

Southern Ocean Lodge PER

Response Document

4 July 2006



Baillie Lodges
Unique Australian Experiences



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Contents

	Page number
1. Introduction	1
1.1 Background to the project	1
1.2 Submissions received and structure of the response document	1
2. The PER process	3
3. Summary of government issues	6
3.1 Site location, selection and evaluation	6
3.2 Vegetation clearance and impacts on threatened species	7
3.2.1 Area to be cleared	7
3.2.2 Pruning for fire safety	8
3.2.3 Erosion and regeneration	8
3.2.4 Native Vegetation Act 1991	8
3.2.5 Potential impact on flora species	9
3.2.6 Potential impacts on Osprey and other avifauna	9
3.2.7 Endangered fauna	11
3.3 Conservation significance and ecological connection	11
3.4 Bushfire protection and clearance	12
3.4.1 Source of fire fighting water supply	12
3.4.2 Fire hazards	13
3.5 Opportunities to provide benefit to local community and environment	15
3.6 Infrastructure	16
3.6.1 Power	16
3.6.2 Access and tracks	16
3.7 Land ownership and coastal reserve	17
3.8 Development plan and planning strategy	19
3.8.1 Development plan	19
3.8.2 Planning Strategy	22
4. Other issues	24
4.1 Water use, collection and treatment	24
4.2 Visual Impact	25
4.3 Purpose of EMP	26
4.4 Location of staff accommodation	26
4.5 Climate change impacts	27

Contents (Continued)

	Page Number
4.6 Heritage	27
4.6.1 Aboriginal representatives	28
4.7 Waste	28
4.8 Decommissioning	28
5. Conclusion	29

List of figures

	Page Number
Figure 2.1 Major developments assessment process	4
Figure 3.1 Walking trails	18

Appendices

Appendix A	List of respondents
Appendix B	Summary of Government submissions
Appendix C	Key issues from public submissions
Appendix D	Fire protection plan

1. Introduction

1.1 Background to the project

The proposed development is located at Hanson Bay, on the south-west coast of Kangaroo Island, South Australia. The development is proposed by Baillie Lodges (the Proponent) and is for the establishment of Southern Ocean Lodge (SOL), comprising 25 contiguous accommodation suites and associated facilities including a main Lodge building / reception, spa retreat and staff village.

The proposal is to develop an environmentally sustainable nature-based tourism facility which would provide a range of education/interpretive wildlife experiences to a market not currently well catered for on Kangaroo Island. The aim of the project is to develop and operate Southern Ocean Lodge as Australia's leading example of premium nature-based tourism to offer an iconic accommodation experience to the tourism market for Kangaroo Island.

The buildings and site layout have been designed to provide an excellent standard of environmental diligence that maintains the existing character and landscape contours of the site. Materials and colours have been selected to address bushfire resistance and enhance the compatibility of the development with the existing environment and visual landscape.

The development site is set back more than 100 metres from the high water mark and comprises approximately one hectare of coastal land overlooking coastal cliffs, beaches and surrounding coastal vegetation. The site for the proposed buildings is accessible by way of an existing cleared access track and is in a location where the least amount of native vegetation clearance is required as coastal erosion has already created some bare patches.

The proposed site is located in the Kangaroo Island Council Development Plan's Coastal Landscape Zone, where tourism development of 25 units or less is considered a merit use in this zone.

The project was gazetted as a Major Development under the *Development Act 1993* and a Public Environmental Report (PER) was prepared by the Proponent outlining the proposal and providing information on the issues for the project. The public and government agencies were given an opportunity to examine the PER and provide a submission to the Proponent over a six week period. This report summarises the issues raised in the submissions and the Proponents response to queries and concerns raised through this process.

1.2 Submissions received and structure of the response document

A total of 223 submissions were received in response to the Southern Ocean Lodge PER; 10 were in full support of the proposal, nine raised issues or made comment on the proposal but were not opposed, 11 were in favour of the proposal if it were in a different location on Kangaroo Island and 193 were opposed to the proposal. There were 188 submissions from the general public (of which 21 were received after the deadline of May 17 2006), 11 from state government agencies, two from local government and one from a member of parliament. Upon receipt, all submissions were numbered and recorded by Planning SA. Planning SA retained each original submission and copies were forwarded to the Proponent.

Appendix A contains a list of all respondents. For each respondent it lists the submission number (assigned by Planning SA), name of the respondent, suburb of the respondent and type of submission (e.g. Individual submission, Proforma Submission). There were three proforma submissions received which have been identified as Proforma Submissions A, B and C.

Appendix B contains summaries of all the government submissions. In Appendix B, each government submission is referenced by the submission number and the name of the author, and individual comments within each submission are labelled alphabetically as a, b, c, etc. Column 4 lists the section of the PER relevant to the comment; and column 5 lists the section of this response document in which the comment is addressed.

Appendix C contains a list of the key issues raised in the public submissions, many of which are similar to the issues raised in the government submissions. A brief reference or response to each issue is provided within Column 2 of this table.

The structure of this document is based on the issues raised in the government submissions. The key issues have been addressed and the document has been divided into sections based on the issues raised. The particular comment or issue is presented in italics and is then immediately followed by the Proponent's response in plain text. Some submissions made comments on topics that were beyond the scope of the Guidelines (see Appendix A of the PER). There is no obligation for the Proponent to address any comment made on the PER that was "Not in the Scope of the Guidelines" (NSG) and these comments are generally not considered further, other than being noted in Appendix B and C in this Response Document.

2. The PER process

On 23 June 2005, the Minister for Urban Development and Planning (“the Minister”) made a declaration in the Government Gazette for the proposed Southern Ocean Lodge to be addressed as a Major Development under the provision of Section 46 of the *Development Act 1993*. The Major Development Assessment Process is outlined in Figure 2.1 and is summarised below.

The Minister referred the application to the Major Developments Panel (“the Panel”) which is an independent statutory authority that has the task of determining the appropriate level of assessment for a Major Development and setting the Guidelines against which the proposal will be assessed.

The Panel reviewed the existing documentation on the project and prepared an Issues Paper which outlined the key issues associated with the proposal. The Issues Paper was released to the public and comments were received from the public and government agencies. The comments were considered by the Panel in determining both the level of assessment and developing the Guidelines.

The opportunity for public submissions on the Issues Paper has closed but the Issues Paper can still be accessed free of charge to obtain further information about the proposal at Planning SA, and the Kangaroo Island Council. It can also be viewed at Planning SA’s “Major Developments Panel” website: http://www.planning.sa.gov.au/md_panel/index.html.

The Panel then has three levels of assessment which can apply to the application – Environment Impact Statement (EIS), a Public Environmental Report (PER) or a Development Report (DR). The EIS is the highest level of reporting required and involves extensive investigations, followed by the PER and DR which require less investigations, as set out in Section 46C of the *Development Act 1993*.

Following consideration of the public and government comments, the Panel determined that the assessment of this proposal would be undertaken as a Public Environmental Report (PER).

The purpose of the PER is to describe the outcomes of investigations on the issues identified on the Panel’s Guidelines and through the public consultation period. A copy of the Guidelines for this proposal is contained in Appendix A of the PER with reference to the relevant section of the PER where the issue is addressed.

The PER was prepared by Parsons Brinckerhoff Australia on behalf of Baillie Lodges in accordance with the Guidelines. The Panel’s role in the assessment process is now fulfilled, and the Minister will continue with the assessment process under Section 46 of the *Development Act 1993* from this point. The object of Section 46 is to ensure that matters affecting the environment, the community of the economy to a significant extent are fully examined and taken into account in the assessment of the proposal.

The PER has been provided to the Environmental Impact Assessment (EIA) Branch of Planning SA which, on behalf of the Minister, places the document on public exhibition. This exhibition period was from 1st April to 17th May 2006. The public, councils and agencies had 30 business days to comment on the report and lodge a submission. During the consultation period a public meeting was held on 19th April 2006 by Planning SA to assist any persons in preparing a written submission by providing information about the proposal, the process and the relevant document.

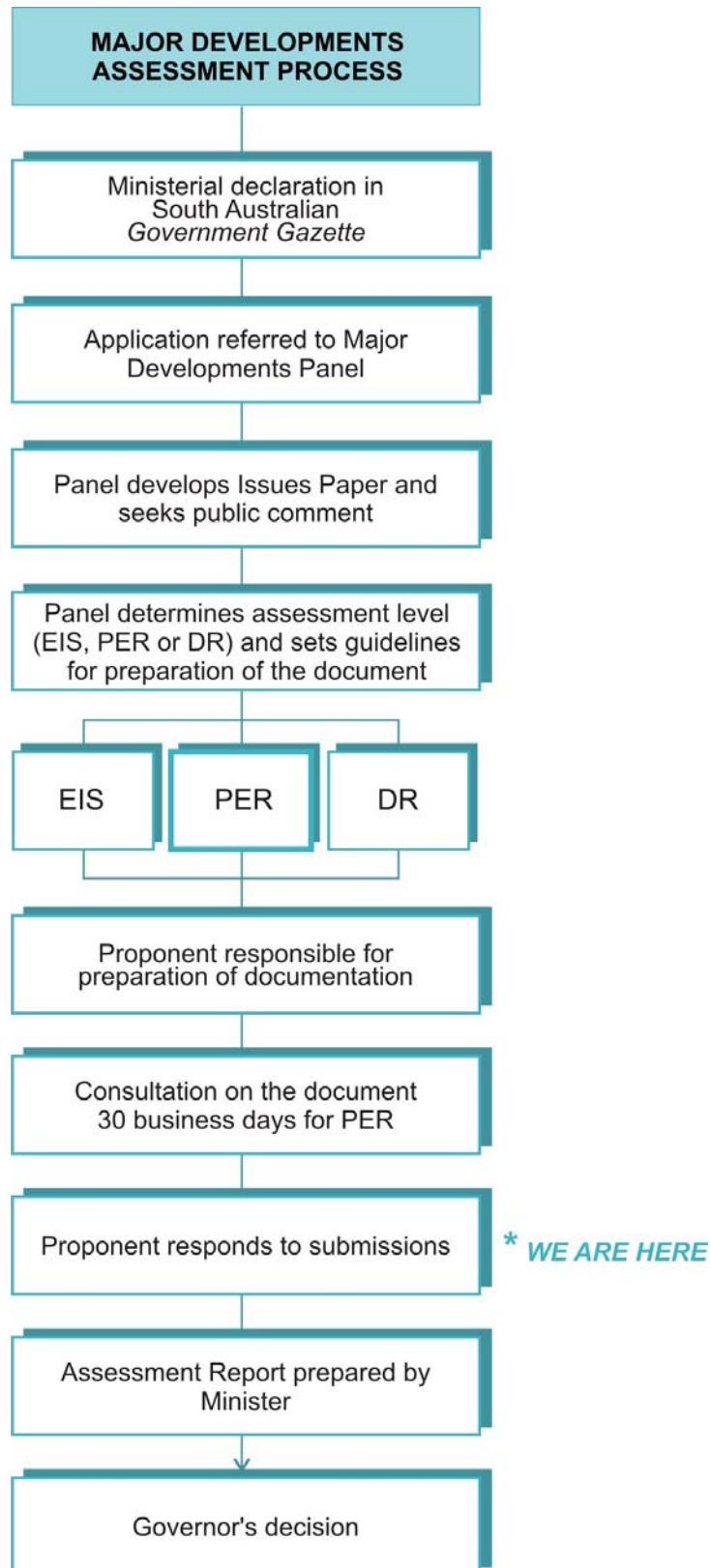


FIGURE 2.1
Major developments assessment process

The Proponent has now prepared a written response in a “Response Document” to the matters raised by the Minister, Councils or any prescribed or specified authority or body may be considered as the Minister thinks fit.

The Response Document has been prepared by Parsons Brinckerhoff Australia on behalf of Baillie Lodges in order to respond to all public and government comments submitted with regard to the released PER. Once the Response Document is submitted to the Minister an Assessment Report is produced by Planning SA on behalf of the Minister.

The Assessment Report will set out the Minister’s assessment of the proposal, the Minister’s comments on the PER, public submissions and responses and comments from other agencies. Any other comments can be included into the Assessment Report.

The documentation and the analyses from the assessment process will then be used by the Governor in the decision-making process, under Section 48 of the *Development Act 1993*, to decide whether the proposal can be approved, and the conditions that will apply, if an approval is granted.

The Governor is the relevant decision-maker under Section 48 of the *Development Act 1993*, when a development application is subject to the PER process.

In arriving at a decision, the Governor must have regard to:

- provisions of the appropriate Development Plan and Regulations
- if relevant, the Building Rules
- the Planning Strategy
- PER and Assessment Report
- if relevant the *Environmental Protection Act 1993*.

The Assessment Report and Response Document are to be kept available for inspection and purchase at a place and period determined by the Minister. Availability of each of these documents will be notified by advertisement in The Advertiser newspaper and local press.

3. Summary of government issues

3.1 Site location, selection and evaluation

Comments: *Query the site selection process, the evaluation of alternative sites and potential to locate the development successfully elsewhere.*

Response

Guideline 5.1.3 requested, “Justify the selection of the proposed location from an environmental and economic perspective in comparison with alternative sites on the Island, particularly less vegetated sites”.

The selection process was described in Section 3.1 of the PER. The *Responsible Nature Based Tourism Strategy 2004 – 2009*, jointly developed by the South Australian Tourism Commission (SATC) and the Department of Environment and Heritage (DEH), identified the need to facilitate at least three memorable nature based accommodation developments in strategic locations in South Australia. Kangaroo Island is identified as a strategic location for nature based tourism accommodation (see South Australian Tourism Plan Strategy 3.2.2). The Tourism Plan recognises the need to develop viable medium scale nature based and coastal accommodation that is competitive with interstate accommodation providers. In order to become competitive a premium experience is required and this includes the opportunity to experience a unique and spectacular landscape.

The Proponent has had extensive experience in site selection and the core attributes required to ensure the economic sustainability of premium nature based developments. In a previous role responsible for new opportunities at P&O Australian Resorts (now Voyages), the Proponent visited Kangaroo Island as a guest of the then SA Government (1997) to review the potential opportunities for a premium nature based lodge in a wide variety of locations. Extensive analysis of sites had been undertaken by the SATC and these largely focused on the North Coast. Shortly after this visit it was decided by P&O not to proceed with any of the locations as it was thought that they generally lacked the unique natural credentials to attract the emerging market of discerning experiential tourists. Since that visit the Proponent has kept a watching brief on possible opportunities within or bordering the key national park areas of the Island.

After leaving the employment of P&O, the Proponent established Baillie Lodges with a focus to create Australia's first portfolio of high end Lodges in places of natural significance. Kangaroo Island was top of that list. Numerous site visits were conducted in 2002 & 2003 which included aerial surveys and title analysis to locate potential sites that were freehold and had the required natural coastal credentials. It had already been established that the Kangaroo Island Development Plan envisaged such boutique scale sensitive development in the Coastal Landscape Zone.

The north coast of Kangaroo Island has been substantially cleared and developed for farming and holiday houses. Potential sites at Western River and Snug Cove were discounted given the area consisted of cleared farmland with lower presentation values and higher distance from core natural attractions.

A more detailed reconnaissance of the south coast followed as the Southern Ocean landscape provided a unique sense of place and proximity to major points of interest. A number of sites on Vivonne Bay were reviewed and subsequently discounted due to availability, marginal fit to the site selection criteria and lack of coastal viewscape. The

existing Hanson Bay Cabin site was also considered and rejected given an incompatible fit with the existing "shacks".

In essence there are very limited locations that meet the necessary criteria and most of these are in existing National Park reserves. The Proponent believes that the assertion that Southern Ocean Lodge is "the right development in the wrong location" lacks a core understanding of premium markets, available sites & the natural attributes required to make the project a success. A case point is the recently proposed luxury tented style lodge near Seal Bay - industry feedback provided to the Proponent is that market research considered the site to lack the essence of Kangaroo Island and would fail to meet the expectations of primary international clientele.

The submission received from the Department of Trade and Economic Development endorsed the development and its objectives:

“Tourism development of this kind is generally unrepresented in South Australia’s tourism portfolio... Developments such as Southern Ocean Lodge will greatly assist in diversifying and raising the profile of South Australia’s tourism product, which will help to boost the industry’s longer term competitiveness”.

“Suitable “iconic” locations are not common in South Australia, particularly where tourism spending can be extended across a range of other sectors. Kangaroo Island has an advantage in maximising these benefits due to its favourable environmental attributes and the existing range of goods and services that are both necessary and complementary to enhancing the tourism experience.”

3.2 Vegetation clearance and impacts on threatened species

3.2.1 Area to be cleared

Comment: Query the calculation of the area to be cleared and affected by the proposal (including access tracks, etc).

Vegetation clearance figures are provided in Section 6.3.2 of the PER and description of which areas are included is outlined therein. A more detailed breakdown of the clearance areas are as follows (refer Figure 3.1 for the location of these areas).

Aspect	Area (in square metres)
Walking trail from suites to eastern boundary	260
Walkway at rear of suites	370
Walkway from lodge to staff village and spa retreat	205
Entrance walkway	45
Walkways around staff village	560
Building area (including terrace)	4,850
Service roads and car parks (excluding existing entry road)	3,100
Construction access (to be revegetated following construction)	600
TOTAL	9,990 (i.e. approximately 1 hectare)

The above figures (in square metres) were calculated using Computer Aided Design (CAD) and the results of the vegetation survey. The main access tracks into the site were not included in the area of vegetation removal as they are existing and require only minor pruning to maintain access. Clearance figures include suites, staff village, lodge, spa retreat, internal roads, pathways and car parking.

3.2.2 Pruning for fire safety

Comment: *Pruning of vegetation surrounding buildings to 300mm for fire safety is not considered minor and may impact on long term structure and ecological function of the area.*

A significant proportion of the existing vegetation on the site (particularly in the southern and western areas of the site) comprises low coastal vegetation and the potential impact of clearing is considered to be minor. The vegetation assessment considered that pruning of the remaining vegetation within 20 metres of the buildings would provide an appropriate balance between the objectives of fire safety and vegetation retention. It is recognised that pruning of the vegetation will alter the habitat structure in some areas, however the retention of vegetation will assist in minimising erosion on site and will continue to provide habitat as well as aesthetic value. The areas to be pruned have been included in the calculation of cleared areas and will be offset under the provision of Significant Environmental Benefit to the Native Vegetation Council.

3.2.3 Erosion and regeneration

Comment: *Sensitivity of the site to erosion and ability of site to regenerate once disturbed particularly in regard to the natural scald occurring on the site.*

The PER acknowledges the sandy soil conditions on the site and the potential for erosion to be accelerated by disturbance. Accordingly, a number of strategies have been proposed (as outlined in the EMP in Sections 21 and 22 of the PER) to minimise impact and assist in regeneration, including:

- Building on an area that is already subject to natural erosion.
- Minimising and staging site clearance to reduce impact.
- Cleared vegetation will be mulched and reused on site.
- The disturbed area will be revegetated with locally indigenous species utilising seed stock collected on-site prior to construction.

Strategies to manage and mitigate erosion will be implemented as part of the EMP for the development, as stated in Section 22 of the PER. Further information on access tracks is provided in Section 3.6.2 of this report.

3.2.4 Native Vegetation Act 1991

Comment: *Considered to be at variance with a number of the Principles of Clearance under the Native Vegetation Act 1991.*

As the project is deemed a Major Development, the consent of the Native Vegetation Council is not required however their comments will be taken into account during the assessment. The development has been designed to minimise the impact on native vegetation at the site as much as possible and revegetate wherever appropriate.

Baillie Lodges support the concept of placing a value on native vegetation and determining and providing a level of significant environmental benefit, appropriate for the loss of vegetation associated with the development.

3.2.5 Potential impact on flora species

Comment: *Potential impact on three species listed as vulnerable under EPBC Act 1999 for the region but not observed on the site. What is the potential for these species to occur given the appropriate disturbance activities (e.g. as a result of regeneration events after a fire).*

The PER outlines that the Twining Hand-Flower and Kangaroo Island Spider Orchid are unlikely to occur in the area as the surrounding habitat does not support the species. They have not been recorded as occurring in the locality or surrounding area according to the DEH records. As outlined for the above two species, it was also found that the Ironstone Mulla Mulla is unlikely to occur in the site area.

The species described above are disturbance specialists and may arise after specific activities such as fire, however, unless such a disturbance occurs it is very difficult to determine whether they are present. Considering that the Department for Environment and Heritage records indicate no known populations of the species recorded over time in the surrounding area, and they were not observed on the site despite the survey being undertaken at the time when they are most likely to be prevalent, it was concluded that they are unlikely to appear as a result of regeneration events. As part of the ongoing environmental management of the site, monitoring of both flora and fauna species will be undertaken and any occurrences of previously unrecorded species will be noted. This will include the three species listed as vulnerable under the EPBC Act 1999, as well as the Kangaroo Island Trigger Plant, and the Bush Stone Curlew. Appropriate management techniques will be implemented should a siting occur.

3.2.6 Potential impacts on Osprey and other avifauna

Comment: *Proposed buffer of 250 m to Osprey is not considered to be conservative. Given the distance between the nest site and the development, there is scope to increase the buffer and strict measures such as physical barriers should be implemented. Reporting of the impacts on the Osprey is inconsistent between the two survey reports in the PER. Construction should take place outside the breeding and migratory season.*

Two surveys were undertaken for the project – one in December 2004/January 2005 and a second in January 2006 following the project's declaration as a Major Development and the release of the project Guidelines. It is acknowledged there are some differences in the reporting between the two surveys. The second survey was able to more closely investigate the key species as requested in the Guidelines including the Osprey. Additional research was undertaken at this time as to their habits, tolerance for disturbance and case studies of human impacts on nesting.

This research indicated that in other cases, 150 metres was considered to provide a suitable buffer between human activity and the Osprey nest. However the Proponent suggested a buffer of 250 metres could be provided to ensure a generous distance between the nest and any on site activity. The proposed development is located more than 1 kilometre from the nest. The only access to the area is by foot over rough terrain and it is considered unlikely guests would venture this far. However, the Proponent proposed in the PER to implement the 250 metre buffer and manage access by using signage and educating guests and staff.

In response to the concerns raised, Baillie Lodges proposes to increase the buffer to 500 metres during breeding season (June to October) using techniques outlined in the PER.

Whilst having increased the buffer distance, it is also worthy of drawing attention to research which indicates the high level of tolerance of the Osprey to human interference. David Palmer (www.bigvolcano.com.au/stories/ospreys/ospreys.html) states that breeding observations by NSW National Parks and Wildlife Service in 1998 identified that the 'resilience of this species [the Osprey] is truly remarkable'. "Successful breeding was observed in spite of sugar cane being burnt directly beneath it, and another tolerated the interference of an observer mirror being attached [to the nest]...". Further evidence of the Osprey's acceptance of human interference is the successful implementation of breeding platforms constructed by NSW National Parks and Wildlife Service and electricity distributor NorthPower. The program was met with great success, with about 20 pairs Ospreys comfortably settling onto artificial breeding platforms along the coast of northern NSW. (Source: NSW NPWS News Release October 13, 1997)

Confirmation of the breeding season has been carried out. The first survey report undertaken in December 2004/January 2005 suggested the breeding period was July to February. However, this period included nesting, laying eggs, hatching, fledging and nurturing period. More detailed research on the Osprey has confirmed that the actual breeding season is more likely to be June to October. Mating and nesting usually occurs from June. The Osprey lays 2-3 eggs and chicks hatch within 33-35 days. Fledging usually occurs about 50 days after hatching. The nurturing period (October to February) is not generally considered to be part of the breeding season. Planning the major site disturbance activities to avoid the June to October breeding period will ensure there is minimal impact on the species.

The construction schedule as outlined in the PER, reflects that the major site works (clearance and foundation for the main Lodge building) are to be undertaken outside the Osprey breeding season. It is expected that the low impact activities such as construction of the staff village which consists of lightweight buildings could occur prior to this. As outlined in the EMP, monitoring of the Osprey would be undertaken to observe the timing of any breeding and subsequent hatching to ensure any variations in timing can be taken into account.

Detailed information on the research undertaken on the Osprey is contained in 6.4.2 of the PER and Appendix I. The PER also contains several references which were utilised to confirm appropriate timing of activities to avoid breeding season including the websites listed below.

<http://threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10585>

<http://www.birdpedia.com/au/bi.dll/bipu02?m=001&b008=osprey&id952=0&id516=0>

http://www.fnpw.com.au/OurProjects/Plants_Wildlife/OspreyPages/AboutOsprey.htm

It is not considered appropriate to implement physical barriers for the buffer as they would in turn create issues for flora and fauna on site, such as limiting movement and access. The terrain itself certainly discourages human access which, when combined with education and signage, is considered appropriate. It should be noted that the Osprey breeding area is located in the coastal reserve controlled by Department of Environment and Heritage and adjacent to the freehold land owned by the Proponent. It is suggested that if a barrier is considered imperative, the Department should officially close the coastal cliff walking trail from Hanson Bay to the public which has been in use for some time. The Proponent proposes to implement the buffer appropriately on the Lodge land but cannot control the movements of members of the public along the coastal reserve.

<http://threatenedspecies.environment.nsw.gov.au/tsprofile/profile.aspx?id=10585>
<http://www.birdpedia.com/au/bi.dll/bipu02?m=001&b008=osprey&id952=0&id516=0>

Comment: *Potential impacts on other species such as Sea-Eagles, Falcons and Hooded Plover have been underestimated. Potential impact on Collared Sparrow Hawk and Nankeen Kestrel requires further explanation.*

The potential impacts on Sea-Eagles and Falcons were assessed in Section 6.4.2 of the PER. No nest sites were identified on the subject land and while the birds were observed nearby it is not expected that the proposal will impact on the species. The PER proposed monitoring of the species to ensure any new nests are identified.

The potential impacts on the Hooded Plover were examined in the PER and a number of measures were proposed to minimise any potential impact on the species. These include following the management measures the Department of Environment and Heritage use at nearby sites which are significantly more inhabited, including Hanson Bay which consist of signage, education and management of access.

Nankeen Kestrels and Collared Sparrowhawk are not listed as being of state or national significance but are listed as migratory birds under the *EPBC Act*. Both species were observed during the survey but the potential impact is considered to be minimal as only a small portion of their potential foraging area will be impacted upon. No nests were observed during the survey and individuals were observed at a low density which is to be expected with these species.

3.2.7 Endangered fauna

Comment: *Need for ongoing monitoring of species such as the Kangaroo Island Dunnart and the Southern Brown Bandicoot.*

The PER describes the Proponent's intention to have educated staff and interpretive activities. Part of their role would be to monitor the environment around the lodge, record any sightings and implement appropriate management techniques. This includes monitoring of species known to be on the site as well as observing and recording any species not previously recorded on the site such as the Kangaroo Island Dunnart and Southern Brown Bandicoot. This monitoring will enable the Lodge to observe the impact of programs such as revegetation and feral cat management to measure their success and to implement appropriate management techniques in the case that an issue arises.

3.3 Conservation significance and ecological connection

Comment: *Importance of ecological connection between Flinders Chase National Park and Kelly Hill Conservation Park and potential impact of clearing vegetation within this corridor. The fragmentation of the coastal zone by the development and associated clearance. Importance of site in relation to South Australian Strategic Plan target of 5 well-established biodiversity corridors by 2010.*

The total area of the development is 1 hectare within a 100 hectare allotment. As the area to be affected is minimal and a 100 metre buffer is retained between the High Water Mark (HWM) and the development, it is considered that the link between Flinders Chase and Kelly Hill will not be adversely affected. The site is located on freehold land and has not been acquired as reserve by the Government despite the opportunity being available in the past.

The DEH NatureLinks initiative promotes ecological restoration through the development of large-scale, integrated conservation projects across land and sea. This will be pursued through the long term objective of establishing connected habitat across South Australia, comprising a comprehensive system of core protected areas, buffered and linked by lands managed for conservation objectives. NatureLinks will involve developing partnerships with land managers and other stakeholders to integrate biodiversity conservation with other natural resource management activities. The subject land is located in a potential 'NatureLink' area and the Heritage Agreement proposed by the Proponent will provide certainty for the program in reserving areas of remnant vegetation towards this goal.

Baillie Lodges have instigated preliminary talks with DEH executives who have indicated support for proposed initiatives, which provide the opportunity for the conservation of biodiversity to be balanced with economic development. One of these initiatives is the establishment of a Heritage Agreement over the remainder of the site.

From an environmental perspective the key benefits of a Heritage Agreement are:

- it offers an absolute guarantee that the remaining vegetation will be protected, and
- it would complement the existing network of parks and conservation areas within the South Coast Regional Ecological Area and assist in achieving a biodiversity corridor linking Flinders Chase National Parks with Kelly Hill Caves Conservation Park.

If a similar Heritage Agreement could be secured over the adjoining two parcels of coastal land (to the east and west) this would achieve a biodiversity corridor between Flinders Chase National Park and Kelly Hill Conservation Park that is consistent with the Government's Cape Borda to Barossa NatureLinks Strategy and Target 3.4 in South Australia's Strategic Plan: *Have five well-established biodiversity corridors linking public and private lands across the state by 2010.*

Comment: *Impacts on species of conservation significance should not be overlooked on the basis that they are adequately represented on adjacent property. The expected levels of impact on the environment and threatened species are over-simplified. Where the level of impact is not easily known prior to the event the impact should be considered to be high.*

It is a well accepted methodology in undertaking environmental assessments that where species are adequately represented in adjacent areas the potential impact is considered to be minimal. The potential was assessed at both the local and regional scale and the prevalence of each species in the region was considered. The potential impact is considered to be diluted where a species is prevalent in adjacent areas. The PER concluded that it is unlikely there will be a significant impact on the species as they are well represented within the region and as such the proposed development will not pose a long-term risk to the survival of the species.

3.4 Bushfire protection and clearance

3.4.1 Source of fire fighting water supply

Comment: *Unclear as to the source of water for fire fighting and quantity required.*

Rainwater will be the main source of water for fire fighting and will be supplemented if necessary with bore water. A dedicated water supply of 240,000 litres (which has been revised from the previously calculated 200,000 litres) will be provided for fire fighting.

Comment: *Elaborate on Guideline 5.2.23 “Identify the need for fire management to maintain biodiversity on site and the implications for bushfire protection”.*

Baillie Lodges are unaware of any examples where private landholders of remnant vegetation are using fire management to maintain biodiversity. Fire management for biodiversity is complicated by a range of issues including:

- Fire management or burning is regarded as clearance under the provisions of the Native Vegetation Act. It is unlikely the Native Vegetation Council would approve any proposal in isolation for fire management.
- Fires are natural occurrences and it would be very difficult in isolation to determine the frequency, timing and size of areas to be burnt.
- There are dangers and liability issues associated with burns that get out of control.

To be beneficial, fire management for biodiversity purposes would need to be addressed as part of a regional fire management plan for the western end of the Island that incorporates all surrounding native vegetation (both private and public). This would be best managed and coordinated by DEH in discussion with private landowners.

Comment: *What are the potential environmental impacts from using fire fighting foam in a coastal area?*

The fire protection system does not rely on the use of fire fighting foam however its use is being investigated and will be the subject of ongoing discussions with the CFS.

As outline in Section 17.8.2 of the PER, research on the impacts of the use of fire fighting foam on native vegetation and coastal areas in Australia is limited. The CFS, DEH and Forestry SA currently use fire fighting foam extensively in regional fires including on Kangaroo Island (this use is regulated by Standard Operating Procedures). Based on current available information, it is considered that the use of foams (and any potential impacts) is the preferred alternative to restricting its use.

Comment: *Sprinklers system and fire fighting water storage capacity seems inadequate.*

The fire protection system was designed after consultation with Brian Menadue (Senior Development Assessment Officer, Development Assessment Unit (Bushfire Protection), Country Fire Service) and John Cribb (Commercial and Domestic Fire Services). Amendments are proposed to the fire protection system to address the concerns raised in the submissions (refer revised drawing 392-M-12c in Appendix D). The number of butterfly sprinklers have been increased from 97 as indicated in the PER to 207. Revised calculations indicate 200,000 litres will be required to enable continuous operation of all sprinklers for a minimum of one hour. Additional capacity of 40,000 litres will be available for use by hose reels. This will be more than adequate given not all hose reels will be used at the same time or continuously. Therefore, a dedicated water supply of 240,000 litres will be provided for fire fighting purposes.

3.4.2 Fire hazards

Comment: *Regarding provision being made for additional protection of diesel and gas storage in the event of a bushfire.*

The storage of diesel and gas must comply with statutory building requirements. This will be addressed in detail at the building rules assessment stage.

In summary, diesel will be stored in 1 x 30,000 litre above ground self-bunded tank (double skin with vacuum). Storage will meet EPA requirements and relevant Australian Standards (e.g. AS1692 – Steel tanks for flammable and combustible liquids and AS1940 – The storage and handling of flammable and combustible liquids) and flame proof vents will be utilised. Diesel tanks of similar construction and design are commonly installed in bush fire prone parks.

Comment: *Numbers of people that can be accommodated in the safe bushfire refuge, would it be necessary to also use the beach.*

The building will be designed with a safe refuge within which staff and guests can be accommodated without the need for evacuation. The designated safe refuge will have a floor area in excess of 350 square metres. This will provide the capacity to accommodate well in excess of 70 persons, which is the maximum anticipated numbers of staff and guests on site at any one time.

Baillie Lodges will liaise with CFS regarding the details of design/construction and operation of the safe refuge. These details will be further outlined at the building rules assessment stage.

Comment: *Maintaining adequate levels of training and experience of enough staff to be able to carry out on site fire fighting and management of guests will be extremely difficult given the usual high levels of staff turn-over in the hospitality industry.*

Baillie Lodges will liaise with the Country Fire Service (CFS) to ensure all key staff undertake training to CFS requirements appropriate to the fire risk. This training will be complemented by the Fire Management Plan that will provide a regular program of equipment testing and fire drills for all staff.

Baillie Lodges will explore the possibility of key staff becoming active members of the local (Western Districts Brigade) Country Fire Service and receiving ongoing training and fire fighting experience.

Comment: *Description of fire risk.*

The report has not attempted to list all previous fire events that have occurred near the site. Rather the report acknowledges that major fire events have occurred in the past and that the significant risk of bushfire must be accounted for in the design and operation.

These concerns have been taken into account in the siting and design of the buildings by ensuring:

- All buildings are constructed to AS 3959-1999 (Construction of buildings in bushfire-prone areas), Level 3 construction as recommended for extreme fire risk.
- Comprehensive passive and active protection measures are in place including: vegetation modification, perimeter vegetation saturation, window protection, roof protection, hose reels, dedicated water supply and pumping systems and an on site fire unit. (refer 17.6.2 in the PER).
- There is a designated safe refuge that is constructed to an even higher standard of fire resistance (refer 17.6.1.3 in the PER). The safe refuge is less exposed than the guests suites to bushfire from the north and west orientation due to the location of the service

yard, staff village (that also includes modified vegetation and sprinkler protection) and the car park area.

All risks or circumstances that have the potential to result in fire ignition on site will be identified and addressed in detail in the Fire Management Plan that will cover prevention and operational issues.

The proposed bushfire risk management strategies (refer 17.6.1 and 17.6.2 in the PER) are designed for extreme conditions.

Comment: *The report gives no reference to management strategies post fire.*

Whilst post bushfire management was not identified in the PER Guidelines, in terms of fire impacts on the buildings; the building design has incorporated state-of-the-art fire protection measures however should damage occur it is envisaged that the buildings would be re-established.

In the case of a local fire, revegetation of the area around the Lodge would be undertaken using appropriate species and techniques. If the site was impacted by a regional fire, the Proponent would undertake local revegetation around the Lodge as outlined above and would look to DEH for guidance on broader management plans to aid revegetation of the regional area in collaboration with other affected landholders.

3.5 Opportunities to provide benefit to local community and environment

Comment: *Balance between economic benefits and disturbance to the environment.*

The Department of Trade and Economic Development in its submission on the PER, noted that the economic success of the development will rest on the maintenance of the environment at the site as visitors have the clear expectation of experiencing an uncompromised natural setting:

“The proposal represents an opportunity to utilise natural assets to yield wide and long lasting benefits without adversely impacting on the asset value itself.”

“The development of a world-class ecotourism facility will provide broader promotional coverage for the Island which is likely to draw a greater volume of visitors, thereby producing a net economic benefit... Kangaroo Island’s reputable food industry could stand to benefit from the greater interstate and international recognition that will derive from increased visitation and tourism promotion, which could assist in export growth into key markets.”

The Department also suggested that by targeting this “high end” niche market, it is unlikely to have an impact on other accommodation providers on the Island.

The Department for Families and Communities commented in the response that ‘the impact on families and the community appears to be mainly positive i.e. the increase in employment both in the construction and ongoing operation of the lodge and the flow on benefits to the local economy.’

3.6 Infrastructure

3.6.1 Power

Comment: *Investigation of alternative power supply options.*

The Department of Transport, Energy and Infrastructure - Infrastructure Division submission stated that the use of diesel generator is the only viable solution to power at the western end of Kangaroo Island. The Department suggested that wind could have provided a reliable energy source but research has shown that it cannot provide reliable supply at all times. This supports the proposal Baillie Lodges put forward to use diesel generators and potentially use bio-diesel in the future when available to the site.

3.6.2 Access and tracks

Comment: *Purpose of helipad area.*

The proposed helipad is intended to only be used in the case of emergency such as medical emergency. It is not to be used for transporting guests or staff to/from the site.

Comment: *Potential impacts of increased traffic on South West River Road and South Coast Road.*

An assessment of the traffic impacts of the proposed development was included in the PER. It concluded that an additional 24 traffic movements each day will be expected as a result of the project. This is not considered to be a significant impact on the existing access via South West River Road or South Coast Road. The majority of traffic movements will be employees and/or deliveries with experience at driving on these types of roads and awareness of the potential issues for safety and fauna. While the Kangaroo Island Council is responsible for the road, the Department of Transport was also asked to comment on the PER and did not provide a submission on the proposal and potential impacts to South West River Road or South Coast Road. The Council's comment on use of the road was simply that if an upgrade was required it be at the expense of the Lodge. It is not envisaged that this will become necessary as a result of the development.

Signage on South Coast Road will be minimal and in a style similar to that indicating Hanson Bay Cabins (directional on road sign).

The Department of Transport, Energy and Infrastructure's comments include:

The Hanson Bay access road [South West River Road] is not seen as a major issue as a high proportion of the target clients are expected to be collected from the airport by SOL vehicles. Experienced drivers will ensure safer passage over the unsealed road.

Comment: *An assessment of the impacts of road construction should be included. In particular the impacts on vegetation clearance, Phytophthora management and erosion.*

No new roads or access tracks are proposed as part of the development. The potential impacts of vegetation clearance, including clearance for the upgrading of access tracks was included in Section 6.3.2 of the PER and covered under the Environmental Management Plan (EMP) for construction (Section 22). The EMP includes measures to address erosion in accordance with EPA requirements as outlined in the *Stormwater Pollution Prevention Code*

of Practice for the Building and Construction Industry. The EMP also outlines a Phytophthora Management Plan to prevent the spread of Phytophthora to/from the site during construction.

Comment: *Concern about management of pedestrian access to the beach.*

Guest and staff movements to the coast will be managed via a dedicated access track (see Figure 3.1), signage, orientation and guidance. The proposed access track joins the main Lodge walkway, creating a natural flow to the existing cleared boundary line track (compacted limestone) which runs to a low rocky headland well below the Lodge. This ensures that guests are not trafficking dune areas.

The dense nature of the coastal vegetation provides a natural barrier to guests making their own tracks, whilst the design of the Lodge terraces and balconies effectively discourages or inhibits direct access to the coast from the main Lodge or suite accommodation. The existing cliff top walking trail will not be shown on any Lodge material with the activities information highlighting the Hanson Bay to Kelly Hills walk. The Lodge will provide daily walks with its own naturalist guides. Given the interpretive experiential content this would be a far more likely activity than unaccompanied excursions through inhospitable scrub.

3.7 Land ownership and coastal reserve

Comment: *Confusion about definition of coastal reserve/Proponent's land and access to cliffs and beach.*

The Department of Environment and Heritage controls a coastal reserve along the entire coastline of SA (landward from the high water mark). The primary principle is to allow for a continuous coastal strip of land for public access to and along the coast.

The Proponent recognises in the PER that they cannot control access over the coastal reserve located between the Lodge land and the beach (30 metre reserve). The Proponent proposes to control access within the Lodge land using defined pathways and signage as outlined above but cannot and does not propose to prevent the public from continuing to access the cliffs and beach below the development. Managing access along this reserve is the responsibility of the Department should restrictions be required.

Comment: *Determination of high water mark location and set back.*

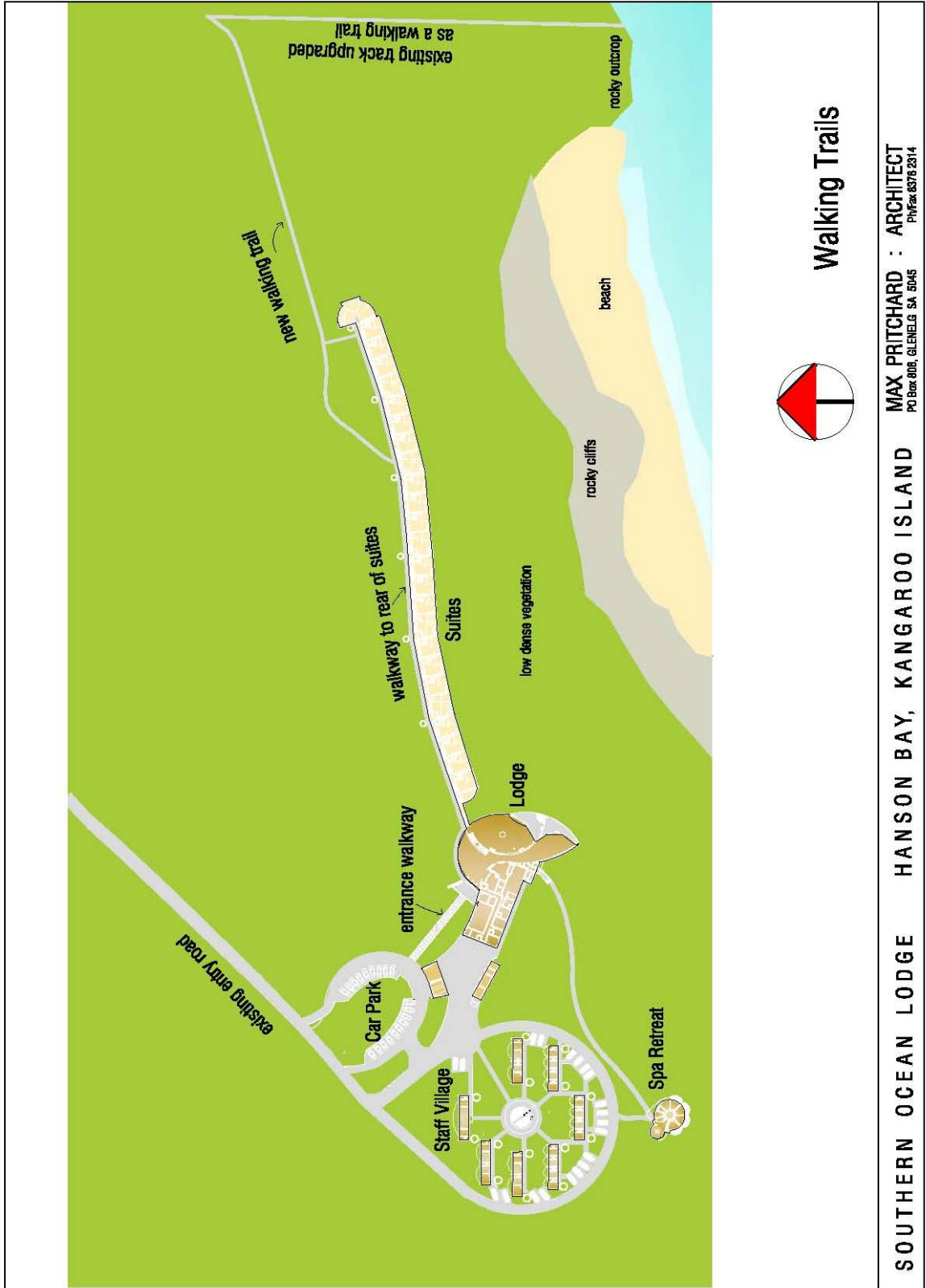


FIGURE 3.1
Walking trails

As there was no reliable data available, the mean high water mark was determined by KI Surveyors (Rick Andrews) by accurately recording tide measurements on site and relating these to tide charts.

3.8 Development plan and planning strategy

3.8.1 Development plan

Comment: *Further assessment of Development Plan Principles relating to scenic value and definition of staff accommodation.*

The key relevant objectives or principles from the Development Plan were examined in the PER and reviewed by a planning expert, Gary Mavrincac. Additional policies raised in the submissions have been examined where appropriate (below). It should be noted that many of these policies are similar in their purpose and are addressed as one issue. Therefore it is considered that all relevant objectives and principles have been addressed within the PER or this Response Document.

The statement in response from DEH that ‘the development should be approved on merit’ is a mis-quote of the PER document (pp 74, Section 7.3 paragraph 3) which states that ‘The development is not listed as a complying or a non-complying development in the Coastal Landscape Zone; therefore the development should be assessed on merit.’

An assessment against the provisions of the development plan was undertaken as part of the PER (refer Appendix J in the PER) and it was stated that development should be assessed on its merits as the Kangaroo Island Development Plan did not state that it was a complying or non-complying development.

The development is described by Planning SA in the Guidelines as ‘premium’ nature-based tourism development including 25 accommodation suites and associated facilities that include a main lodge, spa retreat and staff village.

Staff accommodation is an ‘ancillary’ component of the tourism development in the same way as the restaurant or spa retreat. The staff accommodation should not be separately described as a multiple dwelling or residential flat building as defined by the *Development Regulations 1993*.

COASTAL LANDSCAPE ZONE

Objectives

Objective 1: A zone comprising land which has high landscape qualities, where little or no urban development is located, and where the scenic beauty and natural features of the coastal landscape are preserved.

Response: The proposed development does not constitute urban development and visual assessment of the site from a number of key vantage points determined that the low profile development and siting below the ridgeline would minimise any potential impact on amenity (refer Section 12 of the PER).

Objective 2: The preservation and management of coastal land and features, environmentally important natural features, including lakes, wetlands, dunes, stands of native vegetation, wild life habitat, estuarine areas, exposed cliffs, headlands, hilltops and areas which form an attractive background to urban and tourist developments.

Response: The proposed development will ensure the site is more ‘actively’ managed than it has been previously with the objective also supporting the development by suggesting that the coastal landscape zone would provide an ‘attractive background’ to tourist developments.

Principles of Development Control – Form of Development:

1 Development should be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.

Response: Considerable effort has been made to ensure the proposal is sympathetic to its environs. It should also be noted that development has not been excluded from the Coastal Landscape Zone and is not listed as non-complying.

3 Tourist facilities including accommodation should not be developed within the zone unless it can be demonstrated that the fundamental scenic and landscape features of the zone will not be adversely affected.

5 Development of land should not prejudice the landscape quality and natural bushland of the zone.

Response: The view shed analysis in Section 12 of the PER outlines that, based on building design, topography and the height of vegetation surrounding the site, views of the proposed development would be limited. The site may be visible from Kelly Hill Conservation Park, however the distance from the vantage point to the site would be some kilometres. Therefore the ‘fundamental’ scenic and landscape value of the area is not expected to be ‘adversely affected’. Section 4.2 of the Response Document contains further information on the visual amenity of the coastal landscape.

With regards to the natural bushland of the zone, the proposed development will occupy a very small portion of the zones bushland setting and the quality of the adjacent natural bushland will be maintained through the ongoing implementation of the Operational Environmental Strategies as detailed in the EMP (Section 23 of the PER).

9 Development should be of a high standard of design with regard to external appearance, building materials, colours, siting, landscaping and provision for future maintenance, so as to preserve and enhance the appearance of land in the zone.

10 Buildings and structures should be sited unobtrusively or set-back from roads, and screened from view with vegetation so as to preserve the landscape qualities and amenity of the locality and the scenic character of the coastal environment.

12 Buildings and other structures should not detrimentally affect the conservation of the coastal landscape qualities of the zone.

13 Development should not be located on prominent sites or open land. Where land is in view from the coast or coastal road, the most unobtrusive portion of the allotment should be used, preferably where existing vegetation will substantially screen the development. Tree planting should be undertaken to screen any exposed views of the development.

15 Buildings and structures should not be prominently located on cliffs, headlands, or similar visually exposed locations.

Response: The proposed development has been designed to blend with its environment by using dark, non-reflective materials, locally indigenous species will be used in landscaping and the environment has been considered in all aspects of design (refer Section 4.3 of the PER). The main buildings will be set in to the ridge in order to reduce the bulk and scale of the development. Provisions for future maintenance have also been detailed in the PER to preserve and enhance areas adjacent to the development (refer Section 20 of the PER).

The proposed development will not be located on open land and the site will be screened by native vegetation. Additional planting of locally indigenous trees will also take place around the development. Section 12 of the PER has analysed where the development is in view.

GENERAL PROVISIONS

Principles of Development Control

6 Buildings and other structures should be of a high standard of design with particular emphasis on the external appearance and siting of buildings so as to blend with, preserve and enhance the character and amenity of the locality.

Response: The buildings have been designed by well known Architect Max Prichard with an emphasis on the appearance and quality of the design. Dark non-reflective materials, non-reflective glass and local limestone will be used. Additional design features have been added to the roof to break up the lines and an 'island bush spirit' formed part of the design brief. Therefore the development has been designed to a high standard with the amenity and character of the locality forming the basis of the design.

8 Buildings should be sited below ridgetops or prominent points, set well back from watercourses, located to avoid vegetation clearance and landscaped to reduce visual impact. Specifically, the siting, design and construction should not impair the views from vantage points such as the sea, headlands, ridgelines and scenic routes."

Response: Refer to previous zone principles comment relating to siting, design and visual amenity.

Coastal Areas – Objectives

Objective 70: Sustain or enhance the natural coastal environment in South Australia.

Objective 71: Preserve and manage the environmentally important features of coastal areas, including wetlands, dune areas, stands of native vegetation, wildlife habitats and estuarine areas.

Response: The coastal and dune areas adjacent to the proposed development will be actively monitored and managed as part of the project to preserve the coastal and dune areas and the stands of native vegetation neighbouring the site therefore sustaining the natural coastal environment.

Coastal Areas – Principles of Development Control

Environmental Protection

213 Development should not cause deleterious effects on the quality or hydrology of groundwater.

Response: The majority of water collected from roof areas will be stored on site and the bore being used is already in existence, as such the development is not expected to have a ‘deleterious’ effect on hydrology or groundwater.

217 Development which is proposed to be located outside of urban and tourist zones should be sited and designed to not adversely affect:

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

Response: Tourism development is envisaged in the Coastal Landscape Zone. Assessment as part of the PER has not highlighted any natural, heritage, visual, scenic or coastal areas that will be ‘adversely’ affected by the proposed development. Any potential impacts will be minimized through the mitigation measures proposed in the PER.

227 Development adjacent to the coast should not be undertaken unless it has or incorporates the provision of a public reserve, not including a road or erosion buffer provided in accordance with Principle 239, of at least 50m width between such development and the toe of the primary dune or the top edge of the escarpment, unless the development relates to small scale infill development in a predominantly urban zone.

Response: The proposed development will have a setback of approximately 65 to 70 metres from the escarpment where public access is possible. The provision for a public reserve has not formed part of the proposed development. As part of the Certificate of Title, a 30 metre coastal reserve occurs from the high water mark which could be considered a public reserve (Certificate of Title is provided as Appendix C of the PER).

3.8.2 Planning Strategy

Comment: *Further assessment of relevant policies from Planning Strategy.*

With regard to **economic strategy 11**, the proposed tourism development will as suggested by the strategy ensure differentiation of the area as the unique natural environment will be a feature of the development (refer to the Guidelines for Sustainable Tourism Development in the PER, Section 2.6). The development has been designed based on ‘natural and cultural attributes’ and ‘market opportunities’ as suggested by strategy 11b with extensive research completed prior to the development of the SOL concept. Strategy 11c relates to monitoring and managing tourist destinations which has been included in the PER in the form of the EMP.

Strategy 12b states ‘Facilitate the development of innovative and environmentally sensitive nature retreats in appropriate natural areas.’ The proposed development complies with strategy 12b as the project includes environmentally sensitive solutions to waste and water use, the building design is innovative and includes elements such as building orientation to reduce energy use. Flora and fauna surveys of the site, implementation of management measures and the EMP prepared as part of the PER will ensure the development is ‘environmentally sensitive’.

Strategy 3b addresses land use policies that recognize conservation value and avoid inappropriate development adjoining these areas. The coastal landscape zone from the Kangaroo Island Development Plan reflects this strategy and the conservation value of the land has been considered in the design phase of the project. The biodiversity of the area has also been assessed as part of the PER with the conservation value of the area not likely to be compromised by the development.

With regard to **strategy 3e** local native species (with seeds collected on site) will be used in all re-vegetation and landscaping programs.

Strategy 5a relates to protecting visually important areas, visual amenity and visual impact of the development has been addressed in the PER (Section 4.5 and Section 12) with the assessment determining that the development would have a limited impact on visual amenity due to the design and siting of the proposed development.

Strategy 6g addresses the protection of dune vegetation, sea grasses, mangroves, samphire communities and algae in coastal, marine and estuarine areas. Mangroves, samphire communities and estuarine areas do not occur in the vicinity of the development. The development site is adjacent to an area of coastal dune located some distance from coastal waters. The presence of a 30 metre cliff between the site and the ocean along with the EMP will assist in minimizing the impact from the development on sea grasses or algae.

Strategy 17 states that development should take into account bushfire management and prevention. This has occurred for the proposed development in the form of a Bushfire Management Plan. Strategy 17 b relates to restricting development in bushfire prone areas, and the bushfire risk at the proposed development site will be managed effectively with the Bushfire Management Plan. A number of measures are proposed to aid fire safety including sprinklers, hose reels and building design.

Strategy 14c for the Kangaroo Island Planning and Development Area relates to the control of weeds, introduced animals and other risks to biodiversity. The PER outlines (in Part D) the controls that will be in place during construction and operation to reduce the risk to biodiversity. Strategy 14e relates to the management of visitor thresholds at sustainable levels, the proposed development is on private land therefore visitor numbers will be controlled with a maximum number of visitors at the site at any one time which is considered sustainable.

Strategy 14f states that development outside townships should avoid compromising the islands natural and rural landscape qualities, habitat and scenic views. Southern Ocean Lodge is not expected to affect the Island's natural and landscape qualities with any potential impacts of the development only occurring at a more local scale.

The productive garden has been removed from the proposed development. Reference to the garden in Appendix J of the PER should have been removed.

4. Other issues

4.1 Water use, collection and treatment

Comments:

- *Collection of water run-off for construction and operation.*
- *Ability of soil to address water management as suggested in PER.*
- *Capacity for rainwater to be sufficient to meet needs at all times.*
- *How will water be treated and what are the potential impacts.*
- *What are the potential impacts if treated rainwater overflows when tanks are full.*
- *Use and condition of bore.*
- *Potential for water erosion to occur during construction and operation.*
- *Assessment of the existing soil and landform type should be undertaken.*

The submission from the Environment Protection Authority suggested that the Proponent's intended methods of controlling erosion during construction and implementation are appropriate, including the staged clearing of vegetation and subsequent revegetation.

Water will be diverted away from buildings during construction. It is not envisaged that water will need to be diverted from the buildings once they have been constructed. Surfaces surrounding the proposed development will be permeable (roads and paths will be crushed limestone) therefore runoff during operations will be minimal. In the event that excess stormwater is generated this will be dispersed through sub surface seepage by a network of agricultural drains below the surface and adjacent to buildings and roads - thereby eliminating fast surface flows of stormwater.

It has been noted that duplex sand over clay soils do not occur at the site and that the limestone contains pore spaces rather than fractures. The interstitial pore space rather than fractured limestone does not significantly alter the expected groundwater situation at Southern Ocean Lodge. The permeable porous dune sands will allow water to permeate slowly to the limestone layer and water will then seep into the limestone and recharge the aquifer more slowly than if it was to flow into fractured rock.

The water management development report in Appendix E of the PER considered average annual rainfall data and roof area in the design of the water management system for the Southern Ocean Lodge. If rainwater tanks are at capacity after an extreme high rainfall period then the additional water will be diverted as described above.

The use of the bore is discussed as a potential option and approval for its use is not included in the PER. The bore is located on the adjacent Hanson Bay Sanctuary and its use is yet to be fully investigated. If utilised, water from the bore would be pumped to a dedicated 250 kL storage tank and treated to remove colour, turbidity and odour then disinfected for use in toilet flushing. Bore water, if utilised would also make-up the fire-fighting reserve volume (240 kL) and a ball valve would ensure that the volume of the tank was maintained.

A soil testing program was undertaken and the results included in Section 9.2 of the PER. These results were used in development of the site infrastructure including the water treatment system, and the siting and design of the buildings.

4.2 Visual Impact

Comment: *Site is visible from trail between Hanson Bay and Kelly Hill Caves at a point 2 km from the coast.*

A viewshed analysis was undertaken as part of the PER (refer Section 12) and the findings demonstrated that the proposed development would be visible from some locations, but only from a distance which would make it appear insignificant against the landscape.

The location from which the development would be visible on the trail between Hanson Bay and Kelly Hill Caves is situated 2 kilometres inland and more than 3 kilometres from the development. It is considered that the buildings would be barely visible at this distance given the low profile and sympathetic materials used for the construction. The accommodation cabins and shacks at Hanson Bay would be much more dominant on the landscape.

Comment: *Located in an area of high scenic value according to Coastal Viewscapes of South Australia.*

The *Coastal Viewscapes of South Australia* report prepared by Andrew Lothian for the Coastal Protection Branch of the Department of Environment and Heritage, has mapped the scenic values of South Australia's coast and identifies the site (or aspects of it) as being visible from points at sea. Mapping in the report indicates that the land seaward of the proposed development site has a value of 7.0 to 7.9 whereas the actual development site has a rating at 6.0 to 6.9 being of 'moderate scenic quality'.

This comment above suggests that the scenic value of this locality is greater than that represented in the maps accompanying Andrew Lothian's report. Whilst the comment argues that the 'key attributes of the sea/land interface' do extend beyond the 100 metres and therefore a higher scenic value is warranted, it provides no further details outlining what the key features are or the distance inland to which they may extend.

Interestingly, a previous study looked at coastal landscape values. The Kangaroo Island Coastscape Character Types and Coastal Landscape Assessment undertaken by Edwards G in 1987 for the Coastal Protection Branch DEH was also identified in Andrew Lothian's report (page 5). Similar to Andrew Lothian's assessment, the Edwards study identified this locality as having an 'average' coastal landscape rating.

Andrew Lothian's report bases his zones on factual distances from the Mean High Water Mark (MHWM). In this regard, Zone 1 comprises the 100 metres strip above the MHWM. Zone 2 comprises land inland of Zone 1 and is defined as visible from the sea in the Coastal Viewshed maps up to a distance of 5km. The report further recognised that in some localities (such as the top of cliffs) the zones may be too wide.

The site of the development is setback a minimum distance of 100 metres from the MHWM and is defined as visible from the sea in the Coastal Viewshed maps (Section 12 of the PER). The site of the development site is also located behind rocky cliffs and therefore cannot be considered at the water/land interface as suggested by DEH but rather within Zone 2, in accord with Andrew Lothian's report.

Two independent studies (commissioned and championed by DEH) deem the area of the proposed development to have 'moderate' and 'average' coastal scenic values.

4.3 Purpose of EMP

Comment: *What is the purpose of the data collection proposed in the Environmental Management Plan and to whom will the data be reported.*

The Department of Trade and Economic Development in its submission on the PER, noted that the economic success of the development will rest on the maintenance of the environment at the site as visitors have the clear expectation of experiencing an uncompromised natural setting.

Data will be collected for internal purposes as it is in the best interest of Southern Ocean Lodge to maintain its environment in accordance with its general duty of environmental care as it their most marketable asset (refer Section 3.5 of the Response Document).

Comment: *Provisions for the wash down of vehicles when entering the site should be included in the EMP.*

Vehicles will be visually assessed when they enter the site and the vehicles origin will be determined with regards to risk of *Phytophthora* transfer. The *Phytophthora* Hygiene kit and/or wash down facilities will be used if required in accordance with Section 22.17.

4.4 Location of staff accommodation

Comment: *Potential for staff accommodation to be located elsewhere to reduce vegetation clearance and impacts on site.*

Southern Ocean Lodge's remote location necessitates the design of an integrated tourism development that is reliant on the providing on-site staff accommodation. It would not be feasible to locate staff accommodation separate from the Lodge for a number of reasons including:

- There are no more suitable sites available on the Proponent's land as the remainder is densely vegetated. The staff quarters are not visible from elsewhere on the site or external to the site.
- The staff quarters are contained within a modified vegetation area and provide the location for disposal of waste water (via irrigation).
- Locating the staff quarters on site significantly reduces traffic movements and increases safety (both for staff and particularly nocturnal fauna) for night time driving.

The standard and community ambience of the staff village is essential to attract and retain quality staff in the remote location. On going training, opportunities for advancement, reputation for excellence and the wide selection of outdoor pursuits available in the areas will assist in staff retention.

Comment: *Potential for staff to work rotational shifts to reduce the size of the staff village.*

It is envisaged that the majority of staff will reside at the site and will not have a residence elsewhere. Due to the nature of the tourism industry, there is not the scope to utilise rotational staffing and the Proponent is unaware of a precedent for this in hospitality.

Employment is on a shift basis over a 5/6 day week, with management staff working an 11 day fortnight. In some cases, rostered days off will be carried forward to allow 4 days off to enable time away from the Island. Staff retention in hospitality requires a sense of belonging and community which would come from having a permanent home amongst their co-workers.

Rotational shifts are common in industries such as mining where staff work on a “X weeks on / X weeks off” basis. This situation is quite different as staff are generally highly paid and have alternative residences. Full time tourism staff would earn an average wage of around \$35,000 per annum.

The staff village has been designed to accommodate the necessary staff numbers to efficiently operate the Lodge - there is not any redundancy to reduce its size.

4.5 Climate change impacts

Comment: *Implications of climate change such as increased storm events on the site.*

The Southern Ocean Lodge buildings will be built to withstand the extreme climate conditions on the south coast including significant storm events due to the location. Additional risks or hazards resulting from climate change such as storm surges or sea level rise are not expected to impact on the development given that the site is located 30 metres above sea level. Other possible hazards such as drought or increased bushfire risk will be mitigated by decreasing water usage (possibly in extreme circumstances occupancy rates would be reduced or the use of pool and spas would be restricted) and bushfire risk will continue to be mitigated by the Bushfire Management Plan.

4.6 Heritage

Comment: *Address the potential loss of heritage value on “Tandanya Natural Area”.*

The subject land forms a small portion (100ha) of the “Tandanya Natural Area” (3100 ha) listed on the Register of the National Estate (the development site of one hectare is less than 0.05% of the listed area). The Tandanya Natural Area comprises native vegetation, linking two National Estate listed locations, Flinders Chase National Park to the west and Kelly Hill Conservation Park to the east. It is considered important as a wildlife corridor and approximately 180 plant species have been recorded within the area, including ten species or subspecies that are endemic to Kangaroo Island. Five species that are considered rare on a National basis occur in the Tandanya Natural Area, however these were not identified as occurring on site during the vegetation survey.

Listing of the area on the Register of the National Estate is not a land management mechanism. The way in which landholders manage their national estate properties is not directly affected by listing. Owners of registered places are not required to alter the way in which they manage, maintain, or dispose of, their property. The Commonwealth Government is the only body whose actions are constrained as a result of listings in the Register of the National Estate.

As the development area is less than 0.05% of the Tandanya Natural Area it is not expected that proposed development will have any long term impact on the heritage value of the area.

The establishment of a heritage agreement on the remaining 98ha of the subject land will add value to the heritage listing in ensuring preservation of this area for the long term.

4.6.1 Aboriginal representatives

Comment: *Recommend contact with local Aboriginal representatives prior to construction.*

A search was undertaken of Aboriginal heritage places database and no sites of significance were identified. The Proponent has included measures for dealing with discovery of Aboriginal artefacts in the Environmental Management Plan and will contact appropriate representatives prior to construction commencing.

4.7 Waste

Comment: *Conflicting statements in the PER about the use of a productive garden.*

The productive garden was originally part of the proposed development but was removed. The reference to the productive garden on Page 122 should have been removed.

4.8 Decommissioning

Comment: *Address guideline 5.3.6 “Describe strategies to return the site to its predevelopment state should the project fail.” Will the disturbed area be revegetated if the development is decommissioned.*

The economic viability of the project has been assessed as part of the PER (Appendix L) and indicates a positive long term future for the proposed development once operational. It should be noted however that failure of the development as proposed would not necessarily lead to decommissioning of the site, rather a change of ownership or use (within constraints of any existing development approvals) may result.

Given the nature of the development and its long term viability, Baillie Lodges cannot confirm details about site decommissioning at this point in the project life cycle. However, the proponent agrees that an appropriate strategy for the decommissioning of the site would be to return the site to its pre-development state.

5. Conclusion

This report summarises the submissions received from government agencies and the public on the Public Environmental Report for the proposed Southern Ocean Lodge. The Proponent has responded to both the requirements of the Guidelines and the issues raised in the submissions where appropriate in the PER or this Response Document. A number of key issues raised in the consultation on the Issues Paper and outlined in the Guidelines were raised in the submissions and are further clarified herein.

Additional research has been undertaken and amendments have been made to the proposed project as a result of the issues raised by these processes. The Proponent has made changes where appropriate to ensure the main attraction for guests, being the environment, is protected. The amendments include:

- Increasing the water supply for fire fighting from 200,000 litres to 240,000 litres and increasing the number of butterfly sprinklers from 97 to 207.
- Increasing the buffer to the Osprey nest from 250 metres to 500 metres during breeding season (June to October).

The PER and Response Document consider the many benefits of the proposal against the potential impacts and conclude that the careful management proposed by the Proponent and compromise between successful development and environmental objectives can be met by the proposed development. The project should be considered on merit for approval.

Appendix A

List of respondents

Appendix B

Summary of Government
submissions

Appendix C

Key issues from public submissions

Appendix D

Fire protection plan