Planning and Development Act 2005
Order to Shire of Exmouth under section 76(1) of the Act

1. I, the Hon John Day MLA, Minister for Planning, acting pursuant to section 76(1) of the Planning and Development Act 2005 (WA), order the Shire of Exmouth to prepare the amendment to its Town Planning Scheme No. 3 set out in the document entitled "PROPOSED SCHEME AMENDMENT Lots 1, 101, 112 and 220 Minilya-Exmouth Road, Learmonth", a copy of which is attached to this order.

2. The Shire of Exmouth is to comply with this Order on or before 1 August 2012.

Signed this 18th day of June 2012.

[Signature]

JOHN DAY MLA
MINISTER FOR PLANNING
Planning and Development Act 2005
Order to Shire of Exmouth under section 76(1) of the Act

Reasons for Decision

I am satisfied on the representations of Mr Alex Kailis Director MG Kailis Pty Ltd, that the Shire of Exmouth has failed to prepare an amendment to its Town Planning Scheme No 3 proposed by MG Kailis Pty Ltd in a case where the amendment ought to be adopted for the following reasons:

1. The Shire of Exmouth has declined to prepare the amendment to its Town Planning Scheme No 3 set out in the document entitled "PROPOSED SCHEME AMENDMENT Lots 1, 101, 112 & 220 Minilya-Exmouth Road, Learmonth".

2. A need has been identified for a marine supply base to service the oil and gas industry and fishing operations in this location which could bring significant economic benefits to the local community. As the proposed amendment could facilitate this need being met, it is appropriate for the proposed amendment to be prepared in order that it can be the subject of more detailed consideration through the scheme amendment process.

3. As to the reasons given by the Shire of Exmouth for refusing to prepare the proposed amendment:

   (a) Strategic planning for this area has begun but has not been completed. As it will not be completed in the near future, it is preferable for the proposed amendment to be considered on its merits through the scheme amendment process.

   (b) Given the current use of the land as a 'brownfields' site in a Special Use zone, the proposed amendment is not considered to constitute ad hoc 'spot rezoning'.

   (c) The scale of the development including the comments by the Learmonth Solar Observatory can be assessed through the scheme amendment process once the proposed amendment is initiated by the Shire of Exmouth.

   (d) Environmental concerns can also be assessed through the scheme amendment process including referral to the Environmental Protection Authority, once the proposed amendment is initiated by the Shire of Exmouth.

Signed this <date> day of <month> 2012.

JOHN DAY MLA
MINISTER FOR PLANNING
PROPOSED SCHEME AMENDMENT

Lots 1, 101, 112 & 220 Minilya-Exmouth Road,
Learmonth

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Version/Date: Rev 0, October 2011

RPS Environment and Planning Pty Ltd (ABN 45 108 680 977)
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APPENDICES

APPENDIX I: Certificates of Title
1.0 INTRODUCTION

This report is submitted to the Shire of Exmouth on behalf of MG Kailis Group seeking an amendment to Town Planning Scheme No. 3 ('the Scheme').

The purpose of the amendment is to facilitate the development of an innovative, low impact marine supply base on Lots 1, 101, 112 & 220 Minilya-Exmouth Road, Learmonth ('the subject site'), providing a range of services to the North-West oil and gas industry and fishing operations.

This submission provides an overview of the proposed marine supply base, the historical use of the site, the current strategic and statutory planning considerations, and the locational benefits of the subject site to support such a proposal.
2.0 SITE DETAILS

2.1 Legal Description

The subject land is comprised of four (4) lots, with a total area of approximately 27.8 hectares. The lot and Certificate of Title details are listed in Table I below:

Table I: Land Tenure and Legal Description

<table>
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<th>Lot Number</th>
<th>Ownership</th>
<th>Certificate of Title</th>
<th>Lot Area</th>
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<tr>
<td>Lot 1</td>
<td>MG Kailis Pty Ltd</td>
<td>V2230 / F171</td>
<td>12.569 ha</td>
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<tr>
<td>Lot 101</td>
<td>MG Kailis Pty Ltd</td>
<td>V2230 / F171</td>
<td>0.2040 ha</td>
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<tr>
<td>Lot 112</td>
<td>Crown Land (Leasehold)</td>
<td>VLR3069 / F517</td>
<td>4.0461 ha</td>
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<tr>
<td>Lot 220</td>
<td>MG Kailis Pty Ltd (formerly MG Kailis Gulf Fisheries Pty Ltd)</td>
<td>V2077 / F 882</td>
<td>11.021 ha</td>
</tr>
<tr>
<td>Total Land Area</td>
<td></td>
<td></td>
<td>27.8401 ha</td>
</tr>
</tbody>
</table>

Copies of the current Certificates of Title are attached at Appendix 1.

2.2 Site Description

The subject land is located on the eastern side of Minilya-Exmouth Road in the locality of Learmonth (refer Figure 1).

Existing development on the land consists of a range of accommodation, storage and factory buildings associated with the original purpose and use of the site for fleet support and seafood processing by the MG Kailis Group. Existing development is concentrated along the southern and eastern boundaries of the site. Vacant areas of the subject land are largely devoid of vegetation. A creek (floodway) traverses the middle of Lot 220 (refer Figure 2 and Figure 3).

The historical use of the subject land is discussed in further detail under Section 3.0.

It should be acknowledged that the MG Kailis Group proposes to cease its current seafood processing activities on the subject site in December 2011. The successful development of the proposed supply base will allow the continued use of established infrastructure on this site and will provide further employment opportunities for the region.
2.3 Local Context

The subject site is located approximately 22km south of the Exmouth Townsite. Learmonth Airport is located approximately 13km to the south-west, such that the subject land is well positioned to take advantage of this key infrastructure asset.

Cape Range National Park is located to the west of the subject land, accessed via Charles Knife Road.

The site is largely isolated from any existing development, including marine activities such as recreational and small commercial boating, which is concentrated in and around the Exmouth Marina.

The subject land has informal access to the coast (Exmouth Gulf), which has been established as a result of the historical use of the land. A strip of Crown Land (Pastoral Lease and Unallocated Crown Land) separates the MG Kailis landholding from the sea water level. MG Kailis are currently investigating the potential to create a formal access as part of the overall marine supply base proposal.

Please refer to Figure 4 for a diagrammatic illustration of the site in context of the surrounding region.
3.0 HISTORICAL ACTIVITIES

The MG Kailis fleet and seafood processing operations were relocated to the subject site from a site adjacent to the Learmonth RAAF base in the early 1970's to accommodate the RAAF base expansion associated with the Harold E Holt naval base.

The purpose of providing the current lots was for MG Kailis to continue its existing land based operations, which encompassed:

- Anchoring and mooring 15 plus prawn trawlers adjacent to the MG Kailis lots.
- Daily unloading of vessels' catch across the beach by dinghy and tractor trailer.
- Providing engineering support to vessels at anchor as above.
- Process seafood landed daily, freeze and hold for domestic and export markets.
- Operation of engineering and fabrication workshops on site to service both the fleet and factory operations. These include the activities of engineering, boiler making and marine electrical on the site.
- Open and undercover storage of marine equipment associated with fishing activities, including fishing booms, trawl boards, spare engines and parts, nets etc.
- Administration services.
- Provision of accommodation (housing, caravan facilities and quarters) with associated social infrastructure including small general store, pool and recreational facilities.

The following photographs illustrate some of these historical activities:

Plate 1: Prawn trawlers at anchor in Exmouth Gulf
The establishment of these services required MG Kailis to invest in its own water supply (from bores approximately two kilometres inland under license from the Department of Water), power supply and distribution and underground sewage treatment plant.
After operating its fleet from the subject site for over twenty five years, MG Kailis shifted the majority of its fleet unloading and engineering services to the Exmouth Marina which was developed in 1999. However, it continues to operate seafood processing, site maintenance and engineering, administration and, accommodation and ancillary recreational facilities on site.

It should be noted that these operations will cease in December 2011 following a decision by MG Kailis to cease its land based processing activities, and shift to processing and freezing its prawn catch at sea.

Given the original purpose and use of the subject site was for fishing fleet support, a shift to offshore oil and gas fleet support, through the development of a supply base is considered to be consistent with the broad original intent for this land, including access to the coast. Furthermore, the continued use of the subject site will allow the ongoing use of multi-million dollar infrastructure that would otherwise become redundant, and ongoing employment opportunities associated with what has been a site of major economic activity throughout the history of the Exmouth Township.
4.0 MARINE SUPPLY BASE PROPOSAL

4.1 Details of Proposal

MG Kailis, in partnership with Ezion Holdings (Singaporean offshore service provider), is proposing the development of a marine supply base on the subject land. MG Kailis has identified an immediate need for additional marine infrastructure to support the growing oil and gas industry off the north-west coast of the State.

MG Kailis currently services the oil and gas industry with marine engineering services (operated from its Fremantle facility), diving services and vessel charter. There is an opportunity to expand these services through the development of the site in Learmonth.

Onshore activities associated with the proposed supply base that are envisaged include:

- Perimeter fencing, roadways and signage for traffic management.
- Hardstand and pavement areas suitable for containerised cargo, project cargo and bulk cargo, which will be staged to suit operations.
- Re-fuelling and fuel storage facilities.
- Plant & vehicle wash downs bays.
- Site office & Ablution facilities.
- Warehouse buildings and maintenance and fabrication workshops.
- Sewer, water & stormwater drainage.
- Perimeter lighting and service pits for portable light stands within the storage area.
- Fire fighting equipment required by the BCA and Shire requirements.

A photograph of a typical supply base is included below for reference:

Plate 4: Typical Marine Supply Base (storage / admin / hardstand / lighting)
In addition to the above activities, it is also proposed that accommodation facilities be retained on site. This will primarily be to accommodate staff associated with the proposed operations. Ancillary functions to this accommodation component, such as small store, pool and licensed recreational room, are also proposed to be allowed to continue on-site, reflective of historical activities. A copy of an indicative concept plan for the marine supply base is included at Figure 5.

In relation to coastal access, MG Kailis and Ezion have developed an innovative approach to utilise the existing land based lots and key infrastructure to service offshore vessels without the need for dredging or construction of extensive permanent infrastructure such as wharves, allowing the development of the marine supply base to be undertaken in a manner which:

a) Minimises impact on terrestrial and marine environment;
b) Facilitates an efficient and timely approval and construction period to meet identified demand;
c) Uses existing on-site infrastructure (i.e. cold storage / accommodation / services) to support onshore facilities.

The above will be facilitated through the use of removable barge type infrastructure across the beach areas previously used for unloading and servicing fishing vessels operating for the site. These barges will allow landing craft to unload cargo and fuel to a larger semi-submersible service barge standing approximately 1.5-2km from the beach, where MG Kailis trawlers previously anchored daily.

Offshore service vessels and barges will then be able to load and unload adjacent to the semi-submersible service barge, with the landing craft returning with offloaded cargo. This will use the same beach access corridors and vessel holding areas previously used by the MG Kailis fishing fleet in accordance with the historical purpose and use of the land.

Plate 5: Typical semi-submersible barge (as used at Barrow Island)
The proposal will be designed to allow through traffic along the adjacent beach to continue, subject to appropriate traffic controls and diversions when actual barge loading is occurring along the beach. It should be noted that this is an intermittent, not continuous, loading process, and consistent with the previous daily activities of unloading, reloading and maintenance access by tractor trailer across the beach related to the previous fishing fleet activities.

MG Kailis will consider replacing the removable barge infrastructure with limited beach infrastructure such as a boat or loading ramp to service landing craft directly without the need for removable barges if considered appropriate in the future.

There is no plan to build significant permanent infrastructure such as wharves or dredged channels. The proposed offshore activities will be subject to a separate referral to the Environmental Protection Authority under section 38 of the Environmental Protection Act 1986.
5.0 STRATEGIC PLANNING CONTEXT

5.1 State Planning Strategy

The State Planning Strategy, prepared by the Western Australian Planning Commission in December 1997, provides the basis for long-term State and regional land use planning and coordinates a whole-of-government approach to planning.

For the Gascoyne Region, the State Planning Strategy sets a vision being:

"In the next three decades, the Gascoyne Region will expand through increased development of tourism, horticulture, mining, fishing and aquaculture.

The Shark Bay World Heritage Area, the Ningaloo Marine Park and Cape Range National Park, as well as the hinterland attractions of Mt Augustus and the Kennedy Ranges will be among the prime environmental tourism assets in the State. Indigenous tourism experiences will also play a growing role in the development of tourism in the region. The region’s population will increase significantly as its economy grows and major centres will develop. The region will achieve the highest standards of marine and terrestrial environment management and protection to ensure that its natural assets are well managed and, where necessary, protected."

A number of strategies and actions are identified in the document, including the implementation of the Gascoyne Coast Regional Strategy and encouraging investment in industry development that provides employment opportunities for the region's existing population and encourages attraction of labour from other areas.

It is considered that the supply base proposal will assist in achieving the vision for the Gascoyne area by diversifying the economic base of the region and providing additional employment opportunities. Furthermore the location of the subject site, its continued use and proposed development will not adversely impact on the prime environmental tourism assets listed above.

5.2 Statement of Planning Policy No. 2.6 State Coastal Planning Policy

SPP 2.6 has a number of objectives regarding the planning for coastal environments in Western Australia, including the need to protect, conserve and enhance environmental and heritage coastal values; provide public access to the foreshore and coast; identify land that is appropriate for development; and ensure coastal development addresses environmental change and processes. The SPP requires that development adjacent to coastal areas should be supported by coastal planning strategies and/or a foreshore management plan, and identifies setback requirements for coastal development in response to environmental and sea level changes across a 100 year timeframe.
Future development of the land for the purposes of a marine supply base, will be supported by relevant coastal investigations (i.e., storm surge investigations) to ensure adequate development setbacks.

It is likely that any approval to commence development will include as a minimum a requirement for a Foreshore Management Plan.

5.3 Statement of Planning Policy No. 6.3 Ningaloo Coast

SPP 6.3 was prepared to accompany the Ningaloo Coast Regional Strategy (refer section 5.4 below), and has the following key objectives:

- Provide state agencies, local government, community and proponents with clear guidance regarding acceptable and sustainable development on the Ningaloo coast.
- Maintain the Ningaloo coast as an all-seasons recreation and nature-based tourism destination and limit growth with managed staged development, to ensure that the community continues to enjoy a remote and natural experience.
- Preserve and protect the natural environment and enhance and rehabilitate degraded areas within the environment.
- Consolidate future residential, commercial, higher-impact tourism and industrial development in the towns of Carnarvon and Exmouth and provide strategic directions for their growth.

Of relevance to the marine supply base proposal are the objectives of preserving the natural environment and strategic growth directions. The marine supply base proposal will be subject to a number of environmental investigations, including referral under section 38 of the Environmental Protection Act 1986.

5.4 Ningaloo Coast Regional Strategy Carnarvon to Exmouth 2004

The Ningaloo Coast Regional Strategy (NCRS) was prepared in conjunction with the Ningaloo Coast Statement of Planning Policy 6.3 above with the aim of providing a strategic framework for sustainable tourism and land use on the Ningaloo Coast over a 30 year timeframe. The Strategy comprises two sections; the first deals with regional scale issues, including the guidelines for coastal tourism and regional land use; the second establishes individual Structure Plans for the three main settlements in the region -- Carnarvon, Exmouth and Coral Bay.

The NCRS refers largely to the Ningaloo Coast and the management of tourism and access. It does not provide any meaningful strategies or objectives for the locality of Learmonth. Land use planning for the Exmouth is discussed in Section Two of the NCRS, drawing on the key planning objectives of the previous Exmouth Structure Plan. However, this Structure Plan does not incorporate the subject land.
5.5 **Exmouth-Learmonth (North West Cape) Structure Plan 1998**

The Exmouth-Learmonth (North West Cape) Structure Plan 1998 provides a planning framework for the whole of the North West Cape. The primary focus of the Structure Plan is to promote sustainable uses that enable diversification of the economy while protecting the fragile environment of the North West Cape.

The Structure Plan highlights potential areas of economic growth within the study area, identifying oil and gas as a potential mining industry capable of producing demand for onshore servicing and storage. The Structure Plan identifies two locations for potential hydrocarbon industry onshore storage requirements at Point Murat and the strategic industrial site south of the townsite (Lyndon Loc 221 – Lots 50 & 51 Murat Road). However, the plan does not extend to any consideration of the suitability nor future economic use of the MG Kailis lots beyond current activity.

Importantly, the area has previously been identified as suitable for a service port in the North West as far back as the 1960’s and is the reason why the late Michael Kailis selected this site to relocate his fishing operations on the expectation that it would in fact be the long term site for a marina in the region.

Since the time of this Structure Plan being released, there has been considerable growth in the oil and gas industry in and around the North West Cape, and why MG Kailis has identified the immediate opportunity to service this industry through the establishment of a marine supply base.

5.6 **Gascoyne Coast Regional Strategy March 1996**

Prior to the Exmouth-Learmonth (North West Cape) Structure Plan, the then Ministry for Planning prepared the Gascoyne Coast Regional Strategy. This Strategy provided a planning framework for future development in the region and identified the need for a strategic approach to future development, to avoid ad-hoc development while protecting the region’s natural values.

A key recommendation of this Strategy was to investigate the feasibility of providing shore support facilities at Exmouth for the oil and gas exploration industry. The Strategy states:

"The future potential of the petroleum industry depends largely upon production commencing in the region or in adjacent offshore areas. Should production occur, supporting infrastructure would be required both on site and within local centres such as Exmouth and Carnarvon. These facilities could include servicing of support craft, transfer sites for fly-in fly-out staff, and engineering and maintenance facilities."

The Strategy also assesses the ability for the coastal areas of the region to cater for uses. The area of Learmonth is identified as a multi-use coastal area, providing for a
range of activities such as industry, residential, commercial, fishing, land bases for aquaculture, boating, recreational day use and tourism. The land use strategy for this area also suggests that the area be considered as a multiple use area, stating:

"The multiple use category applies to the coast of the Exmouth Gulf north of Learmonth and land to the west and north of Exmouth. These areas are intended to provide for a mix of uses including tourism and recreational development, aquaculture and other appropriate industrial developments, environmentally sensitive extractive industries and rural residential development. This area will provide significant opportunities for Exmouth and development should be permitted provided that it is environmental sensitive and meets the objectives and requirements of the Exmouth Town Planning Scheme."

Historically therefore, the development and use of this coastal region has been encouraged to assist in diversifying the economy of Exmouth, where it can be demonstrated that environmental impacts can be managed.

5.7 Draft Exmouth Townsite Structure Plan 2011

The draft Structure Plan report focuses on the establishment of a land use framework for the Exmouth Townsite that will guide the preparation of a Local Planning Strategy, and in so doing assist the implementation of development initiatives and land use decisions over time.

The draft Structure Plan focuses on future land use within the boundaries of the Townsite. The Structure Plan however does provide some commentary on additional uses proposed outside of the Townsite boundary. The Structure Plan acknowledges the potential expansion of the oil and gas industry, noting that industrial land requirements and harbour expansion will need to be determined.

Importantly, the proposed marine supply base by virtue of its location and separation from the Townsite area, will not impact the Development Initiatives proposed to cater for anticipated population growth in Exmouth.

The draft Structure Plan has recently been adopted by the Shire but endorsement by the WAPC remains pending the preparation of a District Water Management Strategy. This strategy is currently being progressed with a view to being completed in January 2012.

5.8 Gascoyne Regional Development Plan 2010-2020

The Gascoyne Regional Development Plan has been prepared by the Gascoyne's four local governments and the Gascoyne Development Commission to provide a plan for the future growth of the region between 2010 and 2020.
A priority for supporting a diversified and expanded mining industry is to promote Gascoyne communities as sources of labour and services for new mining and as bases for fly in fly out operations. Additionally, the Development Plan recognises that the Gascoyne businesses are geographically well placed to support and service the Pilbara mining industry to the north, and the offshore oil and gas industries.

Local Government and the Gascoyne Development Commission, through the various priorities and projects outlined the Regional Development Plan, are clearly focused on diversification and growth of the economy, which will support the forecasted population growth and a sustainable future for the Gascoyne communities. The proposed marine supply base is considered to meet these broad objectives, recognising the ability of this proposal to support the offshore oil and gas industry in a manner that protects the environment and provides for business and employment opportunities for the community of Exmouth.

5.9 Exmouth Regional Hotspots Land Supply Update

The Exmouth Regional Hotspots Land Supply Update prepared by the Western Australian Planning Commission in November 2008 acknowledges the growth in the offshore petroleum industry, stating that there are a number of offshore oil and gas projects either committed or under consideration in the Carnarvon Offshore Basin, located approximately 50 kilometres north of Exmouth and that the region is ideally positioned to provide new infrastructure to support this industry.

With regards to land supply, the report indicates a number of challenges in meeting forecasted demand, including land use conflict between quarrying/processing activities and residential. Importantly, the proposed marine supply base by virtue of its location and separation from these future residential area, will not impact on the ability to release land required to meet housing demand.

5.10 Discussion

Evident by the review of the various strategic documents, there is an obvious information ‘gap’ in terms of the long term strategic land use planning for the locality of Leanmonth region and Immediate surrounds. Critically though, the proposed marine supply base is not inconsistent or in conflict with the various objectives and vision identified in the various strategic documents for the Gascoyne Region. Indeed, the ability for the proposal to contribute to a diversified economy, whilst minimising the impact on the marine and terrestrial environment, represents a consistent approach with the vision for the region.

From a land use perspective, this proposal needs to be assessed on a merit-based approach. Section 6.0 of this report outlines the locational advantages of the subject site, highlighting its suitability in context of the broader Exmouth area and the various development initiatives proposed for the Townsite area.
6.0 LOCATIONAL ADVANTAGES

The subject site is largely isolated from any existing development, including marine activities such as recreational and small commercial boating, which is concentrated in and around the Exmouth Marina.

The main locational advantages are summarised below:

- Located a significant distance from the residential corridor of the Exmouth Townsite, including Cape Wilderness Estate, removing any potential land use conflict.
- All vehicular traffic (road-based) associated with supply base activities will not conflict with that of the residential areas of the Exmouth Townsite, removing any potential traffic conflict issues, including noise and vibration associated with trucking movements.
- Significant separation of recreational and commercial marine traffic.
- It is an active site with existing infrastructure that is suitable for the proposed purpose that will otherwise become redundant given the proposed change in MG Kailis operations / requirements.
- Accommodating staff and transient workers (incl. associated recreational facilities), and in recognition of the significant separation distance from the Exmouth Townsite, will ensure that the character of the Exmouth Townsite will be maintained, supporting the vision for the Townsite to cater for a well-functioning permanent residential community.
- The ability for the site to access the coast and the flat inter tidal area for vessel unloading means that the site is uniquely suited to the low impact barge concept proposed.

Other advantages to support the merits of the proposal include:

- A purpose-built site (i.e. single use) is attractive for supply base operators and contractors working in the region, particularly when compared to a multi-purpose site.
- The site has sufficient area to accommodate appropriate internal access ways with associated truck turning areas. It should also be noted that the proposed operations will only generate approximately 3-5 additional truck movements per day, and in recognition of the isolation of the entry to this site from other traffic generating issues, there will be no adverse impact on the road network (Murat Road).
- The coastal infrastructure envisaged is removable, allowing it to be disassembled and overcoming issues relating to redundant infrastructure being left in place.
- The proponents give this proposal both a very high likelihood of success, and strong environmental protection and compliance with conditions, given:
  - Ezion have the required floating assets, capital base and expertise; and
MG Kailis has a strong affinity with the area, and importantly a significant ongoing interest in the health of Gulf’s marine environment with its continuing fishing operations.

From the above it is evident that the subject site is in a unique position to facilitate the successful and sensitive development of a low impact supply base facility, anticipated to be operating in the region by mid 2012.

The proponents are very aware of the established environmental values of this region and are committed to ensuring that the proposal is complimentary with its tourism and fishing industries, noting the vested interest of the main proponent (MG Kailis) in all these areas.
7.0 STATUTORY TOWN PLANNING CONSIDERATIONS

7.1 Shire of Exmouth Town Planning Scheme No. 3

The Shire of Exmouth Town Planning Scheme No. 3 limits the use of the subject site to specific uses as identified in Schedule 3 – Special Use Zones, namely: “fish processing, fish shop, café, caravan park, residential and aquaculture”.

A copy of the Zoning Map is provided as Figure 6.

Clause 3.4 of the Scheme provides for Special Use Zones, stating:

“Special Use Zones are set out in Schedule 3 and are in addition to the zones in the Zoning Table.

No person shall use any land or any structure or buildings on land in a Special Use Zone, expect for the purpose specified against the description of such land in Schedule 3 and subject to any conditions specified in Schedule 3 with respect to that land.”

Accordingly, the use of the site is currently restricted to activities and processes associated with fish processing, fish shop, café, caravan park, residential and aquaculture.

Noting the above, and in taking account the intended use of the site, a Scheme Amendment is required. While it is proposed to retain the land in the ‘Special Use’ zone, it is proposed that Schedule 3 be modified to include the expanded range of activities now contemplated.

The details of the proposed Scheme Amendment, including the uses and associated conditions proposed are outlined in Section 8.0 of this submission.
8.0 PROPOSED SCHEME AMENDMENT

The proposed amendment seeks to modify Schedule 3 – Special Use Zones by modifying the special uses currently identified and adding the following additional text:

1. Modifying Schedule 3 – Special Use Zones to include:
   - Supply base to support the fishing and oil and gas industry, including marine engineering, maintenance and repair, and fabrication and assembly of related components
   - Storage Facility / Depot / Laydown Area
   - Residential
   - Transient Workforce Accommodation, as Special Uses.

2. Modifying Schedule 3 – Special Use Zones to include specific conditions relating to the listed Special Uses. The conditions proposed include:
   1) All development is to be generally in accordance with a Site Management Plan approved by the Local Authority to address matters including:
      - Layout and extent of land uses
      - Vehicular access and circulation
      - Maximum number of people accommodated
      - Drainage and stormwater management
      - On site effluent and trade waste disposal
      - Water supply
      - Fire management
   2) All development is to be generally in accordance with an Environmental Management Plan approved by the Local Authority in consultation with the Department of Environment and Conservation.
   3) A Landscape Plan shall be prepared by the proponent to the satisfaction of the Local Authority addressing visual impact as viewed from Murat Road.
   4) A Foreshore Management Plan shall be prepared by the proponent to the satisfaction of the Western Australian Planning Commission.
   5) Any application for temporary structures to provide transient workforce accommodation shall, to Council's satisfaction, be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use.

3. Inserting the following into Schedule 1 – Definitions:
Storage Facility / Depot / Laydown Area: any land, buildings or other structures used for the storage and transfer of goods including salvaged items, the assembling of prefabricated components of products and includes transport and fuel depots.

Transient Workforce Accommodation: premises intended for the temporary accommodation of transient workers and may be designed to allow transition to another use or may be designed as a permanent facility for transient workers.
9.0 ENVIRONMENTAL AND SERVICING CONSIDERATIONS

9.1 Environmental Considerations

9.1.1 Vegetation

Vegetation on the subject site is sparse and mostly representative of the semi arid northern areas of Western Australia. In a review of the aerial photography of the site, vegetation appears to be degraded with an absence of any significant upper storey vegetation.

Due to the degraded nature of the vegetation on site it is considered highly unlikely that any of these species occur on site. A Level 1 Flora Survey is however proposed to be undertaken and submitted to Council in November 2011.

9.1.2 Hydrology

Stormwater is likely to be the only hydrological constraint to the development due to potential flash flooding during storms and cyclone events. Water Management will be addressed at the time Development Approval is sought for the specific activities and will address relevant surface water issues.

The Environmental Management Plan (EMP) will address matters associated with inundation and include management measures to ensure that potential groundwater impacts are managed (i.e., as a result of fuel storage materials in sheds).

There is an existing floodway that traverses across Lot 220. Any potential impacts on this system will also be addressed as part of the EMP.

9.1.3 Acid Sulfate Soils

According to existing DEC mapping, there is no known risk of Acid Sulfate Soils (ASS) occurring within the site. Accordingly, no further investigations in relation to ASS are considered necessary.

9.1.4 Aboriginal Heritage

A search of the Department of Indigenous Affairs (DIA) Database in October 2011 has not identified any registered Aboriginal Heritage sites within the subject area.

9.1.5 Potential Environmental Impacts and Management

As outlined in Section 8.0, an Environmental Management Plan will be prepared for the site. This will be prepared at the time development approval is sought from the Shire of
Exmouth and will address all relevant environmental considerations, including the management of any potential impacts.

In addition, the proposed offshore activities will be subject to a separate Section 38 referral under the provisions of the *Environmental Protection Act 1986*.

### 9.2 Servicing Considerations

MG Kailis currently has a licence to extract 100,000kL of potable water from bores located approximately 3km inland from the site, located off Charles Knife Road. There are four (4) bores, each fitted with 1.5KW submersible pumps which currently pump into four (4) 45,000L fibreglass tanks and one (1) 90,000L concrete tank.

The quality of this water is monitored given it is used for food processing. An increase to 200,000kL is proposed, with necessary approvals from the Department of Water to be sought separately.

Other existing on-site infrastructure includes wastewater, power and telecommunications. All wastewater currently is handled via a bio-max sewerage system, which is rated for in excess of 150 people. Power is obtained via mains supply from Exmouth town generators through an existing transformer on site.

Investigations are currently being undertaken to determine what upgrades may be required to support the proposed marine supply base, however it is not considered that serviceability will be a constraining factor on the development proposed.
10.0 SUMMARY AND CONCLUSION

This Scheme Amendment is proposed to facilitate the development of an innovative, low impact marine supply base on Lots 1, 101, 112 & 220 Minilya-Exmouth Road, Learmonth providing a range of services to the North-West oil and gas industry and fishing operations.

The landowner, MG Kailis Group, will cease its existing seafood processing activities on the subject site in December 2011. The successful development of the proposed supply base will allow the continued use of established infrastructure on this site and will provide further employment opportunities for the region.

The proposed marine supply base is not inconsistent or in conflict with the various objectives and vision for the Gascoyne Region identified in previous strategic planning studies. The ability for the proposal to contribute to a diversified economy, whilst minimising the impact on the marine and terrestrial environment, is evidence that it is overall consistent with the vision for the region.

Having regard to the matters raised in this report, the Shire's timely and favourable consideration of this Amendment is respectfully requested.
LOCATION PLAN

Property Description
Lots 1, 101, 112 and 220
Minilya - Exmouth Road,
LEARMONTH

Base data supplied by HTD Surveyors.
Accuracy +/- 4m. Projection NT Gauss EXM 94 V Datum AHD.
Areas and dimensions shown are subject to final survey calculations.
All carriageways are shown for illustrative purposes only and are subject to detailed engineering design.
Property Description
Lots 1, 101, 112 and 220
LEARMOONTH

Base data supplied by HTO Surveyors.
Accuracy +/- 4m. Projections in Datum ERF 94 V Datum AHD.
Areas and dimensions shown are subject to final survey calculations.
All cartogroups are shown for illustrative purposes only and are subject to detailed engineering design.

Subject Site

RPS Environment and Planning Pty Ltd
ACN 108 680 977
ABN 45 108 680 977
PO Box 465 Subiaco WA 6904
38 Station Street
Subiaco WA 6008
T 61 8 9211 1111
F 61 8 9211 1122
W rpsgroup.com.au
APPENDIX I

Certificates of Title
WESTERN AUSTRALIA

RECORD OF CERTIFICATE OF TITLE
UNDER THE TRANSFER OF LAND ACT 1893

The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

REGISTRAR OF TITLES

THIS IS A MULTI-LOT TITLE

LAND DESCRIPTION:
LOT 1 ON DEPOSITED PLAN 47770
LOT 101 ON DEPOSITED PLAN 180602

REGISTERED PROPRIETOR:
(FIRST SCHEDULE)
MG KAILIS PTY LTD OF 50 MEWS ROAD, FREMANTLE
(XA J687687) REGISTERED 4 APRIL 2006

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. *
Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

END OF CERTIFICATE OF TITLE

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:

PREVIOUS TITLE:
2229-329.

PROPERTY STREET ADDRESS:
LOT 1 KAILIS RD, LEARMOUTH (1/DP47770).
LOT 101 MINILYA-EXMOUTH RD, LEARMOUTH (101/DP180602).

LOCAL GOVERNMENT AREA:
SHIRE OF EXMOUTH.

NOTE 1: K947513 LAND PARCEL IDENTIFIER OF LYNDON LOCATION 101 (OR PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 101 ON DEPOSITED PLAN 180602 ON 20.5.2009 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.
The undermentioned land is Crown land in the name of the STATE of WESTERN AUSTRALIA, subject to the interests and Status Orders shown in the first schedule which are in turn subject to the limitations, interests, encumbrances and notifications shown in the second schedule.

LAND DESCRIPTION:
LOT 112 ON DEPOSITED PLAN 182633

STATUS ORDER AND PRIMARY INTEREST HOLDER:
(FIRST SCHEDULE)

STATUS ORDER/INTEREST: LEASEHOLD
PRIMARY INTEREST HOLDER: M G KAILIS GULF FISHERIES PTY LTD OF 50 MEWS ROAD, FREMANTLE
(LC K706321) REGISTERED 5 SEPTEMBER 2008

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:
(SECOND SCHEDULE)


Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required. Lot as described in the land description may be a lot or location.

END OF CERTIFICATE OF CROWN LAND TITLE

STATEMENTS:
The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND: LR369-517 (112/DPi82633).
PREVIOUS TITLE: This Title.
PROPERTY STREET ADDRESS: LOT 112 MINILYA-EXMOUTH RD, LEARMONTH.
LOCAL GOVERNMENT AREA: SHIRE OF EXMOUTH.
RESPONSIBLE AGENCY: DEPARTMENT OF REGIONAL DEVELOPMENT AND LANDS (SLSD).

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF LYNDON LOCATION 112 ON SUPERSEDED PAPER CERTIFICATE OF CROWN LAND TITLE CHANGED TO LOT 112 ON DEPOSITED PLAN 182633 ON 27-AUG-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2: THE ABOVE NOTE MAY NOT BE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE

END OF PAGE 1 - CONTINUED OVER
The person described in the first schedule is the registered proprietor of an estate in fee simple in the land described below subject to the reservations, conditions and depth limit contained in the original grant (if a grant issued) and to the limitations, interests, encumbrances and notifications shown in the second schedule.

LAND DESCRIPTION:

LOT 220 ON DEPOSITED PLAN 192031

REGISTERED PROPRIETOR:

(FIRST SCHEDULE)

M.G. KAILS GULF FISHERIES PTY LTD OF 12 STIRLING HIGHWAY, NEDLANDS
(A G208115) REGISTERED 27 AUGUST 1996

LIMITATIONS, INTERESTS, ENCUMBRANCES AND NOTIFICATIONS:

(SECOND SCHEDULE)

Warning: A current search of the sketch of the land should be obtained where detail of position, dimensions or area of the lot is required.

* Any entries preceded by an asterisk may not appear on the current edition of the duplicate certificate of title.

Lot as described in the land description may be a lot or location.

END OF CERTIFICATE OF TITLE

STATEMENTS:

The statements set out below are not intended to be nor should they be relied on as substitutes for inspection of the land and the relevant documents or for local government, legal, surveying or other professional advice.

SKETCH OF LAND:

PREVIOUS TITLE:

PROPERTY STREET ADDRESS:

LOCAL GOVERNMENT AREA:

SHIRE OF EXMOUTH.

NOTE 1: A000001A LAND PARCEL IDENTIFIER OF LYNDON LOCATION 220 (OR THE PART THEREOF) ON SUPERSEDED PAPER CERTIFICATE OF TITLE CHANGED TO LOT 220 ON DEPOSITED PLAN 192031 ON 25-SEP-02 TO ENABLE ISSUE OF A DIGITAL CERTIFICATE OF TITLE.

NOTE 2:

THE ABOVENOTE MAY NOTBE SHOWN ON THE SUPERSEDED PAPER CERTIFICATE OF TITLE OR ON THE CURRENT EDITION OF DUPLICATE CERTIFICATE OF TITLE.