

Mr Benjamin Lewis  
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**EXMOUTH WA 6707**

Our Ref: CMS 18199  
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Dear Mr Lewis

**DECISION UNDER SECTION 48A(1)(a)**  
***Environmental Protection Act 1986***

<b>SCHEME</b>	<b>Shire of Exmouth Local Planning Scheme 4 Amendment 8</b>
<b>LOCATION</b>	<b>Lot 505 on Deposited Plan 64832, Exmouth</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Exmouth</b>
<b>DECISION</b>	<b>Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)</b>

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act) but nevertheless provides the attached advice and recommendations. I have also attached a copy of the Chair's determination of the scheme.

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the Chair's determination, this letter and the attached advice and recommendations will be made available to the public via the EPA website.

Yours sincerely



**Dr Shaun Meredith**  
**Delegate of the Environmental Protection Authority**  
Executive Director  
EPA Services

17 June 2022

Encl. Chair's Determination  
Scheme Advice and Recommendations

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

**Shire of Exmouth Local Planning Scheme 4 Amendment 8**

**Location: Lot 505 (DP 64832), Exmouth**

**Determination: Scheme Not Assessed – Advice Given (Not Appealable)**

**Determination Published: 20 June 2022**

**Summary**

The Shire of Exmouth Local Planning Scheme 4 Amendment 8 proposes to add an additional use that introduces 'Industry' as a permitted (discretionary) land use for a portion of Lot 505, Exmouth, limited to the land use of a power generation facility and ancillary infrastructure. Amendment 8 also proposes to rezone a portion of Lot 505 from 'Light Industry' to 'Rural'.

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 as set out 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 based its decision on the scheme amendment documentation provided by the Shire of Exmouth. Having considered this matter, the following advice is provided.

**Environmental Factors**

Having regard to the EPA's *Statement of environmental principles, factors, objectives and aims of EIA*, the EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and vegetation
- Terrestrial Fauna
- Subterranean fauna
- Inland waters
- Air Quality
- Social surroundings.

**Advice and Recommendations regarding Environmental Factors**

The EPA is generally supportive of the scheme text for the Additional Use in schedule 2, as supplied by the Shire of Exmouth at referral. The scheme text requires the preparation of a Bushfire Management Plan, Drainage Management Plan, Acoustic Management Plan, Environmental Management Plan and Technical environmental reports on the nature and extent of potential on and off-site impacts.

The EPA recommends that the scheme text should be revised to require the management plans be prepared in consultation with Department of Biodiversity, Conservation and Attractions and/or Department of Water and Environmental Regulation (DWER), where relevant, to the satisfaction of the Shire of Exmouth. It should also be noted that these accompaniments should also be a requirement for any development outside the Additional Use area.

The EPA notes future development of the proposed additional use has not yet been developed to enable assessment of the potential environmental impacts. The EPA expects that the

technical reports will include investigations to identify, avoid and manage potential impacts. The proponent of future development proposals should consider pre-referral discussion with DWER's EPA Services.

The Council Resolution to adopt Amendment 8 and the amendment report are unclear and should be updated to clearly articulate the purpose of the amendment and location of the proposed zone change and additional use areas.

### **Flora and vegetation, Terrestrial fauna, Subterranean fauna, Inland waters**

It is noted surveys were undertaken for the whole of Lot 505 and therefore the intensity of survey effort in the proposed additional use area is limited. The surveys identified areas of very good to excellent quality vegetation and two Priority 2 and two Priority 3 flora taxa. Fauna habitat with the likelihood of it providing habitat for conservation significant fauna was also identified.

A portion of the amendment area is over the Cape Range Subterranean Waterway. The Cape Range Subterranean Waterways are listed as a nationally important wetland and the only Australian wetland listed principally for its subterranean aquatic fauna values. They are also the only example of a mainland karst wetland in arid north Western Australia. In its recent section 16(e) advice on Exmouth Gulf, the EPA recommended a high level of protection for the Cape Range Subterranean Waterways.

### **Air Quality and Social surroundings**

There are potential impacts on nearby sensitive land uses from the future proposed development on Lot 505.

With reference to Condition 3 point 1 of the insertion into Schedule 2, the EPA does not prescribe buffer separation distances. In the absence of any site specific scientific information any buffer distances can be guided by EPA's Guidance Statement 3 - Separation distances between Industrial and Sensitive Land Uses.

The EPA also understands that a further amendment relating to the existing Special Control Area 3- Exmouth Power Station, is proposed but is not yet initiated.

### **Conclusion**

The EPA concludes that the implementation of Amendment 8 can be managed to meet the EPA's environmental objectives for the above factors through existing planning scheme controls and the proposed amendment text and other statutory processes. The EPA recommends its advice is implemented to mitigate potential impacts to the environmental factors. The proponent and Shire should note the requirements of Part IV Division 4 of the EP Act, and refer future significant proposals to the EPA.