

# **GUIDELINES**

For the preparation of a

# **DEVELOPMENT REPORT**

**Tourist Resort  
American River, Kangaroo Island**

City & Central Consulting Pty Ltd

VARIATION – 22 SEPTEMBER 2016



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<b>1. BACKGROUND</b>	<b>3</b>
<b>2. DESCRIPTION OF THE PROPOSAL</b>	<b>3</b>
<b>3. MAJOR DEVELOPMENT PROCESS AND ROLE OF GUIDELINES</b>	<b>4</b>
<b>4. DEVELOPMENT REPORT (DR)</b>	<b>5</b>
<b>5. ASSESSMENT</b>	<b>7</b>

## 1. BACKGROUND

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

Subsequent to the declaration the proponent has reviewed the project scope and has removed, primarily, the commercial harbour and marine based elements. These may be revisited in the future.

On 26 August 2016 the proponent wrote to the Department seeking a variation to the Major Development declaration. The nature of the proposal is described below in Section 2.

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 Development Report).
- Public and agency consultation on the Assessment Document for a period of three 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 establishes 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 Development Report (DR), as set out in Section 46D 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 proposed resort 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 proposal can be generally described as an international tourism resort, comprising the following components:

### Phase 1

- 115 guest rooms, 3 star hotel, two lodges and 10 cabins

The proponent projects that 60 KI based temporary jobs will be created during construction and over 100 permanent jobs during operation of Phase 1.

### Phase 2/3

- 4.5 star tourist facility and restaurant as well as additional lodges, cabins and cottages
- The central resort complex would comprise two main hotel buildings, including a reception area, retail, restaurants, bars, conference facilities and resort suites (with associated roads and car parking).
- The resort's main tourist accommodation is designed as a 'deconstructed hotel', comprising ten freestanding six-story towers strategically located around the site. Each tower would have either two

or four hotel rooms per floor (i.e. to provide multiple views from each room), above shared ground floor facilities. A range of self contained cottages would also be provided around the site.

- Resort amenities, including a pool, 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/whisky lounge') and landscaped gardens (including a greenhouse).
- 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.

It is expected that this phase will create 100 temporary jobs during construction and 180 permanent full time jobs during operation.

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 internal roads and paths.

### 3. MAJOR DEVELOPMENT PROCESS AND ROLE OF GUIDELINES

In accordance with Section 46 (7) of the Development Act, 1993, the Development Assessment Commission has a role:

- (a) to determine whether the [major development or project](#) will be subject to the processes and procedures prescribed by this Subdivision with respect to the preparation of an EIS, a PER or a DR; and*
- (b) to formulate guidelines to apply with respect to the preparation of the EIS, PER or DR (as determined by the [Development Assessment Commission](#)).*

The revised nature of the proposal, which now excludes the commercial harbour component, removes a raft of environmental sensitivities and as such the major development as proposed should be subject to the processes and procedures associated with the preparation of a Development Report (DR).

Generally the following steps will occur.

- These Guidelines are to be used to inform the preparation of the Development Report (DR). They set out the assessment issues associated with the proposal along with their scale of risk, as determined by the Development Assessment Commission.
- 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 DR must be prepared by the proponent, in accordance with the Guidelines, and should specifically address each guideline.
- The DR 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 DR 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 DR is released. Public exhibition is undertaken for a minimum of 15 business days. 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 DR, Response Document and the Assessment Report will be provided to the Council.
- When a proposal is subject to the DR 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 DR 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. DEVELOPMENT REPORT (DR)**

**4.1** The DR 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 DR 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 DR 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 DR 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

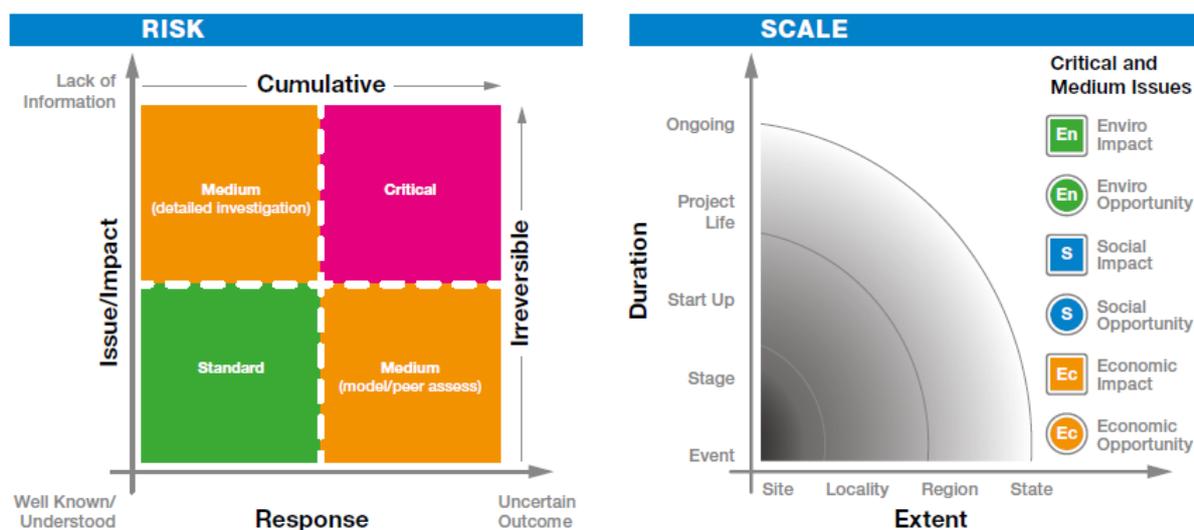
- **Current Certificate(s) of Title.**
- **Context and locality plans** illustrating and analysing existing site conditions and the relationship of the proposal to surrounding land and buildings. The plans should be drawn to a large scale to allow presentation on a single sheet and be readily legible.
- **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.
- **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'.



LEVEL OF ASSESSMENT		
	Risk	Scale
DR	Medium (majority standard)	Standard/Medium
PER	Medium (limited critical)	Medium
EIS	Critical	Critical

From an environmental perspective both the nature of the receiving environment and the kind of activities proposed (which themselves may amount to activities of environmental significance under the *Environment Protection Act 1993* and likely be of interest to the Australian Government under the *Environment Protection and Biodiversity Conservation Act 1999*) would indicate that the project is of major environmental importance.

The key environmental impacts are likely to be associated with:

- Protection of native flora and fauna, especially any species listed under the *Environment Protection and Biodiversity Conservation Act 1999* (i.e. nationally threatened Red-tailed Glossy-black Cockatoo).

- Access to water supply on the Island, and the 'downstream' impact of taking larger quantities of water from potentially limited resources.
- Management of stormwater and effluent, including capture, treatment and re-use of recycled water where possible.

From an economic perspective the proponent has advised the total capital expenditure for the proposal is some \$22 million, plus broader economic benefits to the local Kangaroo Island community.

- The proposal has potential to employ up to 100 staff associated with the tourist accommodation component. The Tourism sector accounts for 25% of Kangaroo Island's Gross Regional Product (GRP) and 20% of the employment market (466 FTE jobs). The anticipated 100 new jobs generated by the proposal would account for nearly 20% of the overall tourism employment market, and could see the development become one of the larger employers on Kangaroo Island.
- The overall impact of this project on the local community would be significant, and is expected to be a major contributor to visitation numbers by 2020 (currently peaking at 194,000 in 2011/12), a target set by the *South Australian Strategic Plan*.

Given the nature and complexity of the proposal the project would benefit from a whole of government assessment given the range of expertise required to manage a wide-ranging and complex planning and environmental assessment. The Major Development process also includes community consultation to a greater level than the standard council development assessment process (but with no appeal rights).

## 5.1 CRITICAL ASSESSMENT

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.

### Design Quality

**Guideline 1:** The American River area has high landscape values (especially associated with the coast) and the township has a 'coastal village' character that provides a high level of amenity for residents and visitors.

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

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

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

## 5.2 MEDIUM ASSESSMENT

### Economics

**Guideline 2:** 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.*

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

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

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

### Infrastructure

**Guideline 3:** 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.*

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

## **Social Issues**

**Guideline 4:** The proposal is being developed in close proximity to an existing settlement context. While all forms of development have impacts and will generate change, it is important to consider the manner in which the proposal could make a positive contribution to the social and community fabric of American River and Kangaroo Island.

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

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

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

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

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

## **Aboriginal Heritage and Native Title**

**Guideline 5:** The proposal is developed in a manner respectful of Aboriginal Heritage, consistent with relevant legislative requirements.

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

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

*Describe the measures put in place to manage the risk of damaging, disturbing or interfering with any Aboriginal heritage that has been identified by the consultation undertaken above and any plans to deal with the discovery of Aboriginal heritage during project works. If avoidance has not been possible*

*in the project design phase, 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.*

### **5.3 STANDARD ASSESSMENT**

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

**Guideline 6:** 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.*

##### Native Vegetation and Fauna

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

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

*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.*

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

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

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

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

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

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

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

**Guideline 8:** The proposal is developed in a manner that provides for safe and convenient access within, and to and from the development.

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

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

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

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

## **Land Tenure and Management**

**Guideline 9:** The proposal is developed in a manner that provides for appropriate land tenure arrangement.

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

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

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

## **Construction and Operation**

**Guideline 10:** The proposal is developed in a manner that ensures that construction and operational matters are appropriately managed and controlled.

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

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

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

*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 11:** 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.*

## 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 the 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 environment, including 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.
  - 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 where required.

- Hydrology (particularly the protection water quality).
  - 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
- **Operational Environmental Management and Monitoring Plan (OEMMP)** that analyses potential impacts on the environment, including 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.
    - 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).
- South Australian Tourism Commission Nature-based tourism plan for South Australia:  
[http://www.environment.sa.gov.au/parks/get-involved/nature-based-tourism-plan#Nature-Based Tourism](http://www.environment.sa.gov.au/parks/get-involved/nature-based-tourism-plan#Nature-Based-Tourism)
- SA Tourism Commission Regional Tourism Profile – Kangaroo Island  
<http://tourism.sa.gov.au/research-and-reports/regional-tourism-profiles.aspx>
- ‘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*.
- *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/business_and_industry/environmental_planning/position-statements-and-guidelines)  
[http://www.epa.sa.gov.au/reports\\_water/nepean-ecosystem-2011](http://www.epa.sa.gov.au/reports_water/nepean-ecosystem-2011)

## APPENDIX 3 – SECTION 46D OF THE *DEVELOPMENT ACT 1993*

### 46D—DR process—specific provisions

- (1) This section applies if a DR must be prepared for a proposed development.
- (2) The Minister will, after consultation with the proponent—
  - (a) require the proponent to prepare the DR; or
  - (b) determine that the Minister will arrange for the preparation of the DR.
- (3) The DR must be prepared in accordance with guidelines determined by the Development Assessment Commission under this Subdivision.
- (4) The DR must include a statement of—
  - (a) the expected environmental, social and economic effects of the development;
  - (b) the extent to which the expected effects of the development 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 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 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 is to be undertaken within the Murray-Darling Basin, the extent to which the expected effects of the development 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 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 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 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 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 on the environment;

- (e) other particulars in relation to the development required—
  - (i) by the regulations; or
  - (ii) by the Minister.
- (5) After the DR has been prepared, the Minister—
  - (a) —
    - (i) must, if the DR relates to a development that involves, or is for the purposes of, a prescribed activity of environmental significance as defined by the Environment Protection Act 1993, refer the DR to the Environment Protection Authority;
    - (ia) must, if the DR relates to a development that is to be undertaken within the Murray-Darling Basin, refer the DR to the Minister for the River Murray;
    - (ib) must, if the DR relates to a development that is to be undertaken within, or is likely to have a direct impact on, the Adelaide Dolphin Sanctuary, refer the DR to the Minister for the Adelaide Dolphin Sanctuary;
    - (ic) must, if the DR relates to a development that is to be undertaken within, or is likely to have a direct impact on, a marine park, refer the DR to the Minister for Marine Parks;
    - (ii) must refer the DR to the relevant council (or councils), and to any prescribed authority or body; and
    - (iii) may refer the DR 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 DR are available for public inspection and purchase (during normal office hours) for at least 15 business days at a place or places determined by the Minister and, by public advertisement, give notice of the availability of copies of the DR and invite interested persons to make submissions to the Minister on the DR within the time determined by the Minister for the purposes of this paragraph.
- (6) 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.
- (7) The proponent may 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 (6), and provide a copy of that response to the Minister within the time prescribed by the regulations.
- (8) The Minister must then prepare a report (an Assessment Report) on the matter taking into account—
  - (a) any submissions made under subsection (5); and
  - (b) the proponent's response (if any) under subsection (7); and
  - (c) comments provided by the Environment Protection Authority, a council or other authority or body; and
  - (d) other comments or matter as the Minister thinks fit.

- (9) Copies of the DR, any response under subsection (7) 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.
- (10) If a proposed development to which a DR relates will, if the development proceeds, be situated wholly or partly within the area of a council, the Minister must give a copy of the DR, any response under subsection (7) and the Assessment Report to the council.

**(11) APPENDIX 4 – DECLARATION NOTICE**

DEVELOPMENT ACT 1993: SECTION 46 (1)

*Preamble*

On 18 July 2015, the Minister for Planning, by notice in the *Gazette* (see 18 July 2015, pages 3826-3827) declared that Section 46 of the Development Act 1993, applied to a development of a kind specified in Schedule 1 of that notice. The declaration applied to a tourist resort and commercial harbour development proposal at American River, Kangaroo Island. The commercial harbour component is no longer intended as part of the development proposal.

It has been decided to vary the declaration.

NOTICE

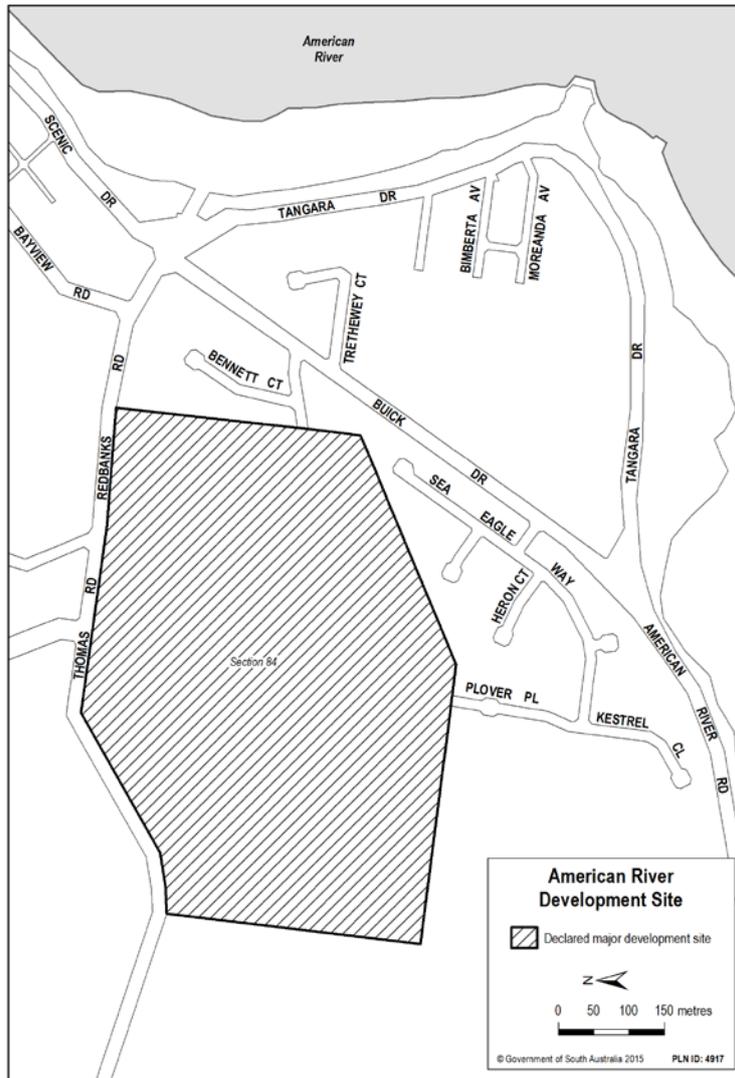
PURSUANT to Section 46 (4) of the Development Act 1993, I vary the declaration referred to in the preamble, by amending it as follows:

- (a) by deleting item (a) (iii) marina and ferry docking facilities from Schedule 1;
- (b) by deleting item (d) the division of an allotment associated with any development within the ambit of a preceding paragraph from Schedule 1; and
- (c) by deleting the following land from Schedule 2:

Plan Parcel	Title
D93295 A100	CT6142/412
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).

- (d) by replacing Schedule 3 with the following:



Dated 31 August 2016.

JOHN RAU, Minister For Planning