

**ADVICE UNDER SECTION 48A(1)(a)  
ENVIRONMENTAL PROTECTION ACT 1986**

**Shire of Exmouth Local Planning Scheme 4 Amendment 11**

**Location:** Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth

**Determination:** Scheme Not Assessed – Advice Given (not appealable)

**Determination Published:** 9 September 2024

**Summary**

The amendment proposes to rezone Lot 510 Willersdorf Road, Exmouth from the 'Public Open Space' reservation to the 'Special Use 11 (SU11)' zone and to amend Schedule 4 – Special Use Zones to include SU11 and relevant conditions. The rezoning of the amendment area will introduce planning controls into the scheme to facilitate and guide future development for a 'Short-Term Eco-Tourism Accommodation Facility and Event Venue'. There is a proposal to develop a portion of the amendment area for tourism purposes, which is consistent with and in accordance with the Shire of Exmouth's Local Planning Strategy 2015/2025.

The Environmental Protection Authority (EPA) has considered the scheme amendment in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act). The EPA considers that the scheme amendment is unlikely to have a significant effect on the environment and does not warrant formal assessment under Part IV of the EP Act. The EPA has considered the original referral documentation, additional information provided by the Shire, and information obtained through its own enquiries. The EPA's decision is based on the original referral documentation and the Shire's proposed modifications to scheme text.

The proposed scheme provisions as modified in Attachment 1, and item 6 in particular, have been a fundamental consideration for the EPA. Amendments to these which reduce environmental protection may result in a proposal under the scheme having a significant effect on the environment which should be referred to the EPA.

Having considered this matter, the following public advice is provided.

**Environmental Factors**

Having regard to the EPA's (2021) *Statement of environmental principles, factors, objectives and aims of Environmental Impact Assessment*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Marine fauna
- Inland waters
- Coastal processes
- Flora and vegetation
- Terrestrial fauna
- Social surroundings.

**Advice and Recommendations regarding the Environmental Factors**

**Marine fauna, Coastal processes and Inland waters**

The amendment area is adjacent to a beach foreshore reserve which supports Hawksbill turtle (*Eretmochelys imbricata*) breeding habitat. This species is listed as Vulnerable under both the *Biodiversity Conservation Act 2016* and the *Environment Protection and Biodiversity*

*Conservation Act 1999*. While there is no predicted direct impact from the amendment to the turtle breeding habitat, there may be indirect impacts through artificial lighting (light spill) noise, uncontrolled access and increased visitor numbers to the beach.

The EPA has considered that the proposed development footprint is 19% of the amendment area and the development envelope approximately 44% of the amendment area. The proposed development will be set back approximately 180 m from the shoreline and has been selected due to its elevated location behind the 100 - year horizontal setback datum. That has also been modelled and mapped in the draft *Coastal Hazard Risk Management and Adaption Plan*, in accordance with State Planning Policy 2.6 *State Coastal Planning Policy*.

The SU11 zone proposed specific conditions to guide the development. The EPA is supportive of the modified SU11 conditions which includes requirements of controlled access and coastal setbacks and an Environmental Management Plan (EMP) to address environmental issues and to minimise the impact (light spill, uncontrolled access etc) from the proposed development. The EMP will be reviewed every five years in consultation with Department of Biodiversity Conservations and Attractions (DBCA) with an annual review of environmental impacts and updates to management actions if required. The EPA acknowledges that the proponent, of the proposal, has committed to education information packages to be provided to all guests, about the unique fauna and their fragile habitats, and internal regulations/guidelines required of all guests staying at the accommodation.

The amendment area will not be connected to reticulated sewerage and will require onsite wastewater disposal and power generation. Further investigations may be required to demonstrate the sites capacity to treat on-site effluent treatment and disposal in consideration of the sensitivity of the nearby marine fauna habitat area (adjacent to the amendment area) and indirect impacts to the foreshore reserve and Exmouth coast. The EPA notes the SU11 modified conditions which provide requirements of wastewater treatment and stormwater treatments and power generation as part of future planning processes (i.e. Development Application).

### **Flora and vegetation and Terrestrial fauna**

The amendment area is largely composed of hummock grassland with scattered acacia shrubs. The EPA notes that the vegetation association within the development envelope is also mapped within and outside the amendment area and that approximately 3.12 ha may be cleared. It is also noted that it is not intended to clear all vegetation within the amendment area. The EPA advises that the vegetation may provide habitat for seasonal migratory birds which have been identified in the Exmouth Gulf. The EPA has considered that the EMP has flora and vegetation and fauna management measures.

### **Social Surroundings**

The Exmouth Wastewater Treatment Plan is located near the amendment area, where a generic 500m buffer intersects a portion of the southwest corner of the amendment area. The EPA has considered and supports that modified SU11 condition No. 2, which will ensure that sensitive land uses are located outside the generic buffer.

### **Conclusion**

The EPA understands that the modifications to SU11 are consistent with the original council resolution and therefore the proposed modifications can be part of the subsequent planning approval process (with the Shire and Western Australian Planning Commission/Department of Planning Lands and Heritage).

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through the proposed scheme provisions (as modified – Attachment 1), future planning processes, and implementation and review of an

EMP. The EPA also notes the ability of other statutory processes and tenure conditions to assist in mitigating impacts. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.

## Attachment 1: Modified SU11 Conditions

No	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
11	Lot 510 on Deposited Plan 427828, Willersdorf Road, Exmouth	<p>As a 'P' use:</p> <ul style="list-style-type: none"> <li>• Tourist Development</li> <li>• Hotel</li> </ul> <p>As an 'I' use:</p> <ul style="list-style-type: none"> <li>• Reception Centre</li> <li>• Recreation - Private</li> <li>• Restaurant/Café</li> <li>• Small Bar</li> <li>• Workforce Accommodation</li> </ul>	<ol style="list-style-type: none"> <li>1. The purpose of the special use zone is to facilitate a low impact tourism development in accordance with the lease for a Short-Term Eco-Tourism Accommodation Facility and Event Venue.</li> <li>2. Sensitive land uses to be setback 500m from the Water Corporation waste-water treatment plant.</li> <li>3. Habitable structures to be setback behind the 100-year horizontal setback datum. Easily relocatable and non-habitable structures and facilities may be considered at or forward of the 100-year horizontal setback datum.</li> <li>4. Land uses listed as 'I' are permitted where they form part of the works and use associated with the predominant use/s.</li> <li>5. Vehicle access to be obtained from Willersdorf Road only. Vehicle access to the coast to be controlled via existing access from Willersdorf Road to Town Beach.</li> <li>6. In addition to standard application requirements, Development Applications shall address the following matters, to the specification and satisfaction of the local government: <ol style="list-style-type: none"> <li>a. Details for a potable and non-potable water supply.</li> <li>b. Details for power supply.</li> <li>c. Details for waste water treatment.</li> <li>d. Details for stormwater management.</li> <li>e. Details for construction management, including the following matters: <ol style="list-style-type: none"> <li>i. Willersdorf Road access to golf club and consideration during construction and operation.</li> <li>ii. Fencing and control of access.</li> </ol> </li> <li>f. Bushfire management plan and bushfire emergency evacuation plan.</li> <li>g. Landscape management plan.</li> <li>h. Signage strategy for the development entrance to Willersdorf Road, and wayfinding.</li> <li>i. Fencing to demarcate lot boundaries and formalise control of access to/from the coast.</li> <li>j. Preparation of an Environmental Management Plan, in consultation with the Department of Biodiversity, Conservation and Attractions, and to address the following matters: <ol style="list-style-type: none"> <li>i. Line of sight modelling of the proposed development, to determine from what locations direct and indirect light would be visible from the Town Beach to the development site. Any portion of a building with line of sight to/from the beach shall be designed to restrict artificial light emission, to the satisfaction of the Department of Biodiversity, Conservation and Attractions;</li> <li>ii. If required as a result of the line of sight modelling findings and</li> </ol> </li> </ol> </li> </ol>

No	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS
			<p>development would be visible from the Town Beach to the development site, a Lighting Management Plan to be prepared to the satisfaction of the local government in consultation with the Department of Biodiversity, Conservation and Attractions in accordance with the <i>Environmental Assessment Guideline for Protecting Marine Turtles from Light Impacts</i> (EPA 2010) (or as updated) and the <i>Commonwealth Light Pollution Guidelines for Wildlife – Including Marine Turtles, Seabirds and Migratory Shore birds</i> (Department of the Environment and Energy and Department of Biodiversity, Conservation and Attractions, 2020) (or as updated) to ensure protection of marine turtle habitats;</p> <ul style="list-style-type: none"> <li>iii. In general, lighting for the development to be designed in accordance with dark sky principles;</li> <li>iv. Control of access to and from the site;</li> <li>v. Five-year periodical review of the Management Plan as required, in consultation with the Department of Biodiversity, Conservation and Attractions.</li> </ul>