



Government of **Western Australia**
Department of **Health**

Your Ref: P4281 / O-CR-18492
Our Ref: F-AA-25477 D-AA-20/131064
Contact: Vic Andrich 9222 2000

Mr Paul Anderson
Chief Executive Officer
Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Attention: Liz Bushby

Via email: admin@sharkbay.wa.gov.au

Dear Mr Anderson

PROPOSED LOCAL DEVELOPMENT PLAN AND SITE AND SOIL EVALUATION FOR LOT 304 DIRK HARTOG ISLAND (SUNDAY ISLAND BAY)

Thank you for your letter of 29 May 2020 requesting comments from the Department of Health (DOH) on the above proposal. The DOH provides the following comment:

The proposal is to be in accordance with the *Government Sewerage Policy 2019*.

For non-scheme water connected areas, the development is to have access to a sufficient supply of potable water that is of the quality specified under the *Australian Drinking Water Quality Guidelines 2011*.

The necessary requirements may be referenced and downloaded from:

http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-quality-management

http://ww2.health.wa.gov.au/Articles/A_E/Drinking-water-guidelines-and-standards

Suitable provision for an adequate onsite effluent disposal area is to be accommodated in any planning approval. For on-site wastewater disposal systems to be approved, a winter 'site-and-soil evaluation' (SSE) in accordance with Australian Standard 1547 (AS/NZS 1547) is required.

For more details please refer to the *Guidance on Site-and-soil evaluation for Onsite Sewage Management*.

In relation to the details that have been provided:

- Design and calculation of the Onsite Wastewater System (OWS) are as per *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* and the Supplement to Regulation 29.

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- Design and calculation of the OWS should be based on the maximum occupancy.
- Water and nutrient balance study is absent from the SSE.
- Minimum of 0.6m of separation distance from discharge point to limestone hardpan, 1.5m of separation distances from discharge point of the on-site sewage system to the highest groundwater level.
- SSE calculated an indicative land application size of at least 400m² of individual building envelope is available for the land application area. However, have not provided the footprint and demonstrated how the system fits and meets the setback requirements in each building envelope.

The DOH is satisfied that both options provided in the proposal are able to comply with health requirements. Separate approval of each onsite effluent disposal system is required. Please note that issues related to nutrient retention are not assessed by DOH.

Should you have any queries or require further information please contact Vic Andrich on 9222 2000 or ehinfo@health.wa.gov.au

Yours sincerely



Dr Michael Lindsay
EXECUTIVE DIRECTOR
ENVIRONMENTAL HEALTH DIRECTORATE

4 September 2020

The Chief Executive Officer

Shire of Shark Bay

65 Knight Terrace

Denham WA 6537

Attention: Paul Anderson

D H I Development Pty Ltd

P O Box 107

North Fremantle 6159

Dear Paul,

Additional Information for Local Development Plan Application Lot 304 Sunday Island Bay

Further to my letter and email of 19 August 2020 I have attached the additional information images that have been completed today for provision to Council.


These are preliminary images ordered to provide some visual understanding to Council and more detailed rendering will be provided at the DA level.

- Image 1 Digital representation of 33 building footprints possible(90m2) on the lot
- Image 2 Digital representation of building footprint possible(90m2) at each location in a stage one proposal for 7 units
- Image 3 Digitally enhanced view of Sunday Island Bay
- Image 4 Digital enhanced rendering of WABI units on lot 304

Additionally

- Image 5 photo showing view to lot 305 from Lot 304 identifying building and shed previously approved by Council. There is no proposal for any shed on lot 304
- Image 6 VI photo illustrating view from Lot 305 to Lot 304
- Image 7 VI photo rendition of model showing 6 units
- Image 8 VI photo showing lot 304 from lot 305
- Image 9 VI photo showing view to lot 304 from lot 305
- Video 1 Helicopter view of Sunday Island Bay
- Video 2 Helicopter view of Lot 304
- Video 3 View of Sunday Island Bay from ocean
- Video 4 View over entire site including visual impact to Lot 305

Yours Sincerely



G. Wardle

DHI Development Pty Ltd

23 August 2020

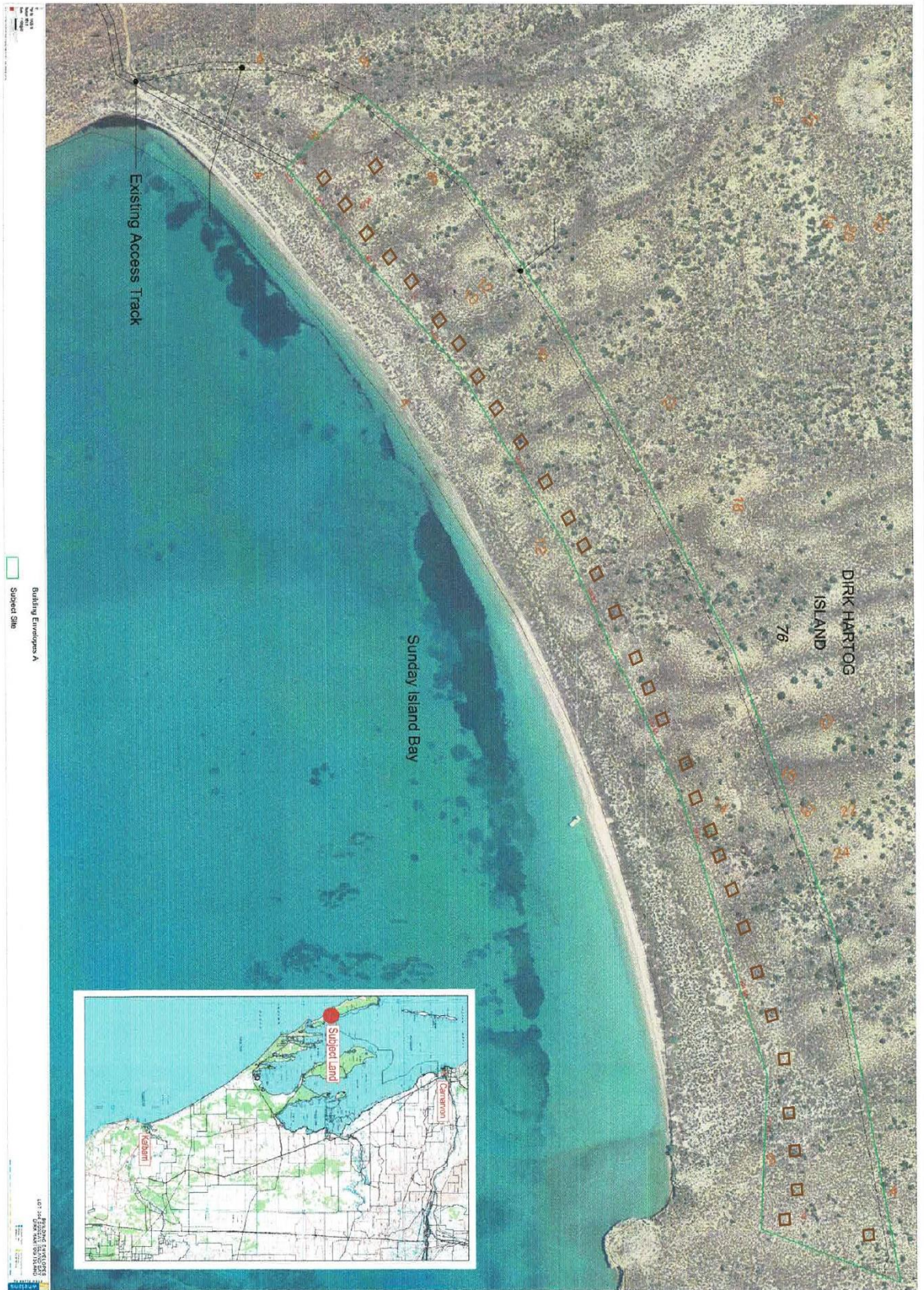


Image 1

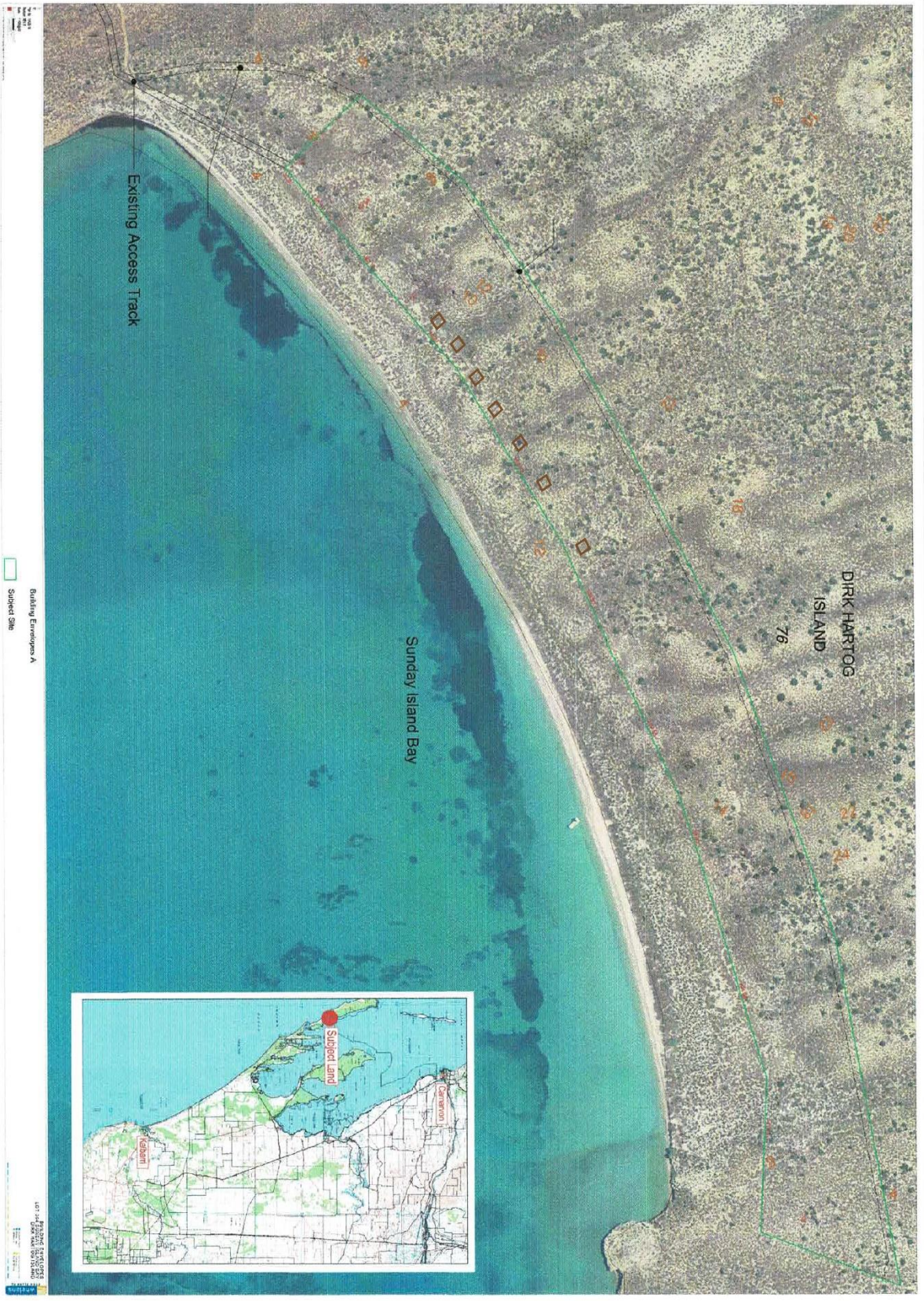


Image 2



Image 3



Image 4



Image 6



Image 7



Image 8



Image 9

View to Clough development Lot 305- from lot 304 -approved by Council **showing scale in proportion to land scape.** 4 times the size of units proposed at lot 304
Plus separate shed approved by Council but **not** proposed on lot 304



Indication of density and scale of bush on lot 304

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13.0 TOWN PLANNING REPORT

13.1 LOCAL DEVELOPMENT PLAN - LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND P4281

AUTHOR

Liz Bushby, Town Planning Innovations

DISCLOSURE OF ANY INTEREST

Declaration of Interest: Liz Bushby, Town Planning Innovations

Nature of Interest: Financial Interest as receive planning fees for advice to the Shire – Section 5.60A of *Local Government Act 1995*

Declaration of Interest: Cr Cowell –

Nature of Interest: Impartiality Interest as Executive Officer for Shark Bay World Heritage Advisory Committee

Moved Cr Stubberfield

Seconded Cr Smith

Council Resolution

That Council suspend Standing Orders, clause 9.5 Limitation on number speeches to be suspended at 4.31 pm for open discussion on Item 13.1 Local Development Plan – Lot 304 Sunday Island Bay, Dirk Hartog Island.

6/0 CARRIED

Moved Cr Stubberfield

Seconded Cr Smith

Council Resolution

That Council reinstate Standing Orders at 5.14 pm.

6/0 CARRIED

Officer Recommendation

That Council:

1. Note the submissions in Attachment 9 and 10.
2. Resolve to refuse the Local Development Plan prepared by Taylor Burrell Barnett for Lot 304 Sunday Island Bay, Dirk Hartog Island in accordance with Part 6, Schedule 2, Clause 52(1)(c) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:
 - (i) The proposal does not provide guidance on future land uses and does not demonstrate compliance with the objective of Special Use Zone (No 14) which is to provide for eco-tourism development which by definition means ‘ecologically sustainable tourism’.
 - (ii) The Management Plan does not satisfactorily address Condition 3(i) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
 - (iii) The proposed Local Development Plan provisions or design guidelines do not demonstrate that development will achieve a high architectural quality, will be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and the

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- unique character of the surrounding area as required under Condition 3(ii) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
- (iv) The proposal would facilitate development that would place the lives of vulnerable visitors at an unacceptable risk through non-compliance with 'State Planning Policy 3.7 – Planning in Bushfire Prone areas'. Proposed development cannot be classified as 'unavoidable' development under State Planning Policy 3.7.
 - (v) The Local Development Plan, Environmental Report and Biosecurity Plan do not satisfactorily address Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
 - (vi) The extent of clearing, building envelopes and development footprint does not demonstrate that there will be a low impact on the natural environment, that the high conservation values will not be compromised or demonstrate that the ecological values and special attributes of the Island will not be compromised as required by Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.
 - (vii) The proposal does not demonstrate that development sympathetic to the natural character of Dirk Hartog Island as required by Condition 3(vi) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 will be achieved.
 - (viii) The proposal does not demonstrate that future development will not have a negative impact on the environment, World Heritage values, or the adjacent foreshore and marine park.
 - (ix) The proposal does not demonstrate compliance with the Government Sewerage Policy.
 - (x) There is insufficient quantified information on groundwater for a location that is in close proximity to high value assets (ie the marine environment within the Shark Bay World Heritage area).
 - (xi) There is insufficient information to establish that development will be provided with adequate co-ordinated services including waste management, power, a reliable potable water supply and non potable water supply.
 - (xiii) The proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and causes potential for dust, wind erosion and dune destabilisation.
3. Authorise the Chief Executive Officer to advise all authorities and submitters of the Council decision in writing.

AMENDMENT TO OFFICERS RECOMMENDATION

Reason: Mover considered the Council should consider modification to the Local Development Plan.

Moved Cr Stubberfield
Seconded Cr Ridgley

Councillor Motion

That Council endorse Option 3 – To require modification to the Local Development Plan and resubmission of a modified plan for approval.

4/2 LOST

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Moved Cr Burton
Seconded Cr Smith

Council Resolution

That Council:

1. **Note the submissions in Attachment 9 and 10.**
2. **Resolve to refuse the Local Development Plan prepared by Taylor Burrell Barnett for Lot 304 Sunday Island Bay, Dirk Hartog Island in accordance with Part 6, Schedule 2, Clause 52(1)(c) of the deemed provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:**
 - (i) **The proposal does not provide guidance on future land uses and does not demonstrate compliance with the objective of Special Use Zone (No 14) which is to provide for eco-tourism development which by definition means ‘ecologically sustainable tourism’.**
 - (ii) **The Management Plan does not satisfactorily address Condition 3(i) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
 - (iii) **The proposed Local Development Plan provisions or design guidelines do not demonstrate that development will achieve a high architectural quality, will be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and the unique character of the surrounding area as required under Condition 3(ii) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
 - (iv) **The proposal would facilitate development that would place the lives of vulnerable visitors at an unacceptable risk through non-compliance with ‘State Planning Policy 3.7 – Planning in Bushfire Prone areas’. Proposed development cannot be classified as ‘unavoidable’ development under State Planning Policy 3.7.**
 - (v) **The Local Development Plan, Environmental Report and Biosecurity Plan do not satisfactorily address Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
 - (vi) **The extent of clearing, building envelopes and development footprint does not demonstrate that there will be a low impact on the natural environment, that the high conservation values will not be compromised or demonstrate that the ecological values and special attributes of the Island will not be compromised as required by Condition 3(v) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4.**
 - (vii) **The proposal does not demonstrate that development sympathetic to the natural character of Dirk Hartog Island as required by Condition 3(vi) of Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 will be achieved.**
 - (viii) **The proposal does not demonstrate that future development will not have a negative impact on the environment, World Heritage values, or the adjacent foreshore and marine park.**
 - (ix) **The proposal does not demonstrate compliance with the Government Sewerage Policy.**

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- (x) There is insufficient quantified information on groundwater for a location that is in close proximity to high value assets (ie the marine environment within the Shark Bay World Heritage area).
 - (xi) There is insufficient information to establish that development will be provided with adequate co-ordinated services including waste management, power, a reliable potable water supply and non potable water supply.
 - (xiii) The proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and causes potential for dust, wind erosion and dune destabilisation.
3. Authorise the Chief Executive Officer to advise all authorities and submitters of the Council decision in writing.

5/1 CARRIED

BACKGROUND

• **Restrictive Covenant**

There is a restrictive covenant on the Certificate of Title of Lot 304 which allows the land to be used for the purpose of low impact eco tourism including visitor accommodation units and staff accommodation, subject to normal local government and other necessary approvals.

The restrictive covenant for Lot 304 includes clauses that:

- Limit the visitor accommodation units to not exceed three times the number of hectares of land (rounded down to the nearest whole number) – refer extract below.

(b) the number of Visitor Accommodation Units that may be built or placed on the Land must not exceed the number (rounded down to the nearest whole number) that is three times the number of hectares in the Land (for example, if the Land is 17.3 hectares, the number of Visitor Accommodation Units may not be more than 51 – $17.3 \times 3 = 51.9$, rounded down to 51);
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- Limit the floor area of visitor accommodation units to 90m² (excluding unenclosed verandahs not used for sleeping areas);
- Limits staff numbers being housed to not more than a 1:1 staff to guest ratio and a floor area of not more than 35m² for staff accommodation.

Lot 304 has an area of 11.29 hectares therefore the covenant allows for 33 visitor accommodation units (rounded down).

The covenant is to the benefit of the Minister for Lands under the *Land Administration Act 1997*.

- ***Location***

Lot 304 is a freehold lot on Dirk Hartog Island. The remainder of the Island is national park managed by the Department of Biodiversity, Conservation and Attractions.



- ***Clearing Permit Application***

A clearing permit application has been lodged to the Department of Water and Environmental Regulation. A report on the clearing permit was referred to Council on the 31 October 2018.

The Shire only supported clearing for two areas (Envelopes 17 and 23A) based on the understanding that the owners would pursue revised plans for the the remainder of the development which would necessitate lodgement of a new planning application.

- ***Zoning***

Lot 304 is zoned 'Special Use' under the Shire of Shark Bay Local Planning Scheme No 4 (the Scheme). Special conditions apply to the Special Use zone applicable to Lot 304 – refer Attachment 1.

Lot 304 is also within a Special Control Area for the Shark Bay World Heritage Property under the Scheme.

- ***Relevant Council decision***

A previous Local Development Plan for Lot 304 was referred to Council at the meeting held on the 27 November 2019.

Council resolved as follows:

- 'A. Note that a Local Development Plan, Bushfire Management Plan and Flora Report has been lodged for Lot 304 Sunday Island Bay, Dirk Hartog Island.
- B. Resolve to authorise the Chief Executive Officer to write to the applicant and request additional information that specifically addresses Clauses 3(i) to 3(vi) of the Shire of Shark Bay Local Planning Scheme No 4 and matters identified by Shire Administration as outlined in the body of this report and Attachment 3.
- C. Note that the Shire has 7 days in which to assess whether any additional information lodged is sufficient to allow for processing and advertising of any revised Local Development Plan in accordance with Clause 49(2)(b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- D. Due to the statutory timeframe limitations, resolve to authorise the Chief Executive Officer to determine if any additional information lodged is sufficient to allow processing and advertising of a Local Development Plan.
- E. Endorse issue of an invoice to the applicant for the fee estimate outlined in Attachment 4. The fee has to be paid before any Local Development Plan will be processed.
- F. Note that staff and consultant availability may be limited over the Christmas / New Year period.'

- **Acceptance of revised Local Development Plan for processing**

A revised Local Development Plan was lodged on the 21 May 2020. The Shire accepted the Local Development Plan for processing and advertising on the 26 May 2020.

The applicant was advised that:

'Whilst the Shire accepts that all the documents listed under Condition (3) for Special Use Zone 14 under Schedule B of the Shire of Shark Bay Local Planning Scheme No 4 have been lodged, it is important to note that the content and adequacy of the documents has not been assessed. Input from a wide range of government agencies and the general public will occur through formal advertising and their comments will be taken into consideration as part of the planning assessment process.'

- **Ownership**

Lot 304 is under multi-ownership including DHI Development Pty Ltd, John Gardner, Leon Hodges and Verity Hodges. There is potential for additional owners in the future based on the current proposal.

Documents lodged as part of this application, such as the Management Plan, refer to the owners as 'co-owners'.

- **Subdivision**

The Shire is aware that the Minister for Planning has not allowed for any subdivision of Lot 304 to occur under the current Shire of Shark Bay Local Planning Scheme No 4.

COMMENT

- **Introduction**

This report highlights the main planning considerations associated with the Local Development Plan.

Due to the number of reports lodged as part of this application, this agenda report does not attempt to discuss each one in detail.

- **Attachments**

The agenda report attachments are listed below for ease of convenience:

Attachment 1	Special Use zone provisions
Attachment 2	Local Development Plan
Attachment 3	Flora Significance Assessment – Ecosystem Solutions
Attachment 4	Management Plan – DHI Development Pty Ltd
Attachment 5	Design Guidelines - DHI Development Pty Ltd
Attachment 6	Site and Soil Evaluation – Land Assessment Pty Ltd
Attachment 7	Environmental Report - DHI Development Pty Ltd
Attachment 8	Letter by MBS Environmental
Attachment 9	Table of Submissions
Attachment 10	WA Planning and Logistics (Individual Submission)

Copies of other documents including the Foreshore Management Plan, Biosecurity Plan, Bushfire Management Plan, Damara letter on coastal risk management, and Waste Management Plan are available to Councillors on request.

- **Local Development Plan**

The Local Development Plan proposes 33 building envelopes and includes provisions that:

- (i) Outline general development requirements and information that may be required for development (such as a Visual Impact Assessment);
- (ii) Requires compliance with a Bushfire Management Plan;
- (iii) Includes building setbacks;
- (iv) Provides the local government with discretion to approve development outside of building envelopes;
- (v) Requires development to be in accordance with design guidelines;
- (vi) Requires a minimum finished floor level of 4.2AHD for habitable accommodation;

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- (vii) Includes a statement that development and outbuildings are to be low scale;
- (viii) Requires buildings raised more than 1 metre above the minimum finished floor level or two storey buildings to require local government approval;
- (ix) Requires future development applications to demonstrate adequate servicing with water supply (for drinking and firefighting), and electricity;
- (x) Allows temporary sea containers associated with construction;
- (xi) Includes notes referencing the separate restrictive covenants.

A copy of the Local Development Plan submitted for Lot 304 prepared by Taylor Burrell Barnett is included as Attachment 2.

The purpose of a Local Development Plan is to strategically plan for co-ordinated development on the site, and provide the Shire with a document to guide future decision making at the subsequent development stages.

Town Planning Innovations is of the view that the Local Development Plan that has been submitted (combined with the Design Guidelines and other supporting documents) does not provide significant guidance for future eco-tourism development or demonstrate that the provisions will achieve a high quality, co-ordinated built form development outcome.

- ***Proposed Land Use***

The Local Development Plan refers to 'ecotourism' development however the documents do not substantiate how development meets that classification.

There are broad statements in some of the supporting documents about development being environmentally friendly and '*focussing on that natural environment of land, sea and sky*'.

It is not clear whether the Local Development Plan proposes a tourist development, holiday accommodation, holiday houses or some other land use.

The Management Plan states that '*a visitor accommodation unit meets the objectives of the zone whether developed as holiday accommodation, a holiday house, tourist development or nature based park camping ground when used for short term accommodation*' and that the completed development '*will be referred to as a resort*'.

The Management Statement states that all visitor accommodation units will be constructed as short term accommodation in accordance with the restrictions under the covenants, the Shires Scheme and any relevant development approvals.

- ***Development Footprint, Vegetation Assessment and Clearing***

Lot 304 has an approximate area of 11.29 hectares.

The restrictive covenants limit 'visitor accommodation units' to 90m² (excluding verandahs), however combined building envelope 1-4 is proposed to be significantly larger at 9417m².

The size of proposed building envelopes 5 to 33 range from 700m² to 1897m².

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The proposed total combined building envelope area is 41,588m² (or 4.1558 hectares), representing approximately 36.8% of the lot area. This does not include clearing for strategic fire breaks, vehicular access, asset protection zones or pedestrian access.

A Flora Significance Assessment ('the Assessment') has been prepared by Ecosystem Solutions – Attachment 3.

The Assessment identifies that vegetation within the site is consistent in species and structure. It identifies vegetation as scattered shrubs of *Acacia ligulata*, over Open Heath in some areas of *Diplolaena grandiflora* and *Acacia ligulata*, over Low Closed Heath of *Thryptomene dampieri*, *Frankenia pauciflora*, *Acacia ligulata*, *Atriplex bunburyana* and *Atriplex vesicaria*. Other common species included *Senecio pinnatifolius*, *Acanthocarpus preissii* and *Spinifex longifolius* as well as numerous Poaceae weed species (Introduced Grasses)

Vegetation condition can range between 'completely degraded' to 'pristine'. The Assessment identifies most vegetation as being in 'good' condition with signs of significant alteration from past grazing. Tracks are identified as being 'completely degraded'.

The Assessment states that *'there are no matters of environmental significance. There is a minimal potential for impact on conservation significant flora species due their absence from the site and proposed areas of impact required for this development'*.

It is recognised that vegetation on Lot 304 has been degraded by past grazing activities, that clearing will be required for bushfire management and that no declared rare flora or priority listed flora have been identified in the Assessment.

Notwithstanding the above, the proposed clearing will have an impact on the visual appearance of the lot, result in a loss of a natural setting for ecotourism, and raises concerns over potential for dust, wind erosion and dune destabilisation.

Council can consider the extent of clearing as:

- (a) The objective of the Special Use zone applicable to Lot 304 is for eco-tourism development which is defined as *'means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.'*

The extent of clearing does not minimise the impact of development on the natural environment or necessarily support the concept of 'ecologically sustainable tourism'. It may have negative impacts.

- (b) A condition of the Special Use zone requires an environmental report that demonstrates that *'the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island.'*
- (c) Under Clause 67 of the Regulations Council may have regard for the amenity of the locality including the (i) environmental impacts of the development and (ii) the character of the locality.

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The existing natural setting on Lot 304 forms part of it's character – refer photos over page:





The Shire may consider it desirable for the Local Development Plan to consider smaller building envelopes, clustering of development and / or less building envelopes to allow for some defined areas of native vegetation to be conserved in a more natural state, be protected/ rehabilitated, and allow for any development to be in a natural setting.

This would need to be balanced with the need to manage bushfire.

- **Management**

A Management Plan prepared by DHI Developments is included as Attachment 4. The Chief Executive Officer has highlighted some sections for the benefit of Councillors.

The applicant, Taylor Burrell Barnett, has advised that units may be funded and owned individually but managed by an employed project or facilities manager.

The Management Plan prepared by DHI Developments makes statements that:

- (i) A facility/ project manager will be employed by the co-owners;
- (ii) If employment is terminated the facility/ project manager must be immediately replaced (no time period);
- (iii) There will be a five year contact for each facility/ project manager (or lesser period agreed to by co-owners);
- (iv) There will be a unit management agreement between the co-owners and project manager;
- (v) The project manager will be responsible for reception, bookings, security, maintenance, caretaking, refurbishment, marketing, access to units and other services required by the co-owners;
- (vi) It references 'common property' which implies some form of future strata development;

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- (v) It states that the use of short stay accommodation units for permanent accommodation will not be permitted and the project manager is to ensure units are for short stay use and occupation for no more than three months;
- (vi) It refers to project managers responsibilities such as servicing units, providing linen, ensuring compliance with covenants, repair and maintenance, and implementation of the Bushfire Management Plan;
- (vii) It states that units will only be used in accordance with the Shires Scheme.

The main substance of the Management Plan is that it outlines general responsibilities for some form of future on site caretaker/ project manager which is only one aspect of property management.

The Management Plan does not substantially address the following;

- (a) Whether employment of a project manager/ caretaker is to commence prior to any site works/ construction, whether that employee will be provided with any fire training, and whether habitable buildings will only be let when a project manager / caretaker resides on site.
- (b) Management of the property in terms of visitor access paths, minimising disturbance and impact of visitors on areas outside of the building envelopes, weed control, or measurements and strategies for ongoing monitoring (eg erosion).
- (c) The Management Plan has been prepared by DHI Developments (one of the owners). It is not clear how future co-owners will be required to comply with the terms of the Management Plan or how it would be enforced if all co-owners do not agree.
- (d) It refers to some form of future co-owners Committee however it unclear how such a Committee would be governed or operated.

Clause 8.2 of the Local Development Plan makes reference to a Management Plan however has no specific provisions for a caretakers dwelling (or any guest reception/greeting/ booking area). It focuses on 33 envelopes for some form of future development.

The Local Development Plan (and Management Plan) do not demonstrate that an integrated ecotourist development will be achieved. There are no common tourist facilities, amenities, or co-ordinated servicing/infrastructure provision.

There is potential for each building envelope to be individually owned/developed (and serviced) albeit under some form of future common management.

- ***Bushfire Management Plan***

A revised Bushfire Management Plan has been prepared by Ecosystem Solutions.

Town Planning Innovations had a number of concerns over the previous Bushfire Management Plan as outlined in the November 2019 Council agenda, which was conveyed to the applicant. The issues raised in 2019 have not been substantially addressed.

The aim of any Bushfire Management Plan is to maximise the protection of life in the event of a bushfire.

Comprehensive Bushfire Management for a vulnerable tourist development is essential for Lot 304 as it is remote, and it is not known whether any rescue could occur in a reasonable time period.

The (revised) Bushfire Management Plan does not provide for any safe evacuation for guests or any safe on-site purpose built shelter (which is a last resort option),

The Bushfire Management Plan proposes that all guests stay in each 'visitor accommodation unit' in the 33 envelopes in the event of a fire. Guests will be isolated from staff, may panic and make dangerous choices. It is not clear how guest movements would be monitored.

Construction of any buildings to a higher Australian Standard does not make buildings safe for on-site shelter during a bushfire. The Department of Fire and Emergency Services has advised that:

'Bushfire Attack Level construction standards do not claim to constitute a refuge and have been shown to have a failure rate of around 10% during bushfires. Increased BAL construction standards should therefore not be incorrectly equated with a lower risk to life.'

The Bushfire Management Plan is not supported by Town Planning Innovations, the Department of Fire and Emergency Services, or the Department of Planning, Lands or Heritage, and does not comply with 'State Planning Policy 3.7: Planning in Bushfire Prone Areas'.

The Bushfire Management Plan justifies the non-compliance by claiming the proposal is 'unavoidable development'. The development, and proposed number of units/envelopes, is not unavoidable as outlined in the Department of Fire and Emergency Services submission.

Town Planning Innovations is of the view that the extent of non-compliance with State Planning Policy 3.7 combined with the number of potential guests involved is too great a risk to human life.

- ***Design Guidelines***

A copy of the design guidelines is included as Attachment 5.

The design guidelines prepared by DHI Developments Pty Ltd do not demonstrate that a co-ordinated high quality built form outcome commensurate with the lot location within a world heritage area will be achieved.

Some of the design guideline content discusses building matters such as fittings details (eg quality plumbing, sanitary and electrical fittings), compliance with Wind D rating, and compliance with the Building Code of Australia – these are controlled through separate building legislation and are not relevant.

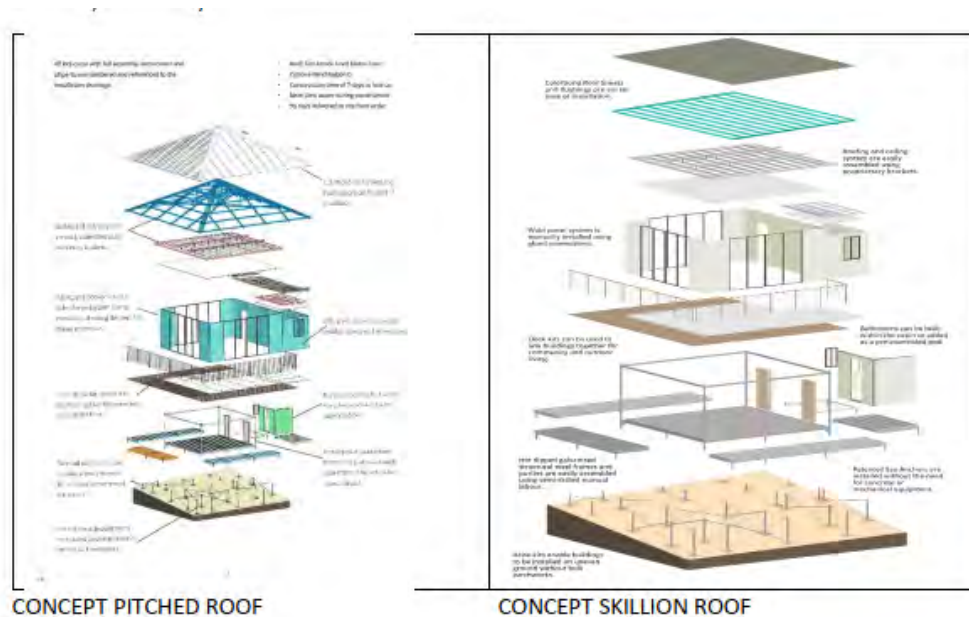
The guidelines contain minimal guidance when it comes to built form and do not provide any measurable criteria guiding style, elevations, features, architectural details, common elements, building height, building scale, building bulk etc.

The Design Guidelines do not include clear requirements for any ancillary or future development such as outbuildings, bin enclosures, shared infrastructure/ wind turbines, any communal buildings (enclosed waste storage area/ boat storage/ car storage); carports, garages, fencing, water tanks, office/reception area; walkways, gazebos, patios/ pergolas, storerooms, outdoor guest areas or non-accommodation buildings. There are no provisions requiring managed pedestrian links, fencing of vegetation to be retained, lighting or screening.

The Design Guidelines should provide existing owners, future owners, developers, and the Shire with clear measurable design criteria that will achieve an integrated and cohesive development outcome for short, medium and long term development of Lot 304.

The condition of Special Use Zone 14 that requires high architectural quality has not been adequately addressed within the Design Guidelines or the Local Development Plan.

The only real measurable guidance provided in the Design Guidelines is that a pitched or skillion roof can be used, with optional verandahs – refer extract below.



There is no guarantee that an ad hoc development of mixed architectural styles will not result if the design guidelines were accepted.

- **Minimum Finished Floor Levels**

The Local Development Plan requires a minimum finished habitable floor level of 4.2 Australian Height Datum for habitable buildings. The site is in an area identified in the

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Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe.

The Damara report was lodged by the applicant in support of the Local Development Plan, and encourages construction in the landward side of the building envelopes (above +4.7m AHD) to maximise the time until retreat is required.

The Local Development Plan does not implement the recommendation of the Damara Report in regards to the finished floor level, however it is recognised that the 4.2 AHD level is consistent with the Scheme.

- **Government Sewerage Policy - Effluent Disposal**

The lot is classified as 'environmentally sensitive' under the Government Sewerage Policy. The policy discusses addressing effluent disposal as early as possible in the planning process.

Town Planning Innovations liaised with the Department of Planning, Lands and Heritage (Water Policies) who advised that:

'A. The Shire can exercise its discretion to determine what information is appropriate to require, however noting the intent and objectives of the GSP, it would be reasonable for the Shire to request information relating to;

- (i) the capability of land to accommodate on-site sewage disposal; and*
- (ii) the type of system required*

B. Essentiality the Shire should be satisfied that the Local Development Plan site will be capable of accommodating on-site wastewater without endangering public health or the environment on a cumulative level. This will include consideration of the scale, nature and intensity of future development.

In addition, take into consideration site characteristics including remoteness, terrain, drainage, soil types etc to determine whether or not the type of system proposed is appropriate and reasonable. '

A Site and Soil Evaluation (On-Site Effluent Disposal) was prepared by Land Assessment Pty Ltd – Attachment 6.

This Report outlines the proposal, provides some information regarding the expected wastewater volume generated by the development; looks at the soil composition and it's leaching properties along with the natural vegetation on the land; treatment and disposal options; and the cumulative impact of an on-site wastewater disposal system on the environment.

It examines options for standard leach drains and Alternative Treatment Units.

The Shire's Environmental Health Officer has advised :

- 1) Expected Wastewater Volume – The calculations presented in the Report are not supported.

Assumptions have been made that each unit while being able to accommodate 8 people would only accommodate 2-4 people giving an average of 3 people; and that most visitations to the Island would be between February – October being 9 months or 0.66 of the year.

The Department of Health WA requires that the volume of wastewater be based on the maximum figures rather than the assumed average.

The report does not demonstrate compliance if accommodation is at full capacity.

2) Project Area Overview – Geology, Land Systems & Hydrology and Evaluation of Lot 304 Soils

A total of 19 test holes were dug and soil samples taken for analysis (from both within and outside of Lot 304) – refer plan below.



Most of the land across Lot 304 was considered to have a Fair Capability of nutrient retention, with only two small areas where the soil was considered to have Low Capability – refer plan over page.

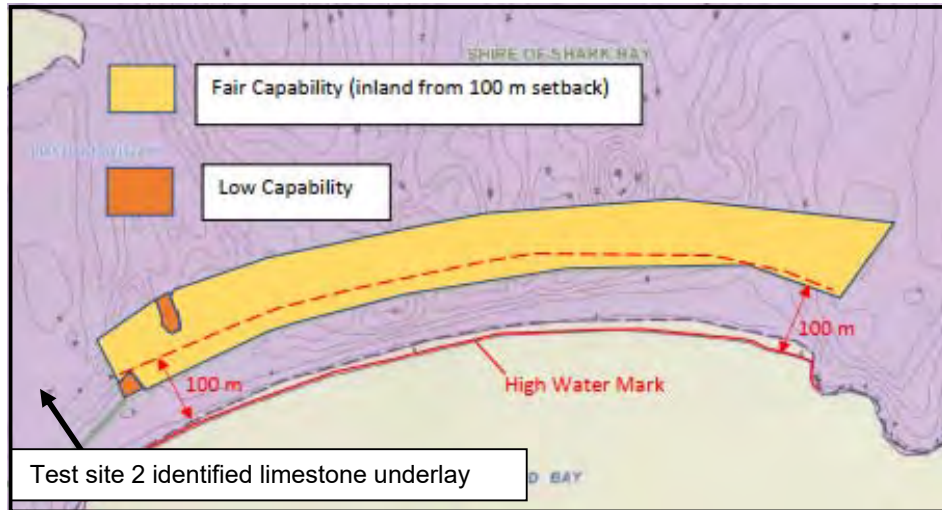
A nitrogen retention test was not carried out however both nitrogen and phosphorus are the two main contributors to adverse impact on the environment and both are found in domestic wastewater.

The Report shows that the sands have good permeability and effluent from the leach drains will soak through the sands readily.

The Report raises concerns that if the effluent leaches through the sand and comes to limestone where there will be little or no absorption by the rock, that it could be a means where the effluent flows over the rock and could thereby enter the ocean at Sunday Island Bay and affect the marine life.

This applies to a portion of the lot included as having 'low' capability (test site 2) however the report speculates that the underlying limestone layer could form part of a larger rock formation.

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- 3) Conclusions of the Report indicates that the preferred type of system for wastewater disposal should be the FujiClean CE-1500EX Alternative Treatment Units system which provides better than average nutrient retention from the effluent and has a disinfectant chamber. This system can be connected to either a sub-surface irrigation system or to leach drains.

The Shires Environmental Health Officer agrees that this type of Alternative Treatment Units wastewater disposal system would be better than a standard septic system.

Town Planning Innovations has concerns that the cumulative impact may have negative environmental impact as:

- (i) The Government Sewage Policy states that Sewage Sensitive Areas should have a minimum lot size of 1 hectares for an on-site wastewater disposal system, however that is applied for rural residential development.

The Site and Soil Evaluation considers that the existing size of Lot 304 is compliant. It may be more practical to apply a minimum area per accommodation unit.

The Government Sewer Policy states that *'for non-residential, commercial or industrial planning proposals in sewage sensitive areas, lot sizes will be assessed on a case-by-case basis. This is because the nutrient loads produced will vary according to the proposed land uses.'*

- (ii) The Site and Soil Evaluation states that the potential cumulative impact of on site effluent disposal to the waters of the marine reserve cannot be easily quantified because the pre-development hydraulic load reaching the marine park as a result of rainfall is unknown.

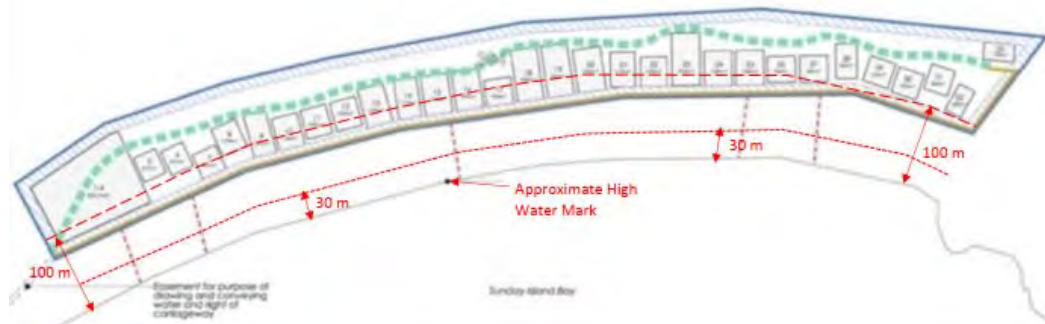
This implies a level of uncertainty.

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- (iii) The Site and Soil Evaluation speculates that the underlying layer found at test site 2 could be part of a more extensive rock platform beneath the dunes and act as pathway directing the flow of effluent towards the marine environment.

Whilst not established this also implies some uncertainty. This may warrant additional test sites near to the identified limestone rock underlay.

- (iv) An Aerobic Treatment Unit is more favourable from an environmental perspective and is supported by the Shire's Environmental Health Officer. The Local Development Plan has no provisions requiring Alternative Treatment Unit's.
- (v) The Local Development Plan does not show any areas of the lot with 'low' capability as development exclusion areas.
- (vi) The risks can be reduced when on site systems are owned and operated by a single entity. In this case different envelopes (and systems) may be owned by different co-owners. Alternative Treatment Unit's require ongoing maintenance regimes.
- (vii) There is concern over whether the scale and number of building envelopes is appropriate adjacent to the marine environment in world heritage area on a cumulative level.
- (viii) The Government Sewage Policy does not specifically address setbacks from the marine environment. It requires a 100 metre setback but that only applies to a 'significant wetland'. For an Alternative Treatment Units, the setback distance is 30 metre. The plan below shows a 30m and 100m setback lines from the high tide mark.



There is concern over ambiguity of setback requirements for effluent disposal.

- **Summary of Scheme Requirements**

The Special Use provisions applicable to the Special Use zone that applies to Lot 304 are included as Attachment 1.

For ease of reference the most relevant Scheme requirements are summarised in the table below:

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Scheme Requirement under Schedule B	Town Planning Innovations Comment
<p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p>	<p>The use of the term 'shall' in the Scheme means that it is a legal statutory requirement for these provisions to be met.</p>
<p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</p>	<p>Not Achieved.</p> <p>A co-ordinated overall property management plan has not been provided. Separate documents including a co-owners management plan, waste management plan, biosecurity plan and on site effluent disposal report have been lodged.</p> <p>Deficiencies of the Co-Owners Management Plan are explained in the body of this report.</p> <p>The Waste Management Plan does not substantially demonstrate adequate waste management strategies, measures and monitoring.</p> <p>The Waste Management Plan proposes that:</p> <ul style="list-style-type: none"> a) Each unit will have a general bin waste and recycling rubbish collection area (referred to as bins/sacks/ containers); b) Each bin area for the accommodation units will include an area for operation of the cyclone burn unit; c) A cyclo burn portable incinerator will be used daily (except during fire bans); d) Cans and bottles will be crushed and sent to Denham tip site; e) A skip bin will be used for general waste if the cyclo burn cannot be used for 5 consecutive days, and waste will be taken to Denham tip; f) Minimalization of waste will be encouraged with education of guests. <p>There is no discussion of having a dedicated enclosed waste management / storage shed. It is not clear whether use of a skip bin is feasible given the remoteness of the site or how litter would be protected from wind.</p>

	<p>The Waste Management Plan needs to provide demonstrated calculations for maximum occupancy rather than being based on expected projections.</p> <p>Broad statements indicate that some waste will be transported to the Denham tip site however there is limited detail on initial storage areas on site, transportation methods, volumes and appropriate sealed containers.</p> <p>There is no information on the type of chemicals to be stored, where they would be stored and the Local Development Plan does not nominate any co-ordinated dedicated enclosed waste storage area.</p> <p>There is limited information on construction waste.</p> <p>There is an on-site effluent disposal report discussed separately in this report.</p>
<p>(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p>	<p>Not Achieved.</p> <p>The Local Development Plan provisions include a requirement that new buildings and outbuildings be low scale.</p> <p>Some of these issues could be addressed through comprehensive design guidelines that guide the architectural quality or provide for a co-ordinated cohesive development.</p> <p>The Design Guidelines provided are unsatisfactory.</p>
<p>(iii) Coastal setbacks in accordance with relevant state planning policy;</p>	<p>Achieved.</p> <p>The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe. The Damara Report provides long-term management for the development including actions for retreat based on triggers.</p> <p>The Damara Report long term pathway for development is to avoid erosion and inundation risk until not viable, then moving into a managed retreat phase.</p> <p>The managed retreat is to be undertaken within the 33 building envelopes. The Damara Report identifies that erosion risk management is to be focused on beach</p>

	<p>access and dune management until retreat is required to be implemented.</p> <p>To avoid inundation risk, the report recommends that development be located landward of the 4.7m AHD contour.</p> <p>The Damara Report was referred to the Department of Planning, Lands and Heritage. The Department of Planning, Lands and Heritage recommend that if any approval is granted, it should be time limited initially to the year 2070.</p> <p>Coastal setbacks are addressed in the Local Development Plan and the Damara report has been supported by the Department of Planning, Lands and Heritage.</p>
<p>(iv) Bushfire management in accordance with relevant state planning policy;</p>	<p>Not Achieved.</p> <p>A Bushfire Management Plan has been lodged but does not comply with State Planning Policy 3.7.</p>
<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p>	<p>Not Achieved.</p> <p>An environmental report by DHI Developments has been lodged – Attachment 7.</p> <p>The environmental report makes general statements about development being:</p> <ul style="list-style-type: none"> - Low impact/ low scale; - Co-ordinated through design guidelines/ building envelopes; - Use of informal tracks; - Distance to the Zuytdorp cliffs and Turtle Bay; - Visitor impact/numbers being managed by a future project manager; - Includes a section on biosecurity that largely refers to the Department of Biodiversity, Conservation and Attractions Dirk Hartog Island Biosecurity Plan. <p>The Environmental Report has been supported by a letter of endorsement by MBS Environmental – Attachment 8.</p> <p>The size of combined building envelopes, firebreaks, accessway, and asset protection zones will have a much larger footprint than the 90m² per unit cited within the <i>Environmental Report</i>.</p>

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	<p>The Environmental Report does not sufficiently address the Scheme or demonstrate a low impact on the environment.</p> <p>A flora assessment has been lodged however that is only one environmental aspect (and is discussed in the body of this report).</p>
(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.	<p>Not Achieved.</p> <p>The proposed design guidelines are not sufficient.</p>
4) Any staged development is to address the requirements indicated in (3) above.	<p>Not Achieved.</p> <p>No definitive information on staging has been provided.</p> <p>The Site and Soil Evaluation states the initial stage of development will include Envelopes 8-13, 17 and 23 which is ad hoc.</p>
7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.	<p>Not Demonstrated.</p> <p>The Local Development Plan refers to ecotourism however does not specify the proposed future land uses.</p>
10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) <u>for endorsement</u> where a physical foreshore exists between the site and the coast as a condition of development.	<p>Not Achieved.</p> <p>The Department of Biodiversity, Conservation and Attractions have not endorsed the Foreshore Management Plan.</p>
11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.	<p>Not Provided. It has been requested by the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions.</p> <p>The Local Development Plan states that the local government may require a Visual Impact Assessment.</p> <p>If a visual impact assessment is not provided then Town Planning Innovations is of the view that the Local Development Plan needs to identify clear triggers for when one will be required (eg for stage 1 of development).</p>

The purpose of a Local Development Plan is to significantly address the Scheme requirements in a comprehensive manner so as to guide future development, and provide clear guidelines for any future development.

A thorough Local Development Plan will essentially pave the way for future development applications and a quality development outcome.

The Local Development Plan (as submitted) does not provide thorough provisions to strategically guide development in the manner required by the Scheme and suitable for the location.

- **Consultation**

A detailed Table of Submissions (from government agencies and referral authorities) is included as Attachment 9. A detailed submission prepared on behalf of a private landowner is included in its entirety as Attachment 10.

The Local Development Plan was referred to the WA Department of Health however they had not responded at the time of writing this report.

A wide range of concerns were raised during advertising. For convenience the main objections are summarised below:

Summary - Issue Raised	Town Planning Innovations Comment
Lack of demonstration of an eco-tourism development and proposed land uses	Agreed.
Lack of guidance for future ancillary development such as outbuildings, car parking, carports,	Agreed.
Size, scale, number of envelopes, and extent of development does not demonstrate low scale or low impact	Agreed.
Defacto subdivision with potential individual ownership over envelopes (like a strata)	Noted. There is potential for 33 co-owners who may have different ambitions for future development. Some documents refer to common property and infer some form of future strata.
Does not demonstrate low impact on the environment and concern over impact of visitor activities on the marine park	Agreed.
Lack of information on servicing including potable and non potable water supply, water quality, availability and reliability as well as power.	Agreed. As Lot 304 is unserviced the proponent needs to demonstrate that there is adequate water supply for human consumption, non potable water for showering/ amenities and for fire fighting.
Depth to groundwater not demonstrated	Agreed. The Site and Soil Evaluation Assessment notes there are no existing bores or wells in or near Lot 304 and that groundwater information is anecdotal. Explanatory notes for the Government Sewerage Policy state that <i>'In medium/</i>

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	<i>high risk situations such as medium or large scale proposals, where groundwater levels may be an issue or locations in close proximity to high value assets, a comprehensive monitoring program may be required. The monitoring requirement to determine the groundwater regime would depend on the size, character and location of the development.'</i>
Lack of information on desalination	Agreed. Desalination is mentioned in documents however there is limited information and no reference to it on the Local Development Plan.
Extent of clearing. Dust from dune and vegetation destabilisation	Agreed. A number of environmental issues are not substantially addressed such as the impact of the extent of clearing, dust management, wind erosion mitigation, emissions, chemical storage, management of visitor impact etc
Non-compliance with bushfire requirements under State Planning Policy 3.7	Noted. The Bushfire Management is not supported by Town Planning Innovations, Department of Fire and Emergency Services or the Department of Planning, Lands and Heritage.
Non compliance with covenants	The Local Development Plan includes notes referencing the covenant and 33 building envelopes is in line with the covenant allowance for 33 visitor accommodation units.
Design Guidelines' do not provide sufficient building design detail	Agreed. The Design Guidelines are not supported at an officer level and do not provide clear provisions to guide future design and development.
The biosecurity plan does not clearly state the measures that will be taken on Lot 304 to achieve biosecurity requirements.	This is a concern raised by the Department of Biodiversity, Conservation and Attractions.
Acceptable visual impact not demonstrated	Agreed. Documents make reference to development being low scale and having a small footprint, however the design guidelines are unclear on issues such as bulk, common design elements, architectural details, and provisions for ancillary development. The Local Development Plan does not include clear triggers for any visual impact assessment.
Inconsistency with previous Environmental Protection Authority advice on 7 unit proposal in March 2015.	Noted. An example is that the Environmental Protection Authority recommends use of Alternative Treatment Units. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use of Alternative Treatment Unit's in the Local Development Plan provisions.
Insufficient detail regarding proposed pedestrian access/ paths within Lot 304 and to the foreshore	Agreed. The Local Development Plan does not show any pedestrian paths or include provisions for controlled, sign posted, or boardwalk pedestrian paths.

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	The location of any planned pedestrian paths is not known.
Impact of visitor numbers and vehicle numbers and access through the national park	<p>Noted, however ;</p> <ul style="list-style-type: none"> - There are no restrictions on the number of vehicles that can access Lot 304 via the national park, - Department of Biodiversity, Conservation and Attractions does have a final policy that limits vehicle numbers in the national park, and the issue has been ongoing for some time. - The Shire has previously been advised (by the Minister for Environment) that the Department of Biodiversity, Conservation and Attractions are scoping a visitor plan for the Island national park (17 January 2020).
The Foreshore Management Plan provided as an attachment to the Local Development Plan does not adequately address how threats to the DHINP will be managed.	<p>The Shires Scheme specifically requires endorsement of any Foreshore Management Plan by the Department of Biodiversity, Conservation and Attractions.</p> <p>The foreshore is more of a concern to the Department of Biodiversity, Conservation and Attractions (than the Shire) as that land is outside of the development area. The Shire cannot approve development in the foreshore and the Department of Biodiversity, Conservation and Attractions has management and control over the area.</p> <p>There are no agreed pedestrian paths between Lot 304 and the foreshore. It would be preferable for pedestrian access to be agreed to for the purpose of the Local Development Plan as it a strategic document.</p> <p>As a minimum the Local Development Plan should limit access points from within Lot 304 to the adjacent foreshore.</p>
Potential for referral to the Environmental Protection Authority	The proposed Local Development Plan is not supported at an officer level therefore in that circumstance referral to the Environmental Protection Authority is a mute point at this stage. If a new Local Development Plan is lodged in the future then the Shire may consider a new referral to the Environmental Protection Authority.
Potential for referral to the Commonwealth Department of Agriculture, Water and Environment under the <i>Environment</i>	If the developer concludes that the development might have a significant impact on any of these matters of national environmental significance, then they

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<i>Protection and Biodiversity Conservation Act</i> and deemed it 'not a controlled action'.	would need to apply for approval to proceed under the Environment Protection and Biodiversity Conservation Act. This is a separate approval to that from the local government.
Lack of commitment to use Alternative Treatment Units for effluent disposal	Agreed. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use Alternative Treatment Unit's in the Local Development Plan.
Concern that the Waste Management plan is inadequate and does not focus on minimising waste	Noted.
Concern over emissions associated with burning waste and use / storage of chemicals	Noted.

• **Options Available to Council**

In accordance with Clause 52(1) in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Council has 3 options as follows:

Option 1 - Refuse to approve the Local Development Plan.

Option 1 is recommended as there are multiple issues associated with the proposal as outlined in the body of this report and in submissions.

Option 2 - Approve the Local Development Plan.

Option 2 is not recommended. Apart from the issues identified in this report, there are significant bushfire management concerns.

Option 3 – Require modification to the Local Development Plan and resubmission of a modified plan for approval.

Option 3 is not recommended as the extent of issues cannot be readily resolved through simple modifications to the Local Development Plan and / or supporting documents.

LEGAL IMPLICATIONS

Environment Protection and Biodiversity Conservation Act 1999 - is Australia's national environmental law and it makes sure that ['nationally significant' animals, plants, habitats and heritage places](#) are identified, and any potential negative impacts on them are carefully considered, before changes in land use or new developments are approved.

This means that landowners, developers, companies, individuals and governments must seek Commonwealth approval in addition to state and territory or local government approvals if their plans might significantly impact on matters of national significance.

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Under the Environment Protection and Biodiversity Conservation Act a referral can only be made by:

- the person proposing to take the action (which can include a person acting on their behalf); or
- a Commonwealth, state or territory government, or agency that is aware of a proposal by a person to take an action, and that has administrative responsibilities relating to the action.

Environmental Protection Act 1986 – Part IV of the *Environmental Protection Act 1986* (the Act) makes provision for the Environmental Protection Authority to undertake environmental impact assessment of significant proposals, strategic proposals and schemes.

Planning and Development (Local Planning Schemes) Regulations 2015 –

Clause 67 of the deemed provisions outlines 'matters to be considered by Council' including and not limited to the aims and provisions of the Scheme, orderly and proper planning, any approved state policy, the compatibility of the development with its setting including to development on adjoining land, amenity, loading, access, traffic and any submissions received on a proposal.

Part 6 outlines the process for Local Development Plans including lodgement, acceptance for processing, advertising, consideration of submissions, decision (options) for the local government, timeframes, and review.

The local government is required to make a decision on the Local Development Plan within 60 days after the close of advertising. The formal close of advertising was the 24 June 2020 so technically a decision was required by the 24 August 2020.

The ability to meet the 24 August 2020 time frame was impeded by:

- (a) A number of government agencies requested an extension of time to lodge submissions; and
- (b) The timing of the scheduled August Council meeting date being the 26 August 2020.

If a local development Plan is approved, the approval has an effect for ten years or another period determined by the local government.

Clause 54 outlines that a person who prepared a local development plan may apply to the State Administrative Tribunal for a review of a decision by the local government not to approve the Local Development Plan.

Shire of Shark Bay Local Planning Scheme No 4 – explained in the body of this report and Attachment 1.

It should also be noted that in regards to the Special Control Area for the Shark Bay World Heritage Property, Clause 37.2 requires the local government to have regard to the following:

- (a) Requirements for referral of proposals to the Environmental Protection Authority under Part IV of the *Environmental Protection Act 1986*.

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- (b) Relevant State Planning Policies including and not limited to the State Coastal Planning.
- (c) Any recommendations and advice provided by relevant government agencies.
- (d) Recommendations and advice by the Shark Bay World Heritage Advisory Committee or any replacement of that Committee.

The above matters are discussed in the agenda report.

Clause 37.3 of the Scheme requires any local development plan to be referred, at the discretion of the local government, to the Shark Bay World Heritage Advisory Committee and/or the Department of Biodiversity, Conservation and Attractions or any equivalent replacement of that

POLICY IMPLICATIONS

There are no policy implications associated with the development.

FINANCIAL IMPLICATIONS

The Shire pays consultancy fees to Town Planning Innovations for planning advice.

In the event that applicant is aggrieved by the Councils decision they may apply for a review of the decision through the State Administrative Tribunal. If that occurs there will be costs associated with the State Administrative Tribunal process.

STRATEGIC IMPLICATIONS

The 'Special Use' zoning of Lot 304 under the Shire of Shark Bay Local Planning Scheme No 4 is generally consistent with the recommendations of the Local Planning Strategy (with the exception of modifications required by the Minister for Planning relating to structure plans/subdivision).

VOTING REQUIREMENTS

Simple Majority Require

Signatures

Author	<i>L Bushby</i>
Chief Executive Officer	<i>P Anderson</i>
Date of Report	6 August 202

ATTACHMENT # 1

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 52, Lot 303, 304 & 305 Dirk Hartog Island	<p>As 'D' Use:</p> <ul style="list-style-type: none"> • Ancillary dwelling • Bed and breakfast • Camping ground • Caravan park • Car park • Convenience store • Educational establishment • Exhibition centre • Fuel depot • Holiday accommodation • Holiday house • Home occupation • Home office • Liquor store-small • Motor vehicle, boats or caravan sales • Nature based park • Office • Recreation-private • Restaurant/cafe • Shop • Single house • Tourist development • Workforce accommodation • Waste storage facility • Waste disposal facility <p>As 'A' Use:</p> <ul style="list-style-type: none"> • Airfield 	<p>1) The objective of this zone is to provide for eco-tourism development.</p> <p>2) No subdivision of lots shall be permitted.</p> <p>3) Prior to commencement of development of any of the four lots a Local Development Plan shall be prepared in accordance with Part 6 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and address the following:</p> <ul style="list-style-type: none"> (i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material. (ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area. (iii) Coastal setbacks in accordance with relevant state planning policy. (iv) Bushfire management in accordance with relevant state planning policy.

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p> <p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p> <p>4) Any staged development is to address the requirements indicated in (3) above.</p> <p>5) The local government will have due regard to coastal setbacks and bushfire management in accordance with relevant state planning policies and Clause 67, Schedule 2, Part 9 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		<p>6) Notwithstanding condition (3), the local government may consider development in the absence of a Local Development Plan as provided for under Clause 56(2), Schedule 2, Part 6, of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.</p> <p>8) Any development or Local Development Plan shall be referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services), the Shark Bay World Heritage Advisory committee and the Department of Planning Lands and Heritage for comment prior to determination.</p> <p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) for endorsement where a physical foreshore exists between the site and the coast as a condition of development.</p> <p>11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.</p>

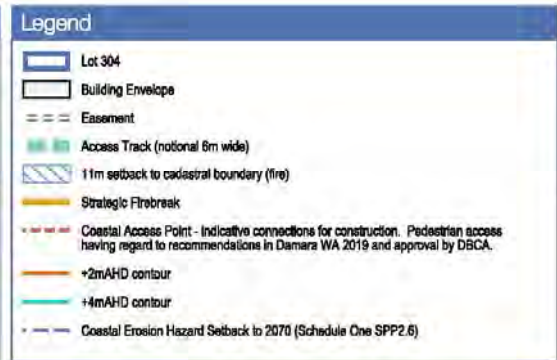
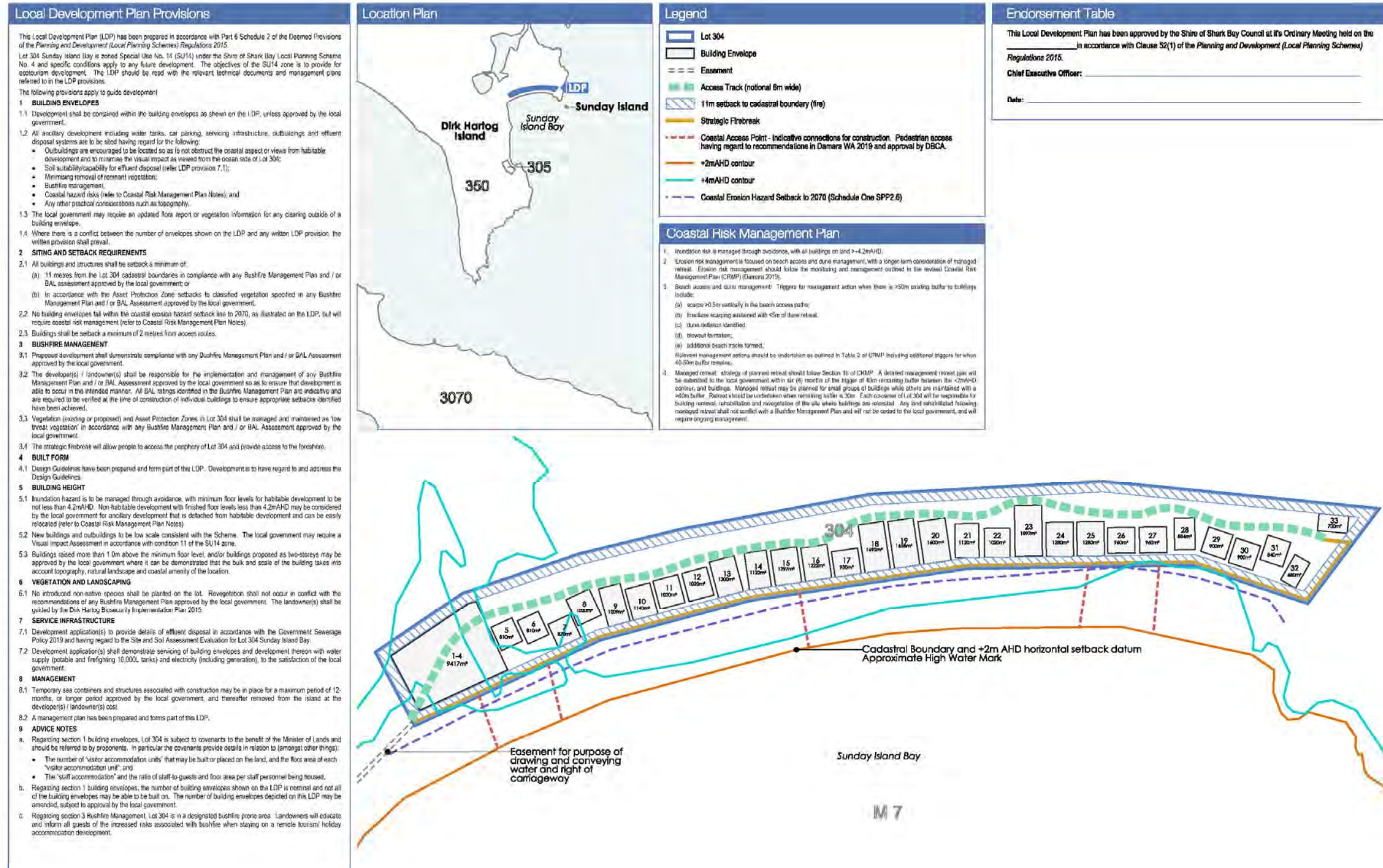
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SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island (continued)		12) In relation to the land use 'Motor vehicle, boats or caravan sales' only hire of motor vehicles, boats or caravans may be considered by the local government.
SU15	Lot 142 Denham Road / corner Oakley Ridge, Denham	As 'P' use: <ul style="list-style-type: none"> • Single house • Home office As 'I' use: <ul style="list-style-type: none"> • Car park As 'D' use: <ul style="list-style-type: none"> • Aged care facility • Bed and breakfast • Grouped dwelling • Holiday accommodation • Holiday house • Home Occupation • Tourist development As 'A' use: <ul style="list-style-type: none"> • Park Home Park • Workforce accommodation 	1) The objective is to provide flexibility for a wide range of tourist accommodation and cater for single or grouped dwellings which may also be used for holiday accommodation, guided by a Local Development Plan. 2) Development of the site shall be generally in accordance with an approved Local Development Plan, which has been prepared in accordance with Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and approved by the local government. 3) A Local Development Plan can ensure a mix of landuses are strategically planned for and coordinated to the satisfaction of the local government. 4) Notwithstanding Condition (2), the local government may consider development prior to the approval of a Local Development Plan as provided for under Clause 56(2), Part 6, Schedule 2 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
SU16	Lot 91 Monkey Mia Road, Denham	As 'P' use: <ul style="list-style-type: none"> • Airfield • Carpark 	1) The intent of this Special Use zone is to recognise the established Shark Bay airport as an essential component of regional transport infrastructure.

ATTACHMENT # 2

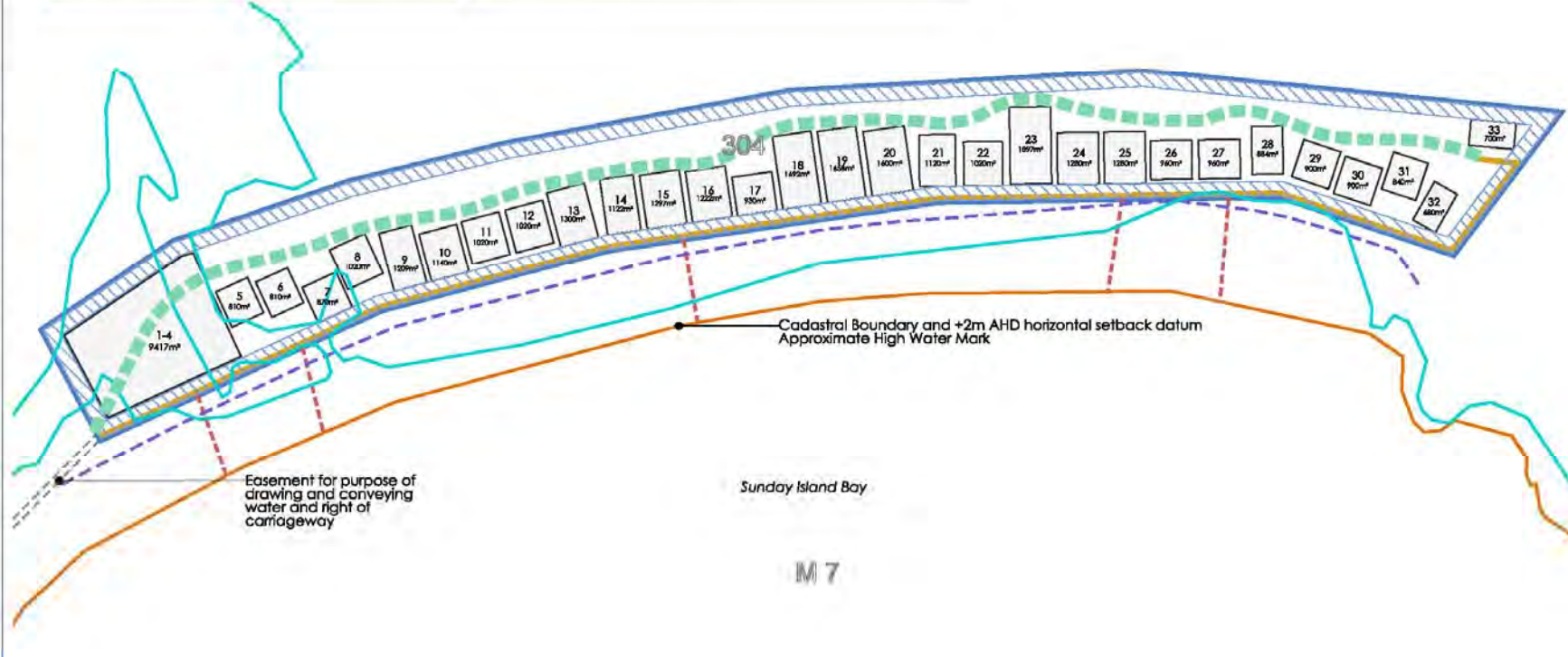
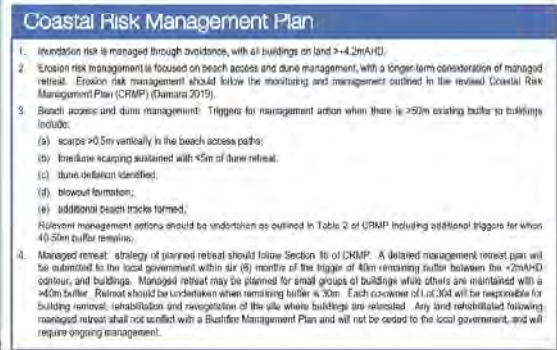


Endorsement Table

This Local Development Plan has been approved by the Shire of Shark Bay Council at its Ordinary Meeting held on the _____ in accordance with Clause 52(1) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Chief Executive Officer: _____

Date: _____



LOCAL DEVELOPMENT PLAN
 Lot 304 Sunday Island Bay, Dirk Hartog Island
 A D-H Developments Pty Ltd Project

Scale: 1:4000@A3
 d: 18 May 2020
 p: 19/061/003M

Taylor Burrill Barnett Town Planning and Design
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Attachment # 3 – Under Separate Cover



Flora Significance Assessment

Lot 304 Sunday Island Bay, Dirk Hartog Island

20 May 2020

Prepared for:
DHI Developments Pty Ltd



ATTACHMENT # 4

Copy with Shire CEO comments

DHI Development Pty Ltd

Management Plan

Lot 304, Sunday Island Bays

DHI Development Pty Ltd
4-16-2020

ORDINARY COUNCIL MEETING

26 AUGUST 2020

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MANAGEMENT PLAN

GENERAL INFORMATION

Lot 304 located at Sunday Island Bay on Dirk Hartog Island is an 11hectare site zoned within the Shire of Shark Bay TPS No 4 as SU14 with the objective - *providing for eco tourism development*. The provision of this plan is referred to in 8.2 of the LDP.

The theme for the development of accommodation units on the site is the appreciation of land, sea and sky: the project manager will promote and encourage visitor appreciation and cultural understanding of the area and the island including interaction with those elements.

Development will proceed as funds are available and may involve development of individual units or clusters of units in line with availability of those funds.

Not shown
on LDP

The site is set among a stunning natural landscape within a National Park directly overlooking the Shark Bay Marine Park with opportunities for visitors to explore the land sea and sky from a pristine and unique location. Land attractions such as the 'blow holes, Steep Point, Cape Ransonnet and Surf Point are all within walking distance of the site.

With moderate weather conditions for much of the year the accommodation provides guests ongoing access to the Shark Bay embayment Marine Park where visitors, among many things, can independently swim, dive, fish or boat, or enjoy beaches, walk trails and 4wd vehicle tracks located on the island. Spectacular scenery including 600 feet cliffs on the west coast and a night sky untouched by artificial light provides the opportunity to explore and observe the stars and planets and the many satellites orbiting in the sky.

A significant new destination the site presents opportunities for guests to interact with wildlife (including bird watching and turtle nesting) and explore and observe a broad range of flora.

The site of Australia's first botanical collection assembled by William Dampier in 1699 is a comfortable drive from the accommodation to Cape Inscription.

Accessible only by aeroplane, car ferry or boat Dirk Hartog Island National Park is the home of the endangered black and white wren and more than 80 other species of birds.

DBCA have recently begun a reintroduction programme embracing endangered mammals including the rufous hare wallaby, the banded hare wallaby and the dibbler and chuditch; native wildlife including reptiles and skinks plus significant species of plants occur at this meeting point of the northern and southern botanical regions. The project Manager will liaise with DBCA in promoting the many eco attractions of Dirk Hartog Island.

The sea between Steep Point and Dirk Hartog island has recorded more than 320 species of fish and the surrounding waters of the island host whales, dolphins, dugongs, whale sharks turtles and sharks making the accommodation units the ideal headquarters for eco tourism experiences and the exploration of Dirk Hartog Island.

The site of the discovery of Australia in 1616 by Captain Dirk Hartog the island allows an opportunity for guests to visit and explore the many sites of historical and cultural significance from the discovery site of 1616 at Cape Inscription through the exploration of the island pre 1900 to the more recent pastoral events that have shaped the island.

- A covenant on the land limits the development of visitor accommodation to 33 units.
- A visitor accommodation unit meets the objective of the zone whether developed as holiday accommodation, a holiday house, tourist development or nature based park camping ground when used for short term accommodation.
- When completed the 33 visitor accommodation units will be referred to as a resort.
- The provision of manager, caretaker and staff accommodation is identified within the covenants on the land: separate managers, caretaker and staff accommodation will form part of any development.
- A Project Manager will manage the location under the guidance of this management plan.
- The original proprietor of the lot and initial Project Manager is DHI Development Pty Ltd.
- Each visitor accommodation unit developed - using the design guidelines - may only be used for short term occupancy. The maximum occupation time permitted at each visitor accommodation unit is three months.
- Visitor accommodation will be available for all classes of visitors desiring a unique experience in a unique landscape. In line with the remoteness of the site - focussing on the natural environment of land, sea and sky, the limited occupancy times allowed and the design and construction of the visitor accommodation to provide best eco built practise and maximum interaction between land, sky and sea - all guests can be regarded as eco tourists.
- Each Co Owner acknowledges that he, she or they are the Co Owner of an undivided freehold share in lot 304. The shares may be owned individually or by groups as Co Owners or in total by one entity.
- A Co-Owners committee manages the undivided shares in the lot to ensure the planning requirements of the Shire of Shark Bay Town Planning Scheme and any approved Development Application are met and is responsible to maintain the validity of any Shark Bay ("Shire") planning approval so that future building licences can be issued to Co Owners.

Not identified on plan - how many buildings

What is construction method

Conflicting statements

Only the undividing shares?

MANAGEMENT PRINCIPLES

In conformity with the objective of the zoning of the site – to provide for eco-tourism development the following management principles will apply and be administered by the appointed Project Manager in providing ongoing management including facility management for the location:

- a. In line with the covenants on the land and the objective of the zone all visitor accommodation units erected on the lot will be constructed as short term accommodation in accordance with the length of stay restrictions included in the covenants, under the Shire's Town Planning Scheme, any relevant development approvals issued by the Shire or the Western Australian Planning Commission and any other applicable planning conditions.
- b. The appointment of a facility project manager/caretaker to manage the operation, care,

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- cleaning and maintenance of the accommodation units to a high standard who will also operate a letting service and be responsible for taking bookings, greeting, guiding, briefing and managing guests on the site.
- c. The termination of one facility/project management operator agreement must be immediately followed by the appointment of a replacement facility/project management operator agreement.
- d. Each Co Owner, unless otherwise agreed, shall appoint the project manager to provide unit management for a minimum term of five years providing that the Co-Owners committee has the ability to terminate the management contract between the Co-Owners and the Project Manager at the end of a five year contract or a lesser period as determined by the Co-Owners committee. The Unit Management agreement between each and every Co Owner and the Project Manager is binding upon its successors and assigns.
- e. The Unit Management Agreement between a Co Owner and the Project Management operator includes but is not limited to reception, booking, security, maintenance, caretaking, refurbishment, marketing, rights of access to units by Project Manager and other services required by the Co Owners.
- f. All development refurbishment including of any common property as is required to maintain or upgrade the standard of the facility is to be managed by the Project Manager on a development wide basis.
- g. A requirement for all visitor entry and access to each accommodation unit including common areas to be controlled by the Project Manager who will ensure that the visitor accommodation units are:
1. Only occupied for short stay use;
 2. Not occupied by any person(s) for more than three months
 3. available as visitor accommodation for a minimum of nine months out of twelve as provided for in the covenants to the land save except where facility maintenance precludes occupation;
 4. Properly Decorated, maintained and upgraded in accordance with each Unit Management Agreement;
 5. Managed with maintenance of records of all occupations and booking or check ins and departures of CoOwners, visitors, guests and tourists alike;
 6. Equally able to access any recreation, service and support facilities
 7. Subject to entry controls;
 8. Subject to facilities management in regard to short stay visitor accommodation use and maintenance and refurbishment.

What
common
property

The use of the Short Stay accommodation units for permanent residential accommodation is not permitted under the covenants on the title.

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1 AUTHORITY OF PROJECT MANAGER

Relevance to LDP - timeshare/
strata?

- a. The Co Owners acknowledge and agree that for a minimum term of five years a resort may be operated by the Project Manager or its nominated operator and any replacement from time to time
- b. The Co Owners shall authorise the Project Manager to be the exclusive provider of on-site letting services and also facility management services. The terms of the authorisation (including, but not limited to, transfer and termination provisions) shall be set out in an agreement between the Project Manager and the Co Owners in a form approved by the Co Owners Committee.
- c. Each Co Owner and the Project Manager will enter into a letting agreement setting out the terms on which the Project Manager is appointed to manage the occupancy of Co Owners accommodation units.
- d. Each Co Owner, unless otherwise agreed, will engage the Project Manager to provide facilities management services in respect of the Co Owners visitor accommodation unit(s) by entering into a separate agreement with the Project Manager, to regulate the management, control, use and enjoyment of each visitor accommodation unit so as to meet the objective of the zone and to maintain the standard of their unit.

2 FACILITIES MANAGEMENT

As part of the facilities management services provided to Co Owners, the Project Manager will provide a general reception service, leisure destination operational service, maintenance and other ancillary services to co owners accommodation units and their tenants and guests and visitors and will control:

Where is this
on the LDP

a. Access

The Project Manager will control all access to the site by Co Owners, visitors and trades persons and entry to each completed visitor accommodation unit.

b. Servicing

The Project Manager will provide a facilities management service to completed visitor accommodation units including

- (i) provision of cleaning, linen and other requested services
- (ii) security and bookings for tourists and guests
- (iii) management of the use of any facilities
- (iv) advertising marketing and promotion
- (v) guest information, briefing and guidance
- (vi) management of compliance with covenants

c. Maintenance

- (1) The Co Owners Committee shall engage the Project Manager as the caretaker for any common property. The terms of the engagement as caretaker (including, but not limited to, transfer and termination provisions) shall be set out in an agreement between the Project Manager and the Co Owners Committee in a form approved by the Co Owners.

What
common
property

- (2) The Co Owners Committee shall delegate its responsibility to keep the common property and all common facilities and improvements on the lot clean, tidy, well maintained and in good working order (where applicable) to the Project Manager.

- (3) The Co Owners through the Project Manager shall be responsible for the maintenance, repair and replacement of all buildings, structures, utilities, services, landscaping, recreational facilities and other improvements located within and/or servicing the common property

Such items include, but are not limited to, all vehicle and pedestrian access ways, thoroughfares, parking areas, paths, sewerage systems, drainage systems, water services, electrical wiring and switch systems, communication wiring and equipment, common lighting, fences, walls, lawns, gardens, trees, shrubs, plants, garden watering and the water reticulation system.

- (4) The Co Owners and the Project Manager, in its role as on-site caretaker reserve the right to carry out any repairs, maintenance and other works to buildings and/or services on any common property

- (5) Works the Co Owners and Project Manager may carry out include the following:

- (a) repair, renovate, maintain, patch or paint any buildings on common property

and/or the exterior of any building;

- (b) alter the common property, including its size, nature and arrangements;
(c) extend or alter any of the buildings on the common property;
(d) add to and alter any common property car parking facilities, their locations and the directions and access to those facilities;
(e) alter the access (pedestrian and/or vehicular) to the buildings on common property and/or any visitor accommodation unit.

Common
property?

- (6) Works must be undertaken for a proper purpose, which may include:

- improving the appearance, quality or physical arrangement of the buildings and the common property; or
- improving the convenience, safety or security of Co Owners and others when using the buildings and common property.

- (7) In carrying out Works, the Project Manager must use reasonable endeavours to

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minimise inconvenience or nuisance to the use and enjoyment of the lots by the proprietors and any tenants or guests. What lots?

(8) Unless the costs arise from the wilful or negligent act of a Co Owner, in which case that Co Owner shall pay the costs of the relevant Works, all Co Owners will contribute in proportion to their share of the lot. What lot?

(9) The Project Manager is responsible for maintaining each short term accommodation unit to a standard, as endorsed by the Co Owners Committee, at the direct cost of the Co Owner of such unit.

d. Waste Disposal

Waste disposal will be provided by the Project Manager in accordance with the "Waste Management Plan".

e. Effluent Disposal

Effluent disposal will be via systems approved by the Shire of Shark Bay and/or DWER referenced to the Government Sewerage policy.

f. Service Areas

Each accommodation unit or cluster of accommodation units, aligned with building envelopes, are independent: any outbuildings are to service a unit or cluster of units as provided for in DA's. Any additional areas identified to be separately necessary to service these units or clusters will be included within submitted DA's as required.

g. Rubbish Management

Rubbish Management will be provided by the Project Manager as per the Waste Management Plan

h. Transport of Construction Material

The management and transport of construction material to the site will be managed by the Project Manager as provided for in the "DHID Biosecurity Plan" attached to the "DHID Environmental Report".

3 PROJECT MANAGER'S RESPONSIBILITIES

a. During the building construction phase the role of the Project Manager and the number of Unit Management agreements with the Project Manager may increase as visitor accommodation units are completed and become available for use. The Co Owners Committee will ensure that the Project Manager commences providing a guest reception service from a time to be agreed with the Project Manager.

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- b. Any agreements entered into, from time to time, between Co Owners and the Project Manager will be included as part of the Co Owners Committee records. A Co Owner shall be bound by and shall not do anything which constitutes a breach of the terms of any agreements between the Co Owners and the Project Manager.
- c. The Co Owners shall delegate to the Project Manager the responsibility for the overall operation of the resort to ensure that it is operated to a high standard and well maintained, regulated and in compliance with the objective of its zoning. The Co Owners may delegate any of their rights, powers, duties or roles to the Project Manager.
- d. Entry onto the Lot is restricted to the Project Manager, Co Owners and guests and tourists who have made arrangements to occupy a visitor accommodation unit, and their independent contractors, employees, agents and visitors.
- e. The Project Manager will provide an appropriate security system that will regulate the vehicles and pedestrians that enter the lot. The Co Owners will delegate its responsibility for any gate, intercom and security surveillance at the resort to the Project Manager.
- f. Co Owners are required to ensure that visitors to the resort check in with the Project Manager and receive directions from the Project Manager who will control and monitor access to the resort. Each Co Owner acknowledges that the Project Manager has the authority to direct occupiers and guests to comply with their directions at all times. Confusion of roles
- g. The Project Manager is responsible for the implementation of the Bushfire Management Plan as provided for within a BMP.
- h. The Project Manager will monitor and maintain any power and water supplies to each visitor accommodation unit as agreed with each Co Owner. Separate units?
- i. The Project Manager shall retain a key to the visitor accommodation units at all times and shall be entitled to enter any unit in emergencies or at any reasonable time (with prior notice) for the purpose of attending to repairs, maintenance, replacements, other works and inspections and for the purpose of monitoring compliance with each agreement.

4 TERMINATION OF PROJECT MANAGEMENT AGREEMENT

At all times the location shall be managed by a Project Manager. Except where compelling reasons dictate otherwise, the Co Owners may only terminate an agreement with the Project Manager by a special resolution passed at a duly convened general meeting of the Co Owners, and must have, prior to such a resolution, resolved by a special resolution to enter into a further agreement with another Project Manager that must contain substantially the same terms, conditions, delegation of responsibilities, duties and powers as were contained in the previous Project Manager unless varied at a meeting of Co Owners .

Conflicts ?

5 CO OWNERS & COMMITTEE

- (1) The Co Owners Committee administers the affairs of the Co Owners in respect to their responsibilities and obligations as may be required from time to time; the Co Owners Committee may enter into an agreement with a Project Manager for these and other management purposes.
- (2) Each Co Owner acknowledges and agrees that Lot 304 is subject to covenants and that the lot is zoned with the objective to provide for 'eco tourism development' including visitor accommodation. A Co Owner shall not use or permit his, her or its visitor accommodation unit to be used in such a manner as to be inconsistent with the Shire of Shark Bay TPS No4. SU14.
- (3) A Co Owner, tenant or other occupier shall not be permitted to occupy a visitor accommodation unit for a period greater than the length of time specified in the covenants.
- (4) The Co Owners committee may make rules from time to time in respect of the management, order, standards and operation of the accommodation (including the use and enjoyment of any common property and any common facilities). The Co Owners Committee shall notify the Project Manager of such and ensure that the rules are displayed in a prominent position on any recreational facilities, at the entrance to the property and in a prominent place in the units with a copy given to all Co Owners.
- (5) The Co Owners Committee may approve the use and occupation of part of any common area as a reception/office and management accommodation facility for the Project Manager from which the accommodation units may be managed.
- (6) The Co Owners committee will have authority to negotiate and enter into binding agreements with a Project Manager and to negotiate variations thereto and to enforce or terminate any such agreements. The Co Owners committee may delegate its power to the Project Manager and each of the Co Owners shall be bound by those rules and must ensure that those rules are complied with.

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- (7) The Co Owners Committee will determine a minimum standard of internal furnishings and a minimum inventory of items that will be required to be provided by a Co Owner for each visitor accommodation unit.
- (8) A Co Owner or other occupier of the visitor accommodation unit shall not:
- (a) permit loud noises;
 - (b) have exterior speakers to the building on his, her or its unit;
 - (c) use horns, whistles, bells or other sound devices (other than security or warning devices used exclusively for such purposes); or
 - (d) use or start noisy or smoky vehicles or water craft, large power equipment or large power tools, unlicensed off-road motor vehicles or other items which may unreasonably interfere with radio or television reception on or in any location.

The Project Manager is responsible for ensuring compliance with any noise limitation

ATTACHMENT # 5



DHI Development Pty Ltd
4-16-2020

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DESIGN GUIDELINES

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6	CHARACTER	Page 3

DESIGN GUIDELINES

In line with the objective of the zoning of the site – to provide for eco-tourism development -the built form and design guidelines for each visitor accommodation unit are based upon world renowned Eco Structures Australia WABI CONCEPT DESIGN of:

“SIMPLER, SMARTER AND STRONGER environmentally sustainable construction providing experiences that are 100% authentic shaped by the environment within which they are built and designed for tourism use.”

These design guidelines applicable to all short term accommodation units constructed on the site ensure a coordinated development results that respects the surrounding natural environment and maintains the low impact of the development: the development is planned to respond sensitively to the unique landscape character of Sunday Island Bay.(WABI has ISO accreditation and is a member of the Eco Tourism Association of Australia and has provided eco tourism accommodation solutions throughout Australia and overseas)

1 CONCEPT

Each visitor accommodation unit and any out buildings are based upon this CONCEPT of a high standard , permanent structure, constructed to comply with the Building Code of Australia(BCA) standards and engineered and manufactured to be capable of meeting the maximum cyclonic wind rating of Australia for any structure(Region D) and BAL Flame Zone requirements.

Each CONCEPT accommodation unit will meet the criteria for best practise ecotourism design/construction as adapted for the conditions at Sunday Island Bay:-

- 1 ENVIRONMENTALLY FRIENDLY – not harmful to the environment. Resource-efficient throughout its life-cycle, throughout the processes of design, construction, operation, maintenance, renovation, and eventual demolition or relocation. Capable of translocation if required.
- 2 THERMALLY EFFICIENT - providing high thermal efficiency and rating through the use of lightweight PIR structural wall panels which are extremely robust and thermally efficient(R3).
- 3 FAST INSTALLATION - can be erected in a minimum time frame and delivered to the site in kit form using innovative panel technology: can be erected at any location without earthworks.
- 4 FULLY GALVANISED STRUCTURAL STEEL SYSTEM - ensuring extended life
- 5 LOW IMPACT with minimal footprint - using innovative Eco Anchor design resulting in minimal construction waste and interference to the natural terrain
- 6 VERANDAH'S - providing protection from the sun and extensive interaction with the land and the sea and the sky.
- 7 BAL rating to meet site conditions
- 8 MINIMAL visual impact

2 COLOURS

Based upon the Dirk Hartog Island Colour Palette as provided by the World Heritage Committee to complement and blend in with the existing natural environment of Dirk Hartog Island and the coastal theme of the location. Excluding glazing, solar panels and or solar hot water systems highly reflective roof and wall materials and colours are not permitted.

3 MATERIALS

- i. Steel structure - fully galvanised
- ii. Wall panels- Lightweight SIPS
- iii. Roofing and sheeting- colourbond
- iv. Floors and ceilings- cement sheeting
- v. High quality plumbing, sanitary and electrical fittings
- vi. Quality paints
- vii. Glass windows complying with Cyclone D rating

- viii. Eco Decks manufactured using high quality polypropylene composite product that will not rot but which is termite resistant requiring minimum maintenance
- ix. Eco anchors – the environmentally friendly alternative to conventional foundation systems

4 BUILT FORM

Designed to be:

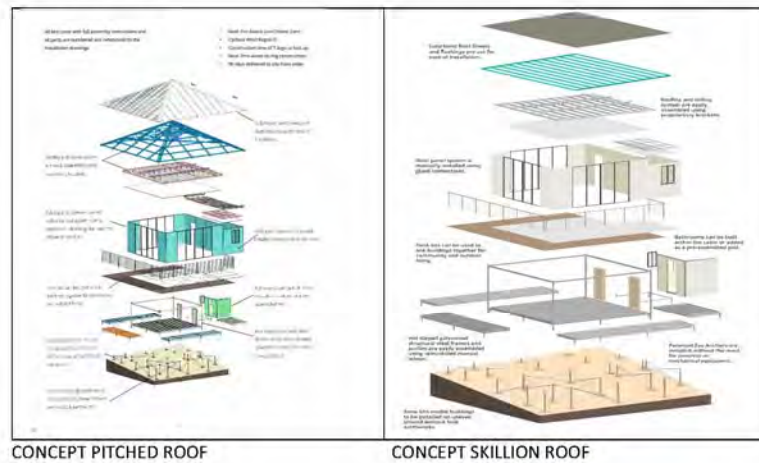
- a. Stylish and flexible accommodation that is complementary and harmonious with the surrounding landscape taking account of the topography, physical characteristics and unique character of the surrounding area.
- b. Inclusive of roof's either pitched or skillion depending upon the topography and physical characteristics within the site and each building envelope.
- c. Flexible to allow integrated multiple units, comprising each accommodation unit; complying with covenants.
- d. Optional deck kits to link units via boardwalks.
- e. Limited visual impact from the background slope of the land when viewed from the ocean
- f. Open plan accommodation and living encompassing the landscape and all of the eco aspects of the location provided by the sky, land and sea.
- g. Inclusive of undercover verandahs designed to encourage outdoor appreciation encompassing all of the eco aspects of the location provided by the sky, land and sea
- h. Constructed embracing minimal maintenance requirements.
- i. Powered by solar energy with battery storage
- j. Built involving minimum interference with the land during construction using eco-anchors.

5 SCALE

Low scale with undercover verandahs, complying with the covenants to the land in regard to size and complementing the natural environs of the site.

6 CHARACTER

- a. Complementary to the natural environment of the site designed to stand strong and to stay cool with high thermal performance, Cyclonic Region D rating and BAL Flame Zone requirements.
- b. Common eco design/construction for each unit embracing the land, sea and sky.
- c. Windows allowing full appreciation of the landscape, surrounding ocean and sky (Cyclone D rating)
- d. Verandahs encouraging the outdoor appreciation of the eco qualities of the site and surrounding land, sea and sky.



26 AUGUST 2020

ATTACHMENT # 6

Supplied Under Separate Cover

**SITE AND SOIL EVALUATION
(On-Site Effluent Disposal)
Lot 304 Sunday Island Bay
Dirk Hartog Island.**

Prepared for
DHI Developments Pty Ltd
for submission to

Shire of Shark Bay
by

Land Assessment Pty Ltd



LA Report No 2020
17 April 2020

LAND ASSESSMENT PTY LTD
P.O. Box 117 SUBIACO, WA 6008
Phone: 041 7900 724
Email: landass@inet.net.au

ATTACHMENT # 7

DHI Development Pty Ltd

Environmental
Report

SU14-8(v) 2020

Geoff Wardle - DHI Development Pty Ltd
1-8-2020

ORDINARY COUNCIL MEETING

26 AUGUST 2020

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Plan 1: Lot 304 Plan

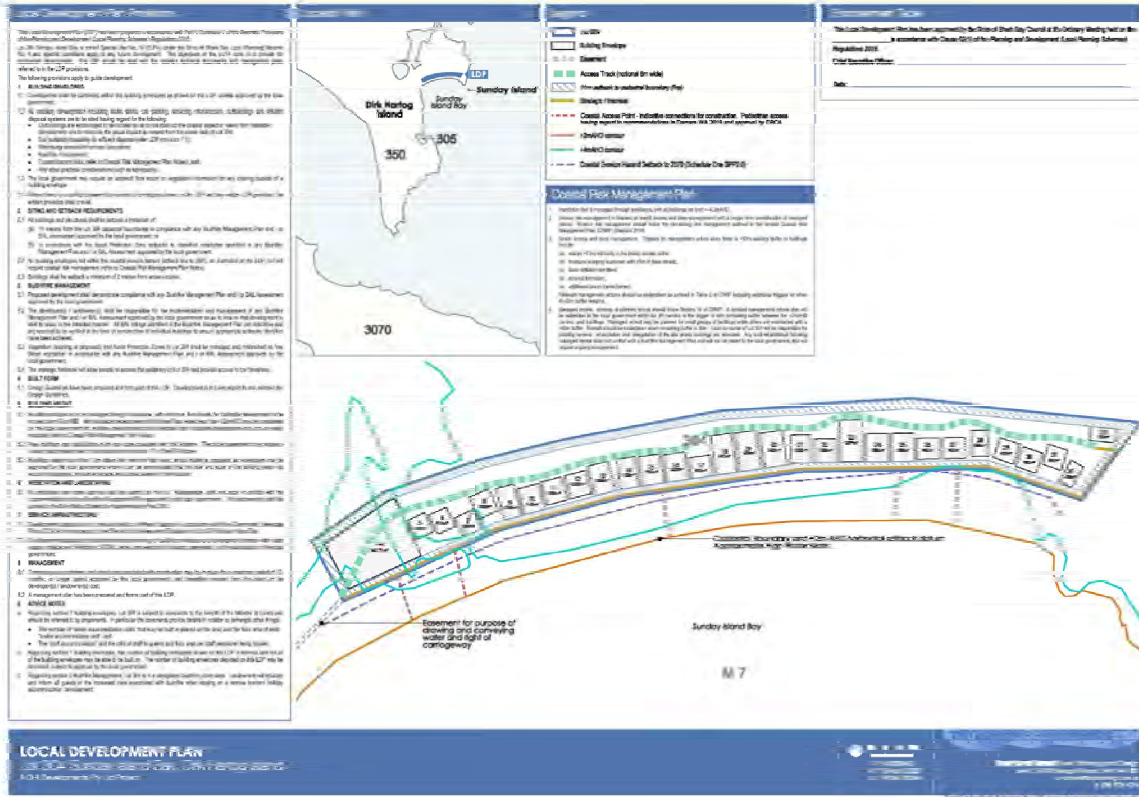


Plan 2: Lot 304 Aerial Photo

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Plan 3: Local Development Plan



BACKGROUND

Dirk Hartog Island is the largest Island off the West Coast of Australia: Sunday Island Bay is located on the south east coast of the island

Lot 304 is an 11.295ha (28 acre) freehold lot located at Sunday Island bay on Dirk Hartog Island on the edge of the Shark Bay Marine Park and the Dirk Hartog Island National Park; it is within the Shark Bay World Heritage Property.(plan1 & 2 pages 3 & 4)

In order for the owners of Lot 304 to proceed with development of eco tourism holiday accommodation units there is a requirement within the Shire of Shark Bay Town Planning Scheme No 4 for the owners of land included within SU14 to prepare an Environmental Report that demonstrates that any LDP prepared and any proposed use and/or development will:-

- 1 have a low impact on the natural environment,
- 2 not compromise the high conservation values and
- 3 have regard for the need to protect the ecological values and special attributes of the island.
- 4 the report should include
 - a) Information on building envelopes
 - b) Visitor numbers
 - c) A vegetation assessment
 - d) How biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved

The proposal to construct accommodation units at the site was referred to the Western Australian Environmental Protection Authority in early 2015 and a response was received confirming that the proposal was *not significant enough to warrant assessment* as there was sufficient regulations in place to ensure compliance with any environmental concerns.

On the 16th of July 2015 the proposal to construct and operate seven eco tourism accommodation units with services at Lot 304 was submitted/referred to the Australian Government Department of the Environment. On the 6th of October 2015 the Australian Government Department of the Environment advised that the referral decision was *“that the proposal was not a controlled action”*

The Dirk Hartog Island National Park and the Shark Bay Marine Park are administered by the Western Australian Department of Biodiversity, Conservation and Attractions (DBCA) .

Standard plans for the eco tourist holiday accommodation to be located at Sunday Island Bay lot 304 have been developed by DHI Development Pty Ltd to cater for multiple guests.

It is proposed that each accommodation unit and its associated infrastructure will operate independently for the provision of power, water and sewage under the care and direction of a project/facilities manager who will coordinate development and operations on site under the Co-owners Management Statement.

Colours of all buildings will be as approved by the Shark Bay World Heritage Consultative Committee and its Dirk Hartog Island palette of colours as provided for within the LDP

Building materials in general will be manufactured to kit level and transported by barge in knock down form for easy assembly and in compliance with the DHIBIP.

1 IMPACT ON NATURAL ENVIRONMENT

A covenant on the site limits the number of permitted holiday accommodation units(33) and also their area(90m2).

In order to limit the impact on the natural environment the development proposes to

- i. Maintain a small footprint
- ii. Be low impact using eco anchors for footings
- iii. Be low scale as limited to an area of 90m2 per unit
- iv. Use controlled and marked unformed tracks internally to maintain the integrity of the site by not creating new accesses
- v. Reduce and control possible areas of trampling by visitors to the site with the use of controlled unformed tracks and ultimately proposed raised boardwalks for internal access.
- vi. Reduce impacts to the site through the use of official unformed tracks and future proposed raised boardwalks for low impact electric and diesel style vehicles internally for visitor transfers and servicing
- vii. Control any visual impact possibly created by adhoc un coordinated development on the site through the inclusion of design guidelines and boundaries for the accommodation units included within the Co Owners Agreement and Management Statement
- viii. Use solar power systems with battery back up to reduce the necessity for large generator systems(if any) which in turn reduces impact on the natural environment by limiting noise and the frequency of service vehicles required for delivering fuel and servicing powered equipment.
- ix. Provide an education program for all visitors both before and on arrival outlining the importance of only using designated tracks to minimize impacts of the possibility of transferring weeds etc on clothes and shoes in cooperation with DBCA protocols. Guidelines from the Biosecurity implementation plan will be provided to all guests, builders and any contractors accessing the site.
- x. To only use DBCA agreed controlled access tracks, using raised vehicle ramps from the site across the National Park for vehicle and equipment delivery during the construction stage or alternatively via the main track access
- xi. The use of agreed controlled unformed tracks for guests and pedestrian access across the National Park during the operational period to maintain the integrity of the National Park site and reduce the impact on the natural environment

2&3 CONSERVATION VALUES

The Shark Bay Terrestrial Reserves and Proposed Reserve Additions Draft Management Plan 2007 and the Dirk Hartog Island Interim Draft Management Plan prepared by DBCA are the guidelines by which DBCA manages the DHINP including in regard to protecting the special attributes of the island. The draft management plan was endorsed in December 2012 and will be complied with and supported in all practicable ways by the Co Owners of Lot 304.

The Dirk Hartog Island National Park Interim Management Guidelines for Necessary Operations 2010 identified the following “key values” associated with Dirk Hartog Island

- Isolation of fauna habitats on islands and peninsulas resulting in survival of threatened species (*by preventing predatory and competitive species from the site*)
- Coastal scenery – Zuytdorp cliffs (*coastal erosional and weathering processes, coastal vegetation and mechanisms of coastal resistance to erosion*)
- Endemic Dirk Hartog Island subspecies of the southern emu wren
- Nesting populations of green and loggerhead turtles, listed by IUCN as endangered and vulnerable.
- Remote and Natural qualities of parts of the island

The 11ha Lot 304 is located on the south east corner of Dirk Hartog Island representing less than .00018% of the islands total 61000ha. The current reintroduction of endangered species onto the island and the need to protect the future habitats of these introduced species is fully supported by the co owners as is the understanding of the need to protect the endemic Dirk Hartog Island sub species of the southern emu wren.

The development on Lot 304 is located in the south east corner of Dirk Hartog Island and in such location has no effect upon the Coastal Scenery of the Zuytdorp cliffs: the development being low impact, low scale and unobtrusive with the built form designed to blend with the character of the National Park is more than 10kms from these cliffs.

The development on Lot 304 is located in the south east corner of Dirk Hartog Island and in such location has no effect upon the nesting populations of the green and loggerhead turtles whose primary nesting location is more than 80 kilometers from the site at Turtle Bay

The remote and natural qualities of the island are acknowledged as a hi lite for eco tourists visiting SIB and will be sought after destination for such tourists to be included within guided tours of the island emanating from the eco tourism developments.

4a BUILDING ENVELOPES

Building envelopes have been designated for the construction of eco tourism accommodation units as shown within the LDP prepared for the site.(Plan 3 page 5)

4b VISITOR NUMBERS

Each accommodation unit has the capability of accommodating 4 to 8 guests depending upon the configuration of the unit as per design plans.

Management of visitor impact will be the task of the project/facility manager as coordinator of the total site area within the guidance of the Co Owners Management Statement.

Guidelines on access to and from each site and to, from and across the National Park (in addition to those already agreed) will be developed by the appointed project manager in cooperation with the Department of Biodiversity, Conservation and Attractions prior to completion of stage 1.

Identified possible threats to the ecological values and attributes of DHINP and World Heritage Values and integrity of the site at Sunday Island Bay :

1 Visitor Numbers

a) Trampling

It is proposed that all visitors will receive both a pre visitation briefing via information brochures and internet information and an onsite induction in regard to not straying from the authorized unformed paths that are created within the development zone and beyond the development zone as agreed with DBCA. It is proposed that vehicular access will be limited and that all internal access including pedestrian and small vehicle(solar or diesel) will consist of unmade tracks initially and ultimately be via raised walkways.

Each accommodation unit will provide an information instruction sheet in regard to access within, around and beyond the development zones and biosecurity as provided in Appendix 1.

b) Uncontrolled access

Pets (except guide dogs) will be prohibited.

Firearms will be prohibited

Poisons will be prohibited

Only guests will be able to access the development zones

It is proposed that guests will be limited to only accessing the development site via fixed official access routes as either individual unformed tracks or ultimately by proposed raised boardwalks as agreed with DBCA.

c) Rubbish

Waste will be dealt with as described in the Waste Management Plan

d) Weeds

Visitors will be provided with some onsite facilities to limit the possibility of weeds and seeds entering the site. This will include beach umbrellas, towels and beach towels, bags and baskets for picnicking and cooking utensils where necessary.

e) Mitigating Factors

All guests will be advised prior to arrival of what they should and should not bring to the island and this will be reinforced on arrival by direct contact with staff. In particular the aims of a weed free location will be emphasized in verbal instructions, written information and clearly visible signs relative to biosecurity as provided for in Appendix 1

2 Visual pollution

a) Buildings

All buildings will be designed to a standard to blend with the landscape as shown in the concept design plans. The materials will be color controlled as per the pallet provided by the Shark Bay World Heritage Consultative Committee

b) Infrastructure

All infrastructure required on each site will be designed to provide the minimum footprint and blend into the landscape in similar fashion to the approved DBCA base located at Herald Bay

The recommendations outlined in the Dirk Hartog Island Strategic Management Plan prepared by Hypermarket will be followed.
The recommendations of the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Draft Management Plan 2007 will be followed
The recommendations of the draft Dirk Hartog Island Biosecurity plan will be complied with
The DHIBIP as included within Appendix 1 will be adhered to in line with the statements in regard to freehold owners

4c VEGETATION ASSESSMENT

A vegetation assessment of the property was completed in 2019 and lodged with the Shire of Shark Bay in December 2019

4d BIOSECURITY MEASURES

Biosecurity is a set of preventative measures (quarantine, surveillance and control/eradication) designed to reduce the economic, environmental and community impact of animal and plant pests, weeds and diseases. It is an essential component for the ecological restoration of Dirk Hartog Island.(DHIBIP 2014)

Biosecurity refers to “mitigating the risks and impacts to the economy, the environment, social amenity or human health associated with pests and diseases” (NEBRA 2012). Invasive or pest species can impact on native flora and fauna in their extent and/or area of occupancy, through competition for food, habitat or direct predation. Invasive species can also impact on tourism through changes in aesthetic and recreation values. Biosecurity is important for the proliferation and diversity of native species, and will have ecological, social and economic benefits on Dirk Hartog Island. Dirk Hartog Island has the potential to support a diverse native mammal assemblage, if critical non-indigenous species are eradicated and future biosecurity actions are implemented.(DHIBIP 2014)

In August 2012 Astron Environmental Services submitted a Draft Dirk Hartog Island Biosecurity Plan to DEC now DBCA for consideration. The draft plan has not been endorsed by the Department but forms the basis for future plans to be developed or future endorsement.

On 16th March 2014 the Manager, Dirk Hartog Island Ecological Restoration Project notified stakeholders that it had agreed upon and was *implementing a Dirk Hartog Island Biosecurity Plan* based upon the Astron draft; a copy of the implementation plan was provided and is referred to in the following information.

‘The purpose of the biosecurity plan is to provide guidance for implementing biosecurity actions to prevent the establishment of new invasive species on Dirk Hartog Island and assist in the success of the “Return to 1616” Dirk Hartog Island ecological restoration project’.

The Co Owners of Lot 304 have endorsed the DHIBIP upon the basis that it was presented to them and will comply, follow and meet with the recommendations wherever possible.

‘ The DHIBIP will be principally implemented by the Department of Parks and Wildlife through its staff, volunteers and contractors with the voluntary cooperation of freehold land owners, tourism operators, private lease holders, visitors to the island, Malgana people, the Shire of Shark Bay and the Australian Maritime Safety Authority by implementing the biosecurity measures outlined in the Dirk Hartog Island Biosecurity Plan(Astron 2012)

Visitors, contractors, builders and staff will all be provided with pre-information sheets in regard to biosecurity matters and instructed on arrival as to the importance of ensuring that they do not bring any type of weed or seeds from the mainland when visiting the site. Additionally they will be instructed on the necessity of adhering to all tracks when moving over the development site and beyond and the necessity of complying with any biosecurity measure put in place by DBCA. This will include the requirement to ensure vehicles(if being barged over) also comply with any DBCA requirements and as recommended in the separate Biosecurity Plan attached.

26 AUGUST 2020

ATTACHMENT # 8



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10 January 2020

To Whom it May Concern

Re: Dirk Hartog Island, Lot 304 Sunday Island Bay Development Proposal

I have read the Environmental Report (SU14-3(v) 2020) prepared by DHI Development Pty Ltd (DHI) as well as the accompanying Biosecurity Plan. We understand the Environmental Report has been prepared to address requirements of the Shire of Shark Bay related to development of ecotourism holiday accommodation units on Lot 304.

MBS Environmental has previously assisted DHI with referral of the project to the Commonwealth Department of the Environment (now Department of the Environment and Energy) and the West Australian Environmental Protection Authority. These authorities determined the proposal did not require environmental assessment under the *Environment Protection and Biodiversity Conservation Act 1999* and *Environmental Protection Act 1986* respectively.

The information contained in the Environmental Report is consistent with that presented to the Commonwealth and State environmental authorities and is an accurate reflection of the conservation values of Lot 304. The management and mitigation measures described have been specifically designed to avoid and minimise adverse environmental impacts and are consistent with the mitigation hierarchy of avoid, minimise and rehabilitate advocated by the West Australian Environmental Protection Authority.

The Biosecurity Plan prepared by DHI is also consistent with information previously presented to Commonwealth and State environmental authorities and the Draft Dirk Hartog Island Biosecurity Implementation Plan (2014) prepared by the West Australian Department of Parks and Wildlife (now the Department of Biodiversity, Conservation and Attractions).

Yours sincerely
MBS Environmental

Kristy Sell
Managing Director

ATTACHMENT # 9

Summary of Submission	(Consultant) Comment	Officer
1. Department of Water and Environmental Regulation (DWER)		
The Department has identified that the proposal has the potential for impact on environment and/or water resource values and/or management. Key issues and recommendations are provided below:		
<p>DWER 1a. <i>Issue:</i> Waste produced calculations need to be based on maximum occupancy rather than the expected. Recommendation: Provide detailed calculation for the maximum occupancy. The proposal needs to demonstrate that if the maximum occupancy is obtained that the systems can support the occupancy without causing water or environmental damage.</p>	1a. Noted. There are concerns over the Waste Management Plan and lack of enclosed waste management facility / shed.	
<p>DWER 1b. Issue: Bore water lacks information to support supply availability and suitability for purpose Recommendation: The proponent has identified bores on the island but have no supporting information regarding the suitability and availability. As there is no information to support the use of these bores they cannot be considered as part of the water supply.</p>	1b. Noted and agreed. The proposal lacks information on adequate servicing and endeavours to achieve individual servicing for each building envelope rather than coordinating servicing for future development.	
<p>DWER 1c. Issue: Rainfall unreliable as a long term sustainable water supply Recommendation: There is a record trend of declining rainfall across the region. There is no supporting information regarding the roof area available for rainwater capture for long term suitability or sustainable supply.</p>	1c. Noted and agreed. No rainfall or tank size calculations have been provided.	
<p>DWER 1d. Issue: Depth to groundwater not demonstrated Recommendation: Further information to be provided on depth to ground water to determine if there is sufficient clearance from bottom of waste water treatment system, as per the Government Sewerage Policy. In addition given the location of the proposed development as a Sewage Sensitive Area adjacent to and within the Shark Bay World Heritage property, the Department recommends the installation of alternative wastewater treatment and effluent disposal systems as the preferred option.</p>	1d. Noted and agreed. No quantified information on ground water is included. The Government Sewerage Policy can require groundwater information for medium or larger scale proposals in close proximity to high value assets.	
<p>DWER 1e. Issue: No land allocated for desalination plant Recommendation: The proposal identifies desalination as a possible water supply, however there is no information</p>	1e. Noted and agreed. No details on a desalination plant or timing have been provided.	

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regarding the siting of the infrastructure, the power supply or suitability of disposal site of saline waste water. The proposal needs to include this information for assessment regarding the suitability of this water source.		
<p>DWER 1f.</p> <p>Issue: No information to support the safe transport or storage of fuels and chemicals onsite</p> <p>Recommendation: The proposal needs to include information regarding the storage and use of fuels and chemicals for onsite power, maintenance and servicing of accommodation.</p>	1f. Noted and agreed.	
<p>DWER 1g.</p> <p>Issue: No land allocated for power supply to support site</p> <p>Recommendation: As the proposal is a standalone off the power grid activity the proponent will need to include information supporting the supply of power to the site and its suitability to meet environmental and water protection measures.</p>	1g. Noted and agreed.	
<p>DWER 1h.</p> <p>Issue: Suitability of proposed building style on the Edel system</p> <p>Recommendation: The Edel system is coastal dunes, with narrow swales and limestone plains. Coastal dunes when disturbed are highly mobile and increase risk of dust and vegetation destabilisation. Earthworks for the buildings foundation increase the risk of dune destabilisation, information to reduce the risk of dust and dune destabilisation should be included.</p>	1h. Noted and agreed. A geotechnical report may be appropriate.	
2. Department of Planning, Lands and Heritage (DPLH)		
<p>DPLH 2a.</p> <p>The Department of Planning, Lands and Heritage (DPLH) has reviewed the Local Development Plan for Lot 304 Sunday Island Bay, Dirk Hartog Island and has recommended the below. Please note that this is a combined response from the Aboriginal Heritage, Strategy and Engagement (Coastal and Bushfire) teams.</p>	2a. Noted.	
<p>DPLH 2b</p> <p>Heritage</p> <p>A review of the Register of Places and Objects as well as the DPLH Aboriginal Heritage Database concludes that the works are not within the boundary of any known Aboriginal Heritage Sites or Places. However, the land in question has only been subject to one heritage scoping survey in 1995, and additional surveys such as archaeological and ethnographic heritage are required to determine if any Aboriginal heritage sites or places exist in the area. Once a survey has been undertaken DPLH can advise if any</p>	2a. Noted.	

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<p>approvals under the <i>Aboriginal Heritage Act 1972</i> (AHA) are required.</p>		
<p>DPLH 2c.</p> <p><u>Coastal</u></p> <p>The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe. The Damara Report provides long-term management for the development including actions for retreat based on triggers.</p> <p>The Damara Report long term pathway for development is to avoid erosion and inundation risk until not viable, then moving into a managed retreat phase. The managed retreat is to be undertaken within the 33 building envelopes. The Damara Report identifies that erosion risk management is to be focused on beach access and dune management until retreat is required to be implemented. To avoid inundation risk, development is to be located landward of the 4.7m AHD contour. Given the vulnerability of the lot within the planning timeframe and the pathway identified in the Damara Report, the DA approval should be time limited. This time limit should reflect the vulnerability identified in the Damara Report and not exceed an initial approval period of the year 2070. Also, other conditions should be imposed on an approval to ensure compliance with and implementation of the actions identified in the Damara Report.</p>	<p>2c. Noted. The DPLH accepts the Damara report findings however recommends that a time limit be imposed on any approval to the year 2070.</p>	
<p>DPLH 2d.</p> <p><u>Bushfire</u></p> <ul style="list-style-type: none"> • The proposal does not meet the definition for unavoidable development and should not be assessed as unavoidable. • As the proposal is a tourism development, it can be assessed against the <i>Position Statement Tourism Land Uses in Bushfire Prone Areas</i> (the Position Statement). The BMP should be amended to address the requirements in the Position Statement given it provides further guidance specific to tourism proposals and the development of performance principle-based solutions which the BMP does. • The Position Statement outlines: <ul style="list-style-type: none"> 1.2 Where a building is to function as an on-site shelter, there must be sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 10kW/m² (with an assumed flame temperature of 1200K); or where an open space area is to function as an on-site shelter, there must be sufficient separation distance from the predominant bushfire prone vegetation to avoid exposure to a radiant heat flux exceeding 2kW/m² (with an assumed flame temperature of 1200K). 	<p>2d. Noted. The Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.</p>	

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<p>1.3 Buildings identified as suitable for on-site shelter shall be designed and constructed in accordance with National Construction Code and the ABCB Community Shelter Handbook.</p> <p>The buildings for sheltering on-site should be modified to meet the above requirements. In addition to this, the BMP includes action 14 in the Implementation Table which requires landowner/occupier to " Install and maintain demarcation of the Refuge Open Space area as depicted within this BMP to be used in a bushfire event." However, no information is provided in the BMP regarding the location or BAL rating for this refuge open space area. The refuge open space area should also meet the requirements of the Position Statement outlined above.</p> <p>Whether this additional clearing will impact on environmental considerations should also be addressed.</p> <ul style="list-style-type: none"> • Further clarification should be provided regarding what the emergency response will be in the event of a bushfire. <ul style="list-style-type: none"> ○ Although 10,000L per habitable building per unit is proposed, further clarification should be sought on how the water will practically be brought to the island, and how will the water be used in the event of a bushfire. Confirmation should be sought that the local emergency services will be attending the island/site in the event of a bushfire. ○ Dirk Hartog Island is a National Park vested to DBCA. It should be clarified if DBCA involvement has occurred regarding how an emergency response may occur as it is understood that they do have their own processes for emergency response. ○ The EEP includes section 2.1 Firefighting equipment, but it is unclear who will use this equipment to help defend people and property if they are required to shelter-on site. It is recommended that firefighting capabilities of the owner/operator are looked into while the occupants wait for emergency services to arrive. 		
<p>DPLH 2e. The DPLH also provided a list of conditions for the Shire consideration.</p>	2e.	Noted.
3. Department of Fire and Emergency Services (DFES)		
<p>DFES 3a. DFES has not assessed the proposal based on the Department of Planning, Lands and Heritage Tourism Position Statement. DFES considers that the position statement provides for a lower level of protection from bushfire risk compared to SPP 3.7 and the Guidelines. DFES has assessed the proposal against SPP 3.7 and the Guidelines.</p>	3a.	Noted. The Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.

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<p>DFES 3b. Tourism land uses, such as short stay accommodation, are considered a vulnerable land use as prescribed by section 5.5.1 'Vulnerable Land Uses' of the Guidelines. Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with their surroundings and bushfire impacts.</p>	<p>3b. Noted and Agreed.</p>	
<p>DFES 3c. DFES previously provided a response to the BMP (Revision A) on 17 March 2020. The BMP has continued to consider the proposed development as 'Unavoidable Development', which is not supported by DFES.</p>	<p>3c. Noted. It is agreed that the development cannot be classified as 'unavoidable' under State Planning Policy 3.7.</p>	
<p>DFES 3d. Vehicular Access The intent of Element 3: Vehicular Access cannot be demonstrated at this location through the acceptable solutions. Access in two different directions to two different destinations, in accordance with the acceptable solution is not available. DFES notes that the BMP has proposed a performance principle-based solution (PPBS) to meet the intent of Element 3: Vehicular Access. DFES does not accept the proposed PPBS has demonstrated how the performance principle for Element 3: Vehicular Access (P3) has been achieved. P3 states: <i>'The internal layout, design and construction of public and private vehicular access and egress in the development to allow emergency and other vehicles to move through it easily and safely at all times'.</i> The proposed PPBS does not address how safe and efficient evacuation of residents, whilst simultaneously providing a safe operational environment for emergency services, can be achieved. The performance principle-based solution proposed in the BMP does not provide for an alternative solution to the acceptable solution for A3.1 of the Guidelines and only provides justification for the non-compliance.</p>	<p>3d. Noted.</p>	
<p>DFES 3e. Sheltering in Place Care must be taken to avoid creating a perception that sheltering on site, within a designated refuge or open space, will provide a degree of protection that aligns with it being considered a first resort option. It is noted that sheltering in place may be the only option in the event of a bushfire. However, sheltering in place should only be a last resort when it is too late and too unsafe to leave. Evacuation should always be the primary action.</p>	<p>3e. Noted. The Bushfire Management Plan places people's lives at risk as it does not allow for any safe evacuation or safe on site sheltering. The BMP proposes that visitors stay in accommodation units which are not built to such a high construction</p>	

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<p>Sheltering in place must be accepted as being a last resort option when it is no longer safe to evacuate to an area not prone to bushfire risk. It should be emphasised that sheltering in place is not a standalone solution to mitigating risk to life safety.</p> <p>Further justification is provided that the proposed buildings would be constructed to BAL-29. It is important to note BAL construction standards do not claim to constitute a refuge and have been shown to have a failure rate of around 10% during bushfires. Increased BAL construction standards should therefore not be incorrectly equated with a lower risk to life.</p> <p>Should the development be supported, it is critical that the Bushfire Emergency Evacuation Plan submitted is endorsed by the local government. Further consideration should also be given to the relevant parts of the Australian Building Codes Board Handbook and the ongoing management by the local government.</p>	<p>standard that it guarantees they are safe for sheltering in during a fire.</p>	
<p>DFES 3f. Unavoidable Development</p> <p>The BMP has considered the proposed development as 'Unavoidable Development', which according to SPP 3.7 <i>"represents exceptional circumstances where full compliance with this policy would be unreasonable; no alternative location exists; it is not minor development; and is not contrary to the public interest"</i>. Examples of what constitutes unavoidable development are provided in the Guidelines.</p> <p>The Guidelines state that an extremely limited number of proposals can be deemed unavoidable development and may include critical State infrastructure, development associated with the preservation of historical or cultural sites or emergency services.</p> <p>DFES does not consider the proposal to meet the definition of 'Unavoidable Development' and therefore should demonstrate compliance with the above policy measures.</p>	<p>3f. Noted. It is agreed that the development cannot be classified as 'unavoidable' under State Planning Policy 3.7.</p>	
<p>DFES 3g.</p> <p>DFES does not support the LDP due to non compliance.</p> <p>The Local Development Plan is not supported for the reasons outlined above, including:</p> <ol style="list-style-type: none"> 1. The proposal does not comply with the intent, objectives and policy measures of SPP 3.7. 2. The proposed development would increase the bushfire threat to people, property and infrastructure at this location. 3. The proposal does not comply with the bushfire protection criteria contained within the Guidelines, as detailed in the table(s) above. 	<p>3g. Noted.</p>	
<p>4. Department of Biodiversity, Conservation and Attractions (DBCA)</p>		

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Summary of Submission	(Consultant) Comment	Officer
<p>DBCA 4a. The Department of Biodiversity, Conservation and Attractions (DBCA) is of the view that overall the LDP does not adequately address the planning issues for Lot 304 and surrounding areas, including the Shire of Shark Bay Local Planning Scheme No. 4 (LPS4) and Restrictive Covenant conditions that apply to Lot 304.</p>	4a. Noted.	
<p>DBCA 4b. COMPLIANCE WITH RESTRICTIVE COVENANT</p> <ul style="list-style-type: none"> • DBCA notes that Lot 304 is subject to a number of restrictive covenants, including that <i>“the land may only be used for low impact eco-tourism”</i>. • The restrictive covenant defines low impact as <i>“low impact on the environment having regard to the number of tourists visiting the Land and the facilities and other services provided for their use”</i>. • In the context of the scale and density of the development, DBCA is not satisfied that the LDP demonstrates compliance with the covenant. 	4b. Noted.	Issues relating to the proposed land use, lack of information demonstrating it is an eco-tourism development, clearing and size of building envelopes are discussed in the agenda report.
<p>DBCA 4c. BIOSECURITY MEASURES</p> <ul style="list-style-type: none"> • The restrictive covenant for Lot 304 requires that any development <i>“fully comply with any quarantine management plan of any Governmental Agency relating to Dirk Hartog Island”</i>. • LPS4 conditions require that the LDP include information on how biosecurity measures to mitigate the risks of feral animal incursions and disease impacts to the Dirk Hartog Island National Park (DHINP) will be achieved. • The biosecurity plan included with the LDP appears to be largely copied from DBCA’s Biosecurity Plan for Dirk Hartog Island and does not clearly state the measures that will be taken on Lot 304 to achieve biosecurity requirements. 	4c. Noted.	
<p>DBCA 4d. VISUAL IMPACTS</p> <ul style="list-style-type: none"> • The LDP does not clearly demonstrate that the proposed development will have an acceptable visual impact on the surrounding landscape, consistent with requirements of the Shire of Shark Bay LPS4 or with World Heritage values. • The LDP and Attachment D ‘Design Guidelines’ do not provide sufficient building design detail to demonstrate this has been adequately considered and addressed. • In March 2015, in relation to a previous development proposal for Lot 304, the Environmental Protection Agency (EPA) recommended; <i>“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,</i> 	4d. Noted.	

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<p><i>published by the Department of Planning (2007). This Visual Impact Assessment should be undertaken in consultation with Parks and Wildlife". DBCA considers that this advice is equally relevant to the current proposal for Lot 304 and that the LDP should meet this recommendation.</i></p>		
<p>DBCA 4e. CONSISTENCY WITH PREVIOUS EPA ADVICE</p> <ul style="list-style-type: none"> • The March 2015 EPA advice recommended the proponent expand the existing Foreshore Management Plan to an Access Management Plan, to address impacts to DHINP from construction and operation of the proposal. The EPA recommendations included: <ul style="list-style-type: none"> ○ Protocols to minimise impacts to DHINP during construction ○ Protocols to minimise impacts to DHINP during operation through appropriate management of visitor access and recreation ○ Monitoring and rehabilitation procedures and protocols for areas within DHINP that are disturbed as a result of the construction operation of the proposal, with a particular emphasis on the foreshore area adjacent to the development. • The LDP and attached Foreshore Management Plan do not adequately address these recommendations. 	4e.	Noted. The LDP does not address matters relating to construction.
<p>DBCA 4f. PEDESTRIAN ACCESS THROUGH DHINP</p> <ul style="list-style-type: none"> • DBCA recognises that there will be pedestrian access through the DHINP foreshore to enable access from the Lot to the beach. • DBCA has previously provided detailed advice to the proponent's consultant (email 3 March 2020) concerning development of pedestrian access pathways. This advice included that proposed pedestrian access details be included in the Local Development Plan. The advice has not been addressed in the LDP and supporting documents, and they do not provide sufficient detail regarding proposed pedestrian access. • The statement in the Foreshore Management Plan that "DPaW (DBCA) have agreed that long term pedestrian access to the beach front (nearshore) over the fore shore will be negotiated with DPaW (DBCA) prior to human occupation following or during the completion of any proposed development" is incorrect. 	4f.	Noted. The LDP and / or foreshore management plan makes a statement that pedestrian paths will be agreed to with DBCA.
<p>DBCA 4g. VEHICLE ACCESS THROUGH DHINP</p>	4g.	Noted, however there is no restriction on the number of

Summary of Submission	(Consultant) Comment	Officer
<ul style="list-style-type: none"> The Foreshore Management Plan attached to the LDP states that <i>"The only vehicles proposed to operate within the lot are Polaris style vehicles of 2,4 or 6 seat capacity. DPaW (now DBCA) has supported approval for the operation of these low impact vehicles within the National Park subject to DoT approval."</i> This statement is incorrect. The advice provided by DBCA concerning an earlier development plan (2 February 2015) states: <i>"The proposal to discourage guests from travelling to the island by private vehicle is supported. DoT advice on the use of Polaris vehicles is pending"</i>. The Foreshore Management Plan states: <i>"Apart from agreed access over the foreshore via agreed and approved vehicle access routes there will be no permanent access over the vegetated foreshore area for vehicles apart from the agreed access track to the west of the lot."</i> The intent of this statement is unclear. DBCA will not support ongoing vehicle access over the foreshore through DHINP to Lot 304. Visitor vehicle access will only be permitted on the existing vehicle track. 	<p>vehicles that can access Lot 304 via the national park. It is known from consultation on previous developments that DBCA does not have an adopted policy on vehicle numbers and does not monitor vehicle numbers within the national park.</p>	
<p>DBCA 4h. FORESHORE MANAGEMENT</p> <ul style="list-style-type: none"> The Foreshore Management Plan provided as an attachment to the LDP does not adequately address how threats to the DHINP will be managed. For example, the Foreshore Management Plan outlines that the proponent intends to develop pedestrian access paths/raised boardwalks, physical barriers for pedestrians and shade shelter structures within the DHINP foreshore, however no specifications or design guidelines for these structures are provided. 	<p>4h. Noted.</p>	
<p>DBCA 4i. ATTACHMENTS NOT REFERRED TO IN THE LDP</p> <ul style="list-style-type: none"> The LDP document does not clearly refer to the attachments as comprising part of the LDP. The LDP should refer to relevant attachments as forming part of the LDP. 	<p>4i. Noted.</p>	
<p>5. Shark Bay World Heritage Advisory Committee (SBWHAC)</p>		
<p>SBWHAC 5a. Whilst the proponent has a freehold lot that provides entitlement to certain rights and expectations relating to building on this site, it is located in the midst of both a marine park and a terrestrial national park, which are within the Shark Bay World Heritage Area (SBWHA). Hence, there are acceptable standards and general environmental principles that have to be considered. These are supported to a large degree by both State and Federal Government legislation and regulations.</p>	<p>5a. Noted. Whilst there may be landowner expectations for future development it should be note that: (1) The expectation may have been partially</p>	

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Summary of Submission	(Consultant) Comment	Officer
<p>Therefore, the Committee's overall view is that a development on Dirk Hartog Island should adopt environmental standards of the highest order, which should apply equally to any developments on the island that the Department of Biodiversity, Conservation and Attractions (DBCA) may develop.</p>	<p>(2)</p> <p>(3)</p>	<p>created by the Government when the freehold lots on Dirk Hartog Island were created and as a result of the existing restrictive covenant;</p> <p>Development is still subject to approval by the local government. The development has to address the Shires Scheme requirements and be guided by a comprehensive and clear Local Development Plan;</p> <p>Bushfire requirements have changed over time and the proposal needs to demonstrate compliance with State Planning Policy 3.7.</p>
<p>SBWHAC 5b. Environmental Protection Authority (EPA) Referral Although the development is not a subdivision, it is proposing 33 units with accommodation for up to eight people per unit, allowing potentially 264 people, plus a project/site manager, family and 'visitors'.</p>	<p>5b.</p>	<p>Noted. The proposed Local Development Plan is not supported at an officer level therefore in that circumstance referral to the EPA is a fairly mute point. If a new Local</p>

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Summary of Submission	(Consultant) Comment	Officer
<p>In 2015, a proposal for seven (7) accommodation units on this site was referred to the WA EPA with the decision at that time being 'Not Assessed: Public Advice Given'.</p> <p>Given the magnitude of the change to the initial proposal, it is significantly different to the initial proposal and the proponent carries the risk that the EPA would see the requirement for assessment of the proposed development differently. The Committee suggests that discussion and potentially referral to EPA would provide clarity.</p> <p>The same action should also be considered in regard to the Commonwealth Department of Agriculture, Water and Environment (DAWE), which previously considered the seven unit development proposal under the <i>EPBC Act</i> and deemed it 'not a controlled action'.</p> <p><i>Note – in many instances, although previous plans are designated as 'updated', there are very limited (if any) changes made from the 2015 submission.</i></p>	<p>Development Plan is lodged in the future then the Shire may consider a new referral to the EPA.</p> <p>The onus is on the developer to undertake referrals to the commonwealth DAWE.</p> <p>If the developer concludes that the development might have a significant impact on any of these matters of national environmental significance, then they would need to apply for approval to proceed under the EPBC Act.</p> <p>This approval process under the EPBC Act would be in addition to any state or local government approval that might be required.</p>	
<p>SBWHAC 5c.</p> <p>Amended Local Development Plan (2020)- Taylor Burrell Barnett (TBB)</p> <p>TBB comments - The provisions in the LDP apply to guide development; building envelopes, siting and setback requirements, bushfire management, built form, building height, vegetation and landscaping, service infrastructure and management.</p> <p>With regard to building envelopes, Lot 304 is the subject of environmental covenants imposed by the Minister for Lands which must be adhered to by the proponents.</p> <p>TBB advised that the number of building envelopes shown on the LDP is nominal and not all of these may be able to be built on. Therefore, the number of building envelopes shown on the current plan may be amended, subject to approval by the local government.</p>	<p>5c. Noted. The LDP recognises the existence of the covenants.</p>	

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Summary of Submission	(Consultant) Comment	Officer
<p>SBWHAC 5d.</p> <p>Bushfire Management Plan (2020) - Ecosystem Solutions</p> <p>TBB comments - Lot 304 is in a designated bushfire prone area. Landowners will be required to educate and inform all guests of the increased risks associated with bushfire when staying on a remote tourism/holiday accommodation development.</p> <p>SBWHAC comment - The bushfire and clearing assessment has been professionally prepared and provides suitable guidance, but also some challenges for maintaining fire safety.</p>	<p>5b. Noted, however the Bushfire Management Plan is not supported and does not comply with State Planning Policy 3.7.</p> <p>The DPLH and DFES do not support the BMP.</p>	
<p>SBWHAC 5e.</p> <p>Coastal Risk Management Plan (2014) and Damara WA letter (2019)</p> <p>This plan refers to the management of hazards and impacts from coastal processes, which can influence cyclone impacts. It is noted that Cyclone Information Procedures have been prepared separately by DHI Developments (2018). The Damara letter addresses both erosion risk and inundation management. Noted that the current proposal for 33 building envelopes differs from the layout previously shown in plans assessed by Damara WA.</p>	<p>5c. Noted. The Damara report was referred to the DPLH and examined by their Strategy and Engagement (Coastal) team. It is generally supported subject to some recommended conditions (such a limitation on any approval).</p>	
<p>SBWHAC 5f.</p> <p>Ghv1jq#Txlghdgv#5353,#GKI#ghyrcsp hqw#Sw # Owg##</p> <p>As the units are planned to be via a staged construction over an extended period of time, what is the potential for additional construction impacts as a result of repeat access to the site by construction workers and equipment, etc.?</p> <p>What are the procedures for managing the guest experience, particularly the likely impacts to existing guests during second and subsequent construction stages?</p> <p>What procedures and assurances will be in place to maintain the overall aesthetics and unit conformity when there will potentially be a number of years between accommodation building periods?</p>	<p>5d. Noted. The design guidelines are not supported at an officer level and are discussed in the agenda report.</p>	
<p>SBWHAC 5g.</p> <p>Site and Soil Evaluation (2020) – Land Assessment Pty Ltd</p> <p>As the site is very exposed and presents some challenges in terms of visibility, control of wind erosion, and the numbers of people being catered for, it will require careful management of vehicles, boats and people access.</p>	<p>5g. Noted. There are concerns over the report at an officer level, and it is not supported by the Shires Environmental Health Officer.</p>	

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<p>The style of building, lights, maintenance, extensions, vehicle and boat parking could all make the site look “ramshackle” if not appropriately managed.</p> <p>The Site and Soil Assessment is an appropriate investigation and its recommendations should be followed.</p>		
<p>SBWHAC 5h.</p> <p>Foreshore Management Plan (2014, updated 2019) – DHI Developments Pty Ltd</p> <p>The Dirk Hartog Island National Park was created in October 2009. It incorporates the 40 metre strip of UCL between the former pastoral lease boundary and high water mark (HWM). On the eastern, northern and southern (Sunday Island Bay) sides it adjoins the Shark Bay Marine Park at HWM and access via the national park will need to be negotiated between the proponent and DBCA.</p>	5h. Noted. Separate comments have been provided by DBCA.	
<p>SBWHAC 5i.</p> <p>Environmental Report (2020) – DHI Developments/MBS Environmental Access</p> <p>A septic tank system for wastewater in a development located on primary dunes next to the sea presents a risk of nutrient escape. EPA statement “<i>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.</i>”</p> <p>Furthermore, the Site and Soil Assessment states: “The use of a secondary treatment system with nutrient retention capability within all building envelopes would significantly reduce the risk of endangering public health or the environment”.</p> <p>The SBWHAC recommends that the proponent commits to the use of a secondary treatment system as per the Site and Soil Assessment recommendations.</p>	5i. Noted. A secondary treatment system is the preferred option and the LDP does not commit to use of any ATU.	
<p>SBWHAC 5j.</p> <p>#</p> <p>Biosecurity Plan (2020) – DHI Developments Pty Ltd</p> <p>The quarantine and biosecurity requirements adopted by DBCA rangers, researchers etc. should be at the same level as for this development. Refer attached ‘Dirk Hartog Island Biosecurity Implementation Plan’ (June 2014, revised January 2020), DBCA, Parks and Wildlife Service.</p>	5j. Noted. Separate comments have been provided by DBCA.	
<p>SBWHAC 5k.</p> <p>#</p>	5k. Noted and Agreed.	

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<p>Z dwn#P dgdjhp hqw#Edg#5347/Xsgdwhg#534<, #GKI# Ghyh#rsp hqw#Sw#Dvg#</p> <p>Waste management becomes problematic with larger numbers. This can be managed, but again, in keeping with the SBWHA and best practice principles, waste avoidance and minimisation needs to be committed to.</p> <p>The updated plan contains limited changes from the initial 2014 version. It requires a substantial update to comply with the Shire's current operation of the Denham refuse site and waste disposal practices e.g. it doesn't take account of the recyclables collection centre which alleviates the necessity to burn cardboard, papers, crush glass, etc.</p> <p>Given the unsatisfactory history of waste management on the island, this is an important part of the proposal, which this plan fails to address. The waste management plan is unsatisfactory, as it focuses on minimising the environmental impact of waste generation and disposal rather than preventing waste.</p> <p>The plan to deal with 'organic waste', generally about 50% of waste produced, is not adequate. It needs to be shown that other alternatives e.g. composting, have at least been considered before burning what could be large quantities of waste in a Cyclonic Incinerator, as this will have its own environmental impacts.</p> <p>It is stated that the Cyclo unit burns 18-45kg of waste per hour and will be used 'daily to burn, reducing the waste to ash'. The advertising for Cyclonic states <i>'Simply fill an open top 205 litre drum with rubbish, close the Cyclonic lid, plug in the power cable and light the waste. There is initially a little smoke, but once the Cyclonic turbo starts generating high force air into the unit, this creates a powerful cyclone within the unit, thus generating very high temperatures and eliminating 99% of any smoke'</i>.</p> <p>How much electricity will be needed? All these units will produce ash - a toxic product – what will happen to it? Any emission from incineration such as this is not healthy and should not be part of an eco-development.</p>		
<p>SBWHAC 5I.</p> <p>Management Plan (Updated 2020) – DHI Developments Pty Ltd</p> <p>The management model will require coordination of up to 33 different owners (via a council/committee of owners) through a manager. This management model represents a potential problem (for both the proponent and regulator) of who may be liable.</p> <p>No detail is provided on how the additional vehicle and people numbers will be managed to retain the outstanding</p>	<p>5I. Noted.</p>	<p>The Management Plan is not supported at an officer level and is discussed in the agenda report.</p>

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wilderness and natural values of Dirk Hartog Island. Nor does the plan address the ecotourism zoning of the area. #		
<p>SBWHAC 5m.</p> <p>Staged approach to accommodation development Are planning and mitigation strategies necessary if there is the potential for additional construction impacts as a result of repeat access to the site? What assurances exist to maintain the overall aesthetics and that unit structures remain within the design guidelines, if there are a number of years between accommodation build stages? #</p>	5m. Noted. It is not considered that the LDP and Design Guidelines provide sufficient guidance for future development, which is discussed in the agenda report.	
<p>SBWHAC 5n. #</p> <p>Visual Impact The Shark Bay World Heritage Landscape Study (2001) identified areas of DHI in terms of sensitivity zoning, with the visual impacts of any construction to be carefully considered with particular regard to colours and designs which minimise visual impacts. The SBWHAC subsequently commissioned the development of a DHI Colour Palette to be used for the trim, roofs and walls of buildings on the island. It is recommended these be adopted.#</p>	5n. Noted. It is open to the Shire to require a visual impact assessment as part of the LDP.	
<p>SBWHAC 5o.</p> <p>Additional Information Required The increased scale of development and the management documents provided have raised a number of queries for the Committee. Additional information on how the following should be managed is required.</p> <ul style="list-style-type: none"> • It is unclear which access tracks marked on various site maps are identified for what access purpose, i.e. vehicle, pedestrian or both? • Assuming some guests will arrive by vehicle, what vehicle parking envelopes are planned i.e. at each unit or common carpark area? • What are the site aesthetic considerations for vehicles i.e. will they be hidden behind units? • Which predicted stage of development will see the use of raised boardwalks and/or the removal of car access and site access by ATVs only? • What provisions are made for minimising light pollution from lighting systems on the property? • What are the guidelines determining species, planting, landscaping and reticulation? • Will boat launching be permitted from the beach? • What guidelines or requirements are there for visitors arriving by private vessel? 	5o. Noted.	

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<ul style="list-style-type: none"> • What are the requirements for boat storage overnight i.e. beach anchor, mooring or retrieval? • What trailer turn-around space considerations have been made? 		
<p>SBWHAC 5p.</p> <p>General Comments</p> <p>The proposed development is significantly scaled up from that of existing accommodation on the island and the proponent must provide a much higher degree of management to reflect this.</p> <p>The proposal appears more focused on the economic outcome of the development, rather than the environment impacts. The accommodation to be provided will be part of a coordinated development aimed specifically at promoting the economic sustainability of the site.</p> <p>Water is critical – and this part of the proposal also lacks detail. There are plans to use a combination of rainwater (the annual rainfall for DHI is limited and what are the predictions for the impact of global warming?), desalinated ocean water and groundwater from existing wells at West Wells and Two Wells.</p> <p>The proposal gives no indication of how groundwater supplies will be impacted, whether this is feasible, what will be required to pipe water from these wells and how much water would be needed? Desalination plants have a brine discharge component that must be carefully located and managed and there is no information provided on this.</p> <p>The International Union for the Conservation of Nature (IUCN) guidance document provides guidelines and some examples of compatible developments within World Heritage Areas and may be of assistance to the proponent – see Attachments.</p>	5p.	Noted and Agreed.
<p>SBWHAC 5q.</p> <p>Recommendation</p> <p>The concept of developing Lot 304 has been progressing for many years now and there would likely be benefits for the proponent, the Shire of Shark Bay and the local tourism industry in having an agreed basis to progress this proposed development.</p> <p>However, the SBWHAC considers that there is insufficient information and assurances provided by the proponent in this LDP to ensure that the principles of a high-quality, sustainable, eco-tourism development (<i>ecologically sustainable tourism with a primary focus on experiencing natural areas that foster environmental and cultural</i></p>	5q.	Noted.

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ATTACHMENT # 10



PO Box 1570,
Geraldton WA 6531
☎ 0459 186 171
✉ Admin@waplanning.com.au

17 July 2020

Shire of Shark Bay
PO Box 126
DENHAM WA 6537

Attention: Chief Executive Officer – Mr Paul Anderson

Dear Paul,

PROPOSED LOCAL DEVELOPMENT PLAN – LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND

WA Planning & Logistics writes on behalf of the owners of [REDACTED] in response to the proposed local development plan outlined within the Shire's correspondence dated 19 May 2020.

There are a number of concerns in relation to the proposed Local Development Plan, some of which are considered grounds for a refusal of this application, and at the very least a dramatic modification to ensure that the development actually meets the definition of 'ecologically sustainable tourism'.

This application has the potential to set a precedent for all future freehold development and we are highly concerned that this application represents development that is neither suitable or desirable for this pristine location.

We understand that the lot has potential for development, however both the Shires Scheme and the fundamental requirement stipulated as a Covenant Burden on the registered title require that the development be only for the purpose of ecologically sustainable tourism and that development be of a low scale and high architectural standard.

This is a World Heritage Listed property and a proposal for development needs to reflect this status and be of such a standard that there is absolute confidence that the development will not detrimentally and irrevocably damage the environment and bring about a continual compliance and degradation nightmare which could have been avoided with careful and considered planning for the area.

It is considered that the Local Development Plan as presented should be refused on the grounds that it does not satisfy the objectives and conditions of the *Shire of Shark Bay's Local Planning Scheme No. 4*, and for all of the reasons presented collectively. Should Council consider approving the Plan (subject to substantial modification), it is respectfully requested that the number of building envelopes and holiday units be substantially reduced, so as to support the conservation values and priorities of the highly significant, and ecologically and biologically important, reserves upon Dirk Hartog Island and the wider Shark Bay Marine Park and World Heritage property.

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We believe the proposed development of this size and scale and set within such an environmentally sensitive area should have the highest degree of assessment and development standards applied.

We believe this application requires significant reconsideration and would seek the further opportunity to be able to comment on any revised submissions to the Shire in relation to this proposal.

Trusting that this correspondence and the enclosed information meets with your requirements, however, should further information be required please do not hesitate to contact Kathryn Jackson from WA Planning & Logistics on 0459 186 171.

Yours faithfully,



Kathryn Jackson
Town Planner & Bushfire Consultant

1. **Local Planning Scheme**

1.1 **Does not meet the objective of the Special Use 14 zone**

The property is zoned Special Use Area 14 under *Local Planning Scheme No. 4*. The Scheme states that:

"The objective of this zone is to provide for eco-tourism development."

The Scheme defines 'ecotourism' as:

"ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation."

Condition 7 of the zone specifically states that "Any development or Local Development Plan shall demonstrate alignment with the objective of the zone".

The Local Development Plan and accompanying information does not demonstrate alignment with the objective of providing an eco-tourism development.

Some of those factors that **do not warrant** this development as **ecologically sustainable**, noting that this list is not exhaustive, but representative of some of those factors that cause this proposal to be unacceptable. The development is not considered ecologically sustainable due to the:

- **Type of Development:** no clear reference as to the land use that will be applied to the Local Development Plan, only an indication that it would involve short term accommodation. This can be considered under the land uses of 'holiday home', 'tourist development' or 'workers accommodation' under SU14. Each of these involves different considerations to ensure that the surrounding supporting documentation clearly defines and regulates the permitted land use in a way that meets with the ecologically sustainable requirement as well as high quality developmental standards.
- **Defacto subdivision:** The proposal is essentially being rolled out like a strata development where individuals can gain control over a building envelope and then develop when and how they like, which at the moment is only governed by very vague and insufficient guidelines.
- **Complete assessment not possible:** A development upon this lot should not be allowed to have individual applications made in a random manner for each building envelope. This would make difficult an accurate assessment against the Schemes requirements as one would not be seeing the complete development with the level of information required to make an informed decision.

An application needs to demonstrate the full development potential being proposed with plans and supporting information so that it can be assessed against the Scheme properly. You cannot assess a development for its ability to be low scale, have a high architectural standard, be ecologically sustainable if you don't know what's going to

be built, when it will be built, in what order it will be built and how any of it will look as a complete development.

A visual impact assessment is necessary as part of this assessment to show scale and bulk is absolutely necessary to provide a complete picture of what the lot will look like completely developed to the full extent of the proposed LDP.

Staging: It should need to be a staged development where plans for the entire lot are submitted, assessed and approved and then individual buildings can be built in stages but in accordance with an overall plan.

This would ensure that the development is undertaken in a predetermined manner to ensure has connection to each other and appropriate measures to prevent environmental damage.

- **Scale of development:** This is a large development. The allocation of 33 building envelopes that will contain holidays units which may comprise of two-storey developments, up to 33 x 10,000L water tanks plus additional water storage requirements, service areas, ad-hoc outbuildings, parking areas, access roads. This is not a low scale development and requires much more oversight to make it even begin to look and produce ecologically sustainable outcomes.
- **Design Guidelines:** The design guidelines are inadequate and do not demonstrate strict design controls. This has the ability to become an ad-hoc assortment of buildings where the Scheme clearly states that development needs to be cohesive and informed by a Visual Impact Assessment and produce guidelines that actually represent high architectural standards and low scale development.
- **Scale of clearing:** To implement construction of the built form and the requirements of the Bushfire Management Plan and Asset Protection Zones essentially the majority of the lot will be cleared. For such a pristine and environmentally sensitive area almost full-scale clearing of the lot is not considered an acceptable design approach for any development and does not represent that kind of development that should be supported as being ecologically sensitive.
- **Large number of people:** As each unit can have up to 8 people then at maximum capacity there would be 264 people onsite. This number of people is substantial, and this contends that there needs to be an even greater emphasis on the design guidelines, waste management, foreshore management and other documentation. It is not considered that the LDP has been written in a way that would support this number of visitors in a sustainable way.
- **Large number of vehicles:** (33 units with up to 8 people is 2 cars per unit = 66 cars). This number of cars need to be parked and traverse the tracks of the island. This is a significant increase from the number of vehicles currently permitted by DBCA. One document speaks to the use of Polaris vehicles however with no central management body how would this be managed and controlled, how many Polaris vehicles to accommodate this number of people onsite, where would they be garaged, fuelled and maintained?

- **Impact on Marine Park:** With the number of visitors it is considered that there needs to be strict guidance on the interaction with the foreshore and marine park areas. Hundreds of additional people being brought into a pristine location to recreate along the foreshore and fish will have a significant impact on marine life. This interaction with guests to the surrounding area needs to be addressed as part of any application as it goes to the heart of any application being environmentally sensitive and sustainable as a tourism venture.

The scale of the development, lack of direction for built form and potential for a large number of visitors coupled with emissions (noise, dust, light, rubbish, nuisance, pollution to name a few) is not acceptable and does not demonstrate an understanding of the fragility of the environment and the need for ongoing oversight to ensure ongoing environmental protection and observation of the arising needs of the location. As a consequence, we believe a more coordinated, ecologically sustainable and strategic approach to the development of the land is necessary to provide confidence in the project. Without these being in place the Local Development Plan should be refused.

1.2 Does not meet the requirements of the conditions of Special Use Zone 14

Many of the required supporting information documents that are to form part of the LDP and gain their enforcement through the Scheme are inadequate in their form and content and does not address the main contention of any proposal development; can the proposal be considered ecologically sustainable tourism and are there sufficient guidelines to ensure that the site is managed and maintained to a high standard in perpetuity for this purpose.

The conditions of Special Use Zone 14 require high architectural quality and low scale which has not been adequately addressed within the Design Guidelines or other documentation. A Visual Impact Assessment has not been supplied and therefore underlines our concerns in relation to providing an LSP and Design Guidelines that actually take into consideration the landform characteristics of the site and provide a sensitive and considered design outcome in terms of the siting of built and ancillary structures, density, scale and building design and materials. Two storey developments in particular could not possibly be considered low scale, and any approval should limit the height of all buildings to one storey development.

Comments on the supplied documentation provided in further detail below.

1.3 No Land Uses specified in conjunction with Local Development Plan

It is seen as a fatal flaw of the Local Development Plan that there is no indication as to the future land uses that are to be applied to the area for its development. There is a significant difference between considering this LDP for future 'workers accommodation', 'tourist development', 'camping ground' 'fuel depot' or 'shop' or any of the other land uses listed for SU14.

This is vitally important to being able to rationalise how these uses would fit with the design of the Local Development Plan, to create documentation and design guidelines that reflect the intended built form and to accurately assess the proposal in terms of potential impact, emissions, servicing levels and ultimately determine whether this indeed meets an 'ecologically sustainable tourism' development.

If specific land uses are not to be identified for the LDP, then the LDP needs to address all permitted land uses that can be applied for.

Without a clear indication of this the Local Development Plan should not be supported.

2. **Restrictive Covenants**

The restrictive covenants for this property are between the owner(s) of the lot and the Minister for Lands. Although the local government has no enforcement mechanism for the covenants, we suggest that it is still important that there is written evidence that the Department of Lands has been consulted and are supportive of this application.

In relation to the covenants the LDP is seeking 33 units which is the maximum permitted under listed covenant (b), however it is clear that any application is required to meet all covenants. This ratio was given as a maximum for development of the property, not that this is the number of units that the Minister for Lands, or local government, is forced to accept. The application must still demonstrate that it is:

- 'low impact' - means low impact on the environment having regard to the number of tourists visiting the land and the facilities and other services provided for their use
- 'eco-tourism' – means ecologically sustainable tourism with primary focus on experiencing natural areas that fosters environmental and cultural understanding, appreciation and conservation.

The spread-out arrangement of the building envelopes causes unnecessary environmental damage compared to other design options that would see clustered development that has the potential to drastically reduce the built form footprint, thereby significantly reducing the level of clearing required.

The LDP does not present itself any different than any other typical accommodation facility which is evidenced in the design of the LDP with a basic staggering of building envelopes with little to no design control or expectations. The vast clearing of remnant vegetation to produce a sprawling development across the site is not low-impact and the lack of environmental controls for the interaction between guests and the adjacent foreshore area and marine park does not satisfy the eco-tourism requirements of listed covenant (a).

If this was a lot within a standard townsite then this would be sufficient, however the application is within a world heritage listed property in an environmentally pristine location where it is clear from the covenants (and SU14 requirements) that a greater expectation for development is envisioned for this lot.

3. **Local Development Plan**

In relation to the provisions listed on the LDP we comment as follows:

Building Envelopes

LDP lists types of ancillary development but does not speak to what the predominant use of the land will be in line with those uses that are permitted under the SU14 zoning.

There will definitely be clearing outside of the building envelopes such as firebreaks, strategic breaks and access tracks. There is also a requirement for a 11m cleared or managed area around each habitable building which will extend the clearing beyond the building envelopes.

No Visual Impact Assessment has been undertaken and therefore the location of the building envelopes has not been undertaken with the view of the overall potential impact in terms of appearance, density and scale across the Lot.

Bushfire Management

To meet the requirements of Schedule 1 of the Guidelines for Planning in Bushfire Prone areas this will involve a large amount of clearing given the current vegetation type of Class C Shrubland. This level of clearing is considered unsatisfactory given the pristine location of the lot and the way this will impact on the visual appearance of the development within the landscape.

Further comment on the BMP documentation provided below.

Building Form, Height and Vegetation and Landscaping

The Current form of the Design Guidelines is inadequate and does not satisfy the requirements of the Scheme that a development needs to be ecologically sustainable, low scale and sympathetic to the surrounding landscape.

The Design Guidelines need to be informed by a Visual Impact Assessment and provide for development of a high architectural quality that the Scheme requires. An essentially box shaped, flat packed, insulated wall panelled building does not fit this requirement in our opinion. Colours that match the surrounding landscape does not automatically blend a development into its surrounding context, it takes innovative design and placement of buildings to produce a development that provides for an overall cohesion of built form and natural environment.

There also needs to be much more consideration on the placement of ancillary buildings, solar panels, rainwater tanks and parking so the development does not look ad-hoc and unorganised.

The Design Guidelines are currently a long way from providing confidence that multiple landowners will be able to construct their own interpretation of the guidelines whilst providing for a development that has high architectural quality.

Servicing Infrastructure

Needs to be more supporting information in relation to water and power for each site given the sites remote location. Water is used for both a potable supply and firefighting and it needs to be clear how the supply is maintained and recharged given the limited rainfall. Information pertaining to water use amounts, quality and availability should be included especially given the scale of the development and some 200 people drawing on these supplies in peak season.

Vehicle numbers

The *Local Development Plan* denotes 30 different building envelopes proposed to accommodate up to 33 separate holiday accommodation units. Each holiday unit is proposed to accommodate between 4 and 8 persons. Given that the typical 4WD vehicle cannot accommodate 8 persons plus holiday luggage, it is assumed that those 8-person units at capacity would require a minimum of two vehicles. It is further noted that the DBCA limits for overnighting on non-freehold land is 20 vehicles per day, which equates to 20 vehicles per day across a 62,000ha land parcel. Comparably, the proponent is ultimately requesting support, by means of lodging this *Local Development Plan*, for 33+ vehicles upon an 11.295ha lot, which mathematically is 5,000+ times smaller than the non-freehold land, which only allows 20 vehicles.

It is likely that users of each separate accommodation unit would bring a vehicle (as transportation of holidaying items such as fishing and diving equipment and food is usually required), and therefore it must be assumed that if 33 building envelopes are approved to accommodate up to 33 holiday units as per this proposed *Local Development Plan*, then this will require up to 33 (or more) vehicles being granted permission and additional permits to traverse Dirk Hartog Island on a daily basis.

With regard to this excessive increase in vehicle numbers, it is considered that this is in direct conflict with the environmental and biodiversity aims and activities of the island, such as the reintroduction of endangered species onto the island, the need to protect the future habitats of these introduced species and the need to protect native species, such as the endemic southern emu wren and the Western spiny-tailed skink which is listed as threatened under the Wildlife Conservation Act and endangered under the EPBC Act. The *Draft Dirk Hartog Island National Park Interim Management Guidelines for Necessary Operations 2010* states:

"Any development of the freehold lots on Dirk Hartog Island as eco-tourism accommodation will lead to increased numbers of visitors staying overnight on the island. This could result in pressure for increasing vehicle numbers on the island. However, more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project."

Increasing the allowed 4WD vehicle numbers increases the risk of damage to vegetation and of maiming and killing some of the island's unique animals as roadkill. The conservation aims of the island and wider World Heritage property, having highly significant zoological and biological importance, should not be compromised in the pursuit of economic and tourist development.

It is still unclear as to the total number of vehicle permits that will be issued daily to access Dirk Hartog Island. Whilst the *Draft Dirk Hartog Island National Park Interim Management Guidelines* cites 10 vehicles per day, it is understood that this has since increased to 20 vehicles.

Notwithstanding this, further advice given is that the 20 vehicle limit does not include private vehicles garaged on freehold land or visitors' vehicles overnighing on freehold land. How is this then to be managed now and in the future, given that this is one of four freehold lots on the island that has the potential to be developed further? Each freehold site could potentially add an additional 30 + vehicles traversing the island so over an additional 100 + cars a day. It is considered that this significant increase needs to be strategically aligned to the DBCAs plans for the land to ensure that this number of vehicles can be sustainably managed to limit impact on the environment and that safety measures (i.e. overtaking and parking areas) can handle this increased capacity.

A clear position on the total number of vehicles allowable on Dirk Hartog Island (National Park property + Private property) must be determined and stated by DBCA.

Guest numbers

It is noted again that each holiday unit is proposed to accommodate between 4 and 8 persons. 33 sites x 8 guests = 264 persons capacity per night. This is a substantial number of people, creating a significant amount of waste and, no matter how well-meaning or planned, will impact on the surrounding environment.

Based on the current LDP and proposed management supplied it is not considered that this high level of occupancy can be supported on the site in a sustainable way. An appropriate restriction on the number of persons allowed per unit should additionally be applied should the proposal be entertained to better reflect the level of management and design elements being proposed.

Safety

There are a number of safety concerns in relation to the information provided and this *Local Development Plan*. It is noted that many tracks on Dirk Hartog Island are the width of one vehicle, and although passing can be achieved, it does increase the potential for accidents (as well as damage to vegetation and wildlife). The substantial increase in visitor numbers (as a result of a development of this scale) would also increase risk across the whole of the island, which has a very restricted ability to provide timely emergency service responses due to the nature of the location. Rock fishing along the west coast has a record of being particularly dangerous and has resulted in a number of serious injuries in the past - dramatically increasing visitor number is only likely to exacerbate this problem.

Emissions

Emissions in terms of those created by visitors need to be sufficiently addressed. 200 + people onsite will generate a significant amount of emissions that need to be managed in a practical and environmentally sensitive way. Waste management which includes the burning of rubbish does not seem like an ideal solution for waste management. There is insufficient information regarding other emissions such as light, noise, dust, odour which has the potential to affect the development and surrounding environment.

4. **Design Guidelines**

The overall sense of the LDP is that of an ad-hoc arrangement of building envelopes, individually developed with a haphazard management arrangement. The Design Guidelines do not provide for development of high architectural standard and does not provide elements that ensure that any future built form would blend and complement the existing natural environment and landforms.

The suggested box shaped constructions with use of insulated wall panels does not provide confidence that development will be held to a high account for quality and aesthetics. In the absence of strong, well considered design guidelines the area will quickly take on a 'thrown together' appearance. Built form needs strict and precise requirements to ensure that buildings and ancillary structures are well laid out and provide a high standard of cohesion for the overall development of the lot.

The majority of the site will be cleared of vegetation with a bare sand, so careful integration of landscaping, raised walk platforms and trafficable areas for vehicles and pedestrians need to link users to recreation areas and provide access without disturbing further vegetation and fauna. The LDP and Design Guidelines are vague and non-committal in an attempt to provide more options for each potential person developing each individual building envelope.

This is not a de-facto subdivision. This is a world heritage area and any eco-tourism development needs to reflect the ecologically sustainable objectives and demonstrate an accommodation facility that reflects a coordinated and well managed tourism activity.

Improved Design Guidelines are required that at a minimum are informed by a Visual Impact Assessment and provide for photo montages (or similar) of specific examples of acceptable development for the area at the density proposed for the site. Without this you cannot determine whether 1) the density of development is appropriate for the site 2) the design of the buildings is appropriate for the location 3) that design is of a high architectural standard, and 4) that the development appears low scale. This needs to include all ancillary structures such as solar panels, rainwater tanks, shed and parking at a minimum as this will be relevant to each building envelope and significantly contributes to the overall scale and bulk of development upon the land.

5. **Site and Soil Evaluation**

It is noted that each holiday unit proposes to have its own separate onsite effluent disposal system. The *Site and Soil Evaluation* highlights the inappropriateness of a primary treatment system upon the lot, however there are also concerns with regards to use of any secondary treatment system, given that the *Coastal Risk Management Plan* demonstrates that a managed retreat will be required in the future in the event of sustained coastal recession, which is probable.

It is further noted that the *Site and Soil Evaluation* identifies two sample areas having a "Low Capability" of supporting onsite effluent disposal, however then continues to suggest that "due to the relative consistency of the soils, the topographic units ... provide an appropriate geomorphic framework for land capability assessment ... and it is unnecessary to conduct a specific site and soil assessment at each and every proposed building envelope."

Further, and contradictorily to this previous statement, it is noted within the report that the “underlying limestone layer encountered at site 2 within the lowest portion of Lot 304 could be part of a more extensive rock platform” (noted at page 22). Based on this information, it is considered that there may not actually be “relative consistency of the soils” as has been stated. Noting that the lot is located within a “sewage sensitive area” and within a World Heritage Property and in very close proximity to the marine environment, it is considered inappropriate to draw conclusions about each envelope’s land capability without individual assessment, and therefore each building envelope should have a specific site and soil assessment, taking into account the CRMP and managed retreat implications noted within that CRMP.

6. **Environmental Report**

It is noted that the *Environmental Report* suggests that the development proposes to maintain a “small footprint”, be “low impact” and “low scale”. Whilst the holiday units are to be restricted to 90m² each, the building envelope (that is likely to also accommodate additional things such as parking areas in compliance with Scheme requirements, outbuildings, service areas, firebreaks, landscaped areas, rainwater tanks and other ancillary structures such as solar panels etc) as well as the Asset Protection Zone (as required by the *Bushfire Management Plan*) will have a much larger footprint than the 90m² per unit cited within the *Environmental Report*. It is questionable as to whether this would, therefore, meet the definition of “small footprint” and “low scale” as described within the proponent’s *Environmental Report*. This is also not taking into consideration the probable future requirement for a managed retreat from the coastline, which will have further impacts upon the natural environment as asset protection zones and building envelopes are potentially pushed back towards the lot’s boundary and away from the receding coast into the natural bushland areas, in conflict with important conservation principles and values.

One large oversight of the Environmental Report is the omission of any references to water use and sources. The BMP states that each holiday accommodation unit will have a 10,000L water tank and that this water will be dedicated for firefighting purposes. It is known that the rainfall within this area averages only 200mm per year, therefore it is questionable how water will be sourced for (a) firefighting to achieve the BMP requirements, (b) potable water and (c) non-potable household water uses. It is noted that the nearest existing groundwater sources (bores) are a substantial distance away. Is groundwater available within the immediate location? Is water sufficient to accommodate all of the above requirements? What impacts will the drawing of this water have upon the natural environment? Will desalination be required? Is this feasible for a 33 unit development and how will it be achieved and managed so as not to cause further environmental implications?

7. **Waste Management Plan**

There are also further concerns in relation to waste management. The *Waste Management Plan* states that glass/bottles will be crushed to be used for “building materials and/or fill”. It does not specify what those building materials are required for on Dirk Hartog Island, nor where the fill will go. A more environmentally sustainable option would be recycling, which is likely to be available within Western Australia towards the latter quarter of this year.

There are significant concerns regarding the fumes, smoke and pollution impacts of burning up to 33 households of waste daily, particularly to the onsite units and adjacent properties. Odour, smoke and pollution impacts have not been addressed in any detail anywhere within any reports and this is an oversight that it is considered needs addressing.

8. **Management Plan**

The *Management Plan* includes references to landscaping such as "lawns, gardens, trees, shrubs, plants, garden water and the water reticulation system". It is noted that this is in conflict with the *Biosecurity Plan* and the *Local Development Plan* itself that does not support the introduction and use of non-indigenous plant species such as lawn. The use of reticulated water systems is also unwarranted, as endemic species should not require reticulated watering and this will place further unnecessary stresses upon onsite water usage and capacities.

Of great concern is the ability of the proponents to effectively manage the island's biosecurity requirements for such a large number of additional temporary guests. With the potential of having up to an additional 33+ vehicles visiting Dirk Hartog potentially twice weekly, the management of biosecurity requirements would become burdensome at best and overlooked or unsupervised/unmanaged by the co-owners at worst. The latter would not be acceptable given the significance of the site and region, and accountability should need to be proven for any *Local Development Plan* to be considered.

9. **Bushfire Management Plan and Evacuation**

Fire safety is also of significant concern in relation to the proposed *Local Development Plan*. It is noted within the BMP that the proposal cannot achieve several of the Acceptable Solutions of Element 3 of the Bushfire Protection Criteria relating to Vehicular Access, as required by *State Planning Policy 3.7*, and therefore performance principles have been considered and addressed within the report. The report cites that the proposed *Local Development Plan* is:

"unavoidable development within a remote location and compliance with SPP 3.7 is not possible". The definition of unavoidable development is "development that, in the opinion of the decision-maker, represents exceptional circumstances where full compliance with this policy would be unreasonable; no alternative location exists; it is not minor development; and is not contrary to the public interest."

It is argued that the proposed development IS contrary to the public interest, and the interest of adjacent landowners and other landowners and stakeholders of Dirk Hartog Island and the wider World Heritage Property for all of the reasons outlined within this document.

It is further argued that the proposed *Local Development Plan* does not represent "exceptional circumstances". In this regard, the precautionary principle should be taken, as there is a clear lack of certainty that the potential for significant adverse impacts can be adequately reduced or managed. For example, the *Emergency Evacuation Plan* is based on the assumption that "Guests can read and understand the English language" (cited on page 32), therefore there is a fatal flaw in the BMP that, in the event of a fire, all guests will know to shelter within their accommodation rather than try to flee the fire, because not all guests are likely to speak or read English, and therefore they may not understand the instructions provided to them.

With a better design for the LDP it would be possible to integrate a safer evacuation solution such as an area of lower radiant heat impact containing a communal building or fire shelter. To expect visitors to flee a burning building and move to the next is not practical and dangerous given the number of people that could be onsite at any one time.

The environmental impact of implementing the BMP is also considered too great in this instance. Shrubland is required by Schedule 1 to only be in clumps no larger than 5m² with 10m between clumps. There needs to be an acknowledgement that this will leave large bare patches of sand that will be subject to wind, water and mechanical erosion (vehicles and pedestrians) and that a suitable material or landscaping solution will be required to provide stability but also comply with the Asset Protection Zone requirements.

Asset Protection Zones will extend beyond the building envelope boundaries and in some cases into the neighbouring building envelopes. That is why we are suggesting that a more coordinated and strategic approach is necessary for the development of the lot which can clearly articulate the location of future built form, walkways, firebreaks, landscaping (where necessary for beautification or soil stability) so that an assessment of the true impact of the development can be made. The current form of the documentation requires compliance with the BMP and therefore the clearing of majority of the site but has not provided clearing or revegetation plans as the development of each building envelope has been left so open and ambiguous.

10. **Marine Park Impact**

The LDP focus appears to be almost exclusively directed at how the LDP impacts the terrestrial environment while we believe attention must also be directed at how the LDP would impact the adjoining Marine Park.

Sunday Island Bay ('SIB') is unique in that it is the only significant eastwards facing bay along the western coast between Exmouth and the deep south of WA. It is largely protected by a shoal that extends northwards from the southern end of SIB and the relatively small fetch to the east results in this bay being protected and a haven for a rich diversity of fish species. In the near proximity to Lot 304 are a rich assortment of coral species which appear only to occur in the northern proximity of the bay.

The owners of Lot 305 have carried out some limited marine research in SIB (see attached Thesis Note 2) however a much more detailed assessment needs to be carried out in order to understand the consequences of a heavy human footprint on the marine ecosystem in proximity of Lot 304.

Our primary concern is that should the owners or users of dwellings in Lot 304 not be 'low impact tourists' and bring many fishing vessels, jet-skis, speed boats, etc. to this northern end of SIB there may be irreparable benthic damage sustained with a consequent loss of abundance and richness of fish and crustaceans and visitation by mega-fauna (sharks and dugong regularly frequent the Bay).

In co-operation with the Shire and DBCA the Owners of Lot 305 would be prepared to undertake a joint marine survey to evaluate the ecological values that do exist in SIB. We oppose approving the LDP before such a survey is undertaken.

The LDP and supporting documentation does not adequately speak to the potential for marine craft being moored or beached on the shore adjacent to Lot 304 and how this can and should be managed. There are no plans that indicate launching areas, mooring locations and any proposed guidelines for visitors to be able to bring and utilise marine vessels in conjunction with future accommodation at the site.

The impact on the marine park needs to be a critical factor in assessing the ecological sustainability of the LDP as accommodation and the surrounding environment are intrinsically linked and the driving factor for visitors to come and stay in this location. Few visitors come to see the vegetation; they come to enjoy and participate in marine activities whether this be on the foreshore or on the water.

11. Conclusion

Our conclusion is that for this development to satisfy the requirement to be ecologically sustainable tourism it would need to:

- be developed in harmony with the existing environment so that it can be considered low impact;
- avoid clearing of vegetation where possible through more considered design to cluster development or through a reduction in the number of building envelopes to be developed;
- be of a consistent and high standard of architectural design to blend with the surrounding landscape and landform shape;
- be constructed with colours, materials and architectural features that produce pleasing and considered built form;
- demonstrate an incredibly high level of management to ensure that emissions (noise, dust, rubbish, smoke, light, nuisance etc), servicing and ongoing monitoring and management have all been seriously considered and appropriate measures are in place;
- demonstrate an application where there is absolute clarity and confidence that the development will be undertaken in a coherent and high standard which reflects its World Heritage Listed location;
- demonstrate ongoing monitoring and management of the land to ensure ecological and cultural values are consistently protected and upheld by all visitors; &
- provide an undertaking in relation to the impact on the adjacent marine park

This development does not reflect these values and therefore in its current form should not be afforded support.

From: Geoff Wardle <gwa04410@bigpond.net.au>

Date: 26 August 2020 at 8:28:31 pm AWST

To: Paul Anderson <paul@sharkbay.wa.gov.au>, Councillor Pietr Stubberfield <cr.stubberfield@sharkbay.wa.gov.au>, Greg Ridgley <gregridg@westnet.com.au>, Mark Smith <Mark_smith_690@outlook.com>, Ben Bellottie <benjaminbellottie@gmail.com>, Jamie Burton <jamieriegert@hotmail.com>, Michael Willcock <Michael@tbbplanning.com.au>

Cc: Leon Hodges <leon@contractpower.com.au>, Karl Plunkett <karl@ecostructures.com.au>, Mark Byrne <mark@wabisystems.com.au>, Marc Loftus <marc.loftus@gmail.com>, Jeromy <cafe1184@bigpond.net.au>, "vbhome@bigpond.com" <vbhome@bigpond.com>, Kieran Wardle <kieran@dirkhartogisland.com>

Subject: FW: 19/061 - Dirk Hartog Island - clauses from Planning regulations

Dear Paul

I received the enclosed email whilst attending todays meeting

I am advised in the email enclosure that your advice to Council **in regard to the expiry date is in fact covered in the following clause which provides Council the opportunity of further considering the LDP after the expiry date...effectively deferring any decision**

Contrary to your advice to Council and myself at the meeting today

Clause 52 - Decision of Local Government..... States unequivocally

(4) Despite subclause (2), the local government may decide whether or not to approve a local development plan after the period applicable under subclause (2) has expired, and the validity of the decision is not affected by the expiry.

I am advised by Planning Solicitors Moharich and Moore that the decision of Council can be reversed as was addressed in Item 12.6 at todays meeting

I believe that there was support for a deferral of decision at todays meeting to allow the issues raised to be addressed but on your advice in regard to the expiry and legislation could not be considered

This would put it back to DHID to address the matters that are specifically included within the report

I am further advised that as the expiry date had already occurred there was no necessity for any motion by Council

I respectfully request that Council be advised of this fact

And that a motion to not accept the LDP be reversed

And

changed to a motion of deferral or no motion at all which Clause 4 specifically covers

I am advised that this can be secured via phone if Councillors were in agreement

Regards

Geoff

From: Michael Willcock [<mailto:Michael@tbbplanning.com.au>]

Sent: Wednesday, 26 August 2020 12:57 PM

To: Geoff Wardle <gwa04410@bigpond.net.au>

Cc: Samantha Thompson <Samantha@tbbplanning.com.au>; Vern Butterly (vbhome@bigpond.com) <vbhome@bigpond.com>

Subject: 19/061 - Dirk Hartog Island - clauses from Planning regulations

Hi Geoff,

Over the phone I mentioned a couple of clauses in relation to the Shire's ability to make a decision on the LDP. These are 'Deemed Provisions' which apply to all local government areas, they are taken from the *Planning and Development (Local Planning Schemes) Regulations 2015*. https://www.legislation.wa.gov.au/legislation/statutes.nsf/law_s46246.html

I have copied relevant clauses 52-54 below in case that helps in your discussions:

Clause 52 Decision of local government

- (1) Following consideration of a proposed local development plan, including any amendments made to the plan to address matters raised in submissions, the local government must —
 - (a) approve the local development plan; or
 - (b) require the person who prepared the local development plan to —
 - (i) modify the plan in the manner specified by the local government; and
 - (ii) resubmit the modified plan to the local government for approval;or
 - (c) refuse to approve the plan.
- (2) The local government is to be taken to have refused to approve a local development plan if the local government has not made a decision under subclause (1) —
 - (a) if the plan was advertised — within the period of 60 days after the last day for making submissions specified in a notice given or published under clause 50(2) or a longer period agreed between the local government and a person other than the local government who prepared the plan; or
 - (b) if the plan was not advertised — within the period of 60 days after the resolution not to advertise the plan was made by the local government or a longer period agreed between the local government and a person other than the local government who prepared the plan.
- (3) For the purposes of calculating the periods referred to in subclause (2)(a) and (b), the period between the local government requiring modifications to the local development plan and the resubmission of the modified plan is to be excluded.
- (4) **Despite subclause (2), the local government may decide whether or not to approve a local development plan after the period applicable under subclause (2) has expired, and the validity of the decision is not affected by the expiry.**
- (5) The local government must give any person who prepared the local development plan written notice of its decision to approve or to refuse to approve a local development plan.

The above clause 52 allows the Shire to require modifications to the LDP **after** advertising, and it puts a 'stop the clock' in place until information is resubmitted. Arguably for you, that would be preferable than a refusal.

53. Local development plan may provide for later approval of details of development

- (1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

The above clause 53 allows the Shire to approve a LDP and require further details before development commences. Arguably, asking for changes to myriad other documents (management plans and the like) can be dealt with via Clause 53.

54. Review

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the local government not to approve the local development plan.

The above clause 54 confirms that you have rights of review through the SAT, in relation to the Shire not granting approval of the LDP.

Hope this helps.

Kind regards

Michael Willcock | Associate



**We shape exceptional places where
communities prosper and people belong**

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Our ref: PR148002-1

180 Brisbane Street
Ipswich QLD 4305
T +61 7 3437 2000

Date: 16 September 2020

P Anderson
Chief Executive Officer
Shire of Shark Bay
65 Knight Terrace
DENHAM QA 6537

Via: Email (admin@sharkbay.wa.gov.au / liz@tpilanning.com.au)

Dear Mr Anderson,

**REQUEST FOR DEFERRAL OF COUNCIL DECISION
LOCAL DEVELOPMENT PLAN – LOT 304 SUNDAY ISLAND BAY, DIRK HARTOG ISLAND**

We write on behalf of DHI Development Pty Ltd in relation to the Local Development Plan application submitted for Lot 304. We refer to the minutes of the ordinary council meeting held 28 August 2019 and subsequent advice issued by Council on 9 September 2020 in **seeking a deferral of Council's decision**.

We seek a **deferral be granted** until the Council meeting scheduled for **15 December, 2020**. We propose that this will allow the applicant one (1) month from when the deferral is granted to submit the updated documentation no later than 30th October, 2020. This will provide the Shire one month for assessment of the submitted material and preparation of their agenda report which will close a fortnight before the 15th December, 2020 Council meeting.

We are requesting a deferral on the grounds that:

- The nomenclature of the required application as a Local Development Plan has led to a fundamental misunderstanding with respect to the Shire's expectations for documentation for this site versus the WAPC guidelines for Local Development Plans which are heavily focused on residential subdivision outcomes. The applicant has attempted (in good faith) to address the *Planning and Development (Local Planning Schemes) Regulations 2015* requirements for compliance with the *Framework for Local Development Plans* (which recommend brevity).
- The applicant is now fully aware of the additional documentation and formatting requirements of the Shire and have engaged a planning consultant to pull this information together. They would appreciate the opportunity provided by a deferral of the decision to allow time for submission of the required documentation.

Our ref: PR148002-1

- There has been ongoing feedback from state government agencies and referrals, up to mid September, 2020. The applicant would appreciate additional time to consider the matters raised and respond to the relevant authorities addressing their concerns.
- In the time since the original application was prepared detailed building designs for the cabins have been prepared which can be submitted to the Shire for assessment in support of the Local Development Plan – these plans have been designed by a specialist in remote and sensitive area design and construction requirements (who designed the glamping tents approved by the RIA and DBCA on Rottnest Island). The applicant feels that these designs address many of the concerns raised by the Shire and submissions with respect to the visual impact, suitability and operation of the tourist accommodation within the LDP area, and that the deferral allows for these plans to be duly assessed.
- We consider this to be an appropriate use consistent with the land uses on the subject site envisaged by the planning scheme by way of the special use zone and that it can be demonstrated that the proposed use constitute ecologically sustainable tourism. We feel that with the submission of additional information that the concerns expressed by the Shire with respect to the application documentation and proposal details will be addressed and that the proposed use will be able to proceed to approval.

It would be an unfortunate waste of the time and effort put into the project thus far by the Council, their consultants, and the applicant to proceed to a refusal at this stage, when the concerns raised can be addressed by submission of additional or reorganised documentation.

We therefore request that the Council grant the requested deferral in order to provide the applicant sufficient time to prepare the updated documentation, and for subsequent assessment of the submitted materials by the Shire and the referral agencies.

The following summary has been prepared to assist Council's consideration of the requested deferral. We have outlined in Table 1 and Table 2 the concerns raised in the Council agenda item by the Shire Planner and Submitters with respect to the application, and the planned strategy to address and resolve these concerns in the coming weeks.

Table 1: Summary

<i>Scheme Requirement under Schedule B</i>	<i>Town Planning Innovations Comment</i>	<i>Response</i>
3) Prior to commencement of development of any of the four lots a Local Development Plan <u>shall</u> be prepared in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 <u>and address the following:</u>	The use of the term 'shall' in the Scheme means that it is a legal statutory requirement for these provisions to be met.	Noted

Scheme Requirement under Schedule B	Town Planning Innovations Comment	Response
<p><i>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material;</i></p>	<p>Not Achieved.</p> <p>A coordinated overall property management plan has not been provided. Separate documents including a co-owners management plan, waste management plan, biosecurity plan and on site effluent disposal report have been lodged.</p> <p>Deficiencies of the Co-Owners Management Plan are explained in the body of this report.</p> <p>The Waste Management Plan does not substantially demonstrate adequate waste management strategies, measures and monitoring.</p> <p>The Waste Management Plan proposes that:</p> <ul style="list-style-type: none"> a. Each unit will have a general bin waste and recycling rubbish collection area (referred to as bins/sacks/ containers); b. Each bin area for the accommodation units will include an area for operation of the cyclone burn unit; c. A cyclo burn portable incinerator will be used daily (except during fire bans); d. Cans and bottles will be crushed and sent to Denham tip site; e. A skip bin will be used for general waste if the cyclo burn cannot be used for 5 consecutive days, and waste will be taken to Denham tip; f. Minimalization of waste will be encouraged with education of guests. <p>There is no discussion of having a dedicated enclosed waste management / storage shed. It is not clear whether use of a skip bin is feasible given the remoteness of the site or how litter would be protected from wind.</p>	<p>A consolidated document will be prepared that incorporates the various elements into the required single overall management plan document.</p> <p>We note that the ownership arrangements of the eco tourism accommodation development are not materially relevant to the assessment of the LDP. The co-owners detail was provided in the interests of full openness regarding the arrangements of ownership and investment for this eco-tourism accommodation. We confirm that the proposed eco-tourism development will not operate as a quasi-subdivision of the premises and will be operated as a single entity (as many businesses do which have multiple owners/partners). This will be expressed in more detail in the response documentation.</p> <p>Further information addressing the specific matters raised with respect to the operational arrangements for waste management will be provided in the documentation submitted to the Shire.</p>
	<p>The Waste Management Plan needs to provide demonstrated calculations for maximum occupancy rather than being based on expected projections.</p> <p>Broad statements indicate that some waste will be transported to the Denham tip site however there is limited detail on initial storage areas on site, transportation methods, volumes and appropriate sealed containers.</p> <p>There is no information on the type of chemicals to be stored, where they would be stored and the Local Development Plan does not nominate anyco-ordinated dedicated enclosed waste storage area.</p>	<p>Further information addressing the specific matters raised with respect to the operational arrangements for waste management will be provided in the documentation submitted to the Shire.</p>

Scheme Requirement under Schedule B	Town Planning Innovations Comment	Response
	<p>There is limited information on construction waste.</p> <p>There is an on-site effluent disposal report discussed separately in this report.</p>	
(ii) The proposed development is to be of a high architectural quality and be designed to be low scale and sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;	<p>Not Achieved.</p> <p>The Local Development Plan provisions include a requirement that new buildings and outbuildings be low scale.</p> <p>Some of these issues could be addressed through comprehensive design guidelines that guide the architectural quality or provide for a co-ordinated cohesive development.</p> <p>The Design Guidelines provided are unsatisfactory.</p>	<p>Concept plans for the proposed buildings have been prepared and will be provided to Council as part of the submitted materials to address demonstrating the quality, scale and suitability of the development.</p> <p>It is noted that the applicant has sought to balance the scale of the buildings and minimizing their impact with design appeal to create cabins that will blend into the landscape and be practical for the location.</p>
(iii) Coastal setbacks in accordance with relevant state planning policy;	<p>Achieved.</p> <p>The site is in an area identified in the Damara report 19 December 2019 (Ref: 281.02) (Damara Report) to be subject to coastal hazards in the 100-year planning timeframe. The Damara Report provides long-term management for the development including actions for retreat based on triggers.</p> <p>The Damara Report long term pathway for development is to avoid erosion and inundation risk until not viable, then moving into a managed retreat phase.</p> <p>The managed retreat is to be undertaken within the 33 building envelopes. The Damara Report identifies that erosion risk management is to be focused on beach access and dune management until retreat is required to be implemented.</p> <p>To avoid inundation risk, the report recommends that development be located landward of the 4.7m AHD contour.</p> <p>The Damara Report was referred to the Department of Planning, Lands and Heritage. The Department of Planning, Lands and Heritage recommend that if any approval is granted, it should be time limited initially to the year 2070.</p> <p>Coastal setbacks are addressed in the Local Development Plan and the Damara report has been supported by the Department of Planning, Lands and Heritage.</p>	Noted
(iv) Bushfire management in accordance with relevant state planning policy;	<p>Not Achieved.</p> <p>A Bushfire Management Plan has been lodged but does not comply with State Planning Policy 3.7.</p>	The bushfire management plan and strategy for the site will be reviewed to address the points of concerns regarding compliance with the Planning Policy

Scheme Requirement under Schedule B	Town Planning Innovations Comment	Response
<p>(v) An environmental report that demonstrates that the Local Development Plan and proposed use and/or development will have a low impact on the natural environment, not compromise the high conservation values and have regard for the need to protect the ecological values and special attributes of the island. The report should include information on building envelopes, visitor numbers, a vegetation assessment and how biosecurity measures to mitigate the risks of feral incursions and disease impacts to the National Park will be achieved.</p>	<p>Not Achieved.</p> <p>An environmental report by DHI Developments has been lodged - Attachment 7.</p> <p>The environmental report makes general statements about development being:</p> <ul style="list-style-type: none"> Low impact/ low scale; Co-ordinated through design guidelines/ building envelopes; Use of informal tracks; Distance to the Zuytdorp cliffs and Turtle Bay; Visitor impact/numbers being managed by a future project manager; <p>Includes a section on biosecurity that largely refers to the Department of Biodiversity, Conservation and Attractions Dirk Hartog Island Biosecurity Plan.</p> <p>The Environmental Report has been supported by a letter of endorsement by MBS Environmental - Attachment 8.</p> <p>The size of combined building envelopes, firebreaks, accessway, and asset protection zones will have a much larger footprint than the 90m² per unit cited within the Environmental Report.</p> <p>The Environmental Report does not sufficiently address the Scheme or demonstrate a low impact on the environment.</p> <p>A flora assessment has been lodged however that is only one environmental aspect (and is discussed in the body of this report).</p>	<p>The environmental report will be updated to reflect the matters to be addressed as outlined below.</p>
<p>(vi) Detailed design guidelines to control colours, materials, built form, scale, and achieve a development sympathetic to the natural character of the island may be required by the Local Government.</p>	<p>Not Achieved.</p> <p>The proposed design guidelines are not sufficient.</p>	<p>As noted above, concept plans for the proposed cabins have been prepared that will be submitted to the Shire accompanied by details of colours and materials to supplement the design guidelines</p>
<p>4) Any staged development is to address the requirements indicated in (3) above.</p>	<p>Not Achieved.</p> <p>No definitive information on staging has been provided.</p> <p>The Site and Soil Evaluation states the initial stage of development will include Envelopes 8-13, 17 and 23 which is ad hoc.</p>	<p>A construction staging plan will be included in the updated materials, in addition to justification for the proposed staging arrangements. It is noted that there does not appear to be any specific requirement expressed that mandates sequential staging of cabins, so the applicant will be making staging decisions based on operational and construction practicalities.</p>

<i>Scheme Requirement under Schedule B</i>	<i>Town Planning Innovations Comment</i>	<i>Response</i>
7) Any development or Local Development Plan shall demonstrate alignment with the objective of the zone.	Not Demonstrated. The Local Development Plan refers to ecotourism however does not specify the proposed future land uses.	The submitted documentation will incorporate a statement with respect to the compliance of the proposed development with the requirements of the zone for ecotourism to be established on the site.
10) A Foreshore Management Plan may be required and referred to the Department of Biodiversity, Conservation and Attractions (Parks and Wildlife Services) <u>for endorsement</u> where a physical foreshore exists between the site and the coast as a condition of development.	Not Achieved. The Department of Biodiversity, Conservation and Attractions have not endorsed the Foreshore Management Plan.	The Foreshore Management Plan will be amended to address the requirements of the EPA as noted in their submission.
11) A Visual Impact Assessment may be required to demonstrate that any development will not negatively impact on World heritage values or detract from the scenic quality of the land.	Not Provided. It has been requested by the Shark Bay World Heritage Advisory Committee and the Department of Biodiversity, Conservation and Attractions. The Local Development Plan states that the local government may require a Visual Impact Assessment. If a visual impact assessment is not provided then Town Planning Innovations is of the view that the Local Development Plan needs to identify clear triggers for when one will be required (eg for stage 1 of development).	Elevations and perspectives of the proposed cabins will be provided that illustrate the anticipated visual impact of the proposed development. The applicant is agreeable to the LDP including a requirements for the development application to incorporate a visual impact assessment.

Table 2: Summary of Issues Raised

Summary - Issue Raised	Town Planning Innovations Comment	Response
Lack of demonstration of an eco-tourism development and proposed land uses	Agreed.	Further details to address this matter will be supplied to the Shire in the submission
Lack of guidance for future ancillary development such as outbuildings, car parking, carports,	Agreed.	Further details to address this matter will be supplied to the Shire in the submission
Size, scale, number of envelopes, and extent of development does not demonstrate low scale or low impact	Agreed.	Further details to address this matter will be supplied to the Shire in the submission. It is noted that the number of cabins is consistent with the number permitted by the scheme. The dwelling designs will illustrate the scale and impact of the use being appropriate for the site.
Defacto subdivision with potential individual ownership over envelopes (like a strata)	Noted. There is potential for 33 co-owners who may have different ambitions for future development. Some documents refer to common property and infer some form of future strata.	As noted above it is not intended to undertake a defacto subdivision of the subject site. The co owner details were provided in the interests of full disclosure and assurances regarding the intended business operational arrangements of the owner group. However this is not a planning matter – the use will operate as per many tourism uses where there are multiple owners in a business who work together to manage their investment.
Does not demonstrate low impact on the environment and concern over impact of visitor activities on the marine park	Agreed.	This will be addressed in the response documents. It is noted that the formalised accommodation is designed to be low impact in nature, whilst also managing impacts of visitors on the island by having systems for management of waste and access.
Lack of information on servicing including potable and non potable water supply, water quality, availability and reliability as well as power.	Agreed. As Lot 304 is unserviced the proponent needs to demonstrate that there is adequate water supply for human consumption, non potable water for showering/ amenities and for fire fighting.	The proposed servicing arrangements will be set out in the response.
Depth to groundwater not demonstrated	Agreed. The Site and Soil Evaluation Assessment notes there are no existing bores or wells in or near Lot 304 and that groundwater information is anecdotal. Explanatory notes for the Government Sewerage Policy state that 'In medium/	It is noted that a requirement for monitoring ground water to ensure policy compliance during construction and operation in accordance with approved plans can be conditioned as part of the LDP approval
	high risk situations such as medium or large scale proposals, where groundwater levels may be an issue or locations in close proximity to high value assets, a comprehensive monitoring program may be required. The monitoring requirement to determine the groundwater regime would depend on the size, character and location of the development.'	

Summary - Issue Raised	Town Planning Innovations Comment	Response
Lack of information on desalination	Agreed. Desalination is mentioned in documents however there is limited information and no reference to it on the Local Development Plan.	Design and operational requirements for desalination could be conditioned as part of the approval process as it is not a material planning issue.
Extent of clearing. Dust from dune and vegetation destabilisation	Agreed. A number of environmental issues are not substantially addressed such as the impact of the extent of clearing, dust management, wind erosion mitigation, emissions, chemical storage, management of visitor impact etc	Management of dust and vegetation impacts during construction can be conditions of approval for the LDP
Non-compliance with bushfire requirements under State Planning Policy 3.7	Noted. The Bushfire Management is not supported by Town Planning Innovations, Department of Fire and Emergency Services or the Department of Planning, Lands and Heritage.	As noted above further bushfire management documentation will be provided.
Non compliance with covenants	The Local Development Plan includes notes referencing the covenant and 33 building envelopes is in line with the covenant allowance for 33 visitor accommodation units.	Noted – covenants have been addressed.
Design Guidelines' do not provide sufficient building design detail	Agreed. The Design Guidelines are not supported at an officer level and do not provide clear provisions to guide future design and development.	As noted above building plans will be submitted to the shire to supplement the design guidelines information.
The biosecurity plan does not clearly state the measures that will be taken on Lot 304 to achieve biosecurity requirements.	This is a concern raised by the Department of Biodiversity, Conservation and Attractions.	Biosecurity requirements will be addressed in the updated management plan
Acceptable visual impact not demonstrated	Agreed. Documents make reference to development being low scale and having a small footprint, however the design guidelines are unclear on issues such as bulk, common design elements, architectural details, and provisions for ancillary development. The Local Development Plan does not include clear triggers for any visual impact assessment.	Building plans will be supplied and the applicant has noted that a requirement for a VIA will be added to the LDP
Inconsistency with previous Environmental Protection Authority advice on 7 unit proposal in March 2015.	Noted. An example is that the Environmental Protection Authority recommends use of Alternative Treatment Units. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use of Alternative Treatment Unit's in the Local Development Plan provisions.	The proposed onsite management arrangements for effluent disposal will be updated to reflect the latest agreed advice.
Insufficient detail regarding proposed pedestrian access/ paths within Lot 304 and to the foreshore	Agreed. The Local Development Plan does not show any pedestrian paths or include provisions for controlled, sign posted, or boardwalk pedestrian paths.	The plans will be updated to illustrate the location of existing access track locations to be utilised by the eco tourism cabins
	The location of any planned pedestrian paths is not known.	The plans will be updated to illustrate the location of existing access track locations to be utilised by the eco tourism cabins.

Summary - Issue Raised	Town Planning Innovations Comment	Response
Impact of visitor numbers and vehicle numbers and access through the national park	<p>Noted, however ;</p> <p>There are no restrictions on the number of vehicles that can access Lot 304 via the national park,</p> <p>Department of Biodiversity, Conservation and Attractions does have a final policy that limits vehicle numbers in the national park, and the issue has been ongoing for some time.</p> <p>The Shire has previously been advised (by the Minister for Environment) that the Department of Biodiversity, Conservation and Attractions are scoping a visitor plan for the Island national park (17 January 2020).</p>	<p>Noted</p> <p>The proposed development will be required to operate within the visitor numbers specified by the DBCA</p>
The Foreshore Management Plan provided as an attachment to the Local Development Plan does not adequately address how threats to the DHINP will be managed.	<p>The Shires Scheme specifically requires endorsement of any Foreshore Management Plan by the Department of Biodiversity, Conservation and Attractions.</p> <p>The foreshore is more of a concern to the Department of Biodiversity, Conservation and Attractions (than the Shire) as that land is outside of the development area. The Shire cannot approve development in the foreshore and the Department of Biodiversity, Conservation and Attractions has management and control over the area.</p> <p>There are no agreed pedestrian paths between Lot 304 and the foreshore. It would be preferable for pedestrian access to be agreed to for the purpose of the Local Development Plan as it a strategic document.</p> <p>As a minimum the Local Development Plan should limit access points from within Lot 304 to the adjacent foreshore.</p>	<p>The proposed access arrangements to protect the foreshore will be incorporated into the plans for Lot 304</p>
Potential for referral to the Environmental Protection Authority	<p>The proposed Local Development Plan is not supported at an officer level therefore in that circumstance referral to the Environmental Protection Authority is a mute point at this stage. If a new Local Development Plan is lodged in the future then the Shire may consider a new referral to the Environmental Protection Authority.</p>	<p>Noted</p>
Potential for referral to the Commonwealth Department of Agriculture, Water and Environment under the Environment Protection and Biodiversity Conservation Act and deemed it 'not a controlled action'.	<p>If the developer concludes that the development might have a significant impact on any of these matters of national environmental significance, then they would need to apply for approval to proceed under the Environment Protection and Biodiversity Conservation Act.</p>	<p>Noted</p>

Our ref: PR148002-1

Summary - Issue Raised	Town Planning Innovations Comment	Response
	This is a separate approval to that from the local government.	
Lack of commitment to use Alternative Treatment Units for effluent disposal	Agreed. Alternative Treatment Unit's are discussed in the Site and Soil Evaluation report but there is no requirement to use Alternative Treatment Unit's in the Local Development Plan.	The proposed onsite management arrangements for effluent disposal will be updated to reflect the latest agreed advice.
Concern that the Waste Management plan is inadequate and does not focus on minimising waste	Noted.	The waste management plan will be updated to address this concern
Concern over emissions associated with burning waste and use / storage of chemicals	Noted.	The waste management plan will be updated to address this concern

Please refer to Appendix A & B illustrating the proposed cabin design as an initial indication of:

- The cabins being designed for short term tourist accommodation only
- The scale of the cabins relative to the building envelope
- The lightweight and articulated design of the cabins which is intended to be practical for construction and the site conditions, in addition to sitting lightly on the site and requiring minimal disturbance during construction and thereafter.
- The choice of colour scheme that blends in with the natural greys of the vegetation so as not to be visually obtrusive, combined with the view lines through the dwellings.

We trust that this information and our commitments with respect to submission of additional information is sufficient to allow your agreement to a deferral of Council's decision on this application until the December, 2020 Council meeting.

However should you require any further details or wish to discuss these matters, please do not hesitate to contact the undersigned.

Yours sincerely,
for RPS Australia East Pty Ltd



Joanne Cousins

Principal - Planning

Joanne.cousins@rpsgroup.com.au

+61 402 100 662

Appendix A

Colour Perspectives of Proposed Cabins

Our ref: PR148002-1



Perspective 1: Typical Front Cabin Elevation



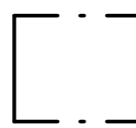
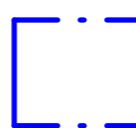
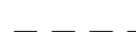
Perspective 2: View of proposed cabins from the water

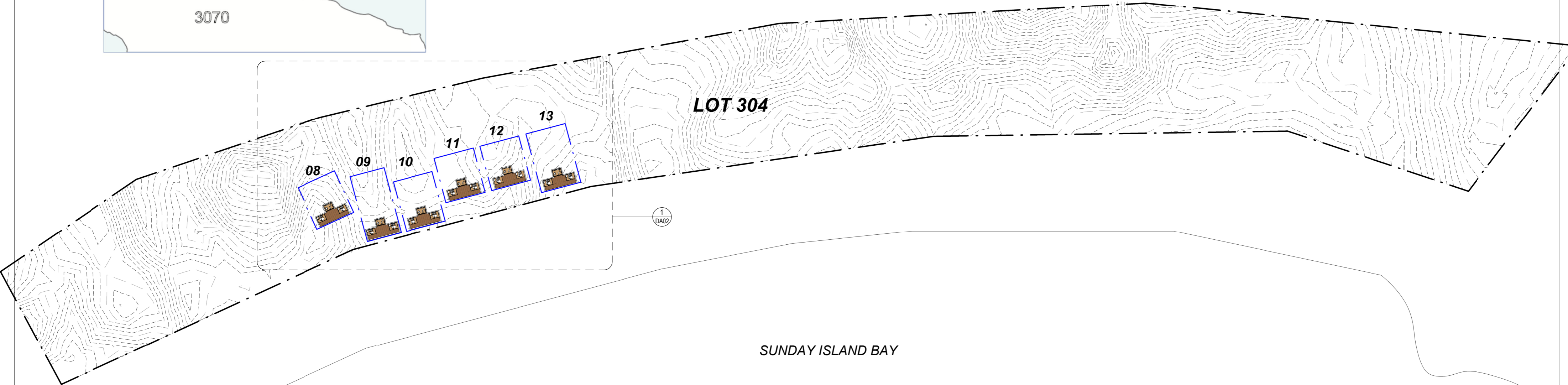
Appendix B

Architectural Plans – Selected Cabins



LEGEND:

-  INDICATIVE LOT BOUNDARIES
-  BUILDING ENVELOPE
-  SITE CONTOURS



SITE PLAN
1 : 2000

0 20 40 60 m
SCALE 1:2000 AT ORIGINAL SIZE

REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

openhouse
THE BUILDING SOLUTIONS GROUP

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ECO STRUCTURES
LUXURY EXPERIENTIAL ACCOMMODATION

ESA JOB REF NO :

PROJECT:
VISITOR ACCOMMODATION UNIT 8-13

ADDRESS:
LOT 304 ON DP 50257 DIRK HARTOG ISLAND



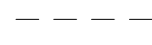
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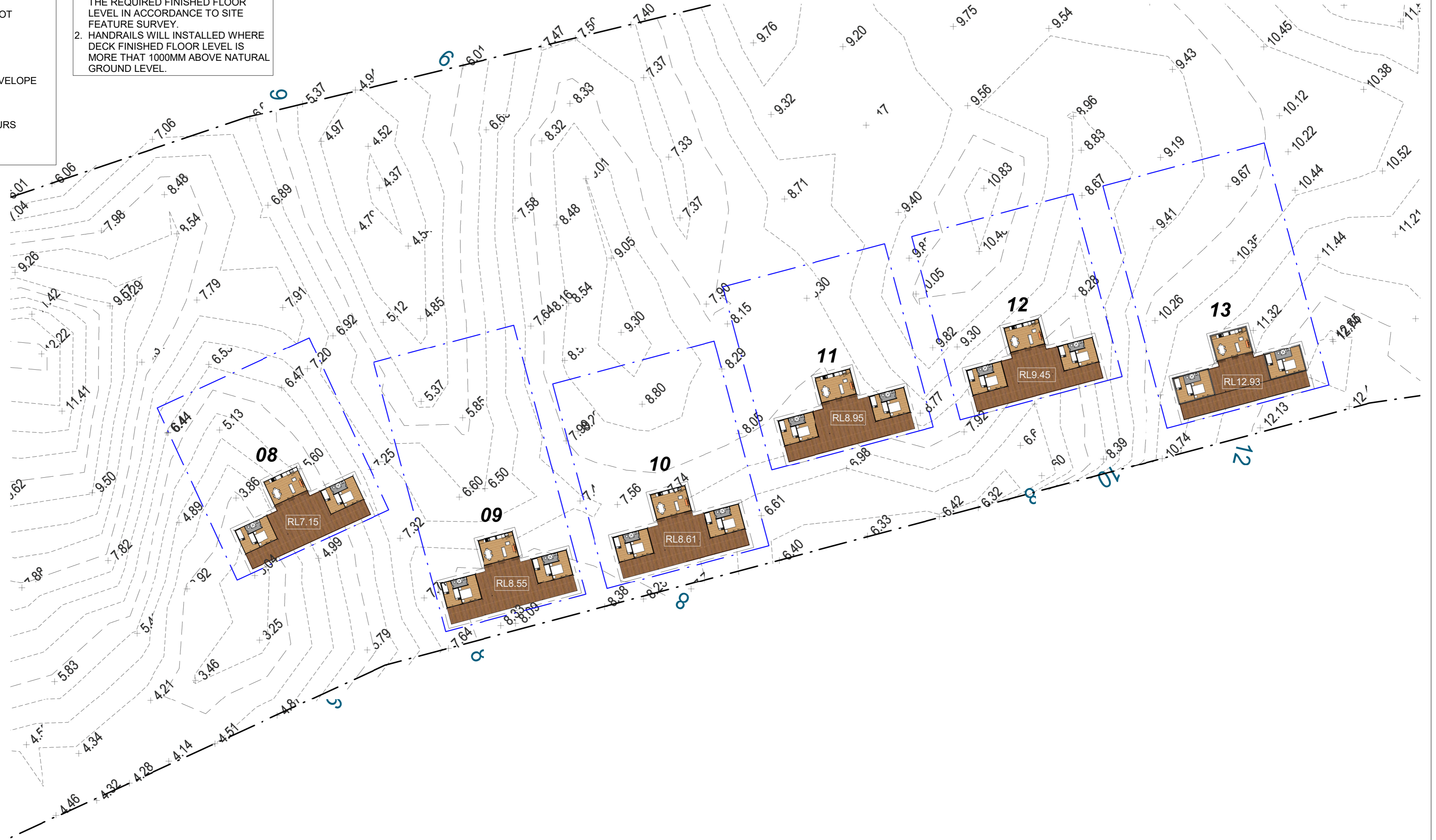
DEVELOPMENT APPLICATION		
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PROJECT NO. 8-0060		
DRAWING SITE PLAN		
DRAWING NO. DA01	REVISION A	

LEGEND:

-  INDICATIVE LOT BOUNDARIES
-  BUILDING ENVELOPE
-  SITE CONTOURS

NOTES:

1. THESE CABINS WILL BE INSTALLED WITH RAISED STUMPS TO ACHIEVE THE REQUIRED FINISHED FLOOR LEVEL IN ACCORDANCE TO SITE FEATURE SURVEY.
2. HANDRAILS WILL BE INSTALLED WHERE DECK FINISHED FLOOR LEVEL IS MORE THAN 1000MM ABOVE NATURAL GROUND LEVEL.



1 PART SITE PLAN
 DA01 1 : 500
 SCALE 1:500 AT ORIGINAL SIZE

0 10 20 30 m
 SCALE 1:1000 AT ORIGINAL SIZE

A	26.11.19	SUBMIT DA
REV.	DATE	DESCRIPTION
REVISION SCHEDULE		

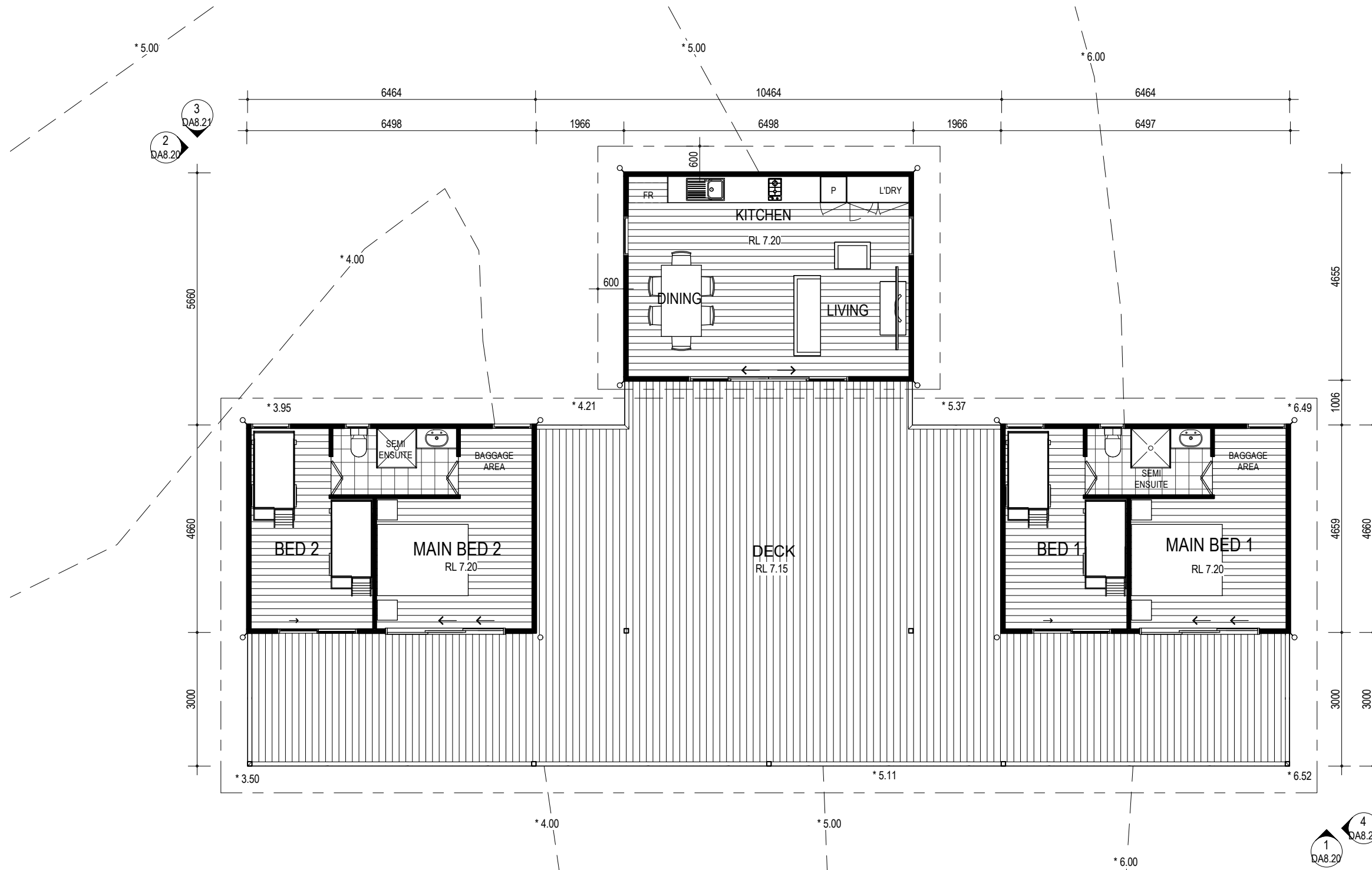
OH
 openhouse
 THE BUILDING SOLUTIONS GROUP

ECO STRUCTURES
 LUXURY EXPERIENTIAL ACCOMMODATION
 ESA JOB REF NO.:

PROJECT:
 VISITOR ACCOMMODATION UNIT 8-13
 ADDRESS:
 LOT 304 ON DP 50257 DIRK HARTOG ISLAND
 DRAWN FOR:
 ECO STRUCTURES AUSTRALIA
 CLIENT:
 LEON HODGES

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DRAWING PART SITE PLAN		
DRAWING NO.	DA02	REVISION A



FLOOR PLAN - BUILDING ENVELOPE 8

1 : 100

NOTE:

- THE FINISHED FLOOR LEVEL OF THE CABIN IS 616MM ABOVE A FLAT NATURAL GROUND LEVEL.
- EACH CABIN'S FINISHED FLOOR LEVEL IS SUBJECT TO INDIVIDUAL SITE CONTOUR LEVEL & ADJUSTABLE EXTENSION LEGS WILL BE USED TO ACCOMMODATE VARIOUS SITE CONTOURS NOT SHOWN ON THE ELEVATIONS.
- THE COLOUR SELECTION WILL BE IN ACCORDANCE TO DIRK HARTOG ISLAND COLOUR TEMPLATE & WILL BE FINALISED IN THE NEXT STAGE.

01 BUILDING AREA

CABIN 1	30 m ²
CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

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SIMPLER. SMARTER. STRONGER

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PROJECT:
VISITOR ACCOMMODATION UNIT

ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

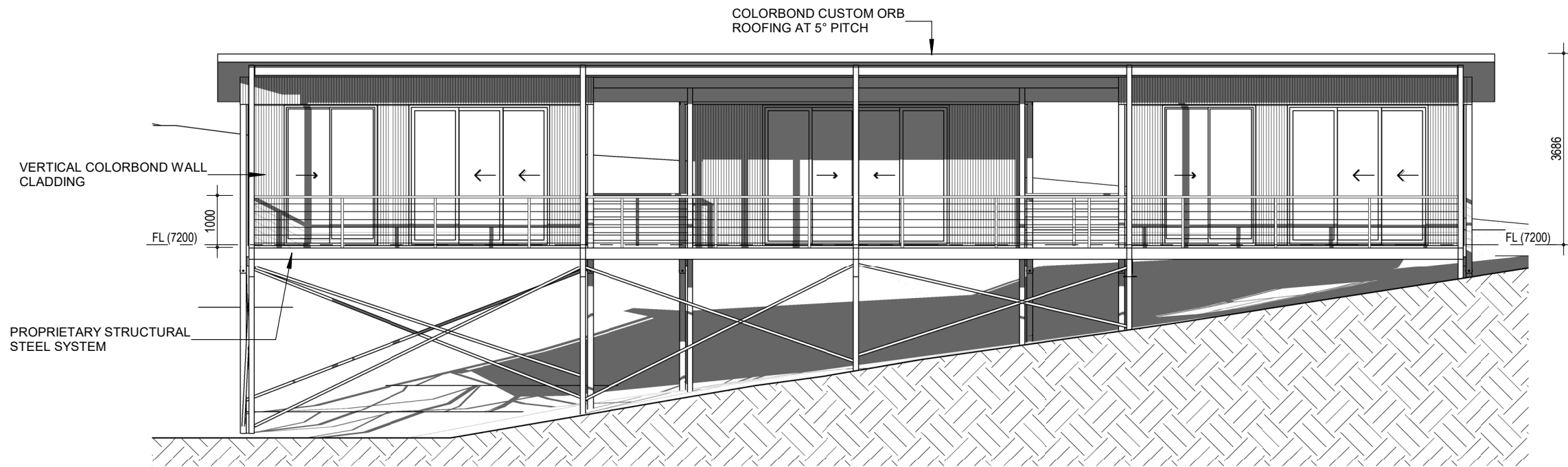
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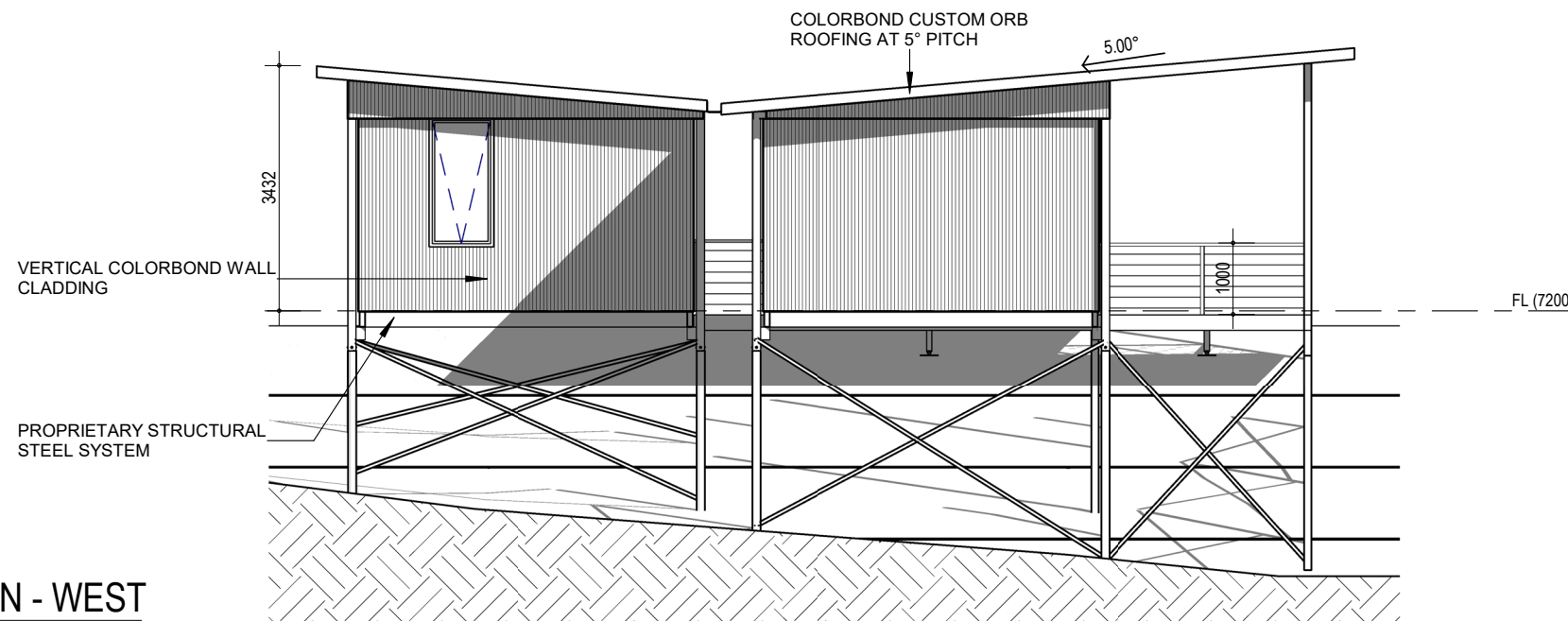
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DRAWING FLOOR PLAN		
DRAWING NO. DA8.10		REVISION A



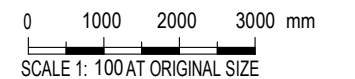
1 ELEVATION - SOUTH
DA8.10 1 : 100



2 ELEVATION - WEST
DA8.10 1 : 100

NOTE:

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- THE COLOUR SELECTION WILL BE IN ACCORDANCE TO DIRK HARTOG ISLAND COLOUR TEMPLATE & WILL BE FINALISED IN THE NEXT STAGE.



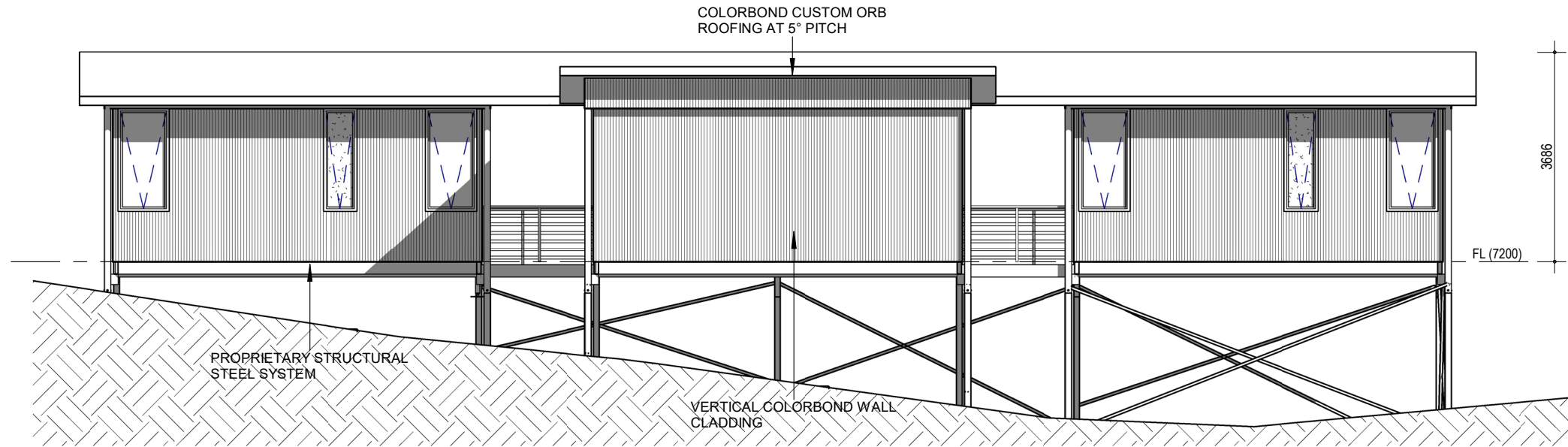
REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT
ADDRESS:
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DRAWN FOR:
AUSTRALIAN ECO CONSTRUCTIONS
CLIENT:
LEON HODGES

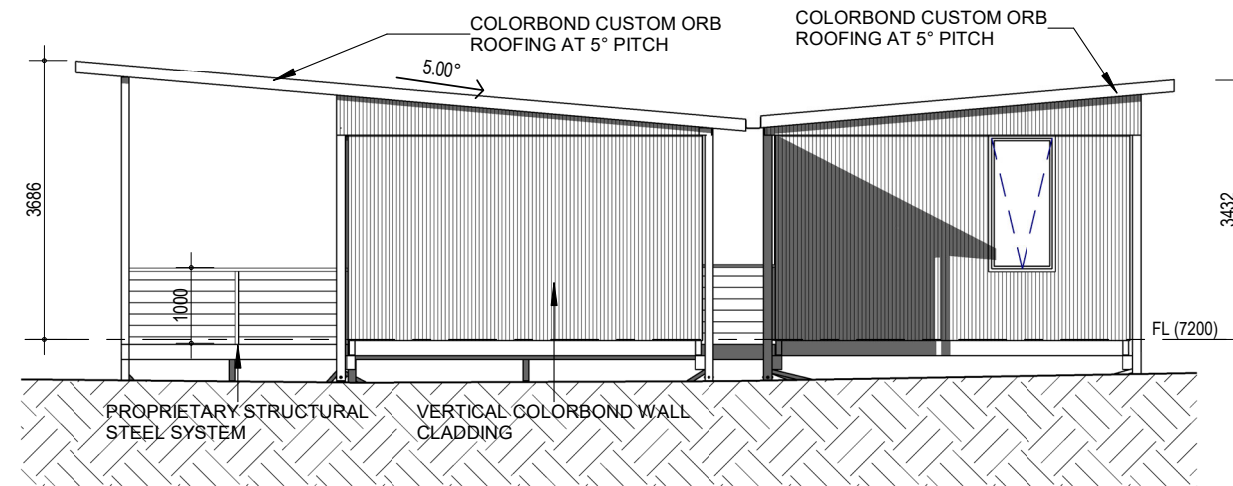
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DEVELOPMENT APPLICATION

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PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA8.20 REVISION A		



3 ELEVATION - NORTH
DA8.10 1:100



4 ELEVATION - EAST
DA8.10 1:100

NOTE:

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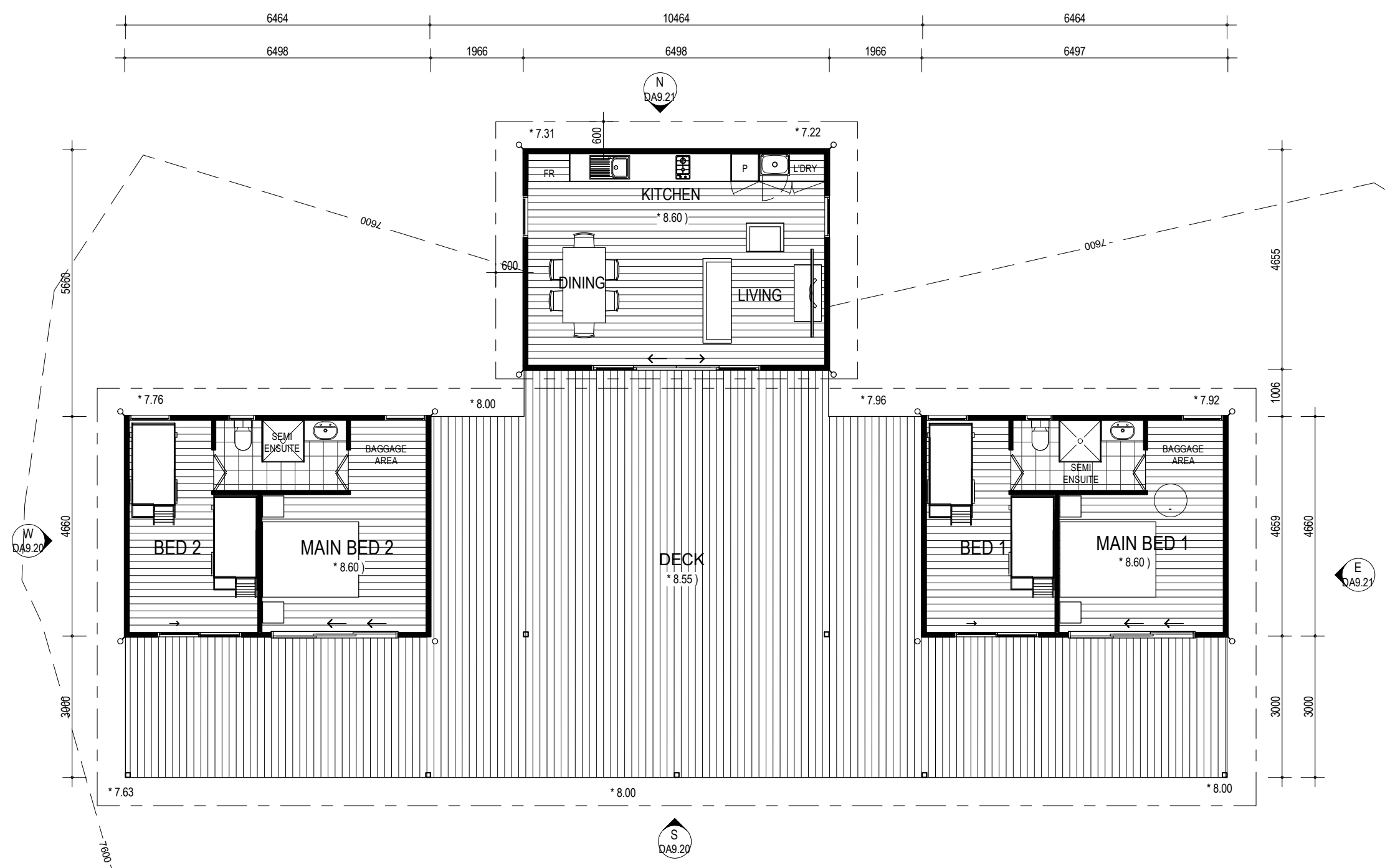
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REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

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VISITOR ACCOMMODATION UNIT
ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

DRAWN FOR:
Designer
CLIENT:
LEON HODGES

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7. FURNITURE, FIXTURE & LANDSCAPING FOR ILLUSTRATIVE PURPOSES ONLY.
8. 3D IMAGES FOR ILLUSTRATIVE PURPOSES ONLY.

DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 10:06:23 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA8.21 REVISION A		



FLOOR PLAN - BUILDING ENVELOPE 9
1 : 100

NOTE:

- THE FINISHED FLOOR LEVEL OF THE CABIN IS 616MM ABOVE A FLAT NATURAL GROUND LEVEL.
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- THE COLOUR SELECTION WILL BE IN ACCORDANCE TO DIRK HARTOG ISLAND COLOUR TEMPLATE & WILL BE FINALISED IN THE NEXT STAGE.

01 BUILDING AREA	
CABIN 1	30 m ²
CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

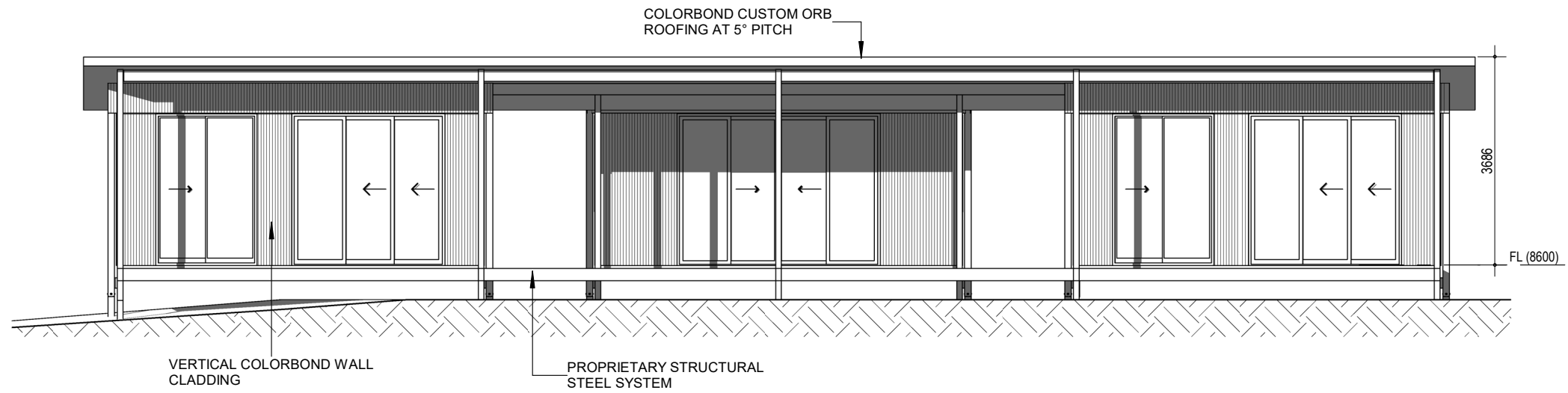
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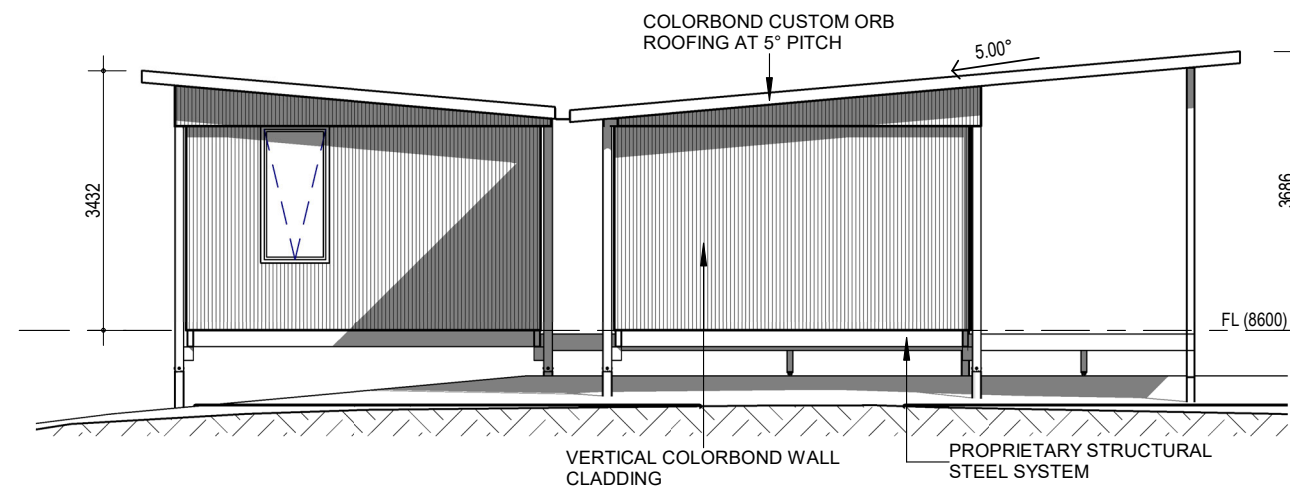
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LEON HODGES

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DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 9:47:04 AM
PROJECT NO. 8-0076		
DRAWING FLOOR PLAN		
DRAWING NO.	DA9.10	REVISION A



S
ELEVATION - SOUTH
DA9.10 1:100



W
ELEVATION - WEST
DA9.10 1:100

NOTE:

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PO Box 324 South Fremantle 6162
E info@openhousegroup.com.au
W www.openhousegroup.com.au
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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

DRAWN FOR:
AUSTRALIAN ECO CONSTRUCTIONS

CLIENT:
LEON HODGES

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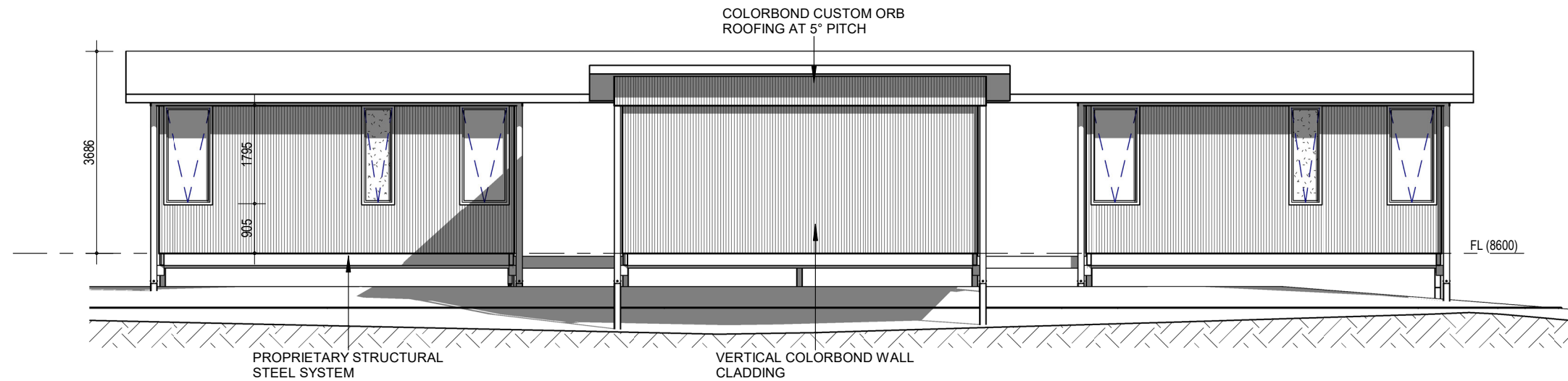
DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 9:47:27 AM
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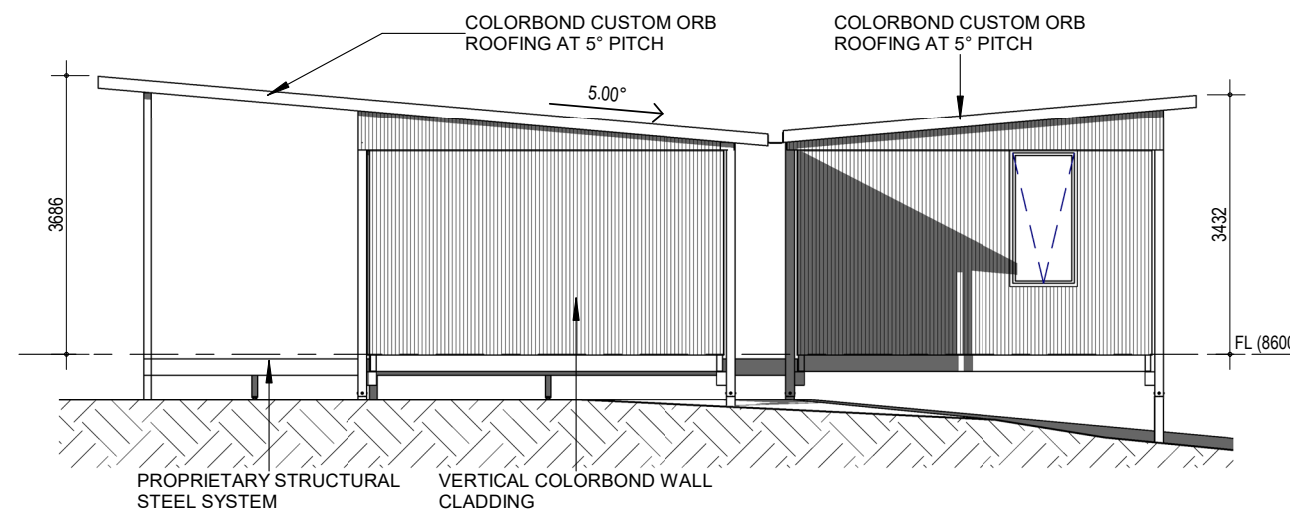
PROJECT NO. 8-0076

DRAWING ELEVATIONS

DRAWING NO. **DA9.20** REVISION **A**



N ELEVATION - NORTH
DA9.10 1:100



E ELEVATION - EAST
DA9.10 1:100

NOTE:

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	11.09.19	FOR CLIENT REVIEW

PROJECT:
VISITOR ACCOMMODATION UNIT

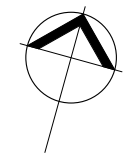
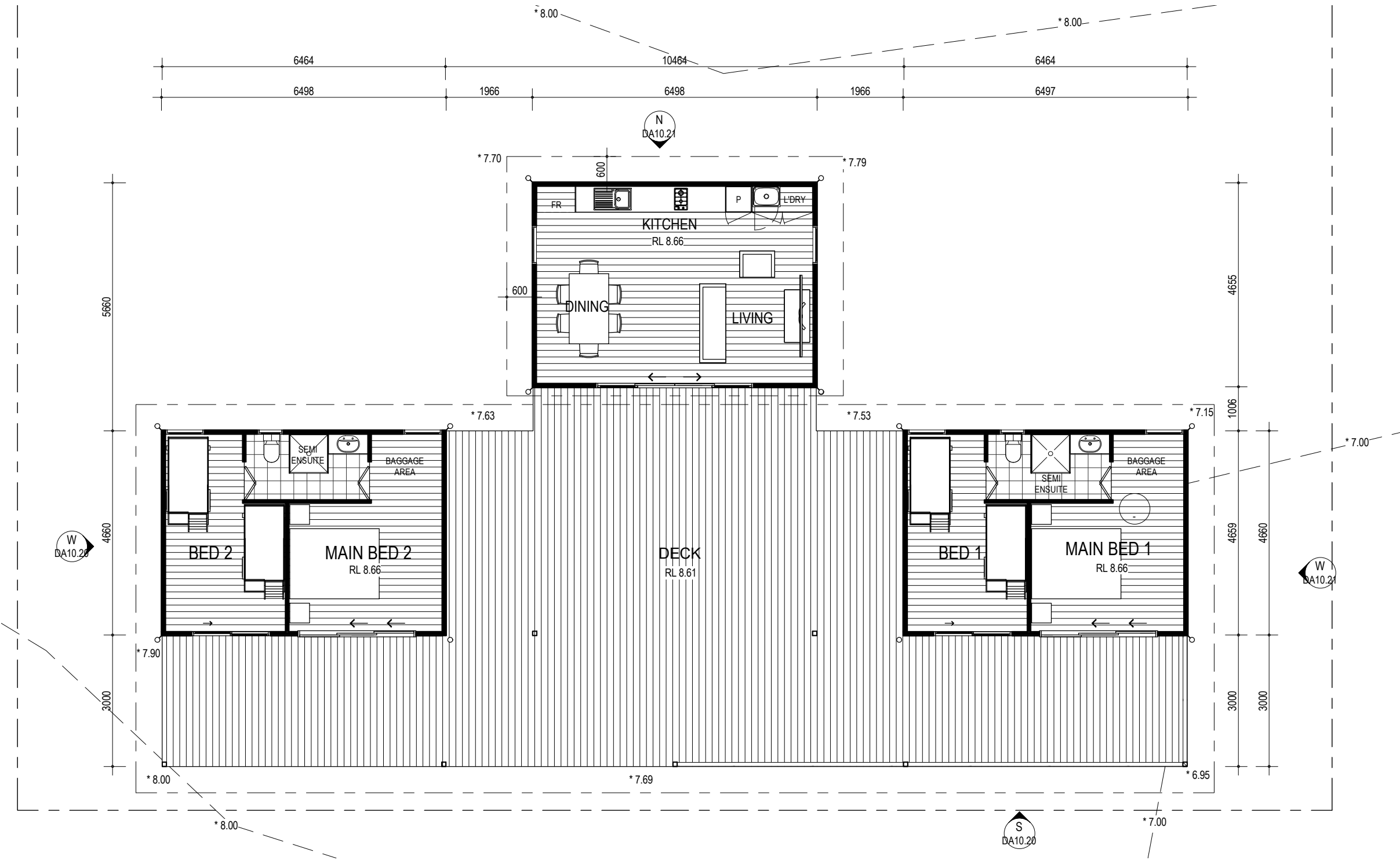
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AUSTRALIAN ECO CONSTRUCTION

CLIENT:
LEON HODGES

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DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 9:47:52 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA9.21		REVISION A



FLOOR PLAN - BUILDING ENVELOPE 10
1 : 100

NOTE:

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01 BUILDING AREA	
CABIN 1	30 m ²
CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

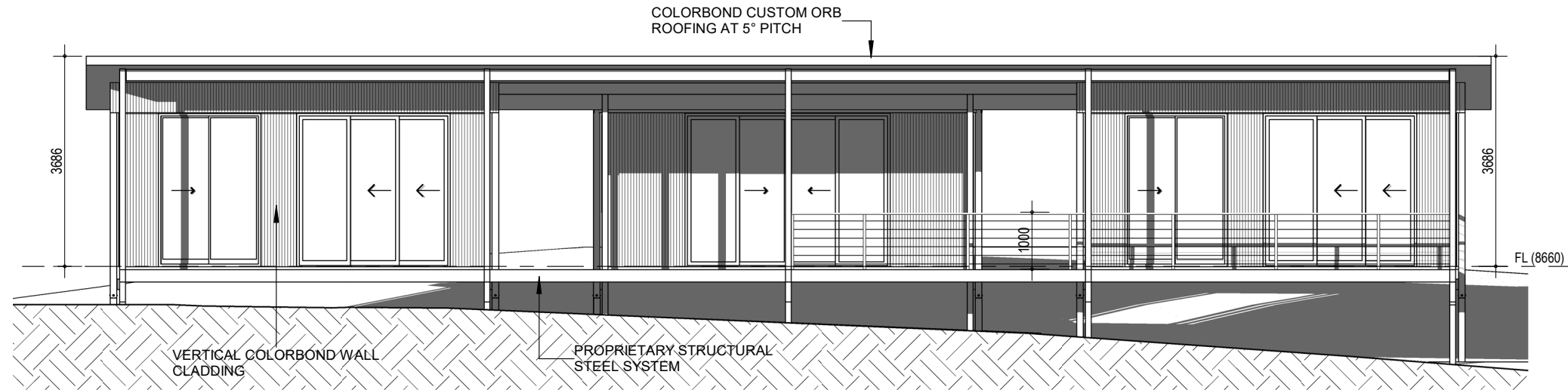
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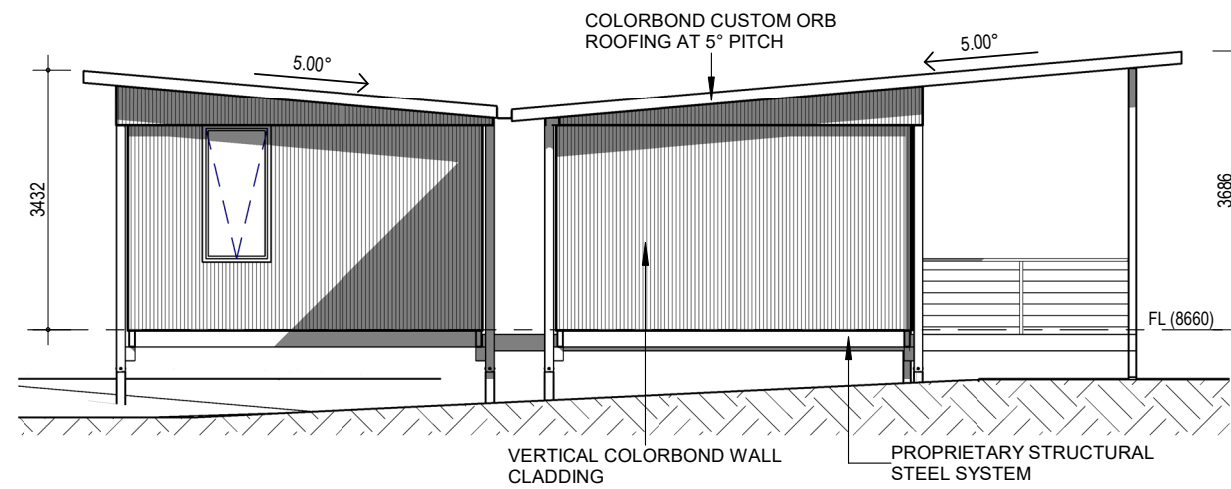
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DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 11:11:09 AM
PROJECT NO. 8-0076		
DRAWING FLOOR PLAN		
DRAWING NO. DA10.10		REV A



S ELEVATION - SOUTH
DA10.10 1:100



W ELEVATION - WEST
DA10.10 1:100

NOTE:

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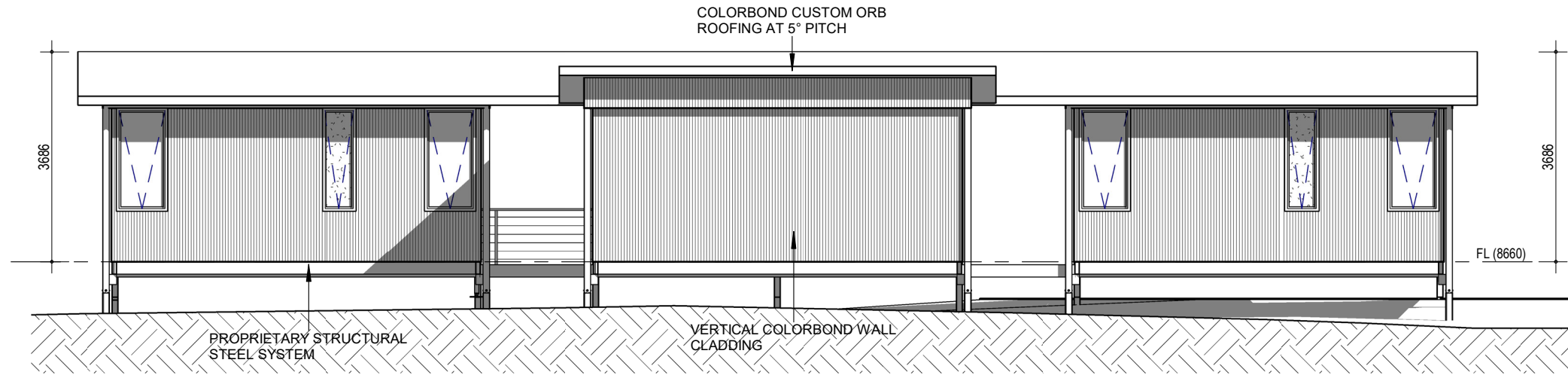
REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT
ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY
DRAWN FOR:
AUSTRALIAN ECO CONSTRUCTIONS
CLIENT:
LEON HODGES

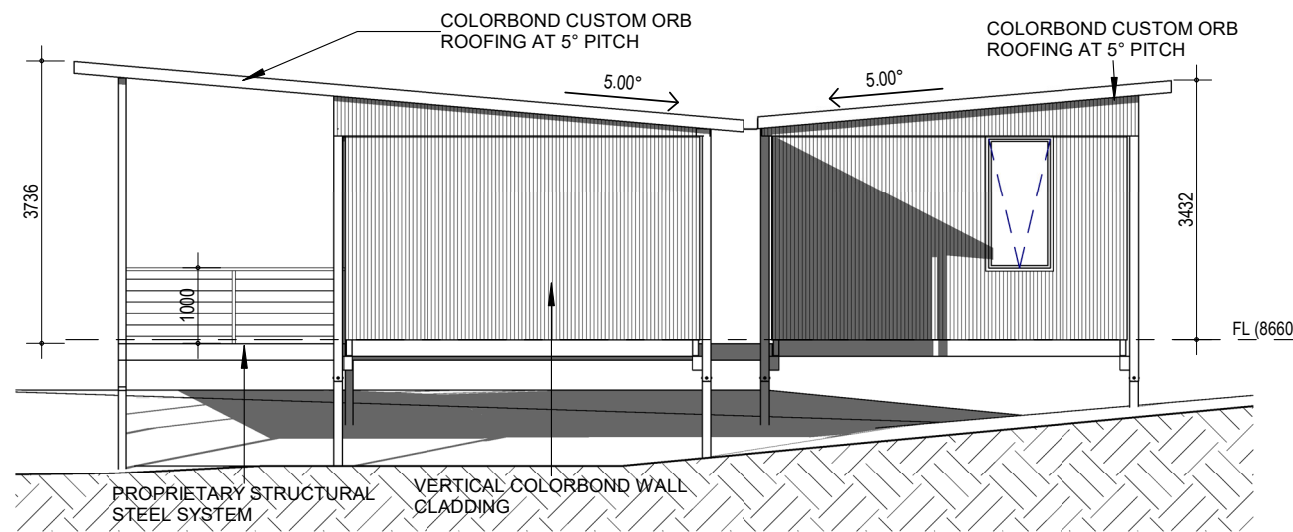
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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 11:10:14 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA10.20		REV A



N ELEVATION - NORTH
DA10.10 1 : 100



W ELEVATION - EAST
DA10.10 1 : 100

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

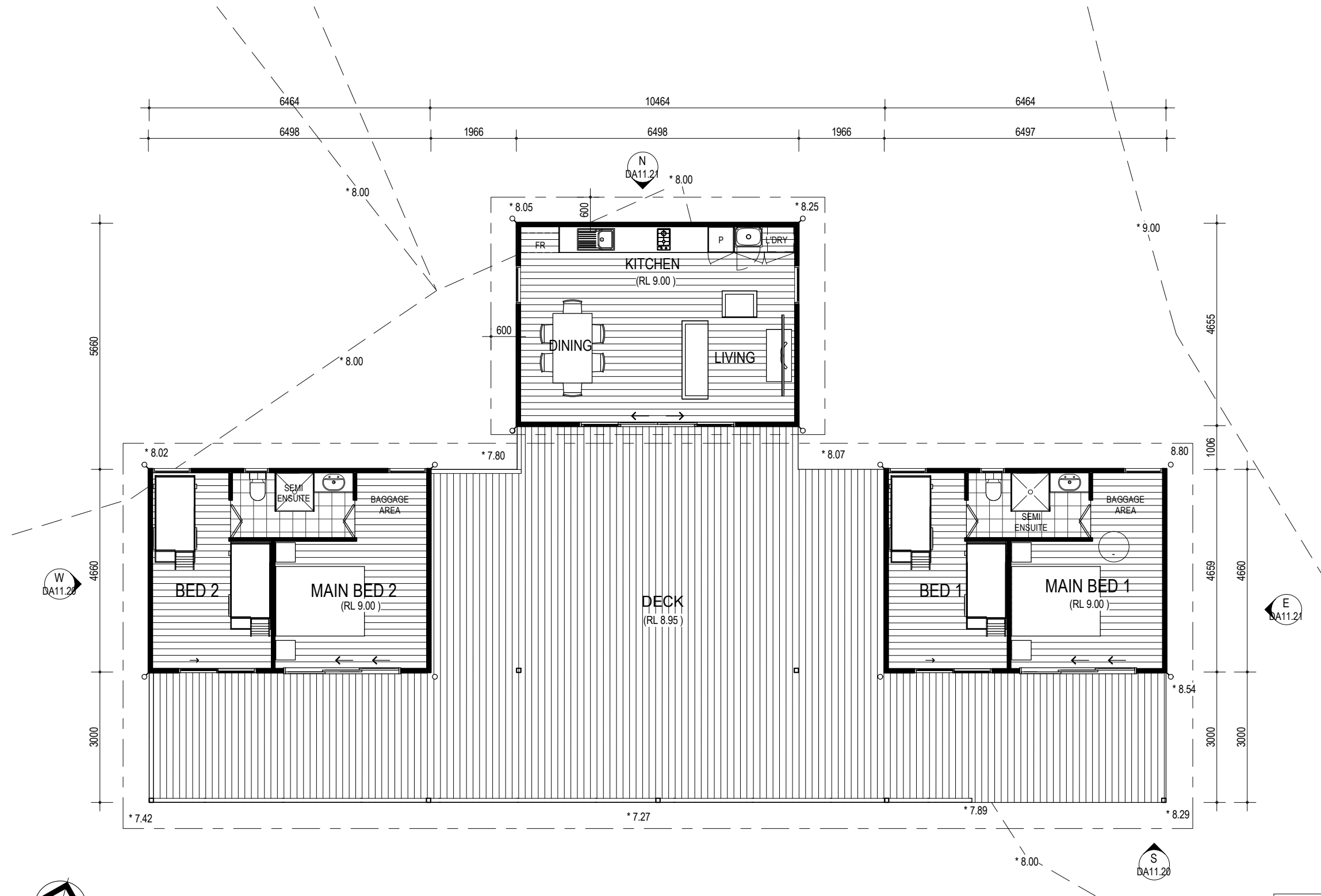
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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 11:10:41 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA10.21		REV A



FLOOR PLAN - BUILDING ENVELOPE 11
1 : 100

NOTE:

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01 BUILDING AREA

CABIN 1	30 m ²
CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

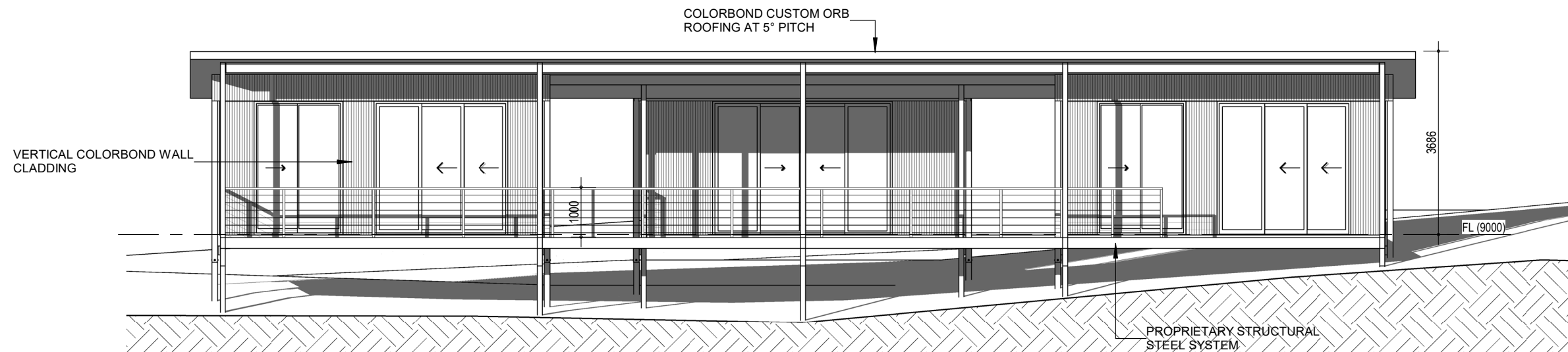
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CLIENT:
LEON HODGES

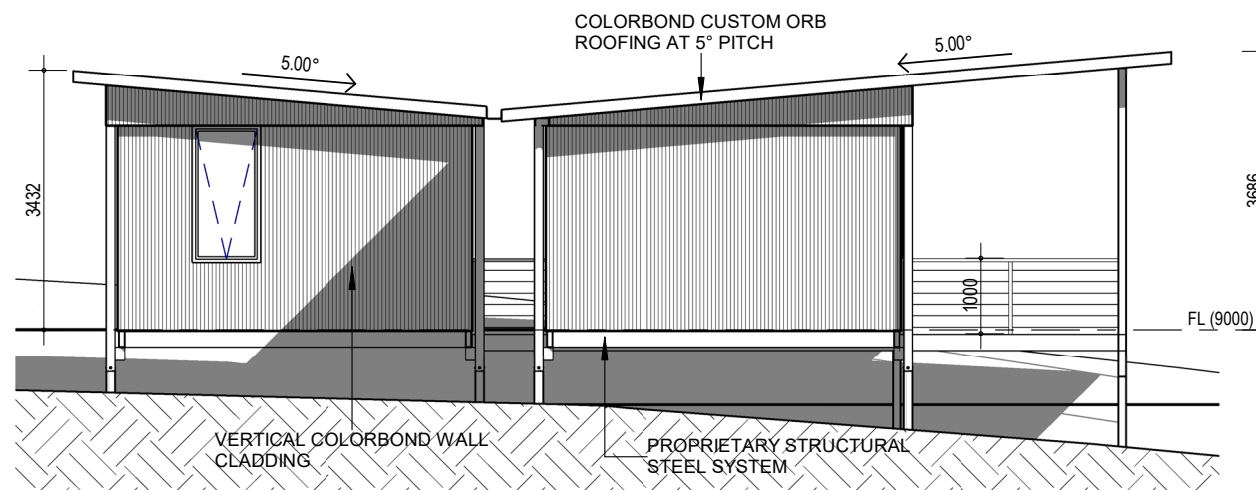
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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 11:57:21 AM
PROJECT NO. 8-0076		
DRAWING FLOOR PLAN		
DRAWING NO. DA11.10		REV A



S ELEVATION - SOUTH
DA11.10 1:100



W ELEVATION - WEST
DA11.10 1:100

NOTE:

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT

ADDRESS:
DIRK HARTOG SUNDAY ISLAND BAY

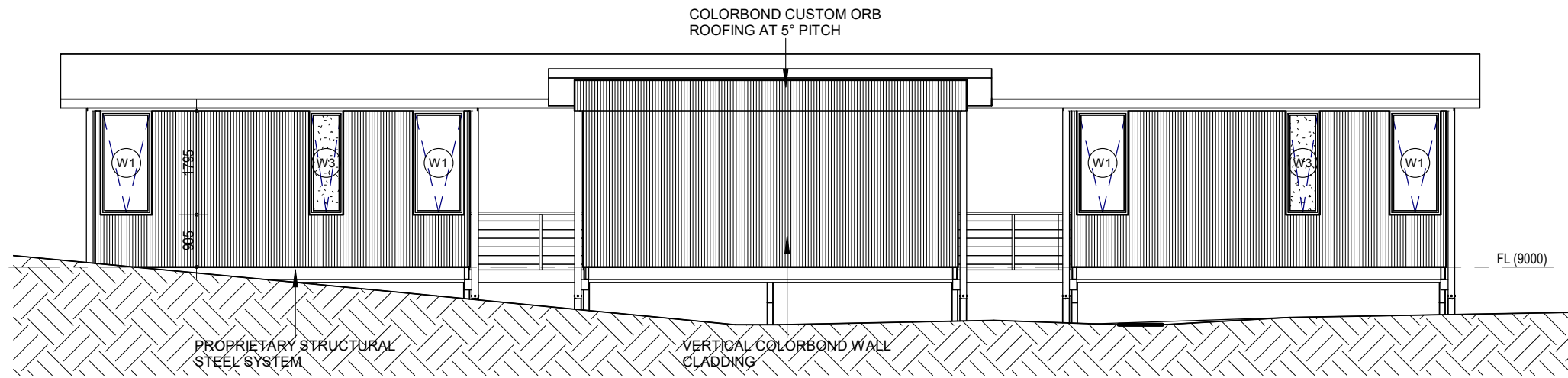
DRAWN FOR:
AUSTRALIAN ECO CONSTRUCTIONS

CLIENT:
LEON HODGES

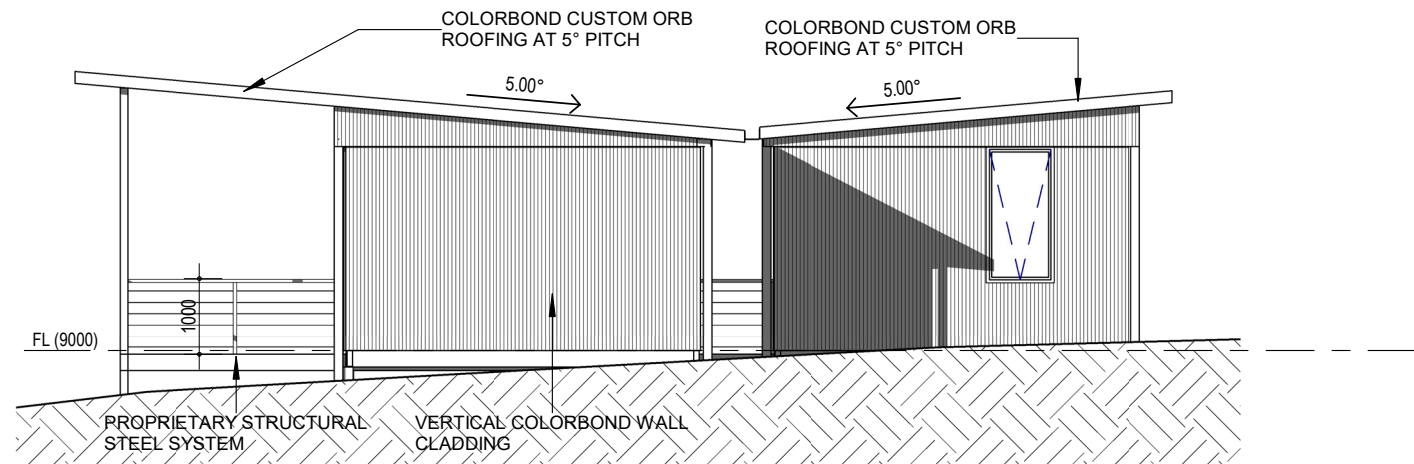
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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 11:58:42 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA11.20		REV A



N ELEVATION - NORTH
DA11.10 1:100



E ELEVATION - EAST
DA11.10 1:100

NOTE:

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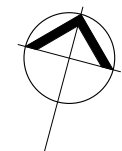
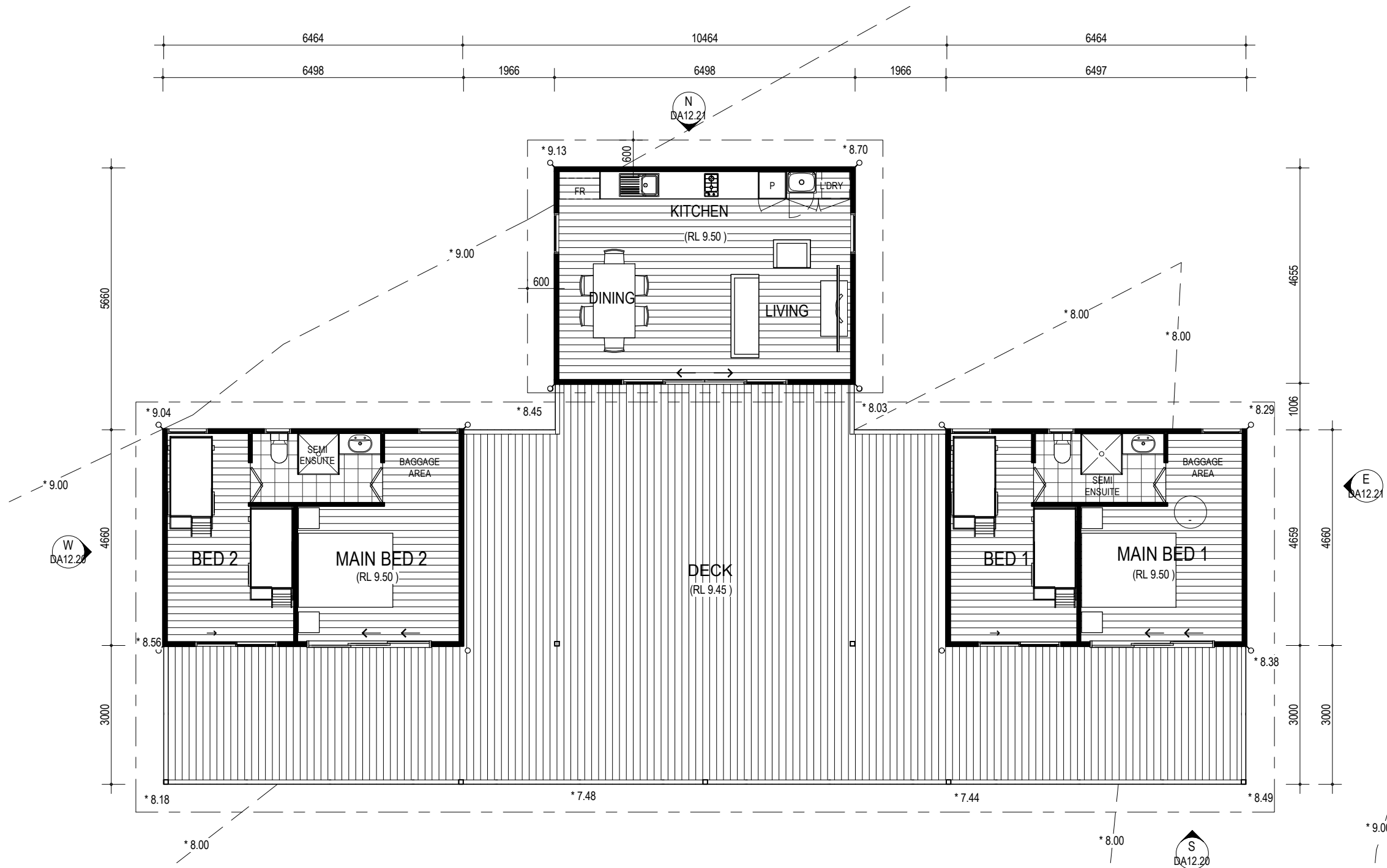
REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
VISITOR ACCOMMODATION UNIT
ADDRESS:
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DRAWN FOR:
AUSTRALIAN ECO CONSTRUCTION
CLIENT:
LEON HODGES

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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1:100	DATE 26/11/2019 11:59:41 AM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA11.21		REV A



FLOOR PLAN - BUILDING ENVELOPE 12
1 : 100

NOTE:

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01 BUILDING AREA

CABIN 1	30 m ²
CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

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THE BUILDING SOLUTIONS GROUP

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
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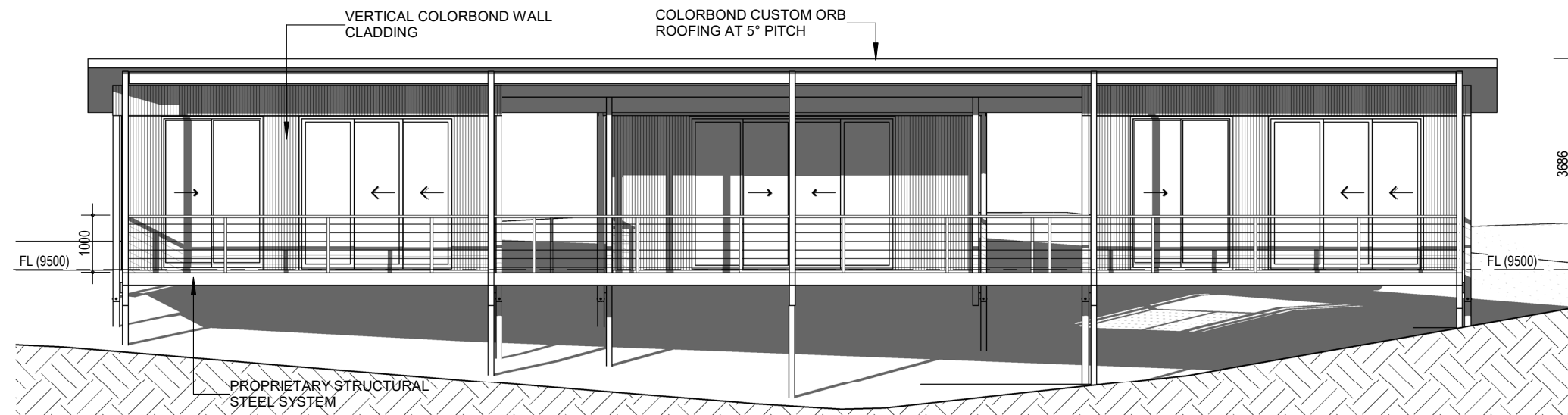
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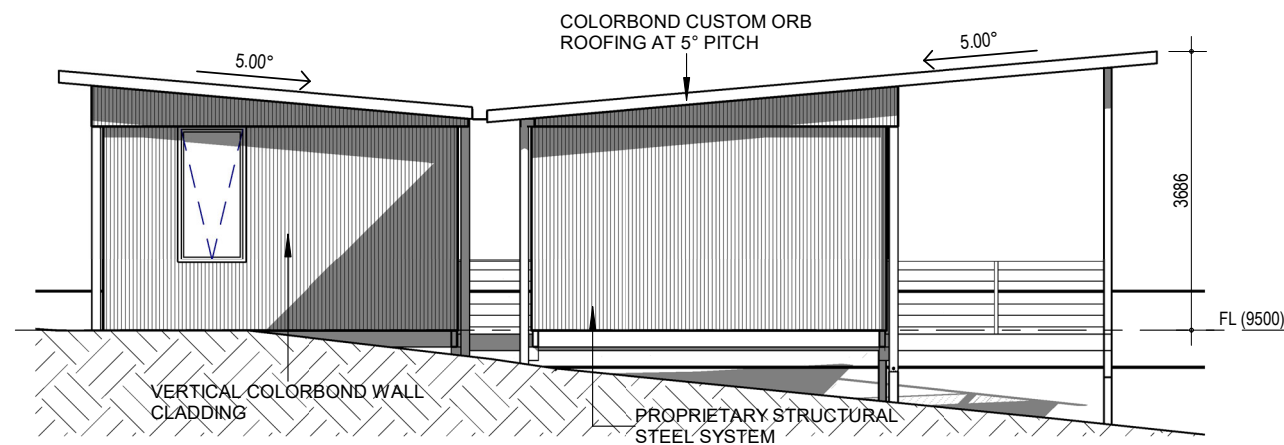
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DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 1:36:54 PM
PROJECT NO. 8-0076		
DRAWING FLOOR PLAN		
DRAWING NO.	DA12.10	REV A



S ELEVATION - SOUTH
DA12.10 1:100



W ELEVATION - WEST
DA12.10 1:100

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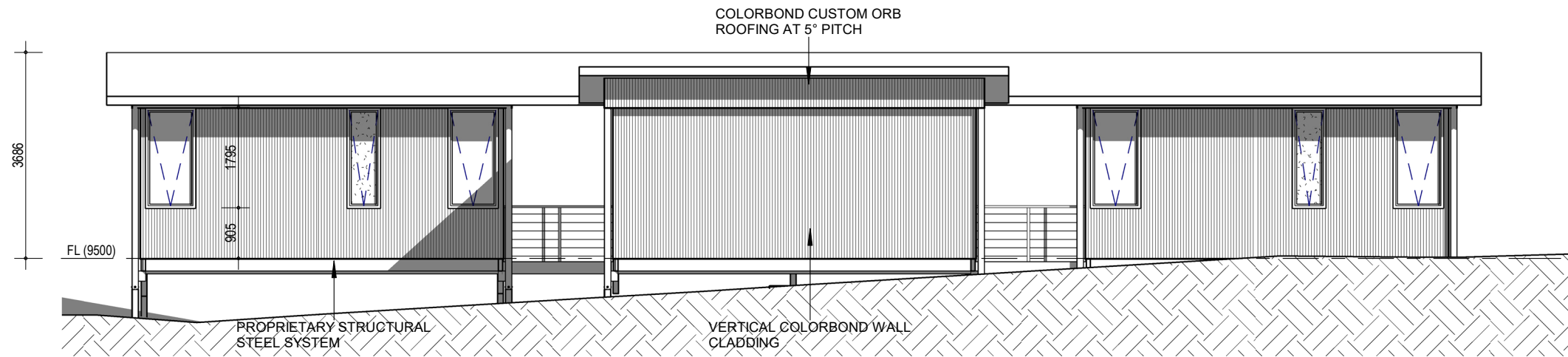
REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
A	26.11.19	SUBMIT DA

PROJECT:
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ADDRESS:
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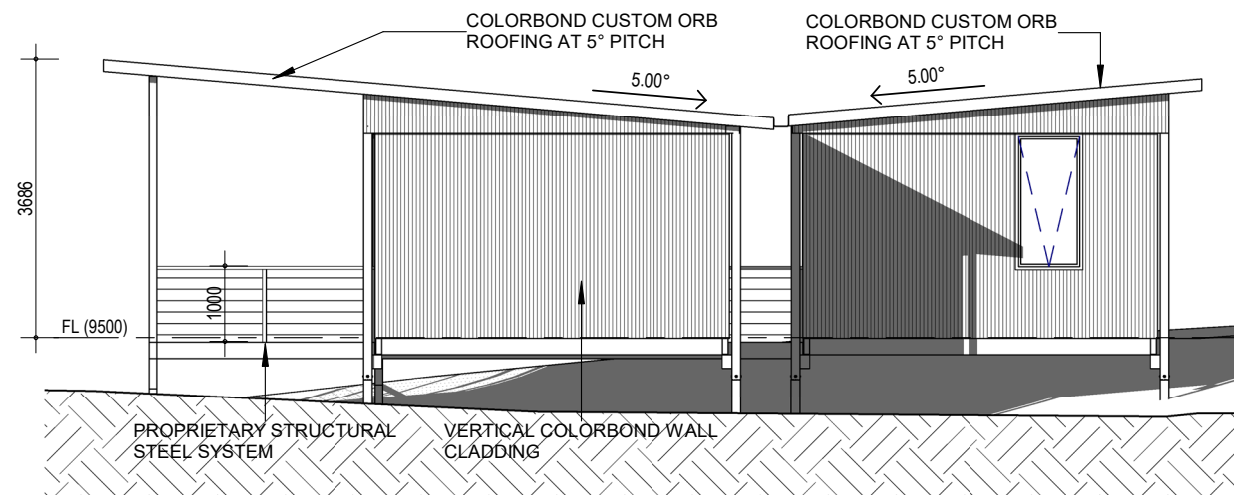
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DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 1:37:53 PM
PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA12.20		REV A



N ELEVATION - NORTH
DA12.10 1:100



E ELEVATION - EAST
DA12.10 1:100

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REVISION SCHEDULE		
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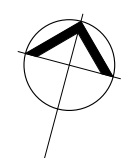
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DEVELOPMENT APPLICATION		
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PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA12.21		REV A



FLOOR PLAN - BUILDING ENVELOPE 13
1 : 100

NOTE:

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CABIN 2	30 m ²
DECK - VERANDAH	125 m ²
LIVING AREA	30 m ²
ROOF AREA	263 m ²

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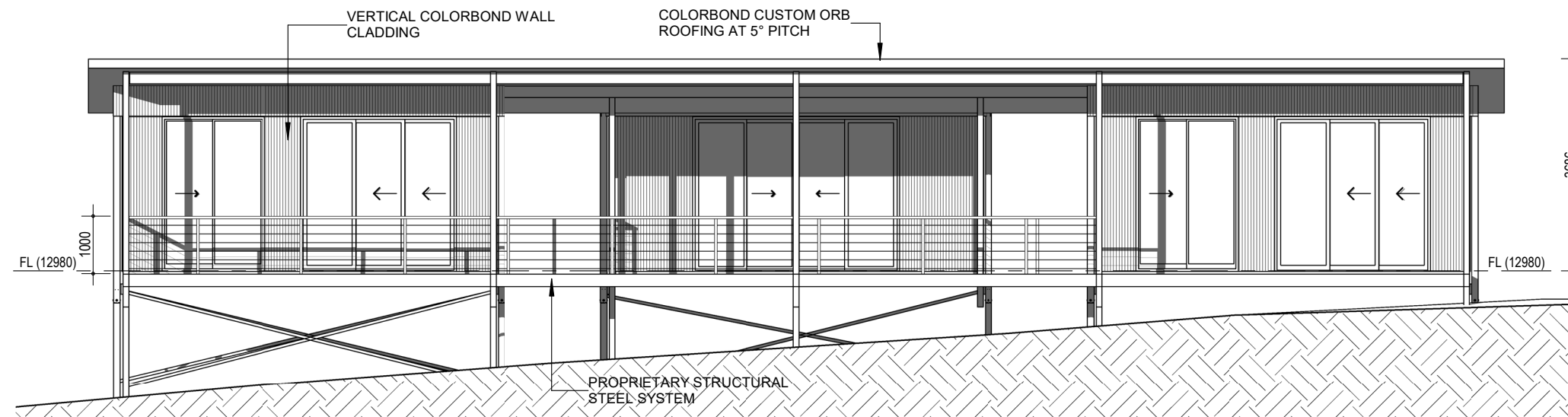
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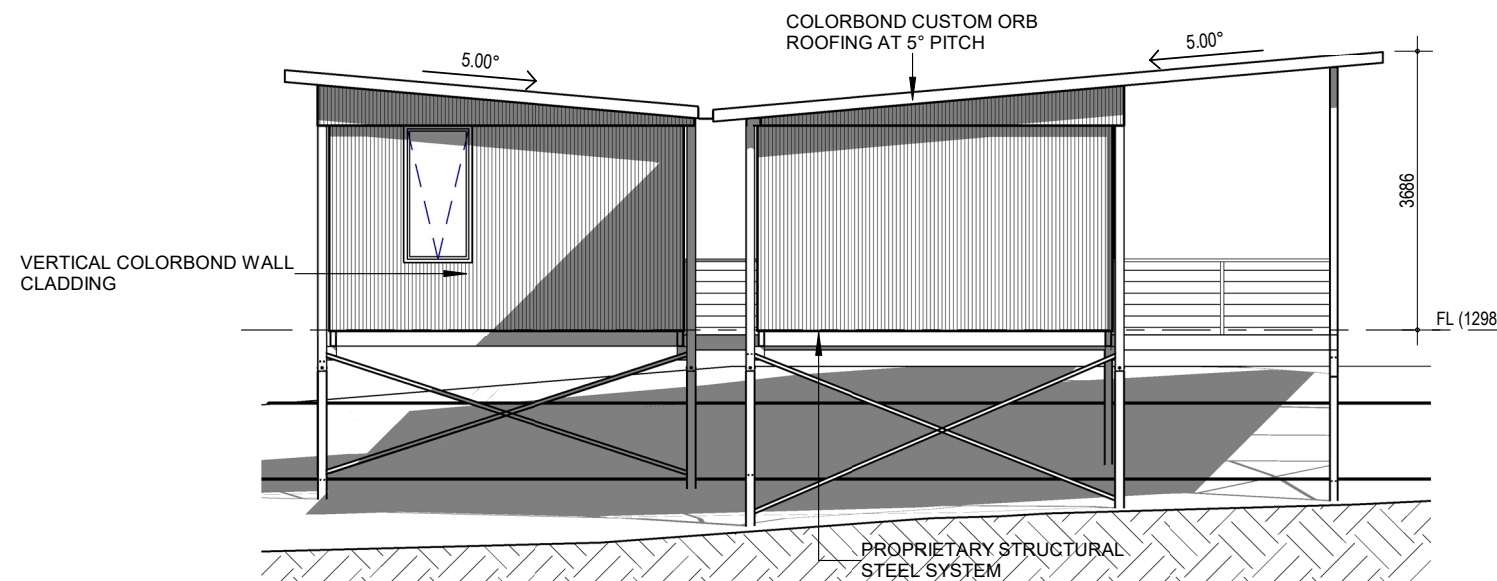
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DEVELOPMENT APPLICATION		
DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 2:03:01 PM
PROJECT NO. 8-0076		
DRAWING FLOOR PLAN		
DRAWING NO.	DA13.10	REV A



S ELEVATION - SOUTH
DA13.10 1:100



W ELEVATION - WEST
DA13.10 1:100

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REVISION SCHEDULE		
REV.	DATE	DESCRIPTION
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PROJECT:
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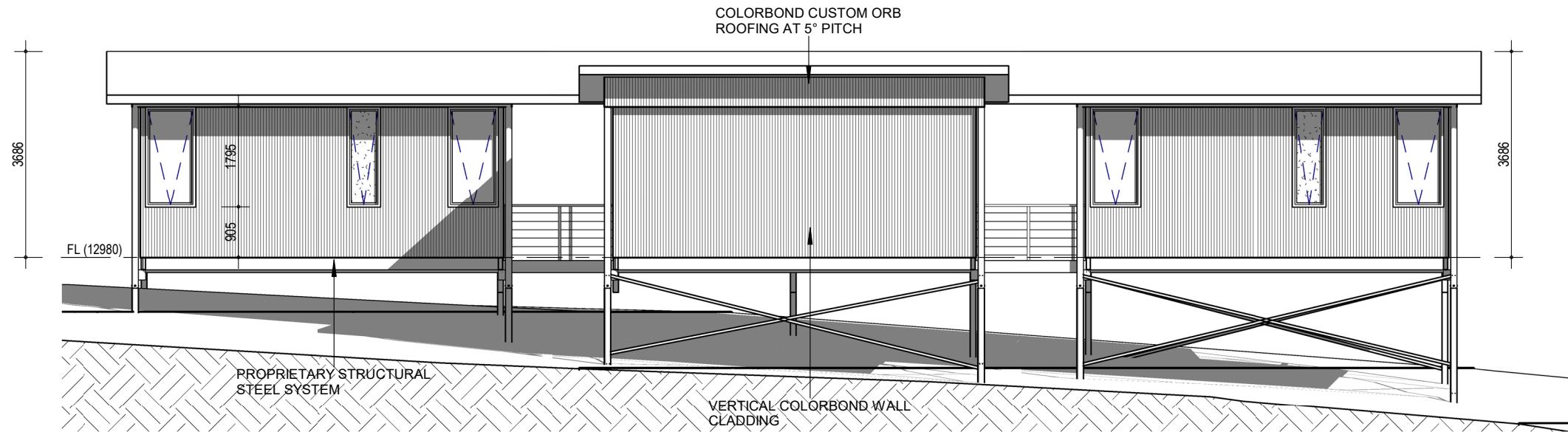
DEVELOPMENT APPLICATION

DRAWN WH	SCALE @ A3 1 : 100	DATE 26/11/2019 2:03:21 PM
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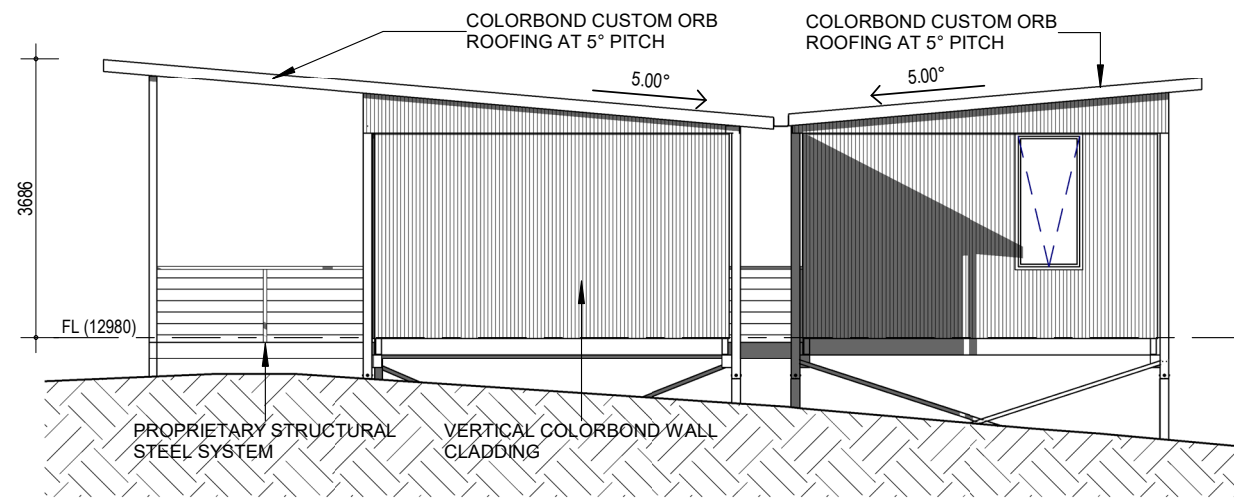
PROJECT NO. 8-0076

DRAWING ELEVATIONS

DRAWING NO. **DA13.20** REV **A**



N ELEVATION - NORTH
DA13.10 1:100



E ELEVATION - EAST
DA13.10 1:100

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REV.	DATE	DESCRIPTION
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PROJECT NO. 8-0076		
DRAWING ELEVATIONS		
DRAWING NO. DA13.21		REV A

- (3) Despite subclause (2), the local government may decide not to advertise an amendment to an activity centre plan if, in the opinion of the local government and the Commission, the amendment is of a minor nature.
- (4) An amendment to an activity centre plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the Commission agrees to extend the period.

Part 6 — Local development plans

46. Term used: local development plan

In this Part —

local development plan means a plan setting out specific and detailed guidance for a future development including one or more of the following —

- (a) site and development standards that are to apply to the development;
- (b) specifying exemptions from the requirement to obtain development approval for development in the area to which the plan relates.

47. When local development plan may be prepared

A local development plan in respect of an area of land in the Scheme area may be prepared if —

- (a) the Commission has identified the preparation of a local development plan as a condition of approval of a plan of subdivision of the area; or
- (b) a structure plan requires a local development plan to be prepared for the area; or
- (c) an activity centre plan requires a local development plan to be prepared for the area; or
- (d) the Commission and the local government considers that a local development plan is required for the purposes of orderly and proper planning.

48. Preparation of local development plan

- (1) A local development plan must —
 - (a) be prepared in a manner and form approved by the Commission; and
 - (b) include any maps or other material considered by the local government to be necessary; and
 - (c) set out the following information —
 - (i) the standards to be applied for the buildings, other structures and works that form part of the development to which it applies;
 - (ii) details of the arrangements to be made for vehicles to access the area covered by the plan.
- (2) The local government may prepare a local development plan in the circumstances set out in clause 47.
- (3) A person may make an application to the local government for a local development plan prepared by the person in the circumstances set out in clause 47 to be assessed and advertised if the person is —
 - (a) a person who is the owner of any or all of the land in the area to which the plan relates; or
 - (b) an agent of a person referred to in paragraph (a).

49. Action by local government on receipt of application

- (1) On receipt of an application for a local development plan to be assessed and advertised, the local government —
 - (a) must consider the material provided by the applicant and advise the applicant in writing —
 - (i) if the local development plan complies with clause 48(1); or
 - (ii) if further information from the applicant is required before the local development plan can be accepted for assessment and advertising;
- and

- (b) must give the applicant an estimate of the fee for dealing with the application in accordance with the *Planning and Development Regulations 2009* regulation 48.
- (2) The local development plan is to be taken to have been accepted for assessment and advertising if the local government has not given written notice of its decision to the applicant by the latest of the following days —
 - (a) 14 days after receipt of an application;
 - (b) 7 days after receipt of the further information requested under subclause (1)(a)(ii);
 - (c) if the local government has given the applicant an estimate of the fee for dealing with the application — the day on which the applicant pays the fee.

50. Advertising of local development plan

- (1) The local government must, within 28 days of preparing a local development plan or accepting an application for a local development plan to be assessed and advertised —
 - (a) advertise the proposed local development plan in accordance with subclause (2); and
 - (b) seek comments in relation to the proposed local development plan from any public authority or utility service that the local government considers appropriate.
- (2) The local government must advertise the local development plan in one or more of the following ways —
 - (a) by giving notice of the proposed plan to owners and occupiers who, in the opinion of the local government, are likely to be affected by the approval of the plan, including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is given to the person;
 - (b) by publishing a notice of the proposed plan in a newspaper circulating in the Scheme area including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;

- (c) by publishing a notice of the proposed plan by electronic means in a form approved by the local government CEO including a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the notice is published;
 - (d) by erection of a sign or signs in a conspicuous place on the land the subject of the proposed plan giving notice of the proposed plan for a period of not less than 14 days from the day on which the sign is erected including on each sign a statement that submissions may be made to the local government by a specified day being a day not less than 14 days from the day on which the sign is erected.
- (3) Despite subclause (1) the local government may decide not to advertise a local development plan if the local government is satisfied that the plan is not likely to adversely affect any owners or occupiers within the area covered by the plan or an adjoining area.
- (4) The local government —
 - (a) must make a local development plan advertised under subclause (1) and the material accompanying it available for public inspection during business hours at the offices of the local government; and
 - (b) may publish the local development plan and the material accompanying it on the website of the local government.

51. Consideration of submissions

The local government —

- (a) must consider all submissions in relation to a local development plan made to the local government within the period specified in a notice advertising a proposed local development plan; and
- (b) may consider submissions in relation to a local development plan made to the local government after that time; and
- (c) is to have due regard to the matters set out in clause 67 to the extent that, in the opinion of the local government those matters are relevant to the development to which the plan relates.

- (5) The local government must give any person who prepared the local development plan written notice of its decision to approve or to refuse to approve a local development plan.

53. Local development plan may provide for later approval of details of development

- (1) The local government may approve a local development plan that provides for further details of any development included in the plan to be submitted to, and approved by, the local government before the development commences.
- (2) The local government may only approve a local development plan referred to in subclause (1) if the local government is satisfied that the further matters that are to be approved would not result in a substantial departure from the plan.

54. Review

A person who prepared a local development plan may apply to the State Administrative Tribunal for a review, in accordance with the *Planning and Development Act 2005* Part 14, of a decision by the local government not to approve the local development plan.

55. Publication of local development plan approved by local government

If the local government approves a local development plan the local government must publish the local development plan on the website of the local government.

56. Effect of local development plan

- (1) A decision-maker for an application for development approval in an area that is covered by a local development plan that has been approved by the local government must have due regard to, but is not bound by, the local development plan when deciding the application.

- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

Part 7 — Requirement for development approval

60. Requirement for development approval

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) the development is of a type referred to in clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.
2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

61. Development for which development approval not required

- (1) Development approval of the local government is not required for the following works —

- (a) the carrying out of works that are wholly located on an area identified as a regional reserve under a region planning scheme;

Note:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) the carrying out of internal building work which does not materially affect the external appearance of the building unless the development is located in a place that is —
 - (i) entered in the Register of Heritage Places under the *Heritage of Western Australia Act 1990*; or