

GUIDELINES

For the preparation of a

PUBLIC ENVIRONMENT REPORT

**Tourist Resort and Commercial Harbour
American River, Kangaroo Island**

City & Central Consulting Pty Ltd

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1. BACKGROUND

On 20 August 2015, the Minister for Planning made a declaration in The *South Australian Government Gazette* that a proposed tourist resort and commercial marina development at American River, Kangaroo Island, be assessed as a Major Development pursuant to Section 46 of the *Development Act 1993* (the Act).

Section 46 of the Act ensures that matters affecting the environment, the community or the economy to a significant extent, are fully examined and taken into account in the assessment of this proposal.

The major development process has six steps:

- The Development Assessment Commission sets the level of assessment (Environmental Impact Assessment, Public Environmental Report or Development Report) and provides guidelines (**this stage**).
- Proponent prepares an Assessment Document (in this case a Public Environmental Report).
- Public and agency consultation on the Assessment Document for a period of four to six weeks depending on the level of assessment.
- Responding to public comment on an Assessment Document.
- Assessing the proposal and releasing the Assessment Report.
- Decision.

This document is the guidelines as set by the Development Assessment Commission specifically prepared for this application. The Development Assessment Commission (Commission) has determined that the proposal will be subject to the processes of a Public Environmental Report (PER), as set out in Section 46C of the Act. The Commission's role in the assessment process is now completed. From this point the Minister will continue with the assessment under Section 46 of the Act.

2. DESCRIPTION OF THE PROPOSAL

The proposal can be generally described as an international tourism resort and harbour, comprising the following components:

- The Resort complex is designed as a 'deconstructed hotel', comprising ten lodges. Tourist accommodation is mainly provided by 9 freestanding six-story buildings strategically located around the site. Each lodge would have two hotel rooms per floor (up to 12 rooms per lodge, with a total capacity of 108 rooms) to provide multiple views from each room, located above shared ground floor facilities. A range of self contained cottages (20 in total) and cabins (20 in total) would also be provided around the site. The resort would have a total maximum capacity of 416 guests.
- The main lodge buildings would include a reception area, retail, restaurants, bars, conference facilities and pool (with associated roads and car parking).
- Resort amenities, including a health spa, fitness centre, kid's club, activity centre (for adventure based recreation activities), specialty restaurant/cookery school, stables (for horse riding activities), library (including wine bar) and landscaped gardens.
- Staff Village, comprising resort maintenance facilities (i.e. stores, workshop and laundry on the ground floor) and staff accommodation (i.e. 100 rooms) and amenities on the first and second floors.
- Commercial Harbour, including a recreational marina (with up to 40 berths, including for large vessels), passenger ferry berth (including parking and marshalling areas), ticket office, hotel welcome facility, café, restaurants, bars and general retail.
- Infrastructure for a water supply, electricity supply, telecommunications, stormwater management and waste management (including effluent treatment and disposal).

The various components of the resort would be spread around the site to provide a variety of views and experiences, all connected by a network of roads and paths.

The resort component site is located in the American River 'hinterland' on a slope of the surrounding hills, at the edge of the township's urban area. The site is approximately 32 hectares in area and overlooks the township and Pelican Lagoon. The harbour site is located at Buick Point and overlooks American River, the mouth of Pelican Lagoon. The harbour component would be integrated with the existing wharf, boat ramp and existing buildings (especially the 'Boat Shed', a community based traditional boat building facility). The harbour site is separate to the resort site, but would be connected through linkages (i.e. a pathway with golf buggies used to transport guests).

3. MAJOR DEVELOPMENT PROCESS AND ROLE OF GUIDELINES

- These Guidelines are to be used to inform the preparation of the Public Environmental Report (PER). They set out the assessment issues associated with the proposal along with their scale of risk, as determined by the Development Assessment Commission.
- The PER must be prepared by the proponent, in accordance with the Guidelines, and should specifically address each guideline.
- Each guideline is intended to be outcome focused and may be accompanied by suggested assessment approaches. These suggestions are not exhaustive, and may be just one of a wide range of methods to consider and respond to a particular guideline.
- The PER should detail any expected environmental, social and economic effects of the development, and the extent to which the development is consistent with the provisions of the Councils Development Plan, the Planning Strategy and any matter prescribed by the Regulations under the Act.
- The completed PER is submitted to the Minister for public release, and is subsequently referred to Council and relevant government agencies for comment.
- An opportunity for public comment will occur when the completed PER is released. Public exhibition is undertaken for a minimum of 6 weeks. An advertisement will be placed in the Advertiser and the local newspaper inviting submissions.
- Copies of the submissions from the public, Council and other relevant agencies will be provided to the proponent.
- The proponent may then prepare a 'Response Document' to address the matters raised during the Public exhibition period.
- The Minister then prepares an Assessment Report. The Assessment Report and the Response Document will be available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.
- Availability of each of these documents will be notified by advertisements in The Advertiser and the local newspaper. A copy of the PER, Response Document and the Assessment Report will be provided to the Council.
- When a proposal is subject to the PER process, the Governor makes the final decision under Section 48 of the Act.
- In deciding whether the proposal will be approved and any conditions that will apply, the Governor must have regard to:
 - Provisions of the Development Plan.
 - The Development Act and Regulations.
 - If relevant, the Building Code of Australia.
 - The South Australian Planning Strategy.
 - The Integrated Transport and Land Use Plan.

- The PER and the Ministers Assessment Report.
 - Where relevant, any other government policy and/or legislation.
- The Governor can at any time indicate that the development will not be granted authorisation. This may occur if the development is inappropriate or cannot be properly managed. This is commonly referred to as an ‘early no’.

4. PUBLIC ENVIRONMENT REPORT (PER)

4.1 The PER should be presented in terms that are readily understood by the general reader. Technical details should be included in the appendices.

4.2 THE REPORT MUST INCLUDE THE FOLLOWING

Information and Assessment

The provision of all information sought by the guidelines, together with consideration and assessment against each of the matters identified in Section 5 of these Guidelines.

Consistency with Policy and Legislation

The Act requires the PER to state its consistency with the relevant Development Plan and Planning Strategy, and other key policies and/or legislation, including the Environment Protection Act (refer to Appendix 3 for ‘useful resources’).

Commitment to Address Impacts

The PER should state the proponent’s commitments to avoid, mitigate, manage and/or control any potentially unreasonable impacts from the development.

4.3 THE REPORT SHOULD INCLUDE THE FOLLOWING

Summary

A concise summary of the matters set out in Section 4.2 above, including all aspects covered in the Guidelines set out below, in order for the reader to obtain a quick but thorough understanding of the proposal and all its effects.

Introduction

The introduction to the PER should cover the following:

- Background to and objectives of the proposed development.
- Details of the proponent.
- Staging and timing of the proposal.
- Relevant legislative requirements and assessment process.

Need for the Proposal

A statement of the objectives and justification for the proposal, including:

- The specific objectives the proposal is intended to meet.
- Expected local, state or national benefits and costs.
- A summary of environmental, economic and social arguments to support the proposal; including the consequences of not proceeding with the proposal.

Plans and Forms

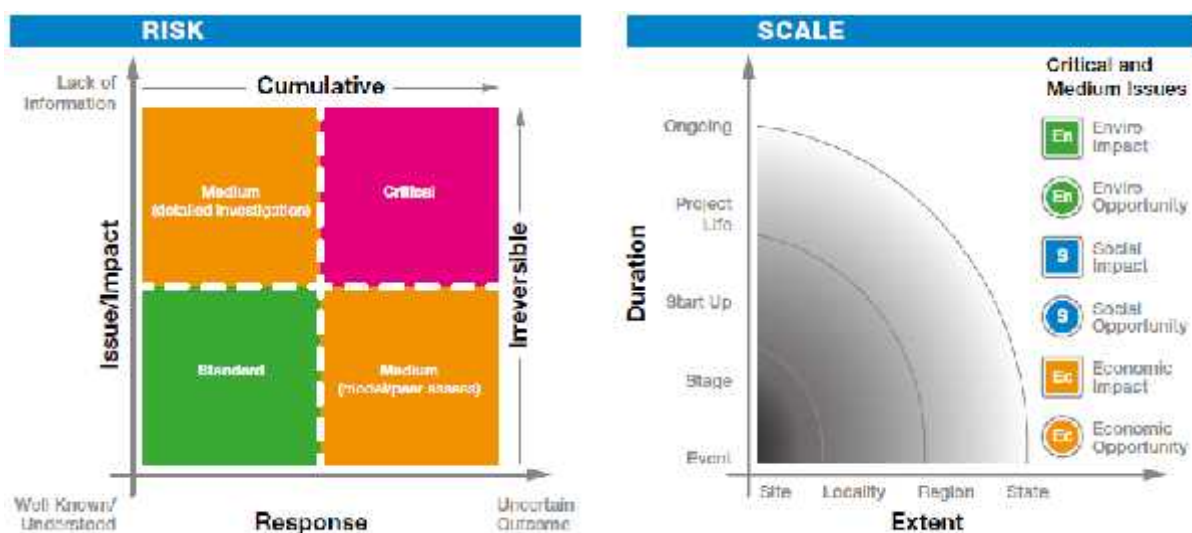
- **Current Certificate(s) of Title.**
- **Context and locality plans** illustrating and analysing existing site conditions and the relationship of the proposal to surrounding land and buildings. The plans should be drawn to a large scale to allow presentation on a single sheet and be readily legible.
- **Site plan(s)** clearly indicating the proposed buildings and works.
- **Landscaping plan(s)**, including the location of any native vegetation or significant trees on the site and/or adjoining land and any work intended within the public realm.
- **Floor plans** (drawn at a scale of 1:100 or 1:200) for each level of each buildings.
- **Elevations** (drawn at a scale of 1:100 or 1:200) of all sides of buildings and other structures, with levels and height dimensions provided in Australian Height Datum.
- **Cross sections** of buildings and other structures, including ground levels, floor levels, ceiling heights and maximum height in Australian Height Datum.
- Coloured high resolution **perspectives** of the proposal shown in context from various locations, including longer views from strategic approaches to the site (especially around Pelican Lagoon).
- **Sequencing and staging plans** if staged Building Rules Consent is to be sought.
- **A schedule of materials, finishes and colours.**

5. ASSESSMENT

Impact assessment is an important tool that enables the consideration of projects that might otherwise struggle to be addressed properly or fairly under the 'normal' assessment system.

In setting these Guidelines, the Development Assessment Commission has considered the scale of issues associated with the project and determined whether they represent issues or opportunities. The potential impacts and issues have then been organised according to the level of work and type of attention required by the Applicant: either standard, medium or critical:

- Where the issue is well known and the response is well understood then the risk assessment is classed as 'standard'.
- Where work is required to address the issue but the risk is likely to be manageable with additional information then the risk assessment is classed as 'medium'.
- Where information about the issue is lacking and the response is unclear, the issue is classed as 'critical'.



The issues and impacts identified by the Commission as requiring standard, medium or critical level assessment are listed below. Each guideline includes a description of the issue/impact and a description of the action needed.

The proposal is located in a sensitive coastal and marine environment. In particular, it is within the Encounter Marine Park and is near the Pelican Lagoon Aquatic Reserve. The area supports important ecosystems, especially habitat for threatened species and nursery areas for commercial and recreational fisheries. Thus, protection of the environmental values of the area is a key objective of the guidelines. However, this priority does not undermine the significance of other issues that are addressed by the following guidelines.

5.1 CRITICAL ASSESSMENT

Coastal and Marine

Guideline 1: Development of a commercial harbour precinct along the American River foreshore, in particular the proposed marina and ferry terminal, could impact upon a coastal and marine environment that has significant environmental values. In particular, it is within a General Managed Use Zone of the Encounter Marine Park. It should therefore demonstrate how the proposal respects and responds to the coastal and marine environment. It should therefore, demonstrate an understanding of the potential for impacts on these environmental values during both the construction and operational phases of the development.

Evaluate the potential impacts during both construction and operation on the coastal and marine environment for the harbour site and surrounding area, especially effects on Pelican Lagoon (with particular reference to its status as a Nationally Important Wetland and its function as a Sanctuary Zone within the Encounter Marine Park), including proposed management and rehabilitation measures.¹

Identify the impact of coastal erosion due to expected sea level rise of 0.3 metre to 2050 and 1.0 metre to 2100.

Identify the effects of any land reclamation, dredging and construction of the breakwaters, revetments and entrance channel on foreshore, intertidal, seabed and benthic communities and sand movement on the coast.

Describe the effects of increased recreational boating traffic and additional people on the surrounding environment, including commercial fishing and aquaculture, and how impacts would be managed, particularly for environmentally sensitive areas.

Identify design requirements for the harbour revetments and breakwaters, especially for coastal hazards (such as tidal and wave action, acid sulphate soils), public accessibility and safety.

¹ The assessment should take particular notice of the fact that the Marina and Ferry Terminal development will occur on a narrow channel that directly connects the Encounter Marine Park Sanctuary Zone in Pelican Lagoon to the rest of Gulf St Vincent and Backstairs Passage. Water flow and water quality in this channel are key to maintaining the health of this environment. It will be critical to ensure that neither the development nor the operation have the capacity to impact on:

- Hydrodynamic processes in relation to the flow into and out of the lagoon with particular attention to retention and flushing intervals (turn-over time). Particular attention should be given to ensuring that the existing regime of tidal flushing is maintained in terms of both the flow intensity and the temporal patterns.
- Water quality including: ambient oxygen, salinity, temperature, nutrient status, organic loads, heavy metals and other toxicants and gross pollutants. Particular attention should be given to ensuring that water flowing into the lagoon is not compromised in terms of these key water quality criteria and recognise that dredging and land reclamation have the capacity to mobilise heavy metals and other sediment bound toxicants.

There is a need to outline how the construction and operation will manage risks associated with:

- Changes in hydrodynamic regime associated with changes in channel topography, alignments and boat traffic including risks of propeller scouring on banks and sensitive shallow water biota.
- Increased levels of suspended sediments in the water body associated with channel clearance dredging and maintenance and the potential for these to impact on environmentally sensitive receivers in the surrounding (connected areas). This includes potential for impacts on filter feeders, seagrasses and algae (including the unique shallow water sponge communities found in the channel).
- Increased levels of sediments in stormwater runoff associated with land based construction operations may add further loads and impact as detailed above.
- Accidental discharges of fuel oils and other chemicals used in the management and maintenance of the Ferry Terminal.
- Discharge of polluted stormwater and wastewater from the site.
- Impacts on shorebirds and waders using the site (disruption of feeding, increased levels of disturbance flights, impacts on nesting and foraging sites).
- Impacts on fish-passage to and from the lagoon.

Describe measures to protect and maintain suitable water quality in the marina basin, particularly storage of chemicals, pollution spills or sewage leaks, the management of run-off, and the introduction of pest or nuisance marine organisms.

Detail the implications for maintenance works to the marina and ferry terminal, including disposal options and impacts on the environment and community.

Design Quality

Guideline 2: The American River area has high landscape values (especially associated with the coast and Pelican Lagoon) 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 harbour 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 urban public context, in particular the interface with neighbouring residents, businesses and open space areas around the development site.

Economics

Guideline 3: 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.

Evaluate the potential contribution to the South Australian and Kangaroo Island tourism economies and alignment with current Government tourism policy, such as the South Australian Tourism Commission's Tourism Plan 2020.

Evaluate 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, including preparation of a local industry participation plan.

Evaluate the broader job creation and employment opportunities (including any multiplier effects) resulting from the proposal, from construction through to completion and operation.

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

5.2 MEDIUM ASSESSMENT

Infrastructure

Guideline 4: 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, fire fighting 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 and the marine and coastal environment (including Pelican Lagoon).

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

Social Issues

Guideline 5: The proposal is being developed within 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).

Aboriginal Heritage and Native Title

Guideline 6: The proposal is developed in a manner respectful of Aboriginal Heritage and Native Title rights and interests, 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, details 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.

Identify any Native Title issues in respect of the requirements of the Native Title Act 1993 (Commonwealth) and the Native Title Act 1994 (South Australia).

Describe the impact on the appropriate Native Title Claimants and the consequent impact on the potential ongoing enjoyment of native title rights and interests by native title holders.

5.3 STANDARD ASSESSMENT

Management of Other Environmental Matters

Guideline 7: The proposal is developed cognisant of and in a manner which appropriately manages potential impacts and existing environmental values.

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.

Describe any potential conflict with adjoining primary production, fishing and aquaculture activities, including measures to ameliorate any such conflict.

Native Vegetation and Fauna

Quantify and detail the extent, condition and significance of native vegetation (individual species and communities) on site (including the harbour area), 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.

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 and the South Australian National Parks and Wildlife Act 1972).

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.

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).

Sustainability and Climate Change

Guideline 8: 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 and low maintenance materials appropriate to the (marine) environment.

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.

Non-Indigenous Heritage

Guideline 9: Coastal and marine areas and settlements often have a history of past use that may still be present as heritage sites of State or local significance.

Identify the impact on the heritage significance of any known heritage places on or adjacent the site, including National, State or local heritage places entered on the South Australian Heritage Register, or identified after consultation with the Heritage Branch of the Department for Environment, Water and Natural Resources.

Describe measures to protect any sites of non-indigenous heritage and historic shipwrecks within the declared area during construction, in accordance with the Heritage Act 1993 and the Historic Shipwrecks Act 1981.

Transport, Access and Pedestrian Impact

Guideline 10: 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.

Assess the potential impacts of the proposed marina on adjacent recreational/commercial (including ferry) boating infrastructure and services, and measures required to ensure safe and convenient operations.

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.

Land Tenure and Management

Guideline 11: 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.

Identify the need for any additional by-laws and encumbrances to control and manage operational activities of the marina community, including 3rd party access.

Describe what processes and approvals would be undertaken to reconcile encroachments on the Crown leasehold land.

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

Construction and Operation

Guideline 12: 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 terrestrial and marine fauna, including commercial fishery and aquaculture species).

Describe the level of cut and fill required (including dredging) 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 (including dredged spoil) and construction waste, especially the identification and management of potential acid sulphate soils.

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

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

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

Risk and Hazard Management

Guideline 13: The proposal is developed with appropriate risk and hazard management frameworks in place.

Describe strategies for ensuring public safety during construction and operation.

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.

Outline measures for the bunding of hazardous materials storage areas including any fuel storage.

APPENDIX 1 - TYPICAL SPECIALIST REPORTS THAT MAY NEED TO BE PREPARED

- **Design statement** providing an understanding of the evolution of the proposal (including options explored and discounted) from the initial concept to the final design, and addressing the following matters from a design perspective:
 - Site access, circulation and way finding.
 - Building site selection.
 - Built form and visual impact.
 - Landscaping.
- **Transport, access and pedestrian impact assessment**, prepared by a suitably qualified traffic and access planner/engineer, evaluating current and proposed access arrangements, car parking, and pedestrian and vehicle interface within the local road network (for both the commercial marina precinct and resort precinct).
- **Waste management and minimization plan (for demolition, construction and operation)** demonstrating the location of waste storage (including separation of recyclables hard waste and e-waste) and disposal facilities on the site and provide details of how these facilities will be serviced.
- **Noise assessment** prepared by an acoustic engineer to moderate external and environmental noise disturbance and amenity impacts for future occupants of the development, but also other sensitive uses within the immediate area as a result of the proposed development.
- **Soil Erosion and Drainage Management Plan (SEDMP)** detailing proposed erosion control, stormwater management and flood impact mitigation measures, as well as any retention and reuse as part of the development, inclusive of details for connecting into any street drainage or council drain and the method of drainage and services proposed to be used.
- **Sustainability assessment** detailing the environmental sustainability measures (energy efficiency, water sensitive design etc) incorporated into the proposal.
- **Site history assessment**, where a development is to occur on land that has the potential to be contaminated (through previous land uses).
- **Site services and infrastructure** details, including utility services (water, gas, electricity, sewerage disposal, waste water, drainage, trenches or conduits); location of ground and roof plant and equipment (fire booster; electricity transformer; air conditioning; solar panels etc).
- **Construction Environmental Management and Monitoring Plan (CEMMP)** analysing potential impacts on the terrestrial and/or coastal/marine environment, including environmental hazards and risks, proposed mitigation measures and any residual risks to address (but not necessarily limited to) the following matters:
 - Traffic management for the duration of demolition and construction.
 - Management of construction and works noise impacts.
 - Management of air quality, including odour and dust.
 - Sequencing of development, including construction timelines work on site, as well as periods and hours of construction.
 - Occupational health and safety matters.
 - Bio-security and wash down procedures to minimise the transfer of pests during the construction process.
 - Soils, including fill importation, stockpile management, waste fill management and prevention of soil contamination (chemicals and storage, pest plant, pathogenic).
 - Soil erosion and sediment control, including rehabilitation and stabilisation of land as construction progresses.
 - Management of coastal works and dredging.
 - Stormwater management prior to implementation of a permanent solution.

- Groundwater, including prevention of groundwater contamination.
- Site contamination and remediation, including the categorisation of contaminated soil or sediment (particularly acid sulphate soils), where required.
- Hydrology and hydrodynamic processes of freshwater and/or marine systems (particularly the protection water quality).
- Coastal processes and sea level rise implications, including affects on beach profiles.
- Vegetation clearance and management, including the protection of remnant stands and the use of cleared material.
- Fauna disturbance, including minimising loss/injury and habitat protection measures.
- Aboriginal Heritage (in accordance with the *Aboriginal Heritage Act 1988*).
- Waste management (for all waste streams) and overall site clean-up.
- Use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including emergency responses).
- Site security, fencing and safety, including the management of public access and local traffic.
- Communication and complaint resolution
- Monitoring program to monitor those items listed above

A CEMMP should be developed specific to dredging, including environmental hazards and risks, proposed mitigation measures and any residual risks. This should at least include the following items:

- PASS assessment and ASS management (if required).
 - Dredging methodology and management controls for turbidity, suspended solids and dissolved oxygen impacts.
 - Dredge spoil management and disposal.
 - Monitoring program to address the environmental risks.
- **Operational Environmental Management and Monitoring Plan (OEMMP)** that analyses potential impacts on the terrestrial and/or coastal/marine environment, including environmental hazards and risks, proposed mitigation measures and any residual risks and incorporates measures and actions to address (but not be limited to) the following matters:
 - General operational noise management (e.g. from machinery noise).
 - Waste Management strategies detailing the collection, storage and disposal of waste (for all waste streams) to comply with the Environment Protection (Waste to Resources) Policy 2010.
 - Wastewater collection and treatment to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2015 at met.
 - Traffic and noise associated with any large events.
 - Emergency and evacuation procedures including a Fire Management Plan, prepared in consultation with the Country Fire Service.
 - General operation of the commercial harbour including maintenance works (especially dredging), management and storage of chemicals, pollution spills or sewage leaks, the management of run-off, and the introduction of pest or nuisance marine organisms.
 - Ongoing environmental protection and sustainability measures.
 - Monitoring program to monitor those items listed above.
 - **Integrated Water Management Plan (IWMP)** that incorporates measures and actions to address (but not be limited to) the following issues:
 - Site plan identifying all water related features and infrastructure for the storage, treatment and/or reuse of potable water, stormwater, wastewater and irrigation water.
 - Water balance information, including the total water needs of all components of the development.
 - Total wastewater generation from the development (based on projected wastewater volumes per day).
 - Predicted greywater generation volumes and a description of how all greywater will be collected, stored and re-used on site (if greywater is to be collected separately to wastewater).
 - Predicted evaporative losses from water/wastewater storages.

- Description of how all wastewater will be collected, stored and re-used on site, including the capacity of the system (i.e. number of people).
 - If treated wastewater to be used on-site, a Reclaimed Water Irrigation Management Plan, prepared in accordance with the EPA Guideline Wastewater Irrigation Management Plan – a Drafting Guide for Wastewater Irrigators (June 2009). Details of the proposed wastewater storage lagoon liners, as per the EPA Guideline Wastewater lagoon construction (November 2014).
 - Predicted stormwater generation volumes and details of stormwater quality improvements, including the location and sizing of bio-retention swales and basins, anticipated quality improvements and details of any other proposed stormwater quality treatment features.
 - Contingencies to address any detrimental effects, especially on local hydrology.
- **Native Vegetation Management, Rehabilitation and Revegetation Plan**, including details on how weeds and pests are to be managed following commencement of operations.
 - **Social Impact Statement** that describes the characteristics and demographics of the local and regional community (including neighbouring land owners and land uses) and the impacts on affected groups of people (such as their way of life, life chances, health and culture).

APPENDIX 2 – USEFUL RESOURCES

- Kangaroo Island Development Plan and Planning Strategy (including the Kangaroo Island Structure Plan).
- ‘National Landscapes Experience Development Strategy for Kangaroo Island’ (2014) and the ‘Brand for Kangaroo Island’ (i.e. especially to deliver an ‘extraordinary’ tourism development consistent with the principles of ecologically sustainable development).
- Kangaroo Island Natural Resources Management Plan (amended version, 2015).
- South Australian Tourism Commission ‘Design Guidelines for Sustainable Tourism Development’ (2007).
- ‘Tackling Climate Change, SA’s Greenhouse Strategy 2007 – 2020’, the *Climate Change and Greenhouse Emissions Reduction Act 2007* and the *National Greenhouse and Energy Reporting Act 2007*.
- Encounter Marine Park Management Plan (2010).
- Management Plan for the Pelican Lagoon Aquatic Reserve (2011).
- *Environment Protection Act 1993* and associated policies and guidelines, including:
http://www.epa.sa.gov.au/business_and_industry/environmental_planning/position-statements-and-guidelines
http://www.epa.sa.gov.au/reports_water/nepean-ecosystem-2011

APPENDIX 3 – SECTION 46C OF THE *DEVELOPMENT ACT 1993*

46C—PER process—specific provisions

- (1) This section applies if a PER must be prepared for a proposed development or project.
- (2) The Minister will, after consultation with the proponent—
 - (a) require the proponent to prepare the PER; or
 - (b) determine that the Minister will arrange for the preparation of the PER.
- (3) The PER must be prepared in accordance with guidelines determined by the Development Assessment Commission under this Subdivision.
- (4) The PER must include a statement of—
 - (a) the expected environmental, social and economic effects of the development or project;
 - (b) the extent to which the expected effects of the development or project are consistent with the provisions of—
 - (i) any relevant Development Plan; and
 - (ii) the Planning Strategy; and
 - (iii) any matters prescribed by the regulations;
 - (c) if the development or project involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the Environment Protection Act 1993; and
 - (ii) the general environmental duty under that Act; and
 - (iii) relevant environment protection policies under that Act;
 - (ca) if the development or project is to be undertaken within the Murray-Darling Basin, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects of the River Murray Act 2003; and
 - (ii) the Objectives for a Healthy River Murray under that Act; and
 - (iii) the general duty of care under that Act;
 - (cb) if the development or project is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, the extent to which the expected effects of the development or project are consistent with—
 - (i) the objects and objectives of the Adelaide Dolphin Sanctuary Act 2005; and
 - (ii) the general duty of care under that Act;
 - (cc) if the development or project is to be undertaken within, or is likely to have a direct impact on, a marine park, the extent to which the expected effects of the development or project are consistent with—
 - (i) the prohibitions and restrictions applying within the marine park under the Marine Parks Act 2007; and
 - (ii) the general duty of care under that Act;
 - (d) the proponent's commitments to meet conditions (if any) that should be observed in order to avoid, mitigate or satisfactorily manage and control any potentially adverse effects of the development or project on the environment;
 - (e) other particulars in relation to the development or project required—
 - (i) by the regulations; or
 - (ii) by the Minister.
- (5) After the PER has been prepared, the Minister—

(a) —

- (i) must, if the PER relates to a development or project that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, refer the PER to the Environment Protection Authority; and
- (ia) must, if the PER relates to a development or project that is to be undertaken within the Murray-Darling Basin, refer the PER to the Minister for the River Murray; and
- (ib) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, refer the PER to the Minister for the Adelaide Dolphin Sanctuary; and
- (ic) must, if the PER relates to a development or project that is to be undertaken within, or is likely to have a direct impact on, a marine park, refer the PER to the Minister for Marine Parks; and
- (ii) must refer the PER to the relevant council (or councils), and to any prescribed authority or body; and
- (iii) may refer the PER to such other authorities or bodies as the Minister thinks fit, for comment and report within the time prescribed by the regulations; and

(b) must ensure that copies of the PER are available for public inspection and purchase (during normal office hours) for at least 30 business days at a place or places determined by the Minister and, by public advertisement, give notice of the availability of copies of the PER and invite interested persons to make written submissions to the Minister on the PER within the time determined by the Minister for the purposes of this paragraph.

(6) The Minister must appoint a suitable person to conduct a public meeting during the period that applies under subsection (5)(b) in accordance with the requirements of the regulations.

(7) The Minister must, after the expiration of the time period that applies under subsection (5)(b), give to the proponent copies of all submissions made within time under that subsection.

(8) The proponent must then prepare a written response to—

(a) matters raised by a Minister, the Environment Protection Authority, any council or any prescribed or specified authority or body, for consideration by the proponent; and

(b) all submissions referred to the proponent under subsection (7), and provide a copy of that response to the Minister within the time prescribed by the regulations.

(9) The Minister must then prepare a report (an Assessment Report) that sets out or includes—

(a) the Minister's assessment of the development or project; and

(b) the Minister's comments (if any) on—

(i) the PER; and

(ii) any submissions made under subsection (5); and

(iii) the proponent's response under subsection (8); and

(c) comments provided by the Environment Protection Authority, a council or other authority or body for inclusion in the report; and

(d) other comments or matter as the Minister thinks fit.

(10) The Minister must, by public advertisement, give notice of the place or places at which copies of the Assessment Report are available for inspection and purchase.

(11) Copies of the PER, the proponent's response under subsection (8), and the Assessment Report must be kept available for inspection and purchase at a place determined by the Minister for a period determined by the Minister.

(12) If a proposed development or project to which a PER relates will, if the development or project proceeds, be situated wholly or partly within the area of a council, the Minister must give a copy of the PER, the proponent's response under subsection (8), and the Assessment Report to the council.

APPENDIX 4 – DECLARATION NOTICE

DEVELOPMENT ACT 1993: SECTION 46 (1)

Preamble

Subsection (1) of Section 46 of the Development Act 1993, allows the Minister for Planning to apply that section to a specified kind of development or project if the Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of development or a project of major environmental, social or economic importance.

NOTICE

PURSUANT to Section 46 (1) of the Development Act 1993, being of the opinion that a declaration under that Section is appropriate for the proper assessment of development of major environmental and economic importance, I declare that Section 46 of the Act applies to all development of a kind specified in Schedule 1, in that part of the State specified in Schedule 2.

SCHEDULE 1

The following kinds of development are specified:

- (a) the construction of a building and/or any works within the site specified in Schedule 2 for one or more of the following purposes:
 - (i) tourist accommodation and facilities;
 - (ii) function and conference facilities;
 - (iii) marina and ferry docking facilities;
 - (iv) retail premises;
 - (v) commercial premises; and
 - (vi) maintenance facilities.
- (b) The undertaking of works for the purposes of, or otherwise related to; water supply and storage, electricity supply and storage, telecommunications, stormwater, effluent treatment and disposal, roads, parking and paths; in connection with the development whether undertaken on land specified in Schedule 2 or on other land in order to adequately service the development;
- (c) a change in the use of land associated with any development within the ambit of a preceding paragraph;
- (d) the division of an allotment associated with any development within the ambit of a preceding paragraph; and
- (e) any related or ancillary development associated with development within the ambit of a preceding paragraph.

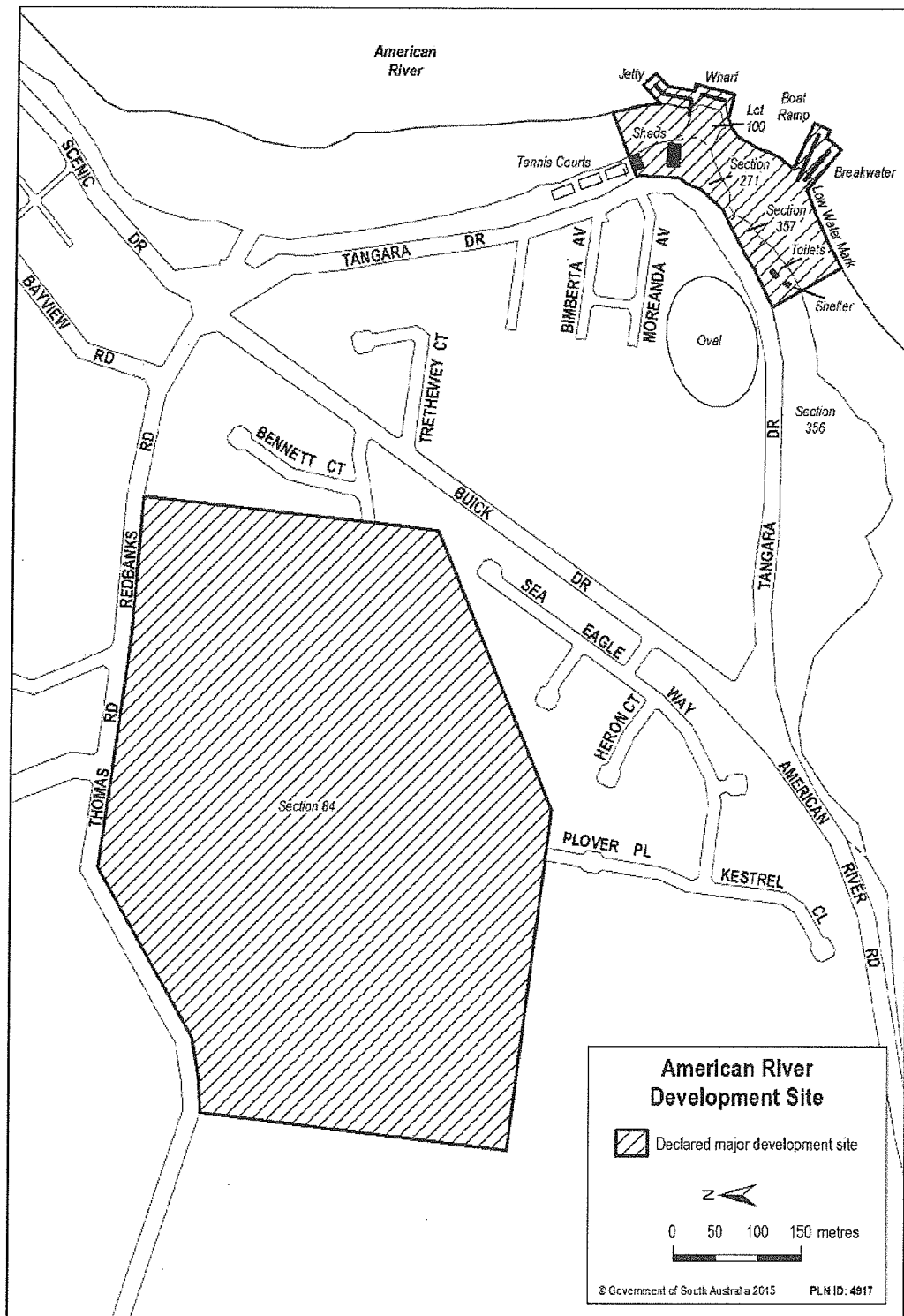
SCHEDULE 2

The whole of the land comprised in the table below, as shown on the attached map in Schedule 3:

Plan Parcel	Title
D93295 A100	CT6142/412
H110500 S84	CT5424/524
H110500 S271	CR5856/801
H110500 S356	CR5757/351
H110500 S357	CR5759/875

And the land immediately to the east, adjacent to Sections 356 and 357, in the Area named American River (known as the American River boat ramp).

SCHEDULE 3



Dated 18 July 2015.

JOHN RAU, Minister for Planning