

Mr Ben Lewis
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Our Ref: CMS 18219
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Dear Mr Lewis

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

SCHEME	Shire of Exmouth Local Planning Scheme 4 Amendment 3
LOCATION	Lots 1, 101, 112 and 220 Minilya-Exmouth Road – Learmonth, Western Australia
RESPONSIBLE AUTHORITY	Shire of Exmouth
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. Advice Given. (Not Appealable)

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

A handwritten signature in blue ink, appearing to read 'Hans Jacob', written in a cursive style.

Hans Jacob
Delegate of the Environmental Protection Authority
A/Director
EPA Services

12 July 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 3

Location: Lots 1, 101, 112 and 220 Minilya-Exmouth Road - Learmonth

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

Determination Published: 11 July 2022

Summary

The Shire of Exmouth Local Planning Scheme 4 Amendment 3 proposes to rezone Lots 1, 101, 112 and 220 Minilya-Exmouth Road, Learmonth (the site) from the 'General Industry' zone to the 'Special Use' zone to facilitate tourism and related uses.

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

The EPA has identified the following preliminary environmental factors relevant to this scheme amendment:

- Flora and Vegetation
- Terrestrial Fauna
- Subterranean Fauna
- Inland Waters
- Terrestrial Environmental Quality

Advice and recommendations regarding environmental factors

The EPA is generally supportive of the scheme text for the Additional Use in schedule 4, as supplied by the Shire of Exmouth at referral. The scheme text requires the preparation of a Bushfire Management Plan, Drainage Management Plan, Foreshore Management Plan, Waste Management Strategy, Preliminary Site Investigation and Visual Landscape Assessment.

The EPA recommends that the scheme text be revised to require the management plans be prepared in consultation with Department of Biodiversity Conservation and Attractions (DBCAs), the Department of Health 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 be a requirement for any development outside the amendment area (including the foreshore and marine area).

The EPA has not assessed the potential environmental impacts of any marine component that could arise from the amendment i.e. beach access, marine operations or infrastructure. The concept plan (provided as part of the scheme amendment package) does not cover the

interface between the amendment boundary and the beach/tidal sea level or refer to additional items outside the amendment area.

The EPA recommendation not to formally assess should not be interpreted as support for future proposal associated with beach/marine infrastructure/operation situated outside the amendment area, which are likely to require consideration under Part IV of the EP Act.

Flora and Vegetation, Terrestrial Fauna, Subterranean Fauna, Inland Waters

It is noted the flora and fauna surveys were undertaken in 2011 and therefore survey results may not reflect current site conditions. The surveys identified two Priority 3 flora taxa within the amendment area. The conservation status of these flora species has not changed since the 2011 survey. 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. In its recent section 16(e) advice on Exmouth Gulf, the EPA recommended a high level of protection for the Cape Range Subterranean Waterways.

Impacts to flora and fauna, including subterranean fauna can be managed to meet the EPA's environmental objectives for these factors in accordance with the proposed scheme text and through future statutory processes, including clearing approval under Part V of EP Act and groundwater abstraction licensing under the *Rights in Water and Irrigation (RIWI) Act*. Development of the site should consider the significance of the Cape Range Subterranean Waterway particularly in respect to chemical (fuel) storage and effluent treatment and disposal (refer below).

Terrestrial Environmental Quality and Inland Waters

The site is not connected to reticulated sewer and the increased use of the site for tourism may increase effluent volumes which will need to be treated and disposed of on-site. Fuel storage is also proposed on-site.

Further investigations are required to demonstrate the sites capacity to cope with increased on-site effluent treatment and disposal in consideration of the sensitivity of the nearby marine environment and the Cape Range Subterranean Waterway. Any fuel storage should also consider these values and ensure appropriate storage and containment.

Conclusion

The EPA concludes that the implementation of Amendment 3 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 future proponent and Shire should note the requirements of Part IV Division 4 of the EP Act and refer future significant proposals to the EPA.