



5 September 2019

Shire of Shark Bay  
65 Knight Terrace  
DENHAM WA 6537

Attention: Mr Paul Anderson - Chief Executive Officer & Ms Liz Bushby – Town Planning Consultant

Dear Paul & Liz,

**APPLICATION FOR DEVELOPMENT APPROVAL  
PROPOSED NATURE BASED PARK  
LOTS 62 & 303 DIRK HARTOG ISLAND**

On behalf of the current landowner Hypermarket Pty Ltd we hereby submit an application for development approval for an existing unauthorised nature based park on portions of the abovementioned properties.

Please find enclosed the following information to assist the Shire's consideration and processing of the application:

- A completed and signed Planning Application Form (see Attachment 1);
- A recently sourced copy of the current certificates of title, deposited plans and title encumbrances for each lot (see Attachment 2); and
- Various documents and plans submitted in support of the proposal (see Attachments 3 to 6).

We request that the Shire confirm the development application fee payable in this instance so this information can be conveyed to the landowner. Arrangements will then be made regarding payment to enable processing of the application to proceed.

When assessing the application it is requested the Shire have due regard for the following key points:

1. Council's development approval is hereby sought for an existing unauthorised nature based park on portions of freehold Lots 62 and 303 Dirk Hartog Island that has been established and operated on the land since 2015.
2. Lots 62 and 303 are located on the eastern, leeward side of Dirk Hartog Island in a small, sheltered sandy bay with the existing tourism accommodation facilities thereon (i.e. Dirk Hartog Island Eco Lodge) which have been designated by the Western Australian Planning Commission as a 'Minor Tourism Node' (see Attachment 3 – Plans 1 to 3).
3. The subject land is located midway between the northern and southern climatic regions and experiences a Mediterranean-type climate with hot, dry summers

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**Exurban Pty Ltd ATF Vista Trust ABN 94 794 308 323**

and mild winters during which most rainfall is received. Due to its location at the bottom edge of the cyclone zone it may also receive cyclonic rains over summer months however such rains and the associated high winds are infrequent.

4. The prevailing breezes are south-west to westerly in the afternoons and easterly to south-easterly in the mornings from April to October. Over summer months the predominant winds are south-westerly.
5. The subject land forms part of a sandy coastal environment comprising un lithified / unconsolidated sediments with little to no rock and features gently sloping shores backed by small elevated dunes behind the coastal foreshore reserve with no historical evidence of dune blowouts in the immediate area.
6. The adjoining sandy coastal bay is a low-energy, low-wave environment with a micro-tidal range and gentle currents. As such the coastal foreshore area abutting the subject land is stable with limited sand drift and no evidence of any coastal erosion problems over the past 20 years (see Attachment 4).
7. Soils on the land are sandy in nature with a deep limestone base and have proven capability to accommodate small-scale built form improvements and on-site effluent disposal given the land's historical development and usage.
8. There are no rivers, creeks or wetlands traversing the subject land. It is understood groundwater is available at a depth ranging from 10 to 25 metres below the land's natural ground level.
9. The subject land is located within the Edel Vegetation System which covers approximately 20,000 hectares of the eastern and southern portions of Dirk Hartog Island. The existing vegetation on that portion of the land where the existing tourism accommodation facilities and associated improvements have been developed mainly comprises low level shrubland less than two (2) metres in height dominated by *Acacia ligulata* and sparse understorey. It is significant to note the existing native vegetation has been partially cleared and/or modified with evidence of degradation and weed infestation arising from the land's historical development and use for pastoral and tourism purposes.
10. The proposed nature based park the subject of this application has been established on Lots 62 and 303 to complement the existing tourist accommodation facilities currently provided which have been in operation for many years. The proposed park is an important and valuable addition to the existing tourism business on the land as it will provide for the diversification of nature-based recreation and tourism opportunities and experiences currently available on the island and Gascoyne Region more generally.
11. The nature based park is located adjacent to the subject land's frontage to a recently designated coastal foreshore reserve (i.e. Crown Reserve 50325) which forms part of an 'A' class reserve with a management order issued in favour of the Conservation and Parks Commission for the designated purpose 'National Park'.
12. The proposed development comprises:
  - twenty three (23) camp sites capable of accommodating up to 80 people

during peak operating periods including their camping equipment and four wheel drive vehicles;

- three (3) camp kitchens comprising medium size tents and small timber decking;
  - three (3) small ablution buildings comprising toilet and shower facilities including associated water supply tanks and effluent disposal systems (i.e. septic tanks and leach drains); and
  - a number of existing bare earth vehicle access tracks/driveways as well as five (5) separately located bare earth pedestrian accessways to the coastal foreshore reserve.
13. In addition to the existing unauthorised use and associated improvements, approval is also sought for the following additional improvements to satisfy the specific requirements of the Western Australian Planning Commission's *Guidelines for Planning in Bushfire Prone Areas 2017* as well as the guidance provided in the recently endorsed Bushfire Management Plan for the land:
- creation of an asset protection zone around each camp site including all associated structures;
  - widening of a number of existing vehicle access tracks/driveways within the subject land's designated boundaries to four (4) metres and six (6) metres every 200 metres along their existing alignment to accommodate vehicle passing bays which collectively will form part of the required internal perimeter strategic firebreak ;
  - construction of a four (4) metre wide internal perimeter strategic firebreak over the eastern portion of Lot 62 and north-western portion of Lot 303; and
  - placement of four (4) new 10,000 litre water supply tanks in designated locations with suitable couplings for firefighting purposes.
- (see Attachment 5, Plans 5 to 8 – Proposed Site Development Plan, Building Floorplan & Elevation Drawings)
14. Under the terms of the land's current Special Use zoning classification in the Shire of Shark Bay Local Planning Scheme No.4 (i.e. SU14) (see Attachment 3 – Plan 4), the stated objective of which is to provide for eco-tourism development, a Local Development Plan is typically required to be prepared and approved by Council prior to commencement of any development.
15. Investigations have confirmed the cost to prepare a Local Development Plan for Lots 62 and 303 in accordance with the specific requirements of Local Planning Scheme No.4 and Part 6, Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* is likely to be in the order of \$120,000 to \$150,000 excluding GST and could take two (2) to three (3) years to finalise before a development application for any further development and usage of the land can be prepared and submitted to the Shire for consideration and determination by Council.
16. Notwithstanding the requirement to prepare a Local Development Plan, condition No.6 in Schedule B of Local Planning Scheme No.4 as it applies specifically to the land's current Special Use zoning classification expressly states

Council may consider and approve a development application in the absence of a Local Development Plan if it is satisfied that:

- a) the proposed development does not conflict with the principles of orderly and proper planning; and
  - b) the proposed development would not prejudice the overall development potential of the area.
17. It is contended Council's approval to this application prior to the preparation and endorsement of a Local Development Plan will not conflict with the principles of orderly and proper planning or prejudice the overall development potential of the subject land for the following reasons:
- i) The development and use of the subject land for tourism related purposes is consistent with the strategic direction articulated in a number of endorsed strategic planning documents including:
    - *Shark Bay Regional Strategy* (WAPC, 1997);
    - *Shark Bay World Heritage Property Strategic Plan 2008–2020* (DEC, 2008);
    - *Shire of Shark Bay Local Planning Strategy* (Gray & Lewis, 2013);
    - *Gascoyne Regional Tourism Strategy* (GDC, 2014);
    - *Shark Bay Local Tourism Planning Strategy* (Landvision & Tourism Key, 2014);
    - *Gascoyne Regional Investment Blueprint* (GDC, 2015);
    - *Gascoyne Regional Planning and Infrastructure Framework* (WAPC, 2015);
    - *Gascoyne Coast Sub-Regional Strategy* (WAPC, 2018).
  - ii) The development and use of the subject land for tourism related purposes is consistent with the long standing vision for Dirk Hartog Island articulated by the Department of Biodiversity, Conservation and Attractions which is to provide a destination that offers a range of nature-based recreation and tourism opportunities and experiences in a remote and natural environment that is managed for ecological restoration;
  - iii) Lots 62 and 303 are burdened by restrictive covenants registered on title in perpetuity which clearly recognise and allow for the development and use of the land for low impact ecotourism purposes. The covenants include a range of legally enforceable controls relating to occupancy by staff and visitors (i.e. frequency and numbers), the protection of native fauna and flora, biosecurity measures and pest management;
  - iv) The nature based park has been sited in close proximity to the existing tourist accommodation facilities on the land in an area that has historically been developed and used for the grazing of stock and associated activities as well as short-stay camping. The clustering of all development in one location previously degraded as a result of the land's historical use represents a logical extension to the continued use of the land for tourism purposes and contains it within a designated area that will help minimise the potential impacts on the natural environment and visual landscape and safeguard users from any future potential bushfire threat;

- v) The nature based park has been sited on stable sand dunes abutting an equally stable coastal foreshore area with limited sand drift and no evidence of any coastal erosion problems. Natural sedimentation processes, including lithification and wind or water transport, will not be altered in any way. Furthermore all stormwater drainage and effluent disposal associated with the proposed use will be contained internally within the land's designated boundaries to avoid any negative impacts on the adjacent coastal environment;
- vi) The nature based park and other existing tourist accommodation facilities on the land cover a total area of approximately 3.18 hectares. Given the total area occupied by these uses represents approximately 5.48% of the total combined area of Lots 62 and 303 being 58.0261 hectares, it is contended the development footprint is only minor in terms of its overall scale and therefore capable of being managed in a responsible and sustainable manner without compromising the environmental and visual landscape values of the remaining balance portions of the land;
- vii) In recognition of the land's location in a designated World Heritage Area, unique environmental values and limited capacity to accommodate higher intensity development and usage, the majority balance portions of Lots 62 and 303 will remain undeveloped in the short to medium term future with the exception of a proposed new single house at the western end of Lot 303 and a new visitors centre and associated bar/café on Lot 62 which are the subject of two (2) separate development applications. The intention is to continue to conserve and manage the land's unique environmental values in direct consultation with the Department of Biodiversity, Conservation and Attractions for the benefit of future generations which has proven highly successful to-date without the need for preparation of a Local Development Plan pursuant to the requirements of Local Planning Scheme No.4;
- viii) The current landowner has and will continue to manage and rehabilitate the land where required to ensure the existing and proposed uses have minimal impact on the natural environment. Significant effort and investment have already been made in this regard including:
  - targeted revegetation works using seeds from local endemic flora species;
  - pest and weed management in consultation and accordance with the Department of Biodiversity, Conservation and Attractions' *Dirk Hartog Island Biosecurity Implementation Plan*;
  - preparation and implementation of a site specific 'Sustainable Management Plan' which is reviewed and updated regularly to integrate conservation initiatives and values with an acceptable level of tourism use and provide clear guidance for both employees and guests regarding sustainability philosophies, policies, practices and future goals and objectives (see Attachment 6);
  - implementation of foreshore management measures in consultation with the Department of Biodiversity, Conservation and Attractions to help protect the coastal foreshore reserve from uncontrolled access and guard against any associated negative impacts;
  - education programs for all employees and guests; and

- ongoing monitoring and surveillance of all tourism related activities on the land to protect and conserve the land's environmental and visual landscape values;
  - ix) The camp sites, vehicle accessways, parking areas and other minor built form improvements associated with the nature based park have been sited and constructed on portions of the land that contain little to no native vegetation (i.e. areas previously degraded by historical grazing activity and existing access tracks and firebreaks). Notwithstanding this fact, it is estimated approximately 2,100m<sup>2</sup> of native vegetation is required to be cleared to address the specific requirements of the recently endorsed Bushfire Management Plan for the land as it applies to asset protection zones, vehicle access tracks/driveways and internal perimeter strategic firebreaks. A flora survey by a suitably qualified environmental consultant has been commissioned by the landowner and will be undertaken in September this year, following which a clearing permit application pursuant to the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* will be prepared and submitted to the Department of Water and Environmental Regulation for consideration and determination;
  - x) The nature based park comprises a small number of low scale structures with an estimated lifespan of twenty (20) years that can easily be removed or relocated should they ever be threatened by erosion or create an erosion threat to the adjoining coastal foreshore reserve. The design of these structures is also sympathetic to the visual landscape values of the immediate locality and comprise external materials, colours and finishes that complement the existing natural environment of Dirk Hartog Island and its coastal setting in accordance with the guidance provided in the Peron Peninsula Colour Palette;
  - xi) Given the significant investment made in recent years by the current landowner in terms of the provision of renewable energy and potable water supply infrastructure on the land, there is sufficient capacity to accommodate the power and water supply needs of the development including those associated with effluent disposal and firefighting; and
  - xii) There are numerous statutory and regulatory controls currently in place that can and are expected to be applied at both State and local government level to ensure the subject land is developed and used to minimise any potential negative impacts on the natural environment and visual landscape and is suitably managed and controlled to safeguard the amenity, health and safety of all users.
18. Lastly it is significant to note the existing tourism business on the subject land makes an important and valuable contribution to the local economy, particularly small businesses based in Denham and the wider Gascoyne region which provide a range of goods and services to support the existing activities on the land. With the establishment of the nature based park on the subject land in recent years, visitor numbers to Dirk Hartog Island and the region more generally have increased substantially which has generated confidence, further business investment and local economic development and growth.



In light of the above information and justifications, we respectfully request the Shark Bay Shire Council's favorable consideration and approval of this application at its earliest possible convenience. We welcome the Shire's referral of the application to various government agencies with a potential interest in the proposal.

We also hereby confirm and agree that the information and plans submitted in support of the application may be made available by the Shire for public viewing at nil cost as part of the assessment process pursuant to the requirements of Regulation 85 in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Should you have any queries or require any additional information please do not hesitate to contact the undersigned of this office on 9303 2532 or joe@urp.com.au.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Joe Douglas".

**Joe Douglas**  
**Director / Principal Town Planner**  
**Exurban Rural & Regional Planning**

cc: Messrs Kieran & Geoff Wardle - Hypermarket Pty Ltd (Landowner)