



## **Appeals Convenor**

**Environmental Protection Act 1986**

---

### **REPORT TO THE MINISTER FOR ENVIRONMENT**

---

**APPEAL IN OBJECTION TO THE DECISION OF THE ENVIRONMENTAL PROTECTION  
AUTHORITY NOT TO ASSESS A PROPOSAL**

**CAMPING ON LOT 62 AND LOT 303 DIRK HARTOG ISLAND, SHIRE OF  
SHARK BAY**

**PROPONENT: HYPERMARKET PTY LTD**

Appeal Number 003 of 2020

**April 2020**

## Appeal Summary

This is a report in relation to an appeal received against the decision of the Environmental Protection Authority not to assess a proposal by Hypermarket Pty Ltd to develop camping facilities to cater for an additional 80 overnight visitors on Dirk Hartog Island under Part IV of the *Environmental Protection Act 1986*.

The appellant submitted that the proposal documents do not explain how the additional visitors and their equipment will be resourced and transported, nor consider potential impacts to hydrology, water resources and stygofauna, and do not describe how the potential for septic contamination of water, disposal of general waste, and issue of vehicle waste will be managed. The appellant is seeking for the proposal to be remitted to the Environmental Protection Authority for formal assessment of the environmental impacts of increased visitor numbers.

On the basis of the available information, the EPA was satisfied that:

- the proposal would not significantly change the need for visitors to be responsible for their own resourcing and transportation
- the number of vehicles accessing Dirk Hartog Island is limited by the capacity of the barge, and the number of vehicles within Dirk Hartog Island National Park is managed through a limit applied by the Department of Biodiversity, Conservation and Attractions
- given the scale, the proposal is unlikely to significantly impact inland waters hydrology, hydrological regimes or the quality of groundwater or surface water, and the potential impacts from waste can be managed without the need for further assessment
- the proposal is unlikely to cause significant drawdown to groundwater or stygofauna habitat, no other activities are proposed that are likely to impact on subterranean fauna, and a biological survey for stygofauna is not necessary.

The following key points are noted:

- the proposal to cater for an additional 80 visitors is, based on an average estimated water usage of 75 L per person per day, expected to result in increased daily water usage of about 6,000 L
- covenants registered on the certificates of title of Lots 62 and 303 outline the extent of future development (and therefore the carrying capacity for overnight visitors) on the freehold blocks
- as stated in the *Shark Bay Terrestrial Reserves and Proposed Reserve Additions, Management Plan No. 75* and amended by DBCA, the number of private vehicles, including tour operator and service vehicles, allowed within the National Park at any given time is limited to 20 per day
- an easement registered on the certificates of title allows the proponent to access an existing well within the National Park to draw water
- general waste is reused, recycled or else removed from the Island, with minimal waste being sent to (mainland) landfill, and the appropriateness of the design, location and capacity of each septic disposal system is a matter for the Shire of Shark Bay to determine.

Having regard for the information presented during the appeals investigation, the Appeals Convenor considered that the EPA's conclusion that the environmental impacts of the proposal are not so significant as to warrant formal assessment and can be managed to meet its objectives for the environmental factors identified in its published determination and public advice, was reasonable and supported by the available information.

## Recommendation

The Appeals Convenor recommended that the appeals be dismissed.

## INTRODUCTION

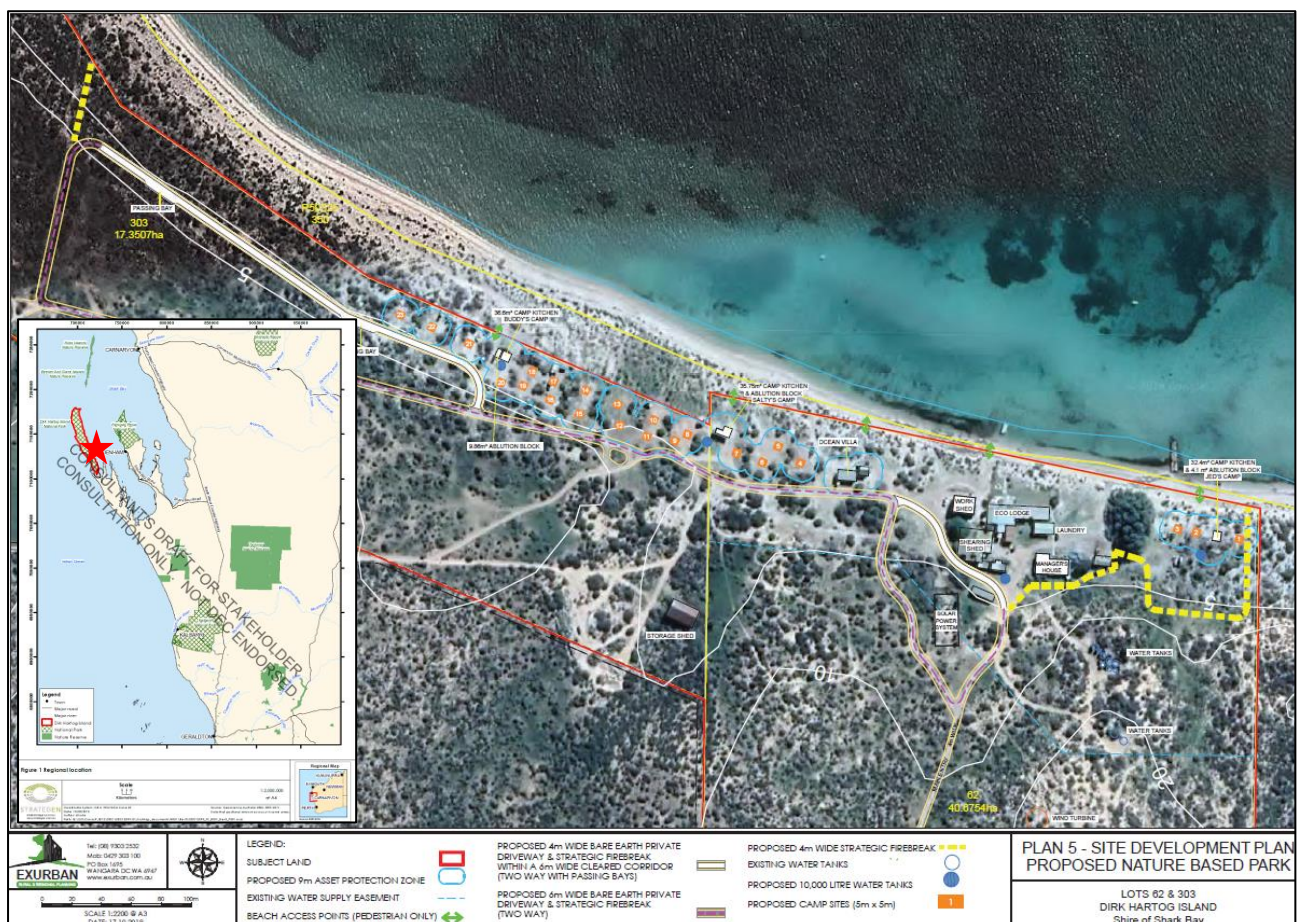
Russell Speed (appellant) appealed against the decision of the Environmental Protection Authority (the EPA) not to assess a proposal by Hypermarket Pty Ltd (the proponent) to develop camping facilities to cater for an additional 80 overnight visitors on freehold land on Dirk Hartog Island (the proposal) under Part IV of the *Environmental Protection Act 1986* (the EP Act).

The proposal comprises of the following (refer Figure 1):

- Lot 62 on Plan 103194 (homestead block, total area about 40.6 ha): 7 x bare earth campsites with a total disturbance footprint of 0.0175 hectares (ha), and 2 x camp-kitchen and ablution (septic system) facilities with a total disturbance footprint of 0.00722 ha, catering for a maximum of 24 people
- Lot 303 on Plan 50257 (adjacent to homestead block, total area about 17.3 ha): 16 x bare earth campsites with a total disturbance footprint of 0.04 hectares (ha), and 1 x camp-kitchen and ablution (septic system) facility with a total disturbance footprint of 0.0046 ha, catering for a maximum of 56 people
- clearing of 0.21 ha of native vegetation for vehicle access and firebreaks comprising a horizontal width of 6 metres (m) with a 4 m bare earth trafficable surface and passing bays, to comply with the approved Bush Fire Management Plan and local government building regulations.

It is understood that the campsites, camp-kitchens and ablution facilities have been constructed.

**Figure 1: Location (red star) and extent of proposal**



(Source: EPA referral documentation<sup>1</sup>)

<sup>1</sup> Available from: <http://www.epa.wa.gov.au/proposals/camping-lot-62-and-lot-303-dirk-hartog-island>

The proposal was referred to the EPA by the Shire of Shark Bay in September 2019. On 18 December 2019, the EPA published its decision not to assess the proposal and stated:

The EPA considers that the likely environmental effects of the proposal are not so significant as to warrant formal assessment because the proposal is unlikely to impact significant flora and vegetation, is small in scale and extent, has appropriate biosecurity measures in place and will not significantly impact the Shark Bay World Heritage Area, the Dirk Hartog Island National Park or Shark Bay Marine Park. The EPA is of the view that the potential impacts of the proposal can be adequately managed through the implementation of the proposal in accordance with the referral documentation and the proponent's management and mitigation measures. The EPA provides public advice for the proponent, the Shire of Shark Bay and the Department of Biodiversity, Conservation, and Attractions.<sup>2</sup>

The EPA gave public advice<sup>3</sup> containing recommendations regarding environmental matters, which outlines that in considering the potential impacts of the proposal it had particular regard for:

- the high environmental values of Dirk Hartog Island National Park (the National Park) and the small scale and extent of the proposal
- the mitigation strategies proposed by the proponent to avoid and minimise impacts, for example:
  - quarantine measures would continue to be undertaken in accordance with DBCA's *Dirk Hartog Island Biosecurity Implementation Plan*<sup>4</sup> (Biosecurity Implementation Plan)
  - proposed management actions for pedestrian beach access between the campground and adjacent foreshore areas outlined in the proponent's *Foreshore Management Plan*<sup>5</sup>
  - location of semi-permanent structures and campgrounds in previously cleared areas, with a height no greater than 3 m and conforming with World Heritage colour palette
- the presence of other statutory processes, including conditioning of the development application through the *Planning and Development Act 2005*.

It was against the EPA's decision not to assess the proposal that the appeal was lodged.

## Background

As part of the State Government's agreement to establish the National Park, three freehold blocks (Lots 303, 304 and 305 on Plan 50257) were created in addition to the homestead block (Lot 62), to be developed for ecotourism purposes. In addition, the *Shark Bay Terrestrial Reserves and Proposed Reserve Additions, Management Plan No. 75, 2012*<sup>6</sup> (Shark Bay Management Plan) was prepared in accordance with sections 53 and 60 of the *Conservation and Land Management Act 1984* (CALM Act) for the management of Shark Bay national parks and nature reserves by DBCA.

## OVERVIEW OF APPEAL PROCESS

In accordance with section 106 of the EP Act, a report was obtained from the EPA in relation to the appeals. The proponent was also given the opportunity to address the matters raised in the appeal. During the appeals investigation, the Office of the Appeals Convenor sought advice from the Department of Biodiversity, Conservation and Attractions (DBCA) as the manager of the National Park, and consulted with the appellant and the proponent.

---

<sup>2</sup> Environmental Protection Authority (2019) *Public record pursuant to s39(1) of the Environmental Protection Act 1986*. Proposal: Camping on Lot 63 and Lot 303 Dirk Hartog Island. Decision date: 18 December 2019.

<sup>3</sup> Environmental Protection Authority (2019) *Environmental Protection Act 1986 – Section 39A(7) – Public advice*. Proposal: Camping on Lot 63 and Lot 303 Dirk Hartog Island.

<sup>4</sup> Asher, J. and Morris, K. (2014, Revised 2015). *Dirk Hartog Island Biosecurity Implementation Plan – a shared responsibility*. Department of Parks and Wildlife, Perth.

<sup>5</sup> Dirk Hartog Island Pty Ltd (2019) *Foreshore Management Plan, Homestead Bay – Dirk Hartog Island, Lot 62 & 303*. Available from: <http://www.epa.wa.gov.au/proposals/camping-lot-62-and-lot-303-dirk-hartog-island>

<sup>6</sup> Department of Environment and Conservation and Conservation Commission of Western Australia (2012) *Shark Bay Terrestrial Reserves and Proposed Reserve Additions – Management Plan No. 75, 2012*. Government of Western Australia. Effective from 11 May 2012 through notice in the *Government Gazette*.

The environmental appeals process is a merits-based process. For appeals in relation to an EPA decision not to assess, the Appeals Convenor normally considers environmental significance, relevance of factors, and additional information not considered by the EPA, and if other approvals processes can adequately address the relevant factors without the need for formal assessment by the EPA. The level of public interest may also be relevant.

This document is the Appeals Convenor's report to the Minister under section 109(3) of the EP Act.

## **OUTCOMES SOUGHT BY APPELLANT**

The appellant is seeking for the proposal to be remitted to the EPA for formal assessment of the environmental impacts of increased overnight visitor numbers, including in relation to resources, transport and waste management.

## **GROUND OF APPEAL: IMPACTS ASSOCIATED WITH ADDITIONAL VISITORS**

The appellant is concerned that the proposal to develop facilities for an increased number of overnight visitors will lead to an increase in vehicle numbers and wastes, resulting in increased and cumulative environmental impacts (including on the adjacent National Park).

Specifically, the appellant submitted the following:

- the proposal documents do not explain how the 80 additional visitors and their equipment will be resourced and transported, and it will not be possible to 'legally' transport the additional proposed overnight visitors to and from the camping area and around the Island and comply with the 10 vehicle limit set out in the Shark Bay Management Plan
- it is reasonable to assume that up to 2,500 overnight visitors will bring in excess of 1,000 vehicles per day to the Island, which will lead to a need for mechanical (breakdown) and tyre services, the upgrading of roads, and risks (biosecurity/weeds) associated with importing road construction materials
- the proposal documents are almost silent on the hydrology of the Island, and the source and amount of water resources required to supply the proposed visitor numbers has not been addressed, currently fresher water resources are skimmed from shallow wells
- the proposal documents do not adequately address three areas of waste management:
  - septic disposal is mentioned in the documentation but is not described in relation to potential cross contamination with water resources and the capacity to cope with increasing visitor numbers over time
  - the issue of general waste is not addressed in detail including how it will be collected and where it will be disposed
  - the issue of vehicle waste is not even identified. Inevitably there will be wrecked tyres and broken suspension components
- the proposal documents do not mention stygofauna, and drawing fresher water from a thin shallow lens beneath the Island has the potential to impact on stygofauna.

The appellant is seeking for the following outcomes:

- the EPA to review the impacts of the increased number of overnight visitors in relation to:
  - the resources required to support them in line with management objectives for the Island
  - the hydrology and water resources of the Island
- the preparation of:
  - a vehicle management plan in line with the objectives of the Shark Bay Management Plan and World Heritage listing



- a sustainable water resource management plan for current and increased number of overnight visitors
- waste management plans for approval by local, State and Commonwealth governments which have jurisdiction for the Island and World Heritage listing
- a stygofauna survey by a suitably qualified biologist.

### Development of campsites for up to 80 additional visitors

The appellant submitted that the proposal documents do not explain how the additional visitors and their equipment will be resourced and transported.

The proponent's Environmental Scoping Document<sup>7</sup> and Sustainable Management Plan<sup>8</sup> state that existing accommodation currently caters for up to 26 people, and the proposal will cater for an additional 80 people (including 10 staff members) during peak times.

In response to the appeal, the EPA noted that:

... visitor access to Dirk Hartog Island occurs via three pathways: by barge from Steep Point; private water vehicles (e.g. boats); and light aircraft. Supplies and equipment are also transported by these pathways, while access via the barge is the only way in which visitors can transport vehicles from the mainland to Dirk Hartog Island. ...

... [S]imilar to any remote destination in Western Australia, the onus is largely on visitors to ensure they are adequately supplied for the duration of their stay on Dirk Hartog Island. Information pamphlets are provided by the proponent and DBCA cautioning visitors that only minimal supplies are available or can be sourced on Dirk Hartog Island. The EPA considers that implementation of the proposal does not remove the onus for visitors to ensure they are adequately supplied for their stay prior to arrival.<sup>9</sup>

From the above, the EPA was satisfied that the proposal would not significantly change the need for visitors to be responsible for their own resourcing and transportation.

The Shark Bay Management Plan notes that, as at 2012, visitor numbers to the National Park were 'estimated to be less than 500 per year (excluding visitors to the homestead)', and were expected to remain low unless additional facilities and infrastructure are provided.<sup>10</sup>

For its part, the proponent advised that it is unlikely that there would be more than 200 overnight visitors at any one time in the foreseeable future.<sup>11</sup>

In response to a request for advice on this matter, DBCA advised that:

... The [Shark Bay Management Plan] estimates potential overnight stays on the freehold lots at 1600 – 2500, based on the development of all freehold lots to full capacity and at full occupation. However, this maximum capacity is not likely to be realised in the foreseeable future and is not considered by DBCA to warrant consideration in the context of the current camping development proposal on Lot 62 and Lot 303.

DBCA has initiated the preparation of a visitor master plan for Dirk Hartog Island National Park. The visitor master plan will address future vehicle access management, including in relation to potential and proposed development of freehold and leasehold lots.<sup>12</sup>

<sup>7</sup> Dirk Hartog Island Pty Ltd (2019) *Environmental Scoping Document – Homestead Bay, Dirk Hartog Island, Lot 62 & 303 – Dirk Hartog Island Nature Based Park*. Available from: <http://www.epa.wa.gov.au/proposals/camping-lot-62-and-lot-303-dirk-hartog-island>

<sup>8</sup> Dirk Hartog Island Pty Ltd (2016; Updated 2017) *Sustainable Management Plan 2016*. Available from: <http://www.epa.wa.gov.au/proposals/camping-lot-62-and-lot-303-dirk-hartog-island>

<sup>9</sup> EPA, response to Appeal 003/20, 13 February 2020, page 2.

<sup>10</sup> Shark Bay Management Plan, page 111.

<sup>11</sup> Hypermarket Pty Ltd, response to Appeal 003/20, 23 January 2020, page 2.

<sup>12</sup> DBCA, response to Appeal 003/20, 19 February 2020, pages 1-2.

It is understood that a 2005 Agreement between the State Government and the proponent at the time of establishing the National Park set limits to the number and size of visitor and staff accommodation units allowed on each of the freehold blocks. In addition, covenants (dated October 2009) registered on the certificates of title of Lots 62 and 303 indicate that the maximum number of units allowed is 244 x 200 m square (m<sup>2</sup>) on Lot 62, and 51 x 90 m<sup>2</sup> on Lot 303.

### Increased need for water resources and impacts on hydrology

The appellant submitted that an increase in visitor numbers will result in an increased need for water resources and potential impacts on hydrology.

The Environmental Scoping Document identifies 10 existing water tanks and a further four proposed 10,000 L water tanks (three associated with the proposal's camp-kitchen and ablution facilities).<sup>13</sup>

The Sustainable Management Plan states that water supply is pumped from about seven kilometres (km) away by windmill and solar pumps, and that desalination and reverse osmosis<sup>14</sup> is used to treat the water. In relation to water storage and usage, the plan states:

Storage of bore water is located 100m away from the Lodge on a high hill. The water is then gravity fed through a 50mm poly pipe and is monitored via total tank daily usage.

Shower, toilet and general use water storage;  
2 x 25,000lt poly tanks  
4 x 15,000lt poly tanks

Drinking water storage;  
2 x 15,000lt poly tanks ...

Water storage tanks are checked twice daily and recorded. At peak times (school holidays) the usage is approximately 8,000lt per day with 26 guests in the Lodge and 70 guests in the camp grounds [and] 10 Staff members during peak season.

Total of 106 people equates to 75lt of water used per person per day for toilets and showers. ...<sup>15</sup>

In addition to the above, the proponent submitted that:

The current water resource is via a well (West Wells) ... located within the Dirk Hartog Island National Park and Hypermarket Pty Ltd has an agreement in place with DBCA to draw water from the well and a water easement through the National Park to pump the water. Under the *Rights in Water and Irrigations Act* a licence is not required as the well location is outside a proclaimed groundwater area and water is not being drawn from the artesian aquifer.

West Wells was the main water source during the island's pastoral days (circa 1890 – 2009) and had supported up to 20,000 head of sheep, and in more recent times approximately 4,000 sheep and 6,000 goats. This equates to approximately 100,000 litres ... per day ... being drawn ...<sup>16</sup>

A review of the current water usage ... clarifies usage at approximately 8,000lt per day at 100% occupancy [with 80 additional visitors]. This total includes a variety of activities such as watering gardens, wash down of vehicles and vessels, showers & kitchen facilities for staff and visitor usage.<sup>17</sup>

In response to the appeal, the EPA noted that:

The proponent supplies a limited amount of water to visitors who stay at its existing accommodation facilities, and encourages visitors to bring an appropriate supply of water with them from the mainland. The proponent stores water for general use in eight Polyethylene (poly) tanks on site with a combined 140,000 litre (L) capacity. The proposal included three additional 10,000 L water tanks to facilitate additional campsites and the increase in visitor numbers.

<sup>13</sup> Environmental Scoping Document, Plan 5, page 21.

<sup>14</sup> The proponent advised that rejected water from the reverse osmosis process is pumped onto lawns and gardens, along with grey water from washing machines. In: Dirk Hartog Island Pty Ltd (2019) *Water Management Data Report*.

<sup>15</sup> Sustainable Management Plan, page 9.

<sup>16</sup> Hypermarket Pty Ltd, response to Appeal 003/20, 23 January 2020, page 1.

<sup>17</sup> Hypermarket Pty Ltd, additional response to Appeal 003/20, 13 February 2020, page 1.

The proponent sources water from a well approximately seven kilometres from the proposal, and is treated via reverse osmosis prior to potable use. The well is located in the adjacent Dirk Hartog Island National Park, and was established during the islands previous pastoral use. ... The EPA notes that, in accordance with section 101(1e) of the CALM Act, the proponent is required to have approval from DBCA in place to access the well. No other activities are proposed that are likely to cause significant impacts to inland waters hydrology.

In making its determination, the EPA considered that water use for the proposal is small in scale, and that it is unlikely for the proposal to significantly impact hydrological regimes or the quality of groundwater or surface water.<sup>18</sup>

The EPA subsequently recommended that this element of the appeal is dismissed.

Noting the EPA's reference to section 101(1e) of the CALM Act, further advice was sought from DBCA. In response, DBCA advised that there is no CALM Act section 101(e) licence over the wells in Dirk Hartog Island National Park, and that:

- A water easement for Lot 62 and Lot 303 exists in Dirk Hartog Island National Park and is lawful under the Land Administration Act 1997 - Section 144 and provides an ability for the proponent to draw and convey water. (see attached water easement plan).
- The underlying land tenure remains as Dirk Hartog Island National Park but is burdened by the overlying easement.
- The easement holder (in this case the proponent) has a right to use the land as long as the easement exists and the easement holder complies with the easement conditions (see attached Water Easement Document EL12937 [page 5 of the PDF Item 2 of the Schedule] and Water Easement Plan).<sup>19</sup>

DBCA's advice was referred to the EPA for consideration. The EPA subsequently advised that:

The EPA notes the advice [of DBCA] ... that the taking of water from within the Dirk Hartog Island National Park boundaries is subject to an easement issued under the *Land Administration Act 1997*. In making its determination, the EPA considered that water use for the proposal is small in scale, and unlikely to significantly impact hydrological regimes or the quality of groundwater or surface water. Based on this information, the EPA's recommendation ... has not changed.<sup>20</sup>

From the above, it is understood that the statutory mechanism by which the proponent accesses an existing well within the National Park is the easement benefit registered on the certificates of title.

The proponent also advised that it monitors water usage at its facilities, despite there being no formal requirement for it to do so.

### **Increased vehicle numbers and need for associated services**

The appellant submitted that an increase in visitor numbers will result in an increased number of vehicles on the Island.

For its part, the proponent advised that currently around 630 vehicles access the Island per year, with no substantial increase expected as a result of the proposal (may increase to 1,000 per year).<sup>21</sup>

In response to the appeal, the EPA advised that it considered that the proposed increase in visitor numbers would not necessarily cause an increase to vehicle numbers, and that:

... the proponent operates the only public access barge to Dirk Hartog Island and is licensed to do so by [DBCA]. Transport of vehicles via the barge must be booked in advance, and capacity of the barge is limited to one vehicle and one trailer per trip. The EPA considered that there are adequate controls in place to limit the number of vehicles that can visit Dirk Hartog Island ...

<sup>18</sup> EPA, response to Appeal 003/20, 13 February 2020, page 3.

<sup>19</sup> DBCA, additional response to Appeal 003/20, 16 March 2020, email page 1.

<sup>20</sup> EPA, additional response to Appeal 003/20, 19 March 2020, page 1.

<sup>21</sup> Hypermarket Pty Ltd, response to Appeal 003/20, 23 January 2020, page 2.



The EPA notes that [the Shark Bay Management Plan] provides a level of flexibility regarding vehicle numbers on Dirk Hartog Island, as it states the number of private vehicles per day on the island should initially be limited to 10 (not including DBCA management vehicles), and that the number would be monitored to determine if the upper limit for vehicle numbers could be increased in the future.

The EPA therefore does not consider the proposal to be incompatible with the management objectives of [the Shark Bay Management Plan].

...

As set out in the proponent's Bushfire Management Plan ... the proposed vehicle access roads and firebreaks would be constructed so that the vegetation is cleared, exposing the bare-earth beneath as a track to provide a trafficable surface for four-wheel drive vehicles. Importation of materials from the mainland for the purposes of constructing access tracks is not proposed as part of this proposal.

The EPA notes that no other upgrades to existing access tracks outside of the freehold land is proposed as part of this proposal, and that any upgrades to access tracks within the Dirk Hartog Island National Park would be managed by DBCA.

... the proponent and all visitors to Dirk Hartog Island are required to act in accordance with Dirk Hartog Island Biosecurity Plan (DPAW 2014) (the Biosecurity Plan) to prevent the establishment of weeds, and feral and domesticated animals. The EPA considered the proponent's biosecurity measures sufficient for the purposes of the proposal, in particular the measure requiring any future use of materials to construct or maintain access tracks on Dirk Hartog Island to be procured in accordance with the Biosecurity Plan. This means that materials would be sourced from a clean site, free of weeds, seeds and other organic material, and transported in sealed containers.<sup>22</sup>

The EPA subsequently recommended that this element of the appeal is dismissed.

In relation to a limit on vehicle numbers, the Shark Bay Management Plan states:

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. This limit does not include Departmental management vehicles which will be kept to a minimum.

... more vehicles are likely to have a negative impact on the track conditions and potentially affect the ecological restoration project ... The limit of 10 private vehicles per day on the island has been set but will be monitored to determine if the upper limit for vehicle numbers can be changed. The implementation of an island-based vehicle hire system may also be considered. Other strategies may be required to consider visitor access around the island.<sup>23</sup>

In response to a request for advice on this matter, DBCA advised that the Shark Bay Management Plan includes a limit on the number of private vehicles, including tour operator or service vehicles, in the National Park at any one time. While this was initially 10 vehicles per day, DBCA advised that this number was increased to 20 per day in 2016:

DBCA considers that the current vehicle limit of 20 is satisfactory to meet current visitor demand and growth in the short to medium term. DBCA recognises that visitor vehicle access demand will grow with the development of camping and tourism accommodation on freehold and leasehold lots and any development of additional campsites within the national park. ...<sup>24</sup>

This advice is consistent with the proponent's Commercial Operations Licence<sup>25</sup> (dated 10 January 2018), which requires the proponent 'book any visits to the Island by contacting the DBCA Shark Bay District office ... as a limited number of vehicles are allowable on the Island at any one time'.

<sup>22</sup> EPA, response to Appeal 003/20, 13 February 2020, page 4.

<sup>23</sup> Shark Bay Management Plan, page 147

<sup>24</sup> DBCA, response to Appeal 003/20, 19 February 2020, page 1.

<sup>25</sup> Appendix H of the referral documents. Available from: <http://www.epa.wa.gov.au/proposals/camping-lot-62-and-lot-303-dirk-hartog-island>

In any event, while the increase in camping places the subject of this appeal is linked to the number of private vehicles on Dirk Hartog Island, the management of vehicle numbers with the National Park is ultimately a matter for DBCA in accordance with the Shark Bay Management Plan and World Heritage listing.

The purpose of the Biosecurity Implementation Plan is 'to provide guidance for implementing biosecurity actions to prevent the establishment of new invasive species on Dirk Hartog Island and assist in the success of the "Return to 1616" Dirk Hartog Island ecological restoration project'. The Plan further sets out that it:

... will be principally implemented by the Department of Parks and Wildlife through its staff, volunteers and contractors with the voluntary cooperation of freehold land owners, tourism operators, private lease holders, visitors to the island, Malgana people, the Shire of Shark Bay and the Australian Maritime Safety Authority by implementing the biosecurity measures outlined in [it] ...<sup>26</sup>

From the above, it is noted that there is no statutory requirement for the proponent or visitors to the Island to comply with the measures set out in the Biosecurity Implementation Plan in order to 'reduce the economic, environmental and community impact of animal and plant pests, weeds and diseases'.

Noting this, further advice was sought from the EPA. The EPA subsequently advised that:

The EPA notes ... that the measures set out in DBCA's Dirk Hartog Island Biosecurity Implementation Plan (DPAW 2014) appear to be voluntary rather than mandatory for the proponent and visitors. In making its determination, the EPA considered the proponent's biosecurity measures as sufficient for the purposes of the proposal, and therefore, unlikely to significantly impact flora and vegetation or terrestrial fauna on Dirk Hartog Island. Based on this information, the EPA's recommendation ... has not changed.<sup>27</sup>

## Management of general and septic waste

The appellant submitted that the proposal documents do not describe how the potential for septic contamination of water, disposal of general waste, and issue of vehicle waste (discarded tyres, etc), will be managed.

The Environmental Scoping Document notes the risks posed to marine water quality and ecosystem structure from sewerage and effluent disposal, including eutrophication and contamination, and from stormwater runoff and waste management.

The Sustainable Management Plan details the following measures and procedures to manage waste:

### Waste Reduction initiatives

- Prevention and minimisation of waste production at the source | Buy Bulk
- Reuse of resources where possible | refill fuel/water/gas containers
- Recycling of generated waste | Ali Cans recycled, glass crushed and used.
- Remove landfill waste to mainland depots for further recycling
- Encourage guests to refill water bottles
- We do not supply take away coffee cups

...

### Solid & Liquid Waste

- 3 clearly marked bins are located at all accommodation & camping areas encouraging the separation of waste
  - Glass: Crushed and stored for use in building materials
  - Aluminium Cans: Crushed and sent to mainland recycling in Geraldton
  - General Waste: land filled

<sup>26</sup> Biosecurity Implementation Plan, preface.

<sup>27</sup> EPA, additional response to Appeal 003/20, 19 March 2020, page 1.

- The kitchen has additional waste bins & containers
  - Food scraps: fed to chickens daily
  - Oils & fats: containerised and shipped to Denham waste area
- Revers[e] Osmosis Water Treatment plant operates using bore water pumped from a well located approx. 7km away from the Lodge. The freshwater is stored in rainwater tanks
  - Reject water is pumped onto the lawns and gardens
- Washing Machine waste water
  - Waste water is pumped onto lawns and gardens
- Vehicle & Vessel Oils
  - Oils, used filters and consumables are returned to the mainland disposal area in Denham for recycling.<sup>28</sup>

Further, the Foreshore Management Plan outlines measures to manage the risk of unregulated disposal of rubbish within adjacent foreshore areas, including informing visitors on waste management policies, disposal areas (including for recycling) and safety measures and protocols.<sup>29</sup>

In addition to the above, the proponent submitted that its ecotourism certification is:

... audited annually by independent assessors, [and ensures] a high standard of quality, compliance and a commitment to best practice environmental standards ... [and includes] strict ... waste management protocols.

The wastewater management via septic tanks and leach drains will need to be approved by [the] Shire of Shark Bay during the development application stage. If the development is approved, then a separate application to construct and install an apparatus for the treatment of sewerage is required to be submitted to the Shire of Shark Bay which will require approval by the Department of Health. The operator of the proposed camping facilities will adhere to the requirements stipulated by both the Shire of Shark Bay & the Department of Health as directed in this regard.

... Every effort is made to minimise the generation of waste via practical and approved procurement and recycling strategies subject to the Advanced Ecotourism certification. Any general waste that is not addressed adequately through the procedures implemented will be removed from the island and disposed of via the Shire of Shark Bays landfill facility. The appropriate guidelines will be followed for landfill and best efforts will be made to ensure all possible recyclable materials are collected.

... 'vehicle waste' would be addressed by removing this from the island.<sup>30</sup>

In response to the appeal, the EPA advised:

...General waste generated at the proponent's existing accommodation facilities is separated by waste stream and recycled, reused, and returned to the mainland, with minimal waste being sent to landfill. Vehicle waste and engine oil waste is collected by the proponent and returned in sealed containers to the mainland disposal area in Denham for recycling.

As set out in the ... referral information, additional waste generated by the proposal would continue to be managed appropriately in accordance with its Sustainable Management Plan.

#### *Septic disposal*

The EPA notes that effluent disposal is managed at the proponent's existing accommodation facilities via three septic tank systems; each with one 4000 L tank, one 2200 L tank and 24 metre leach drains. The EPA does not recognise the use of septic tanks as best practice for treating waste in Western Australia, however, the proponent's referral information states that the capacity of the existing system would facilitate the additional campsites and increase in visitor numbers without the need for additional tanks or drains for this proposal.

The proponent's referral information commits to replacing the septic disposal system in the future with more contemporary technology such as Aerobic Treatment Units (or similar). In making its determination, the EPA supported the proponent's decision to upgrade the septic tank system to more suitable technology in the future.

<sup>28</sup> Sustainable Management Plan, pages 7 and 10.

<sup>29</sup> Foreshore Management Plan, page 9.

<sup>30</sup> Hypermarket Pty Ltd, response to Appeal 003/20, 23 January 2020, page 3.

Due to the relatively small scale and extent of the proposal, and the waste management measures set out in the Sustainability Management Plan and proponent commitments, the EPA considered the proponent could manage potential impacts from waste without further assessment.<sup>31</sup>

From the above, general waste is reused, recycled or removed from the Island, and the proposal includes a septic disposal system at each of the proposal's three camp-kitchen and ablution facilities. The EPA noted that while it does not consider septic disposal systems to be best practice and supports the use of more suitable technology in the future, it was satisfied that that given the scale of the proposal the potential impacts from waste can be managed without the need for further assessment.

In any event, the appropriateness of the design, location and capacity of each septic disposal system is a matter for the Shire of Shark Bay to determine in assessing the proponent's development application. In that regard, the proponent has advised that if the development is approved, then a separate application to construct and install an apparatus for the treatment of sewerage is required to be submitted to the Shire of Shark Bay which will require approval by the Department of Health.

### Consideration of impacts on stygofauna

The appellant submitted that the proposal documents do not consider potential impacts to stygofauna.

DBCA's website outlines the threats to stygofauna as being changes in the quality of groundwater, changes to levels or removal of groundwater, compaction of sediment, and lack of scientific knowledge which limits our understanding of the impacts of these threats.<sup>32</sup>

In relation to these threats, the proponent submitted that:

It is not known if stygofauna exist at West Wells however considering the significant reduction in water use since 2009, ... any potential further impact ... would be considered insignificant. ...

- Major changes to habitat: no change in the well size or depth is proposed and therefore no change to habitat will occur. This well has existed for over 100 years in its current state.
- Changes in the water quality: the current water usage from the well is significantly less compared to the over 100 years of pastoral use drawing substantially more water.
- Changes to water levels: the water level is consistent and only changes after substantial rain (ie-the level of water in the well increases after substantial natural rainfall).
- Compaction of sediment: as no changes are planned to the well, and there is no physical access by persons to the well, this is unlikely to occur. ...<sup>33</sup>

In response to the appeal, the EPA considered that significant impacts to subterranean fauna (including stygofauna) were unlikely, and that a survey was unnecessary, due to the following:

- The proposal involves a minor increase in water supply for three additional 10,000 L water tanks;
- Water is supplied from one existing well within the adjacent Dirk Hartog Island National Park, in agreement with DBCA;
- Taking of additional water for the proposal is unlikely to cause significant drawdown to groundwater or stygofauna habitat;
- No other activities are proposed that are likely to cause direct or indirect impact to subterranean fauna.<sup>34</sup>

From the above, the EPA was satisfied that the proposal is unlikely to cause significant drawdown to groundwater or stygofauna habitat, no other activities are proposed that are likely to impact on subterranean fauna, and a biological survey for stygofauna is not necessary.

<sup>31</sup> EPA, response to Appeal 003/20, 13 February 2020, pages 5-6.

<sup>32</sup> Available at: <https://www.dpaw.wa.gov.au/about-us/science-and-research/wetlands-conservation-research/204-stygofauna>

<sup>33</sup> Hypermarket Pty Ltd, response to Appeal 003/20, 23 January 2020, page 2.

<sup>34</sup> EPA, response to Appeal 003/20, 13 February 2020, pages 3-4.

## Conclusion

On the basis of the available information, the EPA was satisfied that:

- the proposal would not significantly change the need for visitors to be responsible for their own resourcing and transportation
- the number of vehicles accessing the Island is limited by the capacity of the barge, and the number of vehicles within the National Park is managed under the Shark Bay Management Plan
- given the scale of the proposal, it is unlikely to significantly impact inland waters hydrology, hydrological regimes or the quality of groundwater or surface water
- the potential impacts from waste can be managed without the need for further assessment
- the proposal is unlikely to cause significant drawdown to groundwater or stygofauna habitat, and a biological survey for stygofauna is not necessary.

From the appeal investigations following is also noted:

- covenants registered on the certificates of title of Lots 62 and 303 outline the extent of future development (and therefore the carrying capacity for overnight visitors) on the freehold blocks
- the proposal to cater for an additional 80 visitors is, based on an average estimated water usage of 75 L per person per day, expected to result in increased daily water usage by about 6,000 L
- an easement registered on the certificates of title allow the proponent to access an existing well within the National Park to draw water
- as stated in the Shark Bay Management Plan and amended by DBCA, the number of private vehicles, including tour operator and service vehicles, allowed within the National Park at any given time is limited to 20 per day
- general waste is reused, recycled or else removed from the Island, with minimal waste being sent to (mainland) landfill, and the appropriateness of the design, location and capacity of each septic disposal system is a matter for the Shire of Shark Bay to determine
- the matter of a full development scenario is beyond the scope of this appeal.

The appellant's view that the EPA should have assessed the potential impacts associated with the proposed increase in visitor numbers, including in relation to resourcing, waste management and environmental impacts, is noted. Notwithstanding this, it is considered that the EPA had appropriate regard for the information before it to inform its decision on whether or not to assess the proposal and its conclusion that the proposal is unlikely to significantly impact on the environment.

## CONCLUSION AND RECOMMENDATION

For the reasons stated in this report, I consider that the EPA's conclusion that the environmental impacts of the proposal are not so significant as to warrant formal assessment, and can be managed to meet its objectives for the environmental factors identified in its published determination and public advice, was reasonable and was supported by the available information. I also note there is opportunity for additional controls to be applied through the development application by the Shire of Shark Bay. On this basis I consider that the EPA's decision not to assess the proposal was justified, and I recommend that the appeal be dismissed.

Emma Gaunt  
APPEALS CONVENOR

**Investigating Officers:** Jean-Pierre Clement, Deputy Appeals Convenor  
Emma Bramwell, Senior Environmental Officer