

25 March 2026

Poppy Scharkie
Planning Consultant
Kingborough Council

Dear Poppy,

DA-2025-82 – Construction of Jetty, Boat Shed and Associated Walkway at ‘Drumnadrochit’, 4101 Channel Highway, Flowerpot, and adjoining Crown Coastal Reserve –Further Information

I refer to Council’s request for information 29 September 2025 and respond as follows:

1. Amended plans showing cadastral boundaries

Updated plans showing the proposed track and jetty abutment upgrades relative to cadastral boundaries are attached.

2. Current use of the property and intended use of the jetty/boat shed

The applicant does not object to Council’s classification of the proposed jetty use as Pleasure Boat Facility rather than directly related to and subservient to the Visitor Accommodation Use of the adjacent land at 4101 Channel Highway. It is noted that a Pleasure boat facility is also a Discretionary use if Council prefer that use classification.

The discretionary use is to be assessed under Clause 8.10.2 with regard to the Purpose of the Zone.

Assessment under Clause 8.10.2 – Purpose of the Environmental Management Zone (29.1)

29.1.1.1 – To provide for the protection, conservation and management of areas with significant ecological, scientific, cultural or aesthetic value, or with a significant likelihood of risk from a natural hazard.

The proposed jetty and boatshed are located on Crown land within the Environmental Management Zone on the D’Entrecasteaux Channel foreshore. The site has been assessed through a Marine Natural Values Assessment, which confirmed that no threatened species occur within the intertidal or subtidal footprint and that the mitigation measures incorporated into the design are sufficient to prevent any material impact on marine values. The design is a low-impact, pile-supported structure with no dredging or reclamation, limiting disturbance to benthic habitats and natural coastal processes. Construction will occur from a barge to avoid foreshore vegetation disturbance. The works are therefore consistent with the protection and management of ecological and aesthetic values. The accompanying revised Coastal Hazard Report prepared by Burbury Consulting, confirms that the proposed Jetty, will have negligible impacts to the existing coastal processes, tidal and flood aspects of the site and that the design accommodates sea level rise projections.

29.1.1.2 – To only allow for complementary use or development where consistent with any strategies for protection and management.

The proposal has been designed and sited to be complementary to the values of the public reserve and surrounding coastal environment. It will be used exclusively in association with the approved visitor accommodation on adjoining private land (DA-2022-64), providing a managed, small-scale access point for premium guided tours. Use will be limited to in-house guests under the control of a qualified operator, ensuring visitor activity is consistent with natural values management strategies and avoiding unmanaged public access or infrastructure pressure.

29.1.1.3 – To facilitate passive recreational opportunities which are consistent with the protection of natural values in bushland and foreshore areas.

The jetty will facilitate a form of low-key, nature-based recreation, guided boating and coastal exploration, integrated with the retreat’s curated guest experience. Its scale and operation are compatible with passive recreational objectives, and the access model avoids crowding or high-intensity boating activity. The proposed sensitively designed track upgrades will avoid erosion and degradation of the foreshore.

29.1.1.4 – To recognise and protect highly significant natural values on private land.

The adjoining private land supports visitor accommodation and is subject to approved use and development. The jetty will provide controlled access to the marine environment via the proposed sensitively upgraded pedestrian track without adversely affecting significant natural values on private or Crown land. The marine assessment confirms no sensitive marine habitats will be lost.

29.1.1.5 – To protect natural values in un-developed areas of the coast.

The foreshore is presently undeveloped apart from the existing informal pedestrian access path. The proposal maintains the undeveloped character by adopting an open pile design, using natural-toned materials, and minimising built foreshore hardening or reclamation. It introduces a single, purpose-built structure managed under a Crown lease, with controls to protect environmental values during construction and operation.

Conclusion

The proposal aligns with the purpose statements of the Environmental Management Zone by:

- avoiding significant adverse impact on ecological, cultural or aesthetic values;
- being complementary to the protection and management objectives for Crown coastal reserves;
- facilitating controlled, small-scale recreation consistent with the protection of natural values; and
- protecting the undeveloped coastal character through sensitive siting, scale and design.

The proposed use is therefore considered consistent with Clause 8.10.2(a) in relation to the Environmental Management Zone purpose.

There are no applicable Local area objectives or desired further character statements for the applicable zone. Clause 8.10.2 (b) therefore does not apply.

The proposal is considered to satisfy the purpose of other applicable codes.

3. Assessment against Clause 29.3.1 – Use standards for Reserved Land

Clause 29.3.1 applies because the proposed jetty and boat shed are located on reserved Crown land to seaward of 4101 Channel Highway, identified as Public Reserve under the Crown Lands Act 1976. There is no applicable reserve management plan and no applicable management objectives under the National Parks and Reserves Management Act 2002. Accordingly, the proposal must be assessed against Performance Criteria P1.

Council may have regard to the Objectives of the Standard in the assessment of the performance criteria.

Assessment

(a) Complementary to the use of the reserved land

The reserved land in this location is a foreshore area primarily used for passive recreation, scenic appreciation, and low-intensity boating activities. The proposed development is modest in scale and will be used exclusively in connection with the visitor accommodation on the adjoining private land to facilitate premium guided water-based tours for small groups of house guests.

Its private and low-intensity operation means it will not displace existing public access or recreational use of the reserve. The facility complements the land's role as a scenic, recreational coastal reserve by adding a carefully managed, small-scale tourism activity that promotes appreciation of the area's natural values.

(b) Consistency with management objectives for reserved land

The proposal is also considered consistent with the Management Objectives for Public reserves under Schedule 4 of the *Crown Land Act 1976* as follows:

- (a) Conserves natural biological diversity – The Marine Natural Values Assessment confirmed no threatened species within the footprint and negligible risk if mitigation measures are applied. The open pile design and barge-based construction minimise habitat disturbance.
- (b) Conserves geological diversity – The rocky foreshore will be retained with new rock armouring around the jetty abutment. Piles will be founded in rock and no reclamation or large-scale excavation are proposed.
- (c) Preserves water quality and protects catchments – No dredging or reclamation is proposed, and construction will employ best-practice sediment controls; no pollutants will be discharged from the jetty.
- (d) Conserves cultural values – No Aboriginal or historic heritage sites are known within the footprint; appropriate protocols will be followed if unexpected finds occur.

- (e) Encourages education – The facility will be integrated into the retreat’s guided tours, providing interpretation of the area’s natural and cultural values to guests.
- (f) Encourages research – The project has been informed by scientific studies and provides opportunities for ongoing ecological monitoring.
- (g) Protects against adverse impacts – Vessel hygiene measures will manage marine pest risk; construction avoids foreshore disturbance and erosion.
- (h) Encourages tourism consistent with conservation – The facility supports low-key, high-value tourism for a limited number of guests over an upgraded pedestrian path, avoiding unmanaged public use.
- (i) Encourages cooperative management with Aboriginal people – Should Aboriginal heritage values be identified during works, engagement with the relevant Aboriginal organisations will occur to ensure compliance and cooperative management.
- (j) Provides for sustainable taking of designated game species – Not applicable, as no game species harvesting is proposed.
- (k) Provides for controlled use of natural resources – The proposal makes controlled, non-extractive use of the natural setting under a Crown licence.
- (l) Provides for exploration and mineral resource use – Not applicable, as no mineral exploration or extraction is proposed.
- (m) Allows for private/commercial use – The facility is a small-scale, tourism use directly associated with adjoining visitor accommodation, with negligible environmental footprint.

Having regard to the above including the proposed upgraded pedestrian track the proposal supports the conservation, recreation, and sustainable use objectives for Public Reserves under the Crown Land Act 1976.

(c) Amenity impacts

The proposed use will not have an unreasonable impact on the amenity of the surrounding area:

- Vehicle movements will be restricted to the extent of existing access and parking areas on the private title with no vehicle access to the foreshore.
- Access to the foreshore and jetty will be managed and contained via the proposed upgraded pedestrian track.
- Noise from boat operation will be short-term, infrequent, and comparable to existing small-vessel activity in the D’Entrecasteaux Channel.
- Lighting will be minimal solar pole mounted on the jetty to meet navigational standards and will avoid light spill beyond the immediate operational area.
- Other emissions will be avoided through adherence to best-practice operational and environmental protocols.

As discussed above, with the inclusion of the proposed upgraded pedestrian track, the proposed use is complementary to the use and management objectives of the Public Reserve, consistent with the purposes of the Environmental Management Zone.

The proposal is considered to satisfy the Performance Criteria of Clause 29.3.1 P1.

The use of the land will be subject to Crown license conditions and a separate management plan is not considered necessary.

9 Coastal Hazard Report

Please see attached an updated coastal hazard report and response to accompany the updated jetty and track plans.

I trust the above information satisfies Council's request on the planning assessment matters and allows assessment of the application to continue. Should you require any clarification, please do not hesitate to contact me to discuss.

Yours sincerely,



Frazer Read
Principal
All Urban Planning Pty Ltd