

Attachments Item 11.1 – Local Development Plan
Lot 304 Sunday Island Bay, Dirk Hartog Island

ORDINARY COUNCIL MEETING

25 March 2026



CLEAN UP AUSTRALIA DAY 2026– SHARK BAY



**ATTACHMENT 1:
SPECIAL USE ZONE (SU14)
SCHEME EXTRACT**

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
<p>SC13</p>	<p>Lot 556 Ocean Park Road, Francois Peron National Park</p>	<p>As 'P' use:</p> <ul style="list-style-type: none"> • Oceanarium • Restaurant/café • Shop • Single house <p>As 'D' use:</p> <ul style="list-style-type: none"> • Camping ground • Caravan park; • Holiday accommodation • Nature based park; • Tourist development; • Workforce accommodation 	<ol style="list-style-type: none"> 1) The intent of this Special use Zone is to allow the development of an Oceanarium and associated uses incidental to the operation of the Oceanarium for research purposes. Different forms of accommodation for tourists may be appropriate where the uses are planned for by a Local Development Plan. 2) The use of the Camping ground is restricted to students involved in educational programs or research on site, unless the Camping ground forms part of an approved Local Development Plan (and has been specifically approved for general public use). 3) A maximum of two dwellings for workforce accommodation may be constructed on site. 4) Prior to the commencement development for any camping ground (to be used by the general public), nature based park or tourist development, a Local Development Plan shall be 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 and is to address the following: <ol style="list-style-type: none"> (i) a Management Plan that addresses access, servicing, maintenance, waste disposal, effluent disposal, services areas and rubbish management. (ii) the proposed development is to be of a high architectural quality and be designed to be low scale and

No	Description of Land	Special Use	Conditions
			<p>sympathetic to the location taking into account topography, physical characteristics and unique character of the surrounding area;</p> <p>(iii) coastal setbacks in accordance with any relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with any relevant state planning policy.</p> <p>5) Notwithstanding Condition (4), 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>.</p>

No.	Description of Land	Special Use	Conditions
SU14	Lot 62, Lot 303, 304 & 305 Dirk Hartog Island <i>AMD 18 GG 16/06/2023</i>	<p>As 'D' Use:</p> <ul style="list-style-type: none"> • Ancillary dwelling • Bed and breakfast • Brewery • 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 	<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> <p>(i) A Management Plan that addresses visitor access, servicing, maintenance, waste disposal, effluent</p>

SU14	<p>Lot 62, Lot 303, 304 & 305 Dirk Hartog Island</p> <p>Continue</p>	<ul style="list-style-type: none"> • Recreation-private • Restaurant/Café • 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>disposal, service areas, rubbish management and the transport of construction material;</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>(iii) Coastal setbacks in accordance with relevant state planning policy;</p> <p>(iv) Bushfire management in accordance with relevant state planning policy;</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>
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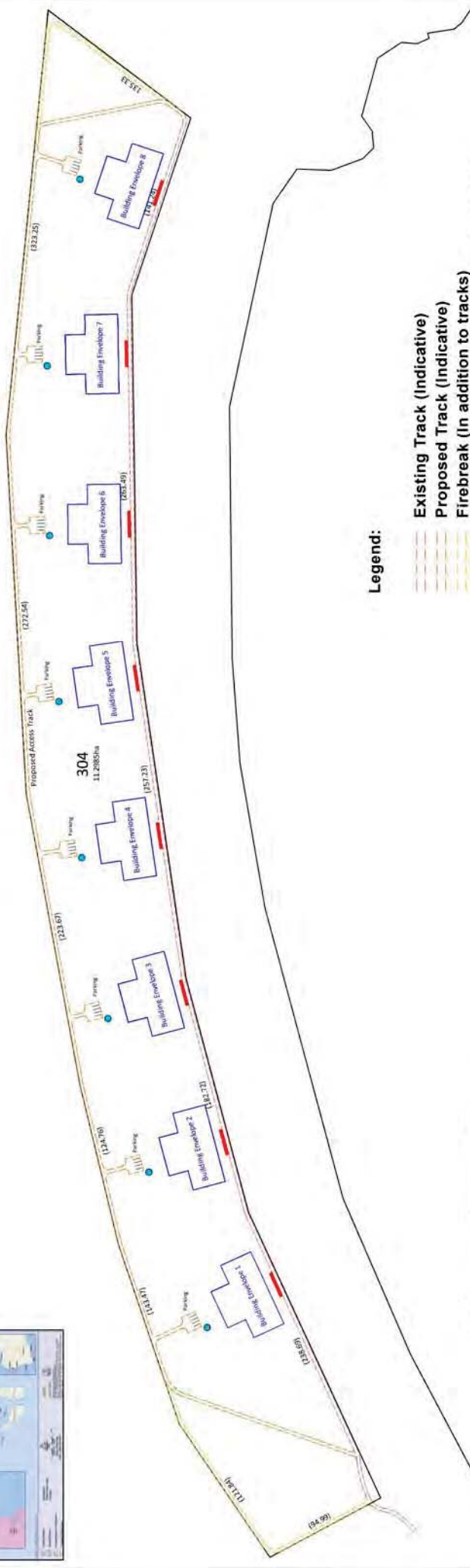
SCHEDULE B – SPECIAL USE ZONES (Clause 21)

No.	Description of Land	Special Use	Conditions
SU14	<p>Lot 62, Lot 303, 304 & 305 Dirk Hartog Island</p> <p>(continued)</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> <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</p>

SCHEDULE B – SPECIAL USE ZONES (Clause 21)

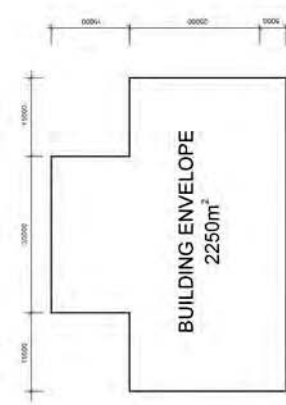
No.	Description of Land	Special Use	Conditions
SU14	<p>Lot 62, Lot 303, 304 & 305 Dirk Hartog Island</p> <p>(continued)</p>		<p>9) Any design guidelines that form part of a Local Development Plan approved by the Local Government shall be enforced as if the requirements form part of the Scheme.</p> <p>10) 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> <p>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.</p> <p>13) The use class 'Brewery' is limited to Lot 62 on Deposited Plan 103194 only is not permitted on Lots 303, 304 & 305.</p> <p style="text-align: right;"><i>AMD 3 GG 16/06/2023</i></p>

ATTACHMENT 2:
LOCAL DEVELOPMENT PLAN
(2026 LDP)



Legend:

- Existing Track (Indicative)
- Proposed Track (Indicative)
- Firebreak (In addition to tracks)
- 50,000 Litre Fire Fighting Water Tank (Indicative)
- Vehicle Parking
- Passing Lanes



Scale 1:1000

Endorsement Table: This Local Development Plan has been approved by the Shire of Shark Bay Council at its Ordinary Meeting held on 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 on DP 50257, Dirk Hartog Island

Source of Information
Site boundaries: Survey Details
Projection: MGA94



Local Development Plan

Lot 304 Dirk Hartog Island (Sunday Island Bay)

1.0 Statutory Requirements

This Local Development Plan (LDP) has been prepared in accordance with Schedule 2 Part 6 of the deemed provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
 Lot 304 Sunday Island Bay is zoned Special Use No 14 (SU14) under the Shire of Shark Bay Local Planning Scheme No 4. Under Schedule B of the Schemes specific conditions apply to the Local Development Plan and the ensuing development of Lot 304.

2.0 Objectives

Condition 1 of SU14 states that the objective of SU14 is to provide for eco-tourism development with specific conditions applying to any proposed development on the site, which shall address and demonstrate compliance with the objective of the zone.

The objectives of this Local Development Plan are to:

- Facilitate a co-ordinated eco-tourism development upon the site via future approval of development applications.
- Ensure that the 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.
- Mitigate bushfire threat for the future development upon the site through mitigation measures in accordance with the State Government's Guidelines for Planning in Bushfire Prone Areas.
- Include a Management Plan as a supporting document to address future management of the site pursuant to approval of development applications.
- Demonstrate that the proposed development will be of a high architectural quality via detailed Design Guidelines which will be sympathetic to the site.
- Respect Coastal setbacks and monitor inundation risk, erosion risk, beach access, and dune management.
- Include an Environmental Report as a supporting document that demonstrates that the LDP and any proposed use and/or development will have a low impact on the natural environment.

3.0 Land Uses

Permissible Land Uses are controlled by Scheme No 4 which, for the Special Use zone Clause 21 of the Scheme, refers to Schedule B of the Scheme which under Condition 7 for SU14 requires that 'Any development or Local Development Plan shall demonstrate alignment with the objective of the zone' which for SU14 is guided by Condition 1 which states that its objective is to provide for eco-tourism development.

While SU14 has no Permissible Land Uses, its Discretionary Uses for the delivery of the objective of the zone include: Camping ground, Caravan Park, Chetel, Holiday accommodation and, most relevant for the zone objective, tourist development. The LDP proposes a tourist development land use.

4.0 Building Envelopes

Lot 304 enjoys an expansive aspect to Sunday Island Bay, which the LDP capitalises on by locating the proposed eco-tourism development to be contained within eight (8) building envelopes. In determining a proposal outside a building envelope, consideration will be given to responsive design that minimises impact on the environmental and visual landscape character of the location.

All ancillary development including water tanks, vehicle parking, servicing infrastructure and ancillary outbuildings are to be sited having regard for the following:

- Minimising removal of remnant vegetation.
- Soil suitability/capability for effluent disposal
- Bushfire management.
- Coastal hazard risks.
- Any other practical considerations such as topography.
- Outbuildings are only to be constructed within and to the rear of any building envelope so as not to obstruct the coastal aspect or views from the accommodations and to minimise visual impact as viewed from Sunday Island Bay.
- A development application may trigger the requirement to establish the depth to water below that building envelope as a condition of development
- Effluent disposal units and irrigation areas are to be contained within building envelopes unless otherwise approved by Council.

5.0 Building Design, Height, Built Form, Visual

- Detailed design guidelines to control colours, materials, built form, scale to achieve a development sympathetic to the natural character of the island are attached. Through its supporting Design Guidelines document, the LDP will provide guidance on design elements to ensure a high architectural quality, but low scale development outcome is achieved.
- All buildings and outbuildings will be low scale and sympathetic to the location taking into account the undulating topography, physical characteristics and unique character of surrounding area consistent with the Scheme objectives and design guidelines. Any future development is to have regard to and address the Design Guidelines.
- A visual impact assessment may be required as a condition of development when development applications are submitted to Council to demonstrate that any development will not negatively impact on World Heritage values or detract from the scenic quality of the land.
- The Minimum finished floor level of any building must not be less than 4.7 AHD (Australian Height Datum).
- Maximum building height is 4.85m measured from the finished ground floor level.
- Buildings raised more than 1.0m above the minimum floor level must demonstrate that the bulk and scale of the building takes into account topography, natural landscape and coastal amenity of the location.
- Buildings to be constructed above ground using eco anchors, pylons or similar methods.

6.0 Siting & Setbacks

The linear nature of Lot 304 allows that eight building envelopes can be distanced from each other. The LDP allows four accommodation units and staff accommodation within each envelope, providing for thirty-two accommodation units in accordance with the limit of thirty-three applied to Lot 304 when it was created as a freehold title. Sited in locations which respect the topography whereby all future accommodations will enjoy views of Sunday Island Bay and will be backed with predominantly higher topography, thereby minimising visual impact from the future development. Each of the building envelopes is based on an 11m setback line running parallel from the southern boundary of Lot 304 in accordance with bushfire management requirements.

Coastal setbacks are to comply with relevant State Planning Policy in conjunction with the annexed Damara WA Pty Ltd technical reports.

7.0 Environmental, Vegetation

No introduced non-native species shall be planted on Lot 304.

Revegetation shall not occur in conflict with the recommendations of any Bushfire Management Plan approved by the local government.

Management and visitors shall be guided by the Dirk Hartog Biosecurity Implementation Plan 2015.

Any development proposed must embrace low impact on the natural environment, not compromise the high conservation values of the World Heritage Area of the location and have regard to protect the ecological values and special attributes of the island.

An environmental report and Flora Significance report is attached as a base for future development applications that includes information on building envelopes, visitor numbers and vegetation and biosecurity measures.

Bushfire Management

The subject site is located within a designated bushfire prone area under the Western Australian State Map of Bush Fire Prone Areas (DFES).

Any development applications (DA) for habitable buildings shall be accompanied by a Bushfire Management Plan and Bushfire Emergency Plan addressing the requirements under State Planning Policy 3.7 Bushfires 2024 and associated Planning for Bushfire Guidelines

*Any application for development of habitable buildings shall demonstrate compliance in accordance with State Planning Policy 3.7 Bushfires and Planning for Bushfire Guidelines 2024.

An onsite manager shall be responsible for the implementation and management of any Bushfire Management Plan and EEP and/or BAL Assessment approved by the local government.

Vegetation (existing or proposed) in Asset Protection Zones within Lot 304's building envelopes shall be managed and maintained as 'low threat vegetation' in accordance with any Bushfire Management Plan and/or BAL Assessment approved by the local government.

*Vegetation management within APZ areas must be minimised and in line with the Planning for Bushfire Guidelines November 2024 to ensure any development will have a low impact on the environment and not negatively impact on World Heritage values or detract from the scenic quality of the land

The total number of staff and tourists will not exceed 100 to comply with acceptable solutions in the Planning for Bushfire Guidelines: November 2024, noting that the maximum total capacity of the on-site shelter/s is 100 persons.

Service Infrastructure

Development application(s) is to address effluent disposal in accordance with State Planning Policy 2.9 Water and having regard to the Site and Soil Assessment Evaluation for Lot 304 Sunday Island Bay.

Development application(s) shall demonstrate servicing of building envelopes and development thereon with water supply (a minimum of at least two x 50,000L or larger tanks) and electricity, to the satisfaction of the local government.

Wind turbines are permitted at the discretion of the local government.

The use of renewable energy sources and wastewater reuse is encouraged where feasible.

Service areas including any outbuildings should be located behind the accommodation units out of view from Sunday Island Bay

All trafficable areas including vehicle parking are to be maintained in their unformed state. Limestone grounds, shell grit or other approved materials may be used to form a natural base for such traffic.

A maximum of one (1) pedestrian path from each building envelope is permitted between the area from the lot and the beach and such paths shall be constructed and maintained in accordance with the conditions of approval.

Management

A management plan is attached as required as a condition of development approval that addresses visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material.

Prior to the commencement of development works a foreshore management plan for Lot 304 Sunday Island Bay, Dirk Hartog Island is to be prepared and approved by DBCA in consultation with the Shire and shall ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan in respect to all access to the foreshore as a result of any development.

Construction

Temporary Sea containers and structures associated with construction may be in place for a maximum period of 12 months, or longer period approved by the local government, and thereafter removed from the island at the developer's/landowner's cost.

Construction access over the National Park strip between the site and foreshore shall only be by using raised ramps at locations approved by DBCA in order that vegetation will not be compromised.

Staging

Development within any of the eight building envelopes may be undertaken by stages, with any stage proposed beyond a first stage dependent upon that stage being approved, constructed and operationally meeting the objectives of the Special Use zone and the conditions of SU14.

Advice Notes

Regarding the building envelopes, Lot 304 is subject to covenants to the benefit of the Minister for Lands and should be referred to by development proponents. Amongst other things the covenants provide details in relation to:

- The number of visitor accommodation units that may be built or placed on the land and the floor area of each visitor accommodation unit; and
- The 'staff accommodation' and the ratio of staff to guests and floor area per staff personnel being housed.

Regarding Bushfire Management, Lot 304 is in a designated bushfire prone area. Visitors will be advised of the increased risks associated with bushfire when visiting Lot 304.

In regard to the potential for future coastal erosion:

- At that time of development approval being granted, the following notification is to be placed on title: -VULNERABLE COASTAL AREA - This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered;
- Any development approval will be time limited to the year 2070 (or any approved alternative time-limited mechanism) and will include a condition that the development shall be removed after expiry of the approval and the land rehabilitated to the specification and satisfaction of the Shire, at the landowner's cost;
- Development of Lot 304 Sunday Island Bay, Dirk Hartog Island, shall be in accordance with the Damara report 16 December 2021 (Ref: 281.03) with satisfactory arrangements being put in place for the ongoing implementation of the actions identified in the report; and

The development approvals will detail the time frame for implementation of the approved Foreshore Management Plan.

Prior to lodgement of any development application, as required, the Applicant shall provide evidence that there is a right of carriage easement registered on the title of Lot 304 which grants a right of carriage for vehicle access from the landing of the vehicle carrying barge on Lot 304.

13.4

**ATTACHMENT 3:
LIST OF DOCUMENTS
LODGED WITH THE
LOCAL DEVELOPMENT PLAN**

ATTACHMENT 3 : LIST OF SUPPORTING DOCUMENTS LODGED WITH THE LDP

LDP Section	Description
Correspondence	Provides a summary of amendments to LDP since advertising (modifications from the 2025 LDP to 2026 LDP).
Local Development Plan	Local Development Plan and conditions (the document that Council is to determine whether to approve).
Submission	Local Development Plan Submission prepared by the Applicant including the Applicant's assessment under the Scheme (supporting information).
Supporting Report A	Management Plan (details management strategies and refers to technical reports in Supporting Document C).
Supporting Report B	Design Guidelines (for future buildings includes detail about planning, accommodation design details for external appearances and landscaping).
Supporting Report C	1. Water Quality Report for Two Wells.
	2. DBCA Letter 2011 & DBCA Email 2020 providing preliminary advice on the LDP refused by Council in 2020.
	3. Power Proposal for solar power and battery storage.
	4. Wind Power Information including details of vertical axis wind turbines.
	5. Bio Digestion Option: Food Digesters.
	6. ATU Effluent Proposal/Composting Option.
	7. Values - Threats And Response To Threats to World Heritage Values .
	8. DBCA Information regarding Dirk Hartog Island: Island Protection
	9. Shire Bushfire Firebreak Notice.
	10. DBCA Information on-site closures in regard to fire danger rating and visitor management strategies for adverse fire weather conditions.
	11. Weather District Reporting Areas.
	12. DFES Fire Ban Declarations.
	13. General Building Information Fire.
	14. Restrictive Covenant by Minister for Lands.
	15. Draft Foreshore Access Management Plan
	16. Visual Impact Aspects – photos of Lot 304 from various locations.
	17. Dirk Hartog Island Biosecurity Implementation Plan (DHIBIP) Access to Lot 304.
	Plan 1: Proposed temporary access routes to and from Lot 3204 to the foreshore during construction.
	Plan 2: Plan showing the relationship between the building envelopes and a line being 100m from the high water mark.
	Plan 3: Indicative Draft Floor Plan being an indicative footprint of the building envelope.
	18. Water Supply to the Francois Peron Naturebank Site: Feasibility Study dated 2011.

LDP Section	Description
	19. Recommendation for Fire Management of Dirk Hartog Island being correspondence prepared by Department of Parks and Wildlife dated 2015.
Supporting Report D: Environmental Report	Environmental report dated 23 January 2026 prepared by Bailey Environmental Services.
	A. EPA Advice on 2015 development proposal.
	B. Damara Coastal Process Reports and correspondence 2014, 2019, 2021, 2023 and 2024.
	C. Flora Report by Lantzke dated 2008.
	D. Flora Significance report by Ecosystem Solutions dated 2020.
	E. Consolidated Flora List.
	F. Site and Soil Evaluation by Martin Wells of Land Assessment Pty Ltd dated 22 December 2025.
	G. DBCA Correspondence 2011.
	H. Bushfire Management Plan by Bushfire Safety Consulting, Version 3 dated 4 January 2026 and Bushfire Emergency Plan dated 16 December 2024.

**ATTACHMENT 4:
PUBLIC SUBMISSION TABLE**

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>1. Department of Health (DoH) WA</p>	<p>The DoH has no objections subject to the following conditions:</p> <p>1a) Disposal of wastewater generated on site is required to comply with the <i>Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974</i>.</p> <p>1b) The recommendations outlined in the Site and Soil Evaluation (SSE) report prepared by Land Assessment Pty Ltd (31 July 2023) must be followed, including:</p> <ul style="list-style-type: none"> - Installation of a secondary treatment system approved for use in Western Australia. - Provision of a minimum land application area of 560 m², which can be accommodated within each of the 2,300m² building envelopes containing a total of eight on-site sewage management systems. - Allowance for a hydraulic load of 2,800 L/day, based on a maximum of five chalets within each building envelope (calculated at 140 L/person/day). <p>1c) The SSE report does not include details of the land application area for each individual building envelope. A detailed plan showing all required setbacks for the on-site wastewater system must be submitted with the application to install the system.</p>	<p>1a) Noted.</p> <p>1b) Noted - the SSE report will be complied with and can be conditioned as such.</p> <p>1c) Noted - each envelope is large enough to comply with the SSE report. Land application areas can be addressed at development stage. The SSE was prepared on the basis</p>	<p>1a) Disposal of waste water is a matter to be resolved at the time of a Development Application and/or building permit.</p> <p>1b) Noted that a secondary treatment system is required and that a minimum of 560m² of each 2,300m² building envelope/ The LDP does not follow the recommendation of the LDP in that all of the effluent disposal areas are not located a minimum of 100m from the high water mark.</p> <p>1c) The 2026 LDP includes a plan showing the land application area and, when compared against the building envelope plan, it is evident that all of the effluent disposal (land</p>

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
1. Department of Health (DoH) WA (continued)	1d) A minimum vertical separation must be maintained as follows: -0.6 m between the discharge point and limestone hardpan; -1.5 m between the discharge point of the on-site wastewater system and the highest groundwater level.	that 5 units could be included within each building envelope 1d) Noted - has been assessed and accepted within the SSE and will be confirmed when an application for development is submitted.	application areas) do not meet the 100m setback from the high water mark, as required by the SSE. 1d) Noted.
2. Department of Planning, Lands and Heritage (DPLH) Cultural Heritage	2a) A review of the Register of Places and Objects, as well as the DPLH Aboriginal Heritage Database, concludes that the subject area to which the LDP identifies for potential development does not have any known intersect with recorded Aboriginal Heritage contained within our database. With no known and recorded Aboriginal heritage located within Lot 304, the Department would not raise any specific objection or comments to the Local Development Plan. 2b) Any significant developments we would ask that the proponent engage with the traditional owner group, in this case is the Malgana Aboriginal Corporation, so that they may be able to advise on any Aboriginal heritage that may exist in this location.	2a) Noted. 2b) Noted.	2a) The advice that there is no known and recorded Aboriginal heritage located within Lot 304 is noted. 2b) The Shire referred the LDP to Malgana Aboriginal Corporation as part of formal advertising and a joint submission was received from the Malgana Aboriginal Corporation and DBCA.

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>2. Department of Planning, Lands and Heritage (DPLH)</p> <p>Cultural Heritage</p> <p>(continued)</p>	<p>2c) The immediate location is included in several previously undertaken Aboriginal heritage surveys relevant to the Shark Bay Region, as a whole, but not a direct survey relevant to works being undertaken at Sunday Island Bay and Dirk Hartog Island.</p> <p>2d) With limited direct knowledge from a dedicated Aboriginal survey being undertaken the Department would outline that the proponent is aware of their obligations under the governing legislation around Aboriginal Heritage within the LDP activity area.</p> <p>2e) Please refer to the DPLH website at Aboriginal Heritage Approvals for information on 'Land use under the Aboriginal Heritage Act 1972' for the types of approvals available under the AHA that you can apply for.</p>	<p>2c) Noted - refer 2.0 General Information within Management Plan. A Malgana Heritage Survey of Dirk Hartog Island was conducted by Ms Roina Williams (Heritage Anthropologist YMBBMAC) in 2007 together with six representative consultants chosen on behalf of the Malgana Working Group specifically addressing Lot 304. There were no mapped Aboriginal Sites of Significance located within ten kilometres of Lot 304.</p> <p>2d) Noted.</p> <p>2e) Noted.</p>	<p>2c) The Applicant is bound by their obligations under the <i>Aboriginal Heritage Act 1972</i>.</p> <p>2d) If and when the LDP is approved, the Applicant can be advised of their obligations under the governing legislation around Aboriginal Heritage within the LDP activity area.</p> <p>2e) If and when the LDP is approved, the Applicant can be advised to refer to the DPLH website at Aboriginal Heritage Approvals for information on 'Land use under the Aboriginal Heritage Act 1972' for the types of approvals available under the AHA that you can apply for.</p>

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
2. DPLH Cultural Heritage (continued)	2f) DPLH also advises that regular checks of the Aboriginal Cultural Heritage Inquiry System should be undertaken to ensure no new Aboriginal Cultural Heritage has been reported within the subject area.	2f) Noted.	2f) If and when the LDP is approved, the Applicant can be reminded to undertake regular checks of the Aboriginal Cultural Heritage Inquiry System to ensure no new Aboriginal Cultural Heritage has been reported within the subject area.
3. Mic and Wendy Payne Public Submission	<p>3a) Whilst I note that this Local Development Plan advertised on the Shire of Shark Bay website, is not an application for development, it is with great concern that I can see so much work going towards a future development on an island that is almost without parallel in environmental restoration successes on a international scale.</p> <p>3b) Islands are a unique opportunity to protect native animals and plants as a "stop gap" measure until more permanent and efficient methods of protection can be developed in the future. Dirk Hartog Island National Park restoration efforts as I understand it have</p>	<p>3a) Noted - as indicated in the LDP application, this is not an application for development approval. It should also be noted that the Applicant has agreed to voluntarily comply with the Dirk Hartog Island Biosecurity Plan (DHBIP) as proposed by the DBCA within the DHIBIP.</p> <p>Reference to the DHIBIP is included in item 4.7 Biosecurity within Management Plan and in 4.6.3 Introduced Species within the Environmental Report.</p> <p>3b) Noted – the Applicant was part of the original DBCA discussion/ committee with stakeholders in regard to the DHIBIP process. The</p>	<p>3a) The support for the environmental restoration successes on Dirk Hartog Island are noted.</p> <p>3b) Concern in regard to biosecurity, pest animals and diseases are noted. The DBCA submission states that DBCA has identified that an anticipated increase in visitor and vehicle numbers and</p>

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>3. Mic and Wendy Payne Public Submission (continued)</p>	<p>already cost millions of dollars to repair the damage done. It's continued, future success hinges entirely on the ability to manage biosecurity and keep pest animals, plants and diseases from the island.</p> <p>3c) Given that Denham is a likely source of pest species including the Asian House Gecko (see note below) and plant weed species such as <i>Verbesina encelioides</i> (Golden</p>	<p>Lot has covenants on the land relative to biosecurity:</p> <p><i>Covenant 1(i)</i></p> <p>No fauna or flora that is not native to the land may be brought onto, placed or kept on the Land, except with the prior written consent of the Minister for Lands; and</p> <p><i>Covenant 1(j)</i> it will:</p> <p>(i) Fully comply with any quarantine management plan of any Governmental Agency relating to Dirk Hartog Island, in place from time to time.</p> <p>(ii) Cooperate with any programs of any Governmental Agency designed to eradicate pests from Dirk Hartog Island but only to the extent that an unreasonable financial burden is not imposed on the covenantor in so complying or cooperating</p> <p>3c) Noted - the issue of pest species is addressed in section 4.7 Biosecurity within the Management</p>	<p>access to DHINP, poses a risk to the ongoing success of the Dirk Hartog Island National Park Ecological Restoration Project (DHINPERP), including maintaining the existing biosecurity standards. Refer to comment under the DBCA submission. It is also acknowledged that the title is encumbered by covenants as detailed by the Applicant.</p> <p>3c) As outlined in the Applicant's response, the covenant on title requires that the landowner cooperate with any programs of</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>3. Mic and Wendy Payne Public Submission (continued)</p>	<p>Crownbeard) to name but two species that threaten restoration efforts, I can't see anything in the submission that provides ACTIVE, ongoing input and management to respond to changing threats to the majority land manager of the surrounding land ie the Department of Biodiversity, Conservation and Attractions (DBCA). I see management plans that are more "tick a box" dust collectors on shelves that don't appear to provide ongoing interaction and negotiation between the private land holder and the state conservation agency that is the majority landholder on the island in charge of restoration efforts that have thus far cost millions of dollars.</p> <p>3d) It would be of great value to ensure that a DBCA conservation covenant (not a covenant with a different agency) is part of any Proposed Local Development Plan AND any future development application. This program provides ongoing conservation input from the</p>	<p>Plan and section 4.12 Biosecurity within Environmental Report.</p> <p>The DHIBIP contains comprehensive protocols, procedures and guidelines for preventing incursion of pest species and responding to any detections on the island, including:</p> <ul style="list-style-type: none"> • vehicle and machinery inspection and clean-down; • small vessel biosecurity; • import of building materials; • guidelines for visitor conduct; • vessel biosecurity and inspection log templates. <p>The Sunday Island Bay (SIB) development will incorporate the recommendations of the DHIBIP in full and in close cooperation with DBCA. It is entirely in the best interest of the developer that the current conservation efforts on Dirk Hartog Island are successful.</p> <p>3d) Noted – as outlined in 13.1 of the LDP, the land has existing covenants in favour of Government through the Minister for Land which is satisfactory in meeting conservation requirements.</p>	<p>any government agency designed to eradicate pests. The LDP reports contain Biosecurity measures and commitments.</p> <p>3d) Noting that the title presently includes a covenant with the Minister for Lands, the DBCA submission did not request that a</p>

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<p>3. Mic and Wendy Payne Public Submission (continued)</p>	<p>same agency that has aegis over protection of the restoration efforts on the surrounding national park AND the conservation knowledge to be able to provide best practice on an ongoing basis, not just a management plan. In addition, a DBCA conservation covenant is place on the certificate of title giving DBCA the ability to have ongoing conservation input with new landholders when land changes hands.</p> <p>3e) A covenant with any other agency will always be inferior to a conservation covenant with DBCA and is therefore not satisfactory.</p> <p>3f) I submit that ANY future development plans and applications should require that a DBCA conservation covenant to be placed on the certificate of title of any private land on Dirk Hartog Island to safeguard the future success of the internationally significant restoration efforts there.</p> <p>3g) Asian house gecko is one of the most invasive reptiles in the world and have the ability as a pest species to not only outcompete local species of reptile but have</p>	<p>These covenants legally enable DBCA to exercise control over conservation aspects of the development and site management. It is difficult to see what benefit another layer covenants would bring.</p> <p>3e) Noted - current covenants allow the state to have control over conservation.</p> <p>3f) Not agreed - covenant already exists within the State Government and is attached to the title of the land.</p> <p>3g) Noted – The DHIBIP contains detailed procedures for preventing the import of Geckoes and other invasive species, including</p>	<p>conservation covenant be imposed over the Subject Site.</p> <p>3e) As DBCA has not requested a conservation covenant in regard to this proposal, a conservation covenant is not supported.</p> <p>3f) As DBCA has not requested a conservation covenant, a conservation covenant over the property as part of the consideration of the LDP is not supported. However, if and when the LDP is approved, DBCA would be further consulted upon receipt of any Development Application.</p> <p>3g) The LDP details commitment to the Dirk Hartog Biosecurity Implementation Plan 2015.</p>

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<p>3. Mic and Wendy Payne Public Submission (continued)</p>	<p>the ability to change the ecosystem by the introduction of harmful and novel bacteria.</p>	<p>quarantine protocols and inspection procedures. This is addressed in the supporting Report C.</p>	
<p>4. Department of Primary Industries and Regional Development (DPIRD)</p>	<p>4a) DPIRD does not object to the abovementioned proposal but would like to provide comments.</p> <p>4b) Most of Dirk Hartog Island is contained within Reserve R50325 and designated Environmental Conservation Reserve in the Shire of Shark Bay Local Planning Scheme No.4 (LPS 4), but Lot 304 is a freehold lot that is designated 'Special Use' in LPS 4 for the purpose of 'ecotourism development'.</p> <p>4c) Lot 304 is an elongated lot measuring roughly 1km from east to west and set back approximately 70m from the northern shoreline of Sunday Island Bay. It follows the contour of the bay, and the terrain is undulating with occasional dunes and limestone rises. The soil-landscape system has been mapped by DPIRD as the Edel system, comprising calcereous deep sand (~85%) and calcereous shallow sand (~15%). When locally over-used, this system is</p>	<p>4a) Noted.</p> <p>4b) Noted except that the correct reference to LPS4 is 'providing for ecotourism development'.</p> <p>4c) - Noted - Refer section 4.15 Monitoring within Environmental Report, 4.4 Physical Impacts, 4.5 Vegetation and Flora Impacts and Management Plan 5.5 Monitoring Management.</p>	<p>4a) Non objection noted.</p> <p>4b) Noted.</p> <p>4c) The susceptibility of the soil landscape system to erosion is noted, and the potential for soil erosion is of concern particularly taking into account the amount of area that could be disturbed in the building envelope and APZ if the LDP was approved.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>4. Department of Primary Industries and Regional Development (DPIRD) (continued)</p>	<p>susceptible to wind erosion. (Attachment 1 – Pastoral Region Soil Landscape Report).</p> <p>4d) DPIRD notes that Lot 304 has been the subject of past development proposals, both formal and informal, and detailed feedback on these proposals has been provided in the past by the Shire of Shark Bay, the Department of Biodiversity, Conservation and Attractions (DBCA), and the Environmental Protection Authority (EPA). Given that the site is surrounded by a national park managed by DBCA, and the proposed use is ecotourism, DPIRD considers DBCA the agency best placed to comment on the proposed LDP.</p> <p>4e) From DPIRD's perspective, as the agency responsible for the <i>Soil and Land Conservation Act 1945</i>, the proposed development should mitigate soil erosion risk by maximising the retention of native vegetation. Based on the proposed LDP (Attachment 2), there is a risk to existing native ground cover within the following proposed development areas: building envelopes (8 x 2,250m²); vehicle parking areas (x8); emergency water tank sites (x8); and, new access tracks around the site. Additional sites may also be required for solar panels.</p>	<p>4d) - Noted - DBCA comments are responded to in the section below.</p> <p>4e) - Noted - Refer section 4.6 Vegetation within Management Plan, section 5.5 Monitoring, and section 4.15 Monitoring within Environmental Report.</p>	<p>4d) Refer to comment in DBCA submission.</p> <p>4e) The susceptibility of the soil landscape system to erosion is noted, and the potential for soil erosion is of concern particularly taking into account the amount of area that could be disturbed in the building envelope and APZ if the LDP was approved. The environmental report does not detail mitigation measures in regard to soil erosion, but at section 4.16 does provide possible mitigation measures in regard to damage to vegetation and or erosion of vehicle or pedestrian access tracks.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
5. DWER Department of Water and Environment al Regulation	<p>5a) DWER has identified that the proposed activity has the potential for impact on environment and water resource values. Key issues and recommendations are provided below, and these matters should be addressed.</p> <p><u>Water supply</u></p> <p>5b) It is the responsibility of the proponent to demonstrate that adequate supply can be provided for the developments ongoing requirements, without negatively affecting the local environment.</p>	<p>5a) - Noted and dealt with in SSE.</p> <p>5b) - Noted - Multiple options for water supply are addressed within section 3.2 Servicing within Management Plan. Sufficient Water will always be provided from the mainland, as required, in the absence of other options.</p>	<p>5a) The key issues and recommendations are noted and responded to below.</p> <p>5b) The Applicant has updated the 2026 LDP to now propose that all water will be transported from the mainland to Lot 304 via barge moored in Sunday Bay Island Bay with connection via flexible pipes to Lot 304 over the National Park.</p> <p>DBCA has confirmed that it would require a licence for the transport of water from a barge moored in Sunday Bay Island Bay to the site, over the national park land. However, DBCA has stated that a licence is to be applied for and determined after Development Approval is obtained.</p> <p>The applicant has not provided sufficient information to demonstrate that the transport of water from the mainland will</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>5. DWER Department of Water and Environment al Regulation</p> <p>(continued)</p>	<p>5c) It is proposed that non-potable water supplies will be drawn from Two Wells, a former stock watering point. The inclusion of anecdotal statements regarding the use of the wells to water sheep during the previous pastoral use of the site, does not qualify the suitability of the groundwater for the proposed development.</p> <p>5d) DWER also queries the proposal that sea water may be used for firefighting purposes. While it may be seen to be preferable to use sea water than to lose native vegetation to fire, the salinisation of the soil will impact the ability of the vegetation to recover from fire.</p>	<p>5c) - Noted - Disagree. Two Well water is suitable for Non potable use. Appendix 1 - Water Quality Report, confirms that Two Wells has already been included to qualify suitability of water from this source which is but one of the options. The first option is the transport of water from the mainland and is regarded as the preference for inclusion in any development application.</p> <p>5d) - Noted - Various options are proposed for the supply of water for firefighting use. The vegetation within the lot and surrounds consists of extremely high salt content. The use of sea water would not change this in the event of using it to protect life and infrastructure. Amongst the</p>	<p>provide a secure and ongoing sustainable water supply for the life of the development. Further discussion in regard to the supply of water to Lot 304 is provided in the report.</p> <p>5c) After the advertising of the 2025 LDP, the Applicant updated the 2026 LDP to detail that the first option is to transport water from the mainland.</p> <p>The applicant has not provided sufficient information to demonstrate that the transport of water from the mainland will provide a secure and ongoing sustainable water supply for the life of the development.</p> <p>Further discussion in regard to the supply of water to Lot 304 is provided in the report.</p> <p>5d) After the advertising of the 2025 LDP, the Applicant updated the 2026 LDP to detail that the first option is to transport water from the mainland for potable water, non potable water and water for fire fighting purposes.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>5. DWER Department of Water and Environment al Regulation</p> <p>(continued)</p>	<p>5e) DWER recommends that the LDP not be approved until such time as the proponents can adequately demonstrate that the proposed development has an adequate water supply that can service all aspects of the development - potable and non-potable usage and firefighting - that will not negatively impact the values of this environmentally fragile World Heritage Area.</p> <p><u>Wastewater</u></p> <p>5f) The developers are required to demonstrate that proposed on-site wastewater treatment systems are appropriate for the specific site conditions and meet the necessary</p>	<p>options, the use of sea water would be one of last resort scenarios. Moreover, the fire risk is diminished by the considered development location and appropriate building construction.</p> <p>5e) - Noted – It is reaffirmed that water will be sourced from the mainland as the first option to be considered.</p> <p>5f) - Noted - Wastewater control will comply with SSE and meet the requirements of SSE which has been prepared in accordance with</p>	<p>Further discussion in regard to the supply of water to Lot 304 is provided in the report.</p> <p>5e) The applicant has not provided sufficient information to demonstrate that the transport of water from the mainland will provide a secure and ongoing sustainable water supply for the life of the development and has not provided sufficient information to demonstrate that transport of the water from the Bay to Lot 304 through the National Park will not negatively impact the values of this environmentally fragile World Heritage Area.</p> <p>Further discussion in regard to the supply of water to Lot 304 is provided in the report.</p> <p>5f) The Shire’s Health staff have advised that ATU systems have a proven track record in remote areas, with the benefit of</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>5. DWER Department of Water and Environmental Regulation (continued)</p>	<p>requirements of Sewerage Sensitive Areas. Although ATU systems may be a less polluting option than septic tanks, they are not without risks.</p> <p>DWER considers that there are still risks to the environment, both terrestrial and aquatic from the disposal of the treated wastewater at this site. Areas of concern include:</p> <ul style="list-style-type: none"> • Land capability to attenuate nutrient loads • Effects on native vegetation • Leaching of effluent into marine waters • Risks to human health • Effects on native wildlife • Odour control • How will the required regular servicing of these systems be undertaken in such a remote location? Without regular servicing these systems do not operate at maximum efficacy • Monitoring the impacts of the disposal of wastewater. <p><i>Local development plan</i> <u>Maximum occupancy</u></p> <p>5g) DWER queries how the cap on visitor/staff numbers was determined to be 100? Rather than declaring that 100 people is a suitable</p>	<p>the Government Sewerage Policy and meets requirements of SSE.</p> <p>In addition, service contract with supplier will be undertaken to ensure regular servicing.</p> <p>Monitoring will be as addressed within LDP, and as proposed in the Management Plan and Environmental Report monitoring.</p> <p>5g) - Noted - The numbers of staff and visitors permitted has been established in line with the requirements of the BMP. The SSE</p>	<p>minimising potential contamination of groundwater. The Environmental Report and SSE concludes that the site has the capability and ample room to support on-site effluent disposal without risk to health or the environment, however four of the building envelopes do not achieve a 100m separation from the high water mark. Therefore, the LDP does not satisfy the recommendations of the SSE.</p> <p>It is of concern that the effluent disposal areas located less than 100m from the foreshore could have an adverse impact upon the marine environment.</p> <p>5g) The cap of 100 persons was introduced by the Applicant on the basis this is the maximum capacity for a shelter for an</p>

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5. DWER Department of Water and Environmental Regulation (continued)	number to accommodate at any one time, the developers should review the capability of the land to accommodate visitors without creating a negative impact on the environment.	also confirms the capability of the land to provide for these numbers of staff and visitors (and more) in the event that development of the total numbers of accommodation units permitted was developed.	acceptable solution under the Planning for Bushfire Guidelines. The Environmental Report details that the effluent generation is based on 140 litres per day with each cluster having 4 people in each of the 4 accommodation units, equating 2,240L per day per envelope or 14,000 litres across the whole site per day. The SSE concludes that “in combination with an extensive 100m marine setback distance, the proposed use of a secondary treatment system with nutrient retention capability within all building envelopes will significantly reduce any risk of on-site effluent disposal endangering public health or the environment”. However, four of the building envelopes do not achieve the 100 metre setback from the high water mark. There is potential that the effluent disposal areas located less than 100m from the high water mark could adversely affect the marine environment.

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5. DWER Department of Water and Environmental Regulation (continued)	<p>5h) This would mean reviewing the water supply at: Two Wells for the sustainable yield without diminishing the source for other users (including the environment) considering the drying climate and understanding the capacity of the calcareous sands to attenuate the nutrient load without creating negative impacts on the dune vegetation and/or the marine environment.</p> <p>5i) The SSE determined that the land capability was only ‘fair’. There are five land capability classes – very high, High, Fair, Low and Very Low. Fair land is described as having <i>“Moderate physical limitations significantly affecting productive land use and/or risk of degradation. Careful planning and conservation measures required”</i>. It is not known whether this land is suitable for the disposal of the proposed volume of effluent without causing negative impacts.</p>	<p>5h) - Noted - Two Wells is but one option for the supply of water to Sunday Island Bay and is located within the water easement for transporting water to the site. The wells were developed more than 100 years ago and have serviced the pastoral industry over this time. Water from mainland will be the first option.</p> <p>5i) - Noted - The SSE confirmed that the land is suitable and capable of disposal of the requirements of the proposed 100 visitors and staff (and more) if fully developed.</p> <p>The SSE concluded: <i>“The capability of lot 304 to accommodate on-site effluent disposal has been demonstrated by: All of the eight proposed building envelopes being able to meet the Government Sewerage Policy’s general site requirements for sewage sensitive areas as outlined</i></p>	<p>5h) The LDP has been assessed based upon the updated information provided by the Applicant that all water will be sourced from the mainland. The information in regard to sourcing a reliable and ongoing water supply from the mainland is limited and it is considered that the Applicant has not demonstrated that a secure and ongoing sustainable supply of water can be provided for the life for the development.</p> <p>5i) It is agreed that the SSE determined that the land capability was fair. Whilst the SSE concludes that <i>“The resultant cumulative impact on the environment is considered to be ‘low,’</i> the LDP does not satisfy the recommendation of the SSE that the effluent disposal areas are located 100m from the foreshore, therefore the proposal may have the potential to result in negative impacts on the marine environment.</p>

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5. DWER Department of Water and Environmental Regulation (continued)	<p>5j) When the agreed maximum carrying capacity of the site is determined, this should be stated in the LDP and only sufficient units be built to accommodate this number of people.</p> <p><u>Biosecurity risk</u></p> <p>5k) It is recommended that the LDP include a reference to the <i>Dirk Hartog Island Biosecurity Implementation Plan</i>, June 2014</p>	<p><i>in the reports Table 1 (subject to the use of secondary treatment systems)".</i></p> <p>5j) - This is already enforced by Covenants registered on the Certificate of Title for Lot 304 in 2009 and is referenced in 13.1 of the LDP conditions and mentioned throughout the LDP supporting reports. The Covenants contain an area based mathematical formula which limits any future development to thirty-three accommodation units. As a result of the restriction on the number of units, there is a limit on the number of visitors and staff, to a maximum of 100 (including staff), on Lot 304 at any given time, which is validated by Section 5 of the Bushfire Management Plan which proposes the maximum of 100 occupants to conform with Bushfire Protection Criteria Element 5 (Vulnerable Tourism Land Uses).</p> <p>5k) - Disagree – it is referenced in condition 7.3 and 4.7 of the Management Plan:</p>	<p>5j) The covenants imposed by the Minster for lands restricts the number and size of the accommodation units and this is stated in the LDP. Clause 8.4 of the 2026 LDP states that the total number of staff and tourists will not exceed 100 persons.</p> <p>5k) The LDP refers to the <i>Dirk Hartog Island Biosecurity Implementation Plan</i>, June 2014</p>

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<p>5. DWER Department of Water and Environment al Regulation</p> <p>(continued)</p>	<p>(Revised June 2015). This will reinforce the importance of maintaining the island free of destructive invasive species, as increased visitation increases the risk of biosecurity breaches.</p> <p><i>Native Vegetation Protection</i></p> <p>5l) It is noted that clearing of native vegetation will be required to implement this LDP.</p> <p>Under section 51C of the <i>Environmental Protection Act 1986</i> (EP Act), clearing of native vegetation is an offence unless:</p> <ul style="list-style-type: none"> • it is undertaken under the authority of a clearing permit • it is done after the person has received notice under Section 51DA(5) that a clearing permit is not required • the clearing is subject to an exemption 	<p><i>7.3 Management and visitors shall be guided by the Dirk Hartog Biosecurity Implementation Plan 2015.</i></p> <p>Furthermore, and as per response to 3b), reference to the DHIBIP is already included in item 4.7 Biosecurity within Management Plan and in 4.6.3 Introduced Species within the Environmental Report.</p> <p>5l) – Noted - Refer Management Plan 5.2 Fire Risk Management, 5.2.i & 5.2.ii & 5.2.iii & 5.2.iv.</p> <p>The asset protection zone will not be an area cleared of vegetation but a carefully planned management of vegetation in accordance with the information included within section B.2 Planning for Bushfire Guidelines.</p> <p>The BMP confirms that minimum amount of vegetation will need to be modified/impacted to comply</p>	<p>(Revised June 2015). DBCA have confirmed that this document is still currently the adopted document.</p> <p>5l) It is noted that that the design guidelines of the LDP identifies that any clearing will be subject of a development application and clearing permit if required. Any application for clearing and development application seeking approval for clearing of native vegetation would be determined at the time of receipt of the application.</p> <p>However, the LDP does not detail the extent of vegetation to be removed within the building envelopes and APZ for each building envelope.</p>

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<p>5. DWER Department of Water and Environment al Regulation (continued)</p>	<p>5m) Exemptions for clearing that are a requirement of written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. Exemptions for low impact routine land management practices outside of environmentally sensitive areas (ESAs) are contained in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (the Clearing Regulations).</p> <p>5n) Based on the information provided and based on the area being mapped within an Environmental Sensitive Area, the clearing for proposed development is not exempt and a clearing permit will be required.</p>	<p>with acceptable radiant heat flux standards and compliance with SPP3.7 and the Guidelines. A landscape management plan will be prepared following approval of the LDP and included with development applications to manage and minimise vegetation management that maybe required for building envelopes.</p> <p>5m) - Noted.</p> <p>5n) - Noted.</p>	<p>5m) Noted.</p> <p>5n) The requirement for a clearing permit is noted. Any application for clearing and development application seeking approval for clearing of native vegetation would be determined at the time of receipt of the application.</p>

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5. DWER Department of Water and Environmental Regulation (continued)	5o) DWER should be notified of any modifications to the Local Development Plan that may have implications on aspects of environment and/or water management, to enable the implications to be assessed. Please contact me if you require any further information on these comments.	5o) - Noted - Vegetation management is comprehensively addressed within the Management Plan and Bushfire Management Plan and the Design Guidelines. See LDP submission re: Condition 3 (iv) and 3 (v). Also see Management Plan section: - 4.6 Vegetation; - 5.2.i Bushfire Management Plan; - 5.2.iv Landscape Management; - Design Guidelines; and - 4.0 Design Philosophy - 9.0 Landscaping	5o) The LDP has been updated as a result of the submissions received. The 2026 LDP has not been referred to DWER for further comment.
6. DPLH Department of Planning, Lands and Heritage Land Use Planning	6a) The LDP has been reviewed against the Local Planning Strategy and Local Planning Scheme No. 4, and it is generally consistent with both. 6b) The LDP proposes 8 building envelopes containing 32 accommodation units and staff accommodation. The covering letter from the Shire dated 8 August 2025 contains a summary of what is proposed, including a maximum of 100 people (visitors and staff) to be accommodated within the LDP area, consistent with what is recommended in the bushfire management plan. It is noted that	6a) - Noted. 6b) - Noted - The reference to 100 visitors and staff is included at multiple references within the LDP documentation, including within Management Plan 2.2 & 3.2.ii & 4.2 & 4.8. Section 4.8 Visitor Numbers within the Management Plan already	6a) Noted. 6b) The 2026 LDP plan has been updated to include a new 8.4 (under Bushfire Management) stating: <i>The total number of staff and tourists will not exceed 100 to comply with acceptable solutions in the Planning for Bushfire Guidelines:</i>

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<p>6. DPLH Department of Planning, Lands and Heritage</p> <p>Land Use Planning</p> <p>(continued)</p>	<p>the LDP does not currently stipulate a maximum of 100 people, and it is recommended that this be included.</p> <p>6c) The proposed development may have implications for the onsite disposal of effluent in accordance with the <i>Government Sewerage Policy 2019</i>, and if not already done it is recommended that the LDP is referred to the Department of Health for comment.</p> <p>6d) The Department’s Coastal Policy team has provided comment on the LDP and its advice is attached. It is acknowledged that you have already received comment from the Department’s Bushfire Policy team, and a copy of this advice as well as that of DFES is also attached.</p>	<p>specifically states that the maximum number of visitors and staff permitted on site is limited to 100 and in section 1.4 of LDP submission and in CONTEXT and 3.1 Supporting reports.</p> <p>If critical, express reference to a limit of 100 person can be referenced in condition 13.1.</p> <p>6c) - Noted- The LDP has already been referred to the Department of Health who advised they had no objection to the LDP subject to conditions already agreed to by DHID.</p> <p>6d) - Noted.</p>	<p><i>November 2024, noting that the maximum total capacity of the on-site shelter/s is 100 persons.</i></p> <p>6c) Refer to Submission 1 regarding comments from the Department of Health.</p> <p>6d) Refer to submission 7.</p>
<p>7. DPLH Department of Planning,</p>	<p>7a) Thank you for referring the Local Development Plan (LDP) at Lot 304 Sunday Island Bay, Dirk Hartog Island (February</p>	<p>7a) - Noted.</p>	<p>7a) Noted</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>Lands and Heritage Coastal Policy Team</p> <p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team</p> <p>(continued)</p>	<p>2025) for advice regarding State Planning Policy 2.6 – State Coastal Planning Policy (SPP2.6).</p> <p>It is noted in both your email and the letter from the Shire reference is made to comments from 11 February 2015. For reference, please note that comments on an LDP (18 May 2020) were also provided June 2020 (Attached).</p> <p>7b) The 2025 LDP comprised various documents, including Coastal Risk Management Reports (Danara 2014, 2019, 2021) and additional related correspondence (2023, 2024), Draft Foreshore/Access Management Plan (December 2024).</p> <p>7c) The subject site is anticipated to be impacted by both erosion and inundation over the 100-year planning timeframe. The adaptation response for erosion is to avoid present day erosion, and transition to managed retreat following sustained coastal erosion, anticipated from around 2070. The adaptation response for inundation is to avoid, by siting development above of the +4.7m AHD contour.</p>	<p>This is an entirely new submission as requested by the Shire of Shark Bay.</p> <p>7b) - Noted.</p> <p>7c) - Noted - The site of Lot 304 is an area identified in the Damara Report as subject to coastal hazards in the 100- year timeframe as discussed in Section 5.1 of the LDP report. The proposal is for building envelopes to be located landward of the AHD 4.7 m contour consistent with one-hundred-year forecasts.</p>	<p>7b) Noted.</p> <p>7c) The comment by DPLH and the Applicant's response that the building envelopes are located landward of the 4.7m AHD contour are noted and this is stated in the Management Plan and Environmental Report. The Damara report also refers to the building envelopes being in areas outside of the +4.7m AHD. The 2026 LDP has been</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allering and Associates) for the Shire
<p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)</p>	<p>7d) As set out in SPP2.6 Clause 5.5 (iii), where a coastal hazard risk assessment identifies a level of risk that is unacceptable, adaptation measures need to be prepared to reduce those risks down to acceptable or tolerable levels. Clause 5.5 (ii) requires that where a coastal hazard risk is identified this should be disclosed to those affected by way of a vulnerable coastal area notification on the certificate of title.</p> <p>7e) And as set out in Clause 5.9, coastal foreshore reserves should be in public ownership and planning for coastal foreshore reserves should ensure the provision of a coastal foreshore reserve which provides the values, functions, and uses currently provided are still available at the end of the planning timeframe.</p>	<p>7d) - Noted. Such a notification would only impact current or future landowners, none of whom would be permanent residents. The need for such a notification is less critical for an ecotourism development.</p> <p>7e) – Noted – However, Lot 304 not a coastal foreshore reserve. This is an offshore island that is also a National Park and World Heritage property administered by DBCA and the Malgana.</p>	<p>amended to require minimum finished floor levels of 4.7m AHD.</p> <p>7d) The 2026 LDP has been updated to include the following advice note: At that time of Development Approval being granted, the following notification is to be placed on title: “VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered.</p> <p>7e) The configuration is such that Lot 304 does not abut the high water mark. Reserve 50325 separates Lot 304 from the high water park of Sunday Bay.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)	7f) The 2025 LDP is insufficient in its response to coastal hazard risk and SPP2.6, in particular the need for development to be time-limited, the triggers for managed retreat and the requirement for the ceding of the coastal foreshore reserve as a consequence of retreat being implemented, and the requirement for a notification on title to be applied. It is necessary to ensure these requirements are captured in the LDP, as the scheme provisions in Special Use 14 (SU14) of the Shire of Shark Bay Local Planning Scheme No.4 are also insufficient in this regard. 7g) Recommended LDP conditions:	7f) - Disagreed – Section of 5.1 of the LDP report states: <i>“The Damara CHRMAP report prepared in compliance with SPP 2.6 recommends that the long-term pathway for development is to avoid erosion and inundation risk until not viable, then moving into managed retreat phase before the ocean levels forecast are achieved. 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. The recommendations of this report will be followed and monitored by management and addressed at the DA level when appropriate as an ongoing requirement for managing the site.”</i> These are matters that can be further addressed at DA stage. 7g) - Not Agreed – To be addressed at DA stage. If a time-limit condition	7f) Clause 57 (1) of the Deemed Provisions is that an LDP is to have effect for a period of 10 years or another period determined by the Local Government. In the event that the Council support the LDP, it is recommended that the 2026 LDP be updated to state that any Development Approval will be time limited to 31 December 2069 and include a condition that the development shall be removed after expiry of the approval and the land rehabilitated to the specification and satisfaction of the Shire, at the landowner’s cost. 7g) In the event that the Council support the LDP, it is

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)</p>	<p>To comply with the requirements of SPP2.6 the LDP is to be amended to include the following provisions:</p> <ol style="list-style-type: none"> 1. Development approval shall be limited to a period of not more than 45 years from the date of approval, at which point the approval will lapse and: <ol style="list-style-type: none"> i) The development shall be removed; and ii) The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the Shire, at the landowners cost. 2. Any development approval granted in respect of the Condition 1 shall cease to have effect and: <ol style="list-style-type: none"> i) The development shall be removed; and ii) The land shall be rehabilitated to its pre-development condition, to the specifications and satisfaction of the Shire, at the landowners' cost, when the most landward part of the Horizontal Shoreline Datum is within 30 metres of the most seaward part of the development. 	<p>is considered appropriated at the time, it can be based on trigger points based on sea level rise and/or erosion events, if and when they require, not a specific timeframe.</p> <ol style="list-style-type: none"> 1) Not agreed – as above, specific trigger points can be crafted in lieu of a specific date which coincidentally was previously suggested as 50 years. 2) Not Agreed – in respect to a specific timeframe in condition 1. <ol style="list-style-type: none"> i) Noted ii) Rehabilitation to pre-development conditions may not be possible nor practicable. Specifically, to accommodate the new coastal structure any degree of erosion may result in a steeper coast than it is presently. 	<p>recommended that the 2026 LDP be updated to:</p> <ol style="list-style-type: none"> 1. include a time limitation to 31 December 2069 and a note that any Development Approval would include a condition that all development shall be removed after expiry of the approval and the land rehabilitated. 2. Include at Clause 13.3 a note outlining that any Development Approval will be time limited until 31 December 2069 and will include a condition that the development shall be removed after expiry of the approval and the land rehabilitated to the specification and satisfaction of the Shire, at the landowners cost;

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)</p>	<p>3. Development of Lot 304 Sunday Island Bay, Dirk Hartog Island, shall be in accordance with the Damara report 16 December 2021 (Ref: 281.03) with satisfactory arrangements being put in place for the ongoing implementation of the actions identified in the report.</p> <p>4. Prior to the commencement of development works a foreshore management plan for Lot 304 Sunday Island Bay, Dirk Hartog Island is to be prepared and approved to ensure the protection and management of the sites environmental assets with satisfactory arrangements being made for the implementation of the approved plan.</p> <p>5. The Foreshore Management Plan shall be implemented by the applicant for 5 years following practical completion of all proposed works in the approved Foreshore Management Plan.</p>	<p>Rehabilitation should be triggered when building retreat is no longer a practical option.</p> <p>3) Noted.</p> <p>4) Agreed – as stated in Condition 10 of the LDP: <i>“A Foreshore Management Plan may be required and referred to DBCA for endorsement as a condition of development when development applications are submitted to Council for approval.”</i></p> <p>5) Not Agreed – If required, any implementation period would more appropriately be dealt after the consideration of the plan itself.</p>	<p>3. In the event that the Council support the LDP, the 2026 LDP can be updated to include this as a note at Clause 13;</p> <p>4. In the event that the Council support the LDP, the LDP could be updated to require as part of any development application, submission of a Foreshore Management Plan, to be prepared and approved by DBCA.</p> <p>5. Clause 10.2 of the 2026 LDP states that the foreshore management plan (which is to be approved by DBCA in consultation with the Shire) is to</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)</p>	<p>6. A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: “VULNERABLE COASTAL AREA – This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.</p> <p>Advice Notes:</p> <p>1. In relation to Conditions 1, there is no limit to the number of extensions that the Shire may grant, allowing the development to remain until such time condition 2 occurs at which time the development will be required to be removed in accordance with condition 2.</p> <p>2. In relation to Conditions 1 and 2, development may be relocated landward within the building envelopes. This will require reassessment of coastal hazards and updating of the Damara report 16 December 2021 (Ref: 281.03) management</p>	<p>6) Noted – to be imposed at DA stage.</p> <p>As a general observation, advice notes are legally binding and not relevant to the consideration of an LDP. However, it is acknowledged that it may contain information that may assist the Applicant at the time of the development application.</p> <p>1. Noted. 2. Noted</p>	<p>detail the time frame for implementation.</p> <p>6. The 2026 LDP has been updated to include a note that details that at the time of development approval being granted, a notification is to be placed on title.</p> <p>1. Pursuant to Clause 57 (3) of the Deemed Provisions, an extension to an LDP can be granted. Therefore, an advice note to this effect is not required on the LDP.</p> <p>2. The matters raised under advice note 2 could be addressed at a time if and when the LDP is approved and if and when an extension to the LDP is sought.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)</p>	<p>actions and implementation requirements. The applicant is also advised that any update that includes relocation landward of development will need to include assessment and provision of a coastal foreshore reserve to be ceded back to the Crown, free of cost, to ensure that there will remain a sufficiently wide and useable beach face and foreshore, which is publicly owned and accessible, during the 100-year planning timeframe.</p> <p>3. In relation to Condition 3, development requirements include but not limited to:</p> <ul style="list-style-type: none"> - Development within the building envelopes shall be landward of 4.7m AHD; and - A detailed managed retreat plan being submitted to the Shire of Shark Bay. <p>4. In relation to Condition 4 the Foreshore Management Plan is required to be consistent with the Damara report 16 December 2021 (Ref: 281.03) including but not limited to:</p> <ul style="list-style-type: none"> - Monitoring and Management of Dunes and beach access in accordance with 	<p>3) Noted.</p> <p>4) Noted.</p>	<p>3. Noted. Such matters would be addressed at the Development Application stage if and when the LDP was approved by Council.</p> <p>4. Noted. Clause 10.2 of the 2026 LDP details that a Foreshore Management Plan is required. The matters raised in advice note 4 could be dealt with at the Development Application stage, if and when the LDP was approved by Council.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
7. DPLH Department of Planning, Lands and Heritage Coastal Policy Team (continued)	- Table 1: Levels of Dune Monitoring; and Table 2 Trigger and management Considerations for Lot 304 Beach Access and Dunes.		
8. Planning Solutions on behalf of DIRK HARTOG LLC and JANANA NOMINEES PTY LTD, the registered proprietors of Lot 305 Sunday Island Bay, Dirk Hartog Island	8a) This submission comprises an objection to the proposed LDP on behalf of the owners of Lot 305. The basis for this objection is outlined in the submission. 8b) The proposal includes insufficient information to enable the Shire to carry out a full and proper assessment. 8c) The documentation lacks clarity and consistency which reduces the integrity of the proposal and management plans. For example, a specific land use should be selected for the proposed building envelopes rather than the envelopes being referred to differently throughout. This will ensure all documentation align and allow the Shire and referral agencies to assess the proposal correctly and impose suitable conditions.	8a) Noted. 8b) Not agreed - the information provided is in compliance with the requirements provided for in SU14 conditions of Shire of Shark Bay LPS No 4. 8c) Noted - The LDP Condition 3.0 LAND USES provides the details of what land use is proposed. The proposal aligns with the 'Ecotourism' land use as defined in LPS4 and as referenced in condition 1 of SU14. The middle 'Special Use' column of SU14 also mentions numerous	8a) Noted 8b) Comment is provided in regard to each point below. 8c) The land uses are detailed in Clause 3 of the LDP and there is a list of discretionary land uses in SU14 provisions of LPS4. The 2026 LDP has been updated to state that the land use proposed is Tourist Development.

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>	<p>8d) The LDP submission does not include sufficient specialist reporting or management plans to ascertain whether the proposal can appropriately mitigate the increased pressure on the island as a result of increased visitors, boats and vehicles.</p> <p>8e) The suitability of the proposal with regard to the provisions and requirements the SU14 conditions is questioned. As it stands, the proposal appears to be a standard form of holiday accommodation, rather than a development that truly pursues eco-tourism in line with the SU14 objectives.</p> <p><u>Eco-Tourism</u> 8f) The objective of the SU14 is to “provide for eco-tourism development” and LPS4 defines ‘ecotourism’ as:</p>	<p>discretionary use which do not need to be further defined or referenced.</p> <p>8d) - Not agreed - The LDP is not an application for development but complies directly with SU14 requiring the preparation of an LDP prior to commencement of development. The Shire has advised it will not consider any development for ecotourism until an LDP is approved.</p> <p>8e) – Not agree - The LDP is submitted consistent with condition 1 of SU14 being an ecotourism development which: <i>“means ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.”</i></p> <p>8f) – Not agreed – the overall purpose of the proposal is to facilitate, in broad terms, a Tourist</p>	<p>8d) Further comment on the reports is provided in response to submissions, in Table 3: Scheme Assessment Table and in the Officer Report.</p> <p>8e) There is a level of uncertainty over the cumulative impact of future development under the LDP and whether this represents ecological sustainable tourism. Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report.</p> <p>8f) There is a level of uncertainty over the cumulative impact of future development under the</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>	<p><i>‘Ecologically sustainable tourism with a primary focus on experiencing natural areas that fosters environmentally and cultural understanding, appreciation and conservation.’</i></p> <p>Whilst the LDP contemplates ‘Camping Ground’, ‘Caravan park’, ‘Holiday accommodation’ and ‘Tourism development’ as potential land uses (which are all ‘D’ uses under the SU14), a number of other land uses and descriptions, such as ‘chalet’, ‘short term accommodation’, ‘traditional accommodation’ are mentioned throughout the LDP documentation. This ambiguity and lack of detail regarding the type of accommodation proposed, as well as the overall purpose of the development raises the question of whether the proposal is simply a standard form of holiday accommodation, rather than a development that truly pursues eco-tourism in line with the SU14 objective.</p> <p>8g) The use of the term ‘short term accommodation’ throughout is also misleading. Whilst uses that are considered a form of short term accommodation such as ‘holiday accommodation’ are listed under SU14, not all uses that contain ‘short term accommodation’ in their definitions are listed in SU14 as capable of approval at the site. In our view, the ‘D uses’ for the site have</p>	<p>Development, has parameters that are wholly consistent with an ecotourism development.</p> <p>8g) – Noted – the phrase “Short term accommodation” is used only in the context of the LPS4 definition of Tourist Development and the phrase used on covenant 1(h) on the certificate of title.</p>	<p>LDP and whether this represents ecological sustainable tourism. Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report.</p> <p>The terms of Camping Ground’, ‘Caravan park’, ‘Holiday accommodation’ and ‘Tourism Development’ are all Discretionary land uses under SU14 of LPS4. The term ‘chalet’ and ‘short term accommodation’ are defined under LPS4 and therefore are considered acceptable terms to use in the LDP.</p> <p>8g) The use of the term short term accommodation is considered reasonable, particularly as this is referred to in the definition of Tourist Development under the Scheme and as the term ‘short term accommodation’ is defined in the Scheme, it is considered</p>

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<p>8. Planning Solutions</p> <p>(continued)</p>	<p>been specifically chosen, and others excluded, to ensure uses are suitable for the site noting its environmental sensitivity and isolated nature.</p> <p>8h) In summary, it is our view that the proposed LDP does not sufficiently distinguish between a standard tourism facility and eco-tourism. In the absence of sufficient detail to demonstrate how future development will provide ecologically sustainable eco-tourism, the LDP cannot reasonably be considered to satisfy the requirements of SU14 and should not be supported. Further, the specific land use/s for the proposed building envelopes should be clarified and, following this, all LDP documentation and management plans must be updated to align with the specified use/s. We understand that some management reporting, such as bushfire assessments, is likely to require updating depending on the land use or building class proposed.</p> <p><u>Design</u></p> <p>8i) The proposed LDP Design Guidelines exist to guide future design and development on the site, however following our review there are several key concerns with this documentation, as outlined below.</p> <p>8j) The Design Guidelines should be drafted with regards to the principles of the State</p>	<p>8h) – Not agreed – in circumstances where the proposal will be in a remote location far from all essential services, an appropriate standard of health, safety and amenities are provided commensurate with the requirements of SU14. The level of detail and justification provided in this LDP goes well beyond that of any comparable LDP proposal. This is not a development application but a plan that provides appropriate and guidance and parameters for such intended development.</p> <p>8i) - Noted</p> <p>8j) – Not agreed - The design guidelines have been professionally</p>	<p>an acceptable term to use in the LDP.</p> <p>8h) There is a level of uncertainty over the cumulative impact of future development under the LDP and whether this represents ecological sustainable tourism. Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report.</p> <p>8i) Comment is provided in regard to each point below.</p> <p>8j) Refer to comment in Table 3: Scheme Assessment Table and</p>

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<p>8. Planning Solutions (continued)</p>	<p>Planning Policy 7.0 Design of the Built Environment (SPP7.0). They should set out objectives (main goal or intent), standards (quantitative measures), and guidance (qualitative). The LDP should be updated to provide this information in an appropriate format that is consistent with SPP7.0.</p>	<p>prepared by designer Robin Adair taking account of State Planning Policy 7.0. SU14 does not provide for the design guidelines to be in any specific format</p> <p>The <i>Qualitative Objectives</i> of the LDP are very clearly described in Section 1.0 - Introduction (Sub Heading) 'Objectives' on page 4 of the Local Development Plan Design Guidelines Report B – February 2025.</p> <p>Specifically, Section 3.0 - Theme on page 5, and Section 5.0 – Design Considerations on page 8, Dot point 3 and Dot point 7 (a) & (d). All of Section 6.0 Built Form. Section 7.0 Planning: Sub-section 7.1 'Building Envelopes', Section 8.0 – Accommodation Design Details: Sub-section 8.1 'External Appearance', Dot points 1,2 & 3, Section 10.0 - General Design Guideline Details, all of Clause ii, 'Accommodation Details', Clause viv, 'Colours'. Clause x 'Common Elements', Clause xiv 'Design',</p>	<p>in the Officer Report. The Design Guidelines are not supported in the current form.</p>

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<p>8. Planning Solutions</p> <p>(continued)</p>	<p>8k) The LDP does not provide clear and measurable standards, such as building heights, setbacks, or allowable materials, which are essential to inform future development proposals. The current Design Guidelines are overly generic and could easily apply to any site. Any design guidelines must be tailored to the specific site context.</p>	<p>Clause xxxviii, 'Scale', Clause xlix 'Theme', Clause Liv, 'Visual'</p> <p>Those <i>Standards</i> which are relevant to the LDP have been noted in Section 7.0 – Planning, Clause 7.6 'Height Controls' on page 11, also Section 10.0 – General Design Guideline Details, Clause xxiii 'FFL' and Clause xxvi 'Height Controls', xxxvii 'Roofs'. Refer also to Clause 8k of Table 1: Schedule of Submissions -Applicant's Comments.</p> <p>8k) - Not agreed - Building heights addressed in 7.6 and 10.0 (xxvi). Section 10.0 – General Design Guideline Details, Clause xxiii 'FFL'. Setbacks are as per the LDP Conditions Plan and 7.2, 7.3 and 7.4.</p> <p>Materials are provided for in 10.0 (xxx). Section 10.0 – General Design Guideline Details, Clause xvii 'Energy Efficiency', Clause xxx, 'Materials', Clause xxxvi, 'Quality'.</p>	<p>8k) Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report. The Design Guidelines are not supported in the current form.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>	<p>8l) Terms such as 'low scale' or 'sympathetic' used in the Design Guidelines are subjective and not clearly defined and the proposal does not clearly set out how future development can achieve this with regard to the natural character of Dirk Hartog Island.</p> <p>8m) Statements such as 'orientation, windows and construction materials can reduce energy costs' are advisory rather than guiding in nature. Instead, the Design</p>	<p>8l) – Not agreed - The “Design Guidelines” details allow for creative development proposals to be provided for within specific parameters. As described by the Shire Town Planning consultant in an earlier submission: <i>“As we discussed there should be scope for different designs but with some key elements to make sure a cohesive development is achieved in the longer term”</i> Refer LDP submission re Condition 3(vi) As noted under the LDP conditions at 5.0, A visual impact assessment may be required as a condition of development when development applications are submitted to Council to demonstrate that any development will not negatively impact on World Heritage values or detract from the scenic quality of the land.</p> <p>8m) - Noted The Design Guidelines are to guide creative development with key</p>	<p>8l) The term low scale and sympathetic are terms used in SU14 of LPS4 and therefore it is considered appropriate that the Design Guidelines also use these terms. The term 'low impact' is defined in the restrictive covenant as <i>“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”</i>.</p> <p>8m) Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report. The Design Guidelines are not supported in the current form.</p>

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<p>8. Planning Solutions (continued)</p>	<p>Guidelines should specify measurable standards, without this, it is unclear how compliance with the guidelines would be assessed.</p> <p>8n) Statements such as 'setbacks have been considered when designing building envelope' should be more specific and have connection to the applicable coastal setbacks. The guidelines should also refer to SU14 conditions 3(iii) and 3(iv) which relate to coastal setbacks and bushfire management. The management reports should be used to inform the Design Guidelines so to establish standards for the siting and design of any built form on site. The Design Guidelines should serve the purpose to inform any future development and potential redevelopment, rather than claiming that an issue was addressed at the LDP stage without further detail.</p>	<p>elements and not to limit or specify exacting specifications.</p> <p>Only 'Standards' of the Design Guidelines can be measured, and as such, they are specified and exact, each and every one of them, as noted and described in the submission. It should be obvious how that can be easily assessed.</p> <p>8n) – Not agreed - Refer LDP Conditions Condition 3 (iii) and the Design Guidelines.</p> <p>The siting of the accommodation units will be a complex procedure and will be conducted by the architect once the LDP has been approved.</p> <p>The first matter to address will be the identification, location and barricading of any significant landscaping clusters on each building envelope. This will be captured by drone photography and uploaded into a CAD drawing file and merged with the Survey Plan to</p>	<p>8n) The setbacks are detailed in Section 6 of the LDP stating that the building envelopes are based on an 11m setback line running parallel from the southern boundary in accordance with the BMP and that coastal setbacks are to comply with SPP and the Damara Report.</p> <p>Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report. The Design Guidelines are not supported in the current form.</p>

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<p>8. Planning Solutions (continued)</p>	<p>8o) In summary, the LDP Design Guidelines are broad and immeasurable and in their current state, cannot appropriately guide and inform future built form on the site. The Design Guidelines should be updated to ensure they are clear, and site specific and informed by other technical reporting.</p>	<p>establish the correct contour differential to suit the topography and create the 'light touch' on the ground the submission refers to in its Design Guidelines.</p> <p>This drawing will then be used in conjunction with the Bushfire Management Topographical Drawing to identify suitable land allocation pockets for the accommodation units to be placed. Other issues will be to establish privacy between the units and between the building envelopes, which will then allow the initial space planning design to proceed. Orientation will also be considered with regard to solar azimuth and seasonal altitude, and View lines will also be an important factor.</p> <p>8o) - Noted The Design Guidelines have been specifically prepared for this site. Refer LDP submission 1.4.4 and 3(vi) and the response provided to Clause 8(m).</p>	<p>8o) Refer to comment in Table 3: Scheme Assessment Table and in the Officer Report. The Design Guidelines are not supported in the current form.</p>

ATTACHMENT 4: SCHEDULE OF SUBMISSIONS – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY

Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>		<p>In summary, throughout the Planning Solutions submission, there is a misunderstanding of the intent of the Design Guidelines for an LDP. An agenda of Design Guidelines is established and agreed to be suitable for the site by interested parties and approved in the LDP to provide information to the architect to design the built form. These are the architect's rule book.</p> <p>The Design Guidelines provide information within two main categories.</p> <p><u>Standards</u> which are relevant to the site. Such as the <i>Type and Class</i> of the development, <i>Min FFL</i> determined above AHD, <i>Building size</i> as a M2, the <i>Height</i> of the Building, <i>Setbacks</i> from particular relevant points, and how the built form will be <i>sited</i> with regard to the natural topography, and <i>Landscaping</i> requirements. Also, <i>Technical matters</i> which have been decided, such as <i>visitor</i> numbers,</p>	

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>	<p><u>Visual Impact</u> 8p) Condition 11 of the SU14 requires a Visual Impact Assessment be submitted as part of a development proposal. Condition 11 is provided below: 'A Visual Impact Assessment may be required to demonstrate that any</p>	<p><i>Bushfire</i> requirements and procedures, <i>Services</i>, etc.</p> <p><u>Qualitative Objectives</u> are the 'wishes' that interested parties have agreed upon, which would be suitable for the site, such as <i>colours, specific materials, conceptual themes, scale, and accommodation requirements</i>, among others, within this scope.</p> <p>Both of these issues have been professionally and adequately resolved in sufficient detail for the LDP to be assessed. Any comments which insinuate they have not been in error and unprofessional in their manner and language used. Any further disagreement on this matter will require face-to-face discussion under supervision.</p> <p>8p) – Not agreed - Contrary to this submission from Planning Solutions, Condition 11 specifically states that a visual impact assessment <i>may</i> be required, Refer LDP Condition 5.0.</p>	<p>8p) The Applicant has provided photo montages and visual impact aspects in supporting Report C.</p>

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<p>8. Planning Solutions</p> <p>(continued)</p>	<p>development will not negatively impact on World heritage values or detract from the scenic quality of the land.'</p> <p>Whilst a 'preliminary visual assessment' has been prepared by the proponent, it is not consistent with the requirements or methodology detailed in the WAPC's 'Visual Landscape Planning in Western Australia: A manual for evaluation, assessment, siting and design' (WAPC 2007). A full and proper assessment, undertaken by a qualified consultant in accordance with the WAPC guidelines, should be prepared and submitted. The preliminary visual impact assessment (LDP, Appendix 21) includes images that are not reproduced at a suitable size and quality to allow proper consideration of the visual impacts, and it is unclear how viewpoints were selected without objective measures, consideration of topography and built form outline. The WAPC guidelines set out specific requirements for photography, which ensure that the visual impact assessment is properly informed and verifiable.</p>	<p>There is no requirement/stipulation within SU14 for a visual impact assessment to be prepared in accordance with the WAPC's Visual Landscape Planning in Western Australia.</p> <p>The preliminary visual assessment has been provided as an indication only until the LDP has been approved confirming the location of building envelopes.</p> <p>Currently the location of the building envelopes has not been approved and therefore, design planning has not commenced.</p> <p>When the LDP is approved more detailed visual images can be prepared that properly reflect any development proposal similar to the attached image prepared for a previous proposal demonstrating visual appearance.</p> <p>Any request to undertake a visual impact assessment demonstrates a complete misunderstanding of the</p>	<p>Clause 11 of SU14 details that a Visual Impact Assessment <u>may</u> be required. If and when the LDP is approved, a more detailed Visual Impact Assessment is considered more appropriately required at the Development Application stage, when the form of the development is known.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>8. Planning Solutions (continued)</p>	<p>8q) We also refer to Council's resolution to refuse the previous LDP at its meeting on 26 August 2020. We note that a Visual Impact Assessment was requested by the Shark Bay World Heritage Advisory Committee and DBCA at that time. We understand this</p>	<p>LDP process, as it is impossible to conduct a visual impact assessment of a site when no building has been designed. The LDP concerns the approval of the building envelopes, which are imaginary lines on the earth's surface and have no visual impact themselves. This is not a development application. There is no built form to assess; it has not been designed, and therefore, no hypothetical or rudimentary form can be created to represent a massing on the site, as the shape of the form will always influence the visual impact in some way. That is within the jurisdiction of the architect to create, and no one else to influence beyond the requirements of the Design Guidelines on the matter of height, scale, size and impact (which have all been clearly defined).</p> <p>8q) - Not agreed - see also the response at 8p).</p> <p>Until the LDP is approved it is not possible to provide a specific visual plan as the approved locations of</p>	<p>8q) The DBCA submission received in regard to this LDP recommends a Visual Impact Assessment be undertaken prior to the approval of a Development Application. This approach is supported.</p>

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<p>8. Planning Solutions (continued)</p>	<p>formed one of the reasons for refusal of the application as without a proper visual impact assessment, the proposal failed to demonstrate that future development would not have a negative impact on the World Heritage values. We see no reason why the current application should be any different.</p> <p>8r) In summary, it is paramount that a full and proper Visual Impact Assessment is provided as part of the LDP to ensure the impact of the proposed building envelopes can be assessed. The Visual Impact Assessment must be undertaken in accordance with the WAPC guidelines. A Visual Impact Assessment will assist with the Shire’s assessment of the proposed building envelopes and whether these impact the “scenic quality of the land” in accordance with the SU14 conditions. In the absence of a proper Visual Impact Assessment, we submit the LDP cannot reasonably be approved.</p> <p>Staged Development 8s) The LDP report outlines that development will be staged; however, detailed information is not included or the information that is provided is ambiguous.</p>	<p>building envelopes has not been assessed.</p> <p>The LDP is not a development application.</p> <p>8r) - Not agreed - as provided for in the LDP condition 5.0 and noted in section 1.4 Challenges within the Management Plan.</p> <p>Refer to Design Guidelines section 7.3 Planning and 10.0 (Liv.) General Design Guideline Details.</p> <p>8s) – Not agreed - refer LDP Condition 5.0, LDP submission Condition 11 and 8p) above.</p>	<p>8r) The images provided are considered to be satisfactory for the purposes of the LDP. If and when the LDP is approved, a Visual Impact Assessment will also be undertaken at the Development Application stage, when the form of the development is known.</p> <p>8s) The development may be staged based upon demand, for example each building envelope developed separately or staged. This is considered acceptable as</p>

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<p>8. Planning Solutions (continued)</p>	<p>For example, the response to SU14 Condition 4 (refer to page 26 of the LDP report) does not outline how the development will be staged or when this information will be provided. Further, a number of statements in the LDP which attempt to describe the proposed staging are confusing and misleading and it appears the proponent themselves are not certain what staging is being proposed. This also reduces the integrity of the LDP report and overall proposal.</p> <p>8t) We also raise concern with the amount of ambiguous information in the proposed Management Plan regarding staging. There are equally concerning statements made in this report which raise issues of integrity. For example, the following statement (from Supporting Report A, page 12) does not outline how staged development will allow tracks and paths to be reviewed, and how this relates to the objective of eco-tourism. Instead, it is a broad sweeping statement that does not provide any clear information on staging or how the proposal achieves the objective of eco-tourism.</p>	<p>The LDP is specific that a Visual Impact Assessment can form part of a Development Application when the LDP is approved and the envelopes are known.</p> <p>8t) Not agreed - refer LDP condition 12 and submission Condition 4.</p> <p>The LDP is not and should not be, a definitive development application. Staging is generic and details will be provided within any development application.</p> <p>3.1.ii and 3.1.iii.b of the Management Plan includes that staged development will allow continual review whether it be after one or more development applications.</p>	<p>stage development. If and when the LDP is approved, the Shire will assess and determine each Development Application based upon merit and assessment under the Scheme and LDP.</p> <p>8t) It is envisaged that the staging of tracks and paths would be dependent upon providing suitable access and egress to the proposed development and in accordance with the Bushfire Management Plan. Furthermore, tracks and paths would be staged such that only tracks/paths required for the stage subject of an Application would be constructed. The paragraph referred to in this submission has been deleted in the 2026 LDP.</p>

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<p>8. Planning Solutions (continued)</p>	<p><i>'Staged development will allow tracks and paths to be reviewed and ongoing management and control procedures to be considered prior to commencing any stage of any proposed development. In line with this management, it is maintained that development would achieve its ecological aim of being a sustainable ecotourism destination.</i></p> <p>8u) In summary, we believe there is insufficient information on staging to allow the Shire to adequately assess the proposal. In our view, the staging should be clarified as part of the LDP process rather than be conditioned and provided at a later stage. This way future development applications and management plans can be prepared in accordance with an approved staging plan, reducing ad hoc or unorganised development of the site.</p>	<p>Whatever the staging that is established for future development applications staging will allow for continual review</p> <p>Refer also to Management Plan: 1.0 Introduction 2.0 General Information 2.1 Land and 2.2 Ecotourism 3.0 Management Objectives 3.1.ii Tracks 3.1.iii Other Associated Matters 3.1.iii.b Staged Development 4.0 Management 4.2 Strategy 5.0 Other Related Matters 5.4 Staging Management</p> <p>8u) - Not agreed.</p>	<p>8u) It is considered that the LDP content in regard to staging is acceptable.</p>

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<p>8. Planning Solutions (continued)</p>	<p><u>Management Plan</u> 8v) Condition 3(i) of SU14 requires a Management Plan be submitted as part of the LDP and that this plan should address visitor access, servicing, maintenance, waste disposal, effluent disposal, service areas, rubbish management and the transport of construction material.</p> <p>The proposed LDP does not provide sufficient information on waste generation, volumes and streams which we believe is crucial considering the environmental values of the site and its isolated nature. Whilst the LDP report states that the proposal will “<i>aim to be low-waste</i>” and “<i>visitors will be required to remove their waste and rubbish when they depart</i>” more detail is needed on how this will occur and be managed. More detail is also needed on how waste will be managed on site during a stay, noting the “short term accommodation” land use permits visitors to stay up to 3 months.</p> <p>In our view, this information should not be conditioned as the details needed, such as visitor numbers, are already known now (as outlined in the LDP), and therefore the waste</p>	<p>8v) – Not agreed - as required by DBCA at their 8 camping locations, all rubbish must be removed by campers when departing the island.</p> <p>Refer Appendix 5 re waste calculations.</p> <p>The LDP is not a specific proposal for development however it is a requirement within the Management Plan that visitors remove any waste produced by them when they depart the island irrespective of the period that they spend at SIB.</p> <p>Refer to Management Plan 3.4 Waste Disposal/Rubbish Management.</p>	<p>8v) The LDP provides a Management Plan which is assessed in Table 3: Scheme Assessment Table. The management plan is not supported.</p> <p>The LDP provides detail in regard to waste generation and the requirement for visitors to take their rubbish with them when returning to the mainland. However, it is noted that the accommodation could be utilised for up to 3 months. Concern in regard to removal of waste off site is noted and has not been satisfactorily addressed in the LDP.</p>

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<p>8. Planning Solutions (continued)</p>	<p>generated by these users can be modelled and assessed. Accordingly, an updated Management Plan with this information should be submitted so the Shire can determine whether the proposed visitor numbers can be accommodated and managed on site and if the impact of this is appropriate.</p> <p>8w) It is also noted that the Management Plan assumes an average drinking water usage of 2.5 litres per person. We understand that these numbers were drawn from the Department of Health, Disability and Ageing, and Health Direct guidelines. However, these guidelines set this as the minimum recommended water intake.</p> <p>While we appreciate that the LDP notes that ‘sufficient potable water will be transported to site to meet any requirements’, it would appear that the impacts of these calculations to the overall development were not adequately considered.</p> <p>Further to this, we question whether the needs for non-potable water, wastewater and sewerage have also been underestimated.</p>	<p>8w) – Not agreed - adequate potable and non-potable water will be provided from one of the sources included in Management Plan. It need not be anymore specific than that for the purposes of an LDP – there are numerous options and sufficient water will be available. Refer to 3.0 Management Objectives 3.2.i Water.</p>	<p>8w) The 2026 LDP and Management Plan has been updated in regard to water supply. Section 8.2i of the Management Plan now details 8.25l per person, per day for kitchen, tap and drinking water.</p> <p>Section 3.2.i.b of the Management Plan states: <i>Each unit will have a minimum of at least two x 50,000L or larger capacity tanks would be proposed to be provided in each building envelope for potable water.</i></p>

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<p>8. Planning Solutions (continued)</p>	<p>We also refer to the Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 75 of 2012, Section 44.1, which states the following:</p> <p><i>‘Vehicle access to Dirk Hartog Island National Park is by a single vehicle barge operated by the current pastoral lease holders, which effectively limits the number of vehicles that visit the island. In the past, the number of private vehicles on the island has been limited to 10 at any one time. The number of private vehicles, including any tour operator and service vehicles, on the island at any one time will continue to be limited to a maximum of 10.</i></p> <p><i>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.’</i></p>	<p>No increase in vehicles has been deemed necessary in line with staging possibilities subject to future planning when an LDP has been approved.</p>	<p>The LDP be amended at Clause 9.2 to require 2 x 50,000L tanks per building envelope and therefore read as follows:</p> <p><i>Development Application(s) shall demonstrate servicing of building envelopes and development thereon with water supply (potable 2 x 50,000L, and fire fighting 50,000L tank) per building envelope and electricity, to the satisfaction of the local government</i></p> <p>However, the applicant has not demonstrated that the water supply will be secure and sustainable for the life of the development and contingencies in the event that water was not able to be supplied prior to tanks running out.</p> <p>In regard to the restriction of vehicle access, DBCA have confirmed that currently,</p>

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<p>8. Planning Solutions</p> <p>(continued)</p>	<p>8x) The Management Plan for Lot 304 does not provide any detail on how the number of vehicles would be restricted and potential impacts to the track conditions and ecological values be monitored.</p> <p>As noted in the Management Plan No. 75, any development, including eco-tourism accommodation, will inherently result in an increased number of visitors and potential increase in the number of visitors on the island.</p> <p>While Section 3.1.i of the Management Plan for Lot 304 proposed that 'two vehicles would be permitted at each accommodation unit', the fact that 32 accommodation units are proposed would significantly exceed the maximum of 10 private vehicles on the island. While we acknowledge that not all accommodation units may be occupied at</p>	<p>8x) - Not agreed - there is no requirement within SU14 to address this within the LDP.</p> <p>Vehicle access is totally controlled by DBCA and the Malgana as joint managers of the National Park and is not within the control of DHID.</p> <p>DHID will comply with DBCA as required and it may well be that no cars are permitted. For the time being, no increase in vehicles has been deemed necessary in line with staging possibilities subject to future planning when an LDP has been approved.</p>	<p>Management Plan No. 72 restricts vehicles to a maximum of 20 vehicles per day.</p> <p>The number of vehicles on Dirk Hartog Island is controlled via the barge booking system.</p> <p>8x) The number of vehicles on the Island is controlled via the barge booking system.</p> <p>In regard to track conditions, the tracks outside of Lot 304 form part of the National Park.</p> <p>The LDP does not demonstrate that satisfactory arrangements are in place for the ongoing maintenance of any upgrading of vehicular access tracks through the Dirk Hartog Island National Park as a result in the potential significant increase in usage as a result of this development.</p>

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<p>8. Planning Solutions (continued)</p>	<p>any one time, we view that the Management Plan for Lot 304 should undertake a conservative approach and account for a worst-case scenario demand for vehicle access to the island.</p> <p>8y) It is reasonable to request that the Management Plan be updated with input from specialist consultants to dictate measures to comply with vehicle restrictions, how private vehicle access would be managed at peak demand, monitoring to track and ecological conditions, and potential mitigation measures.</p> <p>8z) We appreciate the opportunity to review and provide comment on the advertised Lot 304 Sunday Island Bay, Dirk Hartog Island Proposed Local Development Plan. We</p>	<p>8y) - Not agreed - Control of the number of private vehicles permitted on Dirk Hartog Island rests entirely with DBCA and the Malgana who jointly manage the National Park.</p> <p>8z) - Not agreed – the significant level of information provided is consistent with requirements under SU14 of LPS4.</p>	<p>8y) It is understood that the vehicle access restrictions are controlled by the barge operator in consultation with DBCA.</p> <p>A number of the tracks within the National Park that provide access to Lot 304 are also used by other visitors to Dirk Hartog Island, residents of Dirk Hartog and staff. The LDP does not demonstrate that satisfactorily arrangements are in place for the ongoing maintenance of any upgrading of vehicular access tracks through the Dirk Hartog Island National Park as a result of this proposal.</p> <p>8z) These comments are responded to above.</p>

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<p>8. Planning Solutions (continued)</p>	<p>express concern around the insufficient information and ambiguity of the reporting submitted by the proponent, specifically with regards to the following items.</p> <ul style="list-style-type: none"> - The proposed LDP does not adequately distinguish between a standard tourism facility and eco-tourism, with little detail provided that demonstrates how future development will provide ecologically sustainable eco-tourism - The Design Guidelines are broad and immeasurable. These should be drafted with regards to the principles of the SPP7.0, be informed by specialist technical reporting, and be clear, measurable and site-specific. In their current form, the Design Guidelines are not able to appropriately guide and inform future built form on the site. - The 'preliminary visual impact assessment' provided does not follow the WAPC 'Visual Landscape Planning in Western Australia: A manual for evaluation, assessment, siting and design' guidelines and fails to offer a comprehensive evaluation of the proposed development's visual 	<ul style="list-style-type: none"> - The LDP is not an application for development but in essence a highly detailed application for approval of building envelopes meeting SU14 Condition 3 addressing each of the sub conditions(i) to(vi) and conditions 4) to 12) - The Design Guidelines have been professionally prepared by Designer Robin Adair and comply with SPP7.0 requirements. - Until the LDP is approved, there is no appropriate guidance to identify and finalise building envelopes. Accordingly, it is not possible to properly 	

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<p>8. Planning Solutions (continued)</p>	<p>impacts. We support the Shark Bay World Heritage Advisory Committee and DBCA's views that a comprehensive Visual Impact Assessment is essential to assess whether the building envelopes will negatively affect the scenic quality of the land and the World Heritage values. Without this thorough assessment, the LDP cannot be reasonably approved.</p> <ul style="list-style-type: none"> - The waste management component of the Management Plan is insufficient, as lacks specific details on waste generation and management practices. A Waste Management Plan beyond aspirational objectives should be submitted, which provides modelled data based on the anticipated visitation patterns, along with appropriate mitigation measures tailored to the site context. - Additional information regarding the staging of the development is needed to ensure subsequent development applications and management plans are proposed appropriately. 	<p>prepare any visual impact assessment as the location and form of any development is not definitively known. Any attempt at concepts may not be realistic and could be prejudicial to the DA stage.</p> <ul style="list-style-type: none"> - Waste management has been comprehensively dealt with within the Management Plan and mirrors the requirements of DBCA at their camping sites. - Staging is comprehensively dealt with throughout the management plan. Until the LDP is approved and planning proceeds, 	

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<p>8. Planning Solutions</p> <p>(continued)</p>	<ul style="list-style-type: none"> - In its current state, the LDP includes insufficient information and does not reasonably satisfy the requirements of SU14. It should not progress until these aspects are clarified and additional reporting provided. 	<p>details of staging cannot be finalised.</p> <ul style="list-style-type: none"> - Wholly disagreed; the LDP is comprehensive and appropriately justified. Any alternative approach would make the separate LDP and Development application indistinguishable in terms of the level of detail appropriate for each. 	
<p>9. Department of Biodiversity, Conservation and Attractions (DBCA)</p> <p>9. DBCA</p>	<p>The Department of Biodiversity, Conservation and Attractions (DBCA) provides the following advice relating to the department’s responsibilities under the <i>Conservation and Land Management Act 1984</i> (CALM Act) and the <i>Biodiversity Conservation Act 2016</i> (BC Act).</p> <p><u>Joint management and management planning</u></p> <p>DHINP is jointly vested and managed by DBCA and the Malgana Aboriginal Corporation (MAC) through the CALM Act under a joint management agreement that provides for a joint management body to inform and guide the management of DHINP. The change to joint management has implications for how future activities are considered and assessed by the new</p>	<p>Noted.</p>	

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(continued)	<p>management structure and future joint management plan.</p> <p>a) A statutory joint management planning process is currently being undertaken by DBCA and MAC to determine the future uses, protection and management of DHINP. The overall objectives of the joint management planning process are to conserve biodiversity, protect cultural heritage values and accommodate sustainable visitation and recreation consistent with the values of the DHINP. The joint management planning process includes a public consultation period and DBCA encourages the proponent to fully engage in this process regarding future land use proposals that affect DHINP.</p> <p>b) Given Lot 304 is a land locked property within DHINP, potential impacts outside Lot 304 should be considered, including the potential threats to the ecological, cultural, and landscape values of DHINP.</p>	<p>a) Noted - More formally, the applicant is uncertain as to what is meant by the public consultation referred to by the DBCA. If it is something beyond this referral, we would appreciate further feedback ahead of any future development application (which, importantly, will also be publicly advertised and referred to relevant agencies).</p> <p>b) Noted - The LDP has considered impacts and potential threats outside of the Lot 304 property boundaries including all aspects of ecological, cultural and landscape values, and to the extent necessary for a LDP.</p> <p>However, as the DHINP has been operating for more than 20 years with minimal impacts and no change to vehicle numbers is proposed,</p>	<p>9a) It is noted that DBCA intended to undertake public consultation in regard to the joint management of DHINP.</p> <p>9b) The need to consider potential impacts upon the wider DHINP are noted and have been considered in the context of this being a LDP. Furthermore, if and when the LDP is approved, detailed assessment of any future development would be undertaken at the Development Application stage, noting that any Development Application would be referred to DBCA for comment.</p>

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<p>9. DBCA</p> <p>(continued)</p>		<p>then there should be no change to potential threats posed.</p> <p>Potential impacts outside Lot 304 are:</p> <ul style="list-style-type: none"> • Vehicle traffic on external tracks • Pedestrian traffic on paths & coast • Introduction/spread of pests, weeds & diseases. <p>The LDP implies a theoretical maximum of 64 vehicles associated with developments on Lot 304. At expected occupancy of 60% this is likely to be less than 38 vehicles at any one time. When factoring in the likely number of people per vehicle and the proportion of guests who arrive by boat, the true number of vehicles is likely to be less still.</p> <p>Pedestrians will be given clear instruction on the need to keep to formed paths both within and outside Lot 304.</p>	

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<p>9. DBCA (continued)</p>	<p><u>Town Planning Scheme Special Use Zone 14:</u></p> <p>c) The environmental report contained in the LDP does not appear to adequately address Condition 3(v) of the Special Use Zone 14 (SU14) in LPS4, in relation to not compromising the high conservation values and protecting the ecological values and special attributes of the island.</p>	<p>The DHIBIP, the LDP and the Environmental Review all contain detailed procedures to minimise the risk of introduction or spread of pests, diseases and weeds. This includes physical inspections of all vehicles and boats arriving at the accommodation units. This exceeds the level of scrutiny given to visitors arriving at the island under DBCA permits, who are effectively unmonitored and unsupervised.</p> <p>These management measures will be further developed and refined before any development is undertaken, providing multiple opportunities for DBCA and other agencies to review and optimise them.</p> <p>c) Disagreed - This appears to be a general complaint about the ER, not a useful critique. Condition 3) (v) includes specific instructions as to the areas must be included within the Environmental Report. All of these and more have been</p>	<p>9c) The Environmental Report and the LDP have been updated after advertising.</p> <p>One of the major changes to the LDP is to source all water from the mainland and not rely on</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>		<p>addressed in the ER. If DBCA considers the report lacking, it would be helpful to state where it is lacking in order for any deficiencies to be rectified.</p> <p>With that said and more specifically:</p> <ul style="list-style-type: none"> • The LDP is not and should not, be an application for the completed development of the site. • The LDP is a completely new submission for approval of eight (8) building envelopes located within Lot 304 with supporting documentation as required under conditions outlined in SU14 and as requested by the Shire of Shark Bay. • Condition 3) (v) specifically addresses the areas that must be included within the environmental reporting to demonstrate that the LDP and proposed use and or development will have a low impact on the natural 	<p>water from Two Wells for this development.</p> <p>The updated Environmental Report, prepared by Bailey Environmental Services and dated 23 January 2026 now concludes that “the development of visitor accommodation on Lot 304 as proposed in the LDP can be undertaken in accordance with the Shire of Shark Bay LPS No. 4 with little or no adverse impacts on the ecological values and special attributes of Dirk Hartog Island or its surrounding waters.”</p> <p>It is considered that the LDP does not provide sufficient information that a sustainable supply of water can be provided from a barge to Lot 304, through the National Park, which could affect the conservation values of the National Park. Further it has not been demonstrated that effluent disposal areas are more than 100m from the high water mark, thus potentially impacting upon the high conservation values and ecological values and special attributes of the island,</p>

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<p>9. DBCA (continued)</p>	<p>d) For example, the LDP <i>Management Plan Supporting Report A - Visitor Access</i> addresses</p>	<p>environment, not compromise the high conservation values and have regard to the need to protect the ecological values and special attributes of the island.</p> <ul style="list-style-type: none"> • No development is proposed by the LDP, rather, it provides a framework, and an indication of the parameters that future development may have, and will be subject to future applications that will contain additional details for assessment and determination. • In summary, the proposed use is consistent with SU14 and the accompanying reports have adequately and appropriately addressed SU14 Condition 3(V). <p>d) Noted -</p>	

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>access to, and within Lot 304, but fails to acknowledge the potential impacts of approximately 64 additional vehicles accessing DHINP on a daily basis, including impacts such as the introduction of weeds, pests and disease, incidents of vehicles colliding with fauna, including threatened species, increased risk of vehicle collision accidents, given the nature of tracks, and increased degradation of vehicle tracks.</p>	<ul style="list-style-type: none"> • The claim of 64 vehicles a day makes no sense given several considerations including a minimum of 3 night's stay. Therefore, it would be practically impossible to achieve such vehicle numbers on a daily basis. • The LDP is premised on the DBCA limiting the vehicle number to 20 per day or whatever they choose in the future. The application does not impede that authority by the DBCA. • Further details on visitor impacts are addressed in section 4.4.1 of the environmental report. 	<p>9d) Supporting Report A of the LDP has been updated to outline that vehicle numbers are controlled by the barge operator and that “Advance bookings are always essential as the DBCA permits no more than 20 vehicles on the island at any one time. Nothing in this Application varies or overrides this current restriction.” Therefore, the Application does not propose to exceed the current restriction in terms of vehicle numbers imposed by DBCA.</p> <p>How the barge operator allocates the 20 vehicle allowance between residents, National Park staff, visitors and guests of the other accommodations on the island is not detailed in the LDP, but it is presumed that once the 20 vehicle limit is reached, no further bookings are permitted.</p> <p>In the event that DBCA increased permissible vehicle numbers on the island, this could</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>e) It should be noted that there is currently a limit of 20 vehicles in the national park.</p> <p>The LDP does not address how visitor access within DHINP will be limited and/or managed to support the intent for sustainable tourism and to be consistent with the objectives of the national park and World Heritage Area.</p> <p>It is recommended that the LDP clearly articulate the values associated with the national park and assess the proposal's likely impact on those values.</p>	<p>e) Noted -</p> <ul style="list-style-type: none"> • The number of vehicles permitted on DHI is acknowledged as limited to 20, this application does not propose to change that or the authority of the DBCA in that regard. • It is interesting to note that in October 2016, for a five-day period with DBCA approval, more than one hundred vehicles were present on DHI for the 400-year celebration of Dirk Hartog's landing on the island in 1616. • Review of this period confirmed that the road structure was suitable and capable of handling the volume of traffic without detrimental effect to the island's infrastructure or 	<p>then potentially result in more vehicles associated with any development on Lot 304 being on the island.</p> <p>9e) Refer comment 9d) above.</p> <p>In regard to visitor access within DHINP, the guests of Lot 304 would be bound by the same restrictions and/or management as any other person visiting the DHINP.</p> <p>As outlined in the Management Plan, visitors would be taken through a visitor induction upon arrival. As outlined in Clause 4.4 of the Management Plan, the visitor induction would include information regarding the national park. Appendix 7 in Supporting Report C further details that visitors would receive a pre visitation briefing via information brochures and an onsite induction. It further states that vehicular access would be limited and each accommodation</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>		<p>ecological values and special attributes.</p> <ul style="list-style-type: none"> • Whilst the period of occupancy was limited it provided valuable evidence supporting the ability of the land to absorb additional vehicle traffic on the land and landscape. • The LDP acknowledges the DHIBIP and confirms that the proponent will comply with it. • Chapter 2 of the ER details the environmental and heritage values of the national park. Chapter 4 examines in detail the potential impacts on those values and documents the proposed management measures. If the DBCA has specific concerns with this analysis it would be helpful to identify them so that they can be addressed but it would be appear they are merely broad, generic comments. 	<p>unit would have an information sheet regarding access beyond Lot 304.</p> <p>In regard to the use of existing tracks, the LDP does not detail satisfactory arrangements with DBCA in regard to any upgrading and/or maintenance of the tracks within the National Park that are utilised for vehicular access to Lot 304.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p><u>Visitor Numbers</u></p> <p>f) The LDP focusses on the total area of direct disturbance on Lot 304 proposed by the development of 32 accommodation units, however, the LDP does not address the broader impacts that will result from the increased numbers of visitors to DHINP and the impact of increased visitation on DHINP's values.</p> <p>g) The LDP proposes a maximum capacity of 100 people for the accommodation units on Lot 304. The expected occupancy rates noted in the LDP are 60 per cent for 0.6 of the year. This equates to 60 people per day staying at the accommodation for 219 days of the year, resulting in an additional 13,140 visitors to the island each year, more than four times the current average number of visitors per year.</p>	<p>f) Noted -</p> <ul style="list-style-type: none"> • The LDP documentation and information provided within the LDP complies directly with the requirements of SU14. • The number of accommodation units allowed on the site is limited by covenants to 33. <p>g) Noted - The number of persons including any staff permitted on the site is limited to 100 in compliance with a BMP.</p> <ul style="list-style-type: none"> • The calculation of 13,140 visitors is somewhat absurd as it assumes that all visitors would be day-trippers (also rendering the need for accommodation as 	<p>9f) Refer to comment at 9c) - 9e) above.</p> <p>The Environmental Report concludes that <i>“the development of visitor accommodation on Lot 304 as proposed in the LDP can be undertaken in accordance with the Shire of Shark Bay LPS No. 4 with little or no adverse impacts on the ecological values and special attributes of Dirk Hartog Island or its surrounding waters.”</i> However, the LDP does not satisfactorily demonstrate that the proposal could be undertaken without an adverse impact on the natural environment.</p> <p>9g) Refer to comments 9c) – 9f).</p> <p>The number of visitors to be accommodated annually on Lot 304 can not be accurately predicted. The visitor numbers would be partly constrained by the availability of the barge and/or means of transport to and from the Island. The</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>		<p>meaningless), it ignores the minimum 3-night stay, it ignores the overall limit of vehicle numbers on the island and is assumes all accommodation units permitted under the covenants were completed and occupied.</p> <ul style="list-style-type: none"> • The LDP documentation clearly states that any future proposed development will be staged (over a number of years) to allow ongoing review and limits to development if required to meet environmental objectives. • The role of accommodation at SIB is in accordance with one of DBCA's roles to allow access to national parks by visitors for the enjoyment of the location's attributes. • In particular, it is proposed that any future facilities proposed at SIB are expressly promoted for eco-tourism. 	<p>development may also be staged.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>h) Given Lot 304 is land locked by DHINP, it is assumed that all visitors will visit DHINP. Annual visitation is currently estimated at 2690 visits per year.</p> <p>i) The impact on DHINP's values, particularly those in proximity to Lot 304, has the potential to be significant.</p> <p><u>Consistency with previous Environmental Protection Authority advice (March 2015)</u></p> <p>j) Based on DBCA's review of the LDP and supporting documents, the Environmental Protection Authority (EPA) recommendations for addressing the broader impacts on DHINP have not been adequately considered.</p> <p>k) The LDP Environmental Report states that groundwater used for showers and toilets will be sampled at six monthly intervals. However, insufficient baseline data on groundwater quality</p>	<p>h) Being accommodated on Lot 304 automatically includes visitation to the national park.</p> <p>i) The careful management of the site and its visitors, as proposed within the LDP documentation, will ensure that the particular DHINP values are identified, protected and promoted to ecotourism visitors</p> <p>j) Disagreed for the reasons below.</p> <p>k) Noted - however the primary source for water in the first instance will be that transported to the site from</p>	<p>9h) Noted. Arrangements for DHINP visitor passes is not a matter relevant to this LDP, however, it is agreed that in order to access Lot 304, guests and staff would require a DHIMP pass.</p> <p>9i) Refer to comments 9c) – 9h)</p> <p>Council must consider the comments and concerns of DBCA in regard to potential impacts of the DHINP and the wider Shark Bay World Heritage Property Special Control Area and the LDP as presented, including the Environmental Report.</p> <p>Further comment is provided in the Officer Report.</p> <p>9j) Each of the matters is responded to individually below.</p> <p>9k) The LDP now proposes a water supply from the mainland, however the LDP is not supported as the LDP does not satisfactorily demonstrate that</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>and quantity is included in the LDP, and the current understanding appears to rely on anecdotal evidence.</p> <p>The EPA's March 2015 advice recommended conditions be applied to the proponent as part of any well access agreements. This included conditions requiring the proponent to provide quarterly water quality data to the then Department of Parks and Wildlife (now DBCA) to demonstrate the future sustainability of the water supply from existing wells within DHINP. The proposed six-monthly sampling regime is therefore inconsistent with the EPA's previous advice.</p>	<p>the mainland. If well water is to be used as a secondary option, the anecdotal evidence from 50 years of onsite experience and records maintained by one of the proponents of the LDP is that is safe and plentiful. Furthermore, there is no other restriction to access to water on DHI.</p> <p>To be unequivocally clear, groundwater will not be the primary source of water, it was merely presented as an option if appropriate at the time, but in no uncertain terms, it should be assumed that water should be brought it.</p> <p>Reference should be made to the following sections of the LDP: ER 3.8 Water Supply - ER 4.7.1 Groundwater Levels</p>	<p>sourcing water from the mainland will provide a secure ongoing sustainable water supply for the life of the development.</p> <p>Given that the 2026 LDP has been amended to source all potable water from the mainland, the requirement to undertake quarterly water quality data at Two Wells is not supported.</p>

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9. DBCA (continued)		<ul style="list-style-type: none"> - MP 3.2.I.B Non-Potable Water <p>Should there be any later attempt at using groundwater, then the sampling regime will be as per the EPA's previous or updated advice and requirements.</p> <p>As above, however, access to water has already been granted and a registered water easement for the transport of water from wells has already been signed with the State to allow access. There is no restriction to access to water on DHI.</p> <p>As above, in the event that it is decided to use water from existing wells then quarterly water data can be provided.</p>	

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9. DBCA (continued)	l) DBCA notes that the visual impact document included in Appendix 21 is preliminary. In March 2015, the EPA recommended for a previous development proposal on Lot 304, that 'prior to approval of the development application a Visual Impact Assessment be undertaken consistent with the guidelines, Visual Landscape Planning in Western Australia, published by the Department of Planning (2007) and in consultation with Parks and Wildlife.' No consultation with DBCA has occurred in relation to a visual impact assessment.	l) Noted - <ul style="list-style-type: none"> • However, this is not an application for any development and this LDP is a completely new submission from the EPA submission of 2015 and 2019. • The LDP is an application for the approval of eight (8) building envelopes in compliance with the Shire of Shark Bay request following their rejection of a previous application in 2019 for a completely new submission with any future accommodation to be located in clusters and not a repeat of the original LDP submission. • Until the LDP is approved - Locating proposed envelopes for CLUSTERS as requested by the Shire of Shark Bay no detailed planning for development has been/can be undertaken. 	9i) A more detailed Visual Impact Assessment is considered more appropriately required at the Development Application stage, when the form of the development is known.

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>		<ul style="list-style-type: none"> • Until the LDP is approved it is not possible to prepare any visual impact assessment as the areas for any development are unknown however the matter has been addressed under Condition 11 of the LDP submission, Section 4.8 of the ER – Visual Impacts and LDP Conditions 5.0. • As suggested a visual impact assessment would/can be included with any development application once the location of building envelopes has been approved. <p>Noted - As no development is proposed by this LDP, no visual impact assessment has been undertaken.</p> <ul style="list-style-type: none"> • Condition 5 sub point 2 of the LDP acknowledges and confirms the EPA 2015 notes and states: 	<p>The 2025 LDP as advertised included in Supporting Report C “visual impact aspect” images which provided photomontages of the Lot 304 from various vantage points. A more detailed Visual Impact Assessment is considered more appropriately required at the Development</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p><u>Access through DHINP and increased vehicle numbers</u></p> <p>m) The Shark Bay Terrestrial Reserves and Proposed Reserve Additions Management Plan No. 72 (2012) outlines strategies for managing visitor numbers to DHINP, with a focus on protecting the park's significant values by maintaining low visitation levels.</p> <p>The plan, which is currently under review, previously set a maximum of 10 private vehicles permitted on the island at any one time (subsequently revised by DBCA to 20 private vehicles). While vehicle numbers are being considered as part of the review process, the 20-vehicle limit provides a useful basis for determining appropriate limits to support the ongoing protection of DHINP's significant biodiversity and conservation values, including fauna reintroduced under the Dirk Hartog Island National Park Ecological Restoration Project.</p>	<p>“a visual impact assessment may be required as a condition of development when development applications are submitted to Council to demonstrate that any development will not negatively impact on World Heritage values or detract from the scenic quality of the land”.</p> <p>m) Noted.</p> <p>Noted - The current limit to vehicle numbers has been taken account of and no request for increased numbers of vehicles has been contemplated in line with proposed staging referred to in the LDP submission.</p>	<p>Application stage, when the form of the development is known.</p> <p>9m) The assessment of the 2026 LDP gives due consideration to Management Plan No. 72</p> <p>The 2026 LDP has been modified to take into account the 20 vehicle restriction to the DHINP. The Supporting Report A of the LDP details that vehicle numbers will be controlled via the barge booking process.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>n) A range of strategies, including the continuation of limiting vehicle numbers in the park, is being considered in the joint management planning process, to manage visitor and vehicle impacts. In addition, the development of a monitoring program is being considered, to determine the impacts of current and future vehicle numbers and consider future management actions to mitigate potential impacts.</p> <p>o) Previous advice from DBCA has recognised that the LDP will include pedestrian and vehicle construction access through the national park. Since that advice was issued, the management of DHINP has transitioned to joint management under an Indigenous Land Use Agreement (ILUA) with the Malgana Aboriginal Corporation. Under the joint management agreement, the Joint Management Body (JMB) has a formal management role, including providing advice on leases and licences for access or activities in DHINP. As such, previous advice from DBCA on earlier versions of the LDP will likely be revisited to ensure the advice remains appropriate and reflects the aspirations of Traditional Owners.</p> <p><u>Foreshore access</u></p> <p>p) Should the proponent wish to include vehicle access to the beach/foreshore as part of the project, it is recommended that consultation is undertaken with DBCA. Any proposal that</p>	<p>n) Noted.</p> <p>o) Noted – However, the current LDP proposal is new and revised, and should be considered on its merits. To avoid any confusion the DBCA could expressly state where their position has changed for the benefit of the proponent, otherwise such statements are of little value.</p> <p>p) Noted – Nothing in the application suggests or promotes vehicle access to the beach or foreshore</p>	<p>9n) Noted. The 2026 LDP has been assessed based upon the 20 vehicle limit.</p> <p>9o) The change in management of DHINP is noted and accepted. Comments received from DBCA were provided on behalf of the Joint Management Body. Any Development Application will be referred to DBCA, noting that comments on any future development application will be from the Joint Management Body.</p> <p>9p) If and when the Council approve the LDP, it is recommended that the Applicant further consult with DBCA in relation to any draft</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA</p> <p>(continued)</p>	<p>impacts DHINP or the Shark Bay Marine Park is subject to consideration and approval by DBCA.</p> <p><u>Conservation significant fauna</u></p> <p>q) The Dirk Hartog Island National Park Ecological Restoration Project (DHINPERP), commenced in 2011. The project has resulted in the complete removal of stock, feral herbivores and predators enabling recovery of vegetation and the reintroduction of native mammals, many species of which no longer occur on the mainland.</p>	<p>noting that existing visitors to the beach do exactly that. Reference should be made to:</p> <ul style="list-style-type: none"> - ER 3.12 – Access - MP 4.9 – Foreshore Access <p>q) Noted. There's no identifiable impact of threatened fauna based on the studies included in this LDP proposal, noting:</p> <ul style="list-style-type: none"> • Any increase in vehicle numbers is controlled entirely by DBCA. • The proponent has accepted the limitation on vehicle numbers and has included no application for any increase in line with its proposal for staging. • The proponents have agreed to comply with the DHIBIP. • Refer: <ul style="list-style-type: none"> - MP 4.7 Biosecurity 	<p>Foreshore Management Plan and Access Management Plan</p> <p>9q) Noted.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>r) DBCA has identified that an anticipated increase in visitor and vehicle numbers and access to DHINP, poses a risk to the ongoing success of the DHINPERP, including maintaining the existing biosecurity standards. The LDP and supporting documents do not provide an assessment of the potential impacts associated with increased visitation and vehicle numbers within DHINP or the management of potential impacts on fauna.</p> <p>s) Threatened fauna are protected under the BC Act. Any activity that may directly or indirectly result in the taking of a threatened species, defined under Section 5 of the BC Act, requires Ministerial authorisation under Section 40 of the BC Act. Ministerial authorisation may be required for the take of threatened fauna. It is recommended the proponent(s) contact DBCA's Species and Communities Program (speciesandcommunities@dbca.wa.gov.au) to</p>	<p>- ER 4.12 Biosecurity Management - ER 4.5.2 Weeds and Disease</p> <p>r) The LDP has not proposed any increase in vehicle numbers in line with its proposed staging and review proposed within the LDP. The documentation prepared for the LDP is based upon the current number of vehicles permitted and no indication/correspondence has been provided by DBCA that this may change.</p> <p>s) Noted.</p>	<p>9r) Given that vehicle access to Lot 304 is limited to vehicles entering by the barge, and if DBCA continue to enforce the 20 vehicles then the LDP would not result in an increase in vehicle numbers beyond that currently permitted. The LDP supporting documents refer to the Dirk Hartog Island Biosecurity Implementation Plan. Supporting Report A of the 2026 LDP has been modified to state that it is intended that the development will comply with the 20 vehicle limit. See previous comments.</p> <p>9s) Noted.</p>

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
<p>9. DBCA (continued)</p>	<p>discuss if a Ministerial authorisation is required for the potential inadvertent take of threatened fauna through the development and operation of the accommodation units and associated increases in visitation to DHINP.</p> <p><u>Bushfire management</u></p> <p>t) A Bushfire Management Plan (BMP) and Bushfire Emergency Plan (BEP) have been prepared for the site. The proponent should be aware that the responsibility for managing any bushfire emergency on private property rests solely with the landowners. Future development should not place any reliance upon or impose additional expectations on the management of adjacent land administered by DBCA.</p> <p><u>Wind turbines</u></p> <p>u) Given the occurrence of migratory birds, some of which are listed as threatened under the BC Act, DBCA suggests that the LDP addresses the potential impacts from wind turbines on migratory birds.</p>	<p>t) Noted. Refer to:</p> <ul style="list-style-type: none"> - ER 4.9 Bushfire Management - MP 5.2 Fire Risk Management <p>u) Noted – Refer to MP 3.2.11 - Power</p> <ul style="list-style-type: none"> • This is not an application for development and although wind turbines have been included for future possible inclusion in any development application, 	<p>9t) Noted.</p> <p>9u) The Design guidelines of the LDP refers to wind turbines not exceeding the height of the accommodation units and being discretionary.</p> <p>Notwithstanding, the design guidelines in their present form are not supported</p>

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9. DBCA (continued)		<p>their inclusion has not been confirmed.</p> <ul style="list-style-type: none"> • The applicant has already confirmed with the Shire that any proposal for wind turbine would be for low profile next generation turbines that would be incorporated into future building designs and not stand-alone wind towers. • Wind turbines will never exceed the height of the roof line, and they will be incorporated within the profile of the verandas. • The turbines currently envisioned are efficient but are of a compact scale, and not particularly high, and will not exceed any roof line of the developments. If there is concern at the time there might be an impact, then that can be dealt with at the time. Otherwise, there is no suggestion at all that they 	

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Submission	Summary of Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
9. DBCA (continued)		<p>would be of a number and scale that would have an effect on migrating birds.</p> <ul style="list-style-type: none"> In summary, wind turbines would only be an option at this stage, and not critical to the development. 	

**ATTACHMENT 5:
ASSET PROTECTIONS ZONES MAP**

REQUIREMENTS

1. The Asset Protection Zone has been determined to provide reduced radiant heat flux outputs on accommodation units to BAL-29 or lower and importantly to reduce radiant heat flux to below 10kW/m² for the on-site shelter
2. The staff accommodation buildings also doubles as the fire engineer designed on-site shelter, it is exposed to less than 10kW/m² radiant heat flux and will comply with the Building Code of Australia and ABCB Design and Construction of Community Bushfire Refuges Handbook (2014).
3. The dedicated fire fighting 50,000 litre water tank will be sited near the carpark and turn around areas and will be sited within BAL-29 or lower exposure levels.
4. The loop driveway is consistent with track conditions on the island and passing bays are located every 200 metres.
5. Turn-around areas are sited near each driveway entrance and carpark.
6. The accommodation units are all sited in BAL-29 and lower and are constructed to BAL-29 construction standards.
7. Low shrubland surrounds each cluster, average height of the dominant vegetation is 100-200mm, some isolated shrubs achieve a maximum height of 1.5 metres. All of the vegetation is wind pruned from the predominant southerly coastal winds.
8. Short signposted paths lead all visitors from their accommodation units to the on-site shelter.



LEGEND:

- INTERNAL LOOP DRIVEWAY
- DEDICATED 20m x 6m WIDE PASSING BAYS WILL BE SITED EVERY 200 METRES
- LINE WHERE BAL-29 IS ACHIEVED
- ASSET PROTECTION ZONE
- SIGNPOSTED PATHS TO ON-SITE SHELTER BUILDING

TURN - AROUND AREAS

STAFF ACCOMMODATION / CAFETERIA AND ON-SITE SHELTER

STAFF ACCOMMODATION AND ON-SITE SHELTER

Science. Culture. Solutions.

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SCALE 1:4400 @ A3
DATE: NOVEMBER 2024

Location details:

Lot 304 on DP 50257	Dirk Hartog Island
Assessment date:	August, 2024
Prepared by:	Bushfire Safety Consulting
Accreditation level:	Level 3 BPAD Practitioner
Accreditation number:	BPAD 23160
Accreditation expiry date:	31st January, 2025
Date aerial photo:	2013

FIGURE 9A - SPATIAL REPRESENTATION OF BUSHFIRE MITIGATION MEASURES SITE ACCESS AND WATER SUPPLY

**ATTACHMENT 6:
TABLE OF SUBMISSIONS
(BUSHFIRE)**

ATTACHMENT 6 – BUSHFIRE SUBMISSIONS (DFES & DPLH) – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY		
Submission	Applicant Comment Altus Planning	Consultant Planner Comment (Allerding and Associates) for the Shire
10. Department of Fire and Emergency Services (DFES)		
10a) The new <i>State Planning Policy 3.7 Bushfire</i> (SPP 3.7) and associated <i>Planning for Bushfire Guidelines</i> (Guidelines) were published on 24 September 2024 and became operational for applications lodged with decision makers from 18 November 2024. On this basis, DFES has assessed the above application under the new planning framework, as well as DFES' role and responsibilities as Hazard Management Agency for Fire in Western Australia.	10a) – acknowledged.	10a) Noted.
10b) It is the responsibility of the proponent to ensure the proposal complies with relevant planning policies and building regulations where necessary. This advice does not exempt the applicant/proponent from obtaining approvals that apply to the proposal including planning, building, health or any other approvals required by a relevant authority under written laws.	10b) – acknowledged.	10b) Noted.
10c) Tourism land uses such as short stay accommodation, are considered a vulnerable land uses and are assessed under Bushfire Protection Criteria 8. Vulnerable land uses located in designated bushfire prone areas require special consideration, especially as visitors may be unfamiliar with their surroundings and	10c) acknowledged and comprehensively assessed in the BMP and BEP. The BMP does not downplay risk, it assesses the risk thoroughly using the correct methodology and responds to all issues. There is no extreme hazard around the site, it is surrounded by 50% moderate hazard and 50% low hazard (see Figure 5).	10c) Agreed that the land use is a vulnerable land use as defined under SPP3.7. The 2026 Bushfire Management Plan (BMP) provides an assessment under the Bushfire Protection Criteria 8 (refer Table 6 of the BMP).

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bushfire impacts.	<p>In terms of compliance with SPP 3.7 Policy Objective 5.1, the BMP and BEP sets out the thorough methodology taken to make a determination. For example, additional assessments were undertaken that were not required under SPP 3.7 including:</p> <ul style="list-style-type: none"> • Undertaking a Bushfire Hazard Level (BHL) assessment using the methodology outlined in the <i>Planning for Bushfire Guidelines (Sept. 2024)</i> in Appendix A, Section A.2. The purpose of the Bushfire Hazard Level (BHL) assessment was to provide a broad brush understanding of the potential intensity of a bushfire in the landscape near the site. The pre-development site and all vegetation classes within 2 kilometres were assessed including slopes where contour data was available and measured on-site where accessible. • The vegetation classification map within 2 kilometres of the site is mapped in Figure 4 and the subsequent Bushfire Hazard Assessment Level map is found in Figure 5 on the BMP. • The DFES opinion that the hazard is 'extreme' has been assessed in this proposal and the hazard is actually "moderate". • The site is exposed to a 	

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	<p>landscape scale fire only on west interface, with the coast in close proximity to the south, east and north which restricts a large landscape scale fire developing. Figures 4 and 5 in the BMP clearly show this outcome.</p> <ul style="list-style-type: none"> • The pre-dominant wind direction at the site is from the SW, so this is across the ocean. • The vegetation and fine fuels surrounding the site are largely disconnected, mineral earth and sand can be seen in all 84 vegetation classification photos contained within the report. • The DRAFT DBCA Emergency Response Plan (ERP) for Dirk Hartog Island recognises the unique situation on Dirk Hartog Island and identifies themselves as the likely Hazard Management Agency and First Responders for any issue within the National Park. This plan also rates the likelihood of bushfire on Dirk Hartog Island as “highly unlikely”. • The only permanent residents on the island are Kieran and Tory Wardle at Dirk Hartog Island Lodge. After a meeting with the DBCA Fire Officer in the Denham DBCA office, it was discussed that a large fire on Dirk Hartog Island is unlikely 	

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	<p>due to the low numbers of potential ignition sources, the narrow arrangement of flammable vegetation broken up by sand dunes and the surrounding beaches and oceans where fires will extinguish. It is also likely any emergency response will use resources already on the island owned by the landowners such as the vehicle barge and other marine assets. These are the only people on the island and consulting, training and working together with the local HMA achieves the best outcomes.</p> <p>Given the DFES' position is not consistent with the Policies and Guidelines and their conclusions are not consistent with the finding of 'moderate' hazard, this warrants further discussion with the Shire's consultant, if required.</p>	
<p>10d) DFES has previously reviewed a proposed Local Development Plan for the site on 17 March 2020 and 3 July 2020 (reference D05848), as well as March 2024 (reference D33365). DFES has advised that the proposal does not comply with the intent of Element 3 – Vehicular Access (referencing Version 1.3 of</p>	<p>10d) acknowledged</p> <p>The current application for a LDP is an extensively updated and improved version, taking on board feedback from DFES (and others) at that time.</p> <p>There are no publicly gazetted roads on</p>	<p>10d) The November 2024 SPP3.7 Guidelines allow “ as a contingency measure for vulnerable land uses, an on site shelter where demonstrated appropriate, as a last resort option (Bushfire Protection Criteria 8: Element 3: Vehicular access) and under acceptable solution A3.5 an on site shelter can be used where the proposed</p>

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<p>the Guidelines, later assessed as part of Element 5 referencing V1.4 of the Guidelines), as the proposal could not address the performance principle due to the inability for safe and efficient evacuation from the island. Further, DFES is not supportive of the proposal for an on-site shelter in lieu of providing suitable access to and from the island. The assessment against the current Guidelines (2024) maintains this position as the BMP does not provide an Outcomes-based solution to the non-compliance.</p>	<p>the island. The CALM Act part 1, section 3 states that a “Public Road” means a road as defined in the Road Traffic (Administration) Act 2008 which states: ‘a public road means any highway, road or street open to, or used by, the public is a public road’. Accordingly, there is no reference as to whether it is or is not gazetted.</p> <p>The island is foremost a National Park, the public drive on the National Park tracks in suitable vehicles and enjoy the island as a remote, eco-destination. The 2023 report commissioned by the Department of Biodiversity Conservation and Attractions (DBCA) titled “Dirk Hartog Island - Recreation and Tourism Opportunities Analysis” identified an increase in interest of the island and strong visitation numbers to coastal tourism destinations and the island’s ecological restoration project. Drivers of future growth in visitation to the island include development of ecotourism accommodation on freehold land and additional recreation and tourism infrastructure within the National Park, it is home to a unique growing sanctuary (i.e. the return to 1616 Ecological Project).</p> <p>An outcomes-based approach can be included in an updated BMP, conditioned as part of any approval of the LDP and state as requirement for the submission of any subsequent DA.</p>	<p>development has a capacity of up to a maximum of 100 guests and employees at any one time.</p> <p>However, it is noted that there are no public roads providing access to Lot 304 and no right of carriageway registered on title for access from the barge to the Subject Site. The LDP does not detail any arrangements in place for the ongoing maintenance and upgrading to the access tracks through the National Park if required. The Shire can not take responsibility for ongoing inspections and oversight of the on site shelters for the life of the development, and therefore the use of on site shelters is deemed not suitable.</p> <p>Refer to further comment in the Officer Report and Table 3 Scheme Assessment Table.</p>

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	<p>The tracks and passing areas are suitable to the small number of visitors on the island. Furthermore, the 4WD vehicles that access the island and the low shrub vegetation permits multiple passing bays across the entire island track network.</p> <p>Most traffic will be travelling in the same direction during a bushfire event, minimising passing issues and there will likely not be heavy duty fire appliances ever on the island during a “no notice fire event”. The current vehicle barges cannot transport large fire appliances and they would be restricted for access on the island track network itself. Any fire fighting is likely to be undertaken with Light 4WD fire units only.</p> <p>To conclude that nowhere without a gazetted public road cannot accommodate a tourism experience and accommodation is locking out any tourism development on Aboriginal land, cattle stations and other land tenures that do not have gazetted roads of which there are many in Western Australia.</p> <p>It should be noted that in 2020 the Shire notified DHID as follows: “the Shire supports the use of existing tracks on the island for emergency access. Most of the existing tourist routes in the Shire are remote, some are serviced by one</p>	

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	<p>road in and out, and the Shire already supported use of the existing tracks on Dirk Hartog Island for development on nearby Lot 62 and 303. The issue of vehicular access is not an impediment to bushfire management of future development of Lot 304 from a Shire perspective".</p> <p>The BMP outlines the DBCA managed tracks are suitable for all visitors to the island and allow all weather access in suitable 4WD vehicles. The type of vehicle that comes to the island is suitable to the vehicle access on the island.</p> <p>This information can be added via a condition of approval, if necessary, to an updated BMP to demonstrate that vehicle access to this unique destination is suitable for this scale of development in this unique location.</p> <p>Ultimately, guests at the facility will be directed by the Site Manager (who will also be a trained fire warden) who must exercise some discretion depending on the circumstances at the time. In some instances, it may be to temporarily move to a safer destination on the island (i.e. north or south) or to the vehicle barge departure points provided, if it is safe to do so.</p> <p>Regarding the on-site shelter, the Guidelines clearly state this is an acceptable solution for this scale of development at this location and this is reaffirmed by the comments made by</p>	

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	<p>the DPLH Bushfire Team.</p> <p>The benefit of shelters is that they are engineered and purpose built to provide protection against life threatening radiant heat during the passage of a bushfire.</p> <p>The shelters are an additional resource for government and visitors and will benefit anyone on the island during a bushfire emergency. They will provide a suitable Incident control area for fire fighting operations as the supply of water in the large water tanks will be a huge positive fire suppression asset.</p> <p>A small fire may be a quick event as the fire runs into a low fuel area such as the ocean or a sand dune, and evacuation of the island is not required.</p> <p>Compliance for A3.2, A3.3a and A3.4 cannot achieve acceptable solutions, this is recognised in Acceptable Solution A3.5 which states “where the proposed development has a capacity of up to a maximum of 100 guests and employees at any one time, an on-site shelter is to be provided in accordance with A2.5.</p> <p>As per clause B5.3.1 in the Guidelines which states: where a vulnerable land use (other than a school) cannot achieve compliance with the acceptable solutions for a vehicle access to two different suitable destinations, a shelter on-site for up to 100 visitors and</p>	

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	<p>employees can be proposed as an acceptable solution.</p> <p>Full compliance is therefore achieved and the Guidelines state an outcomes-based approach is not required.</p> <p>Like any visitors to any tourism facility, this is no different, the facility manager has a duty of care to all visitors at the site and as a training fire warden they would expect visitors to comply with all directions from the site manager who will be liaising with the Hazard Management Agency.</p> <p>All guests who use the facility will have a 4WD vehicle suitable to the conditions on the island. They will need a suitable vehicle to enjoy the island and its attractions. This will be obvious in pre-booking information for all visitors.</p> <p>It is difficult to imagine someone being obstructive in a remote location, however if something becomes a police matter, this is outside the capacity of this BMP to fully resolve. Good relationships with local police and emergency services will be the best buffer to issues such as this for the site manager.</p> <p>Otherwise, the BEP can be updated, if required, to indicate:</p> <ul style="list-style-type: none"> • Guests/visitors must have 4-wheel drives only (recommended no older than 10 years) • Caretaker to have a 7 or 9 person 	

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	<p>vehicle to accommodate those with any medical conditions at the time or are intoxicated, etc. In all other instances, guests will be driving in their own vehicles.</p> <p>Such changes can be conditioned.</p>	
<p>10e) Consequently, and in accordance with our advisory role, DFES has highlighted in the assessment below the residual bushfire risks associated with the tourism development and compliance with the bushfire protection criteria to assist decision making.</p> <p>DFES notes that the proposed on-site shelters should not be supported as a solution to two different evacuation routes. This is further discussed below.</p>	<p>10e) – acknowledged but not agreed. As stated by the DPLH Bushfire Team: “There is a significant amount of information regarding shelters within the Bushfire Guidelines to provide guidance for LGs, importantly the Shire should be aware that management of the shelters will be enforceable through a condition of the Development Approval, and construction will need to be signed off by a certified fire engineer.”</p> <p>Compliance for A3.2, A3.3a and A3.4 cannot achieve acceptable solutions, this is recognised in Acceptable Solution A3.5 which states “where the proposed development has a capacity of up to a maximum of 100 guests and employees at any one time, an on-site shelter is to be provided in accordance with A2.5.</p> <p>As per clause B5.3.1 in the Guidelines which states: where a vulnerable land use (other than a school) cannot achieve compliance with the acceptable solutions for a vehicle access to two different suitable destinations, a shelter on-site for up to 100 visitors and employees can be</p>	<p>10e) The November 2024 SPP3.7 Guidelines allow “as a contingency measure for vulnerable land uses, an on site shelter where demonstrated appropriate, as a last resort option.” The Shire cannot take responsibility for ongoing inspections and oversight of the on site shelters for the life of the development, and therefore the use of on site shelters is deemed not suitable.</p> <p>Refer to the Officer Report and Table 3: Scheme Assessment Table for further assessment of the on site shelter/s.</p>

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	<p>proposed as an acceptable solution. Full compliance is therefore achieved and the Guidelines state an outcomes-based approach is not required.</p> <p>Like any visitors to any tourism facility, this is no different, the facility manager has a duty of care to all visitors at the site and as a training fire warden they would expect visitors to comply with all directions from the site manager who will be liaising with the Hazard Management Agency.</p> <p>All guests who use the facility will have a 4WD vehicle suitable to the conditions on the island. They will need a suitable vehicle to enjoy the island and its attractions. This will be obvious in pre-booking information for all visitors.</p> <p>It is difficult to imagine someone being obstructive in a remote location, however if something becomes a police matter, this is outside the capacity of this BMP to fully resolve. Good relationships with local police and emergency services will be the best buffer to issues such as this for the site manager.</p> <p>Otherwise, the BEP can be updated:</p> <ul style="list-style-type: none"> • Visitors must have 4-wheel drives only (recommended no older than 10 years) • Caretaker to have 7 or 9 person vehicle to accommodate those with 	

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	any medical conditions at the time or are intoxicated, etc. In other instances, guests will be driving in their own vehicles.	
10f) The intent of SPP 3.7 is to reduce and mitigate the risk of bushfire to people and property which is prescribed through demonstrating compliance to the policy objectives of SPP 3.7.	10f) acknowledged and comprehensively assessed in the BMP and BEP.	10f) It is agreed that the intent of SPP3.7 is to reduce and mitigate the risk of bushfire to people. It is noted that the November 2024 SPP3.7 Guidelines allow as a contingency measure for vulnerable land uses, an on site shelter where demonstrated appropriate, as a last resort option.” The Shire cannot take responsibility for ongoing inspections and oversight of the on site shelters for the life of the development, and therefore the use of on site shelters is deemed not suitable. Further assessment under SPP3.7 is provided in the report and Table 3: Scheme Assessment Table.
Policy Measure 7.1 ii. c. Preparation of a BAL Contour Map Issue: Method 2		
10g) The proposed APZs have the potential to introduce significant soil erosion in this location due to the removal of vegetation, and therefore, the soil should be protected from erosion using a non-combustible ground covering.	10g) Not agreed. The issue of soil erosion at the site is important to understand and has been considered in the BMP. Technical accepted Australian Standard methodology was used to assess the BAL ratings and predicted radiant heat flux outcomes on each building including the on-site shelter, this was specifically done to ensure the appropriate size Asset Protection Zone was designated and that minimises the area of impact.	10g) It is noted that the BMP proposes retaining roots of the vegetation to assist with soil stabilisation, however, the potential for soil erosion is a concern, particularly if areas are cleared within the APZ.

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	<p>The numbers used in the model are conservative, for example, the default vegetation height of 1.5 metres was used in the model instead of the 30cm high vegetation that is dominant on and around the site. Expected fire behaviour will be significantly less because of the significantly lower ground cover vegetation and expected lower fuel loads when compared with the default 15 t/ha incorporated into the model.</p> <ol style="list-style-type: none"> 1. Technical modelling has been undertaken to minimise the size of the APZ and minimise disturbance. 2. The APZ will not be entirely cleared of vegetation, as per the 'Guidelines' the APZ will have minimal fine fuels. 3. Pruning and fuel maintenance of living plants will result in the root structure of plants staying intact and low fuel and existing non-combustible materials on-site will break up fuel continuity and reduce the likelihood of the APZ vegetation supporting a bushfire. <p>Therefore, it is submitted that additional non-combustible ground covering is not required.</p>	

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<p>Proposed Method 2 does not appear to use the slope bands but rather individual measurements of slope. In addition, no measured site slope is provided for the calculations; these omissions are considered outside of the AS3959:2018 methodology and would need to be amended or demonstrated as justified through a proposed performance solution.</p> <p>Method 2 is not valid, for Class C Shrubland @ 1200K flame temp to achieve 10 kW m2, the following needs to be achieved:</p> <table border="1" data-bbox="199 841 703 1063"> <thead> <tr> <th>Effective Slope</th> <th>Site Slope</th> <th>Separation distance</th> </tr> </thead> <tbody> <tr> <td>Upslope / flat</td> <td>0-5 degrees upslope</td> <td>33.0m</td> </tr> <tr> <td>0-5 degrees downslope</td> <td>1-5 degrees downslope</td> <td>36.5m</td> </tr> <tr> <td>5-10 degrees down slope</td> <td>2-5 degrees downslope</td> <td>41.0m</td> </tr> </tbody> </table>	Effective Slope	Site Slope	Separation distance	Upslope / flat	0-5 degrees upslope	33.0m	0-5 degrees downslope	1-5 degrees downslope	36.5m	5-10 degrees down slope	2-5 degrees downslope	41.0m	<p>Based on the training and considerable experience of our bushfire consultant, the suggested approach is not warranted.</p> <p>In his own words he states as follows:</p> <p>Clause B4, Step 3 – EFFECTIVE SLOPE UNDER CLASSIFIED VEGETATION found in Appendix B of the Australian Standard AS3959 states to “Determine the effective slope (in degrees) under the classified vegetation in accordance with Clause 2.2.5. Clause 2.2.5 states “...for each vegetation type classified in Clause 2.2.3, the effective slope of the land under the classified vegetation shall be determined in degrees...” It does not state that it shall be determined in increments of 5 degrees, that methodology is used in method 1 simplified BAL Assessments by practitioners that are not qualified or accredited to use more complicated method 2 methodology found in Appendix B in AS3959.</p> <p>If the DFES comments regarding this methodology are related to a recent DFES internal decision, this requires further discussion because it is not consistent with my understanding.</p> <p>The methodology I have used in this assessment, I have used for over ten years on local and state government projects, public and private school assessments, aged care homes and multiple vulnerable land use</p>	<p>10g) The use of Method 2 is supported by DPLH Bushfire team (see submission 11 below). The Shire’s building surveyor would accept Method 2 if supported by the BMP. The Shire has not undertaken a peer review of the Method 2 assessment.</p> <p>Given that the justification provided by the Level 3 bushfire consultant in regard to the use of Method 2 and given that a Method 2 assessment is accepted by DPLH and the Shire’s building surveyor, this is considered to be an acceptable methodology. Notwithstanding, a peer review of the Method 2 assessment has not been undertaken.</p> <p>It should be noted that moving the building envelopes in order to provide: a minimum ground level of 4.7m AHD (in response to coastal setbacks); and/or a minimum setback of 100m from the effluent disposal areas to the high water mark would result in a reassessment under Method 2.</p>
Effective Slope	Site Slope	Separation distance												
Upslope / flat	0-5 degrees upslope	33.0m												
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	<p>proposals without issue. The method 2 calculator licensed from the Fire Protection Association of Australia (FPAA) used in this analysis provides individual slope numbers to be inputted into the model.</p> <p>The precautionary principle has been adopted in this assessment regarding the inputs for effective slope. The maximum slope was measured over the 150-metre perimeter zone in the direction of fire runs and was inputted in the model rather than simply the maximum slope nearest to the buildings.</p> <p>The 'Active' DPLH document titled "Bushfire Management {Plan Guidance for the Dampier Peninsula (February 2022) contains the same AS3959 methodology to determine Safer Sheltering Places for locals and tourists at multiple sites north of Broome. (see: https://www.wa.gov.au/system/files/2022-02/Bushfire-Management-Plan-Guidance-for-the-Dampier-Peninsula.pdf) I was engaged by DPLH to undertake this specific work.</p> <p>If the difference of opinion remains, this warrants further discussion in person at a meeting.</p>	

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<p>DFES notes that the grouping of all proposed buildings together would result in a larger single APZ which would require less vegetation modification and provide greater protection for a centrally located shelter.</p> <p>DFES recommends the BMP be modified.</p>	<p>Regarding the comments of grouping of all proposed buildings and having one shelter, although the area of impact would be reduced this would have negative repercussions for the LDP which would be inconsistent with the Shire's expectations and advice as to how they preferred the LDP to be submitted with development in clusters and not adjacent to each other as previously submitted. Some downsides include:</p> <ul style="list-style-type: none"> • people would have to relocate a significantly greater distance to access the shelter, • people would be accommodated further from on-site staff and • staging the development would be more complex. • Shelter size required would be out of context <p>Having clusters means each development node is located around a water supply, a shelter and staff assistance.</p> <p>Refer to Table 8 of the Guidelines relative to Built Form Design and Layout 2 - buildings are sufficiently separated from each other to limit the potential for building to building ignition.</p>	<p>10g) It is agreed that one shelter would likely reduce the amount of area that would require less vegetation modification. However, the LDP as submitted is to be assessed.</p> <p>There is a distance of approximately 1 kilometre between the western and eastern most building envelopes so guests would be required to travel up to 500 metres to a central shelter.</p> <p>Figure 6A of the BMP shows the Asset Protection Zones (APZ) around each building envelope. Noting that there are areas between each APZ where vegetation would be retained.</p> <p>The proposal could require clearing or disturbance to up to 3.51 hectares of land to accommodate the building envelopes and APZ, this represents over 30% of the lot that could be disturbed to accommodate this development.</p>

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	Site layout should consider the potential for building to building ignition and separate buildings, or groups of buildings to limit risk. The site layout should be rationalised to limit building to building ignition, employing built form separation.	
Policy Measure 7.1 ii. e. Compliance with Bushfire Protection Criteria 8: Development – Vulnerable Tourism Land Uses and Day Uses		
<p>10h)</p> <p>Element: Location Policy Objective 5.1 – hazard management agency objection</p> <p>Although SPP 3.7 states that Element 1: Location is not applicable for development applications in Area 2, DFES, as the Hazard Management Agency for WA, objects to a planning proposal that is inconsistent with policy objective 5.1 which seeks to avoid bushfire risk (in the first instance).</p> <p>DFES is of the opinion that policy objective 5.1 cannot be achieved at this location. The proposed development is on a lot that has, and is surrounded by, an extreme hazard that, in the opinion of DFES, cannot be adequately managed/mitigated to an acceptable level and is inappropriate for the vulnerable tourism land use at this location.</p> <p>DFES notes that this position has been maintained since the initial referral due to the</p>	<p>10h) Not Agreed.</p> <p>SPP 3.7 states that Element 1: Location is not applicable for development applications in Area 2. This is deliberate and as the Explanatory note for the State Planning Policy 3.7 Bushfire and the Planning for Bushfire Guidelines states in Section 3 for Tourism Land Uses states:</p> <p>“The broader landscape assessment is not required for tourism land uses, recognising that many are remote and nature-based”. This is the deliberate policy to accommodate remote tourism based developments that can mitigate risk to acceptable levels.</p> <p>Policy Objective 5.1 seeks to avoid bushfire risk in the first instance, but where unavoidable, manage and/or mitigate the risk to people, property and infrastructure, to ensure the risks are acceptable and appropriate to the land use and location.</p>	<p>10h) It is acknowledged that the LDP is located in an area that presents a landscape that represents a bushfire risk, however as outlined by DPLH (submission 11), Element 1: Location is not applicable.</p> <p>The November 2024 SPP3.7 Guidelines allow “<i>as a contingency measure for vulnerable land uses, an on site shelter where demonstrated appropriate, as a last resort option.</i>” However, the Shire can not take responsibility for ongoing inspections and oversight of the on site shelters for the life of the development, and therefore the use of on site shelters is deemed not suitable.</p>

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<p>lack of vehicular access, and the remote nature of the site.</p> <p>The BMP does not comply.</p>	<p>Dirk Hartog Island is obviously unique and poses significant challenges creating tourism opportunities in a world heritage area and managing bushfire risk.</p> <p>This is why the BMP does not downplay risk, it assesses the risk thoroughly using the correct methodology and responds to all issues. There is no extreme hazard around the site, it is surrounded by 50% moderate hazard and 50% low hazard (see figure 5).</p> <p>In terms of compliance with SPP 3.7 Policy Objective 5.1, the BMP and BEP sets out the thorough methodology taken to make a determination. For example, additional assessments were undertaken that were not required under SPP 3.7 including:</p> <ul style="list-style-type: none"> • Undertaking a Bushfire Hazard Level (BHL) assessment using the methodology outlined in the Planning for Bushfire Guidelines (Sept. 2024) in Appendix A, Section A.2. The purpose of the Bushfire Hazard Level (BHL) assessment was to provide a broad brush understanding of the potential intensity of a bushfire in the landscape near the site. The pre-development site and all vegetation classes within 2 kilometres was assessed including slopes where contour data was available and measured on-site where accessible. 	

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	<ul style="list-style-type: none"> • The vegetation classification map within 2 kilometres of the site is mapped in Figure 4 and the subsequent Bushfire Hazard Assessment Level map is found in Figure 5 on the BMP. • The DFES opinion that the hazard is 'extreme' has been assessed in this proposal and the hazard is actually "moderate". • The site is exposed to a landscape scale fire only on west interface, with the coast in close proximity to the south, east and north which restricts a large landscape scale fire developing. Figures 4 and 5 in the BMP clearly show this outcome. • The pre-dominant wind direction at the site is from the SW, so this is across the ocean. • The vegetation and fine fuels surrounding the site are largely disconnected, mineral earth and sand can be seen in all 84 vegetation classification photos contained within the report. • The DRAFT DBCA Emergency Response Plan (ERP) for Dirk Hartog Island recognises the unique situation on Dirk Hartog Island and identifies 	

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	<p>themselves as the likely Hazard Management Agency and First Responders for any issue within the National Park. This plan also rates the likelihood of bushfire on Dirk Hartog Island as “highly unlikely”.</p> <ul style="list-style-type: none"> The only permanent residents on the island are Kieran and Tory Wardle at Dirk Hartog Island Lodge. After a meeting with the DBCA Fire Officer in the Denham DBCA office, it was discussed that a large fire on Dirk Hartog Island is unlikely due to the low numbers of potential ignition sources, the narrow arrangement of flammable vegetation broken up by sand dunes and the surrounding beaches and oceans where fires will extinguish. It is also likely any emergency response will use resources already on the island owned by the landowners such as the vehicle barge and other marine assets. These are the only people on the island and consulting, training and working together with the local HMA achieves the best outcomes. <p>Given the DFES’ position is not consistent with the Policies and Guidelines and their conclusions are not consistent with the finding of ‘moderate’ hazard, this warrants further discussion at a meeting, if required.</p>	
10i)	10i) Not agreed. As stated by the DPLH Bushfire Team,	10i) As outlined by the DPLH Bushfire Team, and as detailed in 8.2 of the Bushfire Guidelines, the

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<p>Element: Siting and Design A2.1b – not demonstrated</p> <p>The BAL ratings cannot be validated for the reason(s) outlined in the above table.</p> <p>It has not been demonstrated that the shelter buildings can achieve 10kW/m².</p> <p>Modification to the BMP is required.</p>	<p>the management of the shelters will be enforceable through a condition of the Development Approval, and construction will need to be signed off by a certified fire engineer. Accordingly, this level detail can be provided and/or resolved at that time.</p> <p>In his own words, our bushfire consultant states as follows:</p> <p>Based on my training, qualifications, accreditation and considerable experience, the correct Australian Standard methodology has been used to determine the BAL ratings and predicted levels of radiant heat flux on the proposed shelters.</p> <p>Therefore, from my perspective, the BAL ratings are validated, and the shelter buildings do achieve 10kW/m².</p> <p>As stated above, the methodology I have used in this assessment, I have used for over ten years on local and state government projects, public and private school assessments, aged care homes and multiple vulnerable land use proposals without issue.</p> <p>These matters can be ultimately resolved at DA stage.</p>	<p>construction of the shelter would need to be signed off by a certified fire engineer, accredited with Engineers Australia. This would be undertaken at the development application stage.</p> <p>Notwithstanding, subsequent advice has been received from DPLH that the Shire would be required to oversee the ongoing inspections and oversight of the on site shelter/s for the life of the development. The Shire does not have the resources to oversee the ongoing inspections of the shelters. Therefore the use of on site shelters is not supported.</p>
<p>10j)</p> <p>Element: Siting and Design A2.3 and A2.4 – not demonstrated</p>	<p>10j) Not agreed.</p> <p>Any final foreshore management should ultimately not be matter of concern to DFES</p>	<p>10j) The LDP does not relate to land outside of Lot 304. The BMP proposes that all APZs are contained within Lot 304.</p>

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<p>DFES notes that it is unclear if the foreshore management proposed will comply with other relevant policies. The decision maker should be satisfied that these works will comply with all relevant frameworks.</p> <p>The BMP states that full compliance is achieved with A2.4, however then states that a Landscape Management Plan (LMP) has not been prepared for the site. The decision maker should be satisfied that a LMP is not required, should the proposal be approved without one.</p> <p>Modification to the BMP is required.</p>	<p>subject to there being no conflict with the BMP.</p> <p>A foreshore management will be informed by a number of existing documents including:</p> <ul style="list-style-type: none"> Local Development Environment Report (Bayley Environment Services) Site and Soil Evaluation (Land Assessment Pty Ltd) Coastal Risk Management Reports (Damara Pty Ltd, 2014, 2019 C 2021) <p>Moreover, the final Landscape Management Plan should be more appropriately prepared following approval of the LDP when building envelopes are confirmed. It goes without saying that the Landscape Management Plan should not be inconsistent, or in conflict, with any bushfire planning controls.</p> <p>Having this amount of detail for an LDP would be completely inappropriate. DFES are, in effect, wishing to assess the complete development application, not an LDP to guide it.</p>	<p>Clause 10.2 of the 2026 LDP requires a Foreshore Management Plan be prepared and approved by DBCA prior to the commencement of development.</p> <p>The APZ does not extend into the National Park.</p> <p>The 2026 LDP also proposes that a Landscape Vegetation Management Plan be prepared for each building envelope and/or asset protection zone. However this has not been provided for the LPD.</p> <p>If the LDP was approved, the Foreshore Management Plan for the foreshore area would have to ensure that any revegetation proposed does not result in the BAL exceeding what is detailed in the BMP.</p>
<p>10k)</p> <p>A2.5 – not demonstrated</p> <p>The BMP includes some spelling inaccuracies when referencing the Building Code of Australia and the ABCB Design and</p>	<p>10k) – Not agreed.</p> <p>The final BMP can be updated to ensure all references to the Building Code of Australia and the ABCB Design and Construction of Community Bushfire Refuges Handbook are accurate. These matters can be conditioned.</p>	<p>10k) If approved, the BMP can be updated to correct any references that are inaccurate.</p> <p>The use of on site shelters is a solution that is provided for in SPP3.7. However, subsequent advice has been received from DPLH that the Shire would be required to oversee the ongoing</p>

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<p>Construction of Community Bushfire Refuges Handbook. The BMP should be updated to ensure all references to this document are accurate.</p> <p>DFES notes that the use of an on-site shelter is not considered a suitable response to the lack of two compliant accesses to two destinations. DFES understands the isolated nature of the site, and the proposed responses including evacuation prior to high Fire Danger Index (FDI) days, however it is unclear how this will work in practice.</p> <p>DFES notes that any evacuation occurring via private vehicle requires tourists to cooperate with the request, be in a suitable condition to drive, have vehicles in working order, and will require tourists to find alternate accommodation when they reach the mainland. It is also unclear how compliance with any conditions regarding the scheduled evacuations will be enforced.</p> <p>The decision maker should be satisfied that the above concerns are adequately addressed. Modification to the BMP is required.</p>	<p>As for the on-site shelters, as stated by the DPLH Bushfire Team: “There is a significant amount of information regarding shelters within the Bushfire Guidelines to provide guidance for LGs, importantly the Shire should be aware that management of the shelters will be enforceable through a condition of the Development Approval, and construction will need to be signed off by a certified fire engineer.”</p> <p>Compliance for A3.2, A3.3a and A3.4 cannot achieve acceptable solutions, this is recognised in Acceptable Solution A3.5 which states “where the proposed development has a capacity of up to a maximum of 100 guests and employees at any one time, an on-site shelter is to be provided in accordance with A2.5.</p> <p>As per clause B5.3.1 in the Guidelines which states: where a vulnerable land use (other than a school) cannot achieve compliance with the acceptable solutions for a vehicle access to two different suitable destinations, a shelter on-site for up to 100 visitors and employees can be proposed as an acceptable solution.</p> <p>Full compliance is therefore achieved and the Guidelines state an outcomes-based approach is not required.</p>	<p>inspections and oversight of the on site shelter/s for the life of the development. The Shire does not have the resources to oversee the ongoing inspections of the shelters. Therefore the use of shelters is not supported and accordingly, the BMP is not supported.</p>

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	<p>Like any visitors to any tourism facility, this is no different, the facility manager has a duty of care to all visitors at the site and as a training fire warden they would expect visitors to comply with all directions from the site manager who will be liaising with the Hazard Management Agency.</p> <p>All guests who use the facility will have a 4WD vehicle suitable to the conditions on the island. They will need a suitable vehicle to enjoy the island and its attractions. This will be obvious in pre- booking information for all visitors.</p> <p>It is difficult to imagine someone being obstructive in a remote location, however if something becomes a police matter, this is outside the capacity of this BMP to fully resolve. Good relationships with local police and emergency services will be the best buffer to issues such as this for the site manager.</p> <p>BCA will be updated and correctly referenced.</p> <p>Otherwise, the BEP can be updated:</p> <ul style="list-style-type: none"> • Guests/visitors must have 4-wheel drives only (recommended no older than 10 years) • Caretaker to have 7 or 9 person vehicle to accommodate those with 	

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	any medical conditions at the time or are intoxicated, etc. Otherwise, guests will be driving in their own vehicles.	
<p>10l) Vehicular Access A3.1-A3.8 – does not comply</p> <p>The BMP confirms that the proposal is not capable of compliance with this clause as no public roads are present on the island. On this basis, it is unclear how compliance is possible with any of the acceptable solutions for Element 3 as none of the tracks/driveways comply with the requirements of Table 10.</p>	<p>10l) – Not agreed.</p> <p>There are no publicly gazetted roads on the island. The CALM Act part 1, section 3 states that a “Public Road” means a road as defined in the Road Traffic (Administration) Act 2008 which states: ‘a public road means any highway, road or street open to, or used by, the public is a public road’. Accordingly, there is no reference as to whether it is or is not gazetted.</p> <p>The island is foremost a National Park, the public drive on the National Park tracks in suitable vehicles and enjoy the island as a remote, eco-destination.</p> <p>It should be noted that in 2020 the Shire notified DHID as follows: “the Shire supports the use of existing tracks on the island for emergency access. Most of the existing tourist routes in the Shire are remote, some are serviced by one road in and out, and the Shire already supported use of the existing tracks on Dirk Hartog Island for development on nearby Lot 62 and 303. The issue of vehicular access is not an impediment to bushfire management of future development of Lot 304 from a Shire perspective”.</p>	<p>10l) It is agreed that there are no public roads on the Island. There is no right of carriageway registered over the National Park providing access to Lot 304. However, there are existing tracks through the National Park that provide 4WD access to Lot 304. The applicant has not provided any written agreement with DBCA in regard to maintenance responsibilities for the access tracks.</p>

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	<p>The 2023 report commissioned by the Department of Biodiversity Conservation and Attractions (DBCA) titled “Dirk Hartog Island - Recreation and Tourism Opportunities Analysis” identified an increase in interest of the island and strong visitation numbers to coastal tourism destinations and the island’s ecological restoration project.</p> <p>Drivers of future growth in visitation to the island include development of ecotourism accommodation on freehold land and additional recreation and tourism infrastructure within the National Park, it is home to a unique growing sanctuary (i.e. the return to 1616 Ecological Project).</p>	
<p>10m) Vehicular Access A3.1-A3.8 – does not comply</p> <p>The BMP does not address the requirements of an outcomes based approach as required by the Guidelines Clause 2.2.1b, which requires that the practitioner:</p> <ul style="list-style-type: none"> • ‘Address the acceptable solutions to the greatest extent possible • identify the non-compliance with the acceptable solutions and why these cannot be achieved • detail how the design considers bushfire risk and where additional 	<p>10m) – Noted</p> <p>An outcomes-based approach can be included in an updated BMP, if necessary. The tracks and passing areas are suitable to the small number of visitors on the island. Furthermore, the 4WD vehicles that access the island, and the low shrub vegetation permits multiple passing bays across the entire island track network.</p> <p>Most traffic will be travelling in the same direction during a bushfire event, minimising passing issues and there will likely not be heavy duty fire appliances ever on the island during a “no notice fire event”. The current</p>	<p>10m) Refer to comments at 10i)</p>

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<p>or alternative bushfire risk management measures have been included to reduce the risk</p> <ul style="list-style-type: none"> • detail if there are any community net-benefits, such as improvements to the public road network • include written evidence such as publications or State Administrative Tribunal decisions to support the strategic planning proposal, subdivision or development applications (where available) • outline how the policy outcomes have been achieved • outline why approval is warranted by the decision maker in this instance.' 	<p>vehicle barges cannot transport large fire appliances, and they would be restricted for access on the island track network itself. Any firefighting is likely to be undertaken with Light 4WD fire units only.</p> <p>To conclude that nowhere without a gazetted public road cannot accommodate a tourism experience and accommodation is locking out any tourism development on Aboriginal land, cattle stations and other land tenures that do not have gazetted roads of which there are many in Western Australia.</p> <p>The BMP outlines the DBCA managed tracks are suitable for all visitors to the island and allow all weather access in suitable 4WD vehicles. The type of vehicle that comes to the island is suitable to the vehicle access on the island.</p> <p>This information can be added, if necessary, to an updated BMP to demonstrate that vehicle access to this unique destination is suitable for this scale of development in this unique location.</p>	
<p>10n) Vehicular Access A3.1-A3.8 – does not comply</p> <p>Further, DFES does not accept an on-site shelter as a suitable alternative to two access routes. In particular, the proposed on-site shelters have not demonstrated how the</p>	<p>10n) – Not agreed</p> <p>As for the on-site shelters, as stated by the DPLH Bushfire Team: “There is a significant amount of information regarding shelters within the Bushfire Guidelines to provide guidance for LGs, importantly the Shire should be aware that management of the shelters</p>	<p>10n) On site shelters are permissible under SPP3.7, however as the Shire does not have the resources to take responsibility for overseeing ongoing inspections of the shelters, use of the shelters in not supported.</p> <p>As on site shelters are not accepted, it is agreed that the existing vehicular access arrangements</p>

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<p>outcomes-based approach for Element 3 has been achieved. Specifically, the proposed on-site shelters do not address how safe and efficient evacuation of patrons can occur, and the shelters are proposed as the primary response due to the location of the development instead of a last resort as required by Outcome 3.</p>	<p>will be enforceable through a condition of the Development Approval, and construction will need to be signed off by a certified fire engineer.”</p> <p>The Guidelines clearly state on-site shelters can be an acceptable solution dependent on the scale of development and the location.</p> <p>The benefit of the shelters is that they are engineered, and purpose built to provide protection against life threatening radiant heat during the passage of a bushfire.</p> <p>The shelters are an additional resource for government and visitors and will benefit anyone on the island during a bushfire emergency. They will provide a suitable Incident control area for firefighting operations as the supply of water in the large water tanks will be a huge positive fire suppression asset.</p> <p>A small fire may be a quick event as the fire runs into a low fuel area such as the ocean or a sand dune, and evacuation of the island is not required.</p>	<p>are not an acceptable solution for evacuation in the event of a bushfire.</p>
<p>10o) Vehicular Access A3.1-A3.8 – does not comply</p> <p>DFES notes that it is unlikely that an Outcomes-based Approach would provide any benefit in this scenario as there is no</p>	<p>10o) – Not agreed as above.</p>	<p>10o) The BEP details primary and secondary off site locations for evacuation and transport arrangements, in addition to the option of an on site shelter. It is recommended that the BMP not be accepted as shelters are not supported. In the absence of on site shelters being supported,</p>

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opportunity to provide safe and efficient access/egress for evacuation as well as emergency response given the nature of the site.		vehicular access is not satisfactory as the only means of evacuation in the event of a bushfire.
Policy Measure 7.4 Vulnerable land uses		
<p>10p)</p> <p>On-site shelters are not a substitute for two access routes which provides safe and efficient access and egress for the community, while simultaneously providing a safe and effective operational environment for emergency services personnel.</p> <p>A building designated as a bushfire shelter must comply with ABCB Design and Construction of Community Bushfire Refuges (2014). DFES notes that some references to this document in the BMP include spelling inaccuracies which may create confusion. It is recommended that the BMP is modified to remove these inaccuracies.</p> <p>It should be noted that seeking refuge in an on-site building is only appropriate where there is an imminent threat of bushfire that could result in a loss of life and it is no longer safe to evacuate. It should be emphasised that a shelter is not a standalone solution to mitigating risk to people safety.</p>	<p>10p) – not agreed as per the comments by the DPLH Bushfire Team.</p> <p>As per clause B5.3.1 in the Guidelines which states: where a vulnerable land use (other than a school) cannot achieve compliance with the acceptable solutions for a vehicle access to two different suitable destinations, a shelter on-site for up to 100 visitors and employees can be proposed as an acceptable solution.</p> <p>All on site shelters will comply with ABCB Design and Construction of Community Bushfire Refuges (2014).</p> <p>Seeking shelter in an on-site building when directly threatened by a bushfire is recommended. If that building is engineered to resist ignition and be suitable for sheltering people then that is an additional positive risk mitigation strategy.</p> <p>The BMP does not attempt to state that the shelters are a stand-alone solution to mitigating risk to people’s safety. There are many levels of risk mitigation proposed including:</p>	<p>10p)</p> <p>Any shelter would be required to meet the requirements of ABCB Design and Construction of Community Bushfire Refuges (2014) and be certified by a suitably qualified engineer.</p> <p>The use of on site shelters is not supported as the Shire does not have the resources to oversee the ongoing inspection for the on shite shelters nor to confirm compliance with the requirements of ABCB Design and Construction of Community Bushfire Refuges (2014). It is recommended that the BMP not be accepted as shelters are not supported. In the absence of on site shelters being supported, vehicular access is not satisfactory as the only means of evacuation in the event of a bushfire.</p>

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	<ul style="list-style-type: none"> • Suitable APZ around all buildings. • Fire warden training staff at each cluster – i.e. Controlled site, people are not left without communications or advice. • Significant water tanks dedicated for fire suppression. • Pre-arrival trip advice on bushfire risk and mitigation strategies. • Induction on arrival. • On site residential management. • Evacuation if safe to do so. 	
<p>10q)</p> <p><u>Recommendation – HMA objection, not compliant with Policy Objective 5.1</u></p> <p>The development application is not compliant as it does not satisfy Policy Objective 5.1. The proposal is intensifying land use in a bushfire prone area with only one point of access and egress, which requires the use of a barge.</p> <p>Notwithstanding the above, if the decision maker is inclined to approve the proposal, it is considered critical that the bushfire management measures within the BMP are modified, to ensure they are accurate and can be implemented to reduce the vulnerability of</p>	<p>10q) Acknowledged as per the points above.</p>	<p>10q) Refer to previous comments above.</p>

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<p>the development to bushfire in the context of its broader location.</p> <p>The above assessment of compliance with SPP 3.7 is provided to assist decision making.</p>		
11. Department of Planning, Lands and Heritage DPLH Bushfire Team		
11a) DPLH provide the following comments on DFES advice.	11a) Acknowledged.	11a) Noted.
11b) DFES notes that the proposed on-site shelters should not be supported as a solution to two different evacuation routes.” <ul style="list-style-type: none"> - This is a DFES position, however, is contrary to SPP 3.7 Bushfire. - There is a significant amount of information regarding shelters within the Bushfire Guidelines to provide guidance for LGs, importantly the Shire should be aware that management of the shelters will be enforceable through a condition of the Development Approval, and construction will need to be signed off by a certified fire engineer. 	11b) Agree with DPLH comments and this critical in evaluating DFES comments on the same issue.	11b) It is noted that shelters are permitted under the Bushfire Guidelines and that they are enforceable as a condition of Development Approval. It is noted that on site shelters are an acceptable solution in regard to bush fire and therefore the concept of using on site shelters is capable of approval. However SPP 3.7 Guidelines require that the local government oversee the maintenance and annual testing of the on site shelters. Given that the Shire does not have the resources to oversee the maintenance and annual testing of the on site shelters, and given there is no agreement between the Applicant and the Shire in regard to maintenance and annual testing of the on site shelters, the use of on site shelter/s is not supported.
11c) Element Location	11c) - agreed in respect to the DFES response.	11c) It is noted that DPLH advise that the BMP is compliant with Element 1. The Guidelines require passing bays every 200 metres for private

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<p>DFES comment – incorrectly quotes SPP objective 5.1, which states “5.1 Avoid the bushfire risk in the first instance, but where unavoidable, manage and/or mitigate the risk to people, property and infrastructure, to ensure the risks are acceptable and appropriate to the land use and the location”.</p> <p>DFES incorrectly state that the application does not comply with Element 1 Location. There is no requirement for assessment of Element 1 location within the Guidelines and therefore the BMP complies. Vehicular access – is obviously challenging and limited to 4wd private tracks.</p> <p>The BMP does state that these have been considered as private internal access routes which in accordance with the Guidelines include passing bays every 200m. This is arguably the minimum requirement to satisfy the Guidelines.</p> <p>There appears to be 2 points that provide barge crossing to the mainland.</p>	<p>Regarding passing bays, the island network of tracks does not have specific passing bays, however 4WD vehicles can pass each other along most of the access tracks as a vehicle simply pulls to the side (and off the track) and the other oncoming vehicle drives passed. This can be achieved because the vegetation is mostly low shrubland and vehicles can push off the track and make an unofficial passing bay. This is how currently 4WD vehicles pass each other on the track network all over the island.</p>	<p>internal access routes, and passing bays have been provided for on the access tracks within Lot 304. However, the Applicant has not provided approval from DBCA for ongoing access and maintenance and/or upgrading of access tracks between Lot 304 and the barge.</p>
<p>11d) General comment: The BMP correctly states that there needs to be an element of self resilience, due to the isolation and the lack of vehicular access. With this in mind, my view is that emergency procedures for the Island should be coordinated by the DBCA and the Wardles, who I understand are the only permanent residents, and are likely to be the</p>	<p>11d) - agreed.</p> <p>However, it has the challenge of working with DBCA to work together and ensure plans are consistent with each other.</p> <p>We are confident this can be done. It is logical and sensible.</p>	<p>11d) In addition to DBCA and the Wardles, the emergency procedures would also need to be coordinated and agreed to by the barge operator.</p> <p>It is agreed that the BMP and BEP should be consistent with DBCA's ERP such that the BMP, BEP and ERP can be implemented in the case of an emergency. However the BMP and BEP is not supported given that the Shire does not have the</p>

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<p>ones implementing any emergency procedures for the Island.</p> <p>The BMP states that there is a draft DBCA Emergency Response Plan (ERP) and I stress the importance of ensuring this ERP is finalised and covers evacuation of the Island in the event of a bushfire. This needs to be agreed and understood by the Wardles and should be consistent with the BEP prepared for this site.</p>		<p>resources to oversee the maintenance and annual testing of the on site shelters.</p>
<p>11e)</p> <p>General comment: We have been in discussions regarding method 2 assessments, such as the one undertaken for Lot 304 by Rohan the bushfire consultant. There is some ambiguity in the current AS3959 Construction standards in bushfire prone areas, and I understand that the intention will be to clarify this in the next version, due out soon.</p>	<p>11e) - acknowledged.</p> <p>We are not sure what is the implication of this is timing wise. A decision-maker should assess and determine the application on information applicable at the time.</p>	<p>11e) The revisions to AS3959 are open for consultation until 20 November 2025 and at the time of writing this report, have not been finalised.</p> <p>Noting that the BMP and BEP are not supported, this is not a matter that requires resolution.</p>
<p>11f)</p> <p>It is recommended that the Shire seek the advice of their building surveyor. If they are support of the method used, then I suggest this is sufficient. This is our interpretation below, which is consistent with the Building Commission (Dept. of Local Government, Industry Regulations and Safety).</p> <p>As currently written, Paragraph B4 – Step 3 of Appendix B in AS 3959-2018 (incorporating Amendments Nos 1 and 2) for calculating the effective slope under vegetation may appear to</p>	<p>11f) – acknowledged.</p> <p>The methodology used in this assessment has assessed all slopes in both the surrounding landscape and around each individual safer shelter building. Where there is more than one slope within the classified vegetation, each slope has been individually assessed and the worst case effective slope and worst case Bushfire Attack Level has been applied.</p>	<p>11f) It is noted that the assessment has been undertaken under Method 2. Clarification has been sought from the City of Greater Geraldton, and their advice is that they rely on the expertise of the bushfire assessor providing the report. A peer review of the Method 2 assessment has not been undertaken by a qualified bushfire consultant.</p> <p>It is noted that in the case of a BMP using method 2 assessment that was lodged with the City of Busselton, the City sought independent review of the Method 2 assessment by a suitably qualified</p>

ATTACHMENT 6 – BUSHFIRE SUBMISSIONS (DFES & DPLH) – LOCAL DEVELOPMENT PLAN FOR LOT 304 SUNDAY ISLAND BAY		
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<p>be somewhat open to interpretation at the moment.</p> <p>Paragraph B4 states that you “determine the effective slope (in degrees) under the classified vegetation in accordance with Clause 2.2.5”.</p> <p>The substantive language within Clause 2.2.5 of AS 3959 states “For each vegetation type classified in Clause 2.2.3, the effective slope of the land under the classified vegetation shall be determined in degrees, along with whether it is upslope or downslope in relation to the site (see Figure 2.3).</p> <p>Where there is more than one slope within the classified vegetation, each slope shall be individually assessed and the worst case Bushfire Attack Level shall apply.”</p> <p>Clause 2.2.5 also includes, what is best described as, ‘further information’ being: “Effectively slope of the land under classified vegetation is presented in degrees within Tables 2.4 and 2.7. As fires travel slower down a hill, all classified vegetation that is upslope will assume a value of 0° (i.e. flat land). Table 2.2 provides comparisons between degrees, slope ratios and percentages”.</p> <p>It should be noted that nowhere in clause 2.2.5 does it say that you must determine slope using Tables 2.4 to 2.7 In a Method 1 assessment, it is Clause 2.2.6 that directs you to determine the BAL selecting the relevant FDI</p>		<p>bushfire consultant. There has been no peer review of the Method 2 assessment.</p> <p>Notwithstanding, the BMP and BEP are not supported given that the Shire does not have the resources to oversee the maintenance and annual testing of the on site shelters.</p>

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<p>table from Tables 2.4 to 2.7 as determined at Clause 2.2.2, and then using the relevant FDI table determine the BAL for each vegetation determined at Clause 2.2.3, the distance from the site determined at Clause 2.2.4 and the effective slope determined at Clause 2.2.5.</p> <p>As such, our general view of the 2018 edition of AS 3959 is that it is open for a building surveyor (or other decision maker) to accept a Method 2 assessment using the determined slope in degrees (for example 3°), so long as there is not more than one slope within the classified vegetation .</p> <p>Where there is more than one slope within the classified vegetation (for example 1° and 4°), then the assessment should use the worst case (in the example, this would be 4°).</p>		
<p>11g) Interpretation issues around determining the effective slope for Method 2 assessments is not new. The proposed consultation draft of AS 3959 – 2024 included draft text for determining effective slope in a Method 2 in an attempt to clarify the situation.</p> <p>Should this draft wording be accepted by Standards Australia in 2024 edition of AS 3959, and that edition becomes the Standard referenced in the next edition of the NCC, then the value ranges in Table B.1 would be a considering factor when determining the effective slope under the classified vegetation</p>	<p>11g) – acknowledged.</p> <p>As per the above, if this remains a sticking point, and the planning process is waiting for future documents to be endorsed, there is no issue having a condition imposed on the development to re-assess all slopes using the new methodology at DA stage.</p> <p>Our bushfire consultant is confident, the only implication of a change to the methodology to default 5 degree slopes would be a small increase of the APZ dimensions of 2-3 metres radiating out from the centrally located shelter building.</p>	<p>11g) As outlined above, the Shire has not undertaken a peer review of the Method 2 assessment. Given that the Shire does not have the resources to oversee the maintenance and annual testing of the on site shelters this is not a matter that requires resolution. If and when the LDP is approved by the Council, this is a matter that could be further addressed at the Development Application stage.</p>

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<p>for a Method 2 assessment, unless there was a consistent slope.</p> <p>As yet the new AS3959 has not been endorsed.</p>	<p>This is not fatal to the consideration of the LDP and can be accommodated at DA stage to re-assess the proposal again. Of course, the current proposal is simply indicative so there will likely be some layout changes in any event.</p>	