

APPLICATION ON NOTIFICATION – CATEGORY 3

Applicant:	URPS
Development Number:	520/L010/18
Nature of Development:	Tourist Accommodation
Type of Development:	Merit
Zone / Policy Area:	Coastal Conservation Zone and Primary Production Zone
Subject Land:	Lot 55 North Coast Road, Middle River
Contact Officer:	Nitsan Taylor
Phone Number:	7109 7064
Start Date:	28 February 2019
Close Date:	18 March 2019
<p>During the notification period, hard copies of the application documentation can be viewed at the Department of Planning, Transport and Infrastructure, Level 5, 50 Flinders St, Adelaide, during normal business hours. Application documentation may also be viewed during normal business hours at the local Council office (if identified on the public notice).</p>	

Written representations must be received by 18 March 2019 and can either be posted, faxed, hand-delivered or emailed to the State Commission Assessment Panel.

Any representations received after the close date will not be considered.

Postal Address:

The Secretary
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Street Address:

Development Division
Department of Planning, Transport and Infrastructure
Level 5, 50 Flinders St
ADELAIDE SA 5000

Email Address:

scapreps@sa.gov.au

Fax Number:

(08) 8303 0753



Government of South Australia

Department of Planning,
Transport and Infrastructure

DEVELOPMENT ACT 1993

CATEGORY 3

NOTICE OF APPLICATION FOR CONSENT TO DEVELOPMENT

Notice is hereby given that an application has been made by **URPS** for consent to construct Tourist Accommodation. **Development Number : 520/L010/18.**

The land is situated at Lot 55 North Coast Road, Middle River being Certificate of Title : CT: 5974/662.

The subject land is located within the Coastal Conservation Zone and Primary Production Zone of the Kangaroo Island Council Development Plan Consolidated: 17 September 2015.

The application may be examined during normal office hours at the office of the State Commission Assessment Panel (SCAP), Level 5, 50 Flinders Street and at the office of Kangaroo Island Council. Application documentation may also be viewed on the SCAP website http://www.saplanningcommission.sa.gov.au/scap/public_notices.

Any person or body who desires to do so may make representations concerning the application by notice in writing delivered to the Secretary, State Commission Assessment Panel, GPO Box 1815, Adelaide SA 5001 **NOT LATER THAN 5:00 PM Monday 18 March 2019.** Submissions may also be emailed to: scapreps@sa.gov.au

Each person or body making a representation should state the reason for the representation and whether that person or body wishes to be given the opportunity to appear before the SCAP to further explain the representation.

Submissions may be made available for public inspection.

Should you wish to discuss the application and the public notification procedure please contact Nitsan Taylor on 7109 7064 or Nitsan.Taylor@sa.gov.au.

Alison Gill
SECRETARY
STATE COMMISSION ASSESSMENT PANEL

29/3/19

www.sa.gov.au

**South Australian
DEVELOPMENT ACT, 1993
REPRESENTATION ON APPLICATION – CATEGORY 3**

Applicant: URPS
Development Number: 520/L010/18
Nature of Development: Tourist accommodation
Development Type: Merit
Zone / Policy Area: Coastal Conservation Zone and Primary Production Zone
Subject Land: Lot 55 North Coast Road, Middle River
Contact Officer: Nitsan Taylor
Phone Number: 7109 7064
Close Date: 5:00 PM Monday 18 March 2019

My Name: _____ **My phone number:** _____

Primary method(s) of contact: _____ **Email:** _____
Postal Address: _____ **Postcode:** _____

You may be contacted via your nominated PRIMARY METHOD(s) OF CONTACT if you indicate below that you wish to be heard by the State Commission Assessment Panel in support of your submission.

My interests are:
(please tick one)

☐ owner of local property

☐ occupier of local property

☐ a representative of a company/other organisation affected by the proposal

☐ a private citizen

The address of the property affected is: _____ **Postcode** _____

My interests are:
(please tick one)

☐ I support the development

☐ I support the development with some concerns

☐ I oppose the development

The specific aspects of the application to which I make comment on are: _____

I: ☐ wish to be heard in support of my submission
(please tick one) ☐ do not wish to be heard in support of my submission
(Please tick one)

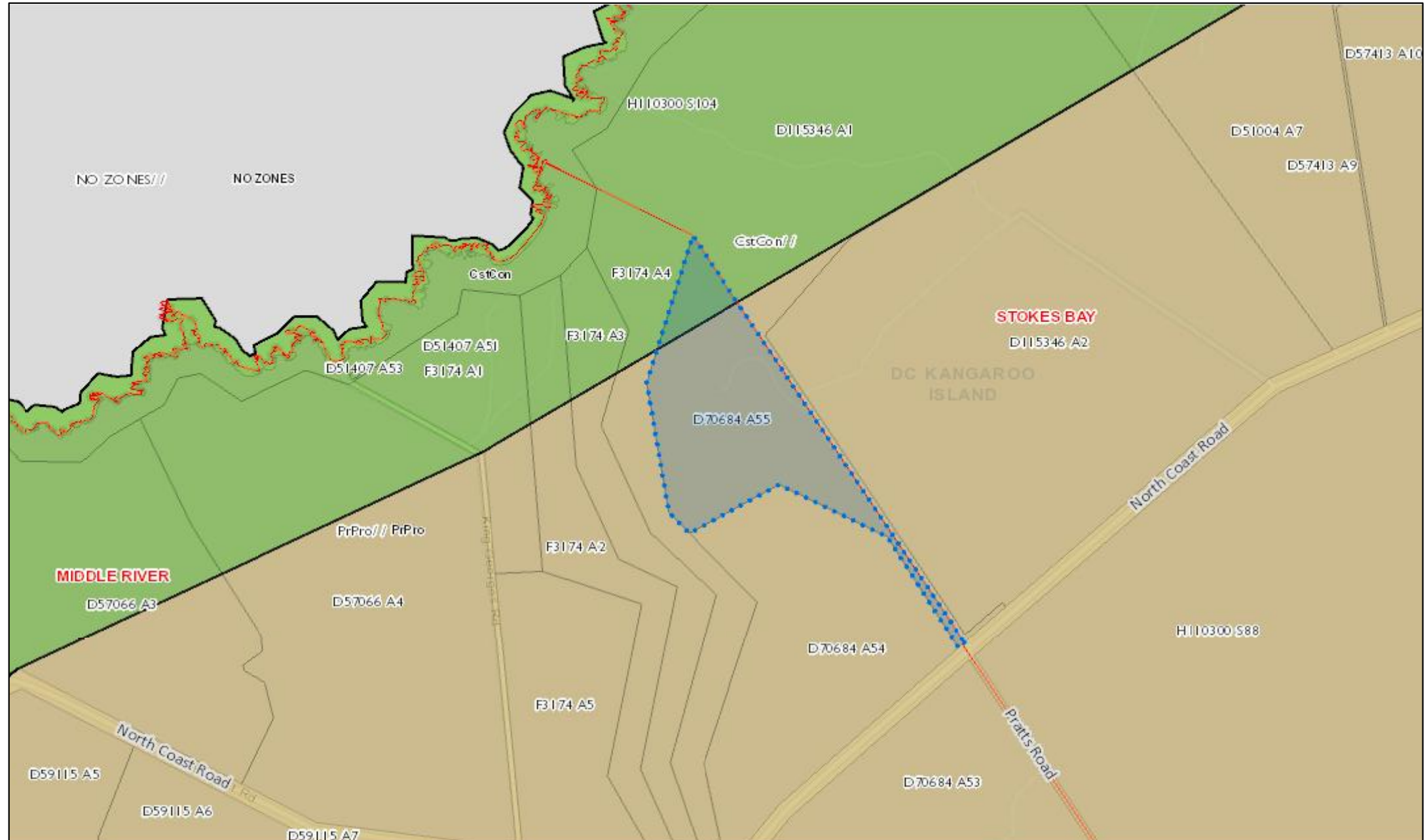
By: ☐ appearing personally
(please tick one) ☐ being represented by the following person
(Please tick one)

Signature: _____
Date: _____

520/L010/18 - Locality Plan

This product was generated by PLB Pro

Date created: February 22, 2019



Disclaimer: The information provided above, is not represented to be accurate, current or complete at the time of printing this report. The Government of South Australia accepts no liability for the use of this data, or any reliance placed on it.

PLB Pro - developed by DPTI GIS Office

DPTI.GISOoffice@sa.gov.au

520/L010/18 - Locality Map

This product was generated by PLB Pro

Date created: February 22, 2019



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PLB Pro - developed by DPTI GIS Office

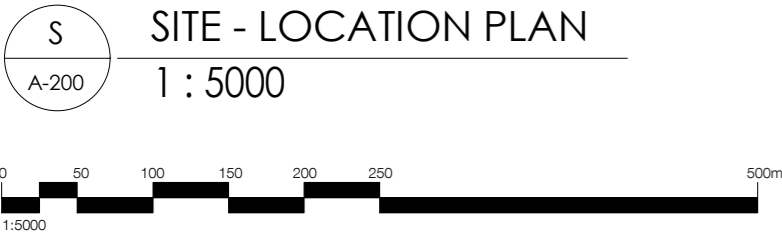
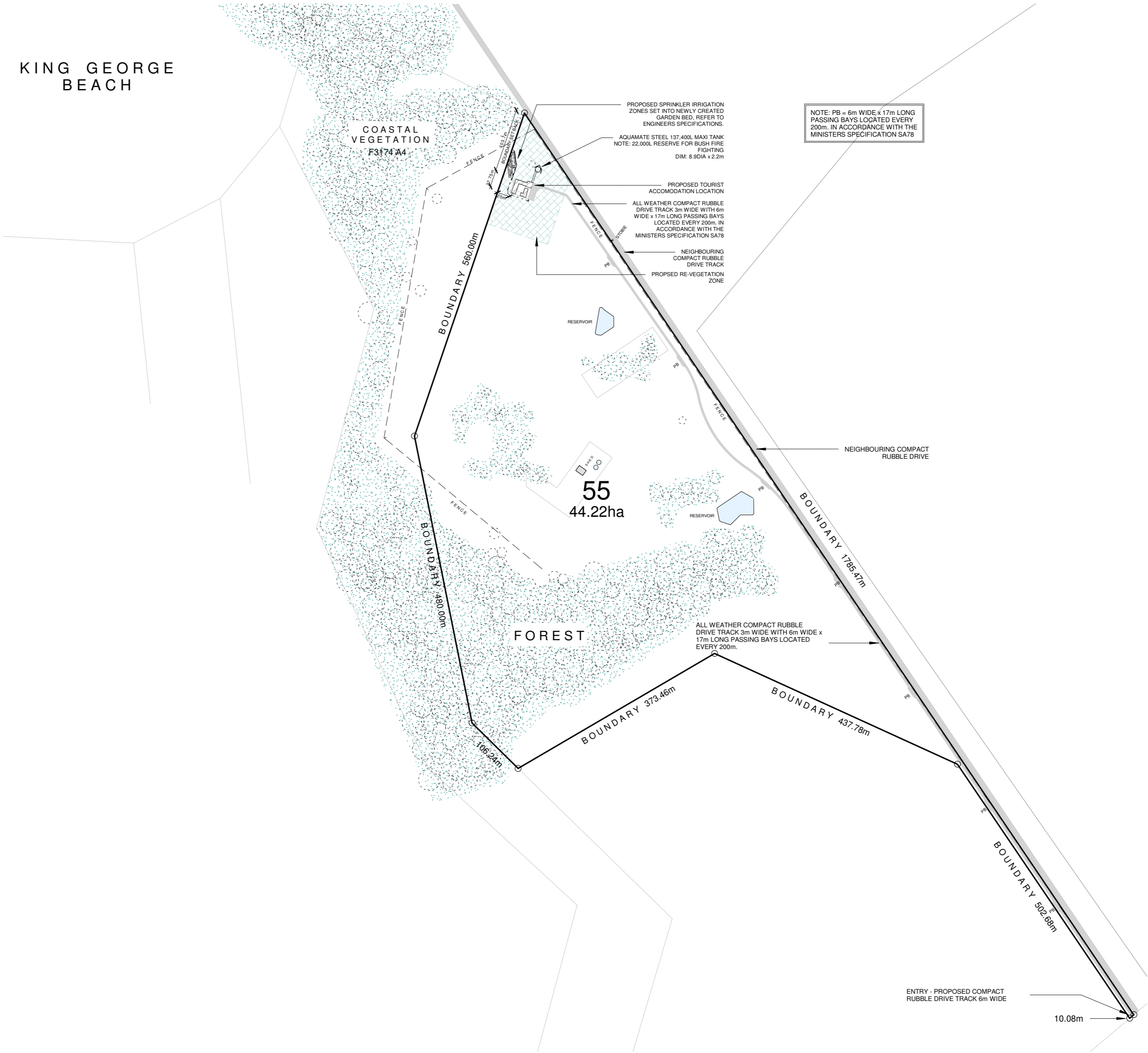
DPTI.GISOffice@sa.gov.au

HAWKS NEST HOUSE

DRAWING LIST

NO.	DRAWING
A-000	PLAN - LOCATION
A-001	PLAN - SITE
A-002	PLAN - CFS
A-100	PLAN - GROUND
A-102	PLAN - PLUMBING
A-200	ELEVATIONS

KING GEORGE
BEACH



REV	AMENDMENT	DATE	INITIAL
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ISSUE:
PLANNING APPLICATION



BGK Contech Pty Ltd ACN 107 415 190
34/422 Pulteney Street, Adelaide SA, 5000
P: 08 8232 1041
E: enquiries@contech.net.au

ALL DIMENSIONS SHOWN ON THIS DRAWING ARE IN MILLIMETERS UNLESS OTHERWISE NOTED AND SHOULD BE VERIFIED ON SITE BEFORE COMMENCING BUILDING WORKS. THESE DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE BUILDING SPECIFICATION AND CONSULTANT DRAWINGS. ANY DISCREPANCIES ARE TO BE REFERRED TO THE PROJECT DESIGNER FOR CLARIFICATION PRIOR TO ANY WORKS COMMENCING.

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PROJECT:

HAWKS NEST HOUSE

SITE ADDRESS:
ALLOTMENT 55 NORTH COAST RD. MIDDLE RIVER DUNCAN, KANGAROO ISLAND.

DRAWING NAME:

PLAN - LOCATION

DATE: 15/01/2019 5:55:50 PM **DRAWN BY** JP

PROJECT NO: 501 **SCALE / SHEET SIZE** 1 : 5000@A2

DRAWING NO: A-000 **REVISION**

DEVELOPMENT APPLICATION FORM

PLEASE USE BLOCK LETTERS

COUNCIL: Kangaroo Island Council

APPLICANT: Marcus Rolfe, URPS

Postal Address: Suite 12, 154 Fullarton Road

Rose Park SA 5068

Owner: Christopher & Kirsty Russell

Postal Address: Unit 2, 125 Canterbury Road

Toorak VIC 3142

BUILDER: to be advised

Postal Address: _____

Licence No: _____

CONTACT PERSON FOR FURTHER INFORMATION

Name: Marcus Rolfe

Telephone: 8333 7999 [work] 0400 730 412 [Ah]

Fax: _____ [work] _____ [Ah]

EXISTING USE: Grazing

FOR OFFICE USE

Development No: _____

Previous Development No: _____

Assessment No: _____

- ☐ Complying
- ☐ Non Complying
- ☐ Notification Cat 2
- ☐ Notification Cat 3
- ☐ Referrals/Concurrences
- ☐ DA Commission

Application forwarded to DA

Commission/Council on

/ /

Decision: _____

Type: _____

Date: / /

	Decision required	Fees	Receipt No	Date
Planning:	_____	_____	_____	_____
Building:	_____	_____	_____	_____
Land Division:	_____	_____	_____	_____
Additional:	_____	_____	_____	_____
Development Approval				

DESCRIPTION OF PROPOSED DEVELOPMENT: Tourist accommodation and associated works

LOCATION OF PROPOSED DEVELOPMENT: Allotment 55 North Coast Road, Middle River, Kangaroo Island

House No: _____ Lot No: _____ Street: _____ Town/Suburb: Kangaroo Island

Section No [full/part] _____ Hundred: _____ Volume: 5516 Folio: 10

Section No [full/part] _____ Hundred: _____ Volume: _____ Folio: _____

LAND DIVISION:

Site Area [m²] _____ Reserve Area [m²] _____ No of existing allotments _____

Number of additional allotments [excluding road and reserve]: _____ Lease: YES ☐ NO ☐

BUILDING RULES CLASSIFICATION SOUGHT: _____ Present classification: _____

If Class 5,6,7,8 or 9 classification is sought, state the proposed number of employees: Male: _____ Female: _____

If Class 9a classification is sought, state the number of persons for whom accommodation is provided: _____

If Class 9b classification is sought, state the proposed number of occupants of the various spaces at the premises: _____

DOES EITHER SCHEDULE 21 OR 22 OF THE DEVELOPMENT REGULATIONS 2008 APPLY? YES ☐ NO ☒

HAS THE CONSTRUCTION INDUSTRY TRAINING FUND ACT 2008 LEVY BEEN PAID? YES ☐ NO ☒

DEVELOPMENT COST [do not include any fit-out costs]: \$ 1.5M

I acknowledge that copies of this application and supporting documentation may be provided to interested persons in accordance with the Development Regulations 2008.

SIGNATURE: 

Dated: 26 / 10 / 18



REAL PROPERTY ACT, 1886



The Registrar-General certifies that this Title Register Search displays the records maintained in the Register Book and other notations at the time of searching.



Certificate of Title - Volume 5974 Folio 662

Parent Title(s)	CT 5516/10		
Creating Dealing(s)	RTU 10437693		
Title Issued	09/11/2006	Edition 2	Edition Issued 30/05/2018

Estate Type

FEE SIMPLE

Registered Proprietor

CHRISTOPHER DAVID GOSSE RUSSELL
KIRSTY ELDER RUSSELL
OF UNIT 2 125 CANTERBURY ROAD TOORAK VIC 3142
WITH NO SURVIVORSHIP

Description of Land

ALLOTMENT 55 DEPOSITED PLAN 70684
IN THE AREA NAMED MIDDLE RIVER
HUNDRED OF DUNCAN

Easements

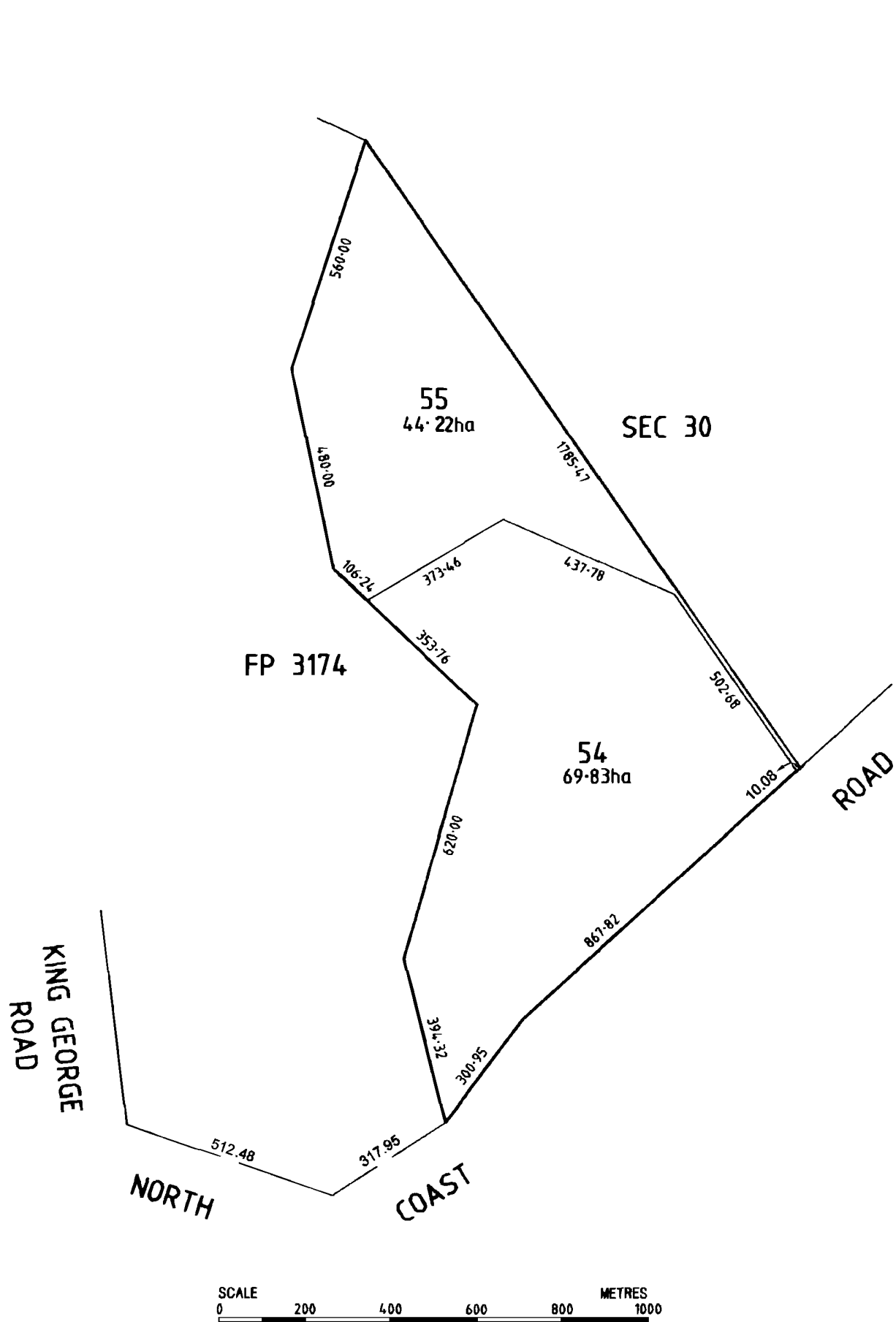
NIL

Schedule of Dealings

NIL

Notations

Dealings Affecting Title	NIL
Priority Notices	NIL
Notations on Plan	NIL
Registrar-General's Notes	NIL
Administrative Interests	NIL



Ref: 18ADL-0198



Suite 12
154 Fullarton Road
ROSE PARK SA 5067

08 8333 7999
www.urps.com.au
ABN 55 640 546 010

26 October 2018

Mr Jason Cattonar
Unit Manger
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Dear Jason

Tourist Accommodation - Allotment 55 North Coast Road, Middle River, Kangaroo Island

URPS has been engaged to provide planning advice in relation to this proposed development. A description of the subject land and locality, the proposal itself and an appraisal against the relevant Development Plan provisions are set out below.

Subject Land and Locality

The subject land is described as Allotment 55 in DP 70684, North Coast Road at Middle River, Kangaroo Island (CT 5974/662). The land has an irregular shape, an approximate area of 44.22 hectares (442,200 square metres) and an approximate frontage to North Coast Road of 10 metres for the driveway.

The land has been predominantly cleared for grazing purposes, with the exception of a stand of native vegetation in the south-western corner of the property and some small groups of trees scattered elsewhere across the site. A farm shed, dams, two small fenced areas and a basic access driveway comprise the constructed elements on the land.

The subject land is undulating, with a substantial slope from North Coast Road downward towards the ocean. The land also has a generally gentler slope downwards from east to west. A number of natural channels/swales drain the land to King George Creek located on the adjoining land to the west.

The locality is characterised as undulating to hilly. Some areas comprise dense vegetation whilst others are open grazing land. Various creek lines are evident generally running south-north to the ocean. A number of dams are evident in the area, as are scattered farm buildings and a few dwellings.

Proposal

The proposal is to establish a tourist accommodation building and associated works comprising:

- A single storey tourist accommodation building.
- Swimming pool, lawn area and alfresco dining area situated in the central courtyard and screened by the surrounding dwelling.
- 95,500 litre steel water storage tank, with a 22,000 litre reserve for firefighting purposes.
- Septic tank waste water management system.

- Ancillary retaining walls.
- Compacted rubble driveway track.
- Revegetation zone around the tourist accommodation building.

The proposed tourist accommodation building is designed with two wings under the main roof resulting in an enclosed court yard area.

The main wing comprises:

- 3 bedrooms
- kitchen/dining/lounge
- 2 bathrooms
- laundry
- entry
- 2 vehicle garage.

The second wing comprises:

- 2 bedrooms
- kitchen/dining/lounge
- 1 bathroom.

This configuration provides various accommodation options for up to 10 people/tourists.

Procedural Matters

The majority of the subject land is located within the Primary Production Zone. A portion at the northern end is located within the Coastal Conservation Zone as indicated on Zone Map KI/2 in the Kangaroo Island Council Development Plan (consolidated 17 September 2015). The site of the proposed tourist accommodation building is within the northern tip of the land and is therefore within the Coastal Conservation Zone.

Review of the Procedural Matters section for the Zone indicates that tourist accommodation (in this location) is neither a complying or non-complying form of development and therefore a merit form of development.

In accordance with Schedule 10, clause 18 of the *Development Regulations 2008*, the relevant authority for this development application is the State Commission Assessment Panel (SCAP).

Referrals under Schedule 8 of the Regulations are required to the:

- CFS as the tourist accommodation is to be located in a High Bushfire Risk Area in a Bushfire Protection Area, and
- Coastal Protection Board as the proposal is located within the Coastal Conservation Zone.

Planning Assessment

In our view, the most relevant planning considerations are as follows:

- Land Use
- General Siting and Design

- Siting in Relation to White-Bellied Sea Eagles
- Bushfire Risk
- Natural Resources
- Access and Parking
- Infrastructure

Land Use

The Tourism Development component of the General Section of the Kangaroo Island Development Plan includes the following relevant provisions:

Objective 5 Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.

Objective 7 Increased opportunities for visitors to stay overnight.

PDC 4 Tourism development should, where appropriate, add to the range of services and accommodation types available in an area. (underlining added)

The subject land is a “rural area” currently used predominantly for grazing, including much of the portion located in the Coastal Conservation Zone. Tourism development is clearly contemplated in such rural areas, as is increased opportunities for visitors to stay overnight.

The use of some 850m² of the 442,200m² allotment for the proposed development will not have a negative impact on the continuation of grazing on the land. In addition, the location of the tourist accommodation building is not expected to have any adverse impact on the adjoining grazing and cropping activities, with the nearest area being cropped located some 400m to the east.

The Desired Character statement of the Coastal Conservation Zone anticipates tourist accommodation as follows:

...The provision of facilities, including tourist accommodation and recreational facilities, may be established in the zone provided they are sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised... (underlining added)

PDC 1 of the Zone also states:

1 The following forms of development are envisaged in the zone:

- coastal protection works
- conservation works
- interpretive signage and facilities
- tourism/visitor facilities
- tourist accommodation. (underlining added)

Tourist accommodation is clearly an appropriate use within the Coastal Conservation Zone.

Principle of Development Control 12 under Tourism Development states:

PDC 12 Development providing accommodation for tourists should be designed to minimise the potential for buildings to be converted into or used as a dwelling(s) where:

- (a) if the development comprises multiple tourist accommodation units – by ensuring that facilities, access driveways, parking areas, amenities and the like are shared

- (b) if the development involves a single accommodation unit on a site or allotment in the Coastal Conservation Zone, Conservation Zone or Water Protection Zone, one or more of the following characteristics is evident:
 - (i) the structure provides basic shelter and limited internal space (eg cabin, hikers-hut)
 - (ii) one or more of the functional areas typically found in a dwelling (eg, laundry, kitchen) is absent
 - (iii) the structure is of a temporary or semi-permanent nature.

The proposed tourist accommodation does not satisfy this guideline. It has been deliberately designed as a high-end offering with all the features needed for longer visitor stays. It provides the opportunity to accommodate two families or groups with their own separate kitchens, living areas and bedrooms, it also provides for shared facilities including the courtyard/pool area, main entry and garaging.

It is contended that strict adherence to PDC 12 will greatly reduce the tourist accommodation offerings in key parts of Kangaroo Island where all other relevant provisions of the Development Plan can be satisfied, as is the case with this proposal. In this context, it is contended that limited weight should be placed on this provision.

Principle of Development Control 17 under Tourism Development also states:

PDC 17 Tourism development in rural areas should occur only where it:

- (a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)
- (b) will not give rise to demands for infrastructure and services, especially on public lands, that are inappropriate to the purpose of the zone and/or policy area.

The positive performance of the proposed development against this and other similar provisions will be discussed later in this report.

General Siting and Design

Unlike some other areas on Kangaroo Island, the Desired Character statement for the Coastal Conservation Zone does not specifically identify the Middle River area as having either high conservation or high scenic value. Nonetheless, the Desired Character statement provides general direction on the siting of tourist accommodation as follows:

..., the coastal environment plays an important role in Kangaroo Island's economy and the tourist attraction provided by the coastal environment, coastal scenery and abundant wildlife is expected to see growth in visitor numbers that will need to be appropriately managed and catered for. The provision of facilities, including tourist accommodation and recreational facilities, may be established in the zone provided they are sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised.

The preference is that tourism development, including any associated access driveways and ancillary structures, be located on cleared areas or areas where environmental improvements can be achieved. Development should be located away from fragile coastal environments and significant habitat or breeding grounds.

In order to reinforce the Island's scenic and landscape experiences, tourism development should maintain a strong visual impression of a sparsely developed or undeveloped coastline from public roads and land-based vantage points.

The design and siting of tourist accommodation should ensure emphasis is given to raising consciousness and appreciation of the natural, rural, coastal and cultural surroundings.

It is envisaged that development is not undertaken on coastal dune systems, tidal wetlands, mangroves, sand dunes or other environmentally sensitive areas... (underlining added)

Other Zone policies also provide direction on the siting of tourist accommodation as follows:

PDC 6 Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.

PDC 7 Development should:

- (a) not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition
- (b) minimise vehicle access points to the area that is the subject of the development
- (c) be landscaped with locally indigenous plant species to enhance the amenity of the area and to screen buildings from public view
- (d) utilise external low reflective materials and finishes that will minimise glare and blend in with the features of the landscape.

PDC 8 Buildings or structures should be unobtrusively located, limited to a height of 6.5 metres above natural ground level, and be of such size and design, including materials and colours, to harmonise and blend naturally with the landscape and natural features of the zone.

PDC 10 Tourism developments in rural areas should be sited and designed to minimise adverse impacts on either of the following:

- (a) the surrounding agricultural production or processing activities
- (b) the natural, cultural or historical setting of the area.

PDC 11 Development should not prejudice the landscape quality and natural bushland of the zone.

PDC 12: Tourist accommodation should complement the natural landscape and be designed in a way that minimises impact on the natural environment. (underlining added)

In addition to these Zone specific policies, there are a number of relevant General Section policies under that are similar in content and intent. Of particular note are Principles of Development Control 3 and 11 under Tourism Development also state:

PDC 3 Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.

As previously discussed in the Siting and Design and Appearance sections, the scale, form and location of the proposed development will not detract from the natural values or character of the surrounding area.

PDC 11 Buildings and structures to accommodate tourists and associated activities should:

- (a) not exceed a building height of 6.5 metres (from natural ground level)
- (b) have a minimum setback of 100 metres from any of the following:
 - (i) public roads or be no closer to a public road than existing buildings on the subject land, whichever is the lesser
 - (ii) adjoining allotment boundaries
 - (iii) the high water mark
 - (iv) cliff faces

unless it can be demonstrated that a lesser setback would achieve one or more of the following:

- (v) will achieve a superior outcome in respect to the requirements of the relevant zone, policy area or precinct than if the minimum setback was applied
- (vi) would assist in avoiding areas of high value remnant native vegetation
- (vii) would provide a comparatively safer location in respect to exposure to bushfire hazard, including along access roadways
- (viii) would not result in unacceptable exposure to coastal flood and erosion process or stormwater inundation. (underlining added)

In terms of the siting of the proposed development, it is to be located on cleared grazing land at the northern end of the subject allotment. This satisfies the Desired Character statement's anticipation of "tourism development, including any associated access driveways and ancillary structures, (to) be located on cleared areas" and "not undertaken on coastal dune systems, tidal wetlands, mangroves, sand dunes or other environmentally sensitive areas". It also satisfies PDC 11 quoted above. Its separation from other nearby development, its 1.65km distance from North Coast Road and its low profile will also "maintain a strong visual impression of a sparsely developed or undeveloped coastline from public roads and land-based vantage points".

The subject land does not have a direct frontage to the coast, with its closest boundary being some 500 metres from the water along King George Beach. In this respect, the proposed development is "located away from fragile coastal environments" and also satisfies PDC 7 quoted above.

The proposed tourist accommodation building is setback closer to adjoining allotment boundaries (at 20 metres to the west and 80 metres to the east) than the 100m guideline in PDC 11. Only grazing activities, however, are conducted on these adjacent properties. No adverse impacts are expected on either the tourist accommodation or the adjoining activities as a result of location of the tourist accommodation on the site. A key consideration in selecting this site for the building is that it provides immediate views over the adjacent rural lands and native vegetation and more distant views of the coast and ocean. These views are important to the success of the tourist accommodation and in increasing appreciation of the natural, rural and coastal surrounds.

From a design perspective, the proposed building is single storey with a 3.6m roof ridgeline. The roof is essentially flat to minimise the profile of the building, with a minimal 1 degree pitch on either side of the ridgeline.

The proposed site works result in approximately 1.3 metres of fill near the south western corner of the building (the tallest area of filling proposed), resulting in an overall roof ridgeline height of approximately 4.9 metres above natural ground level. The building height is therefore well below the maximum 6.5 metres height above natural ground level as sought in PDC 8.

With approximate dimensions of 28m by 31m, the built footprint of the tourist accommodation occupies some 852m² including the double garage, internal courtyard, pool and alfresco dining area. This is modest in size when compared to the 442,200m² allotment it sits on and the substantial boundary setbacks.

Proposed building materials include:

- Maxline roof cladding (Australian Colorbond Steel) and capping in Monument finish (a deep charcoal grey)

- Blackbutt hardwood timber cladding to some wall sections, panel lift garage door, operable batten screen and double entry
- In-situ formed concrete wall panels
- Stacked bluestone courtyard walls
- Matte black aluminium sliding doors and window systems
- Concrete panel chimneys with custom black cowl.

These materials and colours are of a low reflective nature and will harmonise/blend with the landscape and natural features of the Coastal Conservation Zone (see PDC 8 above).

The existing internal access track running generally along the eastern boundary of the land is to be used to provide vehicular access to the tourist accommodation. It will be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS/other emergency vehicles and will not require the removal of any trees. The existing vehicle access point to North Coast Road will remain.

Additionally, the location of the tourist accommodation will not affect the continuation of grazing activities on the land or grazing and cropping activities on the adjacent lands in accordance with PDC 10.

Catering for the “high end” of the tourist accommodation market that seeks an environmentally connected and sensitive experience, the proposal has been sited to ensure it is subservient to the broader natural and coastal environment. It is of a scale, form and location that will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality as anticipated by PDC 3 quoted above.

Siting in Relation to White-Bellied Sea Eagles

The proposed tourist accommodation is located approximately 1.5km of the nest of breeding pair of White-bellied Sea-eagles (WBSE). Given that this is within 2km a risk assessment has been conducted by EBS Ecology on behalf of the proponent to determine the potential for adverse impacts on the nest success of the WBSE (copy attached).

EBS Ecology has determined that the proposed development is expected to have a low-to moderate impact on the WBSE on the basis that:

- The proposed development is located 1.5 km from the nest;
- There is no line-of-sight from the WBSE nest to the proposed development;
- There is screening vegetation and hills between the proposed development and WBSE nest;
- There may be un-restricted movements by visitors and contractors that may disturb nesting WBSE; and
- Noise generated by machinery during construction may be audible by the breeding WBSE.

It is understood that this level of impact can be reduced even further via the implementation of mitigation and management measures. These measures include:

- A Visitor Management Plan that, for example, controls the movement of people closer to the nest than the proposed development particularly during breeding season; and
- A Native Flora Revegetation Plan that will focus on increasing the biodiversity values of the area and increase the vegetative barrier between the WBSE nest and the proposed tourist

development. Re-vegetation proposed around the building site will also further reduce the visual impact of the building.

It is proposed that these additional mitigation plans be required via conditions of consent/reserved matters once there is greater clarity as to the acceptability of the proposed development more generally i.e. as part of the Development Plan Consent.

Bushfire Risk

The subject land is situated within a High Bushfire Risk Area as indicated on Bushfire Protection Area BPA Map KI/2 Bushfire Risk.

Relevant policies under General Section Hazards include:

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

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

PDC 1 Development should:

- (a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards
- (b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood,

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

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

- (a) vegetation cover comprising trees and/or shrubs
- (b) poor access
- (c) rugged terrain
- (d) inability to provide an adequate building protection zone
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

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

- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect
- (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation
- (c) have a dedicated and accessible water supply available at all times for fire fighting.

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

PDC 14 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:

- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents
- (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.
(underlining added)

Conscious of the numerous guidelines relevant to bushfire protection listed above, informal pre-lodgement consultation was undertaken with the CFS. The CFS comments/recommendations have been taken into account as indicated on the Plan – CFS which shows:

- A 20m wide Asset Protection Zone around the tourist accommodation building;
- A 95,500 litre steel water storage tank located adjacent to the tourist accommodation building to service the development. Of this capacity, 22,000 litres will be provided as a dedicated and accessible water supply for fire-fighting purposes;
- A fire-fighting outlet to be provided in accordance with AS3959;
- The existing internal access track, running generally along the eastern boundary of the land, is to provide access to the tourist accommodation site. It is to be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS and other emergency vehicles. It will be 3 metres in width, with 6 metres wide x 17 metres long passing bays located every 200 metres along its' length (in accordance with the Minister's Specification SA78).

It is contended that these key design features satisfy the relevant provisions of the Development Plan listed above.

Natural Resources

Relevant policies under the Natural Resources General Section relate to water sensitive urban design, disturbance to natural landforms, stormwater management, native vegetation and erosion are as follows:

Objective 5 Development consistent with the principles of water sensitive design.

PDC 7 Development should be sited and designed to:

- (a) capture and re-use stormwater, where practical
- (b) minimise surface water runoff

Objective 6 Development sited and designed to:

- (b) achieve the sustainable use of water
- (f) maximise the harvest and use of stormwater

PDC 14 Stormwater management systems should:

- (a) maximise the potential for stormwater harvesting and re-use, either on-site or as close as practicable to the source
- (b) utilise, but not be limited to, one or more of the following harvesting methods:
 - (i) the collection of roof water in tanks
 - (ii) the discharge to open space, landscaping or garden areas, ... (underlining added)

Rainwater from roof catchment will be pumped uphill and stored on site in Aquamate Steel 95,500 Litre Maxi Tank. The Rainwater will be gravity fed to the tourist accommodation for use, satisfying the key provisions quoted above.

Objective 10 Minimal disturbance and modification of the natural landform.

PDC 38 Development should be designed and sited to prevent erosion.

PDC 39 Development should take place in a manner that will minimise alteration to the existing landform.
(underlining added)

As described earlier, the proposed site works result in approximately 1.3 metres of fill near the south western corner of the building (the tallest area of filling proposed). This approach minimises alteration to the existing landform and with reasonably prevent soil erosion as anticipated in the provisions quoted above.

PDC 2 Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.

Objective 13 Protection of the scenic qualities of natural and rural landscapes.

PDC 27 Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species. (underlining added)

Detailed discussion of how the proposed development sits comfortably in this predominantly rural landscape has been provided previously. In short, the building results in no native vegetation being removed and is a flat roofed/single storey structure. It is also intended to undertake revegetation on the site as part of minimising impact on the WBSE next approximately 1.5km away (it is requested that the detailed revegetation plan be required as part of a condition of consent/reserved matter).

Access and Parking

Relevant policies under the Transportation and Access General Section relate to access as follows:

Objective 2 Development that:

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

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

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads
- (b) accommodates the type and volume of traffic likely to be generated by the development or land use
- (c) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

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

- (a) follow the natural contours of the land
- (b) minimise excavation and/or fill
- (c) minimise the potential for erosion from run-off
- (d) avoid the removal of existing vegetation
- (e) be consistent with Australian Standard AS 2890 Parking facilities.

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

PDC 36 Parking areas should be sealed or paved in order to minimise dust and mud nuisance. (underlining added)

Access to the subject land from North Coast Road remains unchanged, with the land having a 10 metre frontage to that road.

As the proposal is for high end tourist accommodation generally catering for up to 10 persons, the volume of traffic likely to be generated is reliant on market conditions and is expected to be low and sporadic.

The existing internal access track running generally along the eastern boundary of the land is to be used to provide access to the tourist accommodation site.

The access track is to be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS and other emergency vehicles. No vegetation clearance is required for this resurfacing work.

A two-vehicle garage is to be provided in the built form. Additional parking will be available on the compacted rubble area located on the eastern side of the building. Given the large size of the allotment (442,200m²), additional car parking can be provided if required.

The proposed development satisfies the relevant provisions quoted above.

Infrastructure

Relevant policies under the Infrastructure General Section relate to infrastructure provision, including wastewater management and access are as follows:

PDC 1 Development should not occur without the provision of adequate utilities and services, including:

- (a) electricity supply
- (b) water supply
- (c) drainage and stormwater systems
- (d) waste disposal
- (e) effluent disposal systems
- (f) formed all-weather public roads
- (g) telecommunications services

PDC 6 In areas where no reticulated water supply is available, buildings whose usage is reliant on a water supply should be equipped with an adequate and reliable on-site water storage system.

PDC 9 Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity. (underlining added)

The proposed development satisfies these provisions in the following respects:

- Rainwater from roof catchment will be pumped uphill and stored on site in Aquamate Steel 95,500 Litre Maxi Tank. The Rainwater will be gravity fed to the tourist accommodation for use.
- Electricity will be provided by a combination of mains and solar power.
- Waste / Green Waste / Recycling Waste Bins will be provided in the services courtyard for visitors. These will be managed by cleaning staff educated on appropriate disposal methods.
- Ron Selth & Associates Pty. Ltd. have been engaged and will provide engineering for an on-site effluent disposal system involving a concrete septic tank and soakage trench.
- Driveway resurfacing has been described earlier in this report.
- There is on-site NBN connection.
- None of the infrastructure proposed will impact on native vegetation or biodiversity.

Conclusions

The proposed tourist accommodation has substantial planning merit for the following reasons:

- Tourist accommodation is a clearly envisaged land use in the Coastal Conservation Zone.
- The natural and rural landscape character of the site will be retained.
- The proposal is single storey and flat roofed, integrating into the natural slope of the land.
- The proposal does not require the removal of any native vegetation.
- The proposal will be suitably setback from allotment boundaries and the coast, and will not have a negative impact on the continuing operation of adjoining grazing.
- The proposal will involve the re-vegetation of the wider area around the building.
- The proposal will have a wastewater system that will comply with the relevant public and environmental health legislation.
- The CFS has no objection to the proposal and was involved in the siting of the proposal.
- The proposal can be serviced with appropriate infrastructure, including vehicle access.

In this context, Development Plan Consent for the proposed tourist accommodation is considered warranted.

Please call me if you have any questions on 8333 7999.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Rolfe', with a large, sweeping loop at the end.

Marcus Rolfe

Managing Director MPIA – Fellow

Ref: 18ADL-0198



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21 January 2019

Ms Nitsan Taylor
Senior Planning Officer
State Commission Assessment Panel
GPO Box 1815
ADELAIDE SA 5001

Dear Nitsan

Tourist Accommodation - Allotment 55 North Coast Road, Middle River, Kangaroo Island

As you are aware, URPS has been engaged to provide planning advice in relation to this proposed development. A description of the subject land and locality, the proposal itself and an appraisal against the relevant Development Plan provisions are set out below.

Further to our recent telephone discussions, this report has been amended to reflect amendments to the plans and supporting legal advice from Botten Levinson Lawyers regarding the nature of the proposed development.

Subject Land and Locality

The subject land is described as Allotment 55 in DP 70684, North Coast Road at Middle River, Kangaroo Island (CT 5974/662). The land has an irregular shape, an approximate area of 44.22 hectares (442,200 square metres) and an approximate frontage to North Coast Road of 10 metres for the driveway.

The land has been predominantly cleared for grazing purposes, with the exception of a stand of native vegetation in the south-western corner of the property and some small groups of trees scattered elsewhere across the site. A farm shed, dams, two small fenced areas and a basic access driveway comprise the constructed elements on the land.

The subject land is undulating, with a substantial slope from North Coast Road downward towards the ocean. The land also has a generally gentler slope downwards from east to west. A number of natural channels/swales drain the land to King George Creek located on the adjoining land to the west.

The locality is characterised as undulating to hilly. Some areas comprise dense vegetation whilst others are open grazing land. Various creek lines are evident generally running south-north to the ocean. A number of dams are evident in the area, as are scattered farm buildings and a few dwellings.

Proposal

The proposal is to establish a tourist accommodation building and associated works comprising:

- A single storey tourist accommodation building.

- Swimming pool, lawn area and alfresco dining area situated in the central courtyard and screened by the surrounding dwelling.
- 95,500 litre steel water storage tank, with a 22,000 litre reserve for firefighting purposes.
- Septic tank waste water management system.
- Ancillary retaining walls.
- Compacted rubble driveway track.
- Revegetation zone around the tourist accommodation building.

The proposed tourist accommodation building is designed with two wings under the main roof resulting in an enclosed court yard area.

The main wing comprises:

- 3 bedrooms
- kitchen/dining/lounge
- 2 bathrooms
- laundry
- entry
- 2 vehicle garage.

The second wing comprises:

- 2 bedrooms
- kitchen/dining/lounge
- 1 bathroom.

This configuration provides various accommodation options for up to 10 people/tourists.

Procedural Matters

The majority of the subject land is located within the Primary Production Zone. A portion at the northern end is located within the Coastal Conservation Zone as indicated on Zone Map KI/2 in the Kangaroo Island Council Development Plan (consolidated 17 September 2015). The site of the proposed tourist accommodation building is within the northern tip of the land and is therefore within the Coastal Conservation Zone.

Review of the Procedural Matters section for the Zone indicates that tourist accommodation (in this location) is neither a complying or non-complying form of development and therefore a merit form of development.

In accordance with Schedule 10, clause 18 of the *Development Regulations 2008*, the relevant authority for this development application is the State Commission Assessment Panel (SCAP).

Referrals under Schedule 8 of the Regulations are required to the:

- CFS as the tourist accommodation is to be located in a High Bushfire Risk Area in a Bushfire Protection Area, and
- Coastal Protection Board as the proposal is located within the Coastal Conservation Zone.

Planning Assessment

In our view, the most relevant planning considerations are as follows:

- Land Use
- General Siting and Design
- Siting in Relation to White-Bellied Sea Eagles
- Bushfire Risk
- Natural Resources
- Access and Parking
- Infrastructure

Land Use

You have recently raised with me some concern regarding the characterisation of the proposed development as tourist accommodation and the basis that the proposed building may also be used as a detached dwelling or residential flat building.

In an effort to reinforce the intended use of the building as tourist accommodation, the proposal plans have been amended so that the garage is now an open carport

The applicant is also willing to abide conditions of approval restraining the if the development to tourist accommodation, including conditions limiting the maximum period of stay to 3 weeks and requiring the operator of the facility to retain rental records for the preceding two years and to make those records available to the Council or State Planning Commission/SCAP upon request.

We have also sought written advice from Botten Levinson Lawyers. In his attached letter dated 21 January 2019, Tom Game from Botten Levinson Lawyers has advised that the proposed development is tourist accommodation because of:

1. The design and configuration of the building;
2. The incorporation of shared or communal spaces and facilities, including:
 - a. The driveway, car parking area and carport;
 - b. The swimming pool, central courtyard and alfresco area;
3. The absence of storage areas that would typically be expected for a dwelling in this location;
4. The building not being designed for exclusive use or occupation by the owners of the land;
5. The proposed limitations on the use of the building which are not unrealistic and will form part of any consent and 'run with the land';
6. The integration of the wings of the building such that neither the wings individually or the building as a whole could be said to have the form of a self-contained residence or be conducive to such use; and

7. The proposed development will complement other tourist accommodation offerings managed by the applicant, such that there is no reason to doubt the stated intention to use the building as tourist accommodation.

The Tourism Development component of the General Section of the Kangaroo Island Development Plan includes the following relevant provisions:

Objective 5 Tourism development in rural areas that does not adversely affect the use of agricultural land for primary production.

Objective 7 Increased opportunities for visitors to stay overnight.

PDC 4 Tourism development should, where appropriate, add to the range of services and accommodation types available in an area. (underlining added)

The subject land is a “rural area” currently used predominantly for grazing, including much of the portion located in the Coastal Conservation Zone. Tourism development is clearly contemplated in such rural areas, as is increased opportunities for visitors to stay overnight.

The use of some 850m² of the 442,200m² allotment for the proposed development will not have a negative impact on the continuation of grazing on the land. In addition, the location of the tourist accommodation building is not expected to have any adverse impact on the adjoining grazing and cropping activities, with the nearest area being cropped located some 400m to the east.

The Desired Character statement of the Coastal Conservation Zone anticipates tourist accommodation as follows:

...The provision of facilities, including tourist accommodation and recreational facilities, may be established in the zone provided they are sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised... (underlining added)

PDC 1 of the Zone also states:

1 The following forms of development are envisaged in the zone:

- coastal protection works
- conservation works
- interpretive signage and facilities
- tourism/visitor facilities
- tourist accommodation. (underlining added)

Tourist accommodation is clearly an appropriate use within the Coastal Conservation Zone.

Principle of Development Control 12 under Tourism Development states:

PDC 12 Development providing accommodation for tourists should be designed to minimise the potential for buildings to be converted into or used as a dwelling(s) where:

- (a) if the development comprises multiple tourist accommodation units – by ensuring that facilities, access driveways, parking areas, amenities and the like are shared
- (b) if the development involves a single accommodation unit on a site or allotment in the Coastal Conservation Zone, Conservation Zone or Water Protection Zone, one or more of the following characteristics is evident:
 - (i) the structure provides basic shelter and limited internal space (eg cabin, hikers-hut)

- (ii) one or more of the functional areas typically found in a dwelling (eg, laundry, kitchen) is absent
- (iii) the structure is of a temporary or semi-permanent nature.

The proposed tourist accommodation has been deliberately designed as a high-end offering with all the features needed for longer visitor stays. It provides the opportunity to accommodate two families or groups with their own separate kitchens, living areas and bedrooms. It also provides for shared facilities including the courtyard/pool area, main entry and garaging.

It is contended that strict adherence to PDC 12 will greatly reduce the tourist accommodation offerings in key parts of Kangaroo Island such as this where all other relevant provisions of the Development Plan can be satisfied, as is the case with this proposal. In this context, it is contended that limited weight should be placed on this provision.

Principle of Development Control 17 under Tourism Development also states:

PDC 17 Tourism development in rural areas should occur only where it:

- (a) incorporates a separation distance or buffers to avoid conflict with existing rural industries or agriculture or otherwise is designed to overcome the potential impacts associated with the adjoining land use (such as noise, dust, spray drift, odour and traffic)
- (b) will not give rise to demands for infrastructure and services, especially on public lands, that are inappropriate to the purpose of the zone and/or policy area.

The positive performance of the proposed development against this and other similar provisions will be discussed later in this report.

General Siting and Design

Unlike some other areas on Kangaroo Island, the Desired Character statement for the Coastal Conservation Zone does not specifically identify the Middle River area as having either high conservation or high scenic value. Nonetheless, the Desired Character statement provides general direction on the siting of tourist accommodation as follows:

..., the coastal environment plays an important role in Kangaroo Island's economy and the tourist attraction provided by the coastal environment, coastal scenery and abundant wildlife is expected to see growth in visitor numbers that will need to be appropriately managed and catered for. The provision of facilities, including tourist accommodation and recreational facilities, may be established in the zone provided they are sited and designed in a manner that is subservient to the natural and coastal environment and adverse impact on natural features, landscapes, habitats and cultural assets is minimised.

The preference is that tourism development, including any associated access driveways and ancillary structures, be located on cleared areas or areas where environmental improvements can be achieved. Development should be located away from fragile coastal environments and significant habitat or breeding grounds.

In order to reinforce the Island's scenic and landscape experiences, tourism development should maintain a strong visual impression of a sparsely developed or undeveloped coastline from public roads and land-based vantage points.

The design and siting of tourist accommodation should ensure emphasis is given to raising consciousness and appreciation of the natural, rural, coastal and cultural surroundings.

It is envisaged that development is not undertaken on coastal dune systems, tidal wetlands, mangroves, sand dunes or other environmentally sensitive areas... (underlining added)

Other Zone policies also provide direction on the siting of tourist accommodation as follows:

PDC 6 Development should be designed and sited to be compatible with conservation and enhancement of the coastal environment and scenic beauty of the zone.

PDC 7 Development should:

- (a) not adversely impact on the ability to maintain the coastal frontage in a stable and natural condition
- (b) minimise vehicle access points to the area that is the subject of the development
- (c) be landscaped with locally indigenous plant species to enhance the amenity of the area and to screen buildings from public view
- (d) utilise external low reflective materials and finishes that will minimise glare and blend in with the features of the landscape.

PDC 8 Buildings or structures should be unobtrusively located, limited to a height of 6.5 metres above natural ground level, and be of such size and design, including materials and colours, to harmonise and blend naturally with the landscape and natural features of the zone.

PDC 10 Tourism developments in rural areas should be sited and designed to minimise adverse impacts on either of the following:

- (a) the surrounding agricultural production or processing activities
- (b) the natural, cultural or historical setting of the area.

PDC 11 Development should not prejudice the landscape quality and natural bushland of the zone.

PDC 12: Tourist accommodation should complement the natural landscape and be designed in a way that minimises impact on the natural environment. (underlining added)

In addition to these Zone specific policies, there are a number of relevant General Section policies under that are similar in content and intent. Of particular note are Principles of Development Control 3 and 11 under Tourism Development also state:

PDC 3 Tourism development should ensure that its scale, form and location will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality.

As previously discussed in the Siting and Design and Appearance sections, the scale, form and location of the proposed development will not detract from the natural values or character of the surrounding area.

PDC 11 Buildings and structures to accommodate tourists and associated activities should:

- (a) not exceed a building height of 6.5 metres (from natural ground level)
- (b) have a minimum setback of 100 metres from any of the following:
 - (i) public roads or be no closer to a public road than existing buildings on the subject land, whichever is the lesser
 - (ii) adjoining allotment boundaries
 - (iii) the high water mark
 - (iv) cliff facesunless it can be demonstrated that a lesser setback would achieve one or more of the following:
 - (v) will achieve a superior outcome in respect to the requirements of the relevant zone, policy area or precinct than if the minimum setback was applied
 - (vi) would assist in avoiding areas of high value remnant native vegetation

- (vii) would provide a comparatively safer location in respect to exposure to bushfire hazard, including along access roadways**
- (viii) would not result in unacceptable exposure to coastal flood and erosion process or stormwater inundation. (underlining added)**

In terms of the siting of the proposed development, it is to be located on cleared grazing land at the northern end of the subject allotment. This satisfies the Desired Character statement's anticipation of "tourism development, including any associated access driveways and ancillary structures, (to) be located on cleared areas" and "not undertaken on coastal dune systems, tidal wetlands, mangroves, sand dunes or other environmentally sensitive areas". It also satisfies PDC 11 quoted above. Its separation from other nearby development, its 1.65km distance from North Coast Road and its low profile will also "maintain a strong visual impression of a sparsely developed or undeveloped coastline from public roads and land-based vantage points".

The subject land does not have a direct frontage to the coast, with its closest boundary being some 500 metres from the water along King George Beach. In this respect, the proposed development is "located away from fragile coastal environments" and also satisfies PDC 7 quoted above.

The proposed tourist accommodation building is setback closer to adjoining allotment boundaries (at 20 metres to the west and 80 metres to the east) than the 100m guideline in PDC 11. Only grazing activities, however, are conducted on these adjacent properties. No adverse impacts are expected on either the tourist accommodation or the adjoining activities as a result of location of the tourist accommodation on the site. A key consideration in selecting this site for the building is that it provides immediate views over the adjacent rural lands and native vegetation and more distant views of the coast and ocean. These views are important to the success of the tourist accommodation and in increasing appreciation of the natural, rural and coastal surrounds.

From a design perspective, the proposed building is single storey with a 3.6m roof ridgeline. The roof is essentially flat to minimise the profile of the building, with a minimal 1 degree pitch on either side of the ridgeline.

The proposed site works result in approximately 1.3 metres of fill near the south western corner of the building (the tallest area of filling proposed), resulting in an overall roof ridgeline height of approximately 4.9 metres above natural ground level. The building height is therefore well below the maximum 6.5 metres height above natural ground level as sought in PDC 8.

With approximate dimensions of 28m by 31m, the built footprint of the tourist accommodation occupies some 852m² including the double garage, internal courtyard, pool and alfresco dining area. This is modest in size when compared to the 442,200m² allotment it sits on and the substantial boundary setbacks.

Proposed building materials include:

- Maxline roof cladding (Australian Colorbond Steel) and capping in Monument finish (a deep charcoal grey)
- Blackbutt hardwood timber cladding to some wall sections, panel lift garage door, operable batten screen and double entry
- In-situ formed concrete wall panels
- Stacked bluestone courtyard walls

- Matte black aluminium sliding doors and window systems
- Concrete panel chimneys with custom black cowls.

These materials and colours are of a low reflective nature and will harmonise/blend with the landscape and natural features of the Coastal Conservation Zone (see PDC 8 above).

The existing internal access track running generally along the eastern boundary of the land is to be used to provide vehicular access to the tourist accommodation. It will be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS/other emergency vehicles and will not require the removal of any trees. The existing vehicle access point to North Coast Road will remain.

Additionally, the location of the tourist accommodation will not affect the continuation of grazing activities on the land or grazing and cropping activities on the adjacent lands in accordance with PDC 10.

Catering for the “high end” of the tourist accommodation market that seeks an environmentally connected and sensitive experience, the proposal has been sited to ensure it is subservient to the broader natural and coastal environment. It is of a scale, form and location that will not overwhelm, over commercialise or detract from the intrinsic natural values of the land on which it is sited or the character of its locality as anticipated by PDC 3 quoted above.

Siting in Relation to White-Bellied Sea Eagles

The proposed tourist accommodation is located approximately 1.5km of the nest of breeding pair of White-bellied Sea-eagles (WBSE). Given that this is within 2km a risk assessment has been conducted by EBS Ecology on behalf of the proponent to determine the potential for adverse impacts on the nest success of the WBSE (copy attached).

EBS Ecology has determined that the proposed development is expected to have a low-to moderate impact on the WBSE on the basis that:

- The proposed development is located 1.5 km from the nest;
- There is no line-of-sight from the WBSE nest to the proposed development;
- There is screening vegetation and hills between the proposed development and WBSE nest;
- There may be un-restricted movements by visitors and contractors that may disturb nesting WBSE; and
- Noise generated by machinery during construction may be audible by the breeding WBSE.

It is understood that this level of impact can be reduced even further via the implementation of mitigation and management measures. These measures include:

- A Visitor Management Plan that, for example, controls the movement of people closer to the nest than the proposed development particularly during breeding season; and
- A Native Flora Revegetation Plan that will focus on increasing the biodiversity values of the area and increase the vegetative barrier between the WBSE nest and the proposed tourist development. Re-vegetation proposed around the building site will also further reduce the visual impact of the building.

It is proposed that these additional mitigation plans be required via conditions of consent/reserved matters once there is greater clarity as to the acceptability of the proposed development more generally i.e. as part of the Development Plan Consent.

Bushfire Risk

The subject land is situated within a High Bushfire Risk Area as indicated on Bushfire Protection Area BPA Map KI/2 Bushfire Risk.

Relevant policies under General Section Hazards include:

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

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

PDC 1 Development should:

- (a) be excluded from areas that are vulnerable to, and cannot be adequately and effectively protected from, the risk of natural hazards
- (b) be sited, designed and undertaken with appropriate precautions being taken against fire, flood, ...

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

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

- (a) vegetation cover comprising trees and/or shrubs
- (b) poor access
- (c) rugged terrain
- (d) inability to provide an adequate building protection zone
- (e) inability to provide an adequate supply of water for fire-fighting purposes.

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

- (a) be sited on the flatter portion of allotments and avoid steep slopes, especially upper slopes, narrow ridge crests and the tops of narrow gullies, and slopes with a northerly or westerly aspect
- (b) be sited in areas with low bushfire hazard vegetation and set back at least 20 metres from existing hazardous vegetation
- (c) have a dedicated and accessible water supply available at all times for fire fighting.

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

PDC 14 Vehicle access and driveways to properties and public roads created by land division should be designed and constructed to:

- (a) facilitate safe and effective operational use for fire-fighting and other emergency vehicles and residents
- (b) provide for two-way vehicular access between areas of fire risk and the nearest public road.
(underlining added)

Conscious of the numerous guidelines relevant to bushfire protection listed above, informal pre-lodgement consultation was undertaken with the CFS. The CFS comments/recommendations have been taken into account as indicated on the Plan – CFS which shows:

- A 20m wide Asset Protection Zone around the tourist accommodation building;
- A 95,500 litre steel water storage tank located adjacent to the tourist accommodation building to service the development. Of this capacity, 22,000 litres will be provided as a dedicated and accessible water supply for fire-fighting purposes;

- A fire-fighting outlet to be provided in accordance with AS3959;
- The existing internal access track, running generally along the eastern boundary of the land, is to provide access to the tourist accommodation site. It is to be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS and other emergency vehicles. It will be 3 metres in width, with 6 metres wide x 17 metres long passing bays located every 200 metres along its' length (in accordance with the Minister's Specification SA78).

It is contended that these key design features satisfy the relevant provisions of the Development Plan listed above.

Natural Resources

Relevant policies under the Natural Resources General Section relate to water sensitive urban design, disturbance to natural landforms, stormwater management, native vegetation and erosion are as follows:

Objective 5 Development consistent with the principles of water sensitive design.

PDC 7 Development should be sited and designed to:

- (a) capture and re-use stormwater, where practical
- (b) minimise surface water runoff

Objective 6 Development sited and designed to:

- (b) achieve the sustainable use of water
- (f) maximise the harvest and use of stormwater

PDC 14 Stormwater management systems should:

- (a) maximise the potential for stormwater harvesting and re-use, either on-site or as close as practicable to the source
- (b) utilise, but not be limited to, one or more of the following harvesting methods:
 - (i) the collection of roof water in tanks
 - (ii) the discharge to open space, landscaping or garden areas, ... (underlining added)

Rainwater from roof catchment will be pumped uphill and stored on site in Aquamate Steel 95,500 Litre Maxi Tank. The Rainwater will be gravity fed to the tourist accommodation for use, satisfying the key provisions quoted above.

Objective 10 Minimal disturbance and modification of the natural landform.

PDC 38 Development should be designed and sited to prevent erosion.

PDC 39 Development should take place in a manner that will minimise alteration to the existing landform.
(underlining added)

As described earlier, the proposed site works result in approximately 1.3 metres of fill near the south western corner of the building (the tallest area of filling proposed). This approach minimises alteration to the existing landform and with reasonably prevent soil erosion as anticipated in the provisions quoted above.

PDC 2 Tourism development and any associated activities should not damage or degrade any significant natural and cultural features.

Objective 13 Protection of the scenic qualities of natural and rural landscapes.

PDC 27 Development should retain existing areas of native vegetation and where possible contribute to revegetation using locally indigenous plant species. (underlining added)

Detailed discussion of how the proposed development sits comfortably in this predominantly rural landscape has been provided previously. In short, the building results in no native vegetation being removed and is a flat roofed/single storey structure. It is also intended to undertake revegetation on the site as part of minimising impact on the WBSE next approximately 1.5km away (it is requested that the detailed revegetation plan be required as part of a condition of consent/reserved matter).

Access and Parking

Relevant policies under the Transportation and Access General Section relate to access as follows:

Objective 2 Development that:

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

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

- (a) avoids unreasonable interference with the flow of traffic on adjoining roads
- (b) accommodates the type and volume of traffic likely to be generated by the development or land use
- (c) is sited and designed to minimise any adverse impacts on the occupants of and visitors to neighbouring properties.

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

- (a) follow the natural contours of the land
- (b) minimise excavation and/or fill
- (c) minimise the potential for erosion from run-off
- (d) avoid the removal of existing vegetation
- (e) be consistent with Australian Standard AS 2890 Parking facilities.

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

PDC 36 Parking areas should be sealed or paved in order to minimise dust and mud nuisance. (underlining added)

Access to the subject land from North Coast Road remains unchanged, with the land having a 10 metre frontage to that road.

As the proposal is for high end tourist accommodation generally catering for up to 10 persons, the volume of traffic likely to be generated is reliant on market conditions and is expected to be low and sporadic.

The existing internal access track running generally along the eastern boundary of the land is to be used to provide access to the tourist accommodation site.

The access track is to be upgraded to an all-weather compacted rubble track suitable for use by visitors and CFS and other emergency vehicles. No vegetation clearance is required for this resurfacing work.

A two-vehicle carport is to be provided in the built form. Additional parking will be available on the compacted rubble area located on the eastern side of the building. Given the large size of the allotment (442,200m²), additional car parking can be provided if required.

The proposed development satisfies the relevant provisions quoted above.

Infrastructure

Relevant policies under the Infrastructure General Section relate to infrastructure provision, including wastewater management and access are as follows:

PDC 1 Development should not occur without the provision of adequate utilities and services, including:

- (a) electricity supply
- (b) water supply
- (c) drainage and stormwater systems
- (d) waste disposal
- (e) effluent disposal systems
- (f) formed all-weather public roads
- (g) telecommunications services

PDC 6 In areas where no reticulated water supply is available, buildings whose usage is reliant on a water supply should be equipped with an adequate and reliable on-site water storage system.

PDC 9 Utilities and services, including access roads and tracks, should be sited on areas already cleared of native vegetation. If this is not possible, their siting should cause minimal interference or disturbance to existing native vegetation and biodiversity. (underlining added)

The proposed development satisfies these provisions in the following respects:

- Rainwater from roof catchment will be pumped uphill and stored on site in Aquamate Steel 95,500 Litre Maxi Tank. The Rainwater will be gravity fed to the tourist accommodation for use.
- Electricity will be provided by a combination of mains and solar power.
- Waste / Green Waste / Recycling Waste Bins will be provided in the services courtyard for visitors. These will be managed by cleaning staff educated on appropriate disposal methods.
- Ron Selth & Associates Pty. Ltd. have been engaged and will provide engineering for an on-site effluent disposal system involving a concrete septic tank and soakage trench.
- Driveway resurfacing has been described earlier in this report.
- There is on-site NBN connection.
- None of the infrastructure proposed will impact on native vegetation or biodiversity.

Conclusions

The proposed tourist accommodation has substantial planning merit for the following reasons:

- Tourist accommodation is a clearly envisaged land use in the Coastal Conservation Zone.
- The natural and rural landscape character of the site will be retained.
- The proposal is single storey and flat roofed, integrating into the natural slope of the land.
- The proposal does not require the removal of any native vegetation.
- The proposal will be suitably setback from allotment boundaries and the coast, and will not have a negative impact on the continuing operation of adjoining grazing.
- The proposal will involve the re-vegetation of the wider area around the building.
- The proposal will have a wastewater system that will comply with the relevant public and environmental health legislation.
- The CFS has no objection to the proposal and was involved in the siting of the proposal.
- The proposal can be serviced with appropriate infrastructure, including vehicle access.

In this context, Development Plan Consent for the proposed tourist accommodation is considered warranted.

Please call me if you have any questions on 8333 7999.

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Rolfe', with a large, sweeping loop at the end.

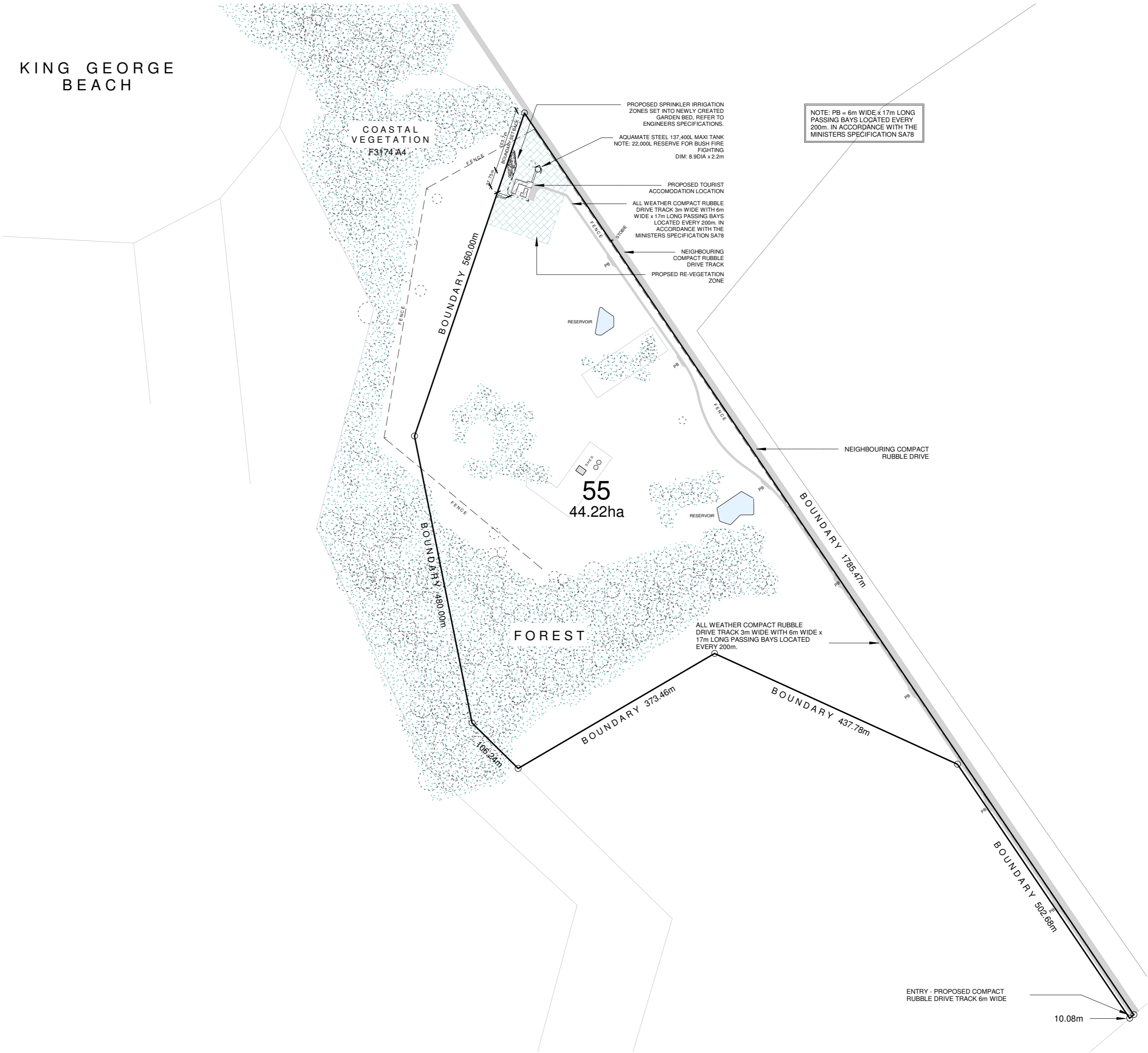
Marcus Rolfe MPA (Fellow)
Managing Director

HAWKS NEST HOUSE

DRAWING LIST

NO.	DRAWING
A-000	PLAN - LOCATION
A-001	PLAN - SITE
A-002	PLAN - CFS
A-100	PLAN - GROUND
A-102	PLAN - PLUMBING
A-200	ELEVATIONS

KING GEORGE
BEACH



S SITE - LOCATION PLAN
A-200 1 : 5000



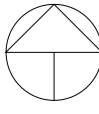
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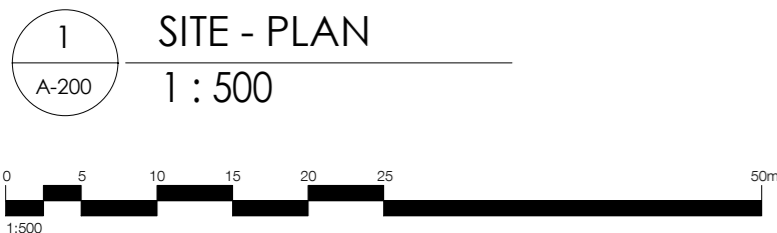
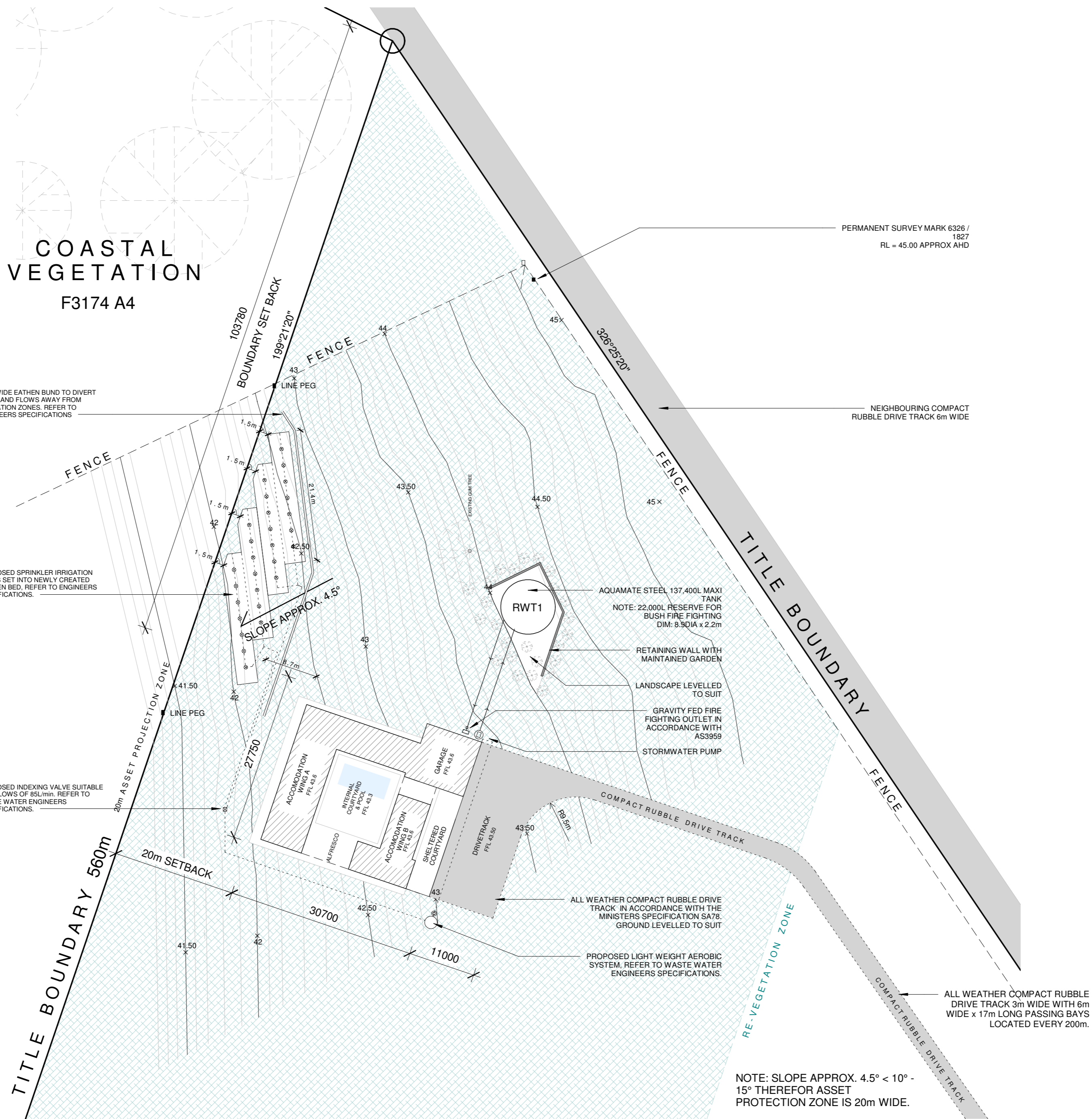
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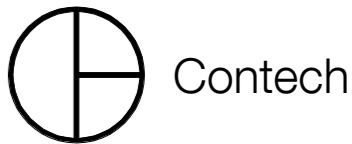
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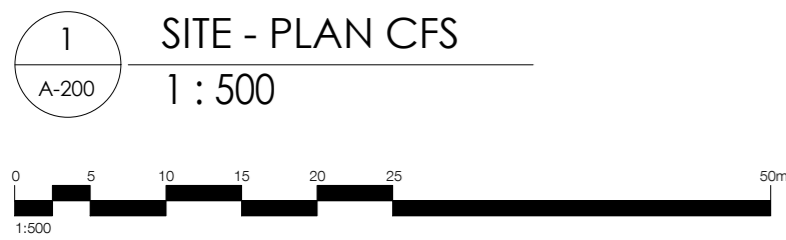
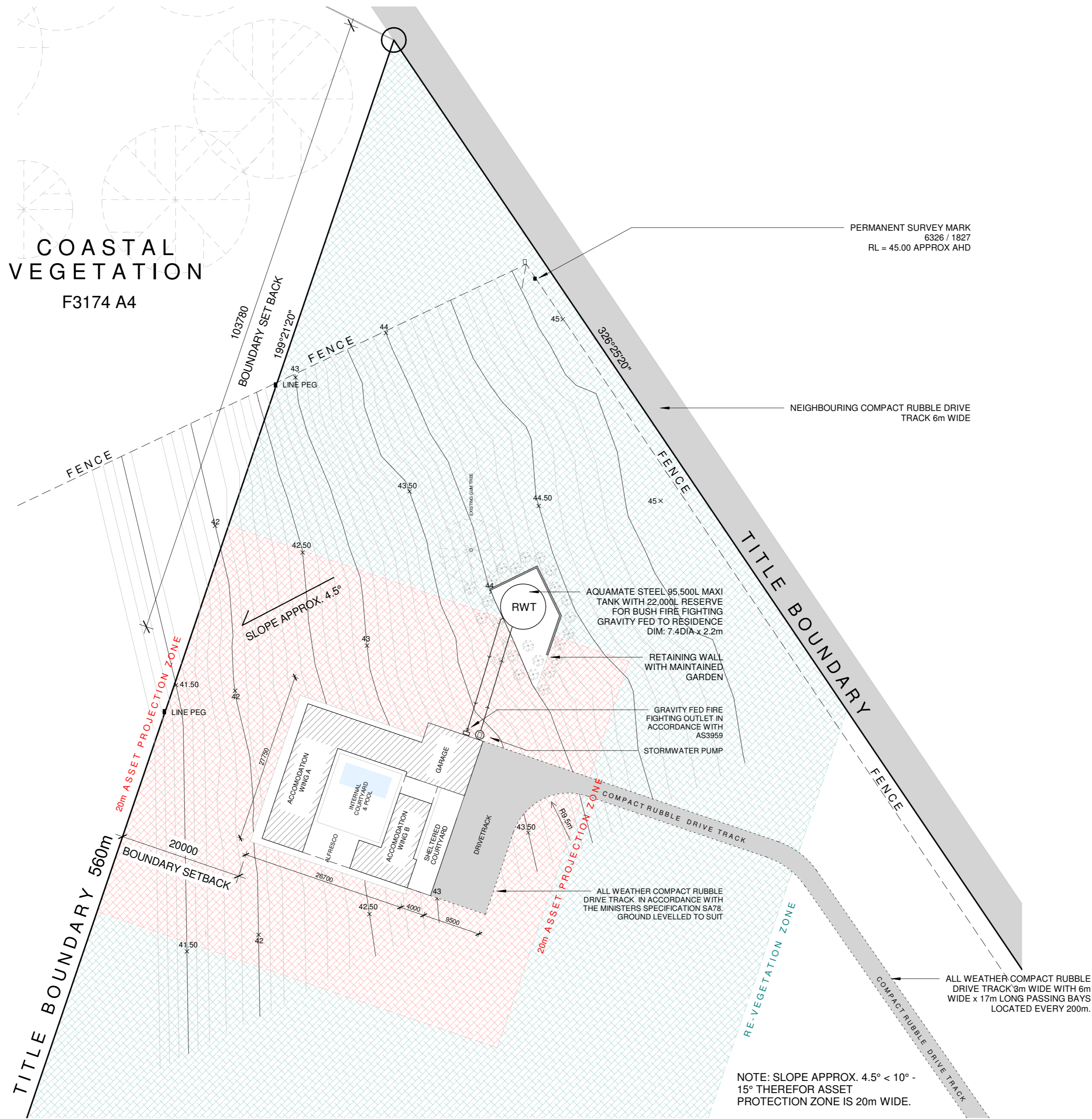
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PLAN - SITE

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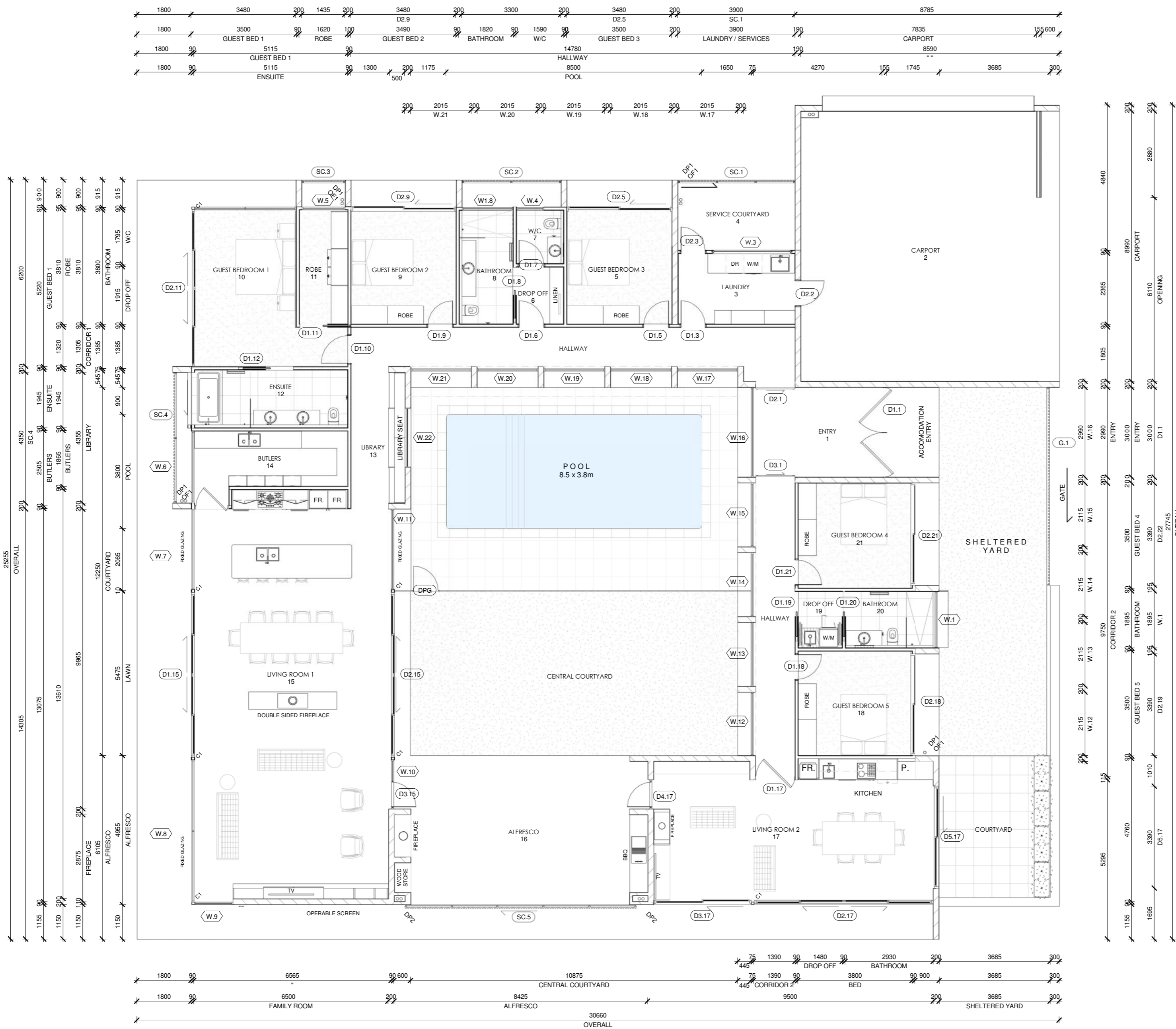
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501

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1 : 500@A2

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A-002

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PROGRAM BREAKDOWN APPROXIMATE AREAS	
ZONE	m2
SITE AREA	N/A
TOTAL SLAB AREA	590m2
TOTAL INTERNAL AREA	405m2
INTERNAL COURTYARD	151m2
OUTDOOR ENTERTAINMENT	41m2
SHELTERED COURTYARD	62m2
ACCOMODATION A (TOTAL)	297m2
WET AREAS	18m2
LAUNDRY	9.4m2
BUTLERS / CELLAR	10.5m2
KITCHEN	11m2
GARAGE	70m2
BEDROOMS	54m2
FAMILY ROOM	84m2
ACCOMODATION B (TOTAL)	93m2
WET AREAS	5.6m2
KITCHEN	3.5m2
BEDROOMS	27m2
FAMILY ROOM	43m2
ENTRY POD	13m2

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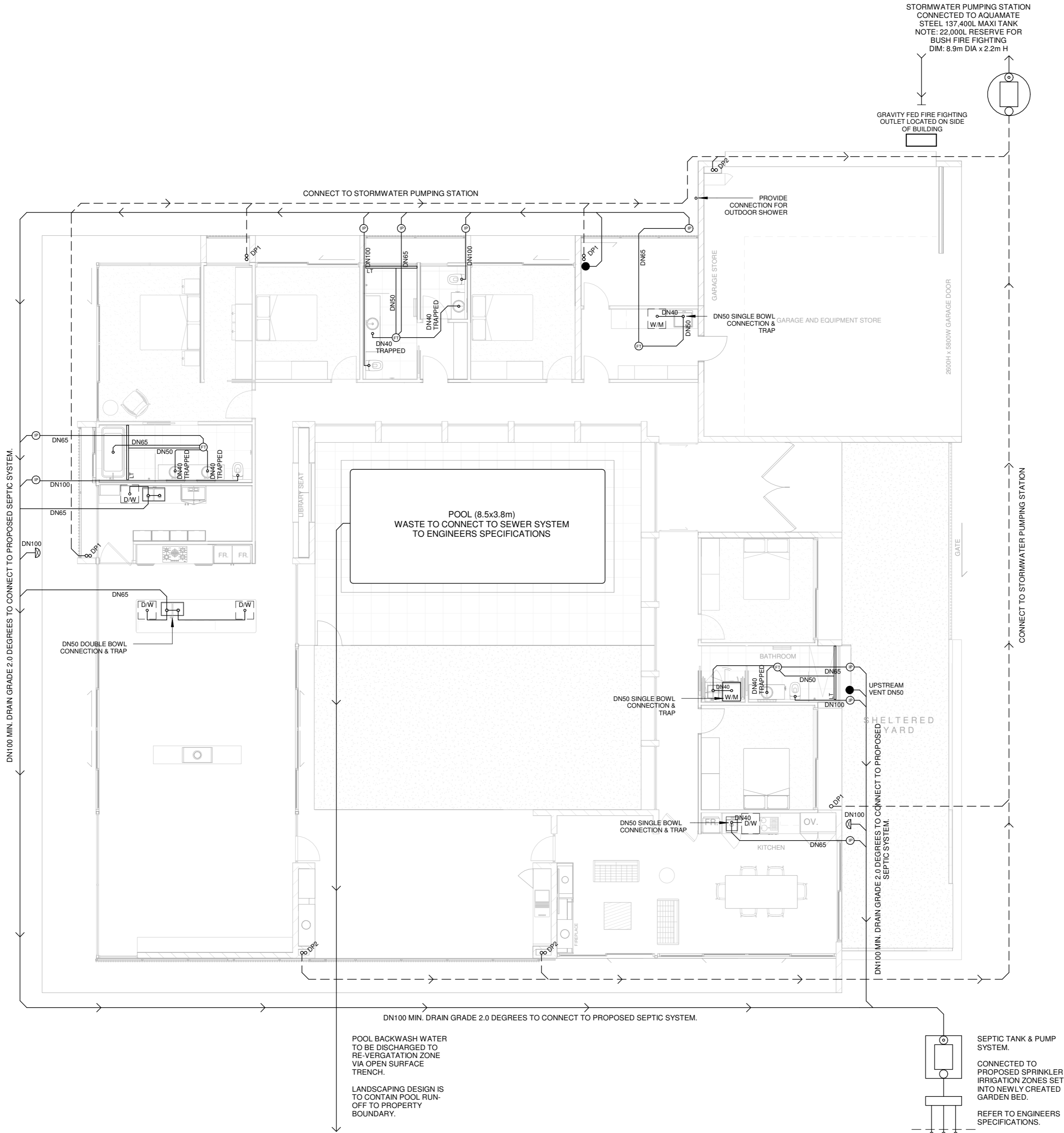
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LEGEND

ITEM	DETAILS
HYDRAULICS	
	SEWER DRAIN
	STORMWATER DRAIN
	GAS
	INSPECTION POINT
	FLOOR TRAP
	VENT
	OVERFLOW RELIEF GULLY
	GARDEN TAP
	STACK
	GAS OUTLET
	STORM WATER COLLECTION BOX
	RISER
	GAS CYLINDER

*ALL ITEMS MAY NOT APPEAR ON DRAWING

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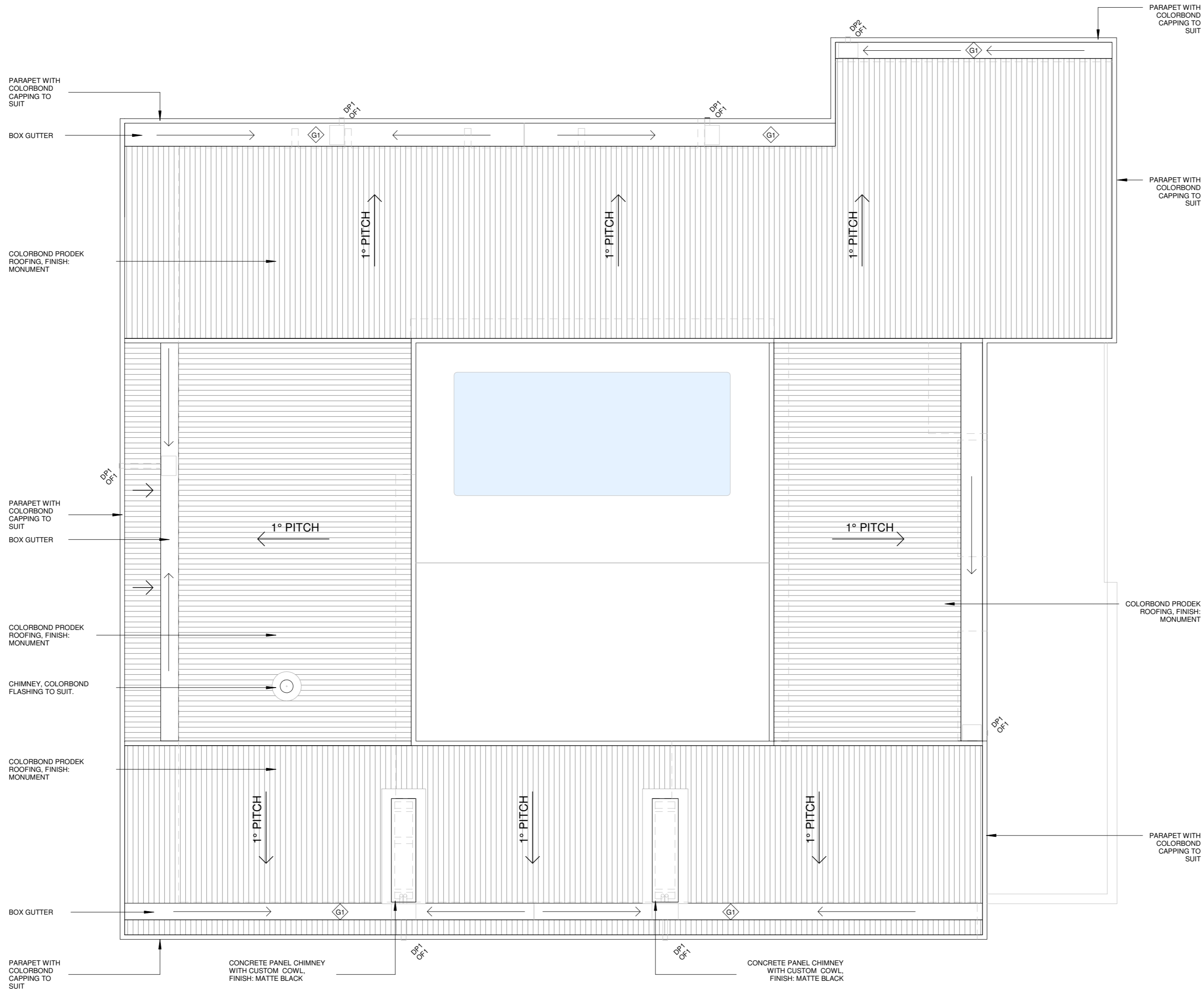
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A-300

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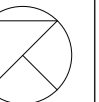
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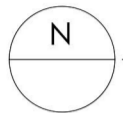
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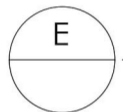
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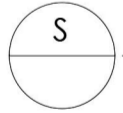
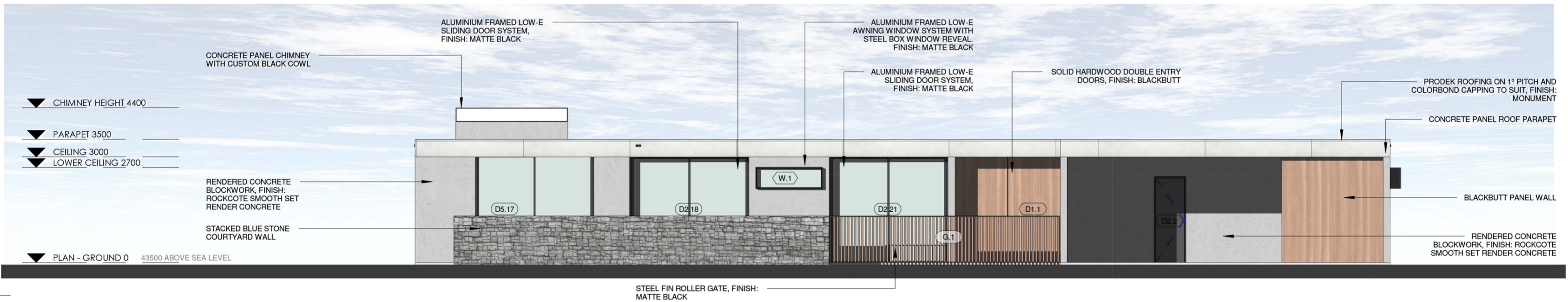
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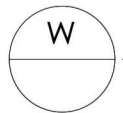
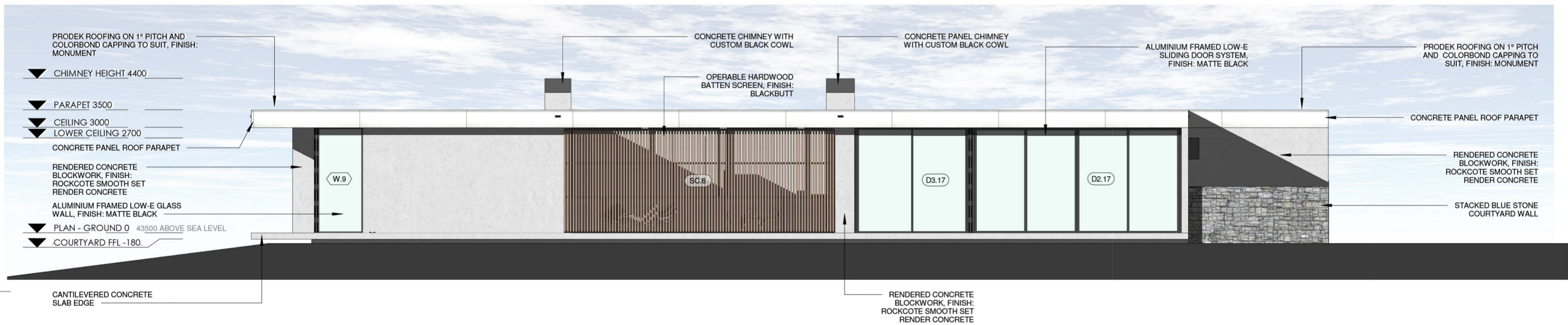
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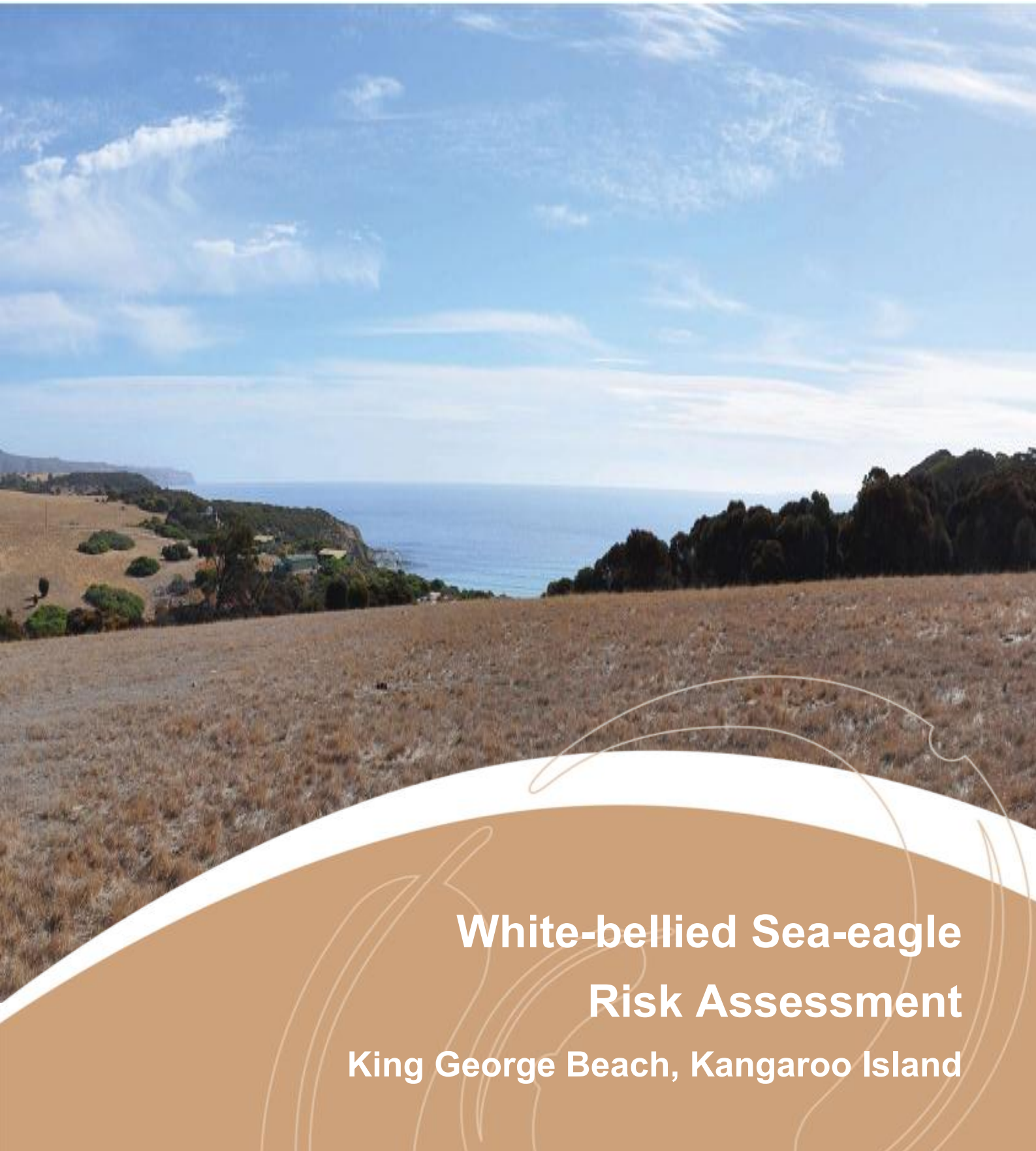
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**White-bellied Sea-eagle
Risk Assessment**
King George Beach, Kangaroo Island

White-bellied Sea-eagle Risk Assessment King George Beach, Kangaroo Island

25 October 2018

Version 3 – Final Report

Prepared by EBS Ecology for Contech

Document Control					
Revision No.	Date issued	Authors	Reviewed by	Date Reviewed	Revision type
1	10/10/2018	Dr M. Louter	G. Oerman	10/10/2018	Draft
2	22/10/2018	Dr M. Louter	-	-	Final V1
3	25/10/2018	Dr M. Louter	G. Oerman		Final V2

Distribution of Copies			
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3	25/10/2018	Electronic	Ben Klingberg, Contech Architecture + Construction

EBS Ecology Project Number: E80804

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CITATION: EBS Ecology (2018) White-bellied Sea-eagle Risk Assessment King George Beach, Kangaroo Island. Report to Contech. EBS Ecology, Adelaide.

Cover photograph: Location of the proposed development, facing west (imagery provided by the proponent).

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GLOSSARY AND ABBREVIATION OF TERMS

EBS	EBS Ecology Pty Ltd
E/EN	Endangered
EPBC Act	<i>Environment Protection Biodiversity Conservation Act 1999</i>
KI	Kangaroo Island
NPW Act	<i>National Parks and Wildlife Act 1972</i>
WBSE	White-bellied Sea-Eagle

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1 INTRODUCTION

EBS Ecology Pty Ltd (EBS) was engaged by Contech to determine the risk of the construction and operation of a proposed tourist accommodation facility at Lot 55 North Coast Road (Rd), Kangaroo Island (KI) ('the Project') on a breeding pair of White-bellied Sea-eagles (*Haliaeetus leucogaster*) nesting within 2 km. Therefore, a risk assessment was conducted to determine the potential for adverse impacts on the nest success of the WBSE breeding pair caused by the Project.

The general area of interest (the 'Study area') for the risk assessment is depicted in Figure 1. The area proposed for development (the 'Project area') is located on Lot 55 North Coast Rd, Kangaroo Island (KI), which overlooks King George beach (Figure 2). The distance from the Project area to the beach is approximately 500 m. A total of four existing houses are located approximately 100 m from the beach (Figure 1).

The Project area is located upon land cleared of native vegetation at an elevation of approximately 40 m above sea level, which provides an unobstructed view of the beach. King George creek passes to the west of the Project area and terminates at sea. Native vegetation surrounding the Project area is primarily restricted to areas bordering the creek and is comprised of Mallee and Allocasuarina forests and woodlands (DEW 2018).

1.1 Objectives

The overall aim of the risk assessment was to assess whether the proposed development of a tourist accommodation facility would have negative implications for resident White-bellied Sea Eagles that have established territories or important foraging habitat in the area.

The specific objectives of this report were to (1) determine the level of risk of the proposed development to the nesting success of a pair of WBSE which nest at a location nearby, and (2) to provide management and mitigation measures to reduce the potential risk of nest failure.

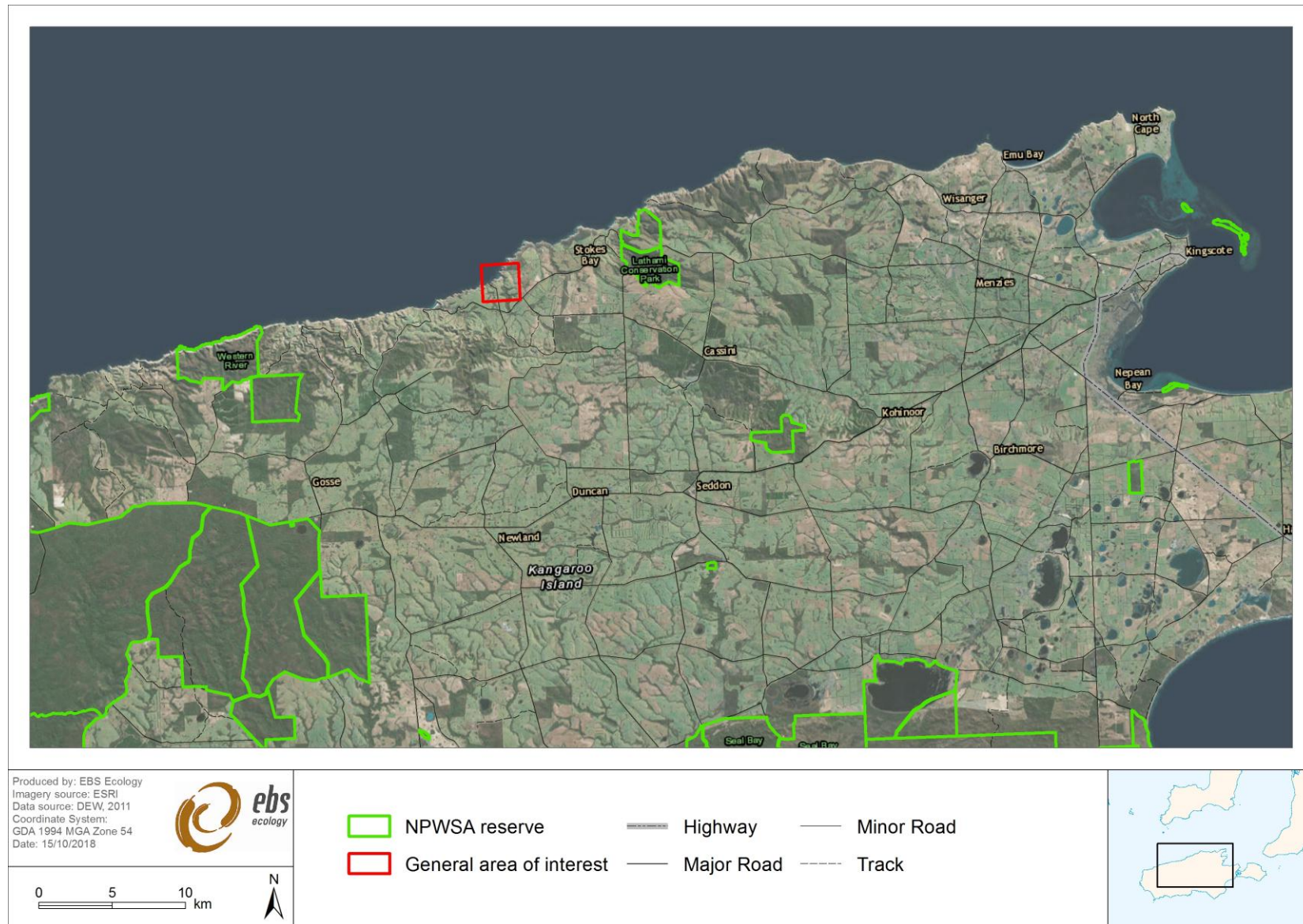


Figure 1. The location of the Study area near King George beach on Kangaroo Island, South Australia.

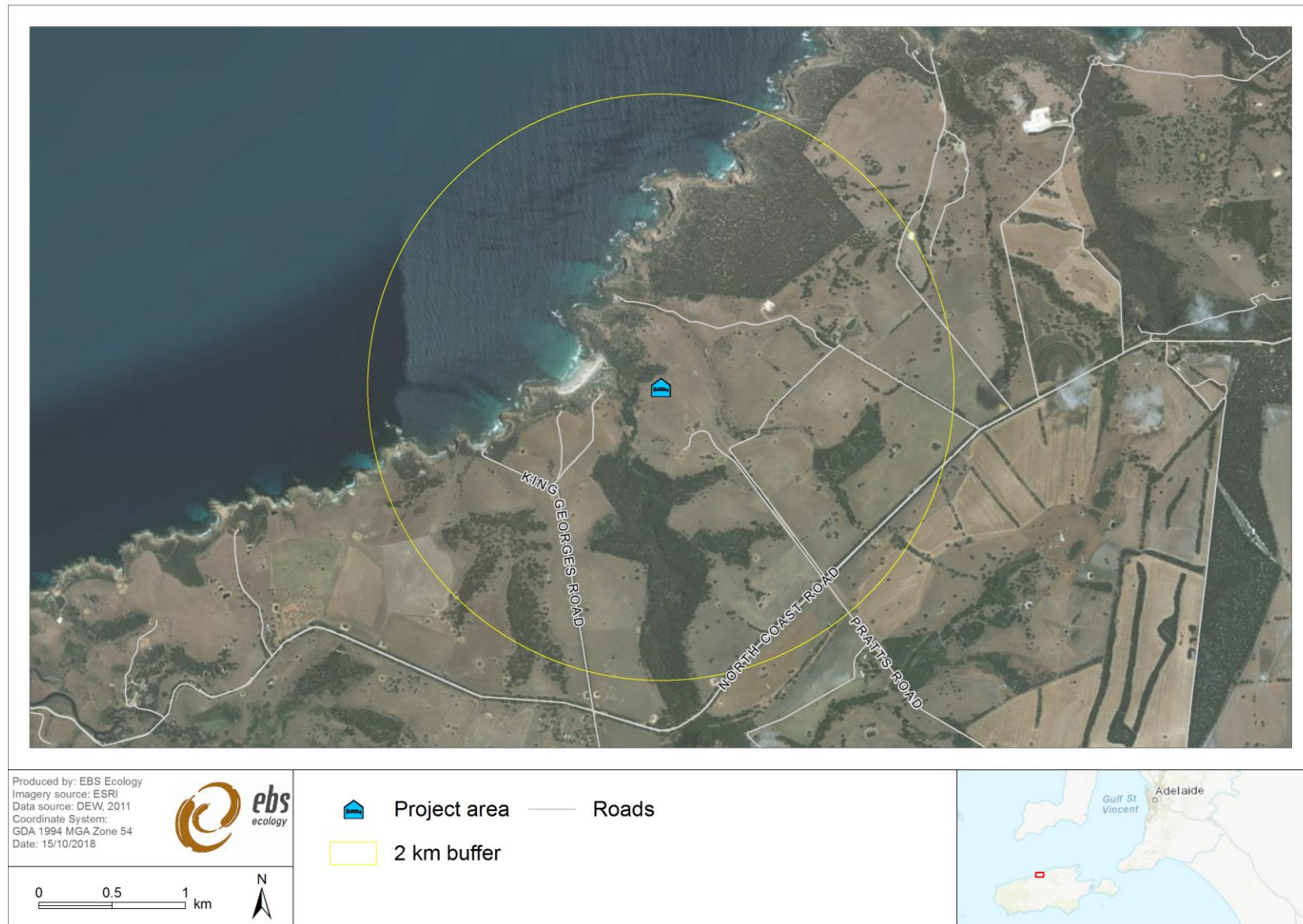


Figure 2. The proposed Project area on Kangaroo Island, South Australia.

2 SPECIES PROFILE

2.1 Conservation Status

The White-bellied Sea-Eagle (WBSE) (*Haliaeetus leucogaster*) is listed as 'marine' (M) under the *Environment Protection Biodiversity Conservation Act 1999* (EPBC Act) and listed as Endangered (E) under the *National Parks and Wildlife Act 1972* (NPW Act) (South Australia). Species listed as marine under the EPBC Act are afforded specific protection within Commonwealth marine areas. It is an offence to kill, injure, take or trade listed marine species in or on a Commonwealth area unless permitted to do so by the Minister of Environment. Species listed as Endangered under the NPW Act face a high risk of extinction. The WBSE is listed as Endangered due to a decline in their small population (250 individuals), which is linked with increasing human activity in coastal areas (Dennis *et al.* 2011a).

2.2 Ecology

2.2.1 Distribution and habitat

The WBSE is a large raptor (70-90 cm) that is distributed over the Australian coastline and along major rivers, including offshore islands (Pizzey and Knight 2014). WBSEs are long lived, take many years to mature and defend specific territories centred around favoured nest and roost sites, which can be used for successive generations (Dennis *et al.* 2015). Habitats used by the species require the presence of large areas of open water, and therefore include large river, swamps, lakes, seas and estuaries (Pizzey and Knight 2014). WBSEs generally forage over large expanses of open water; this is particularly true of birds that occur in coastal environments, where they forage over in-shore waters (Marchant and Higgins 1993; Smith 1985). Within these habitats, the species primarily forages on aquatic fauna, including fish, turtles; however, will also consume birds and mammals (Birdlife Australia 2018). WBSE's are relatively abundant in northern Australia; however, drastic declines of this species have occurred across South Australia due to landscape scale changes of its coastal habitat (Dennis *et al.* 2011a). South Australia has a small and isolated population of the species with about 70-80 pairs, mostly occurring on offshore Islands (Dennis *et al.* 2015). Kangaroo Island contains a significant proportion of this known population, with 26.4% of the states known population located across 18 occupied territories (Dennis *et al.* 2011b).

2.2.2 Breeding biology

WBSE breeding pairs have several guard roosts in the vicinity of their nesting territory where they spend considerable amounts of the day. These guard roosts are utilised for hunting, observing approaching predators and for territorial defence. Guard roosts are always within line-of-sight of the nest but can be as far as 800 m away from the nest (Dennis *et al.* 2015).

In South Australia, the WBSE breeding season commences in mid-April, when courting behaviours become more frequent. By mid-May, these courting behaviours include stick carrying flights and nest repairs. Throughout June, stick carrying flights and nest repairs continue, and pairs spend greater amounts of time within their core territory and attend the nest every day. Egg laying predominantly occurs in July; however, can occur from June to August (Table 1). The breeding season and egg laying

dates were not found to differ between WBSEs breeding on the Fleurieu Peninsula, Kangaroo Island, Eyre Peninsula and the Murray River. Overall, the time from egg hatching to fledging was 80-88 days.

Table 1. Diagrammatical representation of 75 WBSE breeding season (laying to fledgling) events in South Australia between 1960 and 2011. The symbol '↔' represents one or more hatching period (week) and 'n' is the number of territories sampled (Dennis *et al.* 2012).

Year	n	June	July	August	September	October	November	December	January			
1960	1				↔							
1969	1				↔							
1974	1				↔							
1985	4			↔ ↔	↔							
1986	8			↔ ↔ ↔	↔ ↔ ↔							
1987	5			↔ ↔ ↔	↔							
1988	4			↔ ↔	↔							
1989	9			↔ ↔ ↔ ↔	↔ ↔							
1990	4			↔ ↔	↔ ↔							
1991	7			↔ ↔ ↔ ↔	↔ ↔							
1992	5			↔ ↔	↔ ↔							
1993	5			↔ ↔	↔ ↔							
1994	7			↔ ↔	↔ ↔							
1996	2				↔							
1999	4			↔ ↔	↔							
2004	1			↔								
2005	2			↔	↔							
2008	2			↔		↔						
2009	1				↔							
2010	1			↔								
2011	1			↔								
No. of egg-laying events/weeks		1	7	8	21	11	8	5	4	4	4	2

2.2.3 Anthropogenic threats to WBSE

Increased human activity in coastal areas has caused the decline of the WBSE population in South Australia, which is now estimated to be 250 individuals (Dennis *et al.* 2011a). Unlike other areas of Australia, the majority of South Australian WBSE nests and guard roosts are on isolated and open cliffs devoid of major vegetation (Dennis *et al.* 2015). In these exposed locations, nests and guard roosts can be easily disturbed from a greater distance than if they were located in more vegetated habitats (Dennis *et al.* 2011a). In South Australia WBSE nests are usually located below the tops of cliffs, which are prone to disturbance from above, which could increase the disturbance to the nesting pair (Dennis *et al.* 2012). WBSEs are sensitive to human related disturbances at critical times of their breeding cycle and human disturbance has been attributed to many nest failures and territory desertions (Dennis *et al.* 2015). The level of sensitivity of WBSEs to disturbance over the breeding season is described in Table 2. The mere approach of a person, within line-of-sight of a nest at a critical nesting time, could have negative implications for a nesting pair (T. Dennis, *Pers. Comm.* 2016).

A long-term study of WBSEs on Kangaroo Island identified a negative relationship between human activity and nest productivity (Dennis *et al.* 2011b). Dennis *et al.* (2011b) compared several nesting success parameters between low disturbance sites, moderate and high disturbance sites and determined that high disturbance nests fledged fewer young (0.36 per year vs 0.94 per year) and less often (every 2.9 years vs every 1.5 years). In addition to this, high disturbance nests had higher failure rates (46% of nests vs 13% of nests) and rarely fledged more than one young (4% of nests vs 31% of nests).

The impact of disturbance on breeding WBSEs changes over the breeding season. The most sensitive period occurs from May to June, in the courtship and nest building and repair phase, when disturbance is likely to cause nest abandonment. Sensitivity remains very high from July to mid-September (egg-laying, incubation and early nesting period), during which disturbance may cause nest desertion or the flushing of adults, leaving eggs and nestlings at risk of predation and exposed to thermal stresses. The sensitivity to disturbance reduces from mid-September to mid-December (nestling and advanced nestling period) as the risk of nest abandonment and vulnerability of young decreases towards the end of the breeding season. However, nesting success may still be impacted during this period, as the flushing of adults can reduce the frequency at which nestlings are fed and exposed the nestlings to predation risk. In addition to this, approaches to the nest may cause large nestlings to become stressed and pre-maturely leave the nest, which increases the risk of mortality.

Table 2. Phases and timing of the White-bellied Sea Eagle breeding season in South Australia and likely levels of sensitivity to disturbance for each (Dennis *et al.* 2015).

Activity phase	Time-frame	Sensitivity	Potential impacts
Courtship and nest building and repair	May and June	Most sensitive period	Disturbance is likely to cause abandonment of nest and breeding attempts, particularly in newly established territories
Egg-laying and early incubation	July	Very sensitive	Human activity of even limited duration within the core territory may cause nest desertion for the season.
Incubation and early nesting period	Late July to mid-September	Very sensitive	Flushed adults leave eggs or small young vulnerable to predation and exposure (e.g. dehydration, hypothermia or heat stress).
Nestling period, 4-8 weeks	Mid-September to mid-October	Moderately sensitive	Risk of nest abandonment and vulnerability of young to prolonged exposure decreases; missed feedings may affect survival
Advanced nestling period, >9 weeks	Mid-October to mid-December	Moderately sensitive	Nestlings >9 weeks may flush from the nest if approached closely and subsequently perish

3 RISK ANALYSIS

The risk analysis has been based upon the criteria used to classify the level of human disturbance to White-bellied Sea-eagle nest sites as developed by Dennis *et al.* 2011b (Table 3). The risk parameters associated with the construction and operation of this Project were measured against the criteria in Table 3. Overall, of the six risk parameters measured, five risk parameters were determined to have a Low disturbance level, while one risk parameter had a Moderate disturbance level (Table 4). Unrestricted movements by visitors and contractors closer than 1000 m of the nest was the risk parameter considered to have a Moderate disturbance level. With appropriate management actions, this risk parameter can be addressed, and the risk level reduced to Low. Recommendations for reducing the risk of unrestricted movements by visitors are provided in Section 4.

Table 3. Criteria used to classify White-bellied Sea-Eagle nesting sites for levels of human disturbance during the breeding season (May – January) (Dennis *et al.* 2011b).

	Low	Moderate	High
A	No road, track or walking trail within 1000 m of nest	A minor road or bush track 500-1000 m from nest	Road, track or walking trail <500 m from nest
B	Little or no recreational activity (fishing, surfing, bushwalking, hunting) or industry (commercial tourism, timber or brush cutting, agriculture or aquaculture) within sight of primary nest during breeding season and rarely or never within 1000 m	Human activity may periodically occur within sight of nest during breeding season, 500-1000 m, distant	Human activity frequently occurs within sight of nest during breeding season and often within 500 m
C	Surrounding landscape has natural vegetation cover not modified by land treatments	Surrounding landscape may be partially modified by grazing or occasional burning	Surrounding landscape appreciably modified, e.g. natural vegetation largely cleared or regularly burnt
D	Nest difficult to locate without specific knowledge, location may be known to only a few individuals	Nest may be seen from track or sea, but considerable effort required to reach it; location not generally known	Nest is readily visible from road, track or sea; access requires little effort; location is generally known

Table 4. Criteria relevant to the Project and their associated level of disturbance to the breeding pair of WBSEs.

	Risk parameter	Criteria assessed	Level of disturbance (Without management)	Level of disturbance (With management)
1	Project area is located 1.5 km from the nest	A	Low	Low
2	No line-of-sight from the nest to the Project area (see Figure 3 to Figure 6 below) and there is a landform, vegetation screen, and multiple cliff sides in between the nest location and the proposed development.	A	Low	Low
3	Presence of screening vegetation and hills between the Project area and nest	C	Low	Low
4	The nest is difficult to locate without specific knowledge of its location	D	Low	Low
5	Unrestricted movements by visitors and contractors closer than 1000 m of the nest	B	Moderate	Low
6	Noise generated by machinery during construction may be audible by the breeding WBSE pair	B	Low	Low



Figure 3. The location of the Project area looking out North (*Image provided by Contech*).



Figure 4. The location of the Project area looking out East (*Image provided by Contech*).



Figure 5. The location of the Project area looking out South-West (*Image provided by Contech*).



Figure 6. The location of the Project area looking out West (*Image provided by Contech*).

4 RECOMMENDATIONS

EBS has devised the following recommendations for the protection of White-bellied Sea-eagles within the Project area (Table 5). The recommendations presented in Table 5 will be further elaborated upon within a Visitor Management Plan and Native Flora Revegetation Plan. The Visitor Management Plan will provide a series of actions that will be implemented during the construction and operation phases of the project to manage visitors to the site, while the Native Flora Revegetation Plan will focus on increasing the biodiversity values of the area and increase the vegetative barrier to the WBSE nest site from the proposed tourist development.

Table 5. Mitigation and management measures during the construction and operation of the Project to reduce the risk of disturbance to the breeding pair of White-bellied Sea-eagles.

Project phase	Mitigation or management measure
Construction	Inform and educate all construction workers and staff of the significance of breeding WBSEs.
	Ensure that all equipment that are not in actual use are shut or throttled down.
	Ensure noise reduction devices such as mufflers are fitted to machinery and are operating effectively.
	Implement a Native Flora Revegetation Plan (which includes pest species management strategies) to further increase the visual barrier between the proposed development and the WBSE nest location
Operation	Implement a Visitor Management Plan to formalize accessed for visitors and control of visitor numbers during the WBSE breeding season.
	Inform visitors of the significance of the breeding WBSEs and advise all staff and visitors about exclusion zones and exclusion timeframes (Minimized visitation in general and during the breeding season).
	Restrict visitors from approaching the nest site and prosecute any visitors making unauthorised movements towards the nest site by walking west along the cliff line.
	Closure of unnecessary tracks and access points and discouraging access to sensitive areas.
	Management of visitation effects (e.g. pets, weeds, rubbish etc.).

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