

# ASSESSMENT REPORT

## FOR THE DEVELOPMENT REPORT FOR THE TOURIST RESORT AND ASSOCIATED INFRASTRUCTURE AT THOMAS ROAD, AMERICAN RIVER KANGAROO ISLAND

DECEMBER 2016



Figure 1 – image supplied by PARTI architects

Department of Planning, Transport and Infrastructure

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**Government of South Australia**

Department of Planning,  
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Executive Summary.....	6
1 Introduction .....	7
2 Background .....	7
2.1 Relevant strategies and land use planning .....	7
2.1.1 SA Tourism Commission/Nature Based tourism plan for South Australia.....	7
2.1.2 Kingscote Airport upgrade .....	7
2.1.3 Land use planning .....	8
2.2 The Major Development Process.....	8
3 Proposal .....	10
3.1 Overview of the proposed development.....	10
3.2 Site Description .....	15
4 Consultation.....	16
4.1 Community Submissions.....	16
4.2 Commonwealth Government Agencies.....	16
4.2.1 Department for Environment and Energy (DoEE).....	16
4.3 State Government Agencies .....	16
4.3.1 Office for Design + Architecture (ODASA).....	16
4.3.2 Environment Protection Authority (EPA).....	17
4.3.3 Department of Environment, Water and Natural Resources (DEWNR) .....	17
4.3.4 Country Fire Service (CFS).....	17
4.4 Kangaroo Island Council.....	18
4.5 Proponent’s response to community submissions and agency referrals .....	18
5 Assessment of the Main Issues.....	20
5.1 Introduction .....	20
5.2 Need for the Proposal.....	20
5.3 Economics .....	21
5.3.1 Economic Analysis.....	21
5.3.2 Contribution to the Kangaroo Island economy.....	22
5.3.3 Job creation and training .....	22
5.3.4 Accommodation options and potential impacts.....	23
5.3.5 Loss of future Residential Land .....	23
5.3.6 Contingency Plan.....	24
5.4 Design Quality .....	24
5.4.1 Visual Impact.....	24
5.4.2 Context Analysis and Response to Principles of Good Design.....	26
5.5 Infrastructure .....	29
5.5.1 Water .....	30

5.5.2	Bushfire Infrastructure.....	30
5.5.3	Electricity.....	30
5.5.4	Gas.....	31
5.5.5	Sewerage.....	31
5.5.6	Communications .....	31
5.5.7	Waste Management.....	31
5.5.8	Stormwater Management.....	31
5.5.9	Potential infrastructure upgrades.....	32
5.6	Social Issues .....	32
5.7	Aboriginal Heritage and Native Title.....	34
5.8	Management of Other Environmental Matters.....	35
5.8.1	Prior and Adjacent Uses.....	35
5.8.2	Native Vegetation and Fauna.....	35
5.8.3	Geology and Soils .....	36
5.8.4	Noise .....	37
5.9	Sustainability and Climate Change.....	38
5.10	Transport, Access and Pedestrian Impact.....	39
5.11	Land Tenure and Management.....	40
5.12	Construction and Operation .....	42
5.13	Risk and Hazard Management .....	43
5.13.1	Bushfire safety .....	44
5.13.2	Animal Keeping – Horse Keeping .....	44
5.13.3	Conclusion.....	45
6	Recommendations.....	46
7	Conditions.....	46
7.1	Planning Conditions .....	46
7.1.1	General.....	46
8	Appendix 1 .....	55
8.1	The Governor as the Relevant Authority .....	55
8.2	South Australia’s Strategic Plan .....	55
8.3	South Australia’s Economic Priorities .....	55
8.4	Planning Strategy .....	56
8.4.1	Kangaroo Island Plan (a volume of the SA Planning Strategy).....	56
8.5	Environment Protection Act 1993 .....	56
8.6	Development Plan and Legislation .....	56
8.6.1	State Strategic Setting.....	56
8.6.2	Procedural Matters .....	57

8.6.3	Zoning.....	57
8.6.4	Residential Zone.....	58
8.6.5	Deferred Urban Zone .....	58
8.6.6	Council Wide Provisions.....	59
8.6.7	Conclusion.....	70
8.7	Building Rules Consent.....	71
8.8	Glossary.....	71

## Executive Summary

The proposal is to construct a tourist resort at American River, Kangaroo Island, South Australia comprising of a hotel, lodges, cottages and cabins together with conference facilities, restaurant and bar, swimming pool, spa and sauna facilities, and a range of associated activities such as horse riding. The proposal will be developed over three stages.

The initial proposal included a marina and commercial facilities which was gazetted as a Major Project by the Minister for Planning on 20 August 2015. An amended proposal which removed the marina and commercial facilities was later lodged and declared a Major Development by the Minister for Planning on the 31 August 2016.

The Development Assessment Commission (DAC) considered that the scale and impacts of the proposal no longer warranted the application being considered at the Public Environment Report (PER) level of assessment and varied the guidelines to reflect this. As such the DAC determined on 22 September that the proponent would be required to submit a Development Report (DR) to address the guidelines.

The Development Report underwent public notification from 13 October to 3 November 2016, with 35 submissions received, 4 agency submissions and advice from the Kangaroo Island Council. The Associate Government Architect has provided advice through the Design Review process.

Submissions during the public notification raised a suite of matters including impact and adequacy of infrastructure to support the development, impact of building height on the visual landscape and interface issues with existing adjacent properties. Submissions in support of the proposal recognised the economic benefits and broad advantages that the proposal would bring to both the American River Township and the Island generally.

Agencies were generally in support of the proposal subject to further detail on specific matters that have been addressed through conditions. The Associate Government Architect raised concerns with the location of the courtyard hotel which was subsequently relocated by the proponent to address these concerns. The Country Fire Service raised a number of bushfire and fire control issues that require further detail and these too will be addressed by conditions.

The proponent responded to the matters raised by the community and agencies comments via their Response Document.

This Assessment Report (AR) details the environmental, social and economic impacts of a proposal by City and Central Consulting Pty Ltd (the proponent) to construct a tourist resort at American River. In assessing the proposal against the guidelines provided by the Development Assessment Commission on 22 September 2016, the proposal is considered supportable subject to conditions.

The proposal is supportable because the development: seeks to increase the level of economic activity in American River; has been designed to provide an appropriate transition between the rural activities and the urban area of the town; and has addressed the infrastructure and environmental matters adequately.

# 1 Introduction

This Assessment Report (AR) assesses the environmental, social and economic impacts of a proposal by City and Central Consulting Pty Ltd (the proponent) to develop an integrated tourist resort at American River, Kangaroo Island to accommodate the increase in interest of the Island in general, over the last 10 years.

The proponent has affiliations with a Thailand based company – CCH Hotels and Resorts - and intends to retain ownership and management of the proposal upon completion. The proponent owns and runs a tourist resort at MaiKhao Beach, Phuket Thailand known as Centara Grand West Sands, Phuket. Within Australia, the proponent has undertaken residential developments in the Adelaide metropolitan area.

The proposed resort will be situated on a site measuring some 32 hectares in area, which is located on the western edge of the American River township, Kangaroo Island, South Australia. The proximity of the site to the sheltered harbour area, key attractions of the Island, the main town of Kingscote and the Airport at Penneshaw are some of the features that appealed to the proponent.

The total expenditure for the resort and associated infrastructure is estimated to be 22 million over the three stages of development. Following full development of the facility, the proposal is estimated to employ some 280 staff for the resort, as well as an estimated 270 indirect jobs as a result of visitors and the servicing and supply of the resort.

## 2 Background

### ***2.1 Relevant strategies and land use planning***

#### **2.1.1 SA Tourism Commission/Nature Based tourism plan for South Australia**

The South Australian Tourism Commission has a long term action plan for the State (South Australian Tourism Plan 2020); with several Priority Action Areas including:

- Driving demand
- Working better together
- Supporting what we have
- Increasing recognition of the value of tourism
- Using events to drive visitation.

In addition, National Parks South Australia has a strategy and action plan with five themes:

- Lead South Australia's nature-based tourism activation agenda
- Support existing nature-based tourism experiences and create new ones
- Remove red tape and barriers to investment
- Raise awareness of South Australia's unique appeal
- Empower and build the capacity of community based tourism networks.

A Kangaroo Island Visitor Guide and website support the implementation of the strategic directions and highlights the experiences, accommodation, fresh produce and events available for holiday makers.

The 'experience-led' proposal seeks to fulfil the above listed plans for the State through the development of accommodation packages that relate to traveller's interests.

#### **2.1.2 Kingscote Airport upgrade**

The Kingscote Airport upgrade has been co-funded by State and Federal Governments and is worth \$18 million.

Design and documentation works are well underway and it's anticipated that construction of an improved runway surface and terminal will be completed in 2017.

### **2.1.3 Land use planning**

In 2013 a new approach was proposed for the future of Kangaroo Island to address the overarching themes of opportunity, people, improved access, agriculture and tourism. The new approach was designed to re-align planning policy, the Government's vision for Kangaroo Island, to unlock opportunity and to guide future development.

During 2012 and 2013, the State Government, Kangaroo Island Futures Authority, the Kangaroo Island Council and many islanders worked together to identify and unlock opportunities for Kangaroo Island. The work resulted in a comprehensive suite of policy aimed at encouraging positive and sustainable investment on Kangaroo Island to ensure its long term economic future, including:

1. The Kangaroo Island Plan Addendum, which provides the strategic directions for the Island's future economic and social sustainability.
2. Kangaroo Island Structure Plan, which is intended to assist the delivery of the strategies laid out in the Kangaroo Island Plan Addendum by providing a framework for a sustainable economic future based on tourism and agricultural growth, balanced with the protection of the Island's natural resources.
3. Sustainable Futures Development Plan Amendment (DPA), which resulted in a comprehensive amendment to the Kangaroo Island Council's Development Plan, with a view to implementing the ambitions of the Structure Plan.

These documents aim to:

- Encourage sustainable growth in Kingscote, Penneshaw, Parndana and American River and make the best use of their existing and expanded infrastructure.
- Maintain a balance between supporting growth, competitiveness and productivity and protecting the Island's natural resources.
- Reinforce the expanded role of Kingscote and Penneshaw as the main passenger and freight gateways to the Island.
- Provide opportunities for tourism accommodation in the Coastal Conservation, Conservation, Primary Production and Water Protection zones, taking into account the priorities for these areas (e.g. conservation, farming and scenic amenity) by removing current size limitations.
- Ensure development surrounding the Kingscote Airport does not hinder future expansion of the airport runway.
- Discourage further expansion of the Island's forestry plantations.
- Provide for a wider range of rural industries across the Island.
- Encourage additional tourist related activities around the Kingscote and Penneshaw wharves.
- Incorporate high-quality design to protect coastal landscapes.

## **2.2 The Major Development Process**

On 20 August 2015 the Minister for Planning declared that the proposed Tourist Resort at American River, Kangaroo Island, be assessed as a Major Development pursuant to Section 46 of the *Development Act 1993*. This proposal included a marina and commercial facilities.

An amended proposal, which removed the marina and commercial facilities, was declared a Major Development by the Minister for Planning on the 31 August 2016 under the provisions of the South Australian *Development Act 1993*.



On 8 September 2016 the Minister for Planning issued a varied declaration and updated assessment guidelines requiring the preparation of a Development Report (DR).

The Major Development process was still considered the relevant assessment pathway for the proposed tourist resort and associated infrastructure given the environmental sensitivities of the site and the economic impact it would have within the local area.

The proponent lodged an amended scheme in September 2016. The Development Assessment Commission (DAC) determined that the assessment of the proposal be subject to a Development Report (DR) process and issued Guidelines accordingly in September 2016 .

The proponent prepared a DR that set out the proponents' response to the Guidelines.

This DR was released by the Minister for Planning and placed on public exhibition from 13 October 2016 to 3 November 2016. During the 3 week period, submissions were invited from the public. Submissions were also sought from the Kangaroo Island Council and relevant Government Agencies.

In response to the DR, a total of 35 formal submissions were received from the public (two of which were repeat submitters).

The proponent then prepared a Response Document (RD) to respond to the submissions received.

Pursuant to Section 46D(8) of the *Development Act 1993*, the Minister in preparing this Assessment Report (AR), must take into account the proponent's DR, public, Council and Commonwealth and State Government Agency submissions, the proponent's response to these submissions (RD), and other matters that the Minister considers appropriate.

### 3 Proposal

#### 3.1 Overview of the proposed development

The proponent proposes to develop a tourist resort precinct together with associated earthworks and infrastructure.

The proposed tourist resort will accommodate a total of 323 rooms distributed across the following range of accommodation types:

- Courtyard Hotel containing 115 rooms
- 20 cottages each with 4 bedrooms to accommodate couples and families
- 20 cabins each with a single bedroom
- 10 lodges, 9 of which will be seven storeys in height with 12 individual hotel rooms provided within each 6 storey tower element above a common ground floor of shared facilities.

A range of facilities are to be provided for the use of both guests and visitors, generally provided within the ground floor of each of the separate lodge facilities, and include:

- Conference facilities with capacity for up to 400 delegates
- Restaurant and bar
- Spa, sauna, swimming pool and beauty treatments
- Cooking school and kitchen garden
- A range of physical activities including horse riding, bush walking, conservation programs, bird watching etc.
- Children activities.

The proponent has adopted a design philosophy which seeks to locate a number of taller buildings with smaller footprints across the site to reduce the intensity and visual impact when compared to the construction of a large and more expansive traditional hotel building. Figure 3 below provides an illustration of the design intent behind the proposed tourist resort:

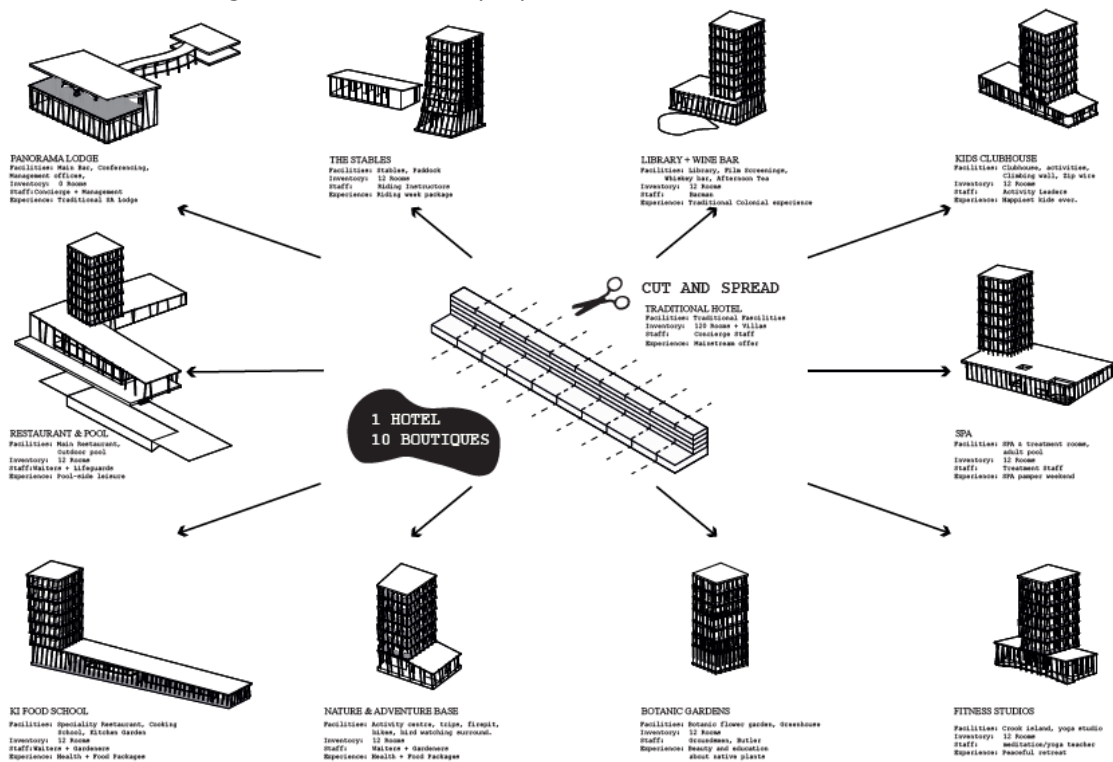


Figure 3 – Cut and spread of proposed tourist resort

Construction of the resort is to be carried out over three stages:

**Stage 1**

- Courtyard Hotel and associated car parking, including a service and loading area.
- 2 lodges – (Wine Bar and Activities Lodges)
- 11 cabins and associated vehicle parking
- 2 vehicle access points at Redbanks Road – internal access along the northern boundary
- Internal pedestrian/buggy and emergency access paths through the north western and western aspects of the subject land; and access to the Kangaroo Island Council reserve/Buicks Drive from the south western corner of the subject land
- Installation of two dedicated fire water tanks from Redbanks Road

**Stage 2**

- 6 lodges – Main, Wellbeing, Restaurant and Pool, Garden, Spa and Kids Club
- 4 cottages
- 9 cabins
- Additional car parking
- Additional internal pedestrian/buggy access and emergency access paths

**Stage 3:**

- Remaining 2 lodges – Speciality Restaurant/Cooking School and Stables lodges
- Horse stables, riding paddock
- Remaining 16 cottages; and
- Remaining portions of internal circulation for pedestrians/buggy and emergency access. I.e. through to Plover Place at the south of the site.

A detailed description of the proposal is outlined in the tables below:

**Table 1 – Description of the development: Land Use Distribution**

	<b>Land Use</b>	<b>Building Height</b>	<b>Stage of Construction</b>
Courtyard Hotel	<p>A hotel consisting of 115 rooms Panorama Bar 1 balcony per room with views to lagoon, ocean or valley</p> <p>Restaurant, lobby and bar Crèche Gym Adjacent to pool</p> <p>Laundry, stores, staff canteen Back of house facilities – engineering workshop, stores, staff canteen, staff entrance, delivery dock, kitchen stores, laundry, service access, offices</p> <p>Roof top event space</p>	<p>4 storeys</p> <p>Back of house – 1 storey</p>	1
Library and Wine bar	<p>12 hotel rooms - 2 rooms per storey Library Wine tasting bar and cellar Adjacent reservoir Sheltered entrance path</p>	<p>6 storeys Ground Floor</p>	1
Activities lodge	<p>12 hotel rooms - 2 rooms per storey Meeting space Cinema or lecture hall Games rooms Climbing wall Laundry Bird watching facilities Bikes for use around the resort grounds</p>	<p>6 storeys Ground floor</p>	1
Main Lodge	<p>Main reception for tourist resort, concierge, check in, luggage store, front of house office Main restaurant and plating kitchen Bar facility Management offices Conference facilities – level 2 entrance Covered walkway</p>	<p>2 storeys with raised access point</p>	2
Spa lodge	<p>12 hotel rooms - 2 rooms per storey Wellbeing facilities – day spa and treatment rooms Sauna and steam rooms Relaxation room Men’s and Women’s change rooms including WC</p>	<p>6 storeys Ground floor</p>	2
Kids clubhouse	<p>12 hotel rooms - 2 rooms per storey Resort games and activities – climbing wall and zip line Parents lounge Under 7 years kids club Over 7 years kids club Lawn and adjacent stream</p>	<p>6 storeys Ground floor</p>	2

Garden Lodge	12 hotel rooms - 2 rooms per storey Botanic flower garden and greenhouse Flower arranging and cutting rooms Ground floor concierge Covered walkway	6 storeys Ground floor	2
Restaurant and Pool	12 hotel rooms – 2 rooms per storey Restaurant Outdoor pool Terraces	6 storeys Ground floor	2
Wellbeing lodge	12 hotel rooms - 2 rooms per storey Yoga and fitness studios Lounge area Men’s and Women’s change rooms including WC Cleaners closet	6 storeys Ground floor	2
Lodge accommodation Horse stables	12 hotel rooms separated from stables - 2 rooms per storey Ground floor reception for riding school Interior and exterior viewing decks Refreshment store Horse riding facilities (paddock)	6 storeys Ground floor	3
Specialty restaurant/cooking school	12 hotel rooms - 2 rooms per storey Commercial restaurant and bar Cooking school Exterior terrace Kitchen Garden/vegetable patch	6 storeys Ground floor	3
Cottages	4 bedroom cottages for larger groups Kitchen, dining, living, double room, dressing room, bathrooms, exterior dining, en suite bedroom, outdoor BBQ terrace, mezzanine lounge	2 storeys	1-3
Cabins	1 bedroom and bathroom, living, terrace, hot pool, sheltered walking path	Split level	1-3

**Table 2 – Description of other Planning Aspects**

<p>Access (Vehicle and Pedestrian)</p>	<p>The eastern boundary is adjacent to residential allotments and is vegetated to some extent. An access road for pedestrians, buggies and emergencies is connected via path to Buick Drive.</p> <p>Car parking is provided for the Stage 1 Courtyard Hotel adjacent to the eastern boundary, with a link to hotel via a path.</p> <p>The main access point to the hotel is via Thomas Road and the northern portion of the site. The access road to the hotel is parallel to Thomas Road.</p> <p>The various land uses for the proposed tourist resort is detailed below</p>
<p>Parking</p>	<p>Overall 275 car parks are proposed for visitors. Stage 1 car parking will be accessible from Redbanks Road with circulation for deliveries and larger coach vehicles to the east of the Stage 1 Courtyard Hotel.</p> <p>Additional car parking is proposed for stages 2 and 3 to the west of the site adjacent to the main lodge and pool/restaurant lodge.</p>
<p>Landscaping</p>	<p>Plans for rehabilitation of existing vegetation and planting of new appropriate species are outlined in the assessment section of this report.</p> <p>Some native vegetation removal is anticipated – with approval from the Native Vegetation Council.</p> <p>A significant part of the proposal is to maintain and improve the site; with the fundamental premise of the tourist resort being the connection with nature and experiences that only Kangaroo Island has to offer.</p> <p>The permissible 20 metre clearance area has been included in updated plans.</p>
<p>Waste Management</p>	<p>The proponent has provided a draft Operational Environmental Management and Maintenance Plan (OEMMP) which indicates rubbish will be collected and placed in appropriately designated bins across the site at each lodge.</p> <p>Waste will be removed on a daily basis from each lodge to the eastern corner of the site and the Back of House block.</p> <p>Consideration has also been made for the fauna on site with secured bins to reduce the risk of access by animals.</p> <p>Staff will be trained in appropriate waste management procedures.</p>

### 3.2 Site Description

The development is located at Lot 84 Thomas Road, American River. The subject site is comprised of one Certificate of Title with the land area totalling approximately 32 hectares.

Lot	Street / Road	Suburb/ Locality	Hundred/Section	Title
84	Thomas Road	American River	H110500 S84	CT5424/524



Figure 4 - Site aerial – approximate site boundaries in white

The allotment sits to the west of American River Township with views to Pelican Lagoon and the natural coastal and rural landscape. Generally, the land is cleared of vegetation with some intact areas of vegetation remaining on the site as illustrated by Figure 4 above.

The proponent has mapped the vegetation on site and this is discussed in the referral response from Department of Environment, Water and Natural Resources.

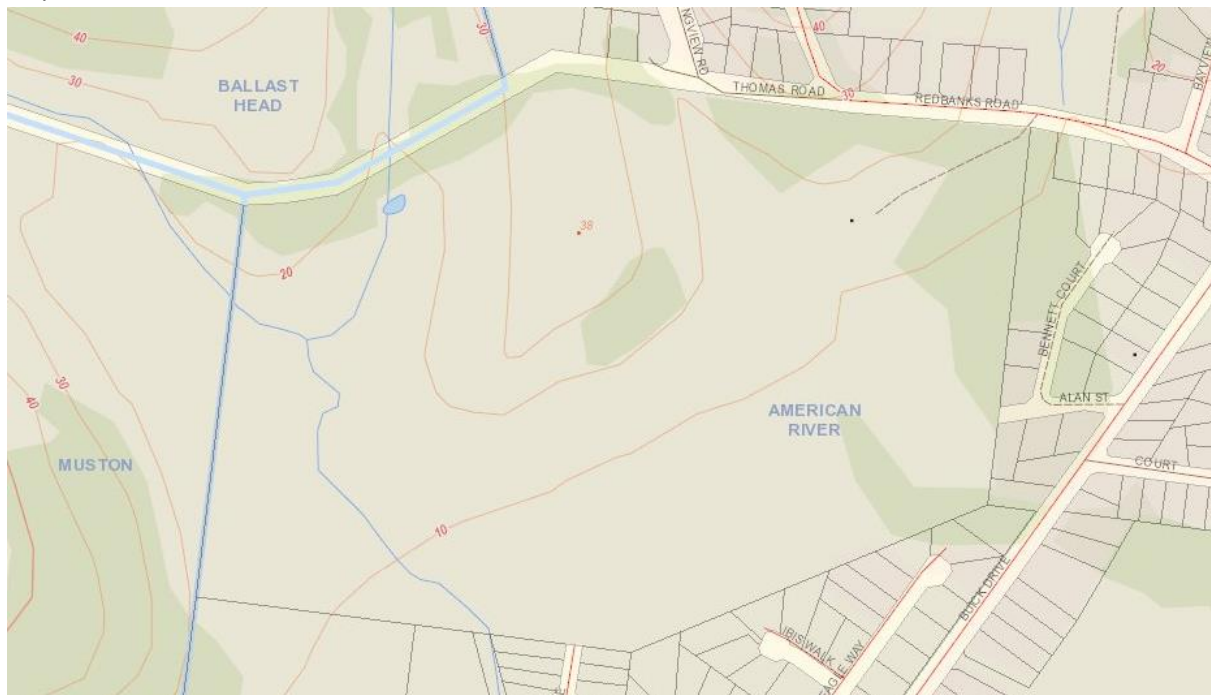


Figure 5 – Topography and terrain of subject site



As demonstrated by Figure 5 above, the topography and terrain varies across the site with a central bench at the highest point and fall in topography from this point that gently undulates towards the coast. Two minor creeks run through the site from north to south. The western creek runs for 8 months of year. The northern creek is shorter in length and does not run the sites length.

The surrounding land uses comprise residential, primary production (mainly grazing) and nature conservation.

## **4 Consultation**

### **4.1 Community Submissions**

As provided for by the statutory framework of the Major Development process, the proponent prepared a Development Report (DR) which was placed on public exhibition. The public notification period was from 13 October 2016 to 3 November 2016. The documents were available online at [www.sa.gov.au/majordevelopments](http://www.sa.gov.au/majordevelopments) and advertised in *Kangaroo Island's The Islander*, and *The Advertiser*. During this period, the department received 35 formal submissions (two were repeat submitters).

During the public notification process, a number of submissions expressed general support for the proposal, recognising the level of economic activity and broad benefits to the American River Township and the Island generally.

There were also a number of submissions received that were not supportive of the proposal; a summary of the main concerns received are listed below (see individual submissions attached to Response Document):

- interface issues (noise, visual impact) with existing residential allotments to the north and east of the development site
- height of the taller buildings (not compatible with existing residential amenity)
- bulk and scale not in keeping with local area
- availability and expense of infrastructure supply
- impact on amenity through noise, traffic, obstruction of views
- impacts on local flooding, and
- impacts on local flora and fauna.

Some submissions raised procedural matters such as availability of information and timeframe for response to the DR being too short.

### **4.2 Commonwealth Government Agencies**

#### **4.2.1 Department for Environment and Energy (DoEE)**

The proponent has engaged with the Compliance and Monitoring section of the Department for Environment and Energy.

The proposal is not considered to be a controlled action pursuant to the *Environment Protection and Biodiversity Conservation Act (EPBC Act 1999)*.

### **4.3 State Government Agencies**

#### **4.3.1 Office for Design + Architecture (ODASA)**

The proponent participated in two design review sessions. Design aspects of the proposal are considered in the Assessment section of the report as these elements are considered to be critical to the performance of the development.



The South Australian Associate Government Architect has indicated that the overall proposal is supported in principle.

Several conditions are proposed including further work on the resolution of materials and further clarity regarding emergency services infrastructure.

#### **4.3.2 Environment Protection Authority (EPA)**

The EPA has indicated in principle support for the proposal's approach and response to waste water, storm water and noise. Conditions have been recommended to address the further detail required by the EPA.

##### **4.3.2.1 Wastewater**

The EPA is supportive of off-site wastewater treatment at the Kangaroo Island Council's treatment facility at American River. The EPA has requested that the capacity of the system be confirmed, flagging that any necessary upgrades to the system will likely require approval and EPA licensing. Ultimately, Council is required to confirm that the current system has sufficient capacity for the level of waste to be generated by the proposal.

##### **4.3.2.2 Stormwater Management**

The EPA is supportive of the proposed stormwater management strategy link with bio retention, swales and rainwater tanks.

A condition pertaining to stormwater will be applied regarding the use of 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC) to confirm the adequacy for the final stormwater treatment design.

The EPA recommends that the proponent prepare 'Construction Environmental Management Plan' in accordance with the Guidelines for this proposal to further develop management of stormwater and other relevant environmental issues during construction and operation.

A condition will be applied to this effect.

##### **4.3.2.3 Noise**

The EPA reviewed the technical report and advise that a final noise report will be required to demonstrate the noise from the operation meets the noise criteria from the original report or state what is required to achieve this.

A condition will be applied to this effect.

#### **4.3.3 Department of Environment, Water and Natural Resources (DEWNR)**

Kangaroo Island's Natural Resource Management Board considered the proposal through the referral made to DEWNR.

The Board is supportive of the engagement which has been undertaken with government agencies, the community and the proposed strategies to reduce any potential impacts on threatened species. The Board is however keen to understand the strategy to access an adequate water supply.

The Native Vegetation assessment report regarding the native vegetation was also considered adequate.

#### **4.3.4 Country Fire Service (CFS)**

The Country Fire Service raised concerns pertaining to the reliability of the American River water supply and accessibility in an emergency. In addition, the telecommunication requirements for communication networks were not seen by the CFS to be adequate in the locality; and possibly compounded by the lack of suitable persons to install and maintain appropriate systems/equipment.

Due to the scale and nature of the proposed development, it is the view of the CFS that the current volunteer base and associated firefighting appliance are not able to service the potential requirements of the proposal in an emergency. The CFS suggest this form of development requires an urban type of appliance and trained personnel to undertake search and rescue in multi-level buildings.

The CFS have also indicated that an Asset Protection Zone of 20 metres be included in all landscaping plans to reduce the likelihood of bushfire.

The CFS have recommended an approach comprising the 'over-engineering' of building fire safety elements such as passive fire systems (compartmentation), safe evacuation plans, mustering areas and warning systems such as internal sprinkler and smoke management systems.

Further discussion of fire and bushfire responses can be found below in 5.5.2 and 5.13.

The CFS have also recommended a number of conditions such as the provision of a detailed 'Bushfire Survival Plan'. The conditions have been incorporated as per referral from CFS.

#### **4.4 Kangaroo Island Council**

The Kangaroo Island Council provided a referral response which considered the proposal in relation to the Council area.

The proponent and Council have been working closely since the Minister's Declaration to address the local services for infrastructure such as wastewater, potable/recycled water, stormwater and electricity supply and arrive at an agreement regarding emergency access to the site via Council land.

Council have indicated that a structure plan will be undertaken by the Council following the Governor's planning authorisation for American River, to consider the local area in a strategic setting.

Generally, the Council is supportive of the proposal and anticipates economic and social growth as a result.

#### **4.5 Proponent's response to community submissions and agency referrals**

The proponent has provided a report and updated drawing set as part of the package responding to community submissions and agency comments through referral (also known as a Response Document or RD).

The main issue of note is the fundamental redesign of the Courtyard Hotel component to remove the perceived interface issues with Redbanks Road and create greater separation from residential allotments.

The issue of built form design was identified by the Development Assessment Commission as a 'critical' issue through the setting of the relevant guidelines and the proponent has responded to these concerns.

The assessment section of the report will further detail an analysis of the design aspects in conjunction with feedback provided by the South Australian Associate Government Architect through ODASA.

Other issues responded to by the proponent include:

- Economic rationale
- Materials used
- Noise impacts on surrounding residential land uses
- Access and movement
- Infrastructure

- Staff accommodation within American River
- Environmental issues – including horse keeping
- Development Plan – reduction of available residential land, and
- Referral agencies comments.

## 5 Assessment of the Main Issues

### 5.1 Introduction

The proposed American River Tourist Resort will be assessed using the Guidelines as released by the Development Assessment Commission and will have regard to (but not be bound by) the relevant policies contained within the Kangaroo Island Council Development Plan (consolidated 17 September 2015).

The assessment section is structured by headings which list the guidelines, assess the application using the guidelines and relevant development plan policy and provide a conclusion including any recommendations for conditions of authorisation.

The proponent has undertaken background and research work which is reflected in the DR and the associated documents provided with the DR package.

### 5.2 Need for the Proposal

Through the major development process the proponent has provided detail in a Development Report which outlines the rationale for the proposal. The proponent considers that the need for the proposal is based around the following considerations:

- consistency with the General Section of the relevant Development Plan which considers Tourism Development that enhances the natural environment through eco-tourism
- consistency of the proposal with both the policy content contained within the Kangaroo Island Sustainable Futures Addendum to the Kangaroo Island Plan and South Australia's strategic tourism objectives and directions
- the significant contribution that the proposal will make to the Island's future tourism prospects, and
- benefits of the proposal to both the Island and the State such as:
  - addressing a vitally needed quality tourist accommodation
  - providing multiple low season tourist attractions, and
  - providing strong economic, social and environmental benefits.

Grazing is considered by the proponent to be the likely alternative use of the land, albeit zoned for Residential and Deferred Urban land uses. The proponent has also indicated that the degraded nature of the site provides limited habitat for flora or fauna and that by introducing a revegetation strategy as part of the project will vastly improve the current situation and benefit from the lands views to American River and Pelican Lagoon.

The AR has considered and concludes that the proposal would positively contribute to the accommodation and activity options on Kangaroo Island.

This approach is consistent with the Government's strategic directions for Kangaroo Island through the Commissioner's office, the South Australian Tourism Commission and the Minister for Sustainability, Environment and Conservation and lastly the Development Plan for Kangaroo Island.

The AR concludes that the proponent has addressed the need for the proposal appropriately.

## 5.3 Economics

### 5.3.1 Economic Analysis

*The proposal should make a positive contribution to the commercial and tourism functions of Kangaroo Island and American River.*

*Provide an economic analysis of the proposal, including the long term economic viability of the project as a whole and its key elements.*

The Kangaroo Island Futures Authority identified through initial market research that the transformation of the day trip into an overnight stay is an economic indicator of sustainability on Kangaroo Island – the proponent indicates that the lack of high quality accommodation is often a factor in the holiday planning process for some interest groups on the Island.

Accordingly, the proponent's business plan for the proposed tourist resort seeks to 'fill' this gap with a two pronged approach:

- offering 4 to 5 star accommodation for tourists all year round, and
- providing for locals through new facilities for conferences and social events during the 'off peak season' to provide a sustainable business model.

In addition, the accommodation options allow for singles, couples, families and 'grey nomads' to enjoy the American River surrounds while providing ongoing viability and certainty for resort operators and staff, as not one market is the sole target of the tourist resort.

The proponent estimates that the proposal will result in a significant level of direct and indirect investment within the Island economy including:

- Direct investment of \$22 million
- Creation of approximately 280 ongoing jobs – 100 during the first stage of the resort and an additional 180 during the subsequent stages
- Employment of approximately 60 construction workers during the first stage and 100 during subsequent stages
- An estimated 270 indirect jobs as a result of additional visitors
- 45,000 visitors per annum with a targeted average stay of 5 nights, and
- Daily spend per room estimated to be between \$250 and \$400 (accommodation, food and activities) with a multiplier effect within the island economy of 2 to 2.5 times this figure.

The proponent estimates a 60% occupancy rate of accommodation with further improvements to Kangaroo Island's access i.e. the Kingscote airport upgrade would bolster occupancy rates to 75%. While it is understood that unoccupied rooms are inevitable in the short term; the proposal is based on the growth of the tourism market with the built form expected to be future proofed with the number of rooms to be occupied more frequently in the longer term.

The proponent has undertaken modelling on the conservative assumptions above as the basis for the analysis. In addition, the proponent is clear that the success of the resort will go hand in hand with the successful expansion of the Kingscote airport, which has been approved with work expected to commence early in 2017.

The proposal is in keeping with the intention of South Australia's economic priority to position South Australia as 'a destination of choice for travellers' and increase tourism expenditure in regional areas.

### **5.3.2 Contribution to the Kangaroo Island economy**

*Describe the economic contribution of the proposal on Kangaroo Island, including the potential for the project to attract and enhance the business operations of other allied industries and commercial ventures.*

Traditionally, the Island's economy has been based on the production of wool, cereals and some beef cattle, while industries that are growing in importance are tourism, aquaculture and forestry. The creation of economic initiatives and employment opportunities, combined with appropriate land use allocation, is sought to establish a robust and sustainable economic climate that contributes to the wellbeing of the local community.

Modelling has been undertaken by the proponent on the potential 'multiplier effects' of visitor nights and days within the local area. A primary goal of the development is to foster local spending of visitors to grow the local economy and offer a sustainable income to locals.

The supply chain supporting the proposed tourist resort is also a consideration in this assessment. Small businesses (food producers, logistics companies, hardware stores, supermarkets, food and beverages providers) will benefit from the day-to-day operations of the resort through demand for products and services.

The proponent proposes to use local products such as hay for insulation purposes of the built form as well as local produce in the cooking school and restaurant.

### **5.3.3 Job creation and training**

South Australian job creation and sustainable economic development was an integral consideration of the Major Development declaration of the proposed tourism resort. With limited opportunities on Kangaroo Island for trades people and hospitality roles – the development is expected to bolster employment numbers year round.

During construction it is expected that the proposal will generate between 60-100 jobs at any one time which will be advertised locally.

The development proposes creation of 9 lodge management positions, catering, housekeeping, conservation and event management. The proponent advises that internal staff training will be provided to world class levels.

The Kingscote Airport upgrade will generate additional opportunity for all businesses on the Island and create direct connections from major Australian cities to the Island.

The AR concludes that the financial impacts are expected to be positive for Kangaroo Island from construction to operation with the expected \$22 million development cost providing for local jobs including new tourism roles.

Visitors to the Island are also expected to be an economic gain; with the proposed 'theme' of each lodge to contribute to a nature based experience with the development sited in this manner.

The AR concludes that the proponent has considered the current and potential economic circumstances of Kangaroo Island in relation to tourism, job creation and providing a long term economic strategy for the proposal.

The potential opportunity that the proposal presents for economic stimulus cannot be underestimated within American River. It represents a catalyst development from which other existing businesses will be able to leverage; this has been reinforced by community comments made during the consultation process.

#### **5.3.4 Accommodation options and potential impacts**

*Describe the impacts (if any) on the access to housing and accommodation options within American River and the wider locality for employees of the proposal.*

The proponent has utilized the Response Document to further describe proposed arrangements for staff accommodation in the American River and local areas.

It is anticipated that staff will live in underutilized or vacant holiday accommodation. The proponent has discussed this approach with local real estate agents who have indicated this is the case. There is also potential for staff to 'home stay' with local families by renting single rooms.

During Stage 1 approximately 100 workers will require lodgings – which is anticipated to be serviced primarily by existing housing stocks or within nearby short stay accommodation.

The additional stages are expected to trigger new dwellings in the local area.

The impacts of this approach is expected to lead to greater social integration through occupation of holiday homes and home stay arrangements. There is also expected to be an economic benefit through the additional demand for lodging.

It is noted that a percentage of the jobs created through construction and operation will be absorbed by local residents who have existing homes.

The proposal is to occupy land that has been zoned to accommodate Residential and future residential land uses. Therefore it will remove the opportunity future development of that land.

However, land supply is not seen to be an issue in American River given the low population numbers and low growth. Uptake of vacant allotments by investors not residents on the Island is common.

*The AR concludes that the proponent has considered the potential accommodation options for staff within close proximity to the proposal.*

*In addition, the proponent has considered an innovative 'home stay' solution which will benefit locals in terms of local economy and flow on effects of the proposal.*

*It is expected that in future stages the proposal will generate some demand for new housing stock for employees to live in.*

#### **5.3.5 Loss of future Residential Land**

The proponents' Response Document noted the proposal would have an impact on the residential land supply – with the removal of the Residential and Deferred Urban lands from future housing stock potential. The proponent noted there are large swathes of undeveloped land to the north and south – approximately 50 hectares; and an additional Deferred Urban Zone of approximately 25 hectares.

In addition – vacant allotments are evident throughout American River – especially to the south east of the subject site.

This is reconfirmed by a desktop analysis of the site and local area.

Council did not raise the loss of residential allotments as an issue in their referral response. Therefore it is not envisaged the proposal will have a significant impact in this regard.

It is expected that if the proposal were given Development Authorisation by the Governor that Kangaroo Island Council would undertake a structure planning process for American River – which would provide further certainty for land uses in the area.

The proponent has also considered the impacts of the loss of residential land as a result of the tourist resort; with significant resources available within close proximity to the settlement it is not expected that the proposal will be detrimental in this regard.

### **5.3.6 Contingency Plan**

*Describe strategies to manage and make good the site, should the project fail during the period between the commencement of earthworks and final completion.*

The proponent has considered contingency plans in case the development is to fail before operation commences.

If Development Authorisation were given by the Governor the proponent would undertake an inventory of all work carried out, completed and in progress in order to quantify work required to remediate and make good the site.

Measures would be put in place to reduce the threat of erosion and critical infrastructure would be removed from the site.

Water and electricity connections would be severed and revegetation would continue to protect the local area.

The proponent has provided an outline of the expected contingency process for the site with all works to be remediated and connections to be severed as appropriate. The AR considers this to be an appropriate outcome.

A condition will be applied addressing contingencies and 'making good' on site if the proposal should cease.

## **5.4 Design Quality**

*The American River area has high landscape values (especially associated with the coast) and the township has a 'coastal village' character that provides a high level of amenity for residents and visitors.*

*Evaluate the visual impact of the resort and how it would integrate with the existing character of the American River settlement and surrounds*

*Evaluate the proposal against the Principles of Good Design by Office for Design + Architecture SA, including input from the Government Architect led design review process.*

*Evaluate the proposal's relationship within its context, in particular the interface with neighbouring residents, businesses and open space areas around the development site.*

### **5.4.1 Visual Impact**

The DR indicates that the design intent of the proposal was to split the accommodation into a number of low scale cabins/cottages and taller, slender lodges rather than a singular large block on the ridge of the hill and therefore reduce the potential impact on the views from the dwellings further to the north.

Some of the upper portions of the lodges will be visible. However, massing studies were undertaken in the early stages of the design journey which revealed that the chosen design approach to locate a number of taller buildings with smaller footprints across the site reduces the intensity and visual impact when compared to the development of a large traditional hotel building. A vegetation strategy is proposed along the southern edge of the site to further minimise any visual impact the resort may have from this viewpoint. Figure 6 (below) provides an indication of the potential visual impacts.





1 - WINE BAR LODGE, 2 - RESTAURANT & POOL LODGE, 3 - ENTRANCE, DRIVEWAY & PORT COCHERE, 4 - WELLBEING LODGE, 5 - GARDEN LODGE, 6 - SPECIALITY RESTAURANT LODGE

Figure 6 - visual impacts as demonstrated by proponent through Response Document

Community submissions raised issues such as building height, bulk, scale and design in relation to visual impact of the Stage 1 Courtyard Hotel (4 storeys) and the subsequent lodges (7 storey towers).

In response to community submissions, as well as the ODASA Design Review sessions, the design of the Courtyard Hotel (Stage 1) was relocated to a larger clearing to the west of the former location. In addition to work with the constraints of the site the built form was re-arranged from a courtyard form to a series of connected pavilions stepping down the hillside (see Figure 7). The RD indicates that the design of the proposal achieves ‘a transition between the township and the surrounding rural land with taller, slender building elements used amongst the landscape and vegetation.’

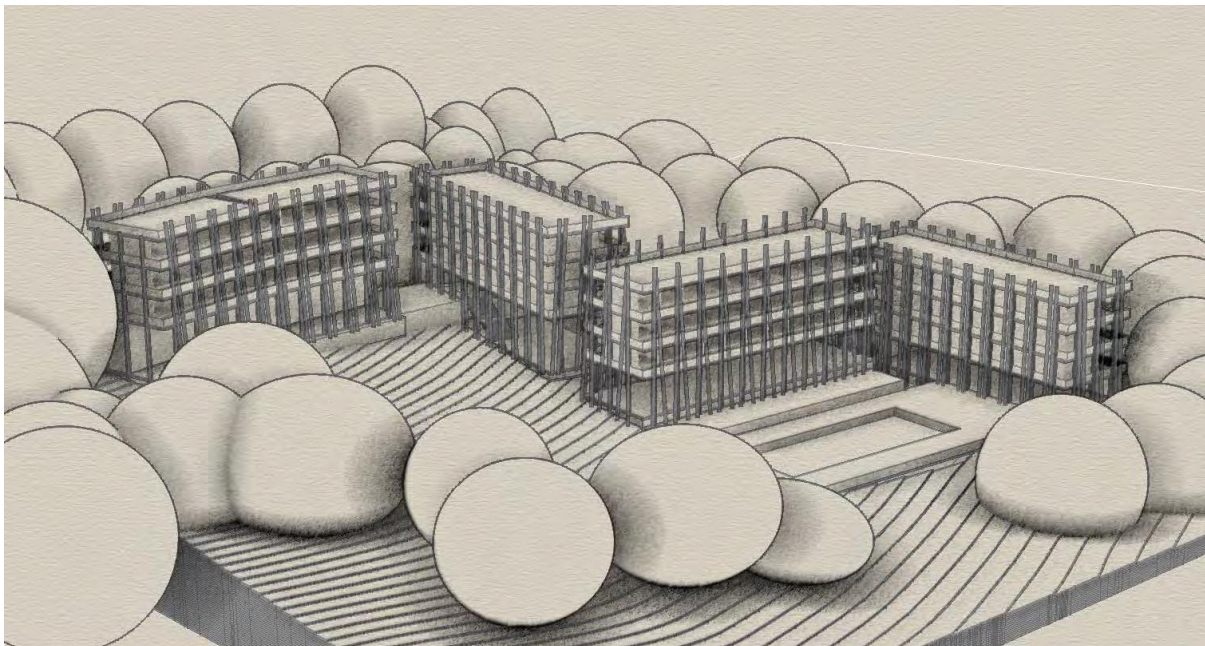


Figure 7 - 3D view of the proposed Stage 1 Courtyard Hotel - supplied by PARTI

Through the alteration of the courtyard hotel siting by moving the building some 50 metres to the west and re-designing the form into two L- shaped wings the proposed Stage 1 Courtyard Hotel will be 6 to 8 metres lower than Redbanks Road.

The setting down of the building, change in form and increased screening from existing vegetation upon the subject land and the Redbanks Road reserve, will reduce the impact on neighbouring properties.

The RD also notes that the site is subject to two zones within the Kangaroo Island Development Plan: the Residential Zone and the Deferred Urban Zone. The residentially zoned land is able to be developed with residential development of 1-2 storeys with the deferred urban portion also able to be developed once released. Accordingly, the expanse of 1 to 2 storey dwellings with associated infrastructure and outbuildings is considered by the proponent to have a much greater impact on the setting of the town than the proposal, which has sought to preserve existing vegetation and limit the extent of cut and fill and hard paving surfaces.

The AR concludes that concerns regarding the visual and amenity impacts of the proposed courtyard hotel building adjacent Redbanks Road have been addressed through the redesign and resiting in conjunction with the associated vegetation strategy. The new profile of the building provides the views through to Pelican Lagoon and the local area while mitigating the visual impacts on adjacent residential land uses.

The Associate Government Architect has indicated support for the 'deconstructed hotel philosophy as the separation of the individual hotel components results in reduced building footprints and visual impacts'. The Associate Government Architect supports the height of the lodges, 'as the small building footprints minimises physical impacts on sensitive habitats and visual impacts of building mass when viewed from surrounding vantage points'. The typology and scale of the proposed cottages and cabins is also supported as these designs achieve an appropriate reference to the scale and form of the American River locality.

Concerns were raised by the Associate Government Architect with respect to the visual impact of the car parking areas and service road to the site boundary and public roads; it has been recommended that further details around this matter be provided and a condition will be applied in this regard.

The AR will apply conditions to the Governor's Authorisation as required by the Associate Government Architect.

#### **5.4.2 Context Analysis and Response to Principles of Good Design**

##### **Context Analysis**

American River is a small coastal township, with a somewhat 'village' character. It has a population of around 200 residents, which increases on a seasonal basis when holiday homes or tourist accommodation are occupied. The township is mainly residential, but also supports tourism and recreational uses (especially boating related). An oyster farming operation is based at the township. Residences comprise a mix of 1-2 storeys in height.

The proposed tourist resort is situated on an allotment to the west of the American River Township and to some extent 'leans' into the township entrance by virtue of the surrounding hills and provides a transition from a rural setting to an urban context. The RD indicates that the design specifically responds to the landscape through the scattered siting of the buildings which:

- (a) allows guests to experience the visual beauty of the landscape
- (b) minimises the visual impact from the township
- (c) protects sensitive habitats from large building footprints.

The proponent has considered the proposed built form density and the low density form of adjacent development by positioning the smaller cottages and cabins to the south on the periphery of the adjacent residential subdivision and larger lodge and hotel buildings further north with greater separation. When seen from Buick Drive, the lodge buildings will appear slender and separated in the

landscape, not dissimilar to the agricultural silos in the rural land beyond.

A proposed pedestrian network will connect the town centre, running along the edge of the oval, and through the existing wildlife sanctuary, along Buick Drive and into the south of the site. The exact network will be considered during the development of the landscaping strategy (see Figure 8 below).

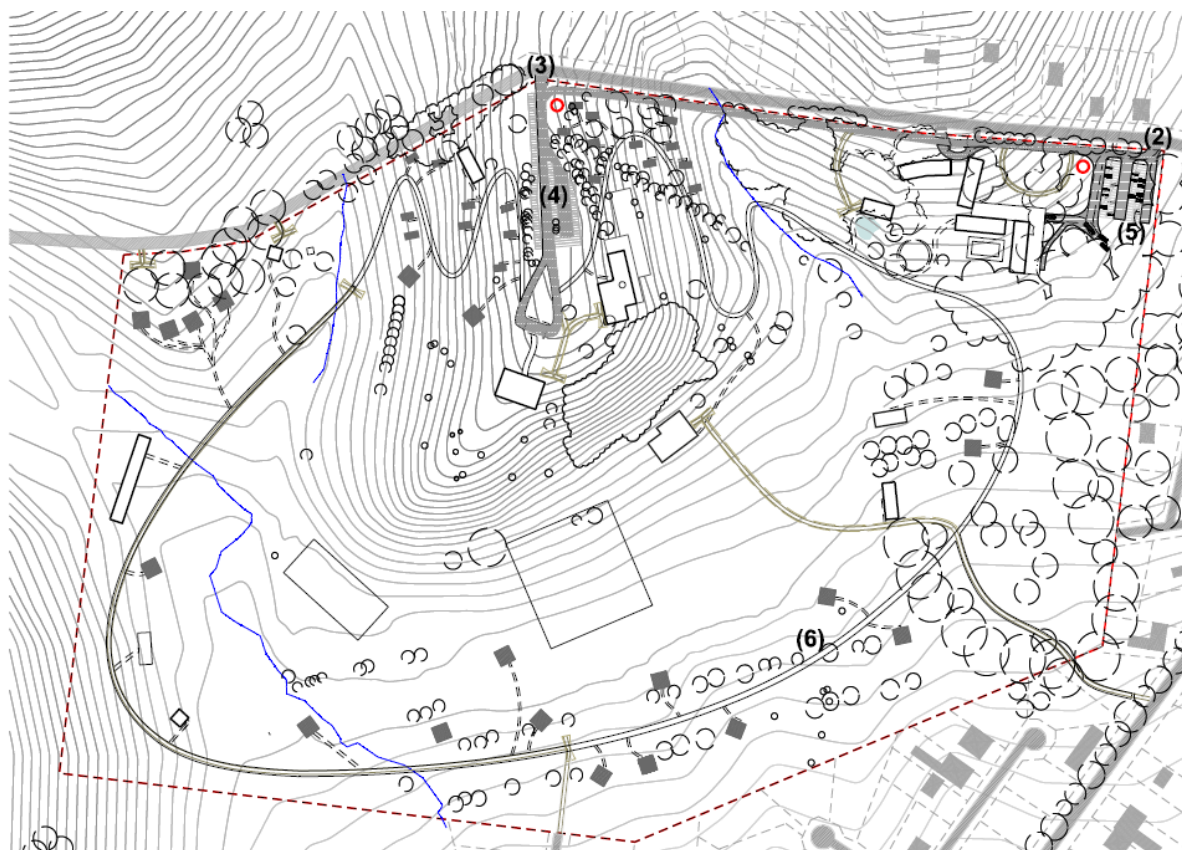


Figure 8 – indicative site map of pedestrian network

The context of the locality is characterised by low scale residential development to the east of the site and rural landscape with scattered farm buildings to the west of the site.

The design's response to the context was considered by the Associate Government Architect through the Design Review process. The Associate Government Architect has indicated support for the layout of the courtyard, hotel, lodges, cabins and cottages, the separation of the uses into discrete buildings and the built form design's response to the unique setting. The Associate Government Architect also supports the amended courtyard hotel configuration agreeing that the amended siting and design provides an appropriate interface response to the existing residences along Redbanks Road. Notwithstanding, the overall support by the Associate Government is contingent on the successful demonstration of the proposal being resolved to an exemplary quality appropriate to the environmentally sensitive setting. This aspect will be conditioned by the Governor's Authorisation.

The AR concludes that the siting and design of the taller structures have been configured utilising existing vegetation and topography to provide some screening to moderate the visual impact of the structures in the landscape. The combined use of the lightweight materials and neutral tones is considered to complement the hues of the natural landscape. In addition, the proposed cottages, (2 storeys) along the eastern edge of the site provide an appropriate transition to the scale and form of the American River township.

The AR considers that the proposal has achieved an appropriate transition between the rural setting to the west and the urban context to the east of the site. The AR also concludes that the design has been sensitively sited to minimise disturbance to fauna and remaining flora.



#### **5.4.2.1 Durability**

The RD indicates that all buildings are to be constructed using prefabricated modular units. The units will be constructed and fitted-out offshore, brought to the Island and assembled on-site. The proposal will make use of local and South Australian craftsmen and trades in the finishes, construction of associated structures and landscape features and components of the fit-outs. The RD indicates that the range of materials to be used is being developed cognisant of the coastal context and issues of salt, strong winds, rainfall and sun.

The AR considers that the proponent has given sufficient consideration to the environment and resource availability of KI in designing the buildings. The Associate Government Architect supports the intent to utilise prefabricated modules subject to further resolution during the detailed design development of each building. This aspect will be conditioned by the Governor's Authorisation.

#### **5.4.2.2 Inclusivity**

The proponent make positive steps to connect with local people through employment opportunities, workers accommodation based in American River or on the Island and by opening up the public access to the site through access to restaurants and other on-site facilities.

The DR indicates that the existing site is currently not accessible to the public and there are currently no open space areas for informal land based recreation.

The general public would be encouraged to access the facilities on offer and it is not envisaged that the proposal will be 'gated.'

The AR considers that although the proposal will primarily be catering for tourists primarily staying on site, various facilities offered by the resort will also be accessible to the KI community (i.e. the restaurants and conference facilities) to foster integration with the community.

In addition, it is intended that staff will be accommodated within the American River township rather than on site. This demand on the township, together with other indirect local employment opportunities potentially generated by the resort, will assist in integrating with, and growing the community.

#### **5.4.2.3 Sustainability**

The proponent has demonstrated through their DR and RD that sustainability is a key measure in the success of their proposal. The layout and design of the proposal has considered the landscape character, vulnerable habitats, the use of passive heating and cooling systems, rainwater harvesting and solar panels. The DR indicates that specific engineering in relation to the technical details of these servicing elements will be developed in the subsequent design phases.

The AR supports the intent of the proposal to be an environmentally responsive development by incorporating passive design measures where suitable. The Associate Government Architect also supports the project's desire in this regard but has identified an opportunity for the development to be self-sustaining and extremely energy efficient. A Masterplan for service infrastructure provision has been recommended that also considers and details cross benefits afforded to the community. This aspect has been included as a recommended condition.

#### **5.4.2.4 Value**

The proponent states that the design outcome is likely to be a catalyst for further investment on Kangaroo Island, as well as being regarded as a benchmark of quality design outcomes for the locality.

Local food and wine will be used in the resort to further embed the proposed resort in the American River settlement and support the Kangaroo Island brand more broadly.

The AR concludes that the proposal fulfils the intention of adding value through creating a desirable place to work, stay and spend time through the mix of land uses and sympathetic site design.

The unique nature of the accommodation model in conjunction with the proposed experience types to be provided on site has the potential for visitors to be drawn to American River in search of an 'all in one service' or a self-guided trip.

The Associate Government Architect 'strongly supports the ambition of the hotel resort and the proposed intensity and diversity of uses, and the potential to generate significant local employment opportunities'..

#### **5.4.2.5 Performance**

The DR indicates that the proposal is expected to be a unique offering and a world-class resort for its respect for and immersion in the natural environment. The sensory experience of food, wine, relaxation and activities through the innovative resort complex design is expected to be a catalyst and drawcard for Kangaroo Island.

The AR concludes that the design achieves the intent of the project brief to develop a unique experience for tourist and the community of American River. The Associate Government Architect 'supports the proposition of a hotel resort offering as an alternative to the existing tourist accommodation options'.

Overall, the Associate Government Architect supports the proposal's offer to become a unique destination for American River and Kangaroo Island. A number of recommended conditions have been included to implement the design intention and the high standards of the proposal.

### **5.5 Infrastructure**

*The proposal requires adequate and appropriate infrastructure provision, in particular a source of power and water from an existing network that currently has limited supply to meet current and future demand.*

*Outline the requirements for and likely location of infrastructure for water, power, gas, sewerage, stormwater management, waste management, firefighting and communications systems.*

*Outline the implications of connecting to the power grid for the existing infrastructure and current users.*

*Describe an integrated water management strategy, especially Water Sensitive Design measures (including ways in which water use would be minimised), and the use and management of alternative water sources (i.e. wastewater, grey water and stormwater).*

*Describe the impacts of either developing a new wastewater treatment system or disposing to the existing off-site system. Address the expected volume to be treated, disposal method and whether/how it would be managed to maximise reuse/recycling (including storage requirements).*

*Outline how the treatment system elements would be installed, if it is a phased development.*

*Describe stormwater and grey water management strategies to maximise recycling (including recycled water storage requirements) and the potential impact on groundwater resources, surface water resources.*

The proponent has provided various technical reports which speak to the above listed Guidelines.

Availability of infrastructure, and questions around who will pay for any associated upgrades, were raised as a concern during the public consultation process.

Broadly, the Commissioner for Kangaroo Island is pursuing infrastructure security for the whole of Kangaroo Island.

### **5.5.1 Water**

American River does not have a reticulated water supply for the proponent to readily utilise for this proposal. Residents and businesses rely on rainwater and the carting of water during prolonged dry periods. The RD indicates that the proponent has discussed the option of a reticulated water supply with SA Water, Council and the developer of the recently approved golf course near Pennington Bay. It was indicated by the RD that SA Water are currently finalising design and costing details for the laying of a new main along Hog Bay Road, passing by the American River turnoff, to supply the golf course. It is understood that construction of the pipe work could commence as early as January 2017. SA Water has confirmed that there is capacity within the network to supply the proposed resort from the new main line. Any costs for such an extension would be fully borne by the proponent.

It is envisaged that the pipeline will be in place by Stages 2 and 3 of the development. In the event that demand for water within Stage 1 exceeds the storage rainwater capacity, additional water will need to be carted to the site. The Council's up stand filling site at Kingscote will be utilised if the demand exceeds supply, with the contractor confirming that there is sufficient water for carting available on the Island.

The DR indicates that a number of measures will be implemented to minimise water use, such as 6 star WELS rated fittings, timed flow tap ware in public amenities, water meters for monitoring daily water usage and monitoring leaks and use of native plants and grasses.

The DR indicates that grey water collection and re use has been discounted due primarily to cost and access to the local reticulated sewer system.

The AR concludes that the proponent has considered alternative water supply sources given the lack of a reticulated water supply for Stage 1 of the development. Noting the expensive alternative method of water services for the site, the proponent has agreed to bear these ongoing costs.

The AR considers that the proponent further investigate other means of water servicing before construction to ameliorate risks to the proposal. Conditions to this effect have been recommended. The AR notes that redundancy plans (i.e. remediation of site and removal of infrastructure) are in place should the project become unviable in the event that a reticulated water supply is not in place by Stages 2 and/or 3.

### **5.5.2 Bushfire Infrastructure**

It is proposed that dedicated water tanks (including two swimming pools) for the purposes of firefighting will be serviced by appropriately sized diesel pump sets and hose fittings. The tanks will be filled at the outset of construction and connected to the sprinkler system which meets the Building Code of Australia requirements.

Other bushfire related strategies are discussed in the Risk and Hazard Management section of this AR.

The AR concludes that appropriate bushfire infrastructure is proposed for the site with additional strategies to reduce the likelihood of fire within the built form and vegetation management as appropriate. The CFS has indicated that swimming pools will not be accepted as a water source for fire water serving a building or a fire suppression system. However, the Minister's Specification allows for swimming pools as a water source. In summary, the development will be required to satisfy the necessary building standards for bushfire infrastructure.

A condition has been included in the Governor's Authorisation requiring that the fire water tanks be filled as the first element of works to be undertaken on site.

### **5.5.3 Electricity**

Electricity supply to the proposed tourist resort will be through SA Power Networks connection to the American River supply. A redundancy process has been identified comprising of back up diesel

generators which will be located adjacent each of the main switchboards on site. The RD indicated that any upgrades or additional works that may be required as a result of the proposal, will be at the cost of the proponent and not the local community.

The AR concludes that electricity supply for the development has been considered by the proponent. Any additional works resulting from the proposal will be at the cost of the proponent.

#### **5.5.4 Gas**

LPG has been identified as the most efficient mechanism of heating the accommodation and pool when required. The kitchens would also use LPG for cooking.

The site would initially require a 7500 litre LPG tank and then dependent on usage, another may be added. It is expected one tank will require filling by an Island contractor in three week intervals.

American River is not serviced by mains gas and therefore bottled gas is the available option.

The AR concludes that gas supply for the development has been considered by the proponent.

#### **5.5.5 Sewerage**

Initially the proponent had indicated that an upgrade to the local American River sewerage services would be required however the Council has indicated the capacity of the services to be appropriate for the additional requirements of the proposed tourist resort. Currently the system is operating at less than 50% capacity.

The AR notes the local sewerage infrastructure is capable of dealing with additional volumes generated by the proposal and still servicing the latent demand from future development of residential allotments.

#### **5.5.6 Communications**

A rollout map indicates the locality is currently serviced by the NBN. The DR has indicated that communication infrastructure and the appropriate technological devices will be installed across the site connecting to the available NBN.

The AR notes the site has potential to connect to the NBN for all communication methods. It is envisaged the type and speed of connection will be appropriate for the land use.

#### **5.5.7 Waste Management**

The DR indicates that waste will be collected from each building on the tourist resort site and assembled at the main service building on the eastern edge of the site. Waste minimisation and recycling strategies will be employed in the first instance. It is then transported to a council operated collection point and disposed by council either on the Island or on the mainland. Negotiations with the Council are yet to take place but it is expected that council's current waste facilities will be able to absorb the waste generated.

The AR notes that the proponent has considered a 'desk-top' waste management strategy for the development however further details and a complete comprehensive strategy will be required once further discussions have occurred with Council. This aspect has been conditioned by the Governor's Authorisation.

#### **5.5.8 Stormwater Management**

The DR indicates that stormwater run-off from the buildings as well as any paved areas will be detained and re used on site were possible. Accordingly, the RD indicates that re-use and detention of water seeks to 'balance any additional flows from buildings and hard paved areas to prevent downstream impacts'. It is acknowledged by the RD that further detailed design and modelling of post development stormwater flows are required. In addition, flood modelling will also need to be

undertaken to understand any potential inundation area and to ensure that access roads and buildings have adequate freeboard from the 100 year ARI storm event.

Given the topography of the site and adjacent residential development to the south, it is considered that stormwater can be adequately managed by existing infrastructure or with minor upgrades if required.

The AR concludes that the proponent has demonstrated a commitment to stormwater detention and re use where possible, given the demand for water that will potentially be generated by the development. The AR notes that further detailed design and modelling is required; this is also noted by the EPA in its comments. This aspect has been conditioned by the Governor's Authorisation.

#### **5.5.9 Potential infrastructure upgrades**

*Detail the extent to which the facility would generate the need for upgraded infrastructure beyond the site boundaries, especially any broader impacts for the Kangaroo Island community (including strategic implications for Council and/or utility providers).*

The Council has indicated that the current electricity, sewer and roads are capable of facilitating the proposed development.

Generally, the proposal is considered to meet the requirements for infrastructure to service the development without significant impacts on adjacent land users, Council or State Government.

The AR acknowledges that the final detailed design, location and connection to the necessary services is yet to be undertaken and this will be addressed via a condition by the Governor's Authorisation. The proponent has indicated an acceptance to bear all costs associated with any potential upgrades.

The proposal will be staged in a manner which will prevent the continuation of the development without the necessary infrastructure upgrades. In the event that the viability of the development relies on the additional stages, there will be a contingency plan in place to ensure that the site is returned to its original state.

### **5.6 Social Issues**

*The proposal is being developed in close proximity to an existing settlement context. While all forms of development have impacts and will generate change, it is important to consider the manner in which the proposal could make a positive contribution to the social and community fabric of American River and Kangaroo Island.*

*Describe the characteristics of the American River community (including the nature of their occupancy, such as permanent residents, short-term holiday home residents or with primary production interests).*

*Describe how the community currently engages with the sites and how the development may influence future activities.*

*Consider the way in which the broader Kangaroo Island community interacts with the American River settlement and surrounds and how the development would influence future activity.*

*Detail the likely size and composition of the construction workforce and employees required during operation, including "on island" support required for this workforce and the direct and indirect employment opportunities for the local community.*

*Outline the impact on existing tourism and recreation services and facilities (including opportunities for growth or improvement).*



At the outset of the proposed development the proponent undertook preliminary engagement with the American River community to understand the existing social climate and the potential for integration with the local community.

The permanent population of approximately 180 residents is substantially increased during holiday months as people visit their second homes/holiday houses. A considerable number of properties are unoccupied for long periods of time, particularly over the winter months.

With a large percentage of retired persons and limited job opportunities the area struggles to support a larger community of actively employed persons.

While the site is visible from the main entry point to the American River Township, it presents as vacant rural land and appreciably doesn't currently have a direct connection with the wider community.

It is proposed that the facilities enjoyed by tourists visiting the resort will also be publicly available for those in American River community and the larger Kangaroo Island community.

The Economics section (above) of the AR referenced the expected investment contribution of the proposed tourist resort and the expected employment benefits for the local area. Below the staging and positive contribution of the development is discussed in further detail.

#### *Construction*

During Stage 1 construction the proponent expects that 60 temporary jobs will be created and during stage 2/3 construction it is expected that 100 temporary jobs will be created.

#### *Operation*

100 ongoing jobs are expected to be created at the operation of stage with approximately 180 jobs to follow in the operation of stage 2/3.

These roles may include (but are not limited to) lodge managers, reception staff, hospitality staff, child care roles, animal specialists and horticulturalists.

The proponent envisages lodge manager roles will be created that require local knowledge and history; with storytelling to be an important part of guiding tourists around the site, local area and the Island more generally. This approach seeks to integrate the new facility with existing businesses and activities on the Island.

Community feedback received during the public notification period indicated there was potential of re-forming an amateur Australian Rules Football League (AFL) local team as a result of an increase in population.

The proponent has indicated through the response document that other accommodation providers would be expected to benefit from the additional interest and exposure of the proposed development. Through an increase of the facilities on offer in the local area the proponent expects a flow on benefit to other operators. Appreciably some operators have voiced concerns regarding the potential for oversupply of tourist accommodation in American River and the potential lack of patronage. Conversely, competition in the market may assist in stimulating improved offers. Notably the proposal offers a product not currently available in American River or Kangaroo Island and this has the potential to draw people to the locality.

The AR considers that the proposal will have positive social impacts for American River and greater Kangaroo Island.

Benefits may include:

- an increase in demand for local housing stock for employees (filling empty holiday homes)
- creation of temporary and ongoing jobs
- creation of a connection to the site via walking trails etc.
- more options for activities for locals such as the proposed gym, swimming pool, cooking school and so on
- an increase in visitor numbers improving the financial contribution of tourism to the Township
- the integration of new and existing staff into the social structures of the Township,
- more opportunities for locals to socialise at the tourist resort in addition to existing opportunities

The AR acknowledges that the proposed development is positioning itself as a high end accommodation experience at the 4-5 star level. While current providers of tourist accommodation exist in American River, the AR concludes that the proposal is offering a different type of experience and therefore may not have detrimental impacts on existing businesses.

## **5.7 Aboriginal Heritage and Native Title**

*The proposal is developed in a manner respectful of Aboriginal Heritage, consistent with relevant legislative requirements.*

*Describe the measures taken in consultation with the Department of State Development (DSD-AAR) to identify the Aboriginal heritage in the project area including the outcomes of:*

- *A request for a search of the Register of Aboriginal Sites and Objects maintained by the Minister for Aboriginal Affairs and Reconciliation.*
- *Discussion with the relevant Aboriginal parties.*
- *Engagement of an expert archaeologist/anthropologist to assist with the assessment of any heritage sites.*

*Describe the measures put in place to manage the risk of damaging, disturbing or interfering with any Aboriginal heritage that has been identified by the consultation undertaken above and any plans to deal with the discovery of Aboriginal heritage during project works. If avoidance has not been possible in the project design phase, detail the steps taken in consultation with DSD-AAR to ensure that any unavoidable damage, disturbance and interference is done in compliance with the Aboriginal Heritage Act 1988.*

The proponent engaged Keryn Walshe an appropriately qualified person to provide advice on Aboriginal Heritage and Native Title.

Ms Walshe undertook a desktop survey of registered and reported heritage sites which indicated a low probability of Aboriginal heritage sites within the proposed tourist resort locality. An onsite survey of rock formations and the like reinforced this conclusion.

It is not envisaged that during construction or operation that the proponent will encounter any articles of interest, given the hard rock and general lack of burials on the Island as demonstrated by the supplied technical report.

The AR concludes the proponent has adequately addressed guidelines with respect to Aboriginal Heritage and Native Title.

An advisory note will be listed that outlines the measures to be taken in the event items are found during site works or operation.

## **5.8 Management of Other Environmental Matters**

*The proposal is developed cognisant of and in a manner which appropriately manages potential impacts and existing environmental values.*

### **5.8.1 Prior and Adjacent Uses**

*Describe the impact of past and current land management practices on the environmental values of the site, especially any environmental constraints or degrading factors that may need to be addressed.*

The site has been maintained for 26 years by the same family and used for grazing, agistment and some cropping. Soil quality is noted as poor by the proponent with a lapsed attempt at constructing a golf course evident through the planting of trees.

The site is bordered on 3 sides by the Township of American River, whilst agricultural land adjoins the west and north western perimeter of the site. The DR indicates that this is used for grazing (currently horses) and represents no potential conflict with the proposal.

The AR acknowledges the residential zoning over half of the site and the degraded nature of the entirety of the site. Considering these conditions, the AR concludes that the proposal will not further impact on the environmental value of the land but rather, through the proposed landscaping scheme, the development will seek to enhance the environmental value of the site.

### **5.8.2 Native Vegetation and Fauna**

#### **5.8.2.1 Native Vegetation**

*Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) on site, that which needs to be cleared or disturbed (directly or indirectly) during construction (including ancillary clearing for bushfire safety or infrastructure), and the proposed framework for ongoing management, including opportunities for rehabilitation and revegetation.*

*Describe the effect of, and measures to appropriately manage the risk of introduced weed species on native vegetation, before and after construction, including species that may originate from landscaped areas or gardens.*

The proponent undertook a site survey (BushRAT Survey) with the results of the survey concluding that the native vegetation is of low or poor quality. Some degraded portions of 'Critically Endangered' (under the EPBC Act) Kangaroo-Island Narrow Leafed Mallee Woodland is evident as well as Boxthorn, a proclaimed weed species on the south-eastern aspect of the site.

The proposal seeks to remediate the site through re-introduction of native flora species with some (0.11 hectares) clearance to be undertaken through appropriate consultation and approval with the Native Vegetation Council.

The proponent proposes the following remediation through planting:

- 10 hectares of native vegetation through enhancing the existing flora
- 12 hectares of Native grassland
- 10 hectares of shrubland
- A flower meadow (0.4 hectares) near the spa lodge consisting of native plants
- A botanical garden (0.5 hectares) near the Botanic Lodge
- A lawn to be established for recreational activities, and
- A vegetable patch (0.3 hectares) for the on-site restaurant and cooking school

It is expected that the proponent will consult with a local botanist to introducing any new plant species to ensure weed species are not planted.

The AR concludes that the methods employed by the proponent to site and design the built form has had the appropriate respect for the special environmental aspects of the area. DEWNR did not raise significant concerns regarding native vegetation – the proponent has been complimented on their sustainable approach to the development.

Conditions have been imposed in the Governor’s Authorisation requiring a detailed landscape plan and strategy to ensure the adequate clearances for bushfire prevention and infrastructure.

#### **5.8.2.2 Native Fauna**

*Quantify and detail the abundance, condition and significance of terrestrial and marine native fauna populations that currently exist or may depend on habitat on site or along the routes of infrastructure for the proposal.*

*Describe direct and indirect impacts to fauna associated with the proposal, the extent of expected fauna and/or habitat loss or disturbance during the construction and operation phases (both on and around site/s) and the ability of communities and individual species to recover, especially for any threatened or significant species (including those listed under the EPBC Act 1999 and the South Australian National Parks and Wildlife Act 1972).*

A technical report by Envisage Environmental contained within the DR (Appendix D) investigated the native fauna within the site with the Glossy Black-Cockatoo, Short-beaked Echidna, Heath Goanna, Scarlet Robin predominantly the focus of the analysis.

Advice from the Commonwealth Department of Environment and Energy (DoEE) states the proposed tourist resort is not a controlled action under the *EPBC Act 1999* as it would not unreasonably impact upon any matters of national environmental significance, including the Glossy Black Cockatoo.

The DR explains that threats to the local fauna are greatest from other animals and some interaction with humans.

The proponent proposes that management techniques to contribute to a conservation approach will be introduced at the site works stage including reduced traffic speeds, and expectations around worker and visitor behaviour.

Feral cat management will also assist with maintaining and improving the local nature habitat.

The Department of Environment and Energy as the authority for the *Environment Protection and Biodiversity Conservation Act 1999* has indicated that the proposal is not a controlled action.

While the re-designed and re-sited Courtyard Hotel was not referred again to the Commonwealth Department, the AR concludes there is less of an impact on surrounding habitats given the bespoke layout of the structure in an area that is already cleared.

The AR concludes the proponent has undertaken the appropriate level of work to ascertain the relevant approvals from Commonwealth agencies in relation to the proposal.

#### **5.8.3 Geology and Soils**

*Describe the physical environment and hydrogeology of the site in relation to landforms, soil types, geology and surface drainage patterns, including any drainage to Pelican Lagoon and the marine environment.*

The proponent engaged BCA Engineers to undertake a site survey with the resulting report forming part of the DR.

The Stormwater Concept technical report demonstrates through a hydrogeology study that the site consists mainly of sandstone with some sandy silty soil evident in the area. The soil is expected to contain moderate to high levels of salinity with moderate to high levels of permeability. The expected salinity levels are considered suitable for irrigation purposes (subject to further stormwater management testing and the landscape planning).

The AR concludes that the 'desktop' analysis indicates the proposal is unlikely to impact on the soil and drainage conditions of the site. Further testing of the proposal is required; this will be addressed through the conditions in the Governor's Authorisation pertaining to the provision of a stormwater management plan and associated site landscaping.

#### **5.8.4 Noise**

*Describe the impact of noise emissions (and vibration) on any existing sensitive receivers (or potential new residents) or sensitive receivers to be introduced as part of the proposed development, during construction and operation.*

*Detail strategies to minimise any potential impacts to meet the requirements of the Environment Protection (Noise) Policy 2007 (including the EPA Noise Guideline: Music noise from indoor venues and the South Australian Planning System - updated July 2015).*

The proponent has considered noise generators and receptors in the proximity of the proposed tourism resort through a technical acoustic report prepared by Sonus. The report considered the potential noise sources associated with the development including: music and patrons within restaurants and cafes; mechanical plant, such as air conditioning, ventilation and refrigeration systems; and pool associated plant, such as pumps.

The RD indicates that the report establishes the appropriate noise assessment criteria relevant to each noise source and makes recommendations as to how the future design and management of the facility would ensure compliance with these criteria, and subsequently, the amenity of the locality. It is noted by the RD that final details of the location and size of plant and equipment along with the size, design and capacity of any licenced area would warrant further acoustic assessment.

The proponent will at all times adhere to the decibel levels prescribed by the relevant authority (EPA or the Office for Liquor and Gambling).

During construction it is expected that works will be undertaken between 7am and 7pm on weekdays and Saturdays. Minimal work to be undertaken on Sundays and public holidays and this will be undertaken with a specific noise and vibration plan in place.

Noise intensive works such as jackhammering or masonry sawing will not be commenced before 9am on any day.

Noise and detrimental impacts on adjacent land users 'quiet enjoyment' of their property was raised through community consultation.

The AR concludes that the proponent has substantially altered their application with regard to the Stage 1 Courtyard Hotel which was viewed by the community as a significant noise source in relation to adjacent properties. The re-design assists in mitigating the noise impacts by creating a greater distance to buffer the noise generation from the receiver(s). The AR considers this a good outcome for the site and adjacent landowners.

It is not expected that construction noise and/or vibration will be prolonged and this will be managed through the implementation of the CEMMP.

The AR also recommends that an updated acoustic report be provided once the design details are finalised.

A condition has been recommended by the EPA in this regard which is applied by the AR.

## **5.9 Sustainability and Climate Change**

*The proposal is developed in a manner that seeks to optimise environmental sustainability.*

*Describe the measures taken to achieve energy efficiency, including target ratings for buildings.*

*Outline measures to minimise or reduce materials and resources used during the construction and operational phases, including the use of on-site (or local) and recycled materials..*

*Outline waste management strategies for residential uses and commercial facilities (including measures to deter scavenging by native or feral species) and the potential for incorporating recycling and resource recovery.*

*Identify ways in which power can be minimised or supplemented, especially using alternative energy sources and energy efficiency measures.*

*Describe implications of climate change with respect to the proposal and measures to minimise, reduce and ameliorate greenhouse gas emissions, particularly the use of alternative or renewable energy sources and off-sets.*

The DR outlines several techniques to address the requirements from the guidelines to increase energy efficiency including:

- materiality
- LED lighting
- insulation
- high performance glass
- seals to windows and doors
- high efficiency products for water, heating and cooling
- prefabricated building elements
- use of solar panels when feasible, and
- low maintenance landscaping in conjunction with subsurface irrigation

Solar path diagrams provide a summary within the DR of the potential access to sunlight throughout the year. In addition, all buildings will comply with the Building Code requirements for Energy Efficiency.

The proposal will also employ the following sustainability measures:

- use of collected rainwater for toilet flushing and irrigation
- use of stormwater for irrigation
- retention of road and hard surface run off for irrigation
- ongoing maintenance of water use, daily meter readings (to highlight any leaks)
- educational information for guests and staff, and
- collecting, sorting and recycling of waste

It is expected that as much produce as possible will be provide to the resort proposal by Kangaroo Island producers and the onsite garden.

It has been predicted that the total electricity requirements of 1000kVA cannot be provided by renewable energy sources alone. While wind in the local area would be appropriate for turbines to

generate electricity, the local fauna discount this as option due to the avoidable risk of injury or disturbance of habitat. Further investigation is needed in relation to the benefits of photovoltaic panels to the lodges. Although the proposal will need to connect to the existing electricity supply, electrical fittings shall be to the latest standards and provide the best energy efficiency possible.

The DR outlines the number of waste management strategies that will be adopted during construction and operation. These have been described earlier in the AR.

Finally, the DR indicates that the development is cognisant of climate change and its implications in relation to the tourism industry. To fulfil the eco-friendly nature of the project, a range of management plans and strategies are to be incorporated, for example, energy usage monitoring. It is also envisaged that the re-vegetation of parts of the site will provide the equivalent of a small car offset.

The AR concludes that the proposal seeks to incorporate and adopt a number of sustainability measures and strategies which will meet or potentially exceed the requirements of the Building Code of Australia. This approach is consistent with the eco-friendly ambition of the project. The Associate Government Architect has provided a condition pertaining to further resolution of sustainability through building design and implementation of the proposal which is conditioned by the Governor's Authorisation.

An effective approach to stormwater management within the site is discussed within the Infrastructure section (water and stormwater section above).

In terms of the above guideline which seeks to understand the proposals mitigation techniques for climate change, the scaled back nature of the proposal through removal of the marina and commercial activities is not anticipated to have as much impact as first contemplated. To some extent the intent and implementation of solar cells for power generation could mitigate the reliance on external sources. In addition, using gas to heat and cook would bolster the intention to focus the proposed tourist resort on the sensitive approach to development of the site.

## **5.10 Transport, Access and Pedestrian Impact**

*The proposal is developed in a manner that provides for safe and convenient access within, and to and from the development.*

*Outline the level of traffic generation and vehicle movements to and from the development site, especially details of vehicle types and distribution (including the hours that vehicles would access the site) during the construction period and operational phase.*

*Outline the need for and the implications of any upgrading of road infrastructure.*

*Detail the proposed access and on-site car parking arrangements, including information about road width and associated drainage measures and maintenance requirements.*

*Evaluate the adequacy of the existing pedestrian facilities within the development site and associated communal facilities, and improvements required to establish and maintain a safe and pedestrian friendly interface.*

InfraPlan, on behalf of the proponent, prepared a traffic impact statement on the following matters:

- assessment of the layout and operation of the resort and ferry terminal
- detailed engineering analysis of the likely traffic generation of the proposed development and its impact on the surrounding road network, and
- any recommendations to ensure adequate performance of the surrounding road and traffic network.

The traffic counts and network analysis were undertaken between February and March 2014.



Based on the network and analysis, the following was concluded:

- the number of on-site car parking spaces is deemed sufficient
- the resort guests will be able to use buggies for transfer between the reception area and their cottages/cabins.
- existing traffic counts indicated up to 45-50 trips passing through key intersections within the immediate vicinity of the proposed resort
- an estimated 75 trips by the proposed resort over the two hour period coinciding with each ferry service are not estimated to adversely impact the surrounding road network, and
- the vehicular capacity of the largest Sealink's Kangaroo Island ferries is 55 cars (or 42 cars and 4 coaches) which will restrict the number of private vehicles used by visitors to the American River Resort and thereby reduce the number of vehicle trips per day.

The proponent will offer a shuttle service connection between the airport and the resort which will reduce the amount of access by passenger vehicle.

The RD acknowledged the comments received during the consultation process regarding the pedestrian linkages. It is indicated in the RD that the southern access point will predominantly be and pedestrian connection from the site to the remainder of the township and in particular the wharf and community club. No formal agreement has been reached on the final location or design of the pedestrian access outside of the subject land given that it traverses Council owned land; the exact routes are yet to be agreed with Council.

The RD has indicated that the proponent acknowledges the existing gravel surface of Thomas Road and that some changes to the intersection of Thomas Road and Redbanks Road may be required. The proponent is willing to undertake these works or pay for the cost of the works to be undertaken by Council.

The AR concludes that the traffic assessment confirms that sufficient car parking is proposed and that the estimated number of trips is unlikely to impact on the surrounding road network. A condition is recommended requiring a detailed pedestrian plan that indicates linkages within the site and outside of the site.

The Associate Government Architect indicated that further consideration be given to the proximity of the car parks and service road to the site boundary and guest experience when arriving by car. Consideration of the guest experience can be addressed through a condition as per Associate Government Architect feedback.

## **5.11 Land Tenure and Management**

*The proposal is developed in a manner that provides for appropriate land tenure arrangement.*

*Describe the current and proposed ownership arrangements associated with the development.*

*Describe what processes and approvals would be undertaken to reconcile encroachments on the adjacent Council land (access road).*

*Identify any required changes that would need to be made to the zoning of the site.*

The RD confirmed that the proponent and investors will retain the ownership of the land and the facility. The operation and management of the facility is to be undertaken by an appropriately experienced hotel operator. No individual units will be for sale.

The proponent has been in discussion with the Kangaroo Island Council to understand the requirements to gain access to the council owned reserve to link the tourist resort to the township, with provision for emergency vehicles as required.



A structure planning process will be undertaken by the Council in the near future which would inform any rezoning of land.

The AR concludes that the existing single title arrangement allows for an easier transition to land tenure. While negotiations between Kangaroo Island Council and the proponent are still required to formalise the access arrangements across council owned land the conditions of the Governor's Authorisation reflect this. The conditions require adherence to the RD which demonstrates the proponent's ambition to connect the site across Council's land to Buick Drive. Therefore, it is required that such discussions be sufficiently resolved prior to Stage 1 construction through the landscaping, pedestrian access and site layout plans (see Figure 8 below for staging and proposed pedestrian route connecting to Buick Drive).

## 5.12 Construction and Operation

The proposal is developed in a manner that ensures that construction and operational matters are appropriately managed and controlled.

Outline the staging and timing of construction (especially the time of year works are likely to occur) and any expected impact on or management of the environment.

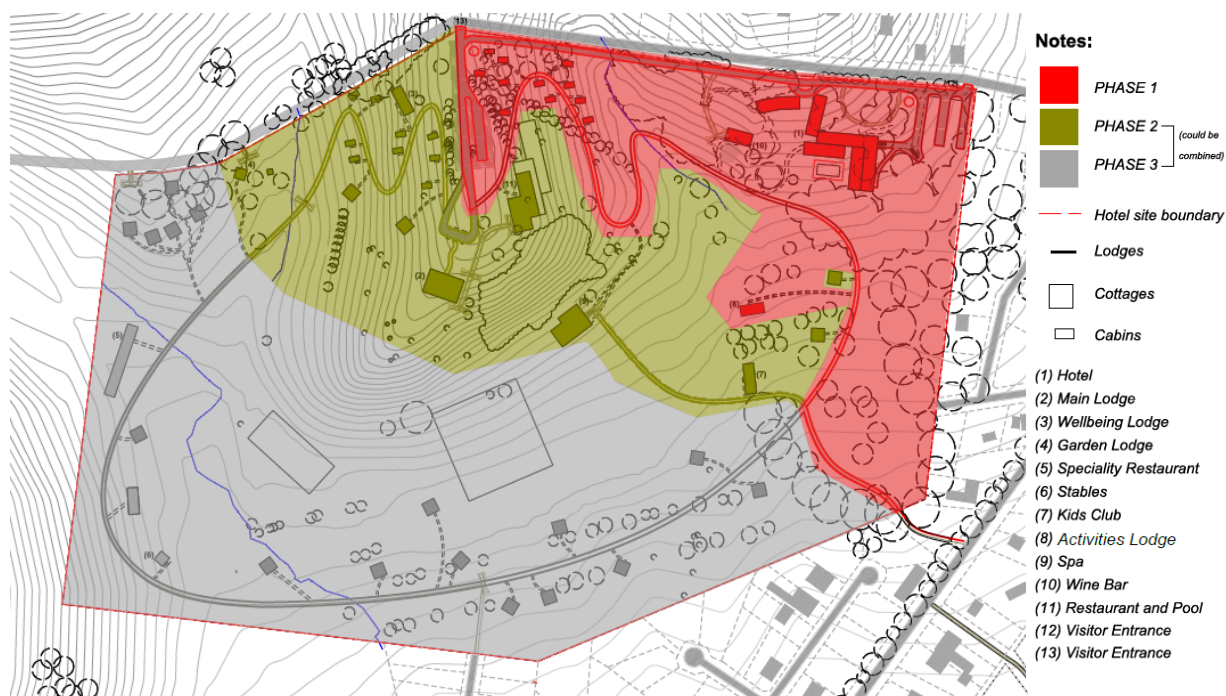


Figure 9 - plan of proposed staging/phasing

The above plan (Figure 9) contained in the lodgement documents outlines the staging of the development.

The proponent expects that the final design and documentation will take between 12-18 weeks with ground works to take up to 3 months to complete.

During site works the prefabricated materials would be delivered to site for Stage 1. Ground works will be undertaken in summer and internal fit out through winter and spring.

The timing of the works has been considered in relation to the Black Glossy Cockatoo and mitigating risk of impacts upon breeding season. Nesting sites will be avoided from March through to September. Heavy machinery use will also be avoided during sensitive times wherever practical.

Stage 2/3 works will timing will be considered through the Minister for Planning and the CEMMP/OEMMP.

*Describe the level of cut and fill required (including for access and infrastructure requirements) and the effect on the natural topography of the site.*

*Describe the measures proposed for the temporary storage, management and disposal of excavated material and construction waste.*

The proponent undertook a site analysis which identified the appropriate sites for construction and a key criteria in this approach was reducing the requirements for excavation.

Of the ten lodges, five are subject to some excavation which may create undercroft spaces and allow ground water to naturally circulate on the site. It is not expected that more than 1m in depth of excavation or fill will be required with the topography providing opportunities rather than constraints in this regard.

Emergency access and buggy routes will follow the contours and existing cleared areas to reduce the requirement for excavation also.

It is not anticipated that significant quantities of soil will be stockpiled or removed. Construction waste is also expected to be minimal and managed through the Construction Environment Management and Mitigation Plan (CEMMP).

*Describe the proposed means of minimising stormwater runoff during the construction phase of the development.*

The proponent is acutely aware of the risks posed by site run-off into adjacent Pelican Lagoon and the sensitive nature of the reserve.

Run off controls will be considered before and during construction with a number of methods flagged as appropriate temporary systems. Revegetation of the site is also expected to contribute positively to management of storm water flows and minimisation of erosion.

*Detail the proposed mitigation measures and monitoring of impacts during and after construction, including reporting and auditing measures.*

The DR indicates that construction workers will be trained in the appropriate techniques to manage site conditions as part of their induction and this is bolstered by the CEMMP. During operation the proponent will work with relevant government agencies to maintain the appropriate standards for flora and fauna conservation. This will be monitored and reviewed during each successive stage of construction.

*Describe measures to be taken to meet the construction noise provisions of the Environment Protection (Noise) Policy 2007.*

The proponent has considered the nature of the site to be relatively isolated from sensitive receptors of noise however a noise management strategy will be implemented through the CEMMP.

The AR concludes that the proponent has considered the primary issues that need to be considered during construction; these however, need to be fully documented and addressed via a CEMMP. A condition is recommended in this regard.

### **5.13 Risk and Hazard Management**

*The proposal is developed with appropriate risk and hazard management frameworks in place.*

*Describe strategies for ensuring public safety during construction and operation.*

The DR document outlines the risk and hazard management frameworks. Generally, during construction, the site will be secured by a boundary fence to prohibit public access. Visitors will be required to sign in, undertake appropriate training and wear personal protective equipment. Upon operation of Stage 1, procedures will be put in place to ensure visitor and guest safety. A safety officer will be appointed for reviewing the safety of the facilities day to day operations.

Hazardous materials will be stored on site in a service block in the eastern corner of the site; these units will be bunded to prevent any spilt material escaping, designed and installed in accord with the EPA guidelines and the General Section of the Development Plan.

The AR concludes that risk and hazard management frameworks as well as public safety strategies have been considered by the proponent. Conditions relating to risk and hazard management have been applied as recommendations.

### **5.13.1 Bushfire safety**

*Detail fire management processes and measures to reduce bushfire risk, especially those which minimise vegetation clearance and land disturbance.*

*Describe strategies for emergency evacuation during medical emergencies and/or bushfire risk.*

A referral to the Country Fire Service was undertaken and the comments are outlined in the Consultation section of this assessment report.

The proponent provided their response to the comments received from the CFS in its RD. The proponent indicated that because the current service is limited, particularly because of the building height and the anticipated number of visitors, the proponent has committed to fire engineering solution that meets the standard level of protection required both under the Building Code of Australia the Minister's Code for undertaking development in Bushfire Protection Areas and Minister's Specification SA 78.

In particular, the proponent has confirmed the following undertakings:

- preparation of a Fire Master Plan – to provide access as per above Minister's Codes and Specifications
- provision of dedicated water tanks which will be the first elements of works to be undertaken on site
- commitment to sprinkler multi storey buildings to meet the BCA requirements
- compliance with the Australian regulations in relation to building materials
- a dedicated number of permanent full-time staff which are trained as fire officers
- clearance of vegetation around buildings and dedicated emergency access roads
- the development of landscaping plans that have regard to the vegetation management zones
- preparation of a Bushfire Survival Plan.

The AR supports the bushfire strategies in principle noting that further work is required as the detailed design progresses. It is also acknowledged that that the CFS generally support the strategies and the proponent's commitment to liaise with the CFS.

The AR notes the challenge for CFS to attract and retain strong numbers of volunteer firefighters, not just in American River but across the entire Island. It is also noted that the proponent has suggested that personnel from the tourist resort will be trained and available to assist the local brigade where possible.

The AR has applied conditions with regard to bushfire safety and liaison with the CFS.

### **5.13.2 Animal Keeping – Horse Keeping**

At stage 3 the proponent expects to construct a stable adjacent to a lodge structure and keep up to 5 horses on the site.

The applicant has addressed the relevant policies within the Development Plan by:

- constructing the horse stables, riding arena and paddock away from the on-site water courses (PDC 3, updated plans provided through Response Document).
- siting the stables away from dwellings to meet PDC 5.

- Septic tanks are not proposed on site and this meets PDC 6.
- Horse riding is proposed for on-site only; any future riding routes will be in accordance with the relevant policies, guidelines and Council permissions.

The applicant is expected to meet and/or exceed the requirements for horse keeping outlined by the Development Plan and a condition will be applied as appropriate.

Agencies and the Council did not raise the horse keeping land use in their referral responses.

The AR concludes that the appropriate measures have been put in place through the revised drawings provided at the Response Document stage of the assessment process. The proponent will be required to liaise with Council as the local authority in this regard.

### **5.13.3 Conclusion**

The proposal has addressed a number of issues pertaining to essential infrastructure, building form, height, management and operation. The proposal has as a result evolved through the assessment process in response to siting as a response to community and agency concerns.

The assessment concludes that:

- the proposal aligns with State Strategic Directions and Economic Priorities
- the design and implementation of the development philosophy will be an important catalyst for the local area
- the site environment and surrounds feature as the 'hero' of the proposal, with built form to complement and showcase the Island's natural beauty
- the social and economic impacts of the proposal have been considered and are appropriate for the year round trade of the tourist resort
- the proposal creates jobs and fosters growth through local suppliers of produce, wine and services
- a staged construction program provides for greater social integration
- infrastructure requirements including water, electricity and wastewater are adequately addressed
- the proposal creates demand for access – via air and sea
- the proposal is sensitive to local environment – flora and fauna
- the proposal uses sustainable materials and proposes an environmentally sensitive operation, and
- the proposal identifies strategies for bushfire and firefighting.

The AR concludes the proposal is worthy of the Governor's authorisation subject to additional information requirements and conditions set out in the next part of this AR. Consistent with approvals for other Major Development proposals, with 2 years to commence and a maximum 5 year period for completion of the development is prescribed.

Staging of the proposed American River Tourist Resort as outlined in the Response Document will be addressed through the subsequent consent(s) by the Minister for Planning (i.e. building rules consent) and the Construction Environmental Management and Monitoring Plan.

## 6 Recommendations

Should the Governor grant a provisional development authorisation, it should be based on the following requirements -

## 7 Conditions

### 7.1 Planning Conditions

#### 7.1.1 General

1. The proponent shall carry out the development generally in accordance with:

Plan Description	ID	Date	Author
Development Report		September 2016	PARTI
Drawing Appendix – Revision 2		18 November 2016	PARTI
Response Document		18 November 2016	PARTI
<b>Technical Reports</b>			
Infrastructure & Services Report	3205.160301.G.3	September 2016	BCA Engineers
Native Vegetation Assessment		31 August 2016	Botanical Enigmerase
Landscape Concept Plan		4 March 2016	Botanical Enigmerase
Fauna Assessment		August 2016	Envisage Environmental
Preliminary Archaeological and Heritage Assessment		March 2016 September 2016 (updated)	K Walshe
Noise Assessment	S4854C3	September 2016	Sonos
Stormwater Management	S28427-243240	September 2016	FMG Engineers
Draft CEMMP & OEMMP		May 2016	PARTI
Traffic Impact Assessment	IP15.022	6 September 2016	infraplan

2. For the purposes of Section 48(11)(b) of the Development Act 1993, the proponent shall commence the development by substantial work on the site of the development within two years of the date of this authorisation, failing which the authorisation may be cancelled.
3. The proponent shall have completed the development within five years of the date of this authorisation, failing which the authorisation may be cancelled.
4. Should the project cease during the period between the commencement of earthworks and final completion the proponent will undertake all necessary steps to reinstate the land and make good.
5. That except where minor amendments may be required by other relevant Acts, or by conditions imposed by this application, the proposed Major Development for the American River Tourist Resort and associated infrastructure must be carried out in accordance with the details and following plans submitted:

## **Prior to the Commencement of Construction Works**

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the commencement of construction works at each individual stage:

1. Building Rules compliance, following assessment and certification by a private certifier, the Kangaroo Island Council or by a person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the Development Regulations 2008). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to relevant Advisory Notes below).
2. Final detailed plans for all structures on site and of each component of the development (including site plans, floor plans, elevations, cross-sections, rendered perspectives and other relevant specifications) and car parking configuration.
3. Design development in consultation with the Associate Government Architect to provide further design details including:
  - a. site plan that overlays areas of environmental sensitivity to illustrate the hierarchy and strategy for the site arrangement.
  - b. a master plan for service infrastructure provision and sustainability be developed. This includes water supply and security and energy production
  - c. further consideration of the proximity of the car parks and service road to the site boundary and the guest experience when arriving by car
  - d. each of the building elements (courtyard hotel, each of the ten lodges, cottages and cabins) including resolution of access and arrival experiences, servicing, fire egress, facade treatments and prefabricated construction methodologies
  - e. the use of high quality external materials suitable for the marine environment supported by the provision of a detailed materials schedule and samples board
  - f. design development of Back of House functions and demonstration of operational management strategies for the site
  - g. design development of internal planning of the courtyard hotel, demonstrating outlook and provision of light and ventilation for guests and staff, and
  - h. provision of visualisations of the developed design within the site context, including long views from key vantage points in the township be provided.
4. In consultation with Kangaroo Island Council, and to the satisfaction of the Country Fire Service, a detailed Landscaping Plan and schedule for the site in accordance with the Minister's Code (2009) 'Undertaking development in Bushfire Protection Areas'. Such a plan shall include details of an Asset Protection Zone, to be established and maintained, and include a vegetation management zone (VMZ) which shall be established and maintained within 20 metres of each of the buildings or to the property boundaries (whichever comes first, if relevant) as follows:
  - a. The number of trees and understorey plants to be established within the VMZ shall be maintained such that when considered overall a maximum coverage of 30% is attained, and so that the leaf area of shrubs is not continuous. Careful selection of



the vegetation will permit the 'clumping' of shrubs where desirable for diversity and privacy and yet achieve the 'overall maximum coverage of 30%'.

- b. Additional trees and shrubs shall not be planted closer to the building(s) than the distance equivalent to their mature height. The selection of appropriate fire resistant species of trees and shrubs shall determine the composition of additional plantings.
  - c. Trees and shrubs must not overhang the roofline of the building, touch walls, windows or other elements of the building.
  - d. No understorey vegetation shall be established within 2m of the dwelling.
  - e. No understorey vegetation shall be established under the existing copse of trees.
  - f. (Understorey is defined as plants and bushes up to 2m in height)
  - g. Grasses within the zone shall be reduced to a maximum height of 10cm during the fire danger season.
  - h. The VMZ shall be maintained to prevent the accumulation of dead vegetation during the fire danger season.
5. Details of Class 1 buildings compliance with the National Construction Code and include any bushfire provisions contained in AS3959-2009 'Construction of Buildings in Bushfire Prone Areas', Minister's Code (2009) 'Undertaking development in Bushfire Protection Areas' and Minister's Specification SA 78, in consultation with the Country Fire Service.
  6. Details of Class 2 – 9 buildings compliance with the National Construction Code and include all Deemed to Satisfy life and safety provisions in consultation with the Country Fire Service.
  7. In consultation with, and to the satisfaction of, the Country Fire Service, a Fire and Emergency Management Plan that outlines the proposed fire and emergency management procedures for the development.
  8. In consultation with the Country Fire Service details of management, training and funding of an employee based firefighting program to install and maintain the fire and life safety provision to AS1851.
  9. In consultation with, and to the satisfaction of, the Country Fire Service, details of passive fire systems including:
    - a. Detailed engineering and structural designs in regards to fire safety engineering or hydraulic engineering provisions;
    - b. Details on the onsite access tracks and suitability for CFS and other emergency vehicle to approach and access to each building;
    - c. Details on "Last Resort Refuge" building and the "Bushfire Survival Plan";
    - d. Details on building materials being used and their suitability; and
    - e. Details on construction method and construction methodology in regards to fire and other emergency incident management.

10. In consultation with, and to the satisfaction of, the Country Fire Service detailed design and layout plans for:
  - a. Fire water and hydraulic provisions or community upgrades to ensure a suitable, reliable and accessible water supply for fire purposes to meet the provisions of AS2419;
  - b. Suitable communication networks to meet the provisions of AS1670;
  - c. additional truck turnaround points on the main road inside the development area;
  - d. truck turnaround points suitable for an 8 metre long fire truck (Buildings 2, 6, 10);
  - e. fire tank siting and use;
  - f. fire pump(s) locations;
  - g. Fire Indicator Panel or Fire Control Room location for CFS staging;
  - h. hydrant and hydrant line location;
  - i. track or path widths (required to be greater than 6 metres for tracks (two trucks to be able to pass) and 10 metres for paths (two trucks to pass while one truck is working));
  - j. buildings are to be located within 50 metres of a fire appliance hard standing area;
  - k. evacuation assembly points; and
  - l. additional path from the main ring road to the main north east car park area for additional escape route.
11. In consultation with the Environment Protection Authority a detailed noise impact assessment for the operation of the development, prepared by a suitably qualified consultant, which demonstrates compliance with the Environment Protection (Noise) Policy 2007.
12. In consultation with the Environment Protection Authority and Kangaroo Island Council a detailed Stormwater Management Plan which incorporates as part of the final stormwater treatment design a 'Model for Urban Stormwater Improvement Conceptualisation' (MUSIC).
13. In consultation with the Environment Protection Authority and Kangaroo Island Council a Construction Environmental Management and Monitoring Plan (CEMMP), developed in accordance with the EPA guideline 'Construction environmental management plans' (2016 – see [http://www.epa.sa.gov.au/business\\_and\\_industry/environmental\\_planning/position-statements-and-guidelines](http://www.epa.sa.gov.au/business_and_industry/environmental_planning/position-statements-and-guidelines))

The CEMMP must incorporate measures to address (but not be limited to) the following matters:

- a. traffic management for the duration of demolition and construction
  - b. construction and works noise management to ensure compliance with the Environment Protection (Noise) Policy 2007
  - c. management of air quality (including odour and dust)
  - d. sequencing of development (including construction timelines for works on site, as well as periods and hours of construction)
  - e. occupational health and safety matters
  - f. bio-security and wash down procedures to minimise the transfer of pests and pathogens during the construction process
  - g. soils (including fill importation), stockpile management and prevention of soil contamination (such as from chemical use and storage, pest plants and pathogens)
  - h. stormwater management, prior to implementation of a permanent solution
  - i. groundwater (including prevention of groundwater contamination)
  - j. site contamination and remediation (where required)
  - k. waste management for all waste streams and overall site clean-up
  - l. use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including proposed emergency responses), and
  - m. site security, fencing and safety (including the management of public access and local traffic).
14. In consultation with the Department of Environment, Water and Natural Resources a Native Vegetation Management, Rehabilitation and Revegetation Plan. The plan also should include details on how weeds and pests are to be managed following commencement of operations and during operation.

#### **During Construction Works and Prior to Operation of the Development**

15. All works shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation provided (and approved by the Minister for Planning where required) in accordance with conditions 1 to 15 listed above.
16. Fire water tanks are to be constructed and filled as the first element of works undertaken on site and to the standards outlined in the Fire Service Policy 14 Version 1.0 dated June 2016.
17. Reticulated water supply to the site, to the satisfaction of SA Water and the Country Fire Service, shall be provided to the site following the completion of identified stage 1 works (115 room 4 star hotel, 2 lodges (seven storeys, wine bar and activities lodges), 11 cabins – associated car parking, service and loading areas, internal roads and paths.
18. That the landscaping shown on the approved plans as required by Condition 4 shall be substantially established prior to the operation of each stage of the development and shall be maintained and nurtured at all times with any diseased or dying plants being replaced.

19. That all external lighting of the site, including car parking areas and buildings, shall be designed and constructed to conform with Australian Standards and must be located, directed and shielded and of such limited intensity that no unreasonable nuisance or loss of amenity is caused to any person beyond the site.
20. Pedestrian walkways on the subject land shall be adequately lit in accordance with Australian Standard and recognised engineering best practice to ensure safe and convenience movement. Walkways and lighting shall be maintained at all times to the reasonable satisfaction of the Minister for Planning.
21. That all vehicle car parks, driveways and vehicle entry and manoeuvring areas shall be designed and constructed in accordance with the relevant Australian Standards and be constructed, drained and paved with bitumen, concrete or paving bricks (or other such material as agreed to by the Minister for Planning), in accordance with sound engineering practice and appropriately line marked.
22. All loading and unloading, parking and manoeuvring areas shall be designed and constructed to ensure that all vehicles can safely traffic the site and enter and exit the subject land in a forward direction.
23. That all stormwater design and construction shall be in accordance with Australian Standards and recognised engineering best practice to ensure that stormwater does not adversely affect any adjoining property or public road.
24. That all Council, utility or state-agency maintained infrastructure (i.e. roads, kerbs, drains, crossovers, footpaths etc.) that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications. All costs associated with these works shall be met by the proponent.
25. Recycled water (wastewater, grey water and stormwater) must be stored separately from the main water supply storage.
26. All liquids that have the ability to cause environmental harm must be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the Environment Protection Authority 'Bunding and Spill Management Guidelines' (2007).
27. In consultation with the Environment Protection Authority, the Country Fire Service and Kangaroo Island Council, an Operational Environmental Management and Monitoring Plan (OEMMP) be prepared by the applicant. The OEMMP must incorporate measures to address (but not be limited to) the following matters:
  - a. general operational noise management (such as from machinery noise), to ensure compliance with the Environment Protection (Noise) Policy 2007
  - b. a Waste Management strategy detailing the collection, storage and disposal of waste (for all waste streams) to comply with the Environment Protection (Waste to Resources) Policy 2010
  - c. wastewater collection and treatment to comply with general obligations of the Environment Protection (Water Quality) Policy 2015
  - d. traffic management associated with the preparation of events
  - e. noise from live and/or recorded music and public address systems for events

- f. a Native Vegetation Management, Rehabilitation and Revegetation Plan detailing the management and maintenance of native flora and fauna, rehabilitation and revegetation of the site
- g. a Weed and Pest Management Strategy detailing how weeds and pests are to be managed post construction
- h. fire and emergency management and evacuation procedures (including a Fire and Emergency Management Plan prepared in consultation with the Country Fire Service), and
- i. ongoing sustainability initiatives (including power, water, flora and fauna management) and details of proposed methods for ongoing monitoring and reporting, and
- j. implementation of the stormwater management plan.

**During Operation of the Development**

- 28. Operations on the site shall be undertaken in accordance with all plans and details submitted as part of the Major Development Application, and where provided (and endorsed by the Minister for Planning where required) in accordance with conditions 15 – 27 as listed above.
- 29. That the development and the site shall be maintained in a serviceable condition and operated in an orderly and tidy manner at all times.

### Advisory Notes

1. Pursuant to Development Regulation 64, the applicant is advised that the Kangaroo Island Council or private certifier conducting a Building Rules assessment must-
  - a. provide to the Minister a certification in the form set out in Schedule 12A of the Development Regulations 2008 in relation to the building works in question, and
  - b. to the extent that may be relevant and appropriate-
    - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12
    - (ii) assign a classification of the building under these regulations, and
    - (iii) ensure that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*.

Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.
2. The Kangaroo Island Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including any Conditions or Advisory Notes that apply in relation to this provisional development authorisation).
3. Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Development Report and Assessment Report referred to in this provisional development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the *Development Act 1993*, the applicant may be required to prepare an amended Development Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the *Development Act 1993*.
4. The applicant's CEMMP and other Plans should be prepared taking into consideration (and with explicit reference to) relevant EPA policies and guideline documents, including, but not limited to:
  - n. the *Environment Protection (Air Quality) Policy 1994*
  - o. the *Environment Protection (Noise) Policy 2007*
  - p. the *Environment Protection (Water Quality) Policy 2015*
  - q. the *Environment Protection (National Pollutant Inventory) Policy 2008*
  - r. the Standard for the Production and Use of Waste Derived Fill (if applicable) (2013)
  - s. the Bunding and Spill Management Guidelines (2012)
  - t. the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999)
  - u. Handbooks for Pollution Avoidance, and
  - v. any other legislative requirements, Guidelines and Australian Standards requiring compliance.
5. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25(1) of the *Environment Protection Act 1993* (which requires that a person must not undertake any activity, which pollutes, or may pollute; without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the *Environment Protection Act 1993* and other relevant publications and guidelines.

6. The applicant is reminded of its obligations under the *Aboriginal Heritage Act 1988*, whereby any 'clearance' work that may require permission to disturb, damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Act.
7. The applicant is reminded of its obligations under the Native Vegetation Regulations 2003 whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the *Native Vegetation Act 1991*, prior to any clearance occurring.
8. The applicant, and all agents, employees and contractors, such as construction crews, must be conversant with the provisions of the Aboriginal Heritage Act 1988, particularly the requirement to immediately contact the Department of Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.
9. The Minister for Planning has a specific power to require testing, monitoring, auditing and reporting under Section 48C of the *Development Act 1993*.



## 8 Appendix 1

### 8.1 The Governor as the Relevant Authority

Section 48(5) of the *Development Act 1993* requires that before the Governor considers a proposal that has been declared a Major Development, the Governor must have regard to (amongst other things) the provisions of the appropriate Development Plan and the Development Regulations, the Building Rules, the Planning Strategy, the Environment Protection Act 1993, and any other matters considered relevant.

In respect of applications being assessed as Major Developments under the Act, the appropriate Development Plan and Planning Strategy are those current at the time of the decision, as Section 53 of the Act does not apply to the Major Development provisions of the Act.

### 8.2 South Australia's Strategic Plan

When making a decision, the Governor has regard to any other matters considered relevant to the proposal.

In this regard, the assessment has also been carried out with reference to the State Strategic Plan. The State Strategic Plan (Government of South Australia 2011) seeks to widen opportunities for all South Australians through the pursuit of seven strategic priorities:

- Premium Food and Wine from our Clean Environment.
- Growing Advanced Manufacturing
- Realising the Benefits of the Mining Boom
- Creating a Vibrant City
- Safe Communities, Healthy Neighbourhoods
- Every Chance for Every Child
- An Affordable Place to Live

The relevant South Australian Strategic Plan Goals and Targets include:

*Goal: We are known world-wide as a great place to live and visit.*

*Target 4: 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)*

*Goal: South Australia has a resilient, innovative economy*

*Target 35: Economic growth – Exceed the national economic growth rate over the period to 2020*

*Goal: All South Australians have job opportunities.*

*Target 47: Jobs – Increase employment by 2% each year from 2010 to 2016 (baseline: 2010)*

### 8.3 South Australia's Economic Priorities

The proposal contributes to the Economic Priority of making South Australia a 'destination of choice for travellers' through development of a bespoke accommodation experience on Kangaroo Island.

It is considered that the proposal is consistent with the SA Strategic Plan and South Australia's economic priorities as it would help boost the State economy through tourism and job opportunities. The proposal would also allow for the greater choice in accommodation types in the context of a more diverse market.

## **8.4 Planning Strategy**

### **8.4.1 Kangaroo Island Plan (a volume of the SA Planning Strategy)**

The Kangaroo Island Sustainable Futures (addendum to the KI Plan as a volume of the SA Planning Strategy) was released in January 2014 to coincide with work being undertaken on the Island with regard to unlocking potential development opportunities.

The revised plan sought to balance economic development with access and infrastructure, primary production activities, tourism and existing settlements.

## **8.5 Environment Protection Act 1993**

Based on the information provided, no activities of environmental significance, as defined in Schedule 1 of the *Environment Protection Act 1993* (EP Act) have been identified. However, the Governor, before making a decision on the proposed development, should have regard to the objects of the Act, the general environmental duty and any relevant environment protection policies.

The objects of the Act are:

- *To promote the principles of ecologically sustainable development.*
- *To ensure that all reasonable and practicable measures are taken to protect, restore and enhance the quality of the environment having regard to the principles of ecologically sustainable development, and to prevent, reduce, minimise and, where practicable, eliminate harm to the environment.*

In addition, proper weight should be given to both long and short term economic, environmental, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement. The Environment Protection Authority (EPA) is required to apply a precautionary approach to the assessment of risk of environmental harm and ensure that all aspects of environmental quality affected are considered in decisions relating to the environment.

The following Environment Protection Policies are applicable:

- *Environment Protection (Water Quality) Policy 2003.*
- *Environment Protection (Air Quality) Policy 1994.*
- *Environment Protection (Noise) Policy 2007.*
- *Environment Protection (Waste to Resources) Policy 2010.*

## **8.6 Development Plan and Legislation**

### **8.6.1 State Strategic Setting**

The Kangaroo Island Development Plan for the Council Area provides State strategic direction for the Island and identifies the traditional economic drivers for the Island as aquaculture, forestry and primary industry. Tourism has been encouraged through Development Plan Amendments to value add experiences based on the natural resources, the 'clean and green' image with the extreme terrain and native animals to provide experiences for visitors.

*American River is an important tourist and local service centre. Development needs to be carefully sited and respect the scenic and conservation significance of the Pelican Lagoon Conservation Park, American River Aquatic Reserve and areas of Drooping Sheoak; an important habitat for the Island's endangered Glossy Black Cockatoo. The scale and intensity of development should be low scale with minimal impacts.*

*American River is well known for its boating and fishing and for the range of tourist accommodation. The establishment of additional recreational and tourist accommodation facilities should be developed and balanced with the town's unique character and fragile natural assets.*

Provision of infrastructure is identified by the Development Plan as a key consideration for new development to complement existing arrangements. Energy, water and waste disposal, transport, communication and electronic information should all be addressed by any new works.

### 8.6.2 Procedural Matters

The application has been considered in the context of the planning policies contained within the Kangaroo Island Development Plan (consolidated 17 September 2015).

The AR has considered the intent of the Development Plan in the ‘Assessment of the Main Issues’.

Specifically the aspects of the proposal which are particularly relevant in regard of the General Section of the Development Plan include matters such as:

- Tourism Development (Need for the Proposal)
- Management of Other Environmental Matters (Native Vegetation)
- Risk and Hazard Management (Animal Keeping – Horse Keeping)

### 8.6.3 Zoning

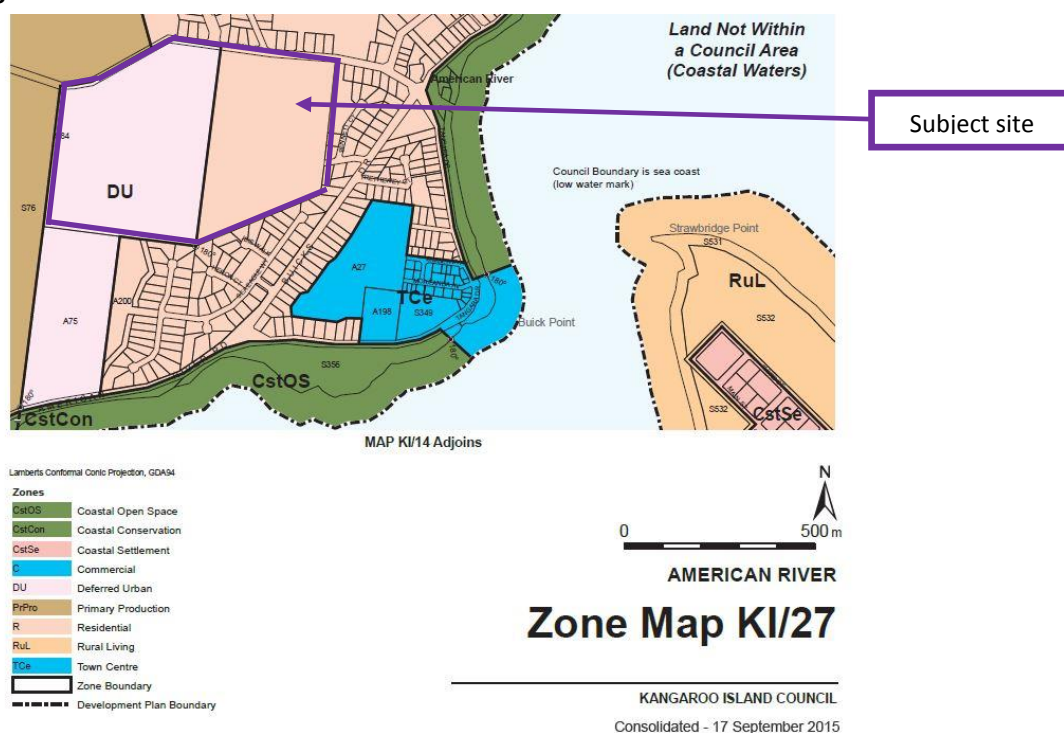


Figure 9 – Zone Map

The proposal is sited within the Deferred Urban and Residential Zones; the zone boundary is approximately located through the centre of the allotment.

The western portion is located within the Deferred Urban Zone and is adjacent to a Primary Production Zone. The eastern portion of the allotment is zoned Residential and is adjacent the American River township.

Neither Zone explicitly contemplates a hotel nor tourist resort, although the Residential Zone does acknowledge the potential for tourist accommodation and suggests it should be of a scale that is compatible with the residential character of the area. Conversely neither Zone lists ‘tourist accommodation or resort’ as being non-complying and inappropriate land uses for the locality.

American River’s character is dominated by its mix of residential and holiday homes, which includes small, compact shack development, low density residential homes and elevated homes within a bush setting. Future development is to maintain the rural surrounds and native vegetation within the town. Land that accommodates large stands of Drooping Sheoak, which is Glossy Black Cockatoo habitat,

should not be fragmented by development or land division. The open nature of the elevated hills alongside the entrance road to the town will be protected to maintain high amenity levels and development will maintain view lines to Pelican Lagoon. The compact holiday shacks adjacent to the wharf will be retained with future development to reflect their existing informal character, siting, scale and materials. The open space surrounding the shacks will be improved to encourage better use by residents and visitors. The proposal has been designed with this character intent in mind and can be appreciated through the manner by which the site organisation of built form and uses is dispersed.

#### **8.6.4 Residential Zone**

The Residential Zone covers part of the site and seeks to provide for residential growth on Kangaroo Island within the main Townships of Kingscote, Penneshaw, American River, Parndana, Emu Bay and Baudin Beach.

The Zone seeks to align new development and infrastructure to provide orderly and economic development. Tourist development is anticipated but will not be a predominant use. Notably the proposal is dispersed over some 32 hectares.

##### **8.6.4.1 Desired Character**

*The open nature of the elevated hills alongside the entrance road to the town will be protected to maintain high amenity levels and development will maintain view lines to Pelican Lagoon.*

The proponent's design has had considerable regard to the intention of the Desired Character of the Residential Zone through the site layout and building design.

##### **8.6.4.2 Residential Zone - Principles of Development Control**

Hotels, motels and hostels are non-complying land uses in the Zone. PDC 2 notes that development listed as non-complying is generally inappropriate. Such applications would require Category 3 public notification.

Notwithstanding the non-complying status of such uses the proposal is not conveniently encompassed under any of those specific definitions. It is a tourist resort facility, and notably tourist accommodation is contemplated within the zone as PDC 11 states that 'tourist accommodation should be of a scale that is compatible with the residential character of the area.' The zone therefore contemplates tourist accommodation primarily of a low scale 'residential' nature such as a 'Bed and Breakfast'.

Whilst the proposed land use is not specifically listed within the zone, the layout and design of the proposed development has sought to achieve a built form which transitions to the adjacent rural and residential areas. In addition, the proposal has been designed to minimise impact on the amenity of the locality (for example, noise mitigation, visual intrusion).

Some portions of the built form are taller than the indicative 6.5 metres guidance offered by the Development Plan at PDC 12 (a), however, the proposal meets the intention of the subsequent items of PDC 12 (b-d). The proposed taller buildings are slim and dispersed across the site as a 'de-constructed' form rather than an expansive and bulky single building. This format provides a greater opportunity for minimisation of loss of views from adjacent dwellings; with the ground floor sympathetic to the undulating topography in its design and siting. Some of the proposed built form (ie the cabins and cottages) is split level which fulfils PDC 12 (d).

The dispersion of the built form and the sensitive approach to the site ameliorate many of the potential impacts of an increased intensity of land use.

#### **8.6.5 Deferred Urban Zone**

The Deferred Urban Zone covers part of the site and envisages farming or recreation land uses. The intention of the Deferred Urban Zone in this locality is to provide for potential residential development

if the current Residential Zone reaches capacity. Hotels and motels are listed as non-complying within the Deferred Urban Zone and would be categorised at Category 3 public notification.

The proposal is not considered to over develop the site given its substantive area and the dispersion of buildings within its confines, notably should the development as proposed be superseded in the future, the intent of the Deferred Urban Zone could still be realised.

#### **8.6.6 Council Wide Provisions**

Relevant Council Wide provisions include the following:

##### *Animal Keeping – Horse Keeping*

*PDC 3 Stables, horse shelters or associated yards should be sited:*

- (a) at least 50 metres from a watercourse*
- (b) on land with a slope no greater than 1 in 10 metres.*

*PDC 4 A concrete drainage apron should be provided along the front of stables directing water from wash-down areas onto a suitably vegetated area that can absorb all the water, or into a constructed drainage pit.*

*PDC 5 Stables, horse shelters or associated yards should be sited at least 30 metres from any dwelling on the site and from the nearest allotment boundary to avoid adverse impacts from dust, erosion and odour.*

*PDC 6 All areas accessible to horses should be separated from septic tank drainage areas.*

*PDC 7 Development in the form of stables or shelters should have a:*

- (a) floor area of at least 3.6 metres by 3.6 metres, which is situated at least 50 millimetres above natural ground level*
- (b) minimum roof height of 2.75 metres.*

*PDC 8 Development in the form of horse keeping yards should have:*

- (a) an area of at least 40 square metres*
- (b) an impervious base with a minimum gradient of 1 in 100 or a free draining base layer (at least 40 cm deep in sand only)*
- (c) a base topped with coarse sand, shell grit, pine bark or the like.*

##### *Energy Efficiency*

*Objective 1 – Development designed and sited to conserve energy and minimise waste.*

##### *Hazards*

*OBJ 1 Maintenance of the natural environment and systems by limiting development in areas susceptible to natural hazard risk.*

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

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

*OBJ 4 Expansion of existing non-rural uses directed away from areas of high bushfire risk.*

*OBJ 6 The environmental values and ecological health of receiving waterways and marine environments protected from the release of acid water resulting from the disturbance of acid sulphate soils.*

*OBJ 7 Protection of human health and the environment wherever site contamination has been identified or suspected to have occurred.*

*OBJ 8 Minimisation of harm to life, property and the environment through appropriate location of development and appropriate storage, containment and handling of hazardous materials.*

*PDC 1 Development should:*

*(a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards*

*(b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood, coastal flooding, storm surge, landslip, earthquake, toxic emissions or other hazards such as vermin*

*(c) not occur on land where the risk of flooding is likely to be harmful to safety or damage property.*

*PDC 2 There should not be any significant interference with natural processes in order to reduce the exposure of development to the risk of natural hazards.*

*PDC 3 The location of critical community facilities or key infrastructure in areas of high natural hazard risk should be avoided.*

*Flooding*

*PDC 4 Development should not be undertaken in areas liable to inundation by tidal, drainage or flood waters unless the development can achieve all of the following:*

*(a) it is developed with a public stormwater system capable of catering for a 1 in 100 year average return interval flood event*

*(b) buildings are designed and constructed to prevent the entry of floodwaters in a 1 in 100 year average return interval flood event.*

*PDC 5 Development, including earthworks associated with development, should not do any of the following:*

*(a) impede the flow of floodwaters through the land or other surrounding land*

*(b) occur on land where the risk of flooding is unacceptable having regard to personal and public safety and to property damage*

*(c) increase the potential hazard risk to public safety of persons during a flood event*

*(d) aggravate the potential for erosion or siltation or lead to the destruction of vegetation during a flood*

*(e) cause any adverse effect on the floodway function*

*(f) increase the risk of flooding of other land*

*(g) obstruct a watercourse.*

### *Bushfire*

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

*PDC 7 Development in a Bushfire Protection Area should be in accordance with those provisions of the Minister's Code: Undertaking development in Bushfire Protection Areas that are designated as mandatory for Development Plan Consent purposes.*

*PDC 8 Buildings and structures should be located away from areas that pose an unacceptable bushfire risk as a result of one or more of the following:*

*(a) vegetation cover comprising trees and/or shrubs*

*(b) poor access*

*(c) rugged terrain*

*(d) inability to provide an adequate building protection zone*

*(e) inability to provide an adequate supply of water for fire-fighting purposes.*

*PDC 9 Residential, tourist accommodation and other habitable buildings should:*

*(a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect*

*(b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation*

*(c) have a dedicated and accessible water supply available at all times for fire fighting.*

*PDC 10 Extensions to existing buildings, outbuildings and other ancillary structures should be sited and constructed using materials to minimise the threat of fire spread to residential, tourist accommodation and other habitable buildings in the event of bushfire.*

*PDC 11 Buildings and structures should be designed and configured to reduce the impact of bushfire through using simple designs that reduce the potential for trapping burning debris against the building or structure, or between the ground and building floor level in the case of transportable buildings.*

### *Salinity*

*PDC 16 Development should not increase the potential for, or result in an increase in, soil and water salinity.*

*PDC 17 Preservation, maintenance and restoration of locally indigenous plant species should be encouraged in areas affected by dry land salinity.*

*PDC 18 Irrigated horticulture and pasture should not increase groundwater-induced salinity.*



### *Acid Sulfate Soils*

*PDC 19 Development and activities, including excavation and filling of land, that may lead to the disturbance of potential or actual acid sulfate soils as shown on Overlay maps – Development Constraints, should be avoided unless such disturbances are managed in a way that effectively avoids the potential for harm or damage to any of the following:*

- (a) the marine and estuarine environment*
- (b) natural water bodies and wetlands*
- (c) agricultural or aquaculture activities*
- (d) buildings, structures and infrastructure*
- (e) public health.*

*PDC 20 Development, including primary production, aquaculture activities and infrastructure, should not proceed unless it can be demonstrated that the risk of releasing acid water resulting from the disturbance of acid sulfate soils is minimal.*

### *Site Contamination*

*PDC 21 Development, including land division, should not occur on contaminated land or on potentially contaminated land unless either of the following applies:*

- (a) remediation of the site is undertaken to a standard that makes it suitable and safe for the proposed use*
- (b) the site will be maintained in a condition, or the development will be undertaken in a manner, that will not pose a threat to the health and safety of the environment or to occupiers of the site or land in the locality.*

### *Containment of Chemical and Hazardous Materials*

*PDC 22 Hazardous materials should be stored and contained in a manner that minimises the risk to public health and safety and the potential for water, land or air contamination.*

*PDC 23 Development that involves the storage and handling of hazardous materials should ensure that these are contained in designated areas that are secure, readily accessible to emergency vehicles, impervious, protected from rain and stormwater intrusion and other measures necessary to prevent:*

- (a) discharge of polluted water from the site*
- (b) contamination of land*
- (c) airborne migration of pollutants*
- (d) potential interface impacts with sensitive land uses.*

### *Interface between land uses*

- OBJ 1 Development located and designed to minimise adverse impact and conflict between land uses.*
- OBJ 2 Protect community health and amenity from adverse impacts of development.*
- OBJ 3 Protect desired land uses from the encroachment of incompatible development.*
- PDC 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.*
- PDC 2 Development should be sited and designed to minimise negative impacts on existing and potential future land uses desired in the locality.*
- PDC 3 Development adjacent to a **Residential Zone** should be designed to minimise overlooking and overshadowing of adjacent dwellings and private open space.*
- PDC 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.*
- PDC 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.*
- PDC 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*

- PDC 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.*
- PDC 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.*
- PDC 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*

*PDC 10 Development proposing music should include noise attenuation measures that achieve the following desired noise levels:*

<b>Noise level assessment location</b>	<b>Desired noise level</b>
Adjacent existing <i>noise sensitive development</i> property boundary	Less than 8 dB above the level of background noise (L90,15min) in any octave band of the sound spectrum and Less than 5 dB(A) above the level of background noise (LA90,15min) 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 (L90,15min) in any octave band of the sound spectrum and 5 dB(A) overall (sum of all octave bands) A-weighted level.

#### *Rural Interface*

*PDC 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.*

*PDC 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.*

*PDC 15 Existing primary production uses and mineral extraction should not be prejudiced by the inappropriate encroachment of sensitive uses such as urban development.*

*PDC 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.*

*PDC 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.*

*PDC 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.*

## *Siting and Visibility*

*OBJ 1 Protection of scenically attractive areas, particularly natural, rural and coastal landscapes.*

*PDC 1 Development should be sited and designed to minimise its visual impact on:*

- (a) the natural, rural or heritage character of the area*
- (b) areas of high visual or scenic value, particularly rural and coastal areas*
- (c) views from the coast, near-shore waters, public reserves, tourist routes and walking trails*
- (d) the amenity of public beaches.*

*PDC 2 Buildings should be sited in unobtrusive locations and, in particular, should:*

- (a) be grouped together*
- (b) where possible be located in such a way as to be screened by existing vegetation when viewed from public roads.*

*PDC 3 Buildings outside of urban areas and in undulating landscapes should be sited in unobtrusive locations and in particular should be:*

- (a) sited below the ridgeline*
- (b) sited within valleys or behind spurs*
- (c) sited in such a way as to not be visible against the skyline when viewed from public roads*
- (d) set well back from public roads, particularly when the allotment is on the high side of the road.*

*PDC 4 Buildings and structures should be designed to minimise their visual impact in the landscape, in particular:*

- (a) the profile of buildings should be low and the rooflines should complement the natural form of the land*
- (b) the mass of buildings should be minimised by variations in wall and roof lines and by floor plans which complement the contours of the land*
- (c) large eaves, verandas and pergolas should be incorporated into designs so as to create shadowed areas that reduce the bulky appearance of buildings.*

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

*PDC 6 The number of buildings and structures on land outside of urban areas should be limited to that necessary for the efficient management of the land.*

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

*PDC 8 Development should be screened through the establishment of landscaping using locally indigenous plant species:*

- (a) around buildings and earthworks to provide a visual screen as well as shade in summer, and protection from prevailing winds*

- (b) along allotment boundaries to provide permanent screening of buildings and structures when viewed from adjoining properties and public roads*
- (c) along the verges of new roads and access tracks to provide screening and minimise erosion.*

### *Sloping Land*

- OBJ 1 Development on sloping land designed to minimise environmental and visual impacts and protect soil stability and water quality.*
- PDC 1 Development and associated driveways and access tracks should be sited and designed to integrate with the natural topography of the land and minimise the need for earthworks.*
- PDC 2 Development and associated driveways and access tracks, including related earthworks, should be sited, designed and undertaken in a manner that:
  - (a) minimises their visual impact*
  - (b) reduces the bulk of the buildings and structures*
  - (c) minimises the extent of excavation and fill*
  - (d) minimises the need for, and the height of, retaining walls*
  - (e) does not cause or contribute to instability of any embankment or cutting*
  - (f) avoids the silting of watercourses*
  - (g) protects development and its surrounds from erosion caused by water run-off.**
- PDC 3 Driveways and access tracks across sloping land should be accessible and have a safe, all-weather trafficable surface.*
- PDC 4 Development sites should not be at risk of landslip.*
- PDC 5 Development on steep land should include site drainage systems to minimise erosion and avoid adverse impacts on slope stability.*
- PDC 6 Steep sloping sites in unsewered areas should not be developed unless the physical characteristics of the allotments enable the proper siting and operation of an effluent drainage field suitable for the development intended.*
- PDC 7 The excavation and/or filling of land outside townships and urban areas should:
  - (a) be kept to a minimum and be limited to a maximum depth or height no greater than 1.5 metres so as to preserve the natural form of the land and the native vegetation*
  - (b) only be undertaken in order to reduce the visual impact of buildings, including structures, or in order to construct water storage facilities for use on the allotment*
  - (c) only be undertaken if the resultant slope can be stabilised to prevent erosion*
  - (d) result in stable scree slopes which are covered with top soil and landscaped so as to preserve and enhance the natural character or assist in the re-establishment of the natural character of the area.**

### *Tourism Development*

- OBJ 1 Environmentally sustainable and innovative tourism development.*
- OBJ 2 Tourism development that assists in the conservation, interpretation and public appreciation of significant natural and cultural features including State or local heritage places.*
- OBJ 3 Tourism development that sustains or enhances the local character, visual amenity and appeal of the area.*
- OBJ 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.*
- OBJ 5 Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.*
- OBJ 6 Tourism development that contributes to local communities by adding vitality to neighbouring townships, regions and settlements.*
- OBJ 7 Increased opportunities for visitors to stay overnight.*
- OBJ 8 Ensure new development, together with associated bushfire management minimise the threat and impact of bushfires on life and property while protecting the environment.*
- PDC 1 Tourism development should have a functional or locational link with its natural, cultural or historical setting.*
- PDC 2 Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.*
- PDC 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.*
- PDC 4 Tourism development should, where appropriate, add to the range of services and accommodation types available in an area.*
- PDC 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.*
- PDC 6 Car parking should be designed in clusters instead of large expanses.*

### *Transport and Access*

- PDC 2 Development that:*
  - (a) provides safe and efficient movement for all motorised and non-motorised transport modes*
  - (b) ensures access for vehicles including emergency services, public infrastructure maintenance and commercial vehicles*
  - (c) provides off street parking*

*(d) is appropriately located so that it supports and makes best use of existing transport facilities and networks.*

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

*PDC 22 Development should be provided with safe and convenient access which:*

*(a) avoids unreasonable interference with the flow of traffic on adjoining roads*

*(b) accommodates the type and volume of traffic likely to be generated by the development or land use*

*(c) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.*

*PDC 27 Driveways, access tracks and parking areas should be designed and constructed to:*

*(a) follow the natural contours of the land*

*(b) minimise excavation and/or fill*

*(c) minimise the potential for erosion from run-off*

*(d) avoid the removal of existing vegetation*

*(e) be consistent with Australian Standard AS 2890 Parking facilities.*

*PDC 28 Development should be sited and designed to provide convenient access for people with a disability.*

#### *Vehicle Parking*

*PDC 30 Development should provide off-street vehicle parking and specifically marked disabled car parking places to meet anticipated demand in accordance with Table KI/2 - Off Street Vehicle Parking Requirements (see below table)*

<i>Form of Development</i>	<i>Number of Required Car Parking Spaces</i>
<i>Hotel</i>	<i>1 per 3 square metres of bar floor area plus 1 per 9 square metres of lounge bar or beer garden floor area or 1 per 5 guest rooms (whichever provides the larger parking area).</i>
<i>Guest house</i>	<i>1 per 3 beds.</i>
<i>Restaurant</i>	<i>1 per 15 square metres total floor area.</i>

*PDC 35 Parking areas that are likely to be used during non daylight hours should provide floodlit entrance and exit points and site lighting directed and shaded in a manner that will not cause nuisance to adjacent properties or users of the car park.*

*PDC 36 Parking areas should be sealed or paved in order to minimise dust and mud nuisance.*

*PDC 37 Stormwater from parking areas should be collected for reuse, with overflow discharged to the Council stormwater system.*

*PDC 38 Parking areas should be line-marked to indicate parking bays, movement aisles and direction of traffic flow.*

## *Waste*

- PDC 6 Development that involves the production and/or collection of waste and/or recyclable material should include designated collection and storage area(s) that are:*
- (a) screened and separated from adjoining areas*
  - (b) located to avoid impacting on adjoining sensitive environments or land uses*
  - (c) designed to ensure that wastes do not contaminate stormwater or enter the stormwater collection system*
  - (d) located on an impervious sealed area graded to a collection point in order to minimise the movement of any solids or contamination of water*

## *Wastewater*

- PDC 7 The disposal of wastewater to land should only occur where methods of wastewater reduction and reuse are unable to remove the need for its disposal, and where its application to the land is environmentally sustainable.*
- PDC 8 Wastewater storage lagoons should not be sited in any of the following areas:*
- (a) within land subject to a 1 in 100 year average return interval flood event*
  - (b) within 50 metres of the top of the bank of a watercourse*
  - (c) within 500 metres of the coastal high water mark*
  - (d) where the base of the lagoon would be below any seasonal water table.*
- PDC 9 Wastewater storage lagoons should be avoided within a water protection area within the meaning of Part 8 of the Environment Protection Act 1993.*
- PDC 10 Wastewater storage lagoons should be sufficiently separated from adjacent land uses that may be sensitive to adverse odours.*
- PDC 11 Wastewater storage lagoons should be designed and constructed in accordance with the current Environment Protection (Water Quality) Policy.*

## *Waste Treatment Systems*

- PDC 12 Development that produces any effluent should be connected to an approved waste treatment system which may include sewage, community wastewater management systems, or on-site wastewater treatment and disposal methods.*
- PDC 13 The methods for, and siting of, effluent and waste storage, treatment and disposal systems should minimise the potential for environmental harm and adverse impacts on:*
- (a) the quality of surface and groundwater resources*
  - (b) public health*
  - (c) the amenity of a locality*
  - (d) sensitive land uses.*
- PDC 14 Waste treatment should only occur where the capacity of the treatment facility is sufficient to accommodate likely maximum daily demands including a contingency for unexpected high flows and breakdowns.*



*PDC 15 Any domestic waste treatment system or effluent drainage field should be located within the allotment of the development that it will service.*

*PDC 16 A dedicated on-site effluent disposal area should not include any areas to be used for, or could be reasonably foreseen to be used for, private outdoor open space, driveways, car parking or outbuildings.*

### **8.6.7 Conclusion**

The Kangaroo Island Council Development Plan balances the need for economic development and growth, with the need to preserve the island's natural and sensitive environment. The proposed tourist resort is considered to be sympathetic to this balance, providing a new tourism opportunity within a locality that has capacity for diversity and one which will provide economic growth for the island. In doing so it seeks to preserve and where possible, enhance, the environmental and landscape qualities of the site.

## **8.7 Building Rules Consent**

This AR does not include an assessment of the proposal against the provisions of the Building Rules under the *Development Act 1993*. If the Governor grants a development authorisation, further assessment of the proposed development against the Building Rules will be required. The proponent may choose to seek building rules consent from the Kangaroo Island Council or by a private building rules certifier.

Full development authorisation (equivalent to a development approval under Part 1 of the Act) would only be made by the Governor *after* the Council or a private certifier has assessed and certified that any 'building work' under the Act, complies with the Building Rules (and has supplied this information to the Minister, as required by Regulation 64 of the Development Regulations 2008). The Building Rules certification must of course be consistent with the development authorisation.

The following structures would need Building Rules Consent (and Certificate of Occupancy) to be obtained, prior to the commencement of operations on the site:

- Residential apartments
- Hotel and associated structures

In addition, several components of the development (including signage, stormwater management, monitoring programs and operational protocols) would be required to meet the relevant Australian Standards, EPA Guidelines/Codes and other relevant engineering standards.

## **8.8 Glossary**

The Act	<i>Development Act 1993 and Development Regulations 2008</i>
AHD	Australian Height Datum
AR	Assessment Report
CEMMP	Construction Environment Maintenance and Management Plan
DAC	Development Assessment Commission
DoEE	Commonwealth Department of Environment and Energy
DEWNR	Department of Water, Environment & Natural Resources
DPTI	Department of Planning, Transport & Infrastructure
DR	Development Report
EMP	Environmental Management Plan
EPA	Environment Protection Authority
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
ODASA	Office for Design + Architecture
OEMMP	Operation Environmental Maintenance and Management Plan
RD	Response Document