



Government of South Australia
Attorney-General's Department

AMENDMENT TO THE ASSESSMENT REPORT

**BAILLIE LODGES SOUTHERN OCEAN LODGE
HANSON BAY, KANGAROO ISLAND**

MARCH 2021



MINISTER FOR PLANNING AND LOCAL GOVERNMENT

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1 Executive Summary

Southern Ocean Lodge (the Lodge) at Hanson Bay on Kangaroo Island was approved on 19 October 2006, after undergoing a Public Environmental Report (PER) process under the Major Development provisions of the Development Act 1993. The development was constructed and began operation in March 2008.

It was severely damaged by the bushfire events of December 2019 / January 2020.

Consequently, the majority of the Lodge was demolished, with only the front of house slab of the main lodge and a number of staff quarters buildings being salvaged.

The proponent – Baillie Lodges Pty Ltd, now wishes to re-build the Lodge in largely the same fashion with opportunity taken to improve elements of the original design. The Lodge would be constructed generally on the same footprint and built in accordance with the original design configuration, but with a range of minor modifications. The main change being the relocation of the day spa / pool facility and its replacement with premium accommodation suites. Improved waste water management infrastructure is proposed, along with additional water storage and firefighting capacity.

The development has previously been the subject of a Public Environmental Report and Assessment Report, both of which still remain relevant to the assessment of the modified rebuild proposal. This Amendment to the Assessment Report (AAR) has been prepared to provide an updated assessment of the proposal for decision-making (including revised recommendations).

The AAR finds that there are no new issues or greater magnitude of issues to those previously assessed for the original development. The proposed changes would result in a minor increase in native vegetation clearance, which can be offset by the existing Significant Environmental Benefit (SEB) that has been negotiated with the Native Vegetation Council. Current bushfire protection requirements can be met through the detailed design and building certification process. Impacts during construction and operation can be suitably mitigated and managed through revised Environmental Management & Monitoring Plans.

The enhancements made to the Lodge design would ensure that it continues to provide a significant tourism attraction for Kangaroo Island, especially as an 'iconic destination' for international visitors.

The AAR concludes that, on balance, the modified proposal demonstrates merit and is suitable for approval, subject to the recommended conditions of approval, which are in large part a modernised version of those applied as part of the original approval.

2 Background

Southern Ocean Lodge (the Lodge) at Hanson Bay on Kangaroo Island was approved on 19 October 2006 and began operation in March 2008.

The Assessment Report for the Public Environmental Report for the Southern Ocean Lodge (October 2006) concluded that the economic and social benefits of establishing a high profile tourism development would be balanced with the environmental impacts. Importantly, the loss of native vegetation and habitat would be compensated for by the provision of a suitable Significant Environmental Benefit (SEB) under the *Native Vegetation Act 1991*. The SEB comprised a payment into the Native Vegetation Council Fund, and formally conserving the remaining vegetation on the property under a Heritage Agreement. Disturbance to fauna from ‘people pressure’ would be minimised through visitor education and management, primarily through restricting public access (especially around the nesting site of a local breeding pair of Osprey – a nationally threatened species listed under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*).

During the operation of the Lodge the proponent has demonstrated that the economic and tourist benefits of the development have been successfully realised and the environmental management measures implemented have been effective in minimising impacts. The Lodge has become an iconic destination on Kangaroo Island (and for the State) for international and interstate visitors.

Tragically, the majority of the Lodge was destroyed during the bushfire events of December 2019/January 2020 (as shown in Figure 1).

The owners –Baillie Lodges Pty Ltd, now wish to rebuild the Lodge generally in accordance with its original design.



Figure 1: Post bushfire site condition (Source: LocationSA Map Viewer)

3 The Assessment Process

The Major Development Declaration gazetted in the South Australian Government Gazette on 23 June 2005 remains in place over the subject land, capturing development related to an 'eco-tourist accommodation lodge'.

On 24 December 2020 a variation to the declaration was published in the South Australian Government Gazette. The variation notice has the effect of focussing the assessment process on any changed elements of the proposal.

On 6 January 2020 the proponent submitted an application seeking approval to rebuild the lodge. The plans submitted with the application are generally consistent with those originally approved and used for construction, with the Lodge to be rebuilt generally on the same footprint and in accordance with the original design configuration. The need to rebuild the Lodge has also provided the proponent with an opportunity to make improvements to the design to enable greater fire protection, operational efficiencies and to enhance the visitor experience.

The application documentation also includes a copy of the original Public Environmental Report (2006), with amended sections related to the proposed modifications, primarily the wastewater system. These include:

- Section 4.6.2 Wastewater
- Section 10.2 Wastewater
- Section 10.2.1 System Design
- Section 10.2.2.1 Wastewater Irrigation

The proposed infrastructure modifications comprise an upgraded and expanded replacement sewer system - a centralised wastewater treatment plant, with the additional wastewater generated to be used to irrigate the bushfire protection zones. The capacity of the roof run-off collation tanks is also to be increased to provide more water for firefighting purposes.

Figure 2 below identifies in schematic form the proposed changes overlain with the original design.

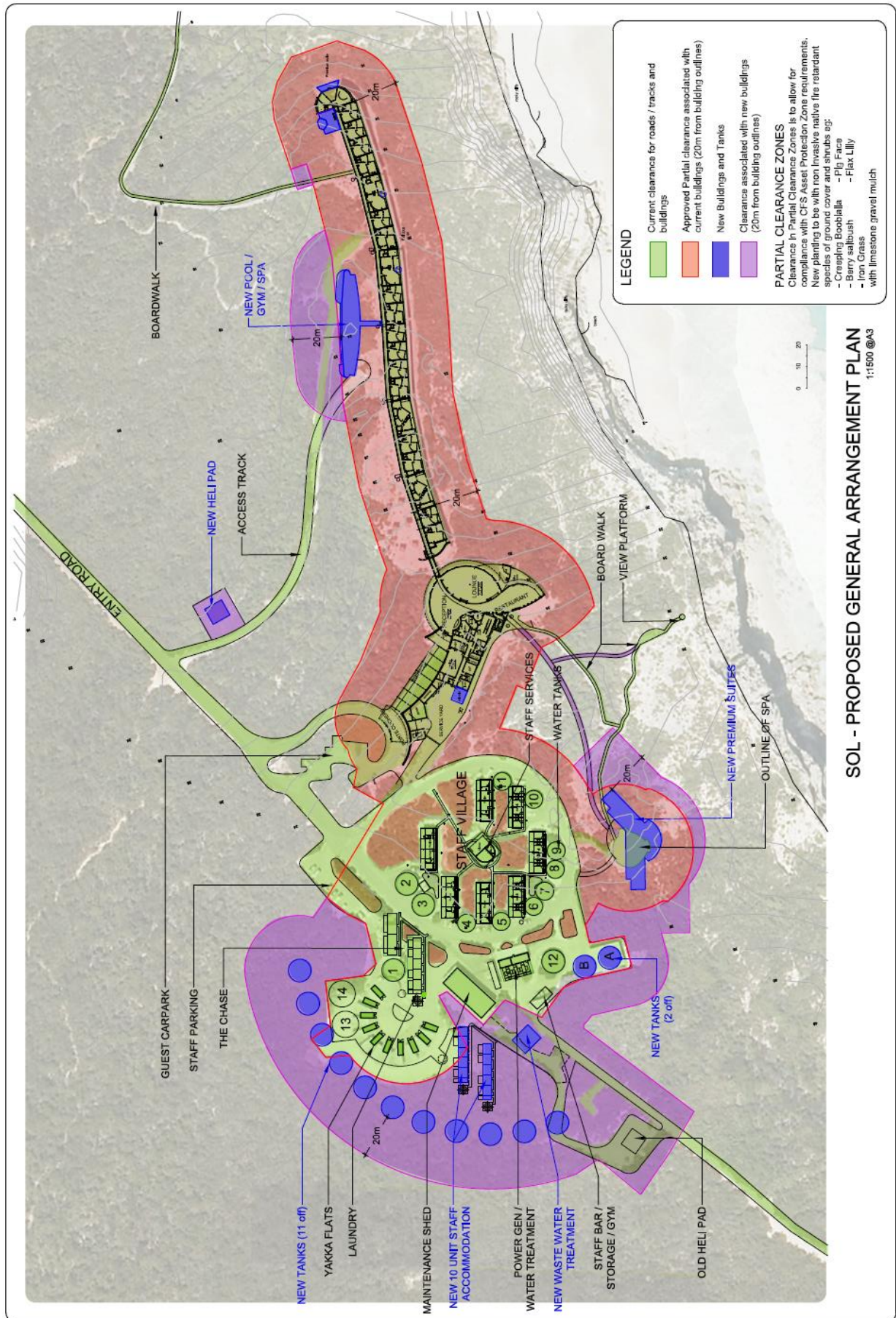


Figure 2: Original design with the proposed changes identified.

Noting the above, the majority of the information presented in the original PER still remains valid and can be used for assessment and decision-making purposes (especially the environmental studies and investigations used to determine the potential impacts of the proposal). However, it is also noted that the character of the receiving environment has been changed due to the effects of the bushfire. Over time, the environment is expected to recover to its natural condition.

This Amendment to the Assessment Report has been prepared to provide an updated assessment of the proposal for decision-making (including revised recommendations).

Due to the Lodge no longer existing in its constructed form, the development approval is effectively no longer valid. Hence, the proponent is seeking a new approval for a varied design to that previously approved.

The Governor delegated decision making powers to the Minister for Planning and Local Government, by way of a notice published in the *Gazette* on 21 January 2021.

3.1 Environment Protection and Biodiversity Conservation Act

The original proposal was the subject of a referral made by the proponent pursuant to the Commonwealth *Environment Protection and Biodiversity Conservation (EPBC) Act 1999*. The Australian Government deemed the proposal to be a ‘controlled action’ due to the potential impacts on a listed threatened species (i.e. Osprey) and listed migratory species (i.e. Hooded Plover). The Australian Government accredited the South Australian Major Developments process in the form of a Public Environmental Report for the purposes of assessment. An EPBC Act approval was granted on 20 December 2006, with conditions imposed that required the proponent to:

- Maintain a pedestrian and vehicle exclusion zone of 500m around the Osprey nest.
- Implement management strategies for the Hooded Plover.
- Include specific information related to the Osprey and Hooded Plover in induction programs for construction workers, staff and guests.
- Erect multi-lingual signs to highlight the existence of the exclusion zone.

The proponent is responsible for ensuring the rebuild of the Lodge includes the reinstatement of the measures required under the EPBC Act approval.

4 Modified Proposal

The rebuild of the Lodge has provided the proponent with an opportunity to propose a range of enhancement to the design and operation of the development. The main change is the addition of a ‘Premium Four-bedroom Suite’ on the previous site of the four-room spa treatment building. The suite would provide an enhanced accommodation option as the cliff-top site takes advantage of the spectacular coastal views. The spa retreat and the pool (previously located at the front of the lodge building) is proposed to be relocated to a site on the landward side of the guest suites. Ten new staff accommodation units (2 buildings) would also be added. A suite at the eastern end of the lodge would be enlarged and would include a spa (the ‘Osprey’ suite).

Figure 3 overleaf shows the finalised modified design.

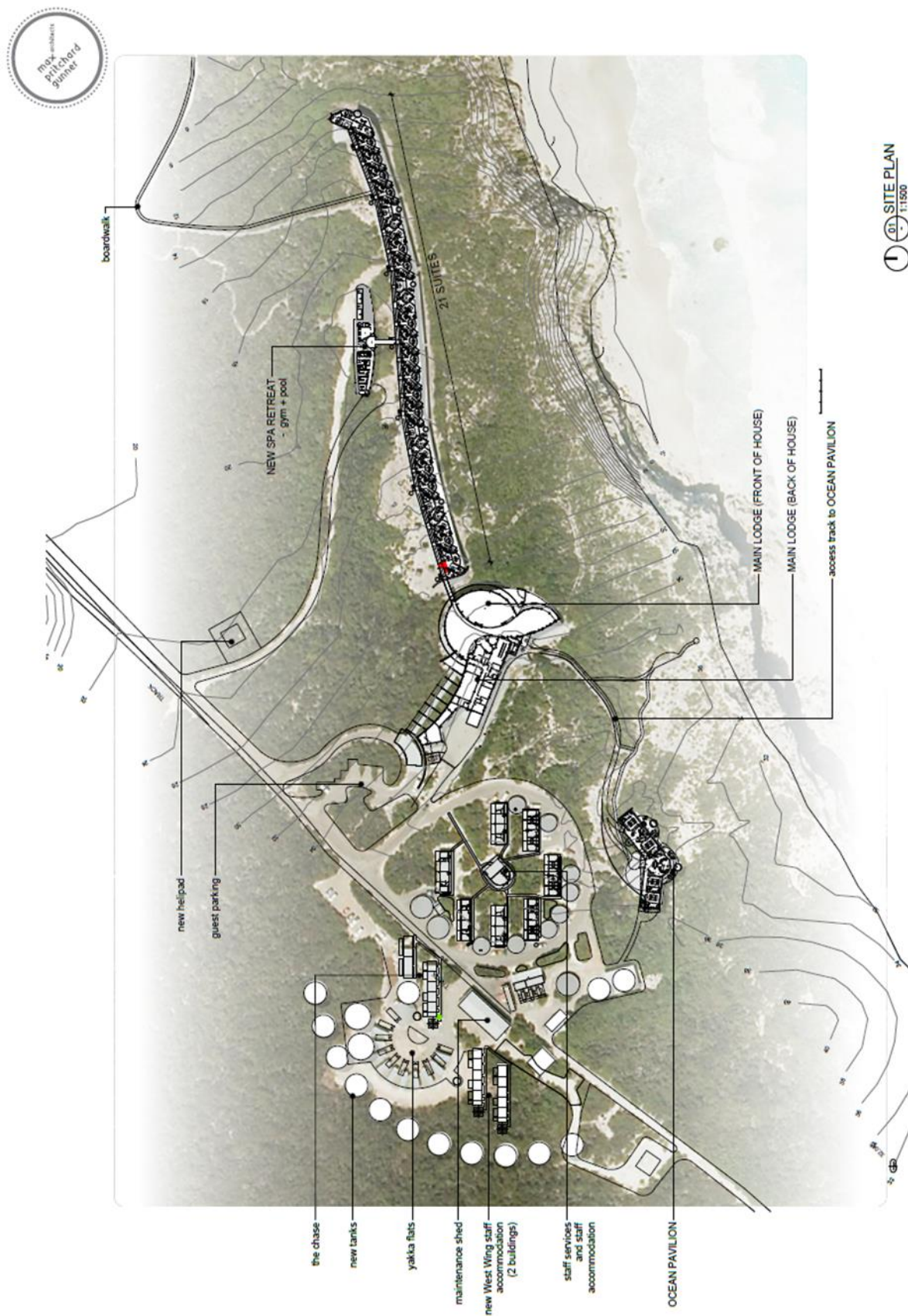


Figure3: Proposed modified design

Details of the proposed design modifications include:

Premium 4-bedroom Suite

- To be positioned on the existing location of the former 4 room spa treatment building.
- 2 premium suites, central lounge area.
- Existing boardwalk direct to the main lodge to be maintained.
- To be built using light weight construction.
- Rear entry from the back of house areas to be maintained.
- Mains infrastructure to be reused and expanded and upgraded as necessary.

Spa Retreat and Main Pool

- To be positioned off the immediate northern edge of the guest suites with link bridge from the guest suite main hallway.
- 3 treatment rooms, small gym and main pool area.
- To be built using light weight construction.

Extension and Relocations

- Relocation of the helipad from back of house to front of house location.
- Relocation of 10 unit staff housing to be closer to the staff village.
- Extension of laundry facility to meet increased laundering volume (i.e. from the premium suite).
- Installation of additional water tanks to sprinkler suppression duration.
- One additional room added to existing Suite 1 to create family room on the northern edge of guest suites.

The proposed modified Lodge buildings have been designed by the original Southern Ocean Lodge Architect, Max Pritchard Gunner Architects (MPG) and sympathetically consider the environment within which the new buildings are set and align with the architectural features to the original Lodge.

The rebuild also provides an opportunity to improve the efficiency of infrastructure servicing the development. The proposed infrastructure modifications comprise an upgrade of the previous waste water treatment system to a new centralised wastewater treatment plant that would generate up to approximately 36,000 litres/day of wastewater, compared to 8,500 litres/day for the original system. The additional wastewater would be used to irrigate the bushfire asset protection zones.

The previous stormwater catchment, storage and treatment system is to be rebuilt, incorporating 13 additional storage tanks in order to enhance the fire suppression system capacity. The capacity of the roof run-off collection tanks would be increased from 1,000 kilolitres to 5,000 kilolitres. The additional tanks are to be located around the outside of the staff quarters buildings and would provide an enhanced fire break on the north-western front.

The footprint of the buildings and infrastructure will generally be the same, with minor increases for the premium suite and the spa/pool/gym facility. A 20m wide partial clearance zone around the new buildings and infrastructure is also to be established as an Asset Protection Zone to meet CFS bushfire safety requirements. The expansion of the Zone is most significant around the western side of the staff village precinct, where the additional water tanks are to be located.

A copy of the detailed layout plans and designs is provided in Appendix 1.

5 Changes to Planning Policies and Legislation

5.1 Planning Policies

The original proposal was assessed against the relevant planning policies for the Coastal Landscape Zone in the Kangaroo Island Council Development Plan. The site is now within the Coastal Conservation Zone (Landscape Protection Policy Area 1), where tourist accommodation is still an envisaged form of development. Revised policies introduced for the zone in 2014 provided a focus on promoting quality tourism developments, especially to promote the landscape and environmental qualities of Kangaroo Island.

It should be noted the planning legislation related to the site since that time has not changed. From 19 March 2021 the Island will transition as part of Phase 3 of the Planning and Design Code implementation, and will then fall within the jurisdiction (along with the whole State) of the *Planning, Development and Infrastructure Act 2016*.

5.2 Growth State Strategy

‘Growth State’ is the South Australian Government’s plan for economic growth. The policy seeks to respond to the needs of industry and focuses on building South Australia as a place to invest, expand an existing business or create a new one. It also seeks to provide a clear vision and a strong framework to develop and maintain momentum in economic reform and integrate the policies, programs and actions across the government to build a stronger, brighter future for South Australia.

At present nine priority sectors have been identified as focus areas because of their strong potential to meet increasing interstate and global demand, attract investors and leverage comparative advantages. Tourism has been identified as a priority sector. ‘The South Australian Visitor Economy Sector Plan’ (Tourism SA, 2020) seeks to promote ‘Hero Experiences’ that offer unique, world class and highly appealing visitor experiences.

The rebuild of the Lodge would directly assist in the promotion and delivery of tourism as a key driver of economic activity.

6 Assessment of the Key Issues

The original Assessment Report for the Southern Ocean Lodge (October 2006) addressed the potential environmental, social and economic impacts of the development and the mitigation measures required to manage such impacts.

The original assessment outcome is still relevant for the modified proposal and can be considered as part of this assessment purposes.

The main aspect that has changed is the character of the receiving environment, which has been significantly altered due to the devastating effects of the bushfire event. The majority of the native vegetation has been severely burnt, which has substantially reduced fauna habitat and exposed the sandy soils to erosion. Since the fires, the environment is slowly recovering.

Following the fire event, the proponent undertook a demolition process to remove the damaged infrastructure and with a view to preparing the site for the rebuild. In effect the rebuild construction is to occur on a ‘brownfield site’, as the land was previously cleared of vegetation for the construction of the lodge, with some of the original development still remaining (such as the concrete slab for the

main lodge building). The minor expansion of the development's footprint, including an extended bushfire protection zone, will occur over land that was not previously disturbed.

The previous construction and operation of the Lodge was conducted in accordance with an Environmental Management Plan framework, as required by the development authorisation. The proponent has provided a revised Construction Environmental Management & Monitoring Plan (CEMMP) and Operational Environmental Management & Monitoring Plan (OEMMP) as part of the new application.

After the fire event, the proponent engaged in discussions with relevant Government agencies about the requirements for the rebuild of the Lodge, especially to meet revised construction standards, the Building Code of Australia provisions and to consider the modified environment the Lodge is set within (particularly the sensitivities of the local flora and fauna).

The Kangaroo Island Council and relevant Government agencies, including the Country Fire Service (CFS), Department for Environment and Water (DEW) and the Native Vegetation Council (NVC), have been consulted on the proposed modified design and have provided input into this assessment.

The majority of issues associated with the construction of the Lodge have already been addressed in the original PER and Assessment Report, so this assessment will focus on the following matters:

- Additional Native Vegetation Clearance.
- Land Management.
- Bushfire Protection.

6.1 Additional Native Vegetation Clearance

Following approval of the development in 2006, the proponent provided a Significant Environmental Benefit (SEB) payment of \$363,380 into the Native Vegetation Council (NVC) Fund, which was over and above the payment of \$37,924 that was required to compensate for the actual clearance of vegetation for the construction of the lodge and associated infrastructure. At the time, the proponent proposed an alternate SEB in which a payment of a minimum of \$20,000 per annum and up to a maximum of \$50,000 per annum would be made for a period of 10 years. The actual amount to be paid being indexed on occupancy rates. It would be used to fund environmental projects across Kangaroo Island - determined by a steering committee consisting of members of the NVC, local NRM representatives and a representative of Southern Ocean Lodge. This commitment demonstrated the wider environmental benefits the Lodge could deliver for the Island.

A proposed Heritage Agreement over the balance of the property that was not subject to the development was identified, but has not yet been finalised due to protracted negotiations relating to the specific location of the Agreement area. Negotiations ceased around 2012 and have recently been recommenced, with an intent to finalise the matter as part of the rebuild process.

The proponent has calculated the extent of additional vegetation that would need to be cleared for the modified proposal, which includes a slight expansion of the footprint for a larger site required for the premium suites (i.e. to replace the smaller spa site), the relocated day spa/pool, additional water tanks and new site for the relocated helipad. An area of additional clearance is also required to maintain a 20m bushfire protection zone around the new buildings and structures, which would be revegetated with suitable native species (i.e. fire retardant and non-invasive).

It should be noted that, whilst the site has been extensively burnt by the fire event, for assessment purposes it is still considered that it supports the native vegetation that was described in the original PER.

The Native Vegetation Council (NVC) considers that the additional clearance associated with the reconstruction, as presented in the proposal, can be considered as falling within the SEB offset arrangements for the original clearance application. This support is provided on the expectation that the proposed Heritage Agreement will be finalised.

The clearance of native vegetation is proportionate and reflects the added focus required for bushfire management purposes. The applicant is also well credentialed in the proper management of native vegetation on the site.

In accordance with the Native Vegetation Regulations 2017 - clause 27(b) of Schedule 1, the amended PER was referred to the Native Vegetation Council (NVC) for comment. The NVC had no comment to make.

6.2 Land Management

The bushfire event effectively removed all of the vegetation and litter cover over the soil across the site. This has left the land more vulnerable to wind and water erosion. It also leaves the land more susceptible to weed invasion.

These issues were initially addressed in the original PER and Assessment Report as part of the assessment of general land management matters. Following approval, these aspects were then addressed in detail in the proponent's CEMMP and OEMMP.

Due to the changed site conditions, particular care would need to be paid to these aspects, especially the management of run-off from hard surfaces on the rebuild site. The proponent has satisfactorily addressed these aspects in the revised CEMMP and OEMMP documents.

6.3 Bushfire Protection

The original Lodge was designed and constructed in accordance with the relevant fire and bushfire protection requirements of the Building Code of Australia and AS/NZS standards at the time (i.e. following Building Rules certification / compliance). These included the use of fire rated building materials and the provision of an underground bunker (as part of the 'sub floor' plant room) to provide a refuge for staff protection during a fire event. In addition, bushfire protection zones were established around all buildings and structures, comprising a 20m wide band of modified vegetation (i.e. pruned to 300 mm high) surrounding the guest suites, main building and staff village. A sprinkler system was installed for saturating all buildings and surrounding modified vegetation during a fire.

A Bushfire Management Plan (including emergency evacuation procedures), prepared in consultation with the Country Fire Service, was also implemented.

Given the ferocity of the January 2020 bushfire, these measures were unfortunately unable to prevent the destruction of the Lodge due to the severity of the event. However, the bunker did provide a safe refuge for staff who were unable to evacuate the building.

Buildings in bushfire risk areas now need to be compliant with the Minister's Code 2009 – Undertaking Development in Bushfire Protection Areas (as amended October 2012), the National Construction Code of Australia, the Australian Standard for Construction of Habitable Buildings in Bushfire Prone Areas (AS3959) and SA Country Fire Service (CFS) fire protection requirements that may apply as part of a development approval. The Minister's Specification SA78 provides technical details for a dedicated water supply for bushfire fighting in a bushfire zone, including the need for a minimum supply of 100,000 litres of water available at all times for bushfire response purposes.

The modified proposal includes increased capacity for the storage of firefighting water supply through the provision of additional water tanks. The Asset Protection Zone (APZ) has also been expanded to encompass the building extensions and the new tanks around the workers village. The proponent has also employed a fire engineer to explore advanced bushfire suppression systems and building treatments that could potentially be incorporated into the final design. Any CFS learnings from the fire event will also be actively considered.

The proponent has also considered advice from the CFS regarding access and egress to and from the lodge to enable safe passage for CFS emergency personnel and SOL staff / guests' movements in the event of a fire emergency. It is proposed to provide a 3 metre wide clearance zone along each side of the road, within which vegetation would be hydro-axed to a height between 400 - 600mm. In addition, it is proposed to trim larger tree limbs within a further 3 5m zone from the road edge that have the potential to fall onto the road in the event of a fire and preventing safe access and egress to and from the lodge. This area is currently significantly burnt with regrowth only occurring from the root base randomly across the landscape. Previously, the clearance zone either side of the road was between 1.5 - 2.5 metres wide. Thus, the proponent considers the proposed additional clearance to be a practical outcome that satisfies CFS access and egress concerns in the event of a fire emergency, whilst ensuring native vegetation is not completely removed and allowing for regrowth to reasonably preserve the aesthetics for the guest arrival experience.

Within the perimeter boundary of the site, the proponent has maintained a five metre wide track that is cleared of vegetation (i.e. hydro-axed to 100 – 200mm height) to provide a fire break. The track would be increased to six metres as part of the rebuild. A similar boundary treatment may also be implemented along the outside of the boundary. Figure 4 shows the access track and boundary treatments.

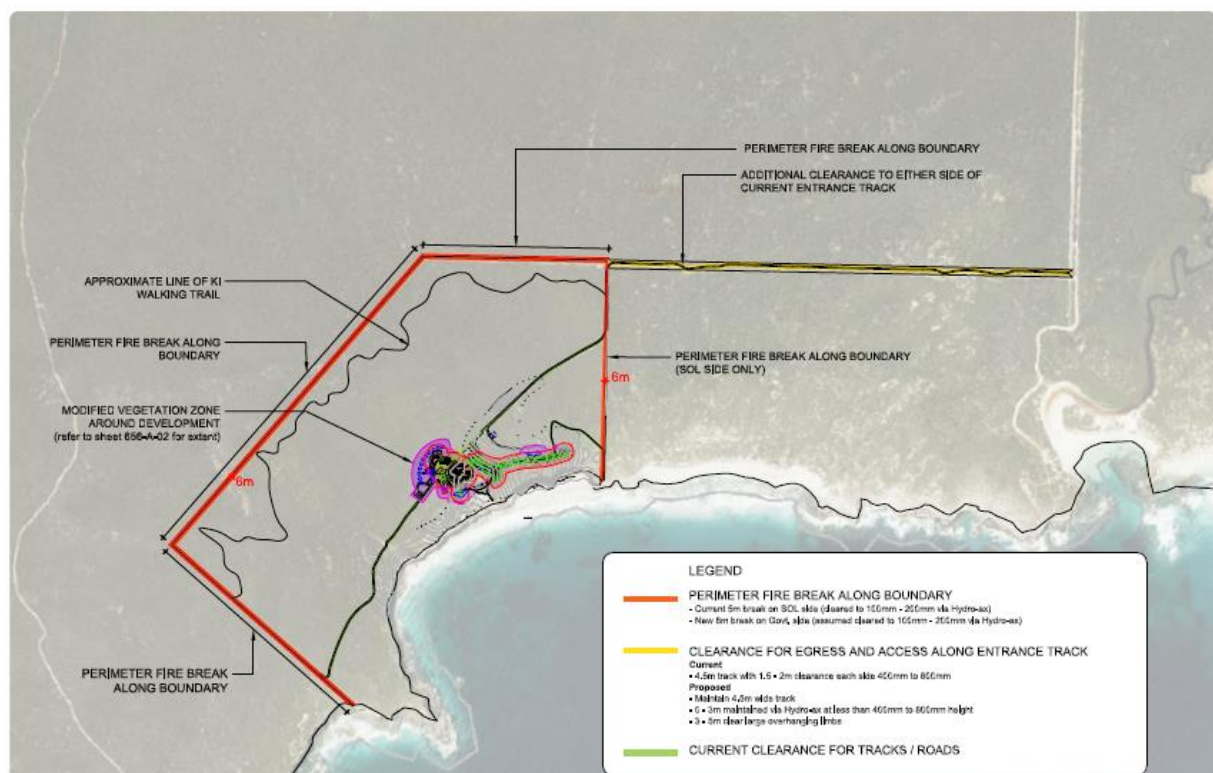


Figure 4: Proposed access track and boundary treatment

The CFS has reviewed the modified designs (including a preliminary Bushfire Attack Level (BAL) assessment) and has recommended a range of bushfire protection requirements that would need to be addressed in any new approval. These have been incorporated into the recommendations (refer to Section 8).

The CFS notes that in 2006 private bushfire shelters were not subject to adequate construction requirements or the rigorous approval pathway that was introduced after the Royal Commission following the 2009 Black Saturday bushfires. Due to the high risk nature of the 'private bushfire shelter' proposed in original PER, the current building rules and state building requirements must apply. Alternatively the shelter can be deleted from the scope of work in the rebuild.

The final detailed building plans and specifications would meet all the relevant requirements when building certification is sought, prior to construction commencing.

7 Conclusion

Overall, it is considered that the modified Southern Ocean Lodge proposal would be constructed largely in accordance with the design and footprint of the original development.

Minor changes have been incorporated into the design to improve the visitor experience (especially by providing greater accommodation options) and to improve the operation of the development (especially better wastewater management and fire protection).

The proposed changes would result in a minor increase in native vegetation clearance, which can be offset by the existing Significant Environmental Benefit (SEB) that has been negotiated with the Native Vegetation Council. Current bushfire protection requirements can be met through the detailed design and building certification process.

There are considered to be no new issues or greater magnitude of issues to those previously assessed for the original development. Impacts during construction and operation can be suitably mitigated and managed through revised Environmental Management & Monitoring Plans.

The enhancements made to the Lodge will ensure that it continues to provide a significant tourism attraction for Kangaroo Island, especially as an 'iconic destination' for international visitors. Importantly, the rebuild of the Lodge would provide much needed employment and economic opportunities to assist with the bushfire and COVID-19 recovery process for the Island.

The Amendment to the AR concludes that the modified proposal demonstrates merit and is suitable for approval, subject to revised conditions (as set out in the next section).

Consistent with other Major Developments, it is recommended that the approval provide for a substantial commencement timeframe of two (2) years and a maximum five (5) year period for material completion of the development.

8 Recommendations

The original approval included a number of 'Reserved Matters' (i.e. related to Building Rules compliance, a Significant Environmental Benefit being resolved with the Native Vegetation Council and the provision of a Construction Environmental Management and Monitoring Plan) and 'Conditions of Approval' (i.e. related to measures to mitigate impacts, especially through design and operational requirements and the provision of management plans).

This amended Assessment Report finds that the potential impacts during construction and operation of the Lodge can be adequately addressed through similar approval requirements to those originally applied. If a new development authorisation is granted, it is recommended that it be issued in a contemporary format, which provides for condition setting requirement at three discrete stages – prior to construction, during construction, and during operations. Many of the conditions attached to the previous approvals are no longer relevant or have been superseded.

Should the Minister for Planning and Local Government (as the delegate of the Governor) grant a development authorisation, it is recommended that the approval be based on the following revised conditions and advisory notes.

8.1 Planning Conditions

General

1. Except where minor amendments may be required by other legislation or by conditions imposed herein, the proposed Major Development shall be undertaken in accordance with the Application Letter from Southern Ocean Lodge Pty Ltd (on behalf of Baillie Lodges Pty Ltd) to the Minister for Planning and Local Government, dated 6 January 2021 (and associated plans and documents, including the amended Public Environmental Report).
2. The development to which this authorisation relates must be commenced by substantial work on the site of the development within two (2) years of the date of this authorisation, failing which the authorisation may be cancelled.
3. The proponent shall have materially completed the development within five (5) years of the date of this authorisation, failing which an extension of time may be sought from the Minister for Planning and Local Government or the authorisation may be cancelled.
4. All works shall be undertaken at the proponent's cost and in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with the conditions listed below.
5. Should the development cease during the period between the commencement of earthworks and final completion, the proponent shall undertake all necessary steps to reinstate the land and make good any damage or disturbance.

Prior to the Commencement of Construction Works

6. Evidence of Building Rules compliance shall be provided to the Minister for Planning and Local Government, following assessment and certification by a private certifier, the Kangaroo Island Council or by a person determined by the Minister for Planning and Local Government, 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 Advisory Notes below).

The following information shall be submitted for further assessment and approval by the Minister for Planning and Local Government (or delegate), prior to the commencement of construction works:

7. The final designs, specifications and layout plans for all buildings and structures.
8. A final Construction Environmental Management and Monitoring Plan (CEMMP) that identifies measures to manage and monitor potential impacts during construction (and post-construction remediation).

During Construction Works and prior to Operation of the Development

9. All works and site activities shall be undertaken in accordance with the approved Construction Environmental Management and Monitoring Plan.
10. The CEMMP shall be actively monitored to ensure compliance with predicted impacts and be formally reviewed on a regular basis by the Proponent. A copy of each review shall be provided to the Minister for Planning and Local Government until the construction phase is complete.
11. A final Operational Environmental Management and Monitoring Plan (OEMMP), which identifies measures to manage and monitor potential impacts during operation of the development, shall be submitted for further assessment and approval by the Minister for Planning and Local Government.
12. Council, utility or state agency maintained infrastructure that is demolished, altered, removed or damaged during the construction of the development shall be reinstated to Council, utility or state agency specifications as applicable. All costs associated with these works shall be met by the proponent. Roof stormwater during the construction phase must be piped to water storage tanks or discharged at least 5 metres away from buildings, any septic systems or site boundaries and without damage to the surrounding land and flora.
13. Details on the dimensions and the precise location of raised timber boardwalks shall be prepared to the satisfaction of the Minister for Planning and Local Government (or delegate), prior to its installation.
14. Revegetation of impacted areas shall be undertaken as soon as possible following construction. Biomatting or mulching on cleared areas shall occur until such time that revegetation is established.
15. All liquids or chemical substances 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 EPA 'Bunding and Spill Management Guidelines' (2016).
16. The Kangaroo Island Council shall be given seven (7) days written notice by the proponent prior to the commencement of works associated with the construction of the development, and be provided with the contact details for the person responsible for coordinating the works and ongoing operation covered by this approval.

During Operation of the Development

Operations on the site shall be undertaken in accordance with all plans and details submitted and agreed to in accordance with Conditions listed above and below.

17. The development shall be operated in accordance with the approved Operational Environmental Management and Monitoring Plan (OEMMP).
18. The OEMMP shall be actively monitored by the proponent to ensure compliance with predicted impacts and shall be formally reviewed at regular intervals and updated where

necessary, particularly when a significant change in project scope and/or performance is detected.

19. Pedestrian access arrangements over Crown land and management of its impacts shall be reinstated in accordance with the requirements of the Department for Environment and Water, prior to reopening of the Lodge. The beach shall remain unobstructed for public access.
20. All stormwater runoff from car parking areas, driveways and other hard surfaced areas shall be collected, contained, treated as necessary, and disposed of in a stormwater management system so that there is no contamination of water resources (surface or underground).
21. The restaurant shall not be open to the general public.
22. The helipad may be used for emergencies and for the transportation of guests subject to the following conditions:
 - (a) The helipad shall be used in accordance with the Helicopter Management Plan dated 11 May 2009;
 - (b) All approaches and take-offs shall be to the north of the helipad (as indicated in the aerial photograph attached to the Helicopter Management Plan showing acceptable flight paths), and flight paths over the coastline shall be avoided in all situations;
 - (c) All flight movements into and out of the helipad shall be approved by the Southern Ocean Lodge in advance.
 - (d) Southern Ocean Lodge shall advise helicopter pilots of the conditions of helipad use prior to any flight into or out of Southern Ocean Lodge (through the provision of an information sheet);
 - (e) Flight movements into and out of the helipad (other than emergency movements) shall not exceed 24 in any calendar year (1 movement = 1 landing and 1 take off). Each flight movement shall be monitored, recorded and reported in the Southern Ocean Lodge's monthly Operational Environmental Management & Monitoring Plan.
23. Should operations at the site be temporarily suspended due to unforeseen circumstances, an Interim Care and Maintenance Plan shall be developed and relevant government agencies be notified of the nature of the suspension and measures in place to limit impact of the unplanned closure. Should the temporary suspension extend beyond two years, a full Decommissioning and Rehabilitation Plan shall be prepared.
24. Unless otherwise specifically provided for in these conditions or otherwise agreed to in writing with the Minister for Planning and Local Government, all costs necessary for compliance with these conditions shall be met solely by the proponent.

South Australian Country Fire Service (SA CFS) Conditions

25. Habitable buildings for tourist accommodation in this location are considered high risk due to the vulnerable nature of tourists. Therefore the development shall be constructed to a BAL level no lower than BAL 29.
26. Access to the building site shall be of all-weather construction, with a minimum formed road surface width of 6 metres and must allow forward entry and exit for large fire-fighting vehicles.
27. The all-weather road shall allow fire-fighting vehicles to safely enter and exit the allotment in a forward direction by incorporating either:
 - (a) A loop road around the building, OR

- (b) A turning area with a minimum radius of 12.5 metres, OR
 - (c) A 'T' or 'Y' shaped turning area with a minimum formed length of 11 metres and minimum internal radii of 9.5 metres.
28. Given the length of the driveway and hazard present, the access shall provide opportunities for large vehicles to turn around at 200 metres intervals and within 30 metres of habitable buildings (subject to final agreement with the CFS).
 29. Private access shall have minimum internal radii of 9.5 metres on all bends.
 30. Vegetation overhanging the access road shall be pruned to achieve a minimum vehicular clearance of not less than 6 metres in width and a vertical height clearance of 4 metres.
 31. Vegetation either side of the access road shall be reduced to a maximum height of 30 cm for a distance of 3 metres (subject to final agreement with the CFS).
 32. The water supply outlets shall be easily accessible and clearly identifiable from the access way and at a distance of no greater than 30 metres from the proposed habitable buildings (subject to final agreement with the CFS).
 33. The dedicated water supply and its location should be identified with suitable signage (i.e. blue sign with white lettering "FIRE WATER").
 34. Access to the dedicated water supply shall be of all-weather construction, with a minimum formed road surface width of 3 metres.
 35. Provision shall be made adjacent to the water supply for a flat hardstand area (capable of supporting fire-fighting vehicles with a gross vehicle mass (GVM) of 21 tonnes) that is a distance equal to or less than 6 metres from the water supply outlet.
 36. SA CFS appliance inlet is rear mounted; therefore the outlet/water storage shall be positioned so that the SA CFS appliance can easily connect to it rear facing.
 37. A gravity fed water supply outlet may be remotely located from the tank to provide adequate access.
 38. All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
 39. All water supply pipes for draughting purposes shall be capable of withstanding the required pressure for draughting.
 40. A minimum supply of 100,000 litres of water shall be dedicated and available at all times for bushfire response purposes.
 41. The bushfire fighting water supply shall be clearly identified and fitted with an outlet of at least 50mm diameter terminating with a compliant SA CFS fire service adapter, which shall be accessible to bushfire fighting vehicles at all times in accordance with 'Access (to dedicated firefighting water supply)'.
 42. The water storage facility (and any support structure) shall be constructed of non-combustible material and shall be clear of vegetation for a distance of 10 metres.
 43. The dedicated fire-fighting water supply for delivery to fire hose reels shall be pressurised by a pump that is adequate with respect to the site layout and delivery requirements to achieve a minimum of .33 L/s at the nozzle, and operates independently of mains electricity.
 44. The dedicated fire-fighting water supply pump shall have be located such that the occupant's safety is assured when operating the pump during a bushfire. Due to the

extensive site layout and the likelihood of the pump being located remote from the fire hose reel, remote and/or automatic start feature should be incorporated.

45. The fire-fighting pump and any flexible connections to the water supply shall be protected by a non-combustible cover that allows adequate air ventilation for efficient pump operation.
46. All bushfire fighting water pipes and connections between the water storage facility and a pump shall be no smaller in diameter than the diameter of the pump inlet.
47. All non-metal water supply pipes for bushfire fighting purposes (other than flexible connections and hoses for fire-fighting) shall be buried below ground to a minimum depth of 300mm with no non-metal parts above ground level.
48. A fire-fighting hose (or hoses) shall be located so that all parts of the building are within reach of the nozzle end of the hose and if more than one hose is required they should be positioned to provide maximum coverage of the building and surrounds (i.e. at opposite ends of the habitable building).
49. All fire-fighting hoses shall be capable of withstanding the pressures of the supplied water.
50. All fire-fighting hoses shall be of reinforced construction manufactured in accordance with AS 2620 or AS 1221.
51. All fire-fighting hoses shall have a minimum nominal internal diameter of 18mm and a maximum length of 36 metres.
52. All fire-fighting hoses shall have an adjustable metal nozzle, or an adjustable PVC nozzle manufactured in accordance with AS 1221.
53. All fire-fighting hoses shall be readily available at all times.
54. A vegetation management zone (VMZ) shall be established and maintained within 20 metres of the habitable building (or to the property boundaries – whichever comes first) as follows:
 - (a) Low threat species, planted in a mosaic pattern in clumps no greater than 3m² and separated by rubble/concrete paths/gaps minimum 1m in width.
 - (b) Species are considered low threat if they are kept in optimum health, therefore should be irrigated and dead material must be removed and grasses cropped to 100mm in fire danger season.
 - (c) Ground covers and small shrubs whilst low threat are notorious for accumulating dead leaf litter from neighbouring hazardous species, therefore the area shall be kept free from dead and accumulated vegetation.
 - (d) Vegetation within this zone shall not provide a continuous pathway from the adjoining hazard to the asset; therefore, no vegetation is permitted within 1m of the structure or the adjoining hazard.
55. A Bushfire Buffer Zone ('B Zone') shall be established and maintained for a distance of between 20 metres to 70 metres.
56. The proponent shall prepare and display a Bushfire Survival Plan (BSP), designed specifically for the purpose of any guests that may be in residence during a bushfire event, especially during the Fire Danger Season. The Plan shall be prepared in accordance with the SA CFS 'Bushfire Safety and Survival for Business and Organisations' document (refer to CFS website) and should:
 - (a) Give clear directions to persons that may be unfamiliar with the area/locality and unfamiliar with what protective actions they may need to take to protect their lives during a bushfire event, including when to take such protective actions.
 - (b) Not expect guests to be involved in fire-fighting operations.

57. Onsite staff should have adequate training and a skills maintenance schedule in place for first attack firefighting, site specific systems, evacuation procedures.
58. Due to the high risk location, a leave early approach shall be adopted by guests and staff, as a stay and defend strategy poses an unacceptable risk to life. In addition, the proponent should consider reducing operating hours and restricting activities on days of heightened fire risk or bushfire events.
59. A detailed bushfire survival plan and emergency response plan shall be developed and provided to the SA CFS Headquarters prior to the commencement of operations of the site and reviewed annually and submitted prior to the commencement of each fire danger season.
60. A Manifest Box shall be installed at the entrance of the property. The box (which looks a bit like a small meter box), should be red and marked with white writing 'Fire Protection system' (or similar) and be clearly visible to fire crews as they access the property. The Box shall contain a site plan highlighting vehicle access, turning ability, building location, water supply (i.e. fill locations), fire protection equipment and on-site hazards or storage of dangerous materials (i.e. LPG, fuels or chemicals). A list of emergency contact phone numbers shall also be included.

ADVISORY NOTES

1. The proponent is advised, that all conditions must be met, including monitoring, mitigation and reporting requirements as detailed in relevant management plans. Failing such is considered a breach of the Development Act 1993, under which this authorisation is given, and the Minister may direct the proponent to make good any breach. The Minister may also take such action as is required because of any situation resulting from the breach, including the cessation of the operation of the development.
2. Pursuant to Development Regulation 64, the proponent 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 questions; 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 and Local Government.

3. The Kangaroo Island Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Advisory Notes that apply in relation to this development authorisation).
4. Construction of the development may commence only after a Building Rules assessment and certification has been undertaken in relation to that component and has been issued by the Kangaroo Island Council or private certifier, and the Minister for Planning and Local
5. All works and activities will need to be undertaken in accordance with the General Environmental Duty as defined in Part 4, section 25(1) of the Environmental *Protection Act*

1993 (which requires that a person must not undertake any activity which pollutes, or may pollute the environment, 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 proponent is reminded of its obligation under the *Aboriginal Heritage Act 1988* whereby any “clearance” work, which 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 proponent, and all agents, employees and contractors, such as construction crew, is reminded of the need to 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.
8. The proponent is reminded of its obligations under the *Native Vegetation Act 1991* and the Native Vegetation Regulations 2017 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.
9. The proponent is reminded that, under the *National Parks and Wildlife Act 1972*, permits are required for the ‘taking of protected animals’, such for the capture and relocation of animals during construction and the destruction or relocation of animals during operation.
10. The proponent is reminded of its obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*, not to undertake any activity that could have a significant effect on any matter of National Environmental Significance without the approval of the Commonwealth Minister for Environment.
11. The wastewater treatment system shall be designed by the proponent to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2016 and the SA Health On-site Wastewater Systems Code (April 2013) are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collections, treatment and disposal system, except where the effluent complies with criteria in the above Policy.
12. Should the proponent wish to vary the Major Development, an application to the Minister for Planning and Local Government must be submitted, provided that the development application variation remains within the ambit of the Public Environmental Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to section 47 of the Development Act 1993, the proponent may be required to prepare an amended Public Environmental 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 the decision made pursuant to section 48 of the *Development Act 1993*.
13. The Minister has a specific power to require testing, monitoring and auditing under section 48C of the *Development Act 1993*.

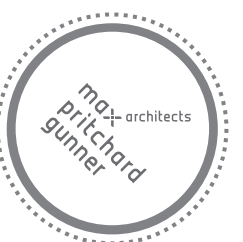
Appendix 1: Detailed Layout Plans and Designs



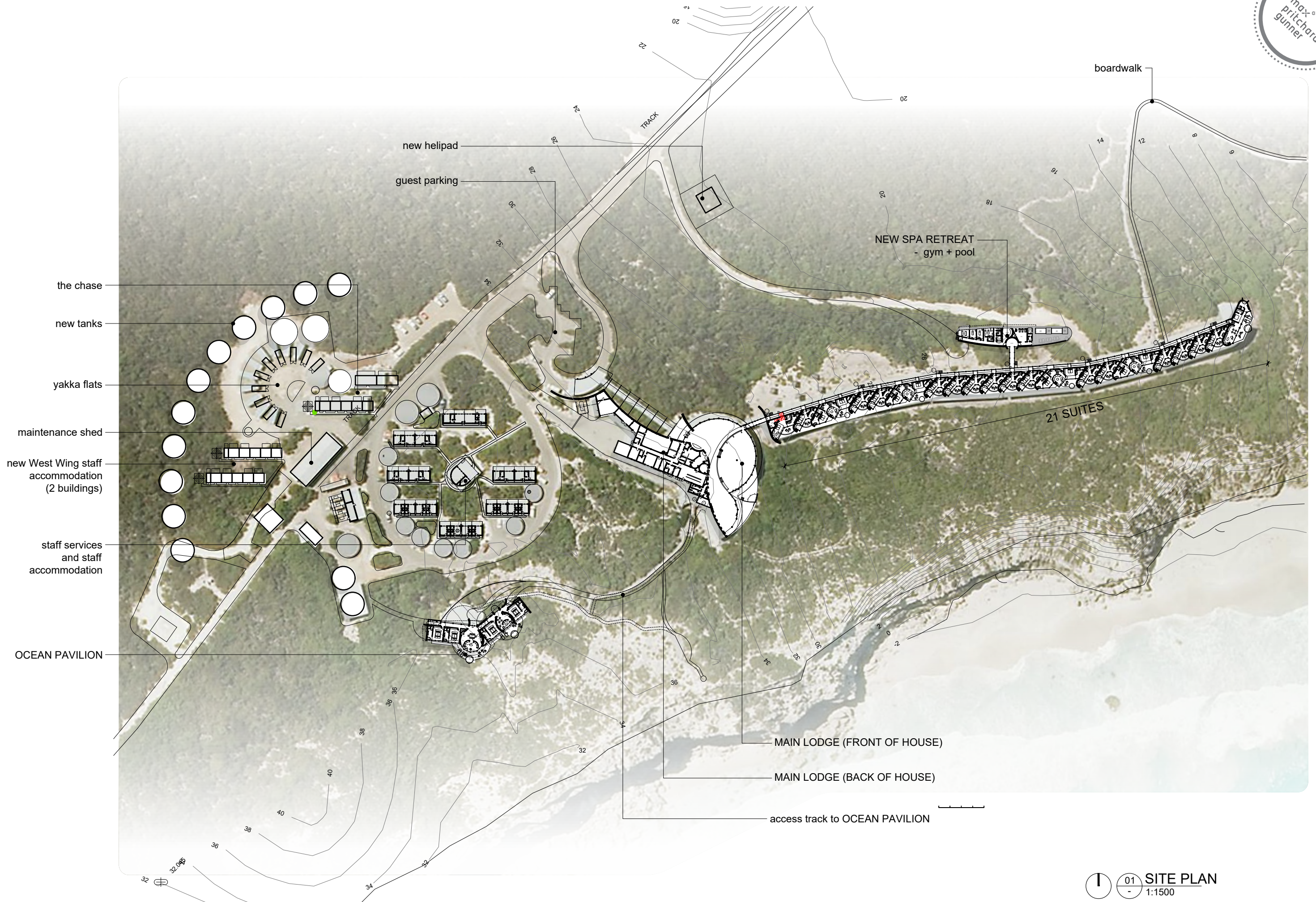
SOUTHERN OCEAN LODGE

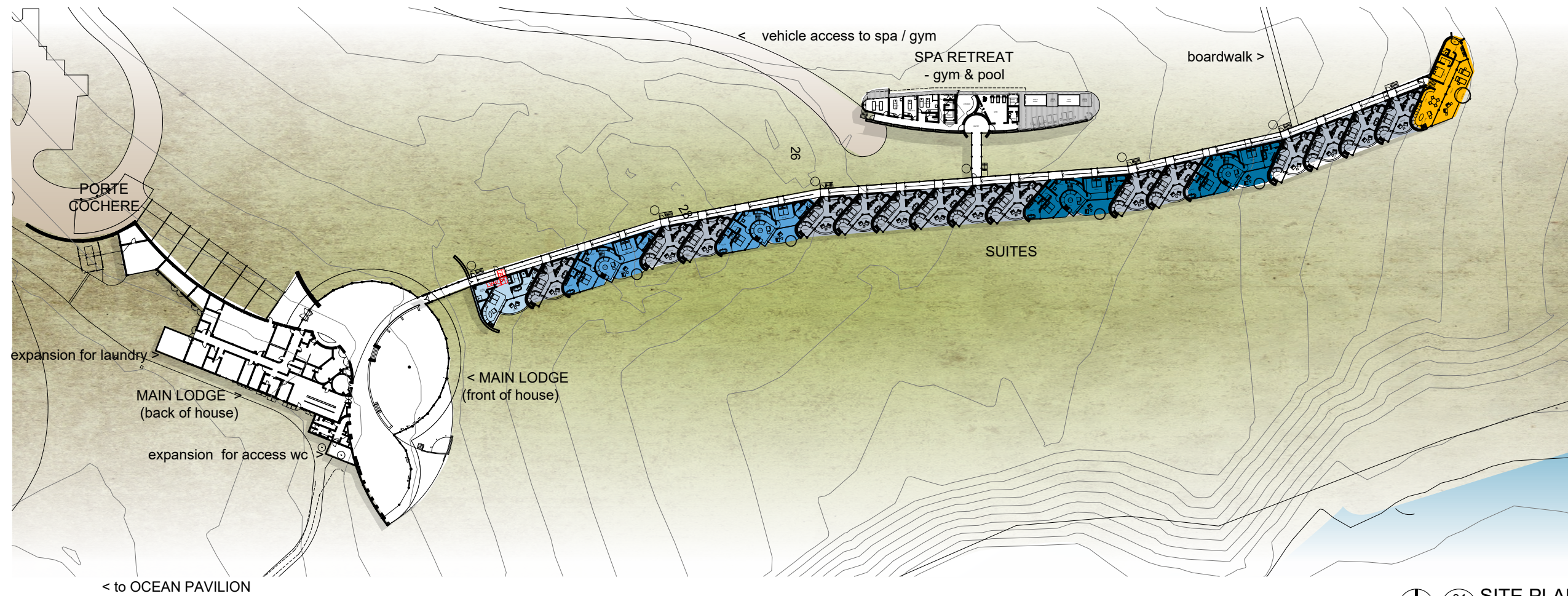
REBUILD AND ENHANCEMENTS 2020
01/12/2020


BAILLIE LODGES
AUSTRALIAN LUXURY DEFINED

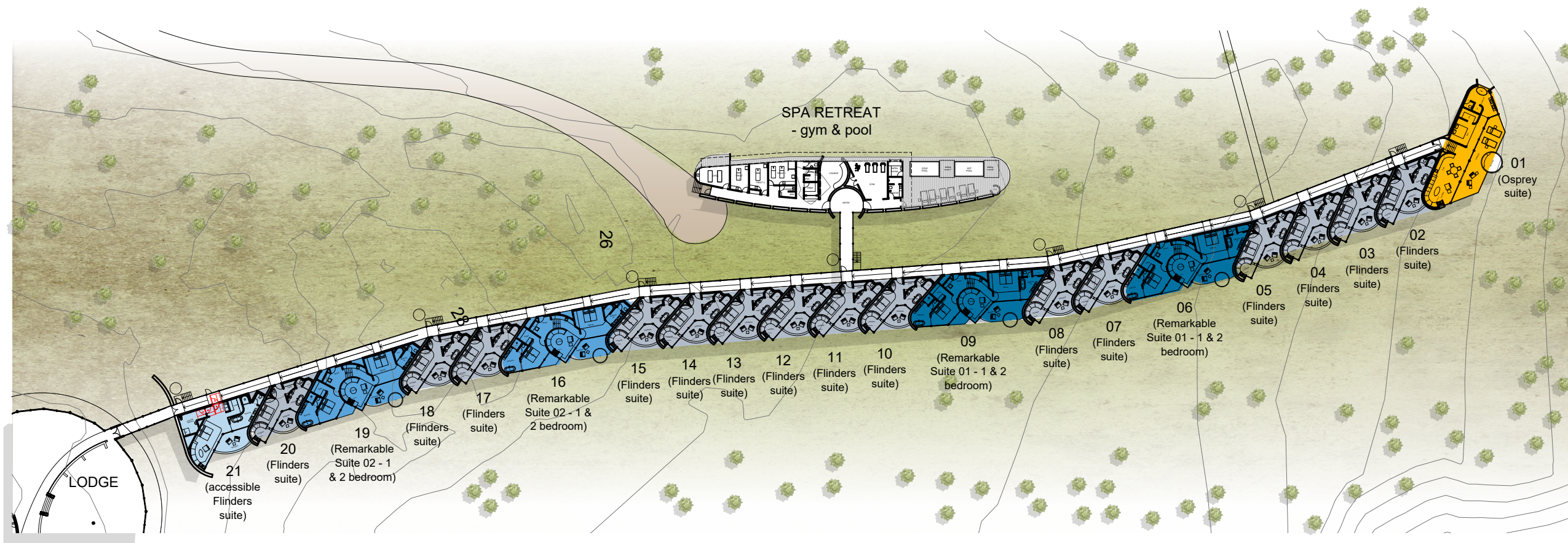




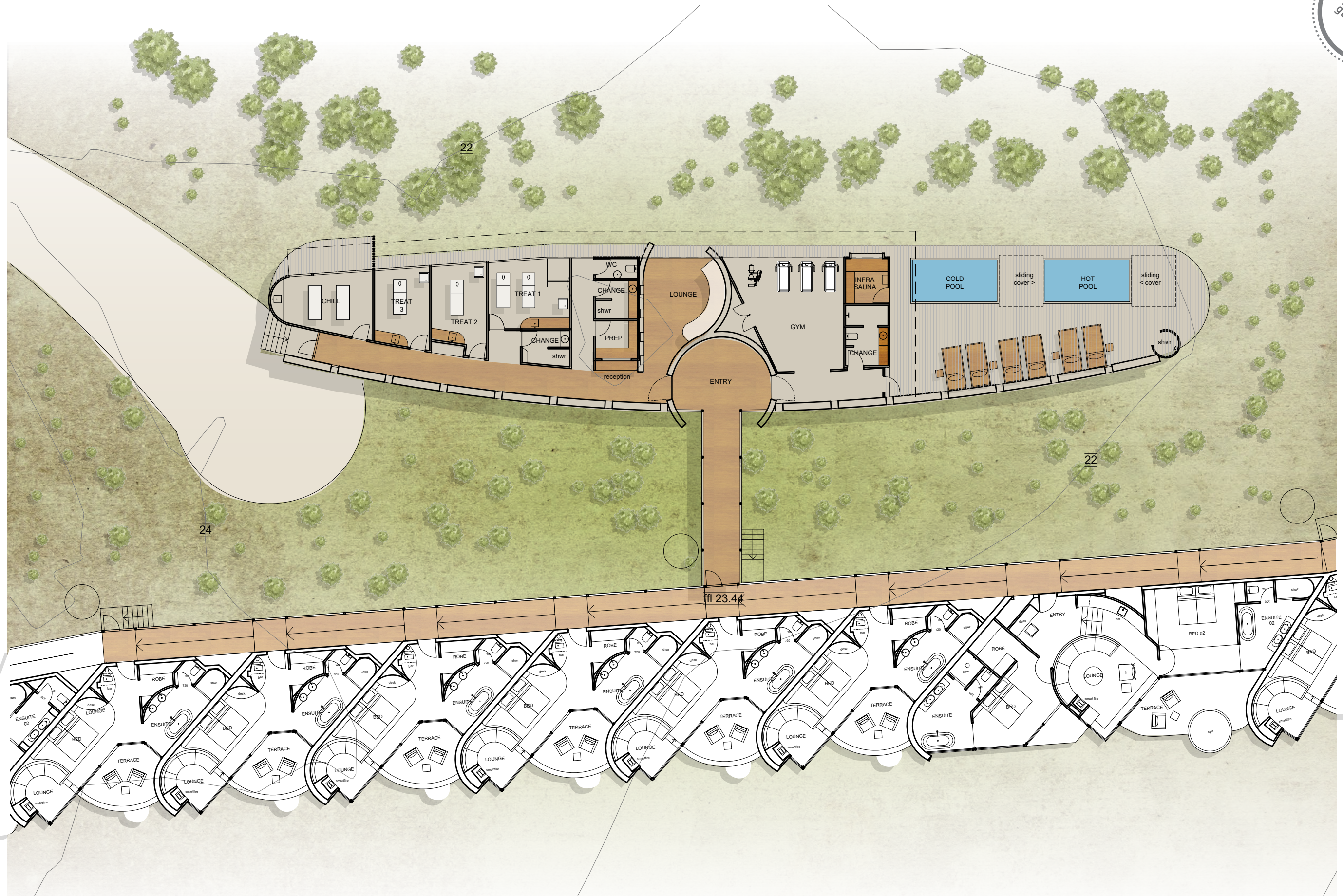




01 SITE PLAN
1:1000



01 SITE PLAN
NTS



SPA RETREAT

Gym & Pool

1:200





SPA RETREAT
gym & pool



SPA RETREAT
gym & pool

SCREEN

PRIMARY
ENTRANCE

STAFF
VEHICLE
ACCESS

SCREENED
COURTYARD

SECONDARY
ENTRANCE

DOORS TO
SEPARATE
SPACES

FOLD AWAY
SCREEN

01 OCEAN PAVILION
1:200



OCEAN PAVILION



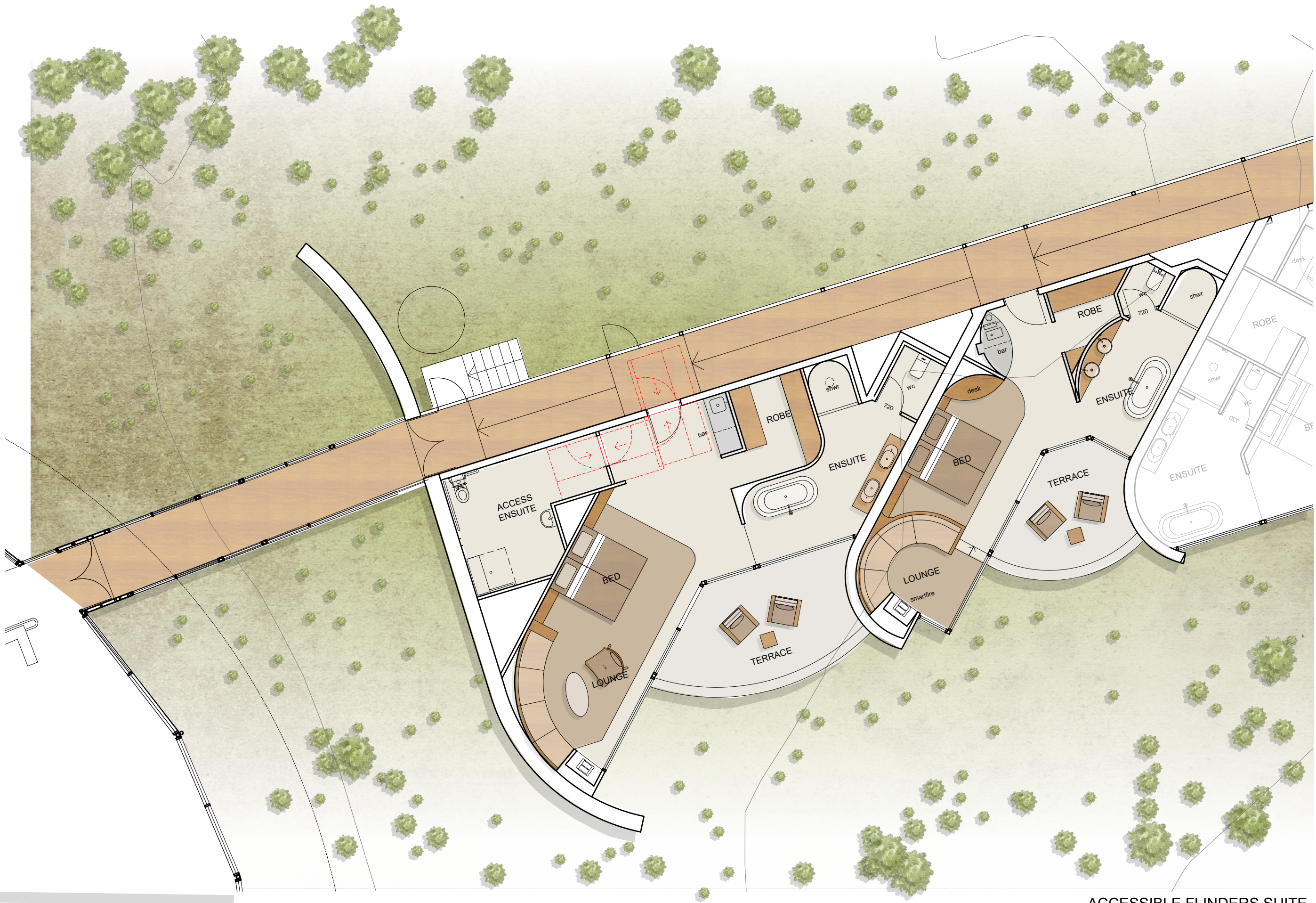
OCEAN PAVILION



OCEAN PAVILION
MAIN LOUNGE VIEW



OCEAN PAVILION
BED ROOM VIEW



ACCESSIBLE FLINDERS SUITE

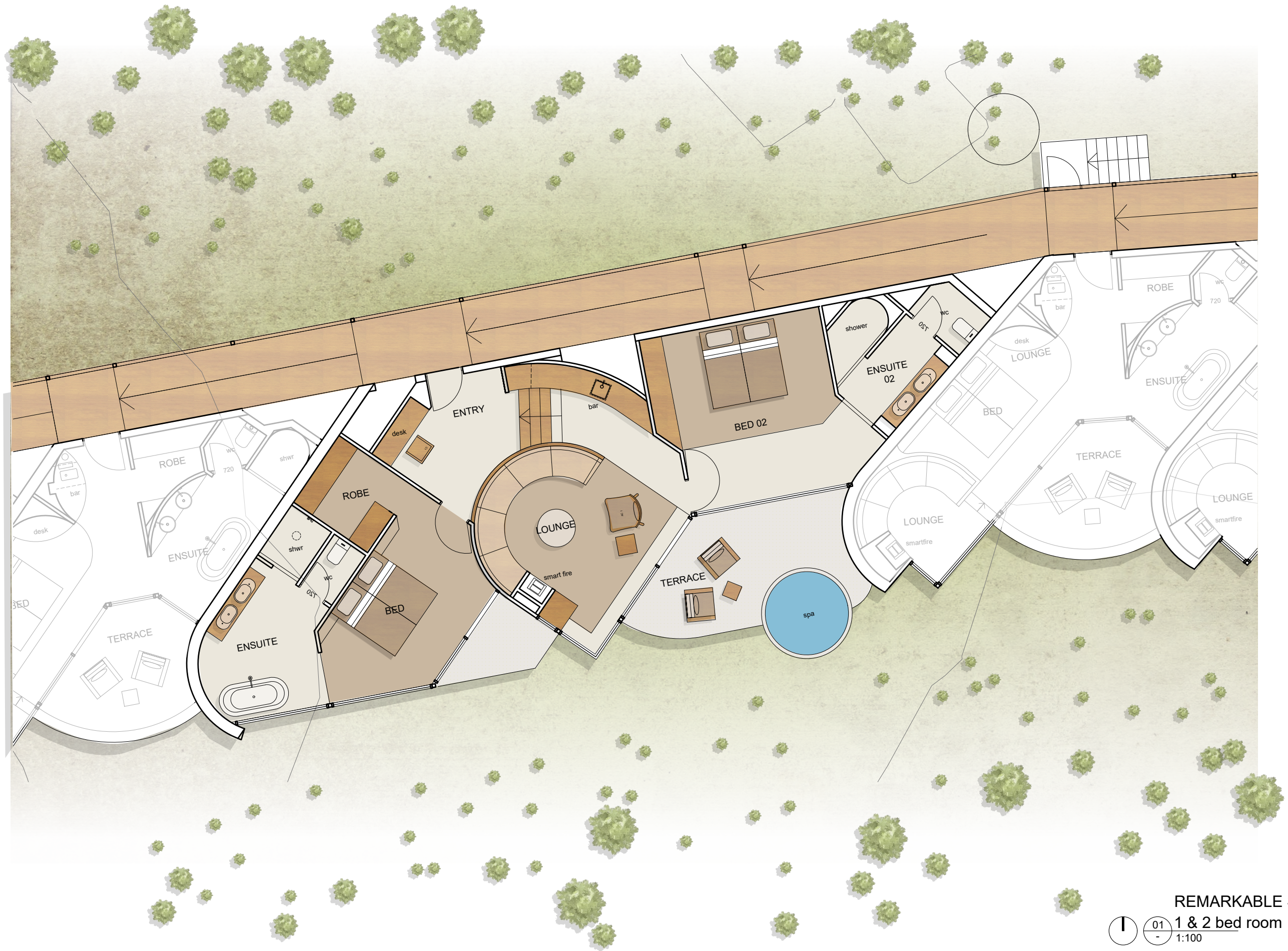
01 - AND FLINDERS SUITE
1:100



FLINDERS
SUITES

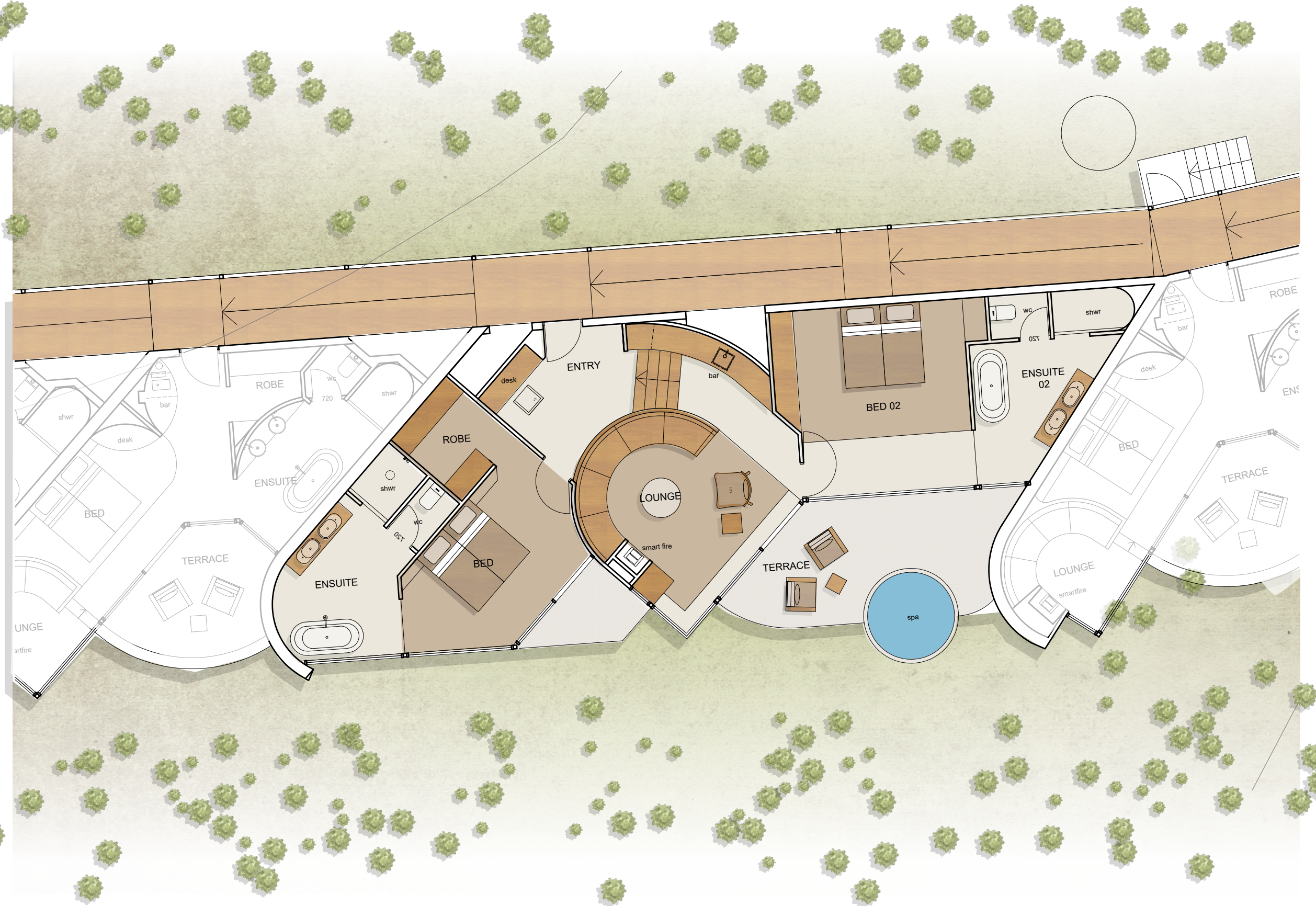


FLINDERS
SUITES



REMARKABLE SUITE 02

01 1 & 2 bed room
1:100



REMARKABLE SUITE 01

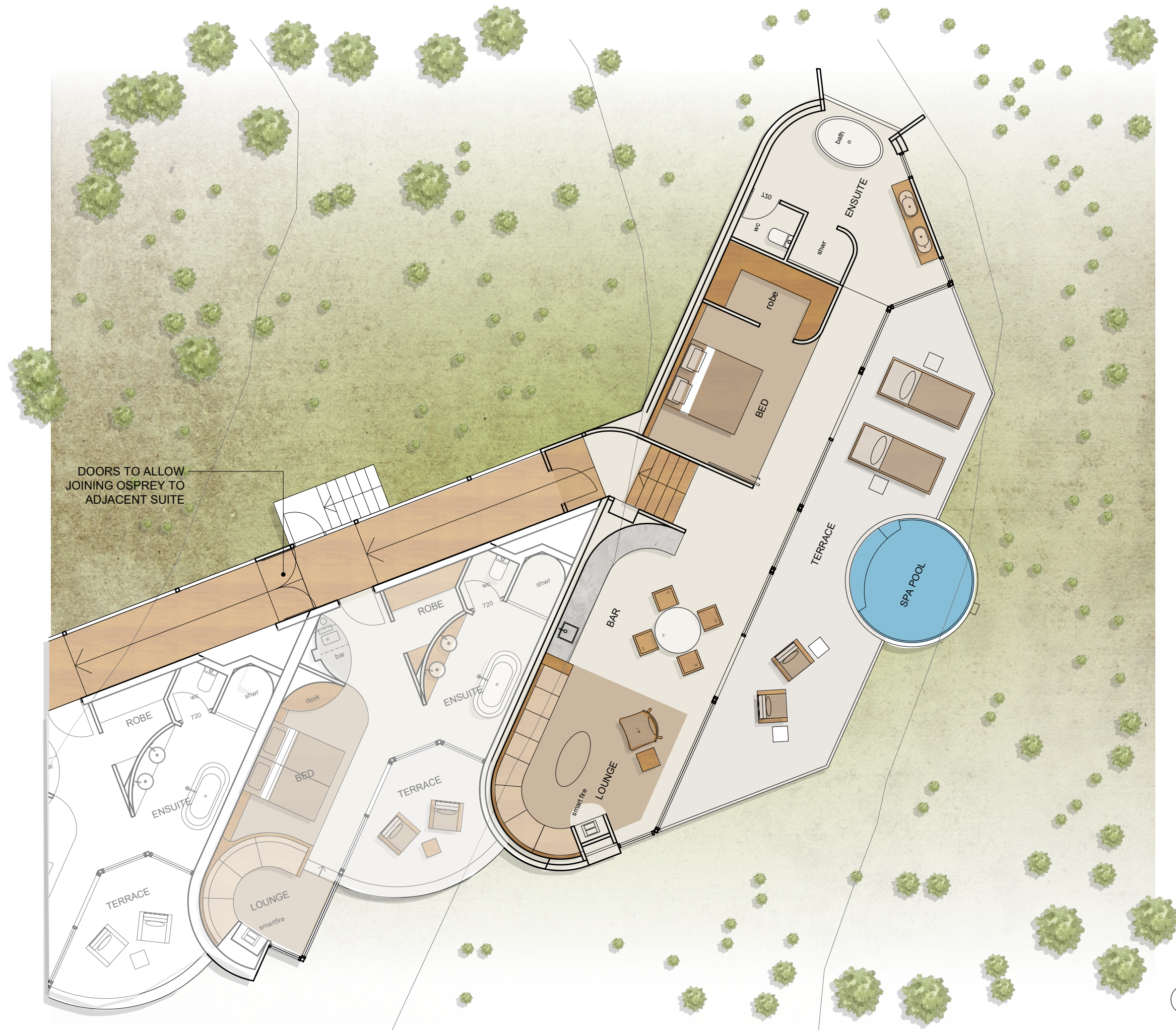
01 1 & 2 bed room
1:100



REMARKABLE
SUITE



REMARKABLE
SUITE





OSPREY
SUITE



OSPREY
SUITE