



Environmental Protection Authority

Mr Geoff Wardle
Hypermarket Pty Ltd
PO Box 107
NORTH FREMANTLE WA 6159

Your Ref:
Our Ref: CMS15030
Enquiries: Leanne Thompson, 6145 0800
Email: Leanne.Thompson@epa.wa.gov.au

Dear Mr Wardle

NOTICE UNDER SECTION 39A(3) *Environmental Protection Act 1986*

PROPOSAL: Dirk Hartog Island Short Stay Units
LOCATION: Lot 304 Sunday Island Bay
PROPONENT: Hypermarket Pty Ltd
DECISION: Not Assessed: Public Advice Given

The Environmental Protection Authority (EPA) understands that you wish to undertake the above proposal which has been referred to the EPA for consideration of its potential environmental impact.

This proposal raises a number of environmental issues. However, the overall environmental impact of the proposal is not so significant as to require assessment by the EPA, and the subsequent setting of formal conditions by the Minister for Environment under Part IV of the *Environmental Protection Act 1986*. Accordingly, the EPA has determined not to assess this proposal.

Nevertheless, the Environmental Protection Authority has provided the attached advice to you as the proponent, and other relevant authorities, on the environmental aspects of the proposal. It is the EPA's expectation that this advice be given serious consideration in the decision making process given the World Heritage values of the site.

The EPA's decision to not assess the proposal is open to appeal. There is a 14-day period, closing 13 April 2015, during which, on payment of the appeal fee, an appellant may ask the Minister to consider directing the EPA to reconsider this decision or conduct a formal assessment.

Information on the outcome of the appeals process is available through the Appeals Convenor's website, www.appealsconvenor.wa.gov.au, or by telephoning 6467 5190 after the closing date of appeals.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'P. Vogel', written over a horizontal line.

Dr Paul Vogel
Chairman

30 March 2015

Encl: Public Advice

**PUBLIC ADVICE UNDER SECTION 39A(7)
ENVIRONMENTAL PROTECTION ACT 1986**

SHORT STAY UNITS – LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND

Summary

Hypermarket Pty Ltd proposes to develop seven short stay units on Lot 304 Sunday Island Bay, Dirk Hartog Island. Approximately 5 per cent of the 11.3 hectare lot will be developed for this proposal, and Lot 304 is located within the Shark Bay World Heritage Area and adjacent to the Dirk Hartog Island National Park and Shark Bay Marine Park.

The EPA notes that the proponent proposes wind turbines and desalination plants for each unit, however no detail has been provided regarding the layout, design or potential environmental impacts of either wind turbines or desalination plants in this location. The EPA has therefore not assessed or considered these elements of the proposal. The EPA recommends consultation with the Department of Parks and Wildlife (Parks and Wildlife) on these matters.

The proposal was advertised for public comment and the Environmental Protection Authority (EPA) notes that two public comments were received. One requested the proposal be assessed at Public Environmental Review, the other at Assessment on Proponent Information – Category B. Key issues raised by the public included the following:

- lack of adequate quarantine protocols and the risks to the Parks and Wildlife restoration program;
- water and power provision, and rubbish disposal;
- scale of the full development; and
- inadequate flora and vegetation surveys and lack of baseline for adequate ongoing monitoring and management.

The EPA has considered the proposal in accordance with the requirements of the *Environmental Protection Act 1986* (EP Act) and the *Environmental Impact Assessment Administrative Procedures 2012*. In making its decision on whether to assess the proposal, the EPA considered the 10 aspects of the significance test as set out in clause 7 of the *Environmental Impact Assessment Administrative Procedures 2012*:

1. values, sensitivity and quality of the environment which is likely to be impacted;
2. extent (intensity, duration, magnitude and geographic footprint) of the likely impacts;
3. consequence of the likely impacts (or change);
4. resilience of the environment to cope with the impacts or change;
5. cumulative impacts with other projects;
6. level of confidence in the prediction of impacts and the success of proposed mitigation;
7. objects of the Act, policies, guidelines, procedures and standards against which a proposal can be assessed;

8. presence of strategic planning policy framework;
9. presence of other statutory decision-making processes which regulate the mitigation of the potential effects on the environment to meet the EPA's objectives and principles for EIA; and
10. public concern about the likely effects of the proposal, if implemented, on the environment.

The EPA has identified Flora and Vegetation, Terrestrial Fauna, Inland Waters Environmental Quality, Coastal Processes and Amenity as the preliminary environmental factors relevant to this proposal under Part IV of the EP Act. In considering the potential direct and indirect impacts of the proposal on the preliminary environmental factors, the EPA has had particular regard to:

- the important environmental values but the relatively small geographic footprint and scale of the proposal in context of Dirk Hartog Island; and
- the presence of other statutory processes, including licence requirements under the *Conservation and Land Management Act 1984* and the development approvals by the Shire of Shark Bay.

In summary, although the proposal raises a number of environmental issues, the EPA's objectives for the preliminary environmental factors can be met through the satisfactory implementation of this public advice and through other statutory decision-making processes. As a result, the EPA considers that the likely environmental impacts of the proposal are not so significant as to warrant formal assessment.

1. Preliminary Environmental Factors

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

- a) Flora and Vegetation;
- b) Terrestrial Fauna;
- c) Inland Waters Environmental Quality;
- d) Coastal Processes; and
- e) Amenity.

There were no factors that were determined to be key environmental factors that would require formal assessment under Part IV of the EP Act. The EPA considers that the mitigation of the potential effects on the environment can be regulated by other statutory decision-making processes and through the implementation of this public advice and other best practice measures.

2. Advice and Recommendations regarding Environmental Issues

a. Flora and Vegetation and Terrestrial Fauna

The EPA notes that the proposal will involve vegetation loss due to the construction of the accommodation units, walk and vehicle paths and other associated infrastructure. Lot 304 is within the Edel Vegetation System, which covers

approximately 20,000 ha of Dirk Hartog Island and only approximately five percent of the 11.3 hectare ha lot will be developed as a result of this proposal. The EPA therefore considers that vegetation loss from this proposal is unlikely to have a significant impact on flora and vegetation nor fauna habitat.

However access to Lot 304 requires transiting through the Dirk Hartog Island National Park, both for visitor arrival via the barge at the southern end of the island and via the proposed walkways from the accommodation units to the adjacent beach. Potential impacts to the national park include localised impacts to the areas accessed by visitors, particularly the adjacent foreshore area, during both construction and operation and the introduction of pests through inadequate quarantine practices. Inadequate implementation of biosecurity protocols could put at risk the success of the Dirk Hartog Ecological Restoration Program.

While the EPA notes that the proponent has prepared a Foreshore Management Plan, the EPA recommends that this plan be expanded to an Access Management Plan and address impacts to Dirk Hartog Island National Park resulting from the construction and operation of the proposal. The plan should include, but not be limited to, the following:

- Protocols to minimise impacts to Dirk Hartog Island National Park during construction which could include the use of clear signage, operator information, and (where necessary) temporary fencing or pegging.
- Protocols to minimise impacts to Dirk Hartog Island National Park during operation through appropriate management of visitor access and recreation.
- Monitoring and rehabilitation procedures and protocols for areas within the Dirk Hartog Island National Park that are disturbed as a result of the construction or operation of the proposal, with a particular emphasis on the foreshore area adjacent to the development.
- Procedures, in accordance with the *Dirk Hartog Island Biosecurity Implementation Plan*, to ensure that the development does not introduce or proliferate non-indigenous terrestrial species to or on Dirk Hartog Island.

The EPA also recognises that a licence is required from the Parks and Wildlife for commercial tourism operations in the national park and marine park and that conditions can be placed on this licence to manage and mitigate environmental impacts. The EPA further recognises that Parks and Wildlife may include a condition on this licence that requires compliance with the Access Management Plan, if deemed necessary.

The EPA considers that potential impacts to flora and vegetation and fauna can meet the EPA's objectives through regulation and mitigation of impacts by other regulatory processes and the implementation of this public advice.

b. Inland Waters Environmental Quality

The proponent indicates that each unit would be separately responsible for the provision of sewage and water supply and proposes the following:

- sewage – septic system or incinoleet technology (using electric heat to reduce human waste to ash); and

- water – a combination of rainwater tanks, desalination plants and groundwater.

While the EPA notes that a septic system is currently in use at the Dirk Hartog Island Lodge, the use of such systems does not comply with the EPA's principles of *best practice* and *continuous improvement* as identified in Environmental Assessment Guideline 8. The EPA therefore does not support the installation of septic systems and instead recommends that Aerobic Treatment Units (or similar) are installed for on-site effluent disposal.

The EPA recognises that water provisioning on the island will need to rely on multiple sources due to the unreliability of rainfall. The proponent has indicated that groundwater will be sourced from existing wells in Dirk Hartog Island National Park, however only anecdotal information is available regarding the quality and quantity of water within these wells. Although this anecdotal evidence does indicate that sufficient water will be available for the proposal, the EPA recommends that conditions be applied to the proponent as part of any well access agreements. These conditions should require the proponent to provide quarterly water quality data on total dissolved salts and pH, together with usage volumes, to the Department of Water and Parks and Wildlife. The EPA considers this information is important to demonstrate that any future expansion of the tourism development on Lot 304 will not impact the long-term sustainability of the groundwater.

The EPA considers that the proposal, if implemented consistent with this public advice, is not likely to have a significant impact on the environmental factors of inland waters environmental quality.

c. Coastal Processes

The EPA notes that the Department of Planning (DoP) has undertaken a review of the proponent's coastal setbacks report and the Foreshore Management Plan. The DoP has recommended the proponent undertake Coastal Hazard and Risk Management and Adaptation Planning (CHRMAP), consistent with State Planning Policy 2.6, to reduce the coastal hazard risk down to acceptable or tolerable levels. The DoP has also recommended that the proponent to redraft the Foreshore Management Plan to ensure it is consistent with State Planning Policy 2.6.

The EPA recommends that the Shire of Shark Bay impose conditions on the development application consistent with the DoP's recommendations.

The EPA considers that potential impacts to coastal processes can meet the EPA's objectives through regulation and mitigation of impacts by other regulatory processes and the implementation of this public advice.

d. Amenity

The EPA notes that one of the criteria for which the Shark Bay area was listed as World Heritage is the *superlative natural phenomena, formation or features* which includes the coastal scenery of Dirk Hartog Island.

The EPA also notes that Guidance Statement 49 *Assessment of development proposals in the Shark Bay World Heritage Property* (EPA, 2000) requires proponents and decision-making authorities to pay particular attention to the World

Heritage values for which the property was listed to ensure the proposal will not have a significant environmental impact.

While the proponent has committed to using the formal World Heritage colour palette and designing the buildings and infrastructure to blend into the landscape proponent, the EPA believes further minimisation of impact to visual amenity could be achieved. The EPA therefore recommends that prior to approval of the development application that a Visual Impact Assessment is to be undertaken consistent with the *Visual Landscape Planning in Western Australia*, published by the Department of Planning (2007). This Visual Impact Assessment should be undertaken in consultation with Parks and Wildlife.

The EPA also recommends that the Shire of Shark Bay place a condition on the development application which requires the proponent to use the appropriate colour palette for the Shark Bay World Heritage Area.

The EPA considers that the proposal, if implemented consistent with this public advice, is not likely to have a significant impact on the environmental factor of amenity.