

Ika Shima Trading Pty Ltd

DA 22043281

Louth Island Tourist Accommodation including day spa, solar panels, desalination plant and associated development.



DEVELOPMENT NO.:	22043281
APPLICANT:	Ika Shima Trading Pty Ltd c/o URPS
ADDRESS:	LOT384 LOUTH BAY LOT385 LOUTH BAY LOT386 LOUTH BAY
NATURE OF DEVELOPMENT:	Tourist accommodation resort comprising: <ul style="list-style-type: none"> • 26 individual single bed villas • Day Spa • Desalination plant • Ground mounted solar panels • Access tracks • Ancillary outdoor recreation facilities including a tennis court, outdoor gym, yoga/meditation area and outdoor hot tubs/spa • Revegetation and landscaping
ZONING INFORMATION:	Zones: <ul style="list-style-type: none"> • Coastal Waters and Offshore Islands

	Overlays: <ul style="list-style-type: none"> • Coastal Areas • Hazards (Bushfire - Outback) • Native Vegetation
LODGEMENT DATE:	12 January 2023
RELEVANT AUTHORITY:	State Planning Commission
PLANNING & DESIGN CODE VERSION:	22 December 2022 (2022.24)
CATEGORY OF DEVELOPMENT:	Code Assessed - Performance Assessed
NOTIFICATION:	Yes (five representations, two to be heard)
RECOMMENDING OFFICER:	Karen Ferguson Senior Planner
REFERRALS STATUTORY:	Coast Protection Board Native Vegetation Council
REFERRALS NON-STATUTORY:	Nil

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EXECUTIVE SUMMARY

The applicant purchased Louth Island in 2021 with the intention of rehabilitating the land and developing a luxury eco-resort named Rumi on Louth (formerly 'Ika Shima').

Louth Island is approximately 3km to the east of Eyre Peninsula in the Spencer Gulf (off the township of Louth Bay).

The applicant is seeking planning consent for an integrated tourism development on Louth Island including 26 villas (bermed earth) grouped in 2-4 villas, a day spa and supporting infrastructure (solar arrays, desalination plant, wastewater treatment facilities, and waste management facilities). The proposal is not staged.

The proposal has a development category of Code Assessed – Performance assessed in the Coastal Waters and Offshore Islands Zone.

The application is located 'Out of Councils' and as such the Commission is the relevant authority.

The application required referrals to the Native Vegetation Council (Direction) and the Coast Protection Board (Direction). The agencies advised they had no objection subject to recommended conditions and notes being attached to any approval.

The application was publicly notified, with five representations being received. Three of those representations were opposed to the development (with one of them indicating a desire to be heard by SCAP) and two were supportive (with one of them wanting to be heard by SCAP).

It should also be noted that this proposed development has been declared a 'controlled action' under the Federal legislation (*Environment Protection and Biodiversity Conservation Act, 1999*) (EPBC Act) due to the flora/fauna species on the island. Separate approval under that legislation will be needed.

Having considered the relevant Zone provisions and Overlays, State Planning policies and representations received to this Code assessed – performance assessed proposal, it is recommended that the development should be supported.

BACKGROUND

Summary of Other Applications pertaining to Louth Island.

DA	Description	Status
21020779	Steel framed Agricultural Shed	Constructed Development approval granted
22027667	Change of Use to 21020779 to include a cafe and workers accommodation, including construction of mezzanine	Constructed with Development Approval and Certificate of Occupancy
22037788	Steel Framed implement Shed for the storage of farm machinery and equipment.	Development Approval granted.
24030112	Retrospective approval for ground mounted solar array and	Planning Consent approved yet to get Building Rules consent and Development Approval

Pending – not yet lodged	Change of Use to 21020779 from workers accommodation to tourist accommodation	Not lodged
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DETAILED DESCRIPTION OF PROPOSAL

The applicant is seeking Planning Consent for tourism development and associated infrastructure development (detailed below) on Louth Island located on the eastern side of the Lower Eyre Peninsula.

The proponent has provided the following summary of the proposal:

- 26 earth bermed villas (85sqm) to be constructed in clusters of 2-4 villas and located around the perimeter of the island (19 are clustered in groups in the north of the island and 7 are in the south of the island).
 - Each villa contains a king size bed, lounge suite, bathroom and deck (a maintenance room is also included in the footprint) (See Figure 2 for aerial view render and Figure 3 for render of villa front).
 - Landscaped earth mounds will surround 3 sides of the villa, only a small portion of each building is externally visible outside the berm.
 - Short term accommodation for travellers is proposed.
 - The majority of staff will not be resident on the island but will be transferred to the island on a daily basis from the mainland (no staff accommodation is proposed).
- **Day Spa**
 - This building will have the same earth bermed design as villas
 - Contains reception, bathrooms, 2 massage rooms, spas, change rooms and a plant room.
 - Available for pre-booked day visitors and guest use.
- **Solar Panel Arrays**
 - Three compounds are proposed to power the development.
 - Located away from the coast and on the eastern side (seaward) side of the island.

Solar site	Land Area	Approx. Number of Panels
Northern	2025sqm	200
Central	5760sqm	245 (in addition to 840 panels approved under delegation as retrospective application on 24 December 2024 in DA 24030112)
Southern	3575sqm	440 panels
Total	1.13ha	885 panels

- Combined power of 888kw (0.888MW)

- Each compound will contain a single storey 'powerhouse' building containing associated equipment such as inverters and switchboards. These buildings vary in size, the largest being 21.54m long by 5.45m wide (117sqm) and 3.3m high.

- **Desalination Plant**

- Proposed small desalination plant to provide potable water. Intake water to be pumped from below the surface of the western beach. The water will then be piped to a previously approved shed which will house desalination plant. The outfall (waste brine stream) will be discharged back to the subsurface seawater aquifer on the western beach via slotted pipes. The intake and outlet pipes are proposed to be 1m below high tide and separated by about 100m.
- The proposed desalination plant is capable of producing 22kl of drinking water per day, but is expected to produce around 20kl per day during the summer peak, which equates to a yield of 4,400kl per year. (An EPA licence is not required due to volumes of water/waste stream less than notifiable levels).
- Intake water, brine and drinking water to be held in six tanks of 49KL in size located in an existing shed (approved in DA 22037788).

- **Wastewater Treatment**

- Wastewater management on the island will consist of a decentralised anaerobic treatment system with one system per cluster of 2-4 villas. Each system has a design capacity of 8 people.
- Treated effluent will be disposed of via surface irrigation areas of about 200sqm for each villa cluster. Irrigation areas will be located at least 100m from the high tide mark and 130m from the desalination intake.

- **Stormwater Management**

- Rainwater tanks will be provided for each powerhouse building and within each villa service room, to be used for garden irrigation.
- Any stormwater overflow will be directed to adjacent natural soils, landscaped areas and rock gardens.

- **Internal Access Trails/Tracks**

- All tracks will allow staff and visitors to move around the island by foot or by using small electric carts.
- Tracks to be formed and levelled using natural surfaces and located to minimise impact on dunes and vegetated areas.
- Vehicles will not be permitted on 'coastal walks' only on the main sand tracks through the island.
- Access stairs have been proposed to some beaches – selecting and controlling beach access will help to minimise and manage impacts (approvals will be required to cross or occupy Crown land from the appropriate agency).

- **Revegetation and Landscaping**

- Extensive revegetation is proposed on the island (clearance of weeds including boxthorn has already occurred).
- The development will also be accompanied by extensive landscaping around the proposed villas, day spa, solar panel compounds and key guest areas.

- **Clearance of Native Vegetation**

- The project involves the clearance of about 13ha of native vegetation, albeit this mainly affects 'weedy grasslands' with minimal impact on the existing high value vegetation such the native woodlands. This clearance requires separate authorisation (to a planning consent) and clearance has already been granted by the Native Vegetation Council.

- **Earthworks**

- The development requires earthworks to provide earth-berms around the villas and to create levelled pads for the solar panel arrays. The development has been designed to achieve no net import/export of soil to the site.
- The villas will be cut into existing slopes, with the resulting spoil to be used to provide berms around the villas. A finished floor level (FFL) for each villa is nominated on the planning drawings. A cross section of one villa is included as an example, being Villa 1 at Site 4, as illustrated below. The maximum depth of excavation is about 1.5m in this example.
- Cutting and filling is also required to create levelled pads for the solar panel compounds. Excess spoil from the levelling of the pads will also be used to form the berms around the villas. The excavation associated with the solar array pads, and to form the internal access tracks, is minor in the context of the island and the overall development.

Fig 8: Section of typical villa showing about 1.5m depth of cut

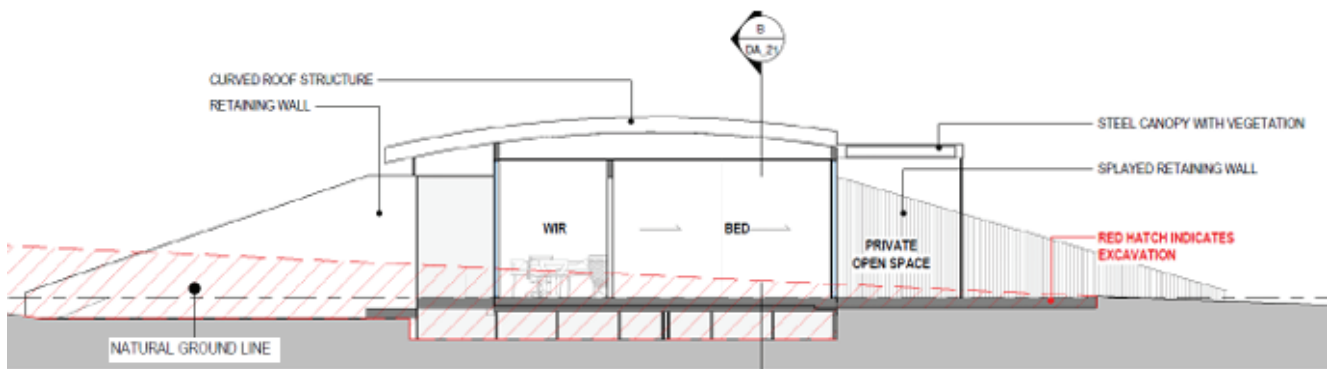


Figure 1 earthworks

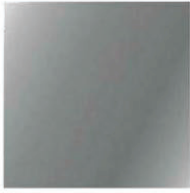
- **Waste Bin Compound**

- Composting is proposed inside the central solar site which will also contain greenhouses and a chicken coop.
- Other waste streams will be transported to the waste bin compound within a general service area to mobile skips/trailers to be towed to the barge to be disposed of offsite.

- **Signage**

- A modest moveable "Rumi" sign is proposed for the western 'arrival beach' to welcome visitors.

- **Materials and Colours**



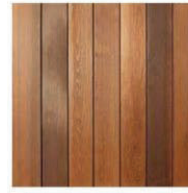
GL01
GLAZING
TO BE ARGON FILLED LOW E
DOUBLE GLAZED USING CLEAR
GLASS OVER ANODISED
ALUMINIUM FRAMES
(REFER TO BAL REQUIREMENTS)



STL
ANODISED ALUMINIUM
AREA: WINDOW FRAMES AND
CANOPY/AWNING
COLOUR: MATT BLACK



GSV
VEGETATION
AREA: VEGETATION EARTH BERM AND
MOUND TO SIDES OF BUILDING
(REFER TO LANDSCAPE PLANS FOR
DETAILS & SPECIFICATIONS)



TIM
TIMBER CLADDING
TIMBER SPECIFICATION TO BE
DETERMINED



MTL
METAL DECK ROOFING
COLOUR: TO BE DETERMINED

Not Included in application

- The application does not propose marinas/offshore structures, mainland structures, restaurant or helipad (although an emergency landing spot will be identified for medical evacuation if needed). Some of the supporting reports (CEMP for example) refer to the restaurant but this does not form part of the application.

The complete suite of Architectural Plans and site plans can be viewed in Attachment 1.



Figure 2 example render of earth berm villa



Figure 3 render of front elevation of villas

Figure 4 Floor plan villa

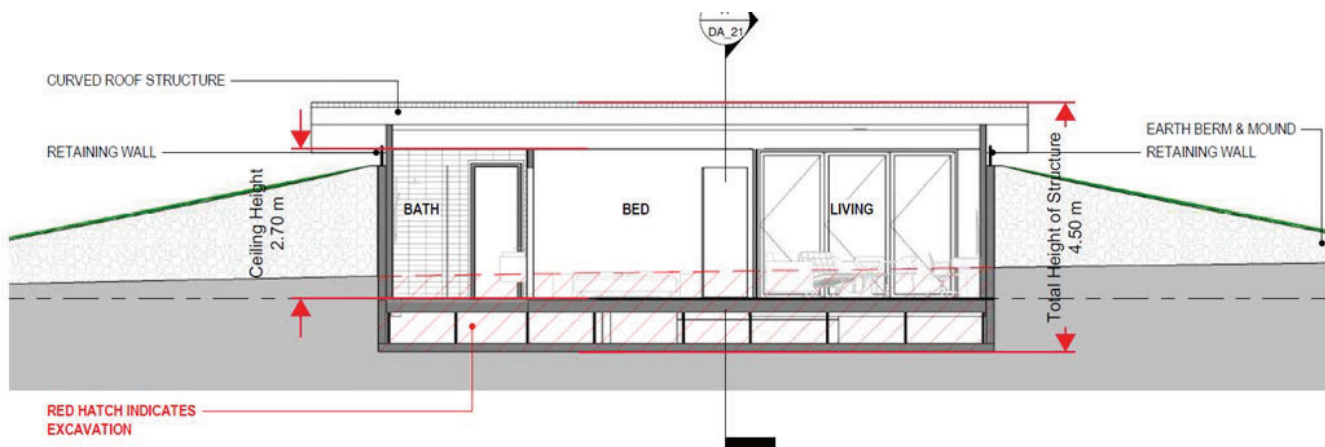


Figure 4 Villa cross section

SUBJECT LAND & LOCALITY:



Figure 5 Aerial view of island.

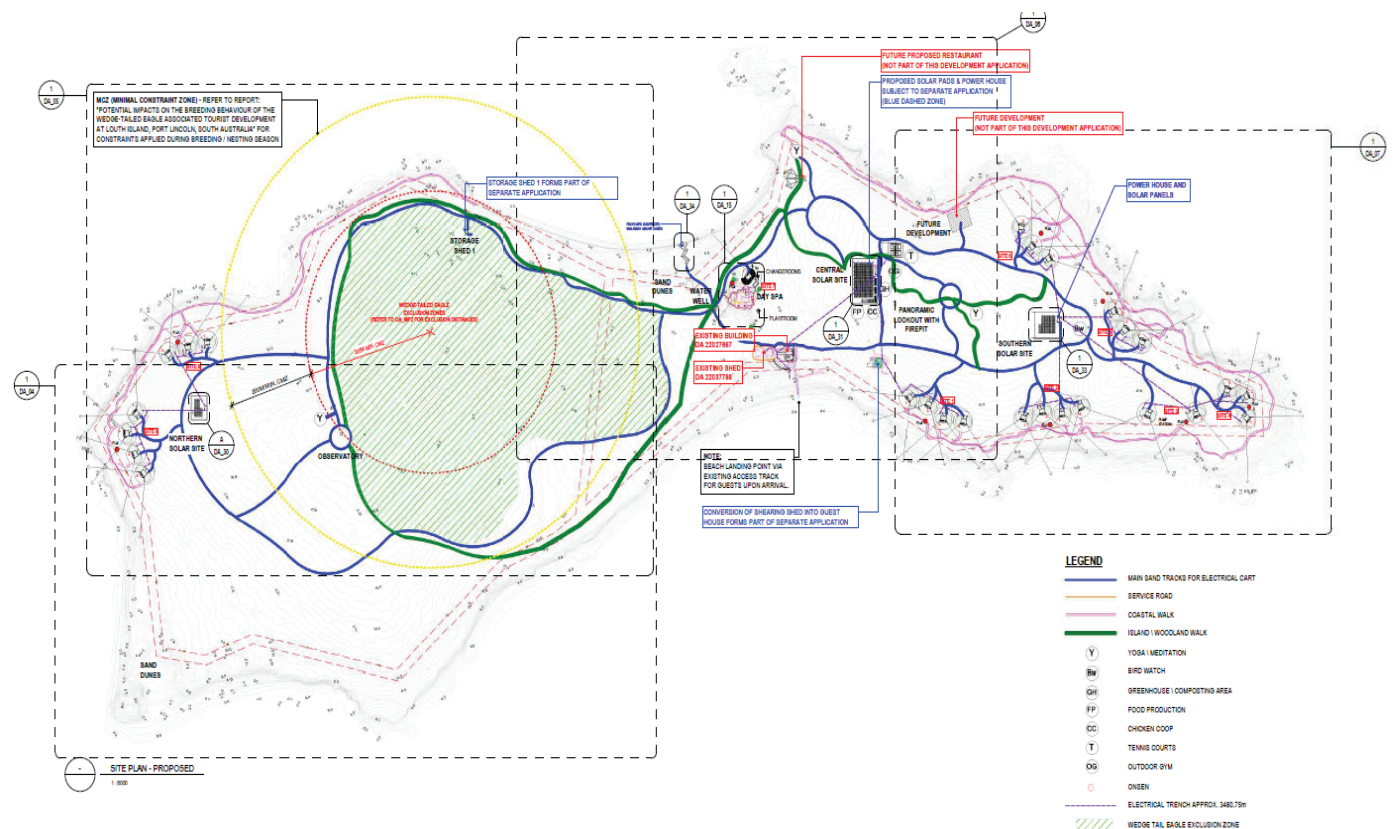


Figure 6 Showing development sites

Site Description:

Louth Island is located offshore of Eyre Peninsula to the east. The island is approximately 135ha in size and located about 3km from the mainland. The island is accessible by boat from a location near the town of Louth Bay to a sandy beach on the western side of the island. The applicant owns all three sections of Louth Island (S384,385 and 386 Louth Island) plus an unmade road between 384 and 385.

The island has a strip of crown land around the entire coastal perimeter. The coast environments range from wide sandy beaches to rocky cliffs.

The southern part of the island has weedy grasslands, whilst the northern part of the island contains native grasslands. Small areas of woodland also exist.

The proponent owns an amphibious boat to access the island from the mainland, which is used to transport visitors, staff and provisions.

The island historically has been used for grazing which ceased several years ago, and the island has been unoccupied for a long time. When the applicant purchased the island applications for new sheds for storage and equipment, solar array and repurposing sheds for accommodation/cafe, have been approved. An existing farmhouse is also located on the island.

The applicant has undertaken weed removal and some revegetation and proposes to undertake more.

The island is ecologically important and both significant flora and fauna occur on the island. The hooded plover nests on beaches on the north and east side of the island, marine mammals (seals) also use the island for resting/hauling out. Other important species include the Caspian Tern and Rosenberg's Goannas, There is also a large wedge-tailed eagle nest (actively used) on the central part of the island, although this is not a listed species of concern.

Some removal of vegetation will be required and subject to a Significant Environmental Benefit (SEB) agreement (13ha).

There are no other landholders or occupiers on Louth Island (apart from Crown land).



Figure 7 Sappa map image showing location of Louth Island.

Location reference: LOT384, 385, 386 LOUTH BAY

Title	Plan/Parcel	Council
CT 5428/105	H510700	Kangaroo Island
CT 5428/104	H510700	Kangaroo Island
CT 5428/858	H510700	Kangaroo Island

CONSENT TYPE REQUIRED:

Planning Consent

CATEGORY OF DEVELOPMENT:

- **PER ELEMENT:**
Tourist accommodation: Code Assessed - Performance Assessed
- **OVERALL APPLICATION CATEGORY:**
Code Assessed - Performance Assessed
- **REASON**
P&D Code; Code Assessed development

PUBLIC NOTIFICATION

- **REASON**

Table 5 does not list this an excluded form of development, nor is it minor in nature and therefore must be notified

• LIST OF REPRESENTATIONS

A total of 5 valid written representations were received during the notification period 24 January 2023 – 14 February 2023. Three of the representations opposed the development with one of those wishing to be heard at the SCAP meeting. Two representations supported the development (one with concerns) and one of those wished to be heard at the SCAP meeting (total of two to be heard).

• SUMMARY

The reasons given for opposing the development by representors can be summarised as follows:

- Flora/fauna including impact on shore birds and Cape Barren Geese.
- Coastal environment impacts.
- Opposition to desalination plant.
- Connection to dreaming stories in relation to Barngala community interests and the Aboriginal Heritage Act.

Copies of all representations can be found in Attachment 18.

The applicant was provided with the representations following the closure of the notification period. The applicant prepared a 'response to representations' document that included a detailed response addressing the concerns raised. The applicant's response to the representations can be found in Attachment 19.

AGENCY REFERRALS

In accordance with the legislative requirements under the Planning, Development and Infrastructure Act and Regulations, the application has been referred to the applicable agencies for their technical input.

• Coast Protection Board (CPB) (Direction)

The CPB have provided an extensive response to issues of interest to it i (Schedule 9 (3)(3) Coastal Areas Overlay identified under the Code, namely to provide expert assessment and direction to the relevant authority on:

- the risk to development from current and future coastal hazards (including sea-level rise, coastal flooding, erosion, dune drift and acid sulfate soils);
- coast protection works;
- potential impacts from development on public access and the coastal environment (including important coastal features).

A copy of the CPB response is provided in Attachment 20. Conditions have been recommended as follows:

1. Develop an Eagle Management Constraint Period between 1 May to 30 November (unless refined by a suitably qualified expert).
2. Restrict access within 300m of the nest (except for electric vehicles as detailed in 6.1.6 of the plan) during the Eagle Management Constraint Period.
3. Establish a Minimal Constraint Zone for all activities between 300-500m of the nest during the Eagle Management Constraint Period.
4. Various additional recommendations detailed in 6.1.8 of the Report.
5. Minimise disturbance to foraging eagles by implementing the methods detailed in 6.2 of the Report.

6. If a video monitoring device is implemented it is recommended it the installation and ongoing maintenance and management of the device is undertaken in consultation with a suitably qualified expert, such as the author of the Report.

Where inconsistencies or contradictions exist between plans (for example for the Flora and Fauna Management Plan or the Wildlife Protection Zone Management Plan) the management of the Wedge-tailed Eagle shall take precedence over other plans.

- Informal tracks (not part of the Masterplan for the island) formed by uncontrolled access and construction activity shall be closed and rehabilitated as soon as practicable following completion of works.

Notes

- Development including building works, access tracks, boardwalks or fencing proposed on coastal Crown land should be referred to the agency administering the Crown Lands Act, to ascertain the application process and seek relevant consents.
- The boardwalk and staircase to Carl Cove beach is potentially at risk from coastal processes including coastal erosion near the shoreline and sand drift. If the structure is damaged by coastal processes, it is to be repaired or removed as soon as practicable. Further, the design of the structure could be revised to minimise construction impacts to the dune system.
- Carl Cove beach is an area known to be frequented by Hooded Plovers. To help prevent disruption to this endangered species the landward end of the proposed access stairway deck should have a closeable gate to be used if this species is nesting on the beach.

- **Native Vegetation Council (NVC) (Direction)**

The purpose of the referral to the NVC is to provide expert assessment and direction to the relevant authority on the potential impacts of development on native vegetation.

A data report was provided as part of the application outlining the extent of vegetation clearance as part of this development.

The NVC has provided one condition and one advisory note as follows:

Condition 1

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

Advisory Note

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3132/010

To note no referral to the Aboriginal Heritage section of State Government was required.

PLANNING ASSESSMENT

The application has been assessed against the relevant provisions of the Planning & Design Code, which are contained in Appendix One.

Question of Seriously at Variance

The proposed development is for a tourist accommodation resort comprising:

- 26 individual single bed villas
- Day Spa
- Desalination plant
- Ground mounted solar panel
- Access tracks
- Ancillary outdoor recreation facilities including a tennis court, outdoor gym, yoga/meditation area and outdoor hot tubs/spa
- Revegetation and landscaping

The location of the development is in the Coastal Waters and Offshore Islands Zone and Overlays for Coastal Areas, Hazards (Bushfire Outback) and Native Vegetation and development of this nature is appropriate within the site, locality or in the subject Zone for the following reasons.

Tourism development is supported in the Zone.

The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.

Overlay Assessment

Coastal Areas Overlay

The Desired Outcome for areas affected by the Coastal Areas Overlay is that the natural coastal environment (including sand dunes, native vegetation and wildlife habitat) is conserved and enhanced. Further, recognition should be given to coastal hazards including erosion and dune drift, to avoid the need for public expenditure on protection of the environment and development.

PO 2.3 seeks that development will not create or aggravate coastal erosion or require coastal protection works. Whilst PO 2.4 is seeking development that is set well back to provide an erosion buffer to sea level rise or retreat.

This proposal and the 26 villas have finished floor levels of around 9m – 11m above sea level whilst the day spa building will be 4.65m - 5.25m above sea level. This satisfies PO 2.1 and 2.2. In addition PO 2.3 and 2.4 are satisfied in the development being well set back from the coast, particularly any areas of potential erosion such as beaches. The Coast Protection Branch has indicated that it is satisfied that the proposal would not exacerbate any erosion situation on the island.

The entire coast of the island is ringed by Crown land and the state is responsible for managing this land although the applicant has applied for a lease/licence to occupy this land to allow access (managed) across it for visitors to the island and to improve management of the coast (particularly for weed control, protection for penguin burrows and bird breeding areas). It is therefore considered that the performance outcomes for the Overlay are satisfied as the villas (and day spa) do not impact the coastal areas of the island and are well set back (100m) from the cliff tops and beaches on Louth Island.

Hazards (Bushfire - Outback) Overlay

The Desired Outcome for the Hazards (Bushfire – Outback) Overlay is for development to be located to minimise the threat and impact of bushfires on life and property taking into account more frequent and intense fires due to climate change (DO1). Also to facilitate access for emergency vehicles to aid the protection of lives and assets from bushfires (DO2). The villas for tourist accommodation are located in 'clusters' around the coastal fringe of the island. Bushfire fighting equipment is in the form of 'farm' firefighting equipment owned by the applicant. There is no rapid access to the island for emergency vehicles of any kind (unless aerial support is available).

Notably no referral was needed to the Country Fire Service (CFS) in this case.

PO 1.1 seeks that residential and tourist accommodation is sited away from unacceptable bushfire risk. In this case there is a 20m area of vegetation clearance around each villa and each villa is 50m from any bushland/woodland area. Any native vegetation planted near the villas will be low fire risk.

PO2.2 provides guidance on road widths, clearance from vegetation and turning circle information – which in a standard tourist accommodation application would apply. In this case there is no access to the island for these vehicles and it is not considered by the applicant or in this assessment to apply in this case.

The applicant is providing 4WD vehicles for firefighting. Two firefighting trailers with a capacity of 1000L which can be towed with vehicles on the island. Water can be sourced from rainwater and desalination water using two fill points on the island. The point at the main desalination shed has a capacity of 50,000L up to 225,000L. The applicant's planning report (p12) advises that water tanks of 10,000L to 49,000L will be located within the desalination shed (the tanks and shed are already approved).

The proposed access tracks have a carriageway of at least 3.1m, plus clearance as required by the overlay is provided. A comprehensive fire evacuation plan will be prepared for visitors to the island, both for overnight stay and day visitors. This is considered a reasonable response to the potential bushfire threat on the island. Each villa also has access to an electric buggy for guest usage which can be employed to meet at designated emergency gather points.

Significant resources are available for firefighting on the island provided by the applicant in terms of vehicles and water storage and it is assessed that the Performance Outcomes for this overlay are satisfactorily addressed.

Native Vegetation Overlay

The Desired Outcome for this overlay is the protection, retention and restoration of native vegetation.

PO 1.1 seeks that development avoids, or where it can't be avoided that minimises the clearance of native vegetation, taking into account the siting of buildings, access points, bushfire protection measures and building maintenance.

In the case of this development approximately 13.6ha of vegetation is to be cleared much of that is 'weedy grassland' which was subject to a long history of sheep grazing. A data report was provided as part of the application and a referral to the Native Vegetation Branch was required.

The Native Vegetation Branch has agreed to the clearance through an SEB, initially 20.1ha of clearance was approved which was later amended to 13.6ha. 13.6ha is approximately 10% of the entire site (island). Approximately 10 ha of the 13.6ha is of the weedy grasslands type of vegetation which is less significant vegetation type on the island in comparison with the woodland areas. A summary of the types of vegetation to be cleared is provided in section 9.4 of the URPS planning report. It is considered that the removal of the nominated 13.6ha of vegetation has minimised the clearance of vegetation as much as possible and the vegetation to be removed is mostly 'weedy' grassland thereby satisfying PO1.1.

PO 1.3 is seeking that native vegetation clearance in association with development avoids areas of significant wildlife habitat and rare and vulnerable plant species or vegetation in a association with a wetland. In this case a referral has been made to the Federal Government under the EPBC Act and has been declared a 'controlled action'. No decision has been made on whether approval will be granted under that Act. There are a number of rare, vulnerable or endangered plant (and animal/bird) species associated

with the island. However, the clearance proposed for vegetation is considered to have minimal impact on rare or endangered plants or wildlife corridors and habitats. It is therefore considered that PO1.3 is met.

The applicant is providing a boardwalk/steps to Carl's beach which is also habitat for hooded plovers at certain times of the year. The CPB has recommended that the boardwalk include a gate to restrict access to the beach during the breeding season. The applicant has not amended the plans to reflect this suggestion but is planning to provide educational materials to guests and visitors to protect breeding sites and significant flora/fauna sites on the island. No domestic animals will be permitted to be brought on to the island which could potentially cause problems for wildlife on the island.

The applicant is also proposing to undertake significant levels of re-vegetation on the island and the further removal of weeds.

It is considered that by setting the villas back from the coastal waters areas and providing education about the importance of protecting the flora/fauna on the island that the performance outcomes of the Native Vegetation Overlay are satisfied.

Zone

Coastal and Offshore Islands Zone

The Desired Outcome for this zone (DO1) is the protection of the natural marine and coastal environment and recognition of it as an important ecological, commercial, tourism and recreational resource and safe watercraft navigation, along with providing for a limited number of low impact developments supporting conservation, navigation, science, recreation, tourism, aquaculture or carbon storage projects (DO2).

In this case it could be argued that the proposal is for low impact tourism development with a maximum of 26 villas, Day spa and associated development with a maximum of 52 resident guests on the island, although added day trip visitors could increase the total numbers of visitors per day to 150 people.

PO1.1 (Land Use) is seeking the development of small-scale, low impact development for the purpose of conservation, navigation, science, recreation, tourism or aquaculture. The DTS/DPF 1.1 has nominated campground as appropriate development in the zone and although this application is for small 'villas' it is still considered to be small scale and low impact development.

PO 2.3 (Development on off-shore islands) seeks that small scale tourist accommodation on offshore islands such as camping grounds, huts and cabins avoids delicate or environmentally sensitive areas. The development is generally located in 'weedy' grassland areas for which clearance approval from the NVC has been provided. The villas and day spa are located at least 100m from the coast. The desalination plant is also located with set back to the coast and is proposed to occupy two existing sheds (DA 22027667 and 22037788).

PO 2.4 (Development on off-shore islands) is seeking that renewable energy facilities and ancillary development do not impact on the scenic quality of the coast and islands. The northern, central and southern solar sites are all at least 150-250m from the coast. The central solar site has already been approved (DA 24030112) as a retrospective application and the current application will add further solar panels to the existing central site.

PO 2.5 (Development on off-shore islands) seeks that small scale ground mounted solar power facilities on island are to service existing approved development on the same island. DTS/DPF 2.5 looks for development which does not generate more than 30kw and is to be used wholly in association with an approved land use, are set back 10m from adjoining allotments in other ownership and not located within 100m of a dwelling in other ownership. The proposed solar arrays (3) are not located close to the coast, do not generate 30kw or more and are not located within 100m to a dwelling. The solar arrays are only to be used for power generation on the island for existing approved uses and for the current application elements. There will be no power supply from the mainland to the island.

PO 3.1 (Environmental Protection) outlines that development should be undertaken to minimise the potential harm to the marine and coastal environment or to fisheries and aquaculture, including harm that introduces a biosecurity risk. The proposal does not pose potential harm to the fisheries or any aquaculture activities in the area. No commercial fishing is to be undertaken, and no chemicals of concern would be released to the marine environment. The likelihood of any biosecurity risk being elevated due to the development is considered to be low to negligible.

The proposed desalination plant has been assessed in detail by the Coast Protection Branch and it is satisfied that the desalination plant is suitable for the proposed development and should not unduly affect the marine environment.

The CPB did raise an issue with the maintenance of the wastewater (onsite) treatment, however the wastewater treatment facilities are in the form of anaerobic envirocycle treatment facilities for each 'pod' of 3-4 villas (with a capacity for 8 people) and mostly to the landward side of the villas with access to them from the proposed access path which circles the island. This is considered satisfactory, and approvals will need to be issued by SA Health for these facilities.

PO 3.3 (Environmental Protection) is seeking that development avoids important breeding/nesting areas and areas important for movement and migration of fauna.

The applicant has expanded the exclusion 'area' around the existing nesting location of the wedge tailed eagle pair resident on the island (although this eagle is not rare/endangered). Access is proposed via a raised boardwalk to Carl's Cove which is used by the protected Hooded Plover for nesting over the summer months. The CPB has suggested that there should be a gate across the end of the boardwalk to restrict public access to the beach during the breeding season, as discussed earlier the applicant intends to educate visitors to the island on the importance of not disturbing flora/fauna. This is a sensible approach to human impacts on flora and fauna the island. No vehicles will be allowed to drive on the beaches, except for the amphibious boat used to bring visitors/guests and supplies to the island.

The development should not impact other species accessing the coast including seals and penguins, although this consideration will be taken into account under the decision of EPBC Act. A full assessment report of the species to be found on the island was undertaken by Succession Ecology and is provided in Attachment 8. This report did not have the purpose of supporting (or otherwise) the proposal but to provide identification of species present or likely to be present on the island. This included a desk top study of known records of species occurring on the island as well as those identified in ecology surveys undertaken through visits/field survey to the island. This report was considered by the Native Vegetation Branch in its referral response and will be considered during the EPBC Act 'controlled action' assessment.

PO 3.4 (Environment Protection) is seeking that development avoids delicate or environmentally sensitive coastal areas and key habitat areas such as sand dunes, cliff tops, estuaries, wetlands, mangroves and samphire areas. The development is not expected to be located on or unduly affect these environments on the island.

PO 4.1 (Built Form and Character) is looking to have provided development which is sited and designed to minimise the visual impact on the natural environment by using low-reflective materials and finishes that blend with the environment located below hilltops and screened by vegetation. The villas and day spa will be bermed earth construction which means that only one elevation is visible in terms of windows/doors, oriented towards the coast and the view. The other three sides of the villas/day spa will present as a gentle hill covered with grasses/vegetation. Most of the vegetation on the site is of a low level, especially around the coast and is too low to be used for screening. The design of the buildings is considered satisfactory in terms of reducing the visual impact of the buildings when viewed from both the internal island views/ adjoining villas and from the ocean.

It is considered that the provisions of the Coastal Waters and Offshore Islands Zone are satisfactorily addressed by the proponent in the application with the provision of single storey berm earth villas and day spa for tourist accommodation purposes which avoid environmentally important areas on the island including cliff tops, beaches and important flora/fauna locations.

General Development Policies

Infrastructure and Renewable Energy Facilities

The desired outcome for this policy set is the efficient provision of infrastructure networks and services, renewable energy facilities and ancillary development in a manner that minimises hazard, is environmentally and culturally sensitive and manages adverse visual impacts on natural and rural landscapes and residential amenity.

PO 2.1 (visual amenity) is seeking to minimise the impact of energy generation and storage facilities from townships, scenic routes and public roads through a range of methods. In this case the proposed solar power arrays (3) and supporting powerhouse (sheds) are not close to any townships, scenic routes or public roads. The development is on an island and the solar arrays are located in three different sites to provide the best power supply options to the villas and day spa.

The desalination plant is located close to the western side of the island and draws seawater from under the beach profile with plant and equipment to be located within an existing shed. Release of water to the environment occurs in a separated area from the intake pipe. As previously discussed CPB is satisfied with the design of the desalination plant.

The terrain of the island is such that it is not possible to use ridgelines or existing vegetation to effectively screen the solar arrays. There is no externally provided power to the island. It is considered that the solar arrays are located in the most appropriate locations to support the development as a whole. There are no external landholders that will be impacted visually from this aspect of the development, nor will the arrays be very visible from the ocean.

PO 4.2 (Hazard Management) looks to have facilities for energy generation, power storage and transmission are separated as far as possible from tourist accommodation. In this case the development includes energy generation facilities in three separate areas (north, south and central) to provide an efficient spread of resources and to minimise impact on sensitive areas including the exclusion area for the eagle nest site. The PO is also seeking to reduce risk of fire or equipment malfunction. Fire safety for these facilities are considered at the Building Consent stage, however the 3 sites are located in cleared compounds for fire safety.

The proposed Infrastructure including wastewater treatment, solar panels and desalination are assessed as not offending the General Policies for Infrastructure and renewable energy facilities.

Design

External Appearance

DO1 of the Design section of the General Development policies section of the Code is seeking development which is contextual, durable, inclusive and sustainable. Many of the provisions in this section of the code pertain to development within an urban context which is not the case here. However, parts of the design Performance outcomes are relevant to the assessment including PO 1.4 which seeks that plant, exhaust and intake pipes have minimal impact on the public realm. In the case of this application the public realm could be considered the whole island and as the development is for single storey earth berm 'villas' there is minimal impact on the surrounding areas, particularly from the plant/exhaust/intake pipes associated with the development. In addition PO 1.5 which seeks that any negative impact of outdoor storage, waste management, loading and unloading is screened from public view. In this case the 'back of house' requirements are contained either within each villa in a maintenance room or removed and stored in one of the main sheds on the property. Waste is to be either recycled for compost/chicken feed or removed via barge to the mainland to be disposed of.

Landscaping

PO 3.1 is seeking that soft landscaping and tree planting is incorporated. In general, this relates to an urban scenario which is not the case here, however succession ecology consultants have considered the revegetation strategy for the island and included in the Attachments (No 12). Revegetation of indigenous

species is the main goal of the work to be undertaken and includes the establishment of vegetation on the earth berm areas of the villas and day spa as appropriate.

Environmental Performance and Water Sensitive Design.

PO 4.1 - 4.3 in the Design section of the General Policies is looking to have buildings designed to access natural sunlight, ventilation. The villas face the ocean in all directions from the perimeter of the island. All the one-bedroom villas have large windows with full length sliding doors to take advantage of the views and these will provide plenty of natural light and ventilation.

PO 5.1 is seeking to maintain existing natural hydrological systems and in this case the development is not unduly affecting hydrological processes and may in fact improve water absorption to the ground through extensive re-vegetation of the island. For the most part the earth berm buildings will absorb water through the earth covering of the villas, any runoff would be directed to new plantings around the buildings. Rainwater will be captured from roof areas of other buildings (including already approved buildings) and used to support the planting on the island as needed.

Brine from the small-scale desalination plant is to be disposed of under the beach sand in a location away from the intact pipe. The CPB is satisfied with the design of the plant and disposal methodology to be employed.

It is considered that the provisions of the General Development Policies of the Code are reasonably satisfied with this development application.

Site Contamination

A Preliminary Site Investigation has been undertaken by Fyfe (Attachment 5) which indicates that there is a low risk of contamination on the site resulting from potential releases of fuel or other fluid from the tractor and diesel generator, while not comprising a prescribed PCA, may pose a low risk of adversely impacting the condition. However, no prescribed PCAs, in accordance with Regulation 50 of the Environment Protection Regulation 2009 or Schedule 1 of Practice Direction 14 – Site Contamination Assessment were identified for the site.

CONCLUSION

This application proposes self-supporting tourist accommodation of 26 villas, a day spa, internal access tracks, solar panels and a small desalination plant.

The proposal has been assessed against the provisions of the Planning and Design Code above and it is considered that the development warrants Planning Consent for the following reasons:

- Small scale tourist accommodation is supported in the zone and this proposal is for single bedroom villas, although the Zone mentions camping and cabins, the villas are of a similar floor area to a cabin.
- The earth berm design reduces the visual impact of the accommodation from internal locations whilst still providing expansive views of the coastline from the villas.
- The development is set well above sea level rise contours (predicted).
- The proposal does not unduly affect any surrounding landowners or occupiers, the island is owned by one entity (the applicant).
- The villas are set back from the coast/cliffs and will not be unduly visible from the sea.
- The proposal is self-supporting in terms of power supply, water supply and wastewater treatment.

- The vegetation clearance (13ha) has been approved by the NVC and the clearance proposed is generally located in areas of weedy grassland (grazed grassland) and the existing (other) important habitat is to be maintained and improved with an extensive re-vegetation plan
- The wedge-tailed eagle nest area has an exclusion (from development) area considered acceptable by NVC and CPB.
- Site contamination is considered to be low risk with no PCAs identified and acceptable for the development proposed.
- Use of the Coast Reserve surrounding the island will be subject to a lease/licence from the State Government (separate approval).
- Approval will also be required from the Federal Government as a 'controlled action' under the EPBC Act (separate approval).

RECOMMENDATION

It is recommended that the SCAP resolve that:

1. The proposed development is not considered seriously at variance with the relevant Desired Outcomes and Performance Outcomes of the Planning and Design Code pursuant to section 107(2)(c) of the *Planning, Development and Infrastructure Act 2016*.
2. Development Application Number 22043281, by Ika Shima Trading Pty Ltd c/o URPS is granted Planning Consent subject to the following reasons/conditions/reserved matters:

Reserved Matters

1. The applicant shall submit a final detailed schedule of external materials and finishes to the satisfaction of the State Planning Commission.

CONDITIONS

Planning Consent

Condition 1

The development authorisation granted herein shall be undertaken in accordance with the stamped approved plans, drawings, specifications and other documents submitted to the State Planning Commission, except where varied by conditions below (if any).

Condition 2

The planting and landscaping identified on the stamped and approved plans granted Planning Consent shall be undertaken in the first planting season concurrent with or following substantial completion of the development. Such planting and landscaping shall be irrigated and maintained thereafter with any plants which become diseased, or die must be replaced within the next available growing season with suitable species, to the satisfaction of the State Planning Commission.

Conditions imposed by Native Vegetation Council under Section 122 of the Act

Condition 2

Wastewater impacts to be contained onsite ensuring no impact on surrounding native vegetation.

Condition 3

Clearance areas are to be defined with barriers, pegs, flags or temporary fencing to ensure that native vegetation outside the approved area is not damaged.

Condition 4

Stockpiled materials, including cleared vegetation and excavated soil is not to be placed under native trees or on top of native understorey outside the approved area;

Condition 5

Construction vehicles, equipment or materials are not to be stored or placed on top of native vegetation outside the approved clearance area;

Condition 6

Prior to any clearance of native vegetation, the Native Vegetation Council must provide written confirmation that the Significant Environmental Benefit requirements under the *Native Vegetation Act 1991* have been satisfied.

Conditions imposed by Coast Protection Board under Section 122 of the Act

Condition 7

The management actions recommended in the report titled "*Potential impacts on the breeding behaviour of the Wedge-tailed Eagle associated tourist development at Louth Island, Port Lincoln, South Australia*" shall be implemented.

[The subject actions are summarised as follows:

1. Develop an Eagle Management Constraint Period between 1 May to 30 November (unless refined by a suitably qualified expert).
2. Restrict access within 300m of the nest (except for electric vehicles as detailed in 6.1.6 of the plan) during the Eagle Management Constraint Period.
3. Establish a Minimal Constraint Zone for all activities between 300-500m of the nest during the Eagle Management Constraint Period.
4. Various additional recommendations detailed in 6.1.8 of the Report.
5. Minimise disturbance to foraging eagles by implementing the methods detailed in 6.2 of the Report.
6. If a video monitoring device is implemented it is recommended it the installation and ongoing maintenance and management of the device is undertaken in consultation with a suitably qualified expert, such as the author of the Report.]

Where inconsistencies or contradictions exist between plans (for example for the Flora and Fauna Management Plan or the Wildlife Protection Zone Management Plan) the management of the Wedge-tailed Eagle shall take precedence over other plans

Condition 8

Informal tracks (not part of the Masterplan for the island) formed by uncontrolled access and construction activity shall be closed and rehabilitated as soon as practicable following completion of works.

ADVISORY NOTES

Planning Consent

Advisory Note 1

This consent or approval will lapse at the expiration of 24 months from its operative date (unless this period has been extended by the State Planning Commission).

Advisory Note 2

The approved development must be substantially commenced within 24 months of the date of Development Approval, and completed within 3 years from the operative date of the approval, unless this period has been extended by the relevant authority.

Advisory Note 3

The applicant is reminded of its general environmental duty, as required by Section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that the activities on the whole site, including during construction, do not pollute the environment in a way which causes or may cause environmental harm.

Advisory Note 4

The applicant is advised of the need to obtain approval for the proposed on site wastewater disposal system from SA Health. Details on how to obtain this approval can be found here: <https://www.sahealth.sa.gov.au>

Advisory Note 5

The applicant has a right of appeal against the conditions which have been imposed on this Planning Consent or Development Approval. Such an appeal must be lodged at the Environment, Resources and Development Court within two months from the day of receiving this notice or such longer time as the Court may allow. The applicant is asked to contact the ERD Court if wishing to appeal. The ERD Court is located in the Sir Samuel Way Building, Victoria Square, Adelaide, (telephone number 8204 0289).

Advisory Note 6

The proponent needs to contact the Department for Infrastructure and Transport in relation to marine advices and mapping - e-mail: dit.marineservices@sa.gov.au and tenure and native title matters -email: DPTI.PropertyPortfolioAssets@sa.gov.au for the proposed desalination plants intake and outfall pipes over adjacent and subjacent land.

Advisory Notes imposed by Native Vegetation Council under Section 122 of the Act

Advisory Note 7

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3132/010

Advisory Note 8

The clearance of native vegetation must be undertaken in accordance with the approval of the Native Vegetation Council under the *Native Vegetation Act 1991* as set out in Decision Notification 2023/3132/010

Advisory Notes imposed by Coast Protection Board under Section 122 of the Act

Advisory Note 9

Development including building works, access tracks, boardwalks or fencing proposed on coastal Crown land should be referred to the agency administering the Crown Lands Act, to ascertain the application process and seek relevant consents.

Advisory Note 10

The boardwalk and staircase to Carl Cove beach is potentially at risk from coastal processes including coastal erosion near the shoreline and sand drift. If the structure is damaged by coastal processes it is to be repaired or removed as soon as practicable. Further, the design of the structure could be revised to minimise construction impacts to the dune system.

Advisory Note 11

Carl Cove beach is an area known to be frequented by Hooded Plovers. To help prevent disruption to this endangered species the landward end of the proposed access stairway deck should have a closeable gate to be used if this species is nesting on the beach.