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Our Ref: APP-0000256  
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Dear Mr Chapman

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

<b>SCHEME</b>	<b>Shire of Shark Bay Local Planning Scheme 4 Amendment 3</b>
<b>LOCATION</b>	<b>Lot 62 Dirk Hartog Island</b>
<b>RESPONSIBLE AUTHORITY</b>	<b>Shire of Shark Bay</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.

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 EPA's Determination is attached and, together with the advice and recommendations, will be made available to the public via the EPA website.

Yours sincerely



**Prof. Matthew Tonts**  
**Chair of the Environmental Protection Authority**

22 March 2023

Encl. EPA Determination  
Scheme Advice and Recommendations

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

**Shire of Shark Bay Local Planning Scheme 4 Amendment 3**

**Location: Lot 62 Dirk Hartog Island**

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

**Determination Published: 27 March 2023**

**Summary**

Amendment 3 relates to Lot 62 on Dirk Hartog Island and proposes a scheme text amendment to the Shire of Shark Bay Local Planning Scheme 4 (LPS 4) that will list the land use of 'Brewery' as a discretionary use for the Special Use Zone No 14 (SU14). The amendment also proposes an additional condition stating that 'The use class 'Brewery' is limited to Lot 62 on Deposited Plan 103194 only and is not permitted on Lots 303, 304 & 305'.

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 based its decision on the original referral documentation, additional information provided by the Shire of Shark Bay (the Shire), and information obtained through its own enquiries. Having considered this matter, the following advice is provided.

**Environmental Factors**

Having regard to the EPA's (2021) *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
- Marine Environment Quality
- Inland Waters
- Coastal Processes

**Advice and Recommendations regarding the Environmental Factors**

**Flora and Vegetation and Terrestrial Fauna**

The northern portion of Lot 62 has been developed and used for tourist accommodation purposes, including an Eco-Lodge, restaurant/exhibition centre and office. The rest of the lot is undeveloped and contains native remnant vegetation of the Yalgoo complex.

The amendment proposes the inclusion of 'Brewery' as a discretionary use class for Lot 62 within the SU14 zoning. The Shire referral states that the amendment will facilitate the establishment of a distillery in an 'existing shed' on Lot 62. However, the discretionary use may be applied to any location on Lot 62, with future development potentially impacting on the flora, vegetation and fauna habitat on the remainder of the lot, through clearing and disturbance.

The EPA notes and supports the further information from the Shire detailing the existing planning controls designed to manage and protect environmental values of the area. This includes the preparation of a Local Development Plan demonstrating protection of ecological values and adherence to the requirements for development within the 'Special Control Area for the Shark Bay World Heritage Property' and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* (Regulations).

The EPA recommends the scheme text is modified to further mitigate potential impacts to vegetation and fauna, spatially limiting the brewery land use:

- 'The use class 'Brewery' is limited to **the existing tourism development area on Lot 62 on Deposited Plan 103194 only and is not permitted on Lots 303, 304 & 305**'

### **Marine Environmental Quality and Inland Waters**

The northern end of Lot 62 abuts the shoreline and is surrounded by the Dirk Hartog Island National Park.

Referral information submitted indicates the future distilling process proposes to recycle and reuse wastewater onsite. It is further understood that the subject area is identified as a 'Sewage sensitive area' as denoted in the Government Sewerage Policy (GSP) defined as '*land that drains to and is within two kilometres of the following coastal embayments:...Shark Bay*'. If not managed correctly, wastewater treatment and disposal has the potential to cause increased nutrient input to the surrounding inland and marine water environment through leaching due to the fast-draining nature of sandy soils and the close proximity of the activity to the shoreline.

The EPA notes the existing LPS 4 provisions require the submission of various management plans prior to development in the SU14 zone, including a management plan detailing effluent disposal (Schedule B Clause 21, Condition 3(i)). The Shire has also advised the applicant will need to provide sufficient information on wastewater disposal to demonstrate that it can be managed on site and any disposal measures will be suitable for the existing soil types and environment.'

The EPA supports that the proposed wastewater disposal management will be considered at the future development stages, which will address the requirements of the GSP, LPS 4 provisions for effluent disposal management and the Deemed Provisions of the Regulations.

### **Coastal Processes**

Lot 62 is comprised of a sandy coastal environment and the coastal foreshore area is generally stable with limited sand drift and no recent coastal erosion problems.

Given the proximity to the coast, further development onsite has the potential to impact on coastal processes occurring at the site, including sediment transport, erosion, along with the impacts of sea level rise on the proposed development, which may in turn result in pollution impacts on the surrounding environments.

Existing provisions in LPS 4 require the Shire to consider coastal setbacks and to take the local topography into account when considering developments, along with Clause 37 considerations for the 'Special Control Area for the Shark Bay World Heritage Property' which require the Shire to consider the need for coastal hazard risk management. The EPA therefore supports the use of existing planning controls to address potential impacts to the coast at the future stages of planning.

## **Conclusion**

The EPA concludes the scheme amendment can be managed to meet the EPA's environmental objectives for the above factors through existing scheme provisions. The EPA also notes the ability of future development application requirements and other statutory processes to assist in mitigating impacts. The EPA recommends its advice is implemented to further mitigate potential impacts to the above factors.