workers. In addition, the Primary Production Zone anticipates the provision of temporary workers accommodation and there requirements in the General Section of the Development Plan to guide development of this nature.

