GOVERNMENT OF WESTERN AUSTRALIA

Environmental Protection Authority

Smiths Beach Project, Yallingup – Coastal Tourism Village

Smiths 2014 Pty Ltd

Report 1802

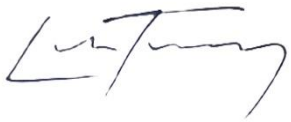
February 2026

This assessment report has been prepared by the Environmental Protection Authority (EPA) under s. 44 of the *Environmental Protection Act 1986* (EP Act). It describes the outcomes of the EPA's assessment of the Smiths Beach Project, Yallingup – Coastal Tourism Village proposal (the proposal) by Smiths 2014 Pty Ltd.

The proposal was determined under the Commonwealth *Environment Protection and Biodiversity Act 1999* to be a controlled action and to be assessed by the EPA under an accredited process. This document is also the result of the EPA's accredited assessment process.

This assessment report is for the Western Australian and Commonwealth Ministers for Environment and sets out:

- what the EPA considers to be the key environmental factors identified in the course of the assessment,
- an assessment of the matters of national environmental significance,
- the EPA's recommendations as to whether or not the proposal may be implemented and, if it recommends that implementation be allowed, the conditions and procedures, if any, to which implementation should be subject, and
- other information, advice and recommendations as the EPA considers fit.



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Proposal

The Smiths Beach Project, Yallingup – Coastal Tourism Village is a proposal to develop Lot 4131 Smiths Beach Road, Yallingup for a tourist development. The proposal is located 10 kilometres southwest of Dunsborough, in the south west region of Western Australia (see Figure 1).

The proponent for the proposal is Smiths 2014 Pty Ltd.

The development envelope is 41.79 hectares (ha). The proposal will involve the clearing of 9.43 ha of native vegetation for development of the coastal village and modification of 10.47 ha of native vegetation for bushfire and landscape management. Within the development envelopment, 16.83 ha is proposed to be retained as conservation and 2.43 ha is proposed to be retained within public open space.

Context

The proposed coastal tourism village is located at the southern end of Smiths Beach, surrounded by the Leeuwin-Naturaliste National Park and the Ngari Capes Marine Park. Smiths Beach is an iconic destination in the01909 south west region, a region renowned for agriculture, conservation and tourism land uses. It features a coastal section of the Cape to Cape Track, existing tourist developments and native vegetation.

In 2010, a strategic tourism and residential development proposal at Smiths Beach was granted approval under Ministerial Statement No. 831. The EPA notes the current proposal is at the same location as the 2010 strategic proposal.

Environmental values

The key environmental values that may be impacted by the proposal are:

- flora and vegetation, through clearing of native vegetation and likely disturbance to surrounding native vegetation (including the Leeuwin-Naturalist National Park)
- terrestrial fauna, particularly western ringtail possum individuals and habitat, Baudin's and Carnaby's black cockatoo habitat
- inland waters and marine environmental quality, including to groundwater quality (and in turn marine environmental quality) as a result of treated wastewater irrigation
- landforms, particularly granite outcrop significant landforms
- social surroundings, particularly the permanent loss of a registered heritage site and impacts to visual amenity values
- coastal processes from temporary disturbance to the foreshore area and risk of flanking erosion.

Consultation

The EPA published the proponent's referral information for the proposal on its website for seven days public comment. The EPA also published the proponent's environmental review document for eight weeks (from 16 December 2024 to 10 February 2025). The EPA considered the comments received during these public consultation periods in its assessment.

Mitigation hierarchy

The mitigation hierarchy is a sequence of proposed actions to reduce adverse environmental impacts. The sequence commences with avoidance, then moves to minimisation, rehabilitation, and offsets are considered as the last step in the sequence.

The proponent considered the mitigation hierarchy in the development and assessment of its proposal. As a result, the proponent has:

Avoidance Measures

- avoided impacts to native vegetation and fauna habitat by:
    - siting buildings, associated infrastructure and tracks to utilise existing disturbed areas where possible
    - retaining parts of the development envelope as public open space and a conservation area
    - locating the proposal to avoid majority of a regional ecological linkage
- avoided impacts to landforms through protection of the western headland and secondary western ridge line through retaining the proposed conservation area
- amended the proposal to remove the universal access ramp, avoiding direct impacts to the active beach zone and potential impacts to coastal processes.

Minimisation Measures

- minimised impacts to native vegetation and fauna habitat by partial modification rather than full clearing
- minimised impacts to inland waters and marine environmental quality through proposed management of a centralised wastewater treatment plant and associated irrigation of wastewater as a proposed prescribed premise in accordance with licence conditions under Part V of the EP Act.
- consulted with the Karri Karrak Aboriginal Corporation to minimise impacts to aboriginal heritage
- minimised impacts to visual amenity through proposal design, building heights, blending and retaining vegetation throughout the development envelope
- minimised impacts to coastal processes through a sub-surface erosion protection structure within the private Lot 4131 boundary in place of a universal access ramp as well as protection of foreshore vegetation.

Rehabilitation Measures

- proposed rehabilitation measures to revegetate in cleared, 'degraded' areas and partially modified areas by using nitrogen-rich understorey native species

(important for western ringtail possums) and quality foraging species for native fauna including black cockatoos.

Offset Measures

- proposed a range of offsets, including offsite on-ground management offsets (including rehabilitation), research and an onsite land acquisition offset, designed to deliver immediate to long-term ecological benefits and deliberately structured to integrate both local and regional efforts.

The EPA has also considered proposed mitigation measures under subsequent decision-making authorities processes and the proponent's management plans and strategies (including the Conservation Significant Fauna Management Plan, Foreshore Management Plan and Offset Strategy).

Assessment of key environmental factors

The EPA has identified the key environmental factors (listed below) in the course of the assessment. For each factor, the EPA has assessed the residual impacts of the proposal on the environmental values and considered whether the environmental outcomes are likely to be consistent with the EPA environmental factor objectives.

Flora and vegetation

Residual impact or risk to environmental value		Assessment finding
1.	Clearing of up to 6.91 ha of the Leeuwin Block (priority ecological community) PEC	The EPA advises that this residual impact should be subject to conditions to set clearing limits and ensure the protection of areas of retained native vegetation to ensure that the environmental outcome is likely to be consistent with the EPA objective for this factor.
2.	Indirect impacts to flora and vegetation from weeds, dieback and altered hydrological regimes	The proposal has the potential to result in indirect impacts to retained native vegetation and surrounding native vegetation (including the National Park). Weeds are likely to spread from increased human disturbance from the tourism village, including the use of the new road along the National Park boundary. The EPA advises that the implementation of the proponent's mitigation measures, and the recommended conditions (which includes weed control and monitoring 50 metres outside of the development envelope within Crown land) will ensure that the environmental outcome is likely to be consistent with the EPA objective for flora and vegetation.

Terrestrial fauna

Residual impact or risk to environmental value		Assessment finding
1.	Clearing up to 14.68 ha of western ringtail possum habitat and dispersal and displacement of western ringtail possum individuals and fragmentation of the local population	The EPA considers that the impact to the western ringtail possum is a significant residual impact. The EPA advises that this significant residual impact should be subject to conditions and require offsets to counterbalance this significant residual impact. The EPA also advises that recommended conditions to set clearing limits on suitable habitat and require canopy connectivity structures to maintain habitat connectivity within the development envelope and to adjoining areas minimises impacts. Subject to the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.
2.	Clearing of 3 potential nesting trees and up to 5.19 ha of foraging habitat for Baudin's and Carnaby's black cockatoo	The EPA considers that the impact to the Baudin's and Carnaby's black cockatoo foraging habitat is a significant residual impact. The EPA advises that this significant residual impact should be subject to conditions and require offsets to counterbalance this significant residual impact. Subject to the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.
3.	Clearing up to 14.68 ha of phascogale habitat	The EPA considers that the impact to phascogale habitat is not a significant residual impact and can be managed through recommended conditions to set clearing limits on suitable habitat and require canopy connectivity structures to maintain habitat connectivity within the development envelope and to adjoining areas. Subject to these recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.
4.	Habitat fragmentation and injury and/or mortality	The EPA considers that clearing and construction of the proposal poses a risk to injury and/or mortality to ground-dwelling fauna and would fragment fauna habitat.

		The EPA advises that the implementation of the proponent's mitigation measures and the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.
5.	Potential degradation of surrounding habitat and retained native vegetation within the development envelope	The EPA considers the proposal has the potential to lead to degradation of retained and surrounding habitat (including the adjacent National Park). Weeds are likely to spread from increased human disturbance from the tourism village, including the use of the new road along the National Park boundary. The EPA advises that the implementation of the proponent's mitigation measures, and the recommended conditions that the environmental outcome is likely to be consistent with the EPA objective for terrestrial fauna.
6.	Increased light, dust and noise emissions from construction and operation	The EPA considers that the proposal will increase light, dust and noise emissions from construction and operation which can stress and displace fauna and interfere with natural behaviours and reproduction. The EPA advises that with the implementation of the proponent's mitigation measures, and the recommended condition, the environmental outcome is likely to be consistent with the EPA objective for this factor. The EPA considers that other decision-making process can manage noise and dust impacts during construction activities and (operational) lighting.

Inland waters and Marine environmental quality

Residual impact or risk to environmental value		Assessment finding
1.	Changes to surface water flow into the surrounding environment as a result of site infrastructure	The proposal may result in changes to existing surface water flow paths through alteration of the natural terrain for construction of buildings, facilities, roads and paths. This may lead to a change in flow to surrounding vegetation, the foreshore environment and/or potential flooding during extreme rainfall events.

		The EPA has considered that the proposed mitigation measures can, and other (decision-making authority) DMA processes will, manage impacts so that the outcome likely is consistent with the factor objective for inland waters and marine environmental quality.
2.	Impacts of proposal activities to groundwater quality and shoreline water quality as a result of contaminants from treated wastewater irrigation	Increased nutrients and pathogens have the potential to impact water quality of groundwater and the shoreline. Increased nutrients and changes to application volume of water have the potential to impact native vegetation that is also significant fauna habitat. The EPA considers that the recommended implementation conditions (including regarding limitations on extent of application areas, water quality monitoring, and contingency measures) and a works approval and licence under Part V of the EP Act will ensure the environmental outcome will likely be consistent with the EPA factor objectives for inland waters and marine environmental quality.
3.	Impacts to native vegetation condition as a result of treated wastewater irrigation	

Landforms

Residual impact or risk to environmental value		Assessment finding
1.	Clearing of up to 6.91 ha of the Leeuwin Block PEC associated with granite outcrops in the development envelope	The EPA advises that this residual impact should be subject to conditions to set clearing limits and ensure the protection of areas of retained native vegetation to ensure that the environmental outcome is likely to be consistent with the EPA objective for this factor.
2.	Impacts to landforms as a component of the landscape resulting in impacts to visual amenity	The EPA considers that impacts to the western ridge have largely been avoided, and residual impacts can be managed by the proposed building height limits to ensure the outcomes are not inconsistent with the EPA factor objectives for landforms and social surroundings. The EPA also considers that other statutory decision-making processes, including the consideration of development application(s) under the *Planning and Development Act 2005* (PD Act), will mitigate impacts. Refer to section 2.5 social surroundings for additional related assessment findings and environmental outcomes.

Social surroundings

Residual impact or risk to environmental value		Assessment finding
1.	Removal/disturbance to registered Aboriginal heritage site (AHS) ID: 15080, 'Smiths Beach 01' during construction and operation of the proposal	The EPA considers there is a risk of residual impacts to Aboriginal cultural heritage values associated with disturbance to a registered heritage site. The EPA advises that potential residual impacts can be managed though standard conditions to ensure impacts are avoided unless consent is granted through another decision-making process. The EPA has considered that subject to regulation by other decision-making processes and the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for social surroundings.
2.	Loss of Aboriginal cultural heritage	The EPA advises that there is a residual impact to Aboriginal cultural heritage through restriction of access to use of land for traditional activities and through the loss of plants and animals of cultural significance within the development envelope. The EPA advises that this residual impact should be subject to conditions to ensure access to the land for cultural purposes subject to reasonable health and safety requirements. The EPA concludes that implementation of the recommended condition would ensure consistency with the EPA objective for social surroundings.
3.	Modified local visual and landscape character including an increase in built form mass, extension above existing natural landscape features, and potential light pollution from future development	The proposal may result in impacts to visual amenity, particularly to the view sheds northeast of the development envelope, from Smiths Beach, Torpedo Rock and the Cape to Cape Track. The EPA notes mitigation measures including protection of the western ridgeline, blending of built form, recessive building siting, retention of vegetation and maximum building height limits are likely to assist in moderating the visual impact from key

		viewpoints to minimise the potential significance of the residual visual impact. The EPA has recommended condition A1 (building height limits and vegetation clearing extent limits), B7 (no visible coastal infrastructure), and condition B9 (protection of the western ridgeline) to ensure the proposal is implemented consistent with the EPA objective for social surroundings. The EPA also considers that other statutory decision-making processes, including the consideration of development application(s) under the PD Act, will assess and mitigate impacts associated with built form, building siting and (operational) lighting.
4.	Loss of public access to Smiths Beach and Cape to Cape Track during construction	The EPA considers that access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track could be restricted during construction i.e. from traffic management or proposed laydown areas and to a lesser extent post construction. The EPA has recommended condition B5 for continued public access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track to ensure the EPA's objective is likely to be met.
5.	Emissions (noise and dust) during construction of the proposal	The EPA considers that other decision-making process will manage noise and dust impacts during construction activities.

Coastal processes

Residual impact or risk to environmental value		Assessment finding
1.	Temporary disturbance to the foreshore area during sub-surface erosion protection structure (SEPS) construction within the boundary of Lot 4131	Construction of the SEPS will result in temporary disturbance to the foreshore area. Impacts are considered minor, localised and short-term. The EPA advises this should be subject to conditions to limit the extent of the temporary disturbance area which will result in an environmental outcome that is consistent with the EPA objective for coastal processes. The EPA also notes that the development application process (administered under the PD Act) is likely to be able to require foreshore enhancement of areas that are temporarily disturbed and not required for permanent infrastructure such as the

		access road, to result in an environmental outcome that is consistent with the EPA objective for coastal processes.
2.	Residual risks from potential flanking erosion at the toe of the SEPS	The EPA considers there is a minor risk from potential flanking erosion caused by the SEPS in the short to medium term and likely to be localised and for short duration, until such time that the wall is tied into the future eastern extension of the coastal hazard structure. The EPA also notes that the development application process (administered under the PD Act) is likely to be able to manage and mitigate residual risks from flanking erosion. The EPA considers that statutory decision-making processes under the PD Act are likely to provide opportunity for the regulation of disturbance and potential minor impacts to the foreshore area to result in an environmental outcome that is consistent with the EPA objective for coastal processes.
3.	Residual impacts to amenity unless SEPS is constructed subsurface	The EPA notes the SEPS is proposed to be constructed subsurface to minimise the potential amenity impacts. The EPA advises this should be subject to a condition to ensure that the environmental outcome is consistent with the EPA objective for coastal processes and as it relates to social surroundings.

Holistic assessment

The EPA considered the connections and interactions between relevant environmental factors and values to inform a holistic view of impacts to the whole environment. The EPA formed the view that the holistic impacts would not alter the EPA's conclusions about consistency with the EPA factor objectives.

Conclusion and recommendations

The EPA has taken the following into account in its assessment of the proposal:

- environmental values which may be significantly affected by the proposal
- assessment of key environmental factors, separately and holistically (this has included considering cumulative impacts of the proposal where relevant)
- likely environmental outcomes which can be achieved with the imposition of conditions
- consistency of environmental outcomes with the EPA's objectives for the key environmental factors

- EPA's confidence in the proponent's proposed mitigation measures
- whether other statutory decision-making processes can mitigate the potential impacts of the proposal on the environment. In this regard, the EPA considered the role of the Western Australian Planning Commission (WAPC) to assess the development application and manage and mitigate impacts to visual amenity values consistent with the requirements of relevant state guidance and planning policies.
- principles of the *Environmental Protection Act 1986*.

The EPA has recommended that the proposal may be implemented subject to conditions recommended in Appendix A.

Other advice

The EPA has provided other advice to the Minister in relation to:

- wastewater management, including disposal of surplus treated wastewater and contingency measures
- subsequent planning processes to manage and mitigate impacts of the proposal that the EPA has not considered significant, as well as broader social and economic matters.

1 Proposal

The Smiths Beach Project, Yallingup – Coastal Tourism Village is a proposal to develop Lot 4131 Smiths Beach Road in Yallingup for a coastal tourism village. The proposal is located 10 kilometres southwest of Dunsborough, in the southwest region of Western Australia (see Figure 1).

The proponent for the proposal is Smiths 2014 Pty Ltd.

The development envelope is 41.79 hectares (ha). The proposal includes the following major components:

- Hotel accommodation and wellness centre
- Campground
- 61 holiday homes
- Community hub, with a café, bakery and general store
- Cape to Cape welcome centre
- Surf Lifesaving Club facilities

The proposal includes a conservation area (16.83 ha) and Public Open Space (POS) that proposes to retain remnant vegetation. The proposal involves the clearing and development of 9.43 ha of native vegetation, partial modification of 10.47 ha of native vegetation (Figure 2).

The proponent referred the proposal to the Environmental Protection Authority (EPA) on 24 December 2021. The EPA published the proponent's referral information for the proposal on its website for seven days public comment from 4 May 2022 to 10 May 2022. The EPA published the proponent's environmental scoping document on its website for public review for 2 weeks from 29 May 2023 to 15 June 2023. The EPA also published the proponent's environmental review document (ERD) on its website for public review for eight weeks from 16 December 2024 to 10 February 2025. The proponent provided the EPA a response to submissions (RTS) document. The EPA considered the comments received during these public consultation periods in its assessment.

The proposal has been referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) and the EPA has assessed the controlled action on behalf of the Commonwealth as an accredited assessment under the EPBC Act.

The proposal is set out in the proposal content document (Smiths 2014 Pty Ltd 2025) which is available on the EPA website. The proposed development layout for the proposal is presented in Figure 3. The elements of the proposal which have been subject to the EPA's assessment are included in Table 1.

Table 1: Proposal content document (Smiths 2014 Pty Ltd 2025)

Proposal element	Location	Maximum extent or range
Physical elements		
Planning and development for the coastal village,	Located within Lot 4131	Clearing and earthworks for development of the coastal village of

Proposal element	Location	Maximum extent or range
incorporating elements including, but not limited to, hotel, holiday homes, campgrounds, community facilities, service infrastructure.	Smiths Beach Road, Yallingup and adjacent Crown Land as depicted Figure 2.	approximately 10.69 ha of which 9.43 ha consists of native vegetation, within a Development Envelope of 41.79 ha.
Planning and development for Landscaping and Bushfire Management	Located within Lot 4131 Smiths Beach Road, Yallingup and depicted in Figure 2.	Landscaping and bushfire management of approximately 11.76 ha of which includes partial modification of 10.47 ha of native vegetation within the 41.79 ha Development Envelope.
Conservation	Located within Lot 4131 Smiths Beach Road, Yallingup and depicted in Figure 2.	Within the 41.79 ha Development Envelope, 19.26 ha will be retained as Conservation (16.83 ha) or designated as Public Open Space (2.43 ha).
Proposal elements with greenhouse gas emissions		
Annual Scope 1 emissions of up to 17,724 t CO_2-e Scope 1		Annual Scope 1 emissions of up to 17,750 t CO_2-e Scope 1
Rehabilitation		
Rehabilitation will be undertaken in areas represented by previous informal tracks and fire access tracks within the Conservation Area, Public Open Space and the coastal village footprint		
Commissioning		
N/A		
Decommissioning		
N/A		
Other elements which affect extent of effects on the environment		
Proposal time	Maximum project life	120 years
	Construction phase	Resort: approximately 2 years Village: approximately 4 years

Units and abbreviations
ha – hectare
t CO2-e - tonnes of carbon dioxide equivalent

Proposal alternatives

The proponent did not consider an alternate location for the proposal owing to the site's natural amenity and the existing tourism infrastructure immediately adjacent to the development envelope at Smiths Beach Resort. The proponent's ERD outlines

economic and tourism opportunities for the south west region that are unique to a development at the proposed location (JBS&G 2024a).

Several changes were made to the proposal elements under section 43A of the EP Act including:

- approval on 30 November 2023 to:
    - accommodate a universal access ramp (UAR) and associated infrastructure
    - increase extent of clearing for road and service infrastructure
    - increase extent of clearing for landscaping and bushfire management
    - reduce development envelope by 0.15 ha
- approval on 9 August 2024 to expand development envelope and extent of clearing for wastewater storage and access road infrastructure
- approval on 24 June 2025 to remove the UAR from public beach and include a sub-surface erosion protection structure within the private Lot 4131 boundary.

The EPA approved the above amendments based on the fact they are substantially consistent with the original referred proposal. However, the EPA acknowledges the removal of the UAR is considered an avoidance measure in the EPA's assessment discussed under Inland waters in section 2.6.6 – Avoidance measures.

Proposal context

The proposal is in the south west region of Western Australia, an area renowned for, agriculture, conservation and tourism land uses. The proposed development envelope is located at the southern end of Smiths Beach, adjacent to the Leeuwin-Naturaliste National Park (Reserve No. 8428) and the Ngari Capes Marine Park (Figure 4).

Smiths Beach is a well-known destination for visitors and locals and includes a coastal section of the Cape to Cape Track, existing tourist developments and native vegetation. The Cape to Cape Track runs adjacent to, and partially intersects, the western boundary of the development envelope.

The EPA previously considered a strategic proposal for a tourism and residential development at this site in 2009. A tourism and residential development proposal was granted in 2010 under Ministerial Statement 831. The development footprint in the 2010 approval is smaller than this proposal and the current nominated proponent is also Smiths 2014 Pty Ltd. The previous assessment is discussed in further detail below.

Consultation and EPA consideration of submissions

The proposal was referred to the EPA on 24 December 2021. The EPA published the referral information for the proposal on its website for a seven-day public comment period from 4 May 2022 to 10 May 2022. The EPA also published the

proponent's Environmental Scoping Document (ESD) for a two-week comment period from 29 May 2023 to 15 June 2023, and the proponent's Environmental Review Document (ERD) for an 8-week public comment period from 16 December 2024 to 10 February 2025.

The ERD received 5,643 public comments and 7 agency comments during the public comment period (see Appendix F for details). The EPA considered the comments received during the public consultation periods and the proponent's Response to Submissions (RtS) in its assessment. The EPA commissioned a peer review regarding the proponent's visual impact assessment; the peer review and the proponent's response to both the submissions and the peer review are all published on the EPA website.

In considering the comments received, the EPA noted that many of the matters raised in public submissions were of contextual relevance to the proposal, but not relevant to the EPA's formal assessment of the proposal against the key environmental factors.

Such matters included concerns about:

- increased volumes of people, traffic congestion and pressure on existing infrastructure (including roads, carparks, ablution facilities, pedestrian ways) and on lands located outside the proposal site
- increased risk to health and safety of residents and visitors from bushfire, including increased pressure on emergency services and escape routes, and non-compliance of the proposal with *State Planning Policy 3.7 – Planning in Bushfire Prone Areas* (SPP 3.7)
- the economic and/or social benefits of the proposal, including whether there is need or demand for the proposed development in a socio-economic context

The EPA has included information about these matters at section 7 of this report ('other advice'). However, it is noted that the EPA's assessment role is to report on social surroundings, including aesthetic, cultural, and economic matters, to the extent they directly affect or are affected by physical or biological surroundings. To the extent that aesthetic, cultural, and economic matters are not directly affected by physical or biological matters, so it is not appropriate for the EPA to assess them.

The EPA considers that subsequent statutory decision-making processes will be able to provide suitable mechanisms to respond to, and ensure management and mitigation of, potential impacts associated with the matters raised in the comments above. In particular, the EPA had regard for the legislative functions available to the Western Australian Planning Commission (WAPC) to consider future development conditions for the proposal, and to require future development to be implemented consistent with state planning legislation, policies and guidance. The EPA recommends that the proponent collaborate with, and potentially contribute to, the City of Busselton's management of the Smiths Beach coastal foreshore reserve.

The EPA has identified the other relevant decision-making authority processes (DMAs), and the environmental outcomes it recommends being achieved by those processes, for subsequent stages of the proposed development at Appendix B.

Previous EPA assessment of Smiths Beach Development, Sussex Location 413 Yallingup

In 2005, the EPA determined that Canal Rocks Pty Ltd's proposed development at Sussex Location 413 Yallingup - Smiths Beach Development Guide Plan, should be assessed as a Strategic Environmental Assessment. The strategic proposal to develop 21.3ha of the 40.4ha total area included a beach club resort, tourist lodge, camping and chalets, backpacker accommodation, units, green title and strata residential and privately managed open space, was released for public comment in August 2007.

In April 2009 the EPA released its recommendations on Sussex Location 413 Yallingup – Smiths Beach Development (Report 1318). The EPA concluded that that development to the full extent of the developable area identified by the proponent would not meet the EPA's objective for "landscape and visual amenity". However, the EPA stated that it considered that some development could be acceptable noting that this would exclude development out onto the headland and the slopes of the ridge outlining the headland, and on the higher portions of the site towards Canal Rocks Road.

Ministerial Statement 831, for the implementation of future proposals identified in the strategic proposal, was subsequently published on 15 June 2010 to extend the Leeuwin Naturaliste National Park (LNP) into the western part of Sussex Location 413; and develop the eastern part of Sussex Location 413 for tourism and residential purposes with associated public open space and foreshore reserves. No derived proposal has been declared as a result of this strategic assessment.

In 2015 the nominated proponent for MS 831 was changed to Smiths 2014 Pty Ltd. In 2020 Smiths 2014 Pty Ltd requested a change to condition 2-1 of MS 831 to extend the time limit for substantial commencement through to 31 December 2031. In September 2020 the then Minister for Environment requested the EPA conduct a Section 46 inquiry into changing the implementation conditions relating to substantial commencement. This inquiry is separate to the EPA's assessment of the current proposal.

The EPA is obliged to consider the environmental merits of the current proposal and provide its recommendations to the Minister for Environment; the EPA's assessment of the former proposal in Report 1318 has been given due regard by the EPA in its assessment of the current proposal.

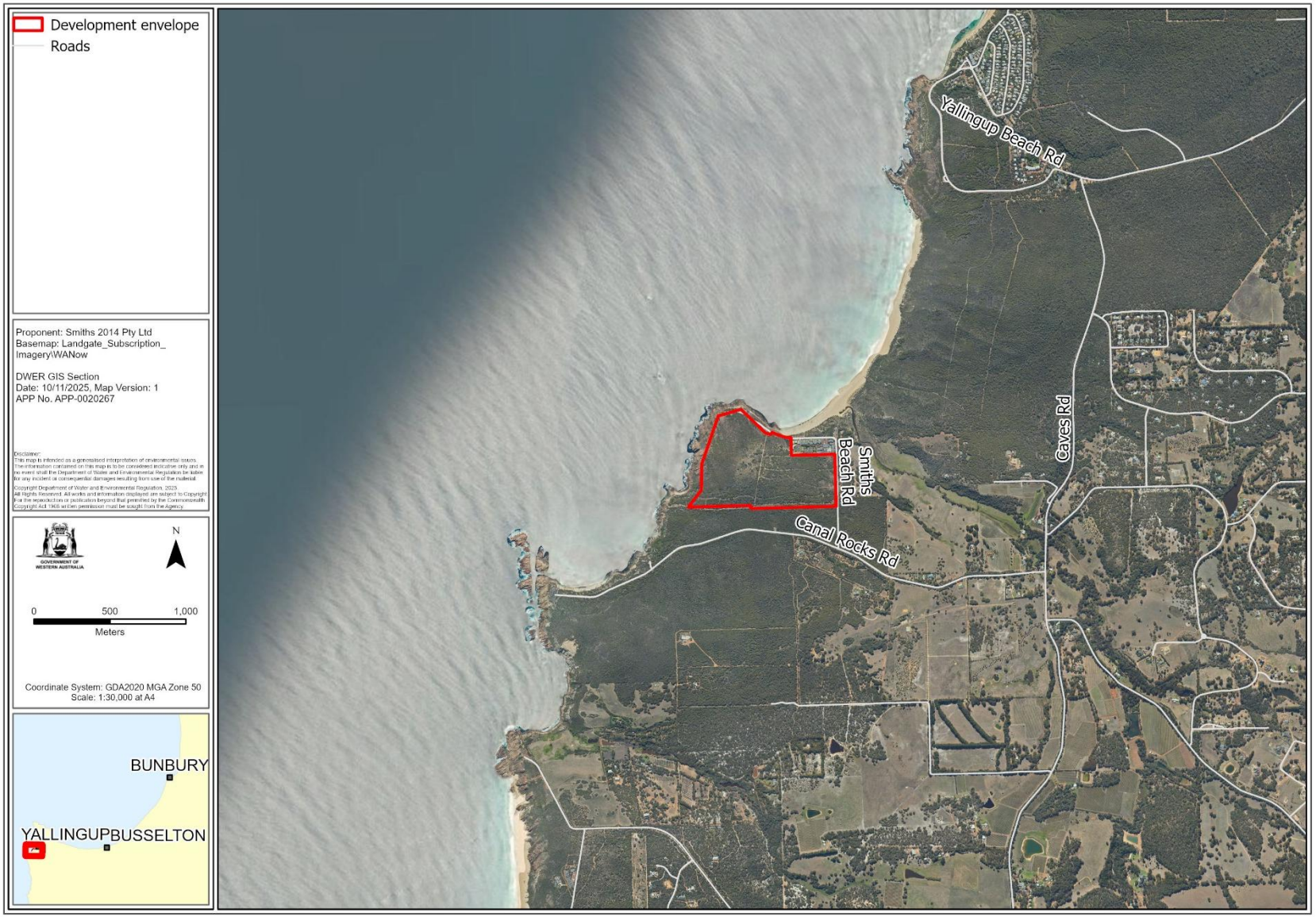

Figure 1: Proposal location

Figure 2: Development envelope including proposal elements

Figure 3: Proposed development layout for the proposal (Source: Proponent)

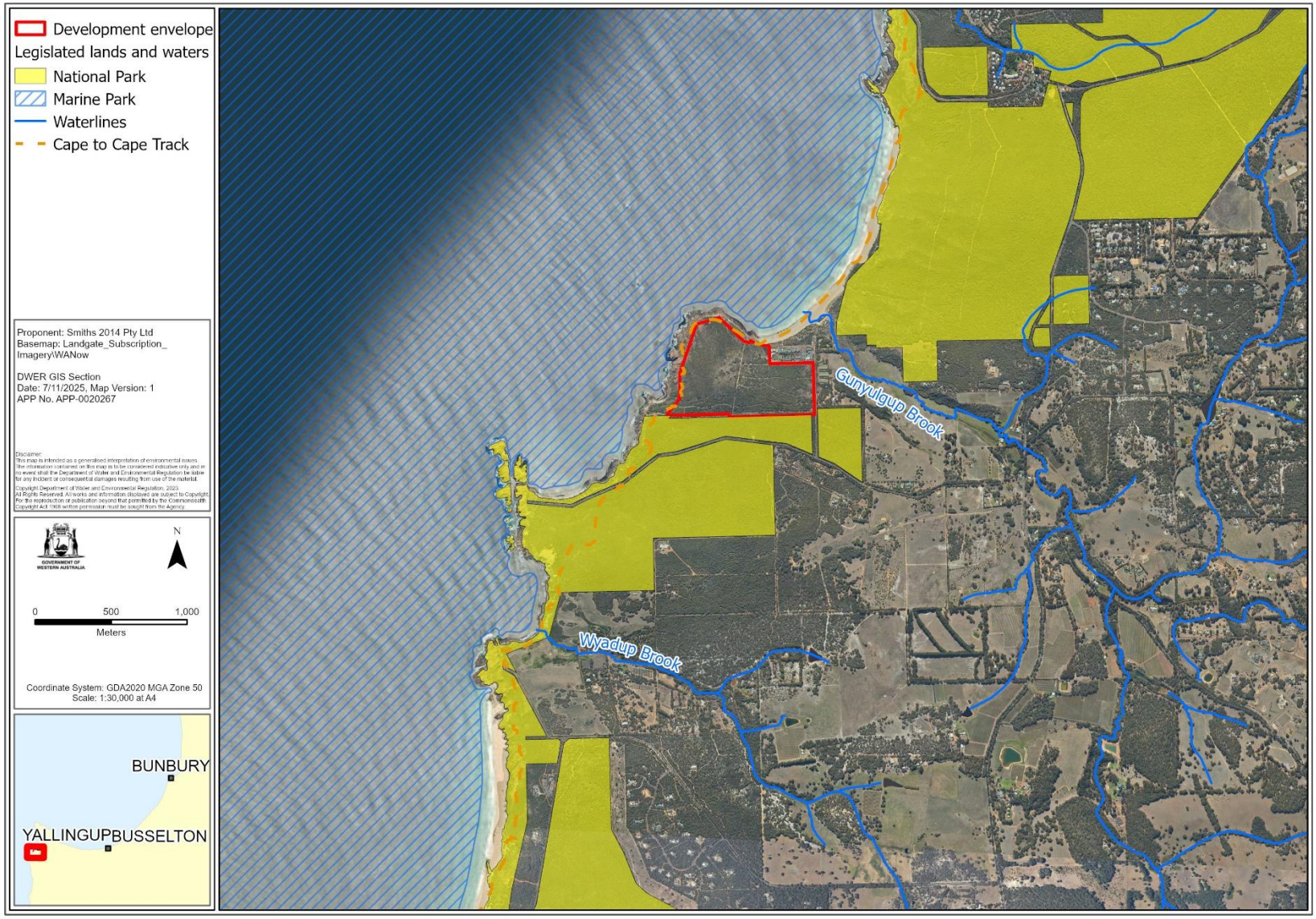

Figure 4: Proposal location in the context of surrounding conservation areas

2 Assessment of key environmental factors

This section includes the EPA's assessment of the key environmental factors. The EPA also evaluated the impacts of the proposal on other environmental factors (Subterranean fauna and Greenhouse gas emissions) and concluded these were not key factors for the assessment. This evaluation is included in Appendix E.

2.1 Flora and vegetation

2.1.1 Environmental objective

The EPA environmental objective for flora and vegetation is *to protect flora and vegetation so that biological diversity and ecological integrity are maintained* (EPA 2016b).

2.1.2 Investigations and surveys

The EPA advises the following investigations and surveys were used to inform the assessment of the potential impacts to flora and vegetation:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Spring Flora and Vegetation Assessment Lot 4131 Smiths Beach Road, Yallingup (Appendix B of the ERD)
- Smiths Beach Stage 2 Approvals – Vegetation site visit memorandum (Appendix C of the ERD)
- Smiths Beach Stage 2 Approvals – Foreshore vegetation assessment (Appendix D of the ERD)
- Smiths Beach Project Targeted Orchid Survey Report assessment (Appendix E of the ERD)
- Lot 4131 Smiths Beach Road Phytophthora Dieback occurrence assessment (Appendix F of the ERD)
- Smiths Beach Baseline Weed Survey Report (Appendix G of the ERD) (JBS&G 2024a)
- Supplementary flora and vegetation survey of road reserve at Smiths Beach (Appendix H of the ERD)
- Smiths Beach Project Landscape Report (Appendix I of the ERD)
- Foreshore Management Plan Smiths Beach (Appendix Z of the ERD)
- Follow-up targeted flora survey of road reserve at Smiths Beach (Appendix E of the RtS) (JBS&G 2025b)

- Conservation Significant Fauna Management Plan (Appendix G of the RtS) (JBS&G 2025a)
- Offset Strategy (Appendix H of the response to submissions) (JBS&G 2025c)

The surveys were consistent with the *Technical Guidance – Flora and vegetation surveys for environmental impact assessment* (EPA 2016e). The EPA considered the information was adequate to inform its assessment of the potential impacts to flora and vegetation.

2.1.3 Assessment context – existing environment

The proposal occurs within the Jarrah Forest Interim Biogeographic Regionalisation for Australia (IBRA) bioregion and the Southern Jarrah Forest IBRA subregion. The development envelope comprises three vegetation complexes, none of which contain less than 30% of their pre-European extent at a regional or local scale. The Leeuwin-Naturaliste National Park occurs directly south of the development envelope and also extends further east/north-east of the development envelope.

The proposed development area (consisting of 'full clearing areas' and 'modified areas') includes 17.80 ha of native vegetation within the 41.79 ha development envelope (JBS&G 2025b). The development envelope is mostly vegetated and predominantly in 'very good – good' to 'very good' condition and a contains fourteen vegetation types as described in Table 6-5 and Figure 6-5 of the proponent's ERD (JBS&G 2024b) and Figure 2 of the Foreshore vegetation assessment (Strategen-JBS&G 2021).

Two priority ecological communities (PEC) were recorded within the development envelope (see Figure 6-7 of the proponent's ERD (JBS&G 2024b)):

- '*Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge' - listed by Department of Biodiversity, Conservation and Attractions (DBCA) as Priority 2. Contained fully within proposed conservation area.
- 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' (Leeuwin Block PEC) - listed by DBCA as Priority 2. Contained within the proposed conservation area and development area.

Surveys identified two priority flora species within the development envelope, *Caladenia nivalis* (Priority 2) and *Banksia sessilis* var. *cordata* (Priority 4) (see Figure 6-9 of the proponent's ERD (JBS&G 2024b)). Of these, *Banksia sessilis* var. *cordata* occurs within the proposed development area. A *Caladenia* species that was not able to be identified to species level was thought to be the threatened species *Caladenia excelsa*, however in spring 2025, a targeted flora survey confirmed this is a common and non-conservation significant species, *Caladenia latifolia* (JBS&G 2025b).

2.1.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the RTS document (JBS&G, 2025d). Public consultation raised concerns about the loss of coastal vegetation including Leeuwin Block PEC and partial

modification of vegetation with no certainty in offsets. Other concerns included edge effects, coastal destabilisation from clearing, inadequacy of flora survey effort (including timing to target orchid species, particularly the potentially threatened orchid species), landscaping introducing invasive species, and wastewater disposal risks to native vegetation.

The key issues raised during the public consultation on the proposal and how they have been considered in the assessment are described in sections 2.1.5, 2.1.6, 2.1.7 and 2.1.8.

2.1.5 Potential impacts from the proposal

The proposal has the potential to impact on flora and vegetation from:

- clearing and modification of:
    - up to 17.80 ha of native vegetation in mostly 'very good – good' to 'very good' condition
- up to 6.91 ha of Leeuwin Block PEC (listed by DBCA as Priority 2)
    - at least 187 individuals of *Banksia sessilis var. cordata* (listed by DBCA as Priority 4)
- indirect impacts to surrounding native vegetation (including the Leeuwin-Naturalist National Park) and retained native vegetation within the development envelope from the introduction and/or spread of weeds and dieback and changes to existing hydrological regimes.

The issue raised during consultation about inadequacy of flora survey effort, specifically in relation to targeting a threatened orchid species has been resolved as additional survey effort in spring 2025 found this *Caladenia* sp. individuals to be a common species, as described in section 2.1.2. Therefore, this issue was not considered further in the assessment.

2.1.6 Avoidance measures

The proponent has designed the proposal to avoid impacts to flora and vegetation by (JBS&G 2024b and JBS&G 2025d):

- planning and design of buildings and associated infrastructure and tracks to utilise existing disturbed areas where possible, to limit the amount of clearing required for new facilities.
- retaining 2.43 ha of the development envelope within public open space and 16.83 ha of the development envelope within a conservation area, to avoid impacts to:
    - 18.16 ha (48%) of native vegetation, including majority of the vegetation in 'Excellent' condition
    - 11.27 ha (62%) of the Leeuwin Block PEC (Priority 2)
    - 2.55 ha (100%) of the '*Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge' PEC (Priority 2)
    - 18 (100%) of *Caladenia nivalis* (Priority 2) individuals
    - 38 (17%) *Banksia sessilis* var. *cordata* (Priority 4) individuals.

2.1.7 Minimisation measures (including regulation by other DMAs)

The proponent has proposed measures to minimise impacts to flora and vegetation:

1. 10.47 ha of native vegetation will be subject to partial modification rather than full clearing, which will involve selective tree removal and thinning of mid-storey and under-storey vegetation
2. demarcation of areas subject to full clearing to prevent clearing outside of approved areas
3. ongoing weed control within the site, centralizing efforts around areas of high weed cover to minimise spread and prioritisation of declared weed species (Arum Lily and Bridal Creeper) prior to construction commencing
4. Movement from east to west across the development envelope during construction will be minimized, especially into areas designated for conservation or public open space
5. 'Clean On Entry' point will be established for all onsite activity to minimise spread of weeds and Phytophthora dieback with all vehicles to be checked for attached vegetation. Wheels and easily accessible parts of the vehicle to be brushed down
6. all landscaping materials brought into the development envelope will be certified weed and Phytophthora dieback free
7. educational signage to be erected post-construction to advise the public to remain on designated footpaths and roads.

2.1.8 Rehabilitation measures

The proponent is proposing to undertake revegetation in 1.21 ha of cleared and 'degraded' areas and partially modified areas in the development envelope through landscaping utilising native species representative of native vegetation within the development envelope.

2.1.9 Assessment of impacts to environmental values

The EPA considered that the key environmental values for flora and vegetation likely to be impacted by the proposal are the clearing of the Leeuwin Block PEC and indirect impacts to retained native vegetation within the development envelope and surrounding native vegetation.

Leeuwin Block PEC

Granite outcrops of the Leeuwin Block are naturally limited, representing about 2% of the landform, with an estimated 1,500 ha remaining uncleared. Floristic surveys by DBCA have found the granite outcrops to be floristically significant, supporting over 500 native species (Webb 2023).

The Leeuwin Block PEC comprises vegetation on coastal granite outcrops within the Gracetown soil-landscape subsystem, supporting unique flora adapted to exposed or shallow granite and influenced by adjacent limestone soils (DBCA 2023). It includes distinctive shrubs and herbs, including shrubs such as *Dodonaea ceratocarpa, Darwinia citriodora* and *Kunzea ciliata*, together with herbs like *Stypandra glauca* and a large, robust form of *Lepidosperma squamatum* that are present in the

development envelope (JBS&G 2024x). The community differs from other granites of the larger Leeuwin Block landform due to its association with surrounding limestone soils (DBCA 2023).

The Leeuwin Block PEC predominantly occurs within the western portion of the development envelope, as shown in Figure 6-7 of the proponent's ERD (JBS&G 2024b)). The proposal will impact up to 6.91 ha of Leeuwin Block PEC (38% within the development envelope), of which 3.36 ha is proposed to be fully cleared, and 3.55 ha will be subject to partial modification.

The EPA considers that all reasonable efforts to avoid and minimise impacts to the Leeuwin Block PEC should be applied. The EPA has considered the proponent's efforts to minimise impacts to this PEC through avoiding 62% of the Leeuwin Block PEC, predominantly within the proposed conservation area along the western portion of the development envelope as well as within public open space areas of the development envelope, shown in Figure 2. The EPA is not aware of any reasonably foreseeable projects/development involving clearing of the PEC.

The EPA advises that the residual impact to the Leeuwin Block PEC should be subject to conditions to set clearing limits (recommended conditions B1-1(1) and (2)) to the PEC. The EPA recommends conditions B1-1(4) and (5) to set environmental outcomes to retained native vegetation, which includes the PEC, to ensure it is protected, enhanced and self-sustaining. In addition, the EPA has recommended conditions B8 and B9, which ensures the public open space areas defined as 'native vegetation retention areas' and the conservation area to be protected in perpetuity.

Subject to the above recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for flora and vegetation.

Indirect impacts to flora and vegetation

The EPA has assessed the potential residual impacts to flora and vegetation from indirect impacts to the introduction and spread of weeds and dieback and changes to hydrological regimes.

Introduction and/or spread of weeds and dieback

A baseline weed survey identified 36 weed species and two declared weed species (Arum Lily and Bridal Creeper) within the development envelope, with a high abundance of Arum Lily, particularly in the eastern portion of the development envelope (JBS&G 2024a). Weed coverage across the development envelope varied, with a low cover (0% to 10%) across a large portion of the development envelope, however other parts of the development envelope had a higher weed cover, as high as 75% (JBS&G 2024a).

The EPA considers that the spread of weeds into areas of retained native vegetation within the development envelope and surrounding native vegetation, including the Leeuwin-Naturaliste National Park is likely, from: edge effects; increased human disturbance from the tourism village, including the use of the new road along the National Park boundary; as well as increased nutrients from onsite wastewater disposal that may increase weed growth within the development envelope.

A dieback assessment found a small area of uninfested vegetation in the development envelope, and the remainder of the development envelope was

classified as uninterpretable due to an insufficient coverage of reliable indicator species (Glevan 2024). The dieback assessment noted that the presence of healthy grass tree (*Xanthorrhoea preissii*) specimens across a large portion of the development envelope indicates that the study area is likely to be uninfested.

The EPA acknowledges that the proponent has proposed a number of mitigation measures to mitigate indirect impacts to areas of retained vegetation and native surrounding. The proponent has prepared a Foreshore Management Plan (FMP) over the conservation area and surrounding foreshore areas adjoining the development envelope. The FMP commits to dieback management, weed control, revegetation of tracks and annual spring vegetation monitoring within the proposed conservation area as well as fencing the conservation area and public open space areas. In addition, the proponent has committed to preparing a Vegetation Management Plan (VMP) which will be developed for areas within the development area that will require ongoing maintenance (such as public open space areas). The VMP will outline monitoring and maintenance requirements. The proponent has committed to implementing ongoing weed control, focusing on areas with high weed cover and prioritizing control of declared species before construction.

The EPA considers the introduction of dieback into the development envelope from construction and development of the development envelope to be a risk that requires management. The proponent has also committed to a 'Clean On Entry' point to minimise the spread of weeds and dieback.

To prevent weed growth caused by wastewater disposal in retained native vegetation within the development envelope, the EPA recommends condition A1-1, which prohibits wastewater disposal in these areas. To protect retained native vegetation within the development envelope and surrounding native vegetation within 50 m of the development envelope within Crown land from the introduction and spread of weeds and dieback, the EPA recommends conditions B1-1(4) and (5) and B1-3 which requires hygiene management and weed control and management during construction and for five years post-construction.

In addition, the EPA recommends conditions B1-4 and B1-5 to require spring flora and vegetation monitoring 50 m outside of the development envelope within Crown land and within retained native vegetation within the development envelope, prior to ground disturbing activities, and annually upon commencement of construction (for a minimum of five years). This monitoring will ensure that post-construction conditions are assessed against the baseline conditions and will ensure condition B1-1(4) and B1-1(5) can be assessed.

These conditions would ensure that the environmental outcome is likely to be consistent with the EPA objective for this factor.

Changes to existing hydrological regimes

Changes to existing hydrological regimes through changes to surface water runoff, irrigation volume and water quality are likely to impact areas of native vegetation. The EPA has considered these impacts as part of its holistic assessment of inland waters, flora and vegetation and terrestrial fauna, and has concluded that the environmental outcomes are likely to be consistent with the EPA objective for this factor subject to conditions. The EPA assessment of these matters is discussed in section 2.3.7 – Native vegetation.

Cumulative impacts to flora and vegetation

The EPA's cumulative impact assessment has considered the cumulative effects of a range of threats and pressures in the local area of the proposal; and whether the environment affected by the proposal has significant value due to other successive, incremental, and interactive cumulative impacts in the assessment area. The cumulative loss of native vegetation in the southwest region largely relates to historical clearing of rural land for rural pursuits, agriculture and viticulture, and more recently, urban expansion within the City of Busselton.

Within 6 km of the development envelope, substantial areas of the same vegetation complexes remain: Wilyabrup (We) – 83 ha (including the Leeuwin Block PEC), Gracetown (GE) – 1,372 ha, and Wilyabrup (W2) – 1,206 ha, with broader representation within 12 km (151 ha, 3,008 ha, and 2,051 ha respectively) (JBS&G 2025d). These extents show that vegetation complexes are well represented in the surrounding landscape. The proposal is expected to reduce the Wilyabrup (We) complex by 14% locally and regionally (JBS&G 2024b). This complex spans about 94 km along the Leeuwin-Naturaliste coast. In contrast, Gracetown (GE) and Wilyabrup (W2) will experience less than 1% reduction within the southwest forests region and City of Busselton. The EPA's assessment concluded that the proposed clearing of up to 17.80 ha of native vegetation will not reduce any vegetation complexes within the development envelope below 30% of their pre-European extent.

The EPA is not aware of any reasonably foreseeable projects/development involving significant clearing of native vegetation at local or regional scales that would contribute to cumulative loss of the PEC or bring the vegetation complexes within the development envelope below the 30% pre-European extent threshold.

The EPA therefore considers that, subject to recommended condition B1-1(1) and B1-1(2) to set clearing limits for native vegetation (including the PEC), condition B1-1(3) that requires retention within areas subject to partial modification and condition B1-2 to ensure clearing boundaries are clearly demarcated prior to ground disturbing activities, the environmental outcome is likely to be consistent with the EPA objective for flora and vegetation.

2.1.10 Summary of key factor assessment and recommended regulation

The EPA has considered the likely residual impacts of the proposal on flora and vegetation environmental values. In doing so, the EPA has considered whether reasonable conditions could be imposed, or other decision-making processes can ensure consistency with the EPA factor objective. The EPA assessment findings are presented in Table 2.

The EPA has also considered the principles of the *EP Act* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factor objective and whether reasonable conditions can be imposed (see Appendix A).

Table 2: Summary of assessment for flora and vegetation

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
1.	Clearing of up to 6.91 ha of the Leeuwin Block PEC	The EPA advises that this residual impact should be subject to conditions to set clearing limits and ensure the protection of areas of retained native vegetation to ensure that the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B1 (Flora and vegetation)** • Clearing limit for the PEC • Clearing boundaries are clearly demarcated prior to ground disturbing activities • Environmental outcomes defined for retained native vegetation to ensure it is protected, enhanced and self-sustaining. **Condition B8 (Native vegetation retention areas)** • Rehabilitation of cleared areas or areas in 'Good' or worse condition • Protection of areas (as defined in Figure 1 of the conditions) in perpetuity **Condition B 9 (Conservation area)** • Rehabilitation of cleared areas (excepting the Cape to Cape Track and access road) • Protection and management of the area (as defined in Figure 1 of the conditions) in perpetuity

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
2.	Indirect impacts to flora and vegetation from weeds, dieback and altered hydrological regimes	The proposal has the potential to result in indirect impacts to retained native vegetation and surrounding native vegetation (including the National Park). Weeds are likely to spread from increased human disturbance from the tourism village, including the use of the new road along the National Park boundary. The EPA advises that the implementation of the proponent's mitigation measures, and the recommended conditions (which includes weed control and monitoring 50 m outside of the development envelope within Crown land) will ensure that the environmental outcome is likely to be consistent with the EPA objective for flora and vegetation.	**Condition A1 (Limitations and extend of proposal)** • No wastewater disposal within the WRP Habitat Conservation and Connectivity Zone', native vegetation retention areas and conservation area. **Condition B1 (Flora and vegetation)** • Environmental outcomes defined for retained native vegetation to ensure it is protected, enhanced, self-sustaining, and native vegetation retention areas are not impacted by human disturbance. • Requirement to undertake hygiene management and weed control and management during construction and for five years post construction • Flora and vegetation monitoring prior to ground disturbing activity and post construction for a minimum of five years.

2.2 Terrestrial fauna

2.2.1 Environmental objective

The EPA environmental objective for terrestrial fauna is *to protect terrestrial fauna so that biological diversity and ecological integrity are maintained* (EPA 2016d).

2.2.2 Investigations and surveys

The EPA advises the following investigations, surveys were used to inform the assessment of the potential impacts to terrestrial fauna:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Spring Flora and Vegetation Assessment Lot 4131 Smiths Beach Road, Yallingup (Appendix B of the ERD)
- Conservation Significant Fauna Management Plan (Appendix G of the RtS) (JBS&G 2025a)
- Detailed Terrestrial Vertebrate Fauna Report (Appendix K of the RtS)
- Western Ringtail Possum habitat modification calculations (Appendix 1 of Appendix D of the RtS)
- Offset Strategy (Appendix H of the RtS) (JBS&G 2025c)
- Smith's Beach Coastal Tourism Village Western Ringtail Possum Assessment (Appendix M of the ERD) (Bamford Consulting Ecologists 2024)
- Smith's Beach Project, Yallingup - Coastal Tourism Village: potential impacts to Western Ringtail Possum (Appendix D of the RtS) (Bamford Consulting Ecologists 2025)
- Short Range Endemic Invertebrate Fauna Report (Appendix H of the ERD) (Biologic 2024)

The surveys were consistent with the *Technical guidance –Terrestrial vertebrate fauna surveys for environmental impact assessment* (EPA 2020) and the *Technical guidance – Sampling of short-range endemic invertebrate fauna* (EPA 2016f).

The EPA determined it had the necessary information to identity the values and inform the assessment of the potential impacts to the above factor. The EPA also considered the relevant fauna recovery plans and conservation advises where applicable.

2.2.3 Assessment context – existing environment

The development envelope includes 38.05 ha of fauna habitat across seven habitat types. Within this, the development area (comprising both 'fully cleared areas' and 'modified areas) contains 19.89 ha of fauna habitat representing six of these types

(JBS&G 2025d) as detailed in Table 7-3 and Figure 7-2 of the proponent's ERD (JBS&G 2024b). The most prominent fauna habitat types within the development envelope are *Kunzea* and *Melaleuca* Closed Shrubland and Open Peppermint Forest, of which 0.24 ha of *Kunzea* and *Melaleuca* Closed Shrubland and 8.21 ha of Open Peppermint Forest are proposed to be impacted within the development area. One fauna habitat type, *Rocky Outcrop*, covering 0.52 ha occurs exclusively in the proposed conservation area.

The fauna survey by Biologic (2024) identified 78 vertebrate fauna species within the development envelope of 285 vertebrate fauna species that have the potential to occur. The following conservation significant species were either recorded or deemed likely to occur within the development envelope (Biologic 2024):

- Western ringtail possum (*Pseudocheirus occidentalis*) (Critically Endangered)
- Baudin's black cockatoo (*Zanda baudinii*) (Endangered)
- Carnaby's black cockatoo (*Zanda latirostris*) (Endangered)
- Forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*) (Vulnerable)
- Coastal plains skink (*Ctenotus ora*) (Priority 3)
- Quenda (*Isoodon fusciventer* (Priority 4)
- Western Brush Wallaby (*Notamacropus Irma*) (Priority 4)
- Barking Owl (*Ninox connivens conniven*) (Priority 3); and
- Wambenger brush-tailed phascogale (*Phascogale tapoatafa wambenger*) (Conservation Dependent).

One conservation significant invertebrate fauna species, *Bothriembryon irvineanus* (Irvine's Tapered Snail) (Priority 2) has the potential to occur within the development envelope, however the habitat where it is most likely to occur (low coastal scrub and heathland) is predominantly being conserved (JBS&G 2025d). A risk assessment found the following short range endemic (SRE) invertebrates as having a moderate risk of being impacted by the proposal: *Proshermacha* sp. indet (mygalomorph spider), *Cryptops* sp. indet (centipede), and *Catasarcus coruscus* (flightless weevil) (JBS&G 2025d).
A regional ecological linkage (no. 86) intersects the development envelope and links between two patches of the Leeuwin-Naturaliste National Park (Figure 6-8 of the proponent's ERD) (JBS&G 2024b)).

2.2.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the response to submissions document (JBS&G, 2025d). Public consultation raised concerns about loss of threatened fauna habitat, increased fauna mortality risk from traffic/tourism, pets, artificial light impacts, and inadequate assessment of short-range endemics (Cape Leeuwin Freshwater Snail) and a microbe TEC (tufa). Submissions also questioned suitability of proposed offsets, noting Mt Duckworth site is degraded and difficult to rehabilitate, and raised concerns about long-term offset outcomes.

The key issues raised during the public consultation on the proposal and how they have been considered in the assessment are described in sections 2.2.5, 2.2.6, 2.2.7, 2.2.8 and 2.2.9.

2.2.5 Potential impacts from the proposal

The proposal has the potential to impact on terrestrial fauna from:

- clearing and modification of up to 17.80 ha of fauna habitat, including:
  - up to 14.68 ha of western ringtail possum (Critically Endangered) and Wambenger brush-tailed phascogale (Conservation Dependent) habitat
  - up to 5.19 ha of foraging habitat for Baudin's and Carnaby's black cockatoo (Endangered)
  - up to 0.14 ha of Forest red-tailed black cockatoo foraging habitat (Vulnerable)
  - up to 3 potential breeding trees for Baudin's, Carnaby's and Forest red-tailed black cockatoos (hereon referred to collectively as black cockatoos)
  - 10.65 ha Coastal plains skink habitat (Priority 3)
  - 19.09 ha Quenda habitat (Priority 4)
  - 4.07 ha Western bush wallaby habitat (Priority 4)
  - 0.98 ha Barking owl habitat (Priority 3).
- dispersal and displacement of western ringtail possum individuals and fragmentation of the local population
- fragmentation, including fragmentation of an ecological linkage
- potential impacts to fauna from injury and/or mortality from clearing, construction and operation of the proposal
- potential degradation of surrounding habitat and retained native vegetation within the development envelope through the introduction and/or spread of weeds and dieback, invasive species and changes to existing hydrological regimes
- indirect impacts to fauna from increased light, dust and noise emissions and human activity from construction and operation of the proposal.

The issue raised during consultation about the inadequate assessment of short-range endemics, specifically the Vulnerable Cape Leeuwin Freshwater Snail (*Austroassiminea letha*) has been resolved through the proponents RtS, which included a SRE Risk Assessment. The Cape Leeuwin Freshwater Snail, is known only from Canal Rocks and five other sites south of the development envelope in limestone seepage habitats, which are absent within the development envelope (JBS&G 2025d). Therefore, this issue was not considered further in the assessment.

2.2.6 Avoidance measures

The proponent has designed the proposal to avoid impacts to terrestrial fauna by (JBS&G 2024b and JBS&G, 2025d):

- retaining 2.43 ha within public open space and 16.83 ha within a conservation area to avoid impacts to 48% of fauna habitat within the development envelope
- avoiding 2 potential nesting trees for black cockatoos
- partial clearing of fauna habitat within modified areas
- avoiding majority of the north-south regional ecological linkage and locating proposal at the edge of the ecological linkage boundary to avoid severing the linkage completely.

2.2.7 Minimisation measures (including regulation by other DMAs)

The proponent has proposed measures to minimise impacts to terrestrial fauna:

1. clearing of fauna habitat has been reduced to the minimum area required for construction of the proposal
2. retain 0.72 ha (40%) of canopy within the 1.72 ha 'Western ringtail possum (WRP) Habitat Conservation and Connectivity Zone' (campground area)
3. canopy connectivity structures (i.e. possum rope bridges) will be installed where canopy connectivity is fragmented within the development envelope and to adjacent vegetation to the south and east of the development envelope prior to clearing or construction works. Minor, targeted clearing is proposed where necessary to facilitate installation of these structures
4. installation of above ground water sources for the western ringtail possum and black cockatoos and replacement artificial dreys for each drey to be removed prior to clearing or construction works. Minor, targeted clearing is proposed where necessary to facilitate installation of these structures
5. installation of artificial shelters, such as logs, rocks, and purpose-built wildlife shelters in areas where natural ground cover is limited and connectivity is compromised
6. significant tree survey to be undertaken to ensure trees retained maintain connectivity for possums in and out of the development envelope
7. management measures will be implemented to reduce the likelihood of injury or mortality to terrestrial vertebrate fauna during construction and to ensure fauna interactions are appropriately managed, including: pre-clearing trapping program (for native fauna except the western ringtail possum); fauna spotters during clearing; sensitive and staged clearing practices, including the use of a "shepherding" method, will be employed to guide western ringtail possums towards retained patches of habitat; and relocation of dreys
8. ongoing weed control within the site, centralizing efforts around areas of high weed cover to minimise spread and prioritisation of declared weed species (Arum Lily and Bridal Creeper) prior to construction commencing.
9. movement from east to west across the development envelope during construction will be minimised, especially into areas designated for conservation or public open space

10. ‘Clean On Entry’ point will be established for all onsite activity to minimise spread of weeds and Phytophthora dieback.
11. all landscaping materials brought into the development envelope will be certified weed and Phytophthora dieback free
12. educational signage to be erected post-construction to advise the public to remain on designated footpaths and roads and to discourage campers from feeding, disturbing or interfering with fauna
13. cats will be prohibited from the tourist village and dogs will be prohibited from the campground area, restricted to properties and not allowed to roam freely in other parts of the development envelope.
14. coordinate with DBCA to schedule feral pest control in surrounding national park areas prior to construction to support possums potentially leaving the development envelope.
15. waste management practices will be implemented to reduce the risk of increased predators/competitors into the development envelope.
16. low-impact, fauna-sensitive lighting installed within the campground and carpark lighting selected and positioned to shed downward.

The EPA notes that the proponent would require an authorisation for any inadvertent take of threatened fauna in accordance with the *Biodiversity Conservation Act 2016* (BC Act).

2.2.8 Rehabilitation measures

The proponent is proposing to undertake revegetation in cleared and degraded areas and within partially modified areas of the development envelope to provide additional fauna habitat. Revegetation is proposed to include nitrogen-rich understorey native species (important for western ringtail possums) and quality foraging species for native fauna including black cockatoos.

2.2.9 Assessment of impacts to environmental values

The EPA considered that the key environmental values for terrestrial fauna likely to be impacted by the proposal are the local and regional population levels of conservation significant terrestrial fauna. The residual impacts to these values are predominately from clearing of habitat, dispersal and displacement of fauna into adjacent areas, habitat fragmentation and degradation, injury and/or mortality and increased light, dust and noise emissions and human activity.

Western ringtail possum

The western ringtail possum is a small arboreal marsupial that was once widely distributed across the south and south-west parts of Western Australia, however the range has contracted by 90% since colonial settlement, with declines in abundance and habitat continuing across the range of this species (DPaW, 2017). The species range is now confined to five regional locations, one of which encompasses the development envelope (i.e. the near-coastal area between Bunbury and Augusta) (Biologic 2024).

The species' primary habitat is woodlands dominated by peppermint (*Agonis flexuosa*), but also marri (*Corymbia calophylla*) and jarrah (*Eucalyptus marginata*). Ringtail possums' shelter in tree-hollows and self-built dreys made from leaves and other vegetative material.

Western ringtail possums use tree canopy connections to move through the landscape but are also known to use artificial structures such as fences, powerlines and purpose-built arboreal rope crossings. The key threatening processes impacting the ringtail possum that are relevant to the impacts of this proposal are habitat loss and fragmentation (DPAW 2017). Historical and future clearing for land development, industry and agriculture are key pressures for the species.

The core habitat for breeding, foraging and movement comprises Open Peppermint Forest, in the eastern section of the proposal as this is where most possum and drey observations occurred in fauna surveys (Bamford Consulting Ecologists 2024). Western ringtail possums are concentrated in the northern part of the core habitat, as shown in Figure 5 (Bamford Consulting Ecologists 2024). Secondary habitat that may be used for western ringtail possum foraging and dispersal comprises areas of woodland and forest with dominant tree species including Marri, Banksia spp. and Melaleuca spp. in the eastern and western portions of the development envelope (Bamford Consulting Ecologists 2024). Fauna surveys confirmed a population of western ringtail possums residing and breeding (dreys, parents and young observed) within the development envelope (Biologic 2024; Bamford Consulting Ecologists 2024).

The EPA considers the likely residual impacts of the proposal on the western ringtail possum are:

- the direct loss of up to 14.68 ha of core and secondary habitat
- dispersal and displacement of individuals and fragmentation of the local population.

Direct impact – habitat loss

The development envelope contains 20.73 ha of core and secondary habitat for the western ringtail possum of which up to 14.68 ha (70.8%) is proposed to be cleared or partially modified (JBS&G 2025d).
The proponent has committed to retaining 7.78 ha of western ringtail possum habitat and/or canopy cover throughout development envelope including 6.06 ha of habitat within public open space areas and the proposed conservation (3.95 ha onsite offset) area (Figure 2). Within the modified areas, 1 ha of primary and secondary habitat will be retained. Within the 1.72 ha campground area, 0.72 ha (40%) of canopy cover will be retained as modified habitat. Habitat in public open space and the conservation area will remain unmodified, while other habitat will be subject to modification primarily for bushfire management.

The EPA acknowledges that modification of western ringtail possum habitat will likely result in lesser impacts to western ringtail possum than if full clearing of the modified areas was proposed. The EPA also notes that the carrying capacity will be significantly impacted by implementation of the proposal. The EPA therefore

considers the residual impacts of the proposal on western ringtail possum to be the direct loss of up to 14.68 ha of habitat, equivalent to complete clearing of the modified areas.

The EPA considers the area of core habitat where western ringtail possums are concentrated in terms of individual and drey observations is within the north eastern extent of the mapped open Peppermint forest, proposed as the campground area and adjacent (northern) carpark (Figure 5). The EPA has considered the proponent's amended Conservation Significant Fauna Management Plan (JBS&G 2025a) to include the campground area within a WRP Habitat Conservation and Connectivity Zone (WRPHCC Zone). The Conservation Significant Fauna Management Plan (CSFMP) identifies the area as key habitat for the site's local western ringtail possum population and provides for more canopy connectivity (40%) compared to the balance of the modified areas (Figure 2) together with an increased network of connectivity structures (i.e. rope bridges).

A network of canopy connectivity structures constructed prior to clearing or construction works to provide for movement within WRPHCC Zone, throughout habitat areas within development envelop and to adjacent habitat outside of the development envelop (Figure 6) is also committed too. The EPA notes the retention of a higher proportion of the existing trees together with canopy connectivity structures within the WRPHCC Zone and throughout the development envelope may provide for continued presence of western ringtail possum, albeit at a reduced population density (Bamford Consulting Ecologists 2024).

The proponent has also committed to prioritise retention of all trees with active dreys in the WRPHCC Zone and to redesign the carpark where necessary to preserve trees with active dreys. Advice will also be sought from a fauna specialist on any potential relocations.

The CSFMP requires replacement artificial dreys for each drey to be removed prior to clearing or construction works and the installation of above ground water sources to mitigate impacts to western ringtail possum and commits to pre-clearing survey and implementation of staged clearing practices for western ringtail possum.

The EPA notes that areas proposed as public open space and conservation provide areas of core and secondary western ringtail possum habitat. The absence of individuals in these areas was noted by Bamford Consulting Ecologists (2024) and considered to be due to the better quality habitat in the northern (campground) area and that the existing large firebreaks may also inhibit western ringtail possum movement within the site. The establishment of canopy connectivity structures prior to construction should enable western ringtail possum to move though the modified areas to public open space and conservation areas.

It is the EPA's view that retention of areas of foraging trees and understory, trees with dreys and maintenance and creation of habitat connectivity throughout the western ringtail possum core and secondary habitat, including the WRPHCC Zone and carpark, are important to assist western ringtail possum at the site persist and meet environment outcomes. The proponent should engage with DBCA regarding location of canopy connectivity structures, prioritising retention and proposed

relocation of dreys and seek authorisation under the BC Act for impacts to listed threatened species.

Dispersal and displacement of individuals and habitat fragmentation

Implementation of the proposal will fragment western ringtail possum habitat within the development envelope and potentially to adjacent areas of habitat including the Leeuwin-Naturaliste National Park (LNP). The EPA notes Bamford Consulting Ecologist (2024) advises that roads and farmland between the development envelope and the LNP would likely currently limit movement and dispersal between the areas. As habitat is cleared in the development envelope, individuals will be displaced into surrounding habitat, resulting in an increase in the number of western ringtail possum in the surrounding areas (Bamford Consulting Ecologists 2025). The Bamford Consulting Ecologists (2025) report includes examples of fauna crossing structures successfully being used by arboreal mammals, including the Vasse Diversion Drain and Caves Road projects in Busselton, where western ringtail possum were found to use the crossings. The proponent's CSFMP commits to installing a network of canopy connectivity structures (i.e. rope bridges) prior to clearing or construction works to mitigate impacts to the western ringtail possum (Figure 6).

To mitigate impacts of introduced predators on the western ringtail possum, the proponent has committed to prohibiting cats within the development, prohibiting dogs in the campground area, and restricting dogs to properties and on-lead only. The proponent has also committed to coordinating with DBCA to schedule feral pest control in the surrounding LNP prior to construction to support possums potentially leaving the site.

A monitoring program is proposed by the proponent in the CSFMP. This commits to ongoing surveys within the development area and a 200 m buffer to monitor western ringtail possum populations and habitat use (JBS&G 2025d). It includes baseline data collection, regular checks of dreys, possum bridge monitoring, and recording adverse events, enabling adaptive management and evaluation of mitigation measures.

Significant residual impact to western ringtail possum

The EPA has assessed the residual impact to habitat loss and fragmentation from the clearing of 14.68 ha of western ringtail possum habitat to be significant. The EPA considers that the proposed measures to mitigate impacts such as partial clearing and installation of connectivity structures are reasonable but that clearing will have a significant residual impact on the WRP population. In considering the precautionary principle, the EPA advises the proposal presents a risk of irreversible harm as implementation of the proposal will result in impacts to the site's western ringtail possum population.

The EPA considers that the significant residual impact can be regulated through reasonable conditions and counter-balanced by offsets so that the environmental outcome is unlikely to be inconsistent with the EPA objective for terrestrial fauna.

The EPA's recommended conditions limit full and partial clearing (condition B2) and require implementation of the CSFMP (condition B3). The CSFMP includes management targets and monitoring requirements of the western ringtail possum population. Recommended conditions B8 and B9 provide for retention and management of Native vegetation retention areas and the Conservation area, that provide habitat for the western ringtail possum.

The EPA has recommended condition B10 requiring offsets to counterbalance the loss of up to 14.68 ha of habitat. The proponent has developed an Offset Strategy that includes an onsite offset conservation area of 3.95 ha of western ringtail possum habitat, and two local on-ground management and rehabilitation areas at Gunyulgup and Mt Duckworth, located approximately 0.6 km east and 4.6 kms north-east of the development envelope respectively, and both within the LNP. The EPA considers these offsets will provide short to long term benefits for local western ringtail possum populations enabling them to persist in the local area and continue to contribute to the regional extent of western ringtail possum. The strategy also includes on-ground management and rehabilitation of 15 ha within the Ludlow State forest. The EPA considers the offset will support regional efforts for western ringtail possum population recovery more broadly and within an area identified as core habitat in the Commonwealth's (2009) *Significant impact guidelines for the vulnerable western ringtail possum (Pseudocheirus occidentalis) in the southern Swan Coastal Plain, Western Australia*. Offsets are discussed further in Section 4.

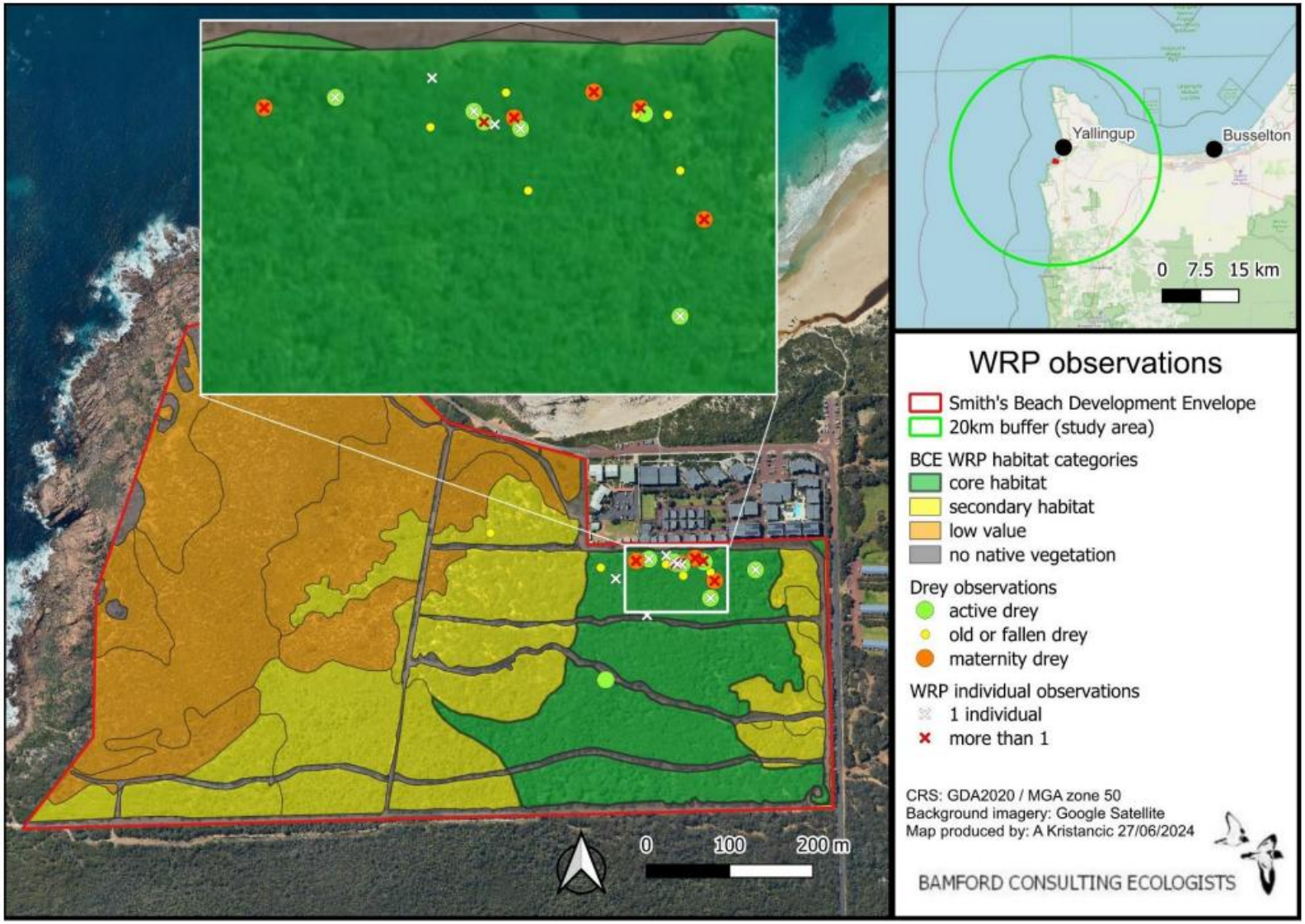

Figure 5: Western Ringtail Possum habitat, including drey and individual observations (Source: Bamford Consulting Ecologists 2024)

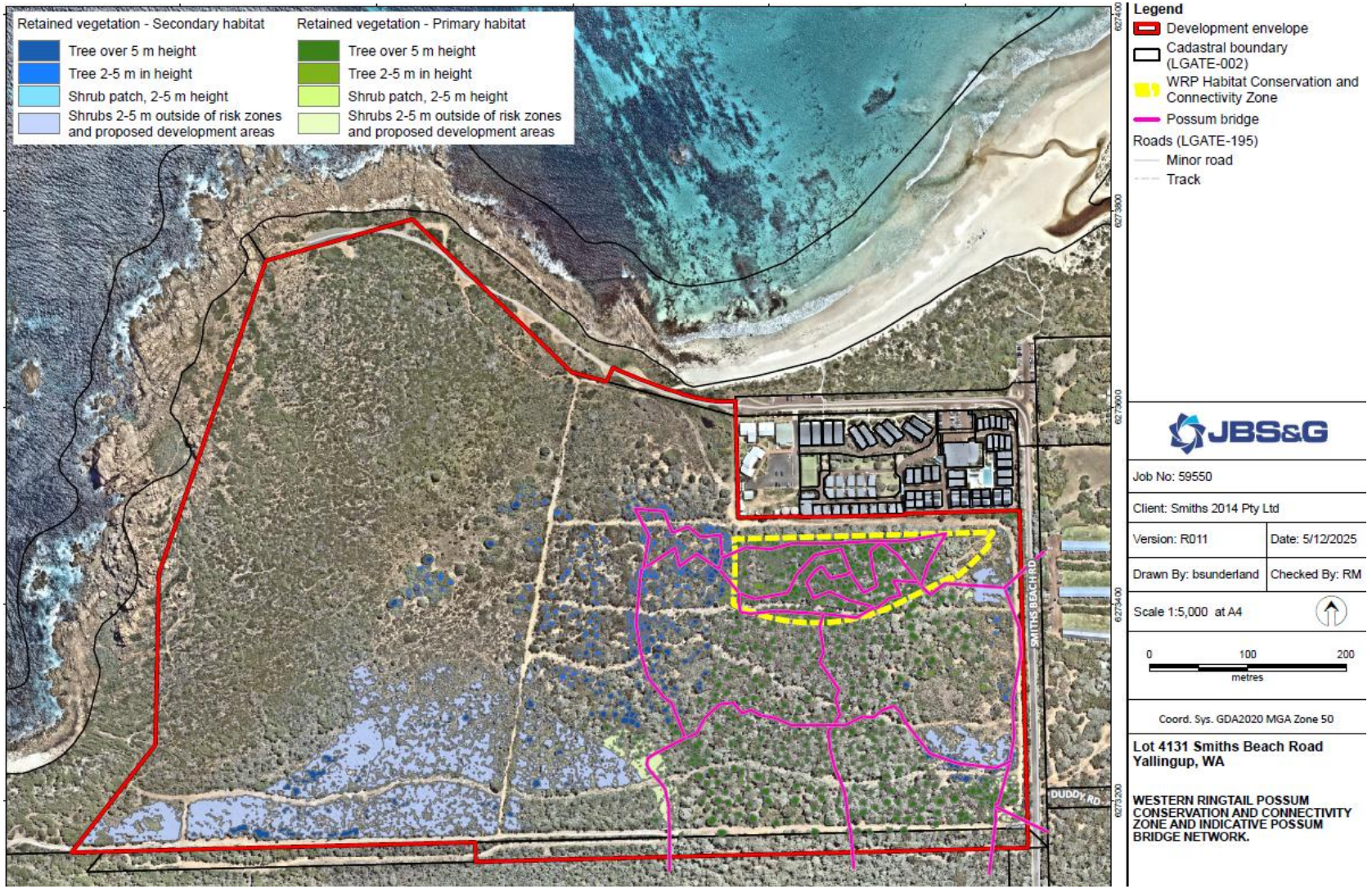

Figure 6: Canopy connectivity structures to be installed throughout the development envelope and to surrounding habitat (Source: JBS&G 2025d)

Black cockatoos

The development envelope occurs within the breeding range for Baudin's black cockatoo and within Carnaby's and Forest red-tailed black cockatoo distribution (Biologic 2024). Ten confirmed roosting sites have been recorded within 12 km of the development envelope, including eight confirmed white-tailed black cockatoo (Carnaby's and/ or Baudin's black cockatoo) and two Forest-red tailed black cockatoo roosts, with the nearest roost being for white-tailed black cockatoo (BUSYALR006) approximately 2.7 km east of the development envelope.

The EPA considers the residual impacts of the proposal on black cockatoos to be the loss of foraging habitat and potential roosting and breeding. The EPA considers that the proposed residual impacts will exacerbate some of the key threatening processes as outlined in the recovery plans for black cockatoo species (DEC 2008; DPAW 2013).

Foraging habitat

Foraging habitat quality was assessed by Biologic (2024) using the habitat scoring tool provided by the then DoEE (2017) draft referral guidelines. The development envelope contains quality to high quality foraging habitat for black cockatoos and contains foraging species considered primary food resources, in particular jarrah (*Eucalyptus marginata*) and marri (*Corymbia calophylla*). Foraging evidence by Baudin's black cockatoo was observed in four locations within the Open Banksia Forest in the central portion of the development envelope and foraging evidence by Carnaby's black cockatoo was observed in 31 locations within multiple habitat types throughout the development envelope (Biologic 2024).

The proponent proposes to impact (including partial modification of):

- up to 5.19 ha of quality to high quality foraging habitat for Baudin's and Carnaby's black cockatoo (58.2% of foraging habitat for these species in the development envelope)
- up to 0.14 ha of quality habitat for Forest red-tailed black cockatoo foraging habitat (20.6% of foraging habitat for this species in the development envelope)

Foraging resources near roost sites are essential for sustaining black cockatoo populations, as they will mainly forage in areas up to 20km from known night roosting habitat (Commonwealth of Australia 2022). Given the presence of ten roosts within 12 km of the development envelope, the foraging habitat within the development envelope is likely used by black cockatoos from nearby roosts and is of increased ecological importance, particularly due to the nearby water source of Gunyulgup Brook (approximately 250 m north east of the development envelope) and several wetlands nearby (with the closest being 1km east of the development envelope).

Roosting habitat

Biologic (2024) recorded no evidence of black cockatoo roosting activity within the development envelope during surveys, nor were any birds observed arriving to roost at dusk. However, potential roosting habitat was identified in several vegetation

types throughout the development envelope, including Open Peppermint Forest, Open Banksia Forest, Open Coastal Shrubland, and Closed Low Marri Forest, though these areas are considered low quality due to limited tall trees and suitable foliage density. Despite this, the proximity of known roosts (2.7–8 km away), the presence of water sources nearby, and 430 records of black cockatoos within 10 km indicate that occasional night roosting may occur.

Breeding habitat

No confirmed breeding locations are known within 12 km of the development envelope (Biologic 2024). Five trees within the development envelope have a suitable diameter at breast height (DBH) and species (marri) to support black cockatoo nesting, however none of these trees contain hollows (Biologic 2024). The proponent proposes to impact up to 3 potential nesting trees for Baudin's, Carnaby's and Forest red-tailed black cockatoos (60% within the development envelope).

Significant residual impact to black cockatoos

The EPA has assessed the impacts to black cockatoo roosting and breeding habitat, and Forest red-tailed black cockatoo foraging habitat as not being a significant residual impact due the extent and/or quality of these habitat types proposed to be cleared. However, due to the Carnaby's and Baudin's black cockatoo foraging habitat proposed to be cleared being within 12 km of eight confirmed white-tailed black cockatoo (Carnaby's and/ or Baudin's black cockatoo) roosts, and considering the ongoing loss of habitat across the species' range, the EPA has assessed the clearing of up to 5.19 ha of Carnaby's and Baudin's black cockatoo foraging habitat to be a significant residual impact. The EPA advises that the significant residual impact can be regulated through reasonable conditions (B2 and B3) and counter-balanced by offsets (condition B10) so that Carnaby's and Baudin's black cockatoo foraging habitat is protected; and the environmental outcome is likely to be consistent with the EPA objective for terrestrial fauna. Offsets are discussed further in section 4.

Wambenger brush-tailed phascogale

The Wambenger brush-tailed phascogale (hereon referred to as phascogale) occurs from Perth southwards to Albany, with populations fluctuating in response to climatic conditions. The species is thought to be declining due to habitat loss, degradation, and fragmentation (Biologic 2024). This obligate arboreal species depends on jarrah and marri trees for nesting hollows and foraging, particularly trees below 400 mm DBH. The species is likely a resident in the development envelope, primarily using Open Peppermint Forest and Open Banksia Forest for breeding, foraging and dispersal, and using Closed Low Marri Forest and portions of the Melaleuca Closed Shrubland for additional dispersal and foraging habitat (Biologic 2024; JBS&G 2025d). There are 41 previous records of the species within 10 km of the development envelope, and past surveys have confirmed its presence within the development envelope, with one individual being captured most recently by Biologic (2024).

The development envelope contains 20.73 ha of phascogale habitat, of which 14.68 ha (70.8%) is proposed to be cleared (including partial modification) (JBS&G 2025d).

The habitat areas within the development envelope for the phascogale overlap with the habitat areas for the western ringtail possum.

The proponent has committed to installing canopy connectivity structures to support western ringtail possum movement throughout retained habitat within the development envelope and to the adjacent National Park areas to the south and east, which may also benefit the phascogale.

Phascogales have large home ranges, with female home ranges covering 20-70 ha, while male home ranges overlap this and expand further during breeding season (DBCA 2012). Considering the species large home ranges, and the extent of potentially suitable habitat surrounding the development envelope (in the vicinity of 7,450 ha within 10 km), the EPA considers that the proposal is not expected to cause the species to become threatened and the impact to phascogale is not a significant residual impact. Impacts to the phascogale can be managed through a recommended condition (B2) to set a clearing limit on suitable habitat. In addition, the EPA has recommended condition B3 to require the CSFMP to be implemented. Subject to these recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.

Priority fauna species

The EPA has considered potential impacts to priority fauna species recorded or likely to occur within the development envelope including:

- the proposed clearing of up to 10.65 ha of primary Coastal Plains Skink (priority 3) habitat, noting 4.97 ha will be retained in the conservation area/POS
- the proposed clearing of up to 19.09 ha Quenda habitat, noting 16.93 ha will be retained in the conservation area/POS
- the proposed clearing of up to 4.07 ha of Western Bush Wallaby habitat, which represents 98.8% of potential habitat within the development envelopment
- the proposed clearing of up to 0.96 ha of Barking Owl habitat, noting 4.71 ha will be retained in the conservation area/POS.

The EPA notes the development envelope is within proximity to potentially suitable fauna habitat in surrounding conservation estate and the proposed conservation area is directly connected to the Leeuwin-Naturalist National Park. To minimise impacts to priority fauna the proponent has committed to the following measures within the CSFMP: fauna spotters to be present during clearing activities to supervise dispersal or relocation of remaining fauna; and trapping and relocation of remaining fauna (JBS&G 2025a). The EPA considers potential impacts to priority fauna are manageable in accordance with the proponent's mitigation measures above and noting the available habitat in nearby conservation estate. The EPA advises that impacts to priority fauna can be managed through recommended condition B3 to require the CSFMP to be implemented and therefore the environmental outcome is unlikely to be inconsistent with the EPA objective for this factor.

Other Impacts to terrestrial fauna

Habitat fragmentation and injury and/or mortality

The EPA considers that there is risk of fauna injury and/or mortality to ground dwelling fauna from clearing and construction of the proposal. The EPA also considers that the proposal would fragment fauna habitat, including regional ecological linkage no.86 that diagonally traverses the development envelope from south-west to north-east. To minimise these impacts the proponent has committed to the following in the CSFMP (JBS&G 2025a):

- Seven days prior to clearing, conduct a pre-clearance trapping and relocation program to remove ground-dwelling fauna
- A fauna spotter will be present during clearing and works stopped if fauna sighted until safely relocated
- Temporary fencing will be installed around construction fronts to prevent fauna from entering active work areas or dispersing on to roads, reducing the risk of injury or mortality
- Induct all personnel/contractors on environmental responsibilities
- Clearing outside western ringtail possum peak breeding season in the WRPHCC Zone.

The conservation area and adjoining public open space will provide ongoing habitat and a corridor for fauna movement to the adjoining National Park for priority species.

Impacts to the western ringtail possum from habitat fragmentation, along with the proposed mitigation measures (i.e canopy retention and connectivity structures and staged clearing with shepherding approach) are discussed under the ‘western ringtail possum’ heading of section 2.2.9. These mitigation measures may also benefit the phascogale, as it is also an arboreal mammal.

It is considered that the measures outlined above would appropriately manage the risk of fauna injury/mortality during clearing and construction and habitat fragmentation. The EPA has recommended condition B2-1 (7) to ensure no western ringtail possums are harmed during clearing and condition B3, requiring the implementation of the CSFMP. Subject to these recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.

Habitat degradation

The proposal has the potential to lead to degradation of surrounding habitat and retained native vegetation within the development envelope through the introduction and/or spread of weeds and dieback, invasive species and changes to existing hydrological regimes. The EPA has assessed indirect impacts to retained native vegetation within the development envelope and surrounding native vegetation from weeds, dieback under section 2.1.9 – Flora and vegetation and altered hydrological regimes under sections 2.1.9 and 2.3.7. These indirect impacts can lead to habitat degradation, which in turn reduces the quality and function of fauna habitat. Effective management of these threatening processes will minimise habitat degradation and maintain ecological values for fauna. The conditions recommended under section

2.1.10 and 2.3.8 will ensure the environmental outcome is likely to be consistent with the EPA objective for this factor.

Increased light, dust and noise emissions from construction and operation

The construction and operation of the proposed development will generate dust that can settle on vegetation and reduce food quality for herbivorous species. Dust can cause respiratory irritation, stress, and habitat displacement for native fauna. The proponent has committed to installing dust and sediment control fencing around the perimeter of the construction area. The proponent has also committed to other dust management measures including limiting speed limits and implementing water-based dust suppression measures.

Noise, particularly from construction, vehicle traffic, and human activity can cause stress, disturb foraging activities and displace fauna from their habitats. Prolonged exposure to elevated noise levels may lead to long-term behavioural changes and reduced reproductive success. Some key noise management measures proposed by the proponent to limit impacts on fauna include restricting construction to daylight hours; hotel building design response to limit noise; and noise management system at the campground to ensure no excessive noise from camp site area.

Artificial lighting introduced during construction and operation can disrupt nocturnal species' behaviours such as foraging and navigation, increase predation risk, and interfere with circadian rhythms, potentially affecting reproduction and overall health. The proponent has committed to the development adopting best practice lighting design principles for external light sources and will involve a 'low-level lighting strategy' (JBS&G 2025d). To minimise these impacts from artificial lighting within the 'WRP Habitat Conservation and Connectivity Zone' (campground area), the proponent has committed to the following in the CSFMP (JBS&G 2025a):

- No vehicles permitted within campground area
- Low-impact, fauna-sensitive lighting to be installed
- Carpark lighting selected and positioned to shed downward
- Solid light-screening barrier installed where required to block vehicle headlights from entering habitat areas

It is considered that the measures outlined above would appropriately manage the risk to fauna from increased light, dust, and noise emissions and human activity from construction and operation. The EPA has recommended condition B3, requiring the implementation of the CSFMP. The EPA considers that the WAPC under the *Planning and Development Act 2005* (PD Act) will manage noise and dust impacts during construction activities and (operational) lighting. In addition, noise will be regulated under the *Environmental Protection (Noise) Regulations 1997* (the Noise Regulations). Subject to this recommended condition, the other DMA processes, and the implementation of the proponent's commitments, the environmental outcome is likely to be consistent with the EPA objective for this factor.

Cumulative impacts to terrestrial fauna

The EPA has considered the existing and reasonably foreseeable cumulative impacts to terrestrial fauna occurring in the vicinity of the proposal and across developments within the local (City of Busselton), subregional (IBRA subregion), regional (IBRA region) scales. The EPA's cumulative impact assessment has considered the cumulative effects of a range of threats and pressures in the local area of the proposal; and whether the environment affected by the proposal has significant value due to other successive, incremental, and interactive cumulative impacts in the assessment area. The cumulative loss of fauna in the southwest region largely relates to historical clearing of rural land for rural pursuits, agriculture and viticulture, and more recently, urban expansion with the City of Busselton.

The proponent identified that 27.2 ha of fauna habitat will be impacted by reasonably foreseeable and approved activities under Part IV and Part V of the EP Act and EPBC Act referrals/approvals within the City of Busselton. These areas include habitat for black cockatoos and the western ringtail possum. When considered cumulatively with the proposal, 47.09 ha of fauna habitat will be cumulatively impacted within the City of Busselton, representing an estimated <0.08% reduction in fauna habitat at the local scale (City of Busselton) (JBS&G 2025d). No regional or subregional activities were identified.

The EPA notes that the no further development of a similar scale in the Smiths beach area is envisaged in planning strategies. The proposal's clearing footprint represents <0.03% of the current extent of fauna habitat at a local scale (City of Busselton) and <0.01% at subregional and regional scales. Within a 6 km radius, 62% of fauna habitat occurs within conservation reserves. At the broader scale approximately 68% of local habitat, 70% of habitat within the subregion and 69% of habitat within the bioregion is protected within conservation reserves including DBCA-managed lands.

While cumulative impacts to western ringtail possum habitat and black cockatoo habitat impacted by this proposal are not at a level that would warrant a decision to allow no further clearing of this value for this proposal, the EPA considers that the incremental loss of habitat for these species must be appropriately managed.

The EPA has therefore recommended condition B2-1 to set clearing limits for western ringtail possum habitat, black cockatoo habitat and potential nesting trees and mitigation of construction impacts to western ringtail possums, condition B1-2 to ensure clearing boundaries are clearly demarcated prior to ground disturbing activities and condition B10, to require offsets to counterbalance the loss of habitat. The EPA considers that with the implementation of the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.

2.2.10 Summary of key factor assessment and recommended regulation

The EPA has considered the likely residual impacts of the proposal on terrestrial fauna environmental values. In doing so, the EPA has considered whether reasonable conditions could be imposed, or other decision-making processes can

ensure consistency with the EPA factor objective. The EPA's assessment findings are presented in Table 3.

The EPA has also considered the principles of the *Environmental Protection Act 1986* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factor objective and whether reasonable conditions can be imposed (see Appendix A).

Table 3: Summary of assessment for terrestrial fauna

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
1.	Clearing up to 14.68 ha of western ringtail possum habitat and dispersal and displacement of western ringtail possum individuals and fragmentation of the local population	The EPA considers that the impact to the western ringtail possum is a significant residual impact. The EPA advises that this significant residual impact should be subject to conditions and require offsets to counterbalance this significant residual impact. The EPA also advises that recommended conditions to set clearing limits on suitable habitat and require canopy connectivity structures to maintain habitat connectivity within the development envelope and to adjoining areas minimises impacts. Subject to the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B2 (Terrestrial fauna)** Environmental outcomes for the western ringtail possum, including: • clearing limit • defined canopy retention area • no harm of individuals during clearing or construction • maintain connected habitat within the development envelope and to the National Park to the south and east • protection and enhancement of habitat within areas in the development envelope to be retained • mitigation of construction impacts **Condition B3 (Conservation Significant Fauna Management Plan)** • implement management plan to achieve environmental outcomes

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
			Condition B8 (Native vegetation retention areas) • rehabilitation and protection of retained areas **B9 (Conservation area)** • rehabilitation and protection of area **B10 Offsets** • Defined environmental outcomes • Offset Environmental Management Plan that demonstrates how the environmental outcomes will be achieved **DMA legislation** Compliance with the lawful authority to be obtained under the *Biodiversity Conservation Act 2016*
2.	Clearing of 3 potential nesting trees and up to 5.19 ha of foraging habitat for Baudin's and Carnaby's black cockatoo	The EPA considers that the impact to the Baudin's and Carnaby's black cockatoo foraging habitat is a significant residual impact. The EPA advises that this significant residual impact should be subject to conditions and require offsets to counterbalance this significant residual impact. Subject to the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B2 (Terrestrial fauna)** Environmental outcomes, including: • clearing limit for foraging habitat and potential nesting trees • protection and enhancement of black cockatoo habitat within areas in the development envelope to be retained

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
			B3 (Conservation Significant Fauna Management Plan) • implement management plan to achieve environmental outcomes **Condition B8 (Native vegetation retention areas)** **rehabilitation and protection of retained areas** **B9 (Conservation area)** • rehabilitation and protection of area **B10 Offsets** • Defined environmental outcomes • Offset Environmental Management Plan that demonstrates how the environmental outcomes will be achieved
3.	Clearing up to 14.68 ha of phascogale habitat	The EPA considers that the impact to phascogale habitat is not a significant residual impact and can be managed through recommended conditions to set clearing limits on suitable habitat and require canopy connectivity structures to maintain habitat connectivity within the development envelope and to adjoining areas. Subject to these recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B2 (Terrestrial fauna)** • clearing limit for phascogale habitat **B3 (Conservation Significant Fauna Management Plan) and C4** • implement management plan to achieve environmental outcomes

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
4.	Habitat fragmentation and injury and/or mortality	The EPA considers that clearing and construction of the proposal poses a risk to injury and/or mortality to ground-dwelling fauna and would fragment fauna habitat. The EPA advises that the implementation of the proponent's mitigation measures and the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B2 (Terrestrial fauna)** Environmental outcomes for the western ringtail possum, including: • no harm of individuals during clearing or construction • mitigation of construction impacts **B3 (Conservation Significant Fauna Management Plan) and C4** • implement management plan to achieve environmental outcomes
5.	Potential degradation of surrounding habitat and retained native vegetation within the development envelope	The EPA considers the proposal has the potential to lead to degradation of retained and surrounding habitat (including the adjacent National Park). Weeds are likely to spread from increased human disturbance from the tourism village, including the use of the new road along the National Park boundary. The EPA advises that the implementation of the proponent's mitigation measures, and the recommended conditions that the environmental outcome is likely to be consistent with the EPA objective for terrestrial fauna.	**Condition A1 (Limitations and extend of proposal)** • No wastewater disposal within the WRP Habitat Conservation and Connectivity Zone, native vegetation retention areas and the conservation area. **Condition B1 (Flora and vegetation)** • Environmental outcomes defined for retained native vegetation to ensure it is protected, enhanced, self-sustaining, and ensure native vegetation retention areas are not impacted by human disturbance. • Requirement to undertake hygiene

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
			management and weed control and management during construction and for five years post construction • Flora and vegetation monitoring prior to ground disturbing activity and post construction for a minimum of five years.
6.	Increased light, dust and noise emissions from construction and operation	The EPA considers that the proposal will increase light, dust and noise emissions from construction and operation which can stress and displace fauna and interfere with natural behaviours and reproduction. The EPA advises that with the implementation of the proponent's mitigation measures, and the recommended condition, the environmental outcome is likely to be consistent with the EPA objective for this factor. The EPA considers that other decision-making process can manage noise and dust impacts during construction activities and (operational) lighting.	**B3 (Conservation Significant Fauna Management Plan) and C4** • implement management plan to achieve environmental outcomes **DMA legislation** • The WAPC under the PD Act will regulate management of dust and noise during construction and (operational) lighting. • Regulation under the Noise Regulations.

2.3 Inland waters and Marine environmental quality

2.3.1 Environmental objective

The EPA environmental objective for inland waters is *to maintain the hydrological regimes and quality of groundwater and surface water so that environmental values are protected* (EPA 2018a).

The EPA environmental objective for marine environmental quality is *to maintain the quality of water, sediment and biota so that environmental values are protected* (EPA 2016c).

2.3.2 Investigations and surveys

The EPA advises the following investigations, surveys and peer review were used to inform the assessment of the potential impacts to inland waters and marine environmental quality:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Smiths Beach Development Preliminary Geotechnical and Pavement Investigation (Appendix P of the ERD) (Golder Associates Pty Ltd 2021)
- Smiths Beach Development Yallingup Commentary on landform systems (Appendix Q of the ERD) (WSP 2024)
- Smith Beach Project Engineering Report for Development Application (Appendix R of the ERD)
- Smiths Beach Project, Yallingup - Coastal Tourism Village: Subterranean Fauna Desktop Assessment (Appendix S of the ERD)
- Site and Soil Evaluation for Onsite Wastewater Management Smiths Beach Project Lot 4131, Smiths Beach Road, Yallingup, WA Stantec 2022
- Appendix U of the RtS Lot 4131 Smith Beach Road Yallingup Urban Water Management Plan Hyd2o 2021
- Appendix V Smiths Beach Development Groundwater Investigation wsp Golder Associates Pty Ltd 2024
- Appendix W October 2022 Groundwater Level Monitoring Event Smiths Beach Development
- Appendix X Smiths Beach Development Waste Water Treatment Plant The Right Water Company 2024
- Appendix Z Foreshore Management Plan Smiths Beach JBS&G 2024
- Appendix AA Smith Beach Water Quality Modelling Report M P Rogers 2024

The EPA considered the relevant studies are appropriate to inform the assessment of the potential impacts on inland waters and marine environmental quality environmental factors.

2.3.3 Assessment context – existing environment

Hydrogeology

The site is characterised as Sand (S7) pale and olive-yellow medium to coarse-grained sub-angular quartz moderately sorted in the east, and medium-grained mesocratic Gneiss (GN) in the west (Hyd2o 2021). The site characterises by highly variable permeability (Hyd2o 2021), containing surficial higher permeability materials

(sandy soil and highly fractured rock) and underlying lower permeability materials (clayey soil and relatively unfractured rock) (Golder Associates Pty Ltd 2021). This is likely to result in groundwater perching occurring across portions of the site following rainfall events, with the potential for water to perch above the bedrock material and to evapotranspirate or flow down the sloping topography towards the palaeochannel and/or the coast (Golder Associates Pty Ltd 2024). While the surficial sediments in the northern down-gradient part of the site, where ground elevations are around 5 – 7 m AHD, may hold water throughout the year, the surficial sediments in other parts of the site where ground elevations are greater than 10 m AHD, are unlikely to hold permanent water through the year (JBS&G 2025d).

Surface water

The Development Envelope is within the Busselton Coast Surface Water Area within the Gunyulgup Surface Water Sub Area. The Gunyulgup Brook, a seasonally flowing stream, is located approximately 200 m to the northeast of the Site, at its closest point. The Brook flows in a north-westerly direction past the Development Envelope and discharges to Smiths Beach Bay (Hyd2o 2021). There is an artificially created waterhole located along the northern boundary of the Development Envelope, adjacent to the existing Canal Rocks Apartments. which is understood to have been human-made, through excavation in approximately 1962 to provide water for livestock (JBS&G 2024b). The waterhole is set in granitic bedrock and is likely it receives water by seepage of rainwater along the interface between soil and bedrock (Hyd2o 2021). No external drainage into the development has been observed (Hyd2o 2021).

Surface water (stormwater) from the adjacent Canal Rocks Apartments and Smiths Beach Resort are managed on the respective land areas through infiltration in accordance with the City of Busselton (City) stormwater management guidelines (Hyd2o 2021). Surface water flow occurs as diffuse overland flow toward the coast (Hyd2o 2021).

Groundwater

The Development Envelope is in the Busselton-Capel Groundwater Area and Cape to Cape North Groundwater Subarea, west of the Dunsborough Fault within the Leeuwin Complex. The Leeuwin Complex comprises a layer of surficial sediments, referred to as a surficial aquifer (when saturated), which overlies the regional fractured rock aquifer. For licencing purposes, groundwater is managed as one unit for the combined Leeuwin Surficial / Fractured Rock aquifer. Regionally, groundwater is restricted to fractures in the crystalline basement rocks (bedrock) and to the overlying surficial sediments (JBS&G 2024b). The soil investigations showed there is no Tamala Limestone within the Development Envelope (JBS&G 2025d).

The groundwater investigations focused on the surficial sediments and did not assess the underlying fractured rock aquifer as the proposal does not include the abstraction of groundwater for water supply or dewatering as part of development activities from the fractured rock aquifer (JBS&G 2025d).

Groundwater bores and test pits did not encounter regional groundwater, however perched groundwater was encountered including in the waterhole. Groundwater

quality sampling was taken by Hyd2o in March 2021 at the waterhole as a representative expression of the perched water quality at the site and by Golder Associates Pty Ltd (2024) from bores GB04 and GB05 in October 2021. EC ranged from 1,180 to 5,100 µS/cm, and TN and TP were relatively high. As the groundwater monitoring bores (GB4 and GB5) and the waterhole are at the northern down gradient edge of the site near the coast, and adjacent the existing residential / hotel, the high nutrient levels could be attributed to septic tanks or wastewater, overland flow or fertiliser use in the area (JBS&G 2025d).

Marine environment

The proposal is located approximately 80m landward of the Ngari Capes Marine Park, a gazetted Class A Marine Park.

Smiths Beach is located to the west of the development envelope and is utilised by locals and tourists for a range of recreational activities including swimming, fishing, surfing, and exercising.

The marine park consists of four areas that are representative of the Leeuwin–Naturaliste marine bioregion, with the Development Envelope located between the Cape Naturaliste to Cape Mentelle coast. Oceanographic processes which involve the transport, dispersal and mixing of sediment, nutrients, biota and pollutants influence water quality within the marine park (JBS&G 2024b). Most of the waters of the marine park are known to be good condition, with quality likely to be high and consistent with normal conditions in nearshore areas in the region (JBS&G 2024b). The Leeuwin-Naturaliste coastline features waters that are generally nutrient-poor due to the dilution effect of the Leeuwin Current, making the coastal waters less prone to eutrophication (JBS&G 2024b). It is noted that there is limited water quality information available regarding measured concentrations of nutrients along the Leeuwin-Naturaliste coastline, however the ERD and associated studies maintain that the concentration of nutrients is expected to be very low.

2.3.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the response to submissions document (JBS&G 2025d). Public consultation raised concerns about the wastewater treatment plant's location and inadequate capacity, and wastewater disposal risks to the marine and groundwater quality, vegetation, and public health. Concerns were also raised about impacts to marine life (e.g: abalone), and marine biology/ecology. Submitters questioned adequacy of data and modelling and recommended an alternative reticulated sewage pipeline to Dunsborough be required. Other concerns included uncertainty in stormwater management and drainage design.

The key issues raised during the public consultation on the proposal and how they have been considered in the assessment are described in sections 2.3.5, 2.3.6, 2.3.7 and 2.3.8.

2.3.5 Potential impacts from the proposal

The proposal has the potential to significantly impact on inland waters and marine environmental quality from:

- Changes to surface water flow into the surrounding environment as a result of site infrastructure
- Impacts of proposal activities to groundwater quality (and in turn marine environmental quality) as a result of chemical and hydrocarbon storage and infiltration of contaminants from treated wastewater irrigation;
- Impacts to native vegetation condition as a result of treated wastewater irrigation.
- Increased nutrient and sediment loading.
- Cumulative impacts as a result of wastewater treatment systems of adjoining developments

2.3.6 Minimisation measures (including regulation by other DMAs)

The proponent has proposed the following measures to minimise impacts to inland waters and marine environmental quality:

Overall:

- Management of a centralised wastewater treatment plant (WWTP) and associated irrigation of wastewater as a prescribed premise and in accordance with licence conditions under Part V of the EP Act.
- Implementation of an Urban Water Management Plan (Hyd2o 2021)

Altered hydrology (water flows, quantity) and quality potentially impacting flora and vegetation, fauna habitat, and marine environmental quality:

- Use of water quality controls such as biofiltration areas
- Retention/management of the first 15 mm of rainfall on holiday home lots.
- Swales throughout to manage, convey and infiltrate stormwater runoff from roads where feasible based on infiltration capacity.
- The use of underground storage units in the northern carpark area to manage both carpark runoff and any stormwater runoff in excess of swale capacity in the 20% and 1% AEP event.
- Management of the upstream pre-development catchment flow via cut-off swales in the upgraded southern road.
- Community Hub proposed to manage its own stormwater on site via infiltration using underground storage, with a stormwater management principle of maintaining operational flow from this area to the coastal foreshore as diffuse overland flow.
- Management of surface water flows via implementation of the UWMP (Hyd2o 2021) including onsite retention and infiltration systems, biofiltration swales, soakwells, and storage areas. Where shallow rock reduces infiltration, stormwater will continue to flow as diffuse overland flow, but at rates anticipated to be lower than pre-development conditions.
- Management measures to ensure that flows reaching the foreshore remain controlled, limiting erosion and minimising pollutant transport to marine areas.
- Stormwater to be diverted away from any resort facilities and avoid flow through potential contamination sources.

- Proposed measures to minimise sediment and erosion during clearing and construction to manage short-term risks to water quality.

Impacts to groundwater quality and marine environmental quality through chemical and hydrocarbon storage:

- Chemical storage within the Development Envelope will be bunded in accordance with AS3780-2000.
- Fuel storage will be required to be compliant with the Dangerous Goods Act and relevant legislation and AS1940 (e.g. above ground storage to be bunded).
- Hydrocarbon use and waste will be managed via appropriate housekeeping and spill prevention processes during construction and operations to mitigate the risk of contaminated run off to marine environment.

Impacts to groundwater quality, native vegetation condition and marine environmental quality through wastewater irrigation:

- The wastewater treatment system to be designed to remove nutrients and pathogens within the wastewater, suitable for site irrigation in accordance with the requirements of DWER and Department of Health.
- Wastewater treatment plant proposed to be regulated under Part V of the EP Act by DWER and under relevant Health Act requirements, administered by the City of Busselton.
- Minimise application of irrigated wastewater to areas of native vegetation.

2.3.7 Assessment of impacts to environmental values

Wastewater irrigation

Wastewater generated from the proposal is proposed to be treated via a centralised wastewater treatment plant (WWTP), which can accommodate 125kL/day treatment capacity. The WWTP is proposed to be designed to achieve high levels of nutrient and pathogen removal, producing a WA Department of Health High Exposure Risk effluent (The Right Water Company 2024). It is proposed that the treated wastewater will produce treated effluent suitable for recycling and reuses of the wastewater that include irrigation of public and private outdoor areas within the development envelope, as well as being utilised for toilet flushing.

The proposal is expected to generate surplus treated water annually during winter, primarily from seasonal occupancy and irrigation demand. Treated wastewater that is not utilised for toilet flushing or standard irrigation is proposed to be stored for later use. Two 2,000 kL treated water storage tanks are proposed to hold this surplus (The Right Water Company 2024). The storage strategy is to accumulate water during winter and subsequently over summer reduce the amount of water stored through additional irrigation or supply to other users.

The proponent used a water and mass balance model using a worst-case scenario to predict impacts from nutrient irrigation over a 31-year period. The water and mass

balance model shows that the treated wastewater contains nutrients including nitrogen (N), phosphorus (P), and free chlorine based on full irrigation demand. In the Busselton-Capel area, specific nutrient loading limits are outlined in allocation plans and environmental management guidelines. The ERD notes that the proposed values for treated wastewater are within regional guidelines, which typically allow 140 kg N/ha/year and 10 kg P/ha/year (The Right Water Company 2024). The EPA has recommended condition A1-1 to limit the area of application of wastewater to exclude the 'WRP Habitat Conservation and Connectivity Zone', native vegetation retention areas and conservation areas. This may result in a change to nutrient loadings and impacts to water quality. The EPA has therefore recommended conditions B4-2 and B4-3 to ensure that the proposal is managed to be consistent with the EPA objective for inland waters.

Treatment and discharge of wastewater to land are activities consistent with the description of a category 54 sewage facility under Schedule 1 of the EP Regulations. Given the peak design capacity required for the proposal, the WWTP will be considered a prescribed premises and subject to works approval and licensing requirements under Part V of the EP Act. DWER advised that onsite treatment of wastewater is practical and feasible with adequate design and mitigation measures; however, requires further assessment and regulation under Part V of the EP Act.

The EPA understands that conditions can be placed by DWER on the works approval and/or licence that can specify discharge criteria and monitoring of both the discharge volume and quality of the wastewater stream and the groundwater and shoreline. Monitoring results would usually be required to be reported to the DWER annually. In assessing a works approval and licence for the WWTP, DWER will take into account any conditions recommended by the EPA when determining the conditions that will be applied under Part V. Due to the potential for impacts to inland waters and marine environmental quality, the EPA has recommended conditions B4-1 (monitoring), B4-2 (water quality standards) and B4-3 (contingency measures) to provide confidence that the EPA's objectives are met in conjunction with the proposed Part V licensing.

The EPA considers that further modelling is required for the 'worst case scenario' to inform refinement of the final site design and layout through the Part V process. The 'worst case scenario' modelling and final design should consider prediction of impacts from nutrient irrigation over a 50-year period, maximum occupancy, irrigation limits, storage capacity requirements, analysis/mapping of the proposed irrigation areas against soil profiles and areas that cannot be irrigated consistent with the limitation extent for irrigation proposed in Condition A1-1 Limitations and Extent of Proposals. The final design should also consider impacts to groundwater and native vegetation from faults/poor maintenance of the WWTP, and details on how stormwater will be managed so that it does not enter into the irrigation areas. The EPA also considers that a nutrient and irrigation management plan should be developed to support any Part V application.

The EPA notes the proponent's proposed management measures to mitigate significant impacts and meet predicted outcomes. The EPA has recommended Condition A1, limiting the extent of irrigation to avoid areas of native vegetation; and Condition B4 requiring groundwater and shoreline monitoring, reporting, meeting

water quality standards and criteria and, should outcomes not be demonstrated, contingency options to upgrade the wastewater treatment system, tanker and connect to mains sewerage, to ensure wastewater can be managed to be consistent with the EPA objective for inland waters and marine environmental quality.

Native vegetation

Change to groundwater quality has the potential to affect native vegetation through increased nutrients and changes to hydrology (available water quantity). Increased water availability and nutrients may result in increased weed growth, both within and adjacent to areas of native vegetation. The ERD states that the nutrient loadings per hectare—33.46 kg of Nitrogen and 3.35 kg of Phosphorus per year—are relatively low compared to typical thresholds (e.g. 140 kg/ha/year for Nitrogen in the Busselton Capel area) and the ERD states that when properly managed these levels should not overwhelm the native vegetation.

The EPA notes DWER advice that the irrigation requirements within the development are likely to be lower than that presented in the ERD and The Right Water Company 2024, as the application rate for native vegetation is likely to have been overstated. The EPA has also considered DWER advice that it is likely that a reduction in areas requiring irrigation will not result in a significant increase in the loading rate, and that therefore a fully centralised WWTP is still unlikely to result in significant risk. The EPA recommends that as part of the Part V Licence process, the proponent update the modelling in The Right Water Company (2024) report to reflect the actual irrigation and nutrient demands of the landscaping and vegetation being serviced. The EPA expects that any localised nutrient loading, which is not compatible with the vegetation nutrient demands and/or soil and groundwater profile and may result in leaching, should be avoided. This can be achieved through consideration of soil and groundwater profiles, including in-situ testing to prove the soils current nutrient levels and PBI. The EPA considers that the capacity of the receiving environment will be considered and regulated as part of any Part V licence and can be managed to be consistent with the EPA's objectives.

The EPA has considered the information in the ERD that ongoing monitoring is required to ensure that nutrient uptake does not exceed what native plants can tolerate. The ERD also considers that areas of native vegetation will only be subject to limited irrigation, and the EPA notes that 'limited' has not been defined. The EPA has considered native vegetation in the context of social surroundings and terrestrial fauna, and it is considered that any impacts to these values are potentially significant.

To manage these impacts, Condition A1-1 is proposed to limit the extent of irrigation of wastewater so that there is no disposal within area of native vegetation retention, conservation or drey habitat retention areas. Irrigation of areas adjacent to these areas may still cause hydrological impacts or weed spread, and Condition B1-1(4) is recommended for the protection of flora and vegetation and B1-1(5) for no adverse impacts to native vegetation from weeds are proposed to ensure the environmental outcome is consistent with the EPA's objectives.

Stormwater

The proposal may result in changes to existing surface water flow paths, through alteration of the natural terrain for construction of buildings, facilities, roads and paths. This may lead to a change in flow to surrounding vegetation, the foreshore environment and/or potential flooding during extreme rainfall events. The EPA notes DWER advice that based on the Urban Water Management Plan (Hyd2o 2021) the areas denoted for stormwater infiltration via subsurface systems or swales have sufficient depth of permeable materials and that swales are located in areas identified as having lower permeable conditions are shown as being for conveyance only. The EPA notes the proposed mitigation measures can assist to ensure that degradation of flora and vegetation values and/or fauna habitat values are minimised and the EPA's objectives are met.

Stormwater management planning will be implemented through the UWMP (Hyd2o 2021) that will be required to be approved by the City as part of the planning process. The EPA notes that the UWMP has also been reviewed by DWER and that DWER has advised the UWMP is required to be updated to address the various comments. The EPA notes DWER advice that whilst the UWMP does not provide detailed designs of stormwater infrastructure, it is considered that the proposed management of stormwater is appropriate and in keeping with best practice water sensitive urban design principles. Detailed design will be required to assess flow paths to ensure that any erosion risks are identified and mitigated. The EPA expects that the UWMP will be updated in consultation with DWER prior to endorsement by the City.

The EPA notes that mitigation measures significantly rely on future DMA regulation under the PD Act. The EPA expects the proposed mitigation measures, at a minimum, to be implemented through future planning processes.

The EPA expects subject to mitigation measures (water management plans or strategies and regulation under the PD Act), the environmental outcome is not likely to be inconsistent with the EPA objective for inland waters.

Marine environmental quality

Impacts to inland water environmental values may result in indirect impacts to marine environmental quality through increased nutrient load as a result of groundwater infiltration of treated wastewater irrigation and/or surface water runoff.

The Smiths Beach Water Quality Modelling Report (SBWQMR) (M P Rogers & Associates 2024) addressed the potential impacts to marine environmental quality as a result of the irrigation of treated wastewater. M P Rogers & Associates (2024) states that the SBWQMR adopted a conservative modelling approach which was applied to assess potential impacts of the proposed treated wastewater irrigation scheme on nearshore marine nutrient concentrations. The SBWQMR incorporated site-specific groundwater flow data, considering both natural and irrigation-induced recharge, and indicates that additional nitrogen will enter the marine environment, whilst phosphorus contributions are likely to remain negligible due to root zone uptake. The SBWQMR asserts that combined with anticipated tidal flushing in the

nearshore environment, the residual impact on marine environmental quality is expected to be low.

The EPA has considered the ability of the proposed management measures being able to mitigate significant impacts and meet predicted outcomes through implementation of recommended conditions. With regard for the high social amenity associated with the marine environment, the EPA recommends conditions B4-1 and B4-2 for shoreline water quality monitoring and to ensure environmental outcomes for the shoreline are met. The EPA expects that shoreline water quality monitoring is consistent with the EPA's 2016 *Technical Guidance Protecting the Quality of Western Australia's Marine Environment* and has recommend condition B4-1(2).

The EPA has also considered that *Health Act 1911* requirements, administered by the City of Busselton can further mitigate impacts of wastewater disposal to be consistent with the EPA objective for inland waters.

Cumulative Impacts

The EPA has considered the existing and reasonably foreseeable cumulative impacts to inland waters occurring in the vicinity of the proposal in the context of wastewater treatment and disposal. The EPA is not aware of any reasonable foreseeable cumulative impacts however has considered existing cumulative impacts. The Smiths Beach local area does not currently have access or connection to reticulated sewerage for treatment and disposal offsite. The EPA understand that the tourist accommodations (Smiths Beach Resort and Canal Rock apartments) adjacent to proposal area manage wastewater via an on-site treatment and disposal via a leach drain type system. Wastewater disposal methods for the existing developments to the south and east of the development envelope are unknown, but the area is also not connected to reticulated sewerage.

The EPA notes that agricultural runoff and wastewater treatment facilities discharging treated water into the waterways that drain into the Ngari Capes Marine Park may contribute to existing cumulative impacts to Marine Environmental Quality (JBS&G 2024b).

The EPA has considered that the onsite treatment and disposal of wastewater associated with the proposal does have the potential to contribute to cumulative impacts to inland waters and marine environmental quality. However, the EPA considers that the potential cumulative impacts can be managed to meet the EPA objectives through recommended condition B4 and the proponent's proposed mitigation measures.

2.3.8 Summary of key factor assessment and recommended regulation

The EPA has considered the likely residual impacts of the proposal on inland waters and marine environmental quality environmental values. In doing so, the EPA has considered whether reasonable conditions could be imposed, or other decision-making processes can ensure consistency with the EPA factors objective. The EPA assessment findings are presented in Table 4.

The EPA has also considered the principles of the *Environmental Protection Act 1986* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factors objectives and whether reasonable conditions can be imposed (see Appendix A).

Table 4: Summary of assessment for inland waters and marine environmental quality

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
1.	Changes to surface water flow into the surrounding environment as a result of site infrastructure	The proposal may result in changes to existing surface water flow paths through alteration of the natural terrain for construction of buildings, facilities, roads and paths. This may lead to a change in flow to surrounding vegetation, the foreshore environment and/or potential flooding during extreme rainfall events. The EPA has considered that the proposed mitigation measures can, and other DMA processes will, manage impacts so that the outcome likely is consistent with the factor objective for inland waters and marine environmental quality.	**DMA legislation** • The WAPC under the PD Act will regulate the UWMP and implementation of drainage infrastructure through specific subdivision requirements
2.	Impacts of proposal activities to groundwater quality and shoreline water quality as a result of contaminants from treated wastewater irrigation	Increased nutrients and pathogens have the potential to impact water quality of groundwater and the shoreline. Increased nutrients and changes to application volume of water have the potential to impact native vegetation that is also significant fauna habitat. The EPA considers that the recommended implementation conditions (including regarding limitations on extent of application areas, water quality monitoring, and contingency measures) and a works approval and licence under Part	**Condition B4 (Inland waters and Marine environmental quality)** • Undertake baseline groundwater and shoreline monitoring • Implement a centralised wastewater treatment system to meet environmental outcomes • Contingency plan measures **DMA legislation** • Works approval and licence for a WWTP

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
		V of the EP Act will ensure the environmental outcome will likely be consistent with the EPA factor objectives for inland waters and marine environmental quality.	under Part V of the EP Act. • *Health Act 1911* requirements, administered by the City of Busselton
3.	Impacts to native vegetation condition as a result of treated wastewater irrigation		**Condition A1 (Limitations and extent of proposal)** • No wastewater disposal to areas of native vegetation retention, conservation area and WRP Habitat Conservation and Connectivity Zone. **Condition B1 (Flora and vegetation)** • Environmental outcomes defined for retained native vegetation to ensure it is protected, enhanced and self-sustaining. **Condition B4 (Inland waters and marine environmental quality)** • Undertake baseline groundwater and shoreline monitoring • Implement a centralised wastewater treatment system to meet environmental outcomes. • Contingency plan measures. **DMA legislation** • Works approval and licence for a WWTP under Part V of the EP Act

2.4 Landforms

2.4.1 Environmental objective

The EPA environmental objective for landforms is *to maintain the variety and integrity of significant physical landforms so that environmental values are protected* (EPA 2018b).

2.4.2 Investigations and surveys

The EPA advises the following investigations and surveys were used to inform the assessment of the potential impacts to landforms:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Appendix P Smiths Beach Development Preliminary Geotechnical and Pavement Investigation Golder Associates 2021
- Appendix Q ERD Smiths Beach Development Yallingup Commentary on landform systems WSP 2024
- Appendix R Smith Beach Project Engineering Report for Development Application Stantec 2021
- Appendix S Smiths Beach Project, Yallingup - Coastal Tourism Village: Subterranean Fauna Desktop Assessment Bennelongia Environmental Consultants 2023

The studies were considered appropriate to inform assessment of the above environmental factor. The EPA has also considered additional information including information provided in the RTS (JBS&G 2025d).

2.4.3 Assessment context: existing environment

The proposal is located within the broader Leeuwin Naturaliste Ridge (LNR) major land system, which is characterised by extensive areas of limestone, calcareous sands and granite, in coastal locations.

Positioned on the western side of the LNR, the development envelope is dominated by elevated topography and outcropping of Leeuwin Block primarily across the western portion of the site. The topography across the development envelope drops to the east and north towards Smiths Beach and Gunyulgup Brook to the east (JBS&G 2024b).

Pleistocene and Holocene dune systems occur over the base rock within the LNR system, and caves and hundreds of karst features are known to occur along the LNR. The majority of the proposed development envelope constitutes the:

- Wilyabrup Exposed Slopes Phase and Wilyabrup Granitic Headland Phase soil landscape units (Wilyabrup units) (29.55 ha) associated with granitic outcrops and soils underlain by limestone; and

- Gracetown Exposed Slopes Phase soil landscape unit (Gracetown unit) (7.11 ha) associated with siliceous sands over limestone.

Within the proposal site, portions of the Wilyabrup units overlap mapped occurrences of the *'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform'* Priority Ecological Community (Leeuwin Block PEC).

The EPA in its *Environmental Factor Guideline – Landforms* (EPA 2018b) acknowledges that the significance of the LNR in the South West Region albeit more specifically in the context of the cave system which it supports.

2.4.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the response to submissions document (JBS&G 2025d). Public consultation raised concerns about impacts to the granite outcrop landform on the western headland; and uncertainty regarding impacts to karst values as studies did not confirm their presence/absence.

The key issues raised during the public consultation on the proposal and how they have been considered in the assessment are described in sections 2.4.6, 2.4.7 and 2.4.8.

2.4.5 Potential impacts from the proposal

The proposal has the potential to result in the following significant direct and indirect impacts on landforms.

Direct impacts:

- Alteration of the granite outcrop significant landforms, including the Wilyabrup unit and Gracetown unit, from vegetation removal, minor earthworks and development.
- Structural damage to unidentified karst features during construction.
- Direct impacts of up to 29.55 ha of soil landscape units representing significant granite outcrop landform
- Loss of up to 6.84 ha of 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' PEC associated with granite outcrops in the Development Envelope

Indirect impacts:

- Introduced species including weeds and disease to susceptible granite outcrop communities
- Soil disturbance during construction causing erosion, leading to increased sedimentation in granite outcrop communities.

2.4.6 Avoidance measures

The proponent has designed the proposal to avoid impacts to landforms by:

- Avoidance of 12.55 ha (42%) of the soil landscape phases associated with granite outcrops within the development envelope.
- Avoidance of 11.25 ha (63%) of the 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' PEC associated with granite outcrops.
- Protection of the western headland through retaining the proposed conservation area.
- No large-scale ground excavation or groundwater abstraction during construction, therefore structural damage to any unidentified karst features will be avoided.

2.4.7 Minimisation measures (including regulation by other DMAs)

The proponent has proposed the following measures to minimise impacts to landforms:

- Presence of rock on site to be analysed as part of detailed engineering design with levels and alignment of infrastructure adjusted accordingly.
- Should significant caves or large voids be encountered during construction, the following will be implemented:
    - Temporary suspension of construction activities to assess potential impacts
    - Undertake detailed karst geotechnical investigation to assess potential impacts and map the extent, including identifying areas which are sensitive to disturbance and where designs should be adjusted
    - The proponent will consult with DBCA and/or the WA Museum before recommencing construction activities at this location
    - If significant caves or voids cannot be avoided, collection of specimens and genetic material for deposition into the WA Museum collections will be undertaken by a suitably qualified person, on the advice of DBCA.
- Implement ongoing weed control for introduced species.
- Movement across the development envelope during construction activities from the east to the west will be avoided as far as is practicable, particularly into areas that are proposed as conservation areas/POS.
- Measures to minimise spread of Phytophthora dieback.
- Educational signage to be erected post-construction to advise the public to remain on designated footpaths and roads.
- Implementation of appropriate erosion and sedimentation measures where necessary which may include:
    - Dust suppression via water cartage; and
    - Sedimentation basins and/or fences to locally control sediment and erosion during the construction phases.

2.4.8 Assessment of impacts to environmental values

The EPA's factor guideline for landforms provides the EPA's definition of landforms and notes that during environmental impact assessment, the EPA focusses on the impacts to potentially significant landforms. The guideline provides criteria that may be used in determining whether a landform is significant. The guideline also states

that landforms are a component of the landscape. The EPA considers a landscape to be: *All the features of an area that can be seen in a single view, which distinguish one part of the earth's surface from another part. Landscapes can be either natural (largely unaffected by human activity) or anthropogenic (created or largely modified by human activity)*. The EPA's assessment of landforms has therefore focussed on potential impacts to the landform itself, and also on the visual amenity impacts related to the landform being a component of the landscape.

Landforms

Soil landscape units and vegetation

The ERD has applied the EPA's factor guideline criteria to provide information on the significance of the landforms within the proposal area. The EPA has had regard for the proponent's information, existing knowledge and factor guidelines criteria for determining if a landform is significant. The EPA notes the conclusion in the ERD that the Wilyabrup Exposed Slopes Phase and Wilyabrup Granitic Headland Phase are significant landforms, as they meet each of the criteria. The EPA also notes the conclusion in the ERD that the Gracetown Exposed Slopes Phase is not a significant landform despite it meeting the factor guideline criteria for ecological and scientific importance. The EPA has considered the factor guideline that *the landform does not have to meet all criteria, and may only meet one, to be considered a significant landform,* and considers that the Gracetown Exposed Slopes Phase is a significant landform within the development envelope.

The Wilyabrup units are associated with occurrences of the ecologically important Leeuwin block granitic outcrops, which provide unique habitat for flora and fauna. Within the development envelope, portions of the Wilyabrup units overlap mapped occurrences of the *'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform'* Priority Ecological Community (Leeuwin Block PEC). Whilst the Wilyabrup units are not well represented regionally, the extent of the potential impact to the units from the proposal is minor in the context of the remaining estimated regional extent of the landform (approximately 1%). Additionally, as outlined in section 2.1.9, over 60% of the recorded occurrence of the Leeuwin Block PEC within the development envelop will be protected in the proposed conservation area.

The Gracetown unit represents the portion of the proposal site most likely to contain karstic features. Potential impacts from the proposal to the Gracetown unit will be largely avoided through retention of some of the landform in the proposed conservation area. The proponent's information also reported an absence of karstic features and caves within the proposal site, and a high regional representation of the Gracetown unit outside of the proposal site.

The EPA has considered the ability of the proposed management measures being able to mitigate significant impacts and meet predicted outcomes. In addition, the EPA recommends condition B1 to limit disturbance to the Leeuwin Block PEC, this is further discussed in section 2.1.9.

Karst features

The ERD notes that part of the investigations within the development envelope, identified no significant deposits of Tamala Limestone, and considers that the absence of Tamala Limestone reduces the potential for karst formations typically associated with limestone environments. The ERD considered that the limestone within the development envelope is too thin to support any significant karst features. The ERD also considered that the proposal is not located within or in close proximity to known cave systems and that based on this and the absence of Tamala Limestone that it is highly unlikely that cave systems with significant environmental and social value are present within the development envelope (WSP 2024) and therefore the proposal is unlikely to impact karst landforms. The EPA notes that whilst the proposed mitigation measures include discussion of measures to be implemented if karst features cannot be avoided, it is unlikely based on information provided to date that karst landform features are not present, and therefore they are unlikely to be impacted. The EPA has considered the ability of the proposed management measures being able to mitigate significant impacts and meet predicted outcomes.

Landscape and visual amenity

The EPA notes the information in the ERD that the following landform features are considered significant landscape features within the development envelope:

- The western ridge that forms the key topographic feature runs northwest to southeast
- A local small ridge forms a higher area of land in the south eastern corner

The EPA notes the information in the ERD that the smaller ridge represents a localised steepening of the landform that is apparent on the site but not a prominent visual element within the broader landscape.

The EPA has considered that impacts to the western ridge have largely been avoided as this area is within the proposed conservation area. A portion of the ridge extends into the proposed western holiday home area, and the proposed development may impact the visual amenity associated with the landform. The EPA recommends condition A1-1 to limit the maximum building height of the western holiday homes to reduce impacts to visual amenity, to ensure the outcomes are not inconsistent with the EPA factor objectives for landforms and social surroundings. The EPA has also considered that other DMA processes will consider and manage impacts to visual amenity; the assessment of visual amenity impacts is discussed in section 2.5 Social surroundings.

Cumulative Impacts

The EPA is not aware of any existing and reasonably foreseeable cumulative impacts to landforms occurring in the vicinity of the proposal and notes that the proposed conservation area element of the proposal is likely to restrict any future cumulative impacts.

2.4.9 Summary of key factor assessment and recommended regulation

The EPA has considered the likely residual impacts of the proposal on landforms and in doing so, the EPA has considered whether reasonable conditions could be imposed, or other decision-making processes can ensure consistency with the EPA factor objective. The EPA assessment findings are presented in Table 5.

The EPA has also considered the principles of the *Environmental Protection Act 1986* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factor objective and whether reasonable conditions can be imposed (see Appendix A).

Table 5: Summary of assessment for landforms

Residual impact		Assessment finding or Environmental Outcome	Recommended conditions and DMA regulation
1.	Clearing of up to 6.91 ha of the Leeuwin Block PEC associated with granite outcrops in the development envelope	The EPA advises that this residual impact should be subject to conditions to set clearing limits and ensure the protection of areas of retained native vegetation to ensure that the environmental outcome is likely to be consistent with the EPA objective for this factor.	**Condition B1 (Flora and vegetation)** • Clearing limit for the PEC **Condition B9 (Conservation area)** • Protection of PEC within conservation area
2.	Impacts to landforms as a component of the landscape resulting in impacts to visual amenity	The EPA considers that impacts to the western ridge have largely been avoided, and residual impacts can be managed by the proposed building height limits to ensure the outcomes are not inconsistent with the EPA factor objectives for landforms and social surroundings. The EPA also considers that other statutory decision-making processes, including the consideration of development application(s) under the PD Act, will mitigate impacts. Refer to section 2.5 social surroundings for additional related assessment findings and environmental outcomes.	**Condition A1 (Limitations and extent of proposal)** • Building height limit for western holidays homes **Condition B9 (Conservation area)** • Protection of western ridge area within conservation area **DMA legislation** • The WAPC under the PD Act will consider residual impacts to landforms.

2.5 Social surroundings

2.5.1 Environmental objective

The EPA environmental objective for social surroundings is *to protect social surroundings from significant harm* (EPA 2023a).

2.5.2 Investigations and surveys

The EPA advises the following investigations and surveys were used to inform the assessment of the potential impacts to social surroundings:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Smiths Beach Project Visual and Landscape Assessment (ERD Appendix CC) (EPCAD, 2021)
- Smiths Beach Project Report of an Ethnographic Consultation and Archaeological Inspection (ERD Appendix BB) (Ethnosciences, 2021)
- Smiths Beach Project Foreshore Management Plan (ERD Appendix Z) (JBS&G 2024)
- Smiths Beach Project State Development Application (Smiths 2014 Pty Ltd 2021)
- Smiths Beach Project Architectural Drawings D.A Submission (Spaceagency 2021)
- Smiths Beach Project, Yallingup – Coastal Tourism Village Landscape and Visual Peer Review (GHD 2025)

The EPA considered the information including information in the ERD, public submissions and RTS, and the landscape and visual peer review (GHD 2025) and determined there was adequate information to assess impacts on this factor.

2.5.3 Assessment context: existing environment

Aboriginal cultural heritage

The proposal is within the South West Boojara #2 Indigenous Land Use Agreement area, with the Karri Karrak Aboriginal Corporation (KKAC) representing the Traditional Owners under the agreement. The development envelope includes a registered heritage site ID 15080, Smith's Beach 01, which is a sub-surface cultural material; artefacts/scatter place type; this site has been expanded and remapped since the ERD public review (DPLH 2025). Two additional sites, registered heritage site, Smith's Beach 02 (ID 15081) and other heritage place site, ID 15993 (Canal rocks) will not be affected by the proposal.

It is understood that consultation with an Aboriginal Reference Group was undertaken to inform the ERD and the accompanying Ethnosciences 2021

ethnographic report. The proponent is undertaking ongoing consultation with the KKAC.

Visual Amenity

The development envelope is situated on headland within the Leeuwin-Naturaliste coastline to the south of the bay that extends northeast to the existing tourist settlement of Yallingup. The development envelope is located adjacent to the existing Smiths beach settlement and lies below the primary ridge line that forms the skyline to the south. The development envelope's topography separates two primary areas of landscape character units; a headland ridge and western side exhibiting wilderness like qualities and the eastern side, a naturalistic landscape forming a broadly convex landform containing the existing Smiths Beach settlement. The view shed of the development envelope is primarily experienced from the northeast, with key viewpoints being Smiths Beach and Torpedo Rocks. The southern view shed is generally experienced from the Cape to Cape Track and Canal Rocks.

2.5.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the response to submissions document (JBS&G, 2025d). Public consultation raised concerns about permanent loss of wilderness character and a lack of consistency with *State Planning Policy (6.1 Leeuwin-Naturaliste Ridge* (SPP 6.1) (WAPC 1998), Height Control Plans, EPA Report 1318 (EPA 2009) findings, and impacts from coastal engineering structures. Additional concerns included inadequacy of the visual impact assessment, associated mitigation and calls for an independent review. Other concerns included impacts to Aboriginal culture and heritage values and inadequacy of Traditional Owner engagement, and unmitigated impacts from lighting, traffic congestion and bushfire risks.

In response to concerns raised in submissions about the inadequacy of the VIA, the EPA commissioned a peer review, undertaken by GHD (GHD 2025).

2.5.5 Potential impacts from the proposal

The construction and operation of the proposal has the potential to impact social surroundings through:

- permanent loss of registered heritage site ID 15080, Smith's Beach 01
- reduced visual amenity values of the landscape character
- Indirect impacts through activities that generate dust and noise during construction and increased light emissions, traffic and tourism from operation of the proposal

2.5.6 Avoidance measures

The proponent has outlined the following avoidance measure to reduce direct and indirect impacts to social surroundings:

- protection of the western headland and secondary western ridge line through retaining the proposed conservation area

2.5.7 Minimisation measures (including regulation by other DMAs)

The proponent outlined the following minimisation measures to reduce both direct and indirect impacts to social surroundings:

- Aboriginal heritage
    - potential soak identified by Aboriginal consultants' considered for retention through incorporation into the foreshore design
    - a commitment to prepare a Cultural Heritage Management Plan (CHMP) in consultation with KKAC informed by an archaeological and ethnographic survey
    - a commitment to prepare a subsequent Social Investment and Environmental Management Plan (SIEMP) in consultation with KKAC to capture specific environmental management and monitoring actions.
- Visual amenity
    - the proposal design being landscape led, recessive in nature with built form siting chosen based on site specifications, i.e. placement of structures following the site's natural topography
    - building materials, colours and texture to blend buildings with the surrounding natural landscape
    - minimising clearing vegetation through dispersal of buildings, retaining the conservation area and vegetation retained within the public open space areas and modified areas
    - building heights generally compliant with the City of Busselton Local Planning Scheme requirements, and the approved structure planning building height plan where it covers the proposed development area.

Regulation under the AH Act

Consent is required from the Minister for Aboriginal Affairs to alter Aboriginal sites under the *Aboriginal Heritage Act 1972* (AH Act). The EPA notes that the AH Act does not apply to sites outside the development envelope or indirect impacts within the development envelope. There is one registered heritage site ID 15080, Smith's Beach 01 within the development envelope.

The proposed CHMP and SIEMP will be supported by any required approval under the AH Act; these plans will be informed by ongoing dialogue and consultation with the Traditional Owners and KKAC to minimise and manage potential impacts to Aboriginal cultural heritage.

Regulation under the *Planning and Development Act 2005*

The proposal is also being considered under the provisions of the PD Act as a Part 17 'Significant Development' application lodged with the WAPC. The EPA notes that this development application process (administered under the PD Act) will manage and mitigate impacts to visual amenity values, including considering built form and

design consistent with the requirements of relevant state guidance and planning policies, including *State Planning Policy 2.0- Environment and Natural Resources* (SPP2.0) and *State Planning Policy 6.1- Leeuwin-Naturaliste Ridge* (SPP6.1)

2.5.8 Assessment of impacts to environmental values

The EPA considered that the key social surroundings values likely to be impacted by the proposal are Aboriginal cultural heritage and visual amenity.

Aboriginal heritage

The proposal has the potential to impact on the heritage values of a registered Aboriginal heritage site. Assessment of the potential impacts has been undertaken in accordance with the *Technical Guidance – Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage* (EPA 2023c).

The EPA understands that the proponent will consult with Traditional Owners prior to works within the vicinity of any known Aboriginal heritage sites. The EPA notes that the proponent will require consent from the Minister for Aboriginal Affairs to alter Aboriginal sites under the AH Act if any areas are likely to be directly affected. The EPA is satisfied that this process can mitigate potential impacts to Aboriginal heritage sites to meet the EPA objectives in that area because:

- The Aboriginal Cultural Heritage Committee established under the AH Act must evaluate the importance and significance of the sites and make a recommendation to the Minister for Aboriginal Affairs before alteration occurs
- The Minister for Aboriginal Affairs consent is required before the alteration occurs
- The Minister for Aboriginal Affairs must be notified regarding any new information about Aboriginal sites which are found in the area
- The consultation guidelines for the AH Act expect all relevant Traditional Owners are consulted before consent is considered
- Sites are covered even if they are not registered or lodged
- Consent can include conditions for protection, mitigation or management of sites in the area
- Traditional Owners can appeal the Minister for Aboriginal Affairs consent.

The AH Act does not apply to sites outside the development envelope or to indirect impacts. The EPA considers that the proponent has taken reasonable steps to consult with KKAC and the EPA has used this information in its assessment (JBS&G 2025d; Appendix L of RtS).

Public consultation raised concern about impacts to Aboriginal cultural heritage values; it is noted that since the public review of the ERD the registered heritage site ID 15080, Smith's Beach 01 boundary has been expanded to incorporate more of the development envelope, following archaeological and ethnographic surveys commissioned by the proponent.

The proponent has advised it is working closely with the Traditional Owners, KKAC and the appointed archaeologist. The results of an archaeological and ethnographic

survey, as well as the ongoing dialogue with the Traditional Owners and KKAC, will help to inform the joint preparation of a CHMP for the project, which will ultimately be required to support any approval under the AH Act, to be determined by the Minister for Aboriginal Affairs. The EPA notes and supports the proposed subsequent SIEMP to capture specific environmental management and monitoring actions.

The EPA advises that potential residual direct impacts to Aboriginal cultural heritage can be adequately managed through standard conditions. The EPA has recommended conditions requiring the proponent to avoid disturbance of aboriginal cultural heritage sites unless approval has been granted under the AH Act (Condition B6). The EPA advises that the proponent should complete planning and implementation of development and rehabilitation in consultation with Traditional Owners.

The EPA considers that the EPA objective for social surroundings will be met in relation to impacts to aboriginal cultural heritage through the future CHMP and SIEMP and ongoing consultation with Traditional Owners and KKAC.

Visual amenity

The proposal has the potential to impact the high visual amenity values of the scenic landscape character of the area experienced from key viewpoints including Smiths Beach, Torpedo Rocks and the Cape to Cape Track.

The EPA has considered the proponent's Visual and Landscape Assessment (VLA) (EPCAD 2021) which assessed the impacts of the proposal from key viewpoints in the locality. The VLA reported that the proposal will be visible from certain elevated locations such as the Canal Rocks Road lookout, Smiths Beach rotary lookout, Smiths Beach Road and Smiths Beach Road carparks. Views from Smiths Beach boardwalk, Smiths Beach, the Cape to Cape and Torpedo Rocks, including its lookout and carpark will also be affected. The ERD outlines that visual management measures aim to ensure the proposal remains recessive and non-intrusive and the overall design objectives to blend the buildings with the surrounding natural landscape, minimising its prominence in the broader panoramic views.

VIA peer review

The EPA has also considered the information provided through the public submissions, in particular technical concerns regarding the information forming the basis of the VLA. The EPA subsequently commissioned GHD (GHD 2025) to undertake a peer review of the VLA against relevant policies and guidelines. GHD found some technical matters arising from the VLA methodology (including the lack of verifiable photomontages), compliance with WAPC SPP6.1 and *Visual Landscape Planning in Western Australia: A Manual for Evaluation, Assessment, Siting and Design*, and the generalised mitigation measures proposed. The peer review also noted the VLA does not establish quantified, enforceable controls for height, bulk, siting, colour, or lighting. Further refinements to the VLA were recommended.

Importantly, the EPA notes that GHD found that the visual amenity impacts will vary across the site. Some areas may accommodate visual change more readily (such as

the eastern portion of the development envelope where it adjoins existing development), while areas with high scenic value and lower capacity to accommodate change (such as the western portion of the development envelope) require careful consideration.

The proponent subsequently responded in detail to each of the matters raised in the peer review and in conclusion stated that it adopted a landscape-led approach that keeps development low in scale, visually recessive and integrated with landform and vegetation (see Appendix M to RtS).

EPA Report 1318 (EPA 2009)

As discussed above in Section 1, the EPA notes the assessment of the former strategic proposal in Report 1318; concluding that development on the headland area was not environmentally acceptable. The EPA considers that this assessment formed a view at a point in time; the EPA is not constrained by the outcomes of the former assessment and has considered the current proposal on its own merits against the contemporary legislative and policy settings.

Planning scheme and policy considerations

The EPA notes the approved structure plan (2011) contain requirements in a special height control area map, which sets out 6.5 metres (m), 7.5m and 10m building heights for the eastern portion of the development area. Outside of this area, the City of Busselton Local Planning Scheme 21 (LPS 21) provides for heights for the up to two storeys or 9 metres within 150 metres of the mean high-water mark, and up to three storeys or 12 metres where land is more than 150 metres from the mean high water mark. The EPA's concluded that the proposed building heights are generally compliant with the City of Busselton Local Planning Scheme requirements, and the approved structure planning building height plan where it covers the proposed development area.

The EPA also notes the information provided in SPP 6.1 and SPP 2.0 which provide context regarding the visual amenity values specific to the area, and guidance for development considerations. The EPA considers that the WAPC will appropriately consider the requirements of its SPPs, as well as the *Visual Landscape Planning in Western Australia: A Manual for Evaluation, Assessment, Siting and Design* in assessing the development application under the provisions of the PD Act.

Visual Impact Assessment

The EPA has considered the assessment information, in particular the VLA, public submissions on the ERD, the GHD peer review, and the proponent's proposed mitigation measures. The EPA acknowledges the proponent's VLA is not wholly consistent with the WAPC SPP6.1 and *Visual Landscape Planning in Western Australia: A Manual for Evaluation, Assessment, Siting and Design*. However, the EPA considered there is sufficient and adequate information to assess visual amenity.

The EPA considers that whilst the proposal represents a substantial development extension within the local area, the proposed development is not inconsistent with existing (tourism) developments on adjacent lands to the east.

The EPA acknowledges that visual amenity impacts will vary across the site and notes impacts will potentially occur from view sheds northeast of the development envelope and from key viewpoints including Smiths beach, Torpedo Rocks and the Cape to Cape Track. The EPA notes that from panoramic views, the ridgeline that forms the skyline will not be impacted however there is a risk of skyline intrusion on views from Smiths Beach. The EPA also notes that visual impacts associated with a portion of the northern (lower) western ridgeline has largely been avoided as much of the ridgeline is located within the proposed conservation area on the western headland.

The EPA has considered the proponent's mitigation measures including maximum building height limits and proposed blending of built form through the use of non-reflective building materials, colour and texture palette similar to the natural landscape and vegetation, recessive building siting, and spatially separated buildings providing for absorption with retained native vegetation, are likely to assist in moderating the visual impact from key viewpoints. The EPA considers the proponent's mitigation measures are likely to assist in tempering visual impacts and minimise the potential significance of the residual impact to visual amenity.

The EPA notes the proponent's proposed building heights are generally consistent with the LPS 21 and the approved structure plan building height plan. The EPA understands that LPS 21 and the approved structure plan are 'due regard' documents that will be considered by the WAPC when assessing the proposal under the Part 17 PD Act provisions. In this context, the EPA has recommended condition A1 Limits and Extent of Proposal to ensure consistency with the LPS 21 and approved structure plan, and specify further limitations in more sensitive parts of the development envelope. Condition A1 also limits vegetation clearing and conditions B1 Flora and Vegetation, B7 Coastal Processes and B9 Conservation Area contribute to reduce the potential significance of the residual impact to visual amenity and ensure the proposal is not inconsistent with the EPA objective for social surroundings.

The EPA considers that the risk of uncertainty of the VLA is related to the risk of potential impacts to visual amenity values and considers these risks, including consideration of visual amenity impacts and matters raised in the peer review will be assessed by the WAPC through the development application under Part 17 of the PD Act. The development application process provides the appropriate mechanism for detailed assessment of development plans and regulation of residual visual impacts including protection of the ridgeline, appropriate building heights, built form, blending, lighting and other mitigation measures, consistent with the requirements of relevant state planning policies. In particular, assessment of the development by the WAPC will require careful consideration of adverse effects to areas of high scenic value and assessment of important the visual elements.

Other social surrounding impacts

The EPA considered impacts of the proposal to the existing social amenity values of the Smiths Beach local area, including the tourism land uses and quiet natural ambience synonymous with the area. The EPA considered that the period of greatest noise and dust emissions will likely occur during construction of the future development, which is anticipated to span a limited duration (up to approximately three years).

The EPA considers that other statutory decision-making processes, including the consideration of the development application under the PD Act can require a Construction Management Plan (CMP) that will manage short-term construction dust and noise impacts. The EPA also notes that noise emissions associated with the construction and operation of the proposal will generally be required to meet the Noise Regulations. Consideration of development application(s) under the PD Act will also provide opportunity for the assessment and mitigation of impacts associated with operational lighting and social and economic matters including increased traffic and tourism to the area.

The EPA notes that construction of the SEPS will require the temporary use of Crown land within the development envelope and that access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track could be restricted during construction ie. from traffic management or proposed laydown areas and to a lesser extent, post construction.

The EPA considers that use of Crown land for construction purposes is a matter for consideration by the City and the Minister for Lands under the *Land Administration Act 1997.* The EPA recommends condition B5 to ensure continued public access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track during construction and operation of the proposal and to ensure it is likely to be consistent with the EPA objective for social surroundings.

2.5.9 Summary of key factor assessment and recommended regulation

The EPA has considered the likely residual impacts of the proposal on social surroundings values. In doing so, the EPA has considered whether reasonable conditions could be imposed, and other decision-making processes can ensure consistency with the EPA factors objective. The EPA assessment findings are presented in Table 6.

The EPA has also considered the principles of the *Environmental Protection Act 1986* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factor objective and whether reasonable conditions can be imposed (see Appendix A).

Table 6: Summary of assessment for social surroundings

Residual impact		Assessment finding	Recommended conditions and DMA regulation
1	Removal/disturbance to registered Aboriginal heritage site (AHS) ID: 15080, 'Smiths Beach 01' during construction and operation of the proposal	The EPA considers there is a risk of residual impacts to Aboriginal cultural heritage values associated with disturbance to a registered heritage site. The EPA advises that potential residual impacts can be managed though standard conditions to ensure impacts are avoided unless consent is granted through another decision-making process. The EPA has considered that subject to regulation by other decision-making processes and the recommended conditions, the environmental outcome is likely to be consistent with the EPA objective for social surroundings.	**Condition B6 (Aboriginal Cultural Heritage)** • No disturbance of the Aboriginal sites or aboriginal cultural heritage other than where consent is granted under the *Aboriginal Heritage Act 1972*.
2.	Loss of Aboriginal cultural heritage	The EPA advises that there is a residual impact to Aboriginal cultural heritage through restriction of access to use of land for traditional activities and through the loss of plants and animals of cultural significance within the development envelope. The EPA advises that this residual impact should be subject to conditions to ensure access to the land for cultural purposes subject to reasonable health and safety requirements. The EPA concludes that implementation of the recommended condition would ensure consistency with the EPA objective for social surroundings.	**Condition B6 (Aboriginal Cultural Heritage)** • Subject to reasonable health and safely, no interruption of ongoing access to land utilised for traditional use or custom by the native title party/ies • Avoid, where practicable, and otherwise minimise adverse impacts to Aboriginal cultural heritage within and surrounding the development envelope. • Undertake ongoing consultation and engagement with the Karri Karrak Aboriginal Corporation for the life of the proposal.

Residual impact		Assessment finding	Recommended conditions and DMA regulation
3.	Modified local visual and landscape character including an increase in built form mass, extension above existing natural landscape features, and potential light pollution from future development	The proposal may result in impacts to visual amenity, particularly to the view sheds northeast of the development envelope, from Smiths Beach, Torpedo Rock and the Cape to Cape Track. The EPA notes mitigation measures including protection of the western ridgeline, blending of built form, recessive building siting, retention of vegetation and maximum building height limits are likely to assist in moderating the visual impact from key viewpoints to minimise the potential significance of the residual visual impact. The EPA has recommended condition A1 (building height limits and vegetation clearing extent limits), B7 (no visible coastal infrastructure), and B9 (protection of the western ridgeline) to ensure the proposal is implemented consistent with the EPA objective for social surroundings. The EPA also considers that other statutory decision-making processes, including the consideration of development application(s) under the PD Act, will assess and mitigate impacts associated with built form, building siting and (operational) lighting.	**Condition A1(Limitation and extent of proposal)** • Limit building heights of proposal • Limit disturbance to native vegetation. **Condition B7 • Coastal processes** • No permanent visible coastal infrastructure above ground level post construction. **Condition B9 – Conservation area** • Protection of the western ridgeline within the conservation area. **DMA legislation** • The WAPC under the PD Act will regulate residual visual impacts from the proposal.
4.	Loss of public access to Smiths Beach and Cape to Cape Track during construction	The EPA considers that access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track could be restricted during construction ie. from traffic management or proposed laydown areas and to a lesser extent post construction. The EPA has recommended condition B5 for continued public	**Condition B5** (**Social surroundings)** • No loss of public access to Smiths Beach, Smith Beach Road and the Cape to Cape Track.

Residual impact		Assessment finding	Recommended conditions and DMA regulation
		access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track to ensure the EPA's objective is likely to be met.	
5.	Emissions (noise and dust) during construction of the proposal	The EPA considers that other decision-making process will manage noise and dust impacts during construction activities.	**DMA legislation** • The WAPC under the PD Act will regulate management of dust and noise during construction. • Regulation under the Noise regulations.

2.6 Coastal processes

2.6.1 Environmental objective

The EPA environmental objective for coastal processes is *to maintain the geophysical processes that shape coastal morphology so that the environmental values of the coast are protected* (EPA 2016a).

2.6.2 Investigations and surveys

The EPA advises the following investigations were used to inform the assessment of the potential impacts to coastal processes:

- Environmental Review Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2024b)
- Response to Submissions Document – Smiths Beach Project Yallingup Coastal Tourism Village (JBS&G 2025d)
- Smiths Beach Coastal Hazard Assessment (Appendix Y of the ERD) (MP Rogers & Associates 2021)
- Smiths Beach Development Preliminary Geotechnical and Pavement Investigation (Appendix P of the ERD) (Golder Associates Pty Ltd 2021)
- Smiths Beach Project Coastal Hazard Risk Management & Adaptation Planning (Appendix J of the RTS) (MP Rogers & Associates 2025a)
- Smiths Beach Coastal Processes Report (Appendix K of RTS) (MP Rogers & Associates 2025b)

The investigations were aligned with the recommendations of the State Coastal Planning Policy (SPP 2.6) (WAPC 2013). SPP 2.6 provides the methodology for completing an assessment of the potential impacts of coastal processes on development in Western Australia.

The EPA considered the relevant studies are appropriate to inform the assessment of impacts on coastal processes.

2.6.3 Assessment context – existing environment

Smiths Beach

The development envelope is located to the south and west of Smiths Beach which is a headland-bounded, embayed pocket beach. The coastal environment is characterised by stable coastal morphology due to underlaid medium to high strength rock that is resilient to erosion (Golder Associates Pty Ltd 2021). Most of the shoreline around the development envelope, particularly along its western and northern perimeter, is rocky and provides natural protection against coastal erosion (MP Rogers & Associates 2021; Golder Associates Pty Ltd 2021).

Smiths Beach is exposed to high-energy southwest to west-southwest swells. Sand movement occurs mainly within the bay through cross-shore processes, with no evidence of significant longshore transport. Seasonal storms move sand offshore, while calmer periods return sand landward - resulting in a wider summer beach and a narrower winter beach with visible sandbars and rips. Despite this seasonal movement and some seasonal differences in the outflow of Gunyulgup brook, general shoreline trends remain consistent, and the cycle maintains the sediment balance (MP Rogers & Associates 2025a).

Following the change to the proposal to remove the Universal Access Ramp (UAR), the development envelope no longer intersects the beach and is approximately 20 metres landward of the active beach zone at its closest point. The proponent updated its assessment to accommodate the change to the proposal and provided a Coastal Processes Report (MP Rogers & Associates 2025a) and site-specific Coastal Hazard Risk Management & Adaptation Planning (MP Rogers & Associates, 2025b) characterising the coastal hazards and vulnerability of the shoreline and the extent of predicted erosion.

While some low strength rock and soil are susceptible to erosion within the next 100 years, the underlain high strength gneiss rock is predicteded to persist under projected shoreline recession and sea-level rise scenarios associated with climate change (Golder Associates Pty Ltd 2021; MP Rogers & Associates 2025a).

As outlined in the City of Busselton's (City) Coastal Hazard Risk Management and Adaptation Plan (CHRMAP) prepared in line with SPP 2.6, the Smiths Beach management unit will require a coastal structure to mitigate the anticipated erosion and protect coastal values and assets (City of Busselton 2022).

2.6.4 Consultation

Matters raised during stakeholder consultation and the proponent's responses are provided in the response to submissions document. Public consultation raised concerns that the proposed seawall (Universal Access Ramp (UAR) could significantly alter coastal processes and increase erosion risk. Submissions noted outdated data, lack of modelling, inconsistency with SPP 2.6 and coastal setbacks, and that the UAR's impacts may eliminate the active beach zone. An independent coastal engineering review was recommended by submitters before approving any hard structures.

The key issues raised during the public consultation on the proposal and how they have been considered in the assessment are described in section 2.6.7, 2.6.8 or assessed in section 2.1.9.

The issues raised during public consultation about the potential impacts of the UAR to coastal processes have been largely addressed by its removal from the proposal and are therefore not discussed further in the assessment. The proposal was amended to provide a sub-surface erosion protection structure (SEPS) as described in Section 2.6.6 and 2.6.7.

2.6.5 Potential impacts from the proposal

The proposal has the potential to result in the following risks or significantly impact on coastal processes from:

- temporary disturbance to the foreshore area during SEPS construction
- risk of flanking erosion at the toe base of the SEPS
- risk of sea level rise and inundation.

2.6.6 Avoidance measures

The proponent's change to proposal via section 43A of the EP Act to remove the UAR avoided direct impacts to the active beach zone and the potential for impacts to coastal processes. The SEPS is proposed to be constructed within the boundary of Lot 4131 and is consistent with the City's CHRMAP.

2.6.7 Minimisation measures (including regulation by other DMAs)

The proponent has proposed measures to minimise impacts to coastal processes:

1. Change to proposal via section 43A of the EP Act to propose a SEPS in place of the originally proposed UAR.
2. Measures to protect and enhance foreshore vegetation.
3. Erosion management.

Subsequent decision-making processes under the PD Act are likely to be able to manage and mitigate the proposal's impacts such as temporary disturbance from construction of the SEPS via the development application process.

2.6.8 Rehabilitation measures

None proposed.

2.6.9 Assessment of impacts to environmental values

The EPA considered that the key environmental values for coastal processes likely to be impacted by the proposal is the local foreshore area.

Construction impacts

The EPA considers that impacts to the foreshore and vegetation during construction of the proposed SEPS are likely to be minor in extent and temporary. The EPA has

recommended conditions to limit the physical extent of the temporary disturbance area and advises that a Foreshore Management Plan, including measures to revegetate and landscape areas disturbed during SEPS construction, will likely be required under PD Act as part of the development application process.

Operational impacts

The EPA considered it unlikely the implementation of the development proposal would change the natural coastal processes that shape morphology and that the environmental values of the coast would not be significantly impacted.

The EPA notes that the proposed SEPS would be installed subsurface within the development envelope, approximately 20 m landward of the beach. The SEPS is consistent with and designed to tie in with the future broader Smiths Beach management unit coastal protection structure identified in the City's CHRMAP as part of broader coastal hazard protection measures for the area. Based on this, the EPA considers potential impacts on coastal processes and morphology within the Smiths Beach embayment have been sufficiently minimised to the extent that significant effects are unlikely. This is primarily due to the SEPS's setback from the beach that avoids the potential to interrupt natural coastal processes and the presence of durable underlying rock that stabilises the foreshore.

The EPA notes that under future coastal hazard projections, exposure of foreshore rock through sea level rise will likely result in loss of beach within the next century. This is predicted to occur irrespective of the proposal and its SEPS. The EPA advises that even if long-term beach recession exposes the SEPS, its effects on coastal processes, the alignment of Smiths Beach shoreline or downdrift erosion are unlikely to be significant. This outcome is attributed to the presence of stable rock that would remain after sea level rise and the absence of longshore sediment transport along the embayment (MP Rogers & Associates 2025a). The development itself is also situated above anticipated inundation levels removing this risk of coastal inundation. Furthermore, the proposed SEPS (along with its future eastern extension under the City's CHRMAP would protect landward areas against projected coastal erosion hazard lines (MP Rogers & Associates 2025b).

The EPA advises that in the short-term there may be residual impacts to public amenity and has recommended a condition to require the SEPS to be constructed subsurface to ensure visual impacts are minimised and to allow for the area above the subsurface SEPS to be landscaped as a public recreation foreshore area.

The EPA considers there are potential on-going but minor residual risks posed by the SEPS in the short- to medium-term. Flanking erosion may occur at the eastern toe of the wall until it is connected to the proposed eastern extension, that is planned to be installed in the future to protect the adjacent properties and coastal values. The EPA advises these risks are unlikely to cause significant impacts due to:

- the relatively small extent of the wall's footprint;
- mitigation by appropriate engineered design to tie-in the SEPS to existing rock and its connection to the future eastern extension of the SEPS along Smiths Beach foreshore;

- erosion management and foreshore enhancement proposed to be undertaken as part of the proponent's Foreshore Management Plan.

Continuation of a coastal protection structure across the broader management unit in the future may be undertaken and funded by a combination of government agencies such as State Government and the City of Busselton, with potential contribution by landowners. The proponent will be responsible for monitoring and managing potential impacts to the adjoining development from the SEPS (ie. flanking erosion) until tie in occurs. The proponent may also need to bear the cost of future tie in within the eastern portion of their development envelope where the structure is not currently proposed.

The EPA advises that coastal hazard risk management and adaptation planning will be considered in line with SPP 2.6 as part of assessment of the development application under the PD Act by the WAPC. This would include the engineered design of the SEPS and above mitigation, including the Foreshore Management Plan.

2.6.9 Summary of key factor assessment and recommended regulation

The EPA has assessed the likely residual impacts of the proposal on coastal processes and concluded that the localised temporary disturbance to the foreshore area and erosion risks associated with the SEPS which are relatively minor and short-term. The EPA advises that temporary disturbance for the SEPS should be subject to conditions limiting its physical extent, and ongoing residual risks of flanking erosion can be subject to statutory decision-making processes under the PD Act to ensure protection of coastal values and that the environmental outcome is likely to be consistent with the EPA objective for coastal processes. The EPA assessment findings are presented in Table 7.

The EPA has considered concerns raised during the public review about potentially significant impacts to coastal processes and erosion risks to the western end of Smiths Beach in its assessment above. The EPA noted public submitters' calls for an independent coastal engineering review of the proposed UAR; however, considers this was not necessary noting this element was removed from the proposal, and a revised coastal assessment and site specific CHRMAP were submitted with the RTS to inform the EPA's assessment.

The EPA has also considered the principles of the *Environmental Protection Act 1986* (see Appendix D) in assessing whether the residual impacts will be consistent with its environmental factor objective and whether reasonable conditions can be imposed (see Appendix A).

Table 7: Summary of assessment for coastal processes

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
1.	Temporary disturbance to the foreshore area during subsurface	Construction of the SEPS will result in temporary disturbance to the foreshore area. Impacts	**Condition A1 (Limitations and extent of proposal)**

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
	SEPS construction within the boundary of Lot 4131	are considered minor, localised and short-term. The EPA advises this should be subject to conditions to limit the extent of the temporary disturbance area which will result in an environmental outcome that is consistent with the EPA objective for coastal processes. The EPA also notes that the development application process (administered under the PD Act) is likely to be able to require foreshore enhancement of areas that are temporarily disturbed and not required for permanent infrastructure such as the access road, to result in an environmental outcome that is consistent with the EPA objective for coastal processes.	• limitations on the extent and location of the temporary disturbance area. **DMA legislation** • The WAPC under the PD Act is likely to require protection and enhancement of the foreshore area that is temporarily disturbed during the construction of the SEPS.
2.	Residual risks from potential flanking erosion at the toe of the SEPS	The EPA considers there is a minor risk from potential flanking erosion caused by the SEPS in the short to medium term and likely to be localised and for short duration, until such time that the wall is tied into the future eastern extension of the coastal hazard structure. The EPA also notes that the development application process (administered under the PD Act) is likely to be able to manage and mitigate residual risks from flanking erosion. The EPA considers that statutory decision-making processes under the PD Act are likely to provide opportunity for the regulation of disturbance and potential minor impacts to the foreshore area to result in an environmental outcome that is consistent with the EPA objective for coastal processes.	**DMA legislation** • The WAPC under the PD Act is likely to require protection and enhancement of the foreshore area including management of flanking erosion.

Residual impact or risk to environmental value		Assessment finding or Environmental outcome	Recommended conditions and DMA regulation
3.	Residual impacts to amenity unless SEPS is constructed subsurface	The EPA notes the SEPS is proposed to be constructed subsurface to minimise the potential amenity impacts. The EPA advises this should be subject to a condition to ensure that the environmental outcome is consistent with the EPA objective for coastal processes and as it relates to social surroundings.	**Condition B7 (Coastal processes)** • Requirement for the SEPS to be constructed subsurface with no visible coastal infrastructure aboveground.

3 Holistic assessment

While the EPA assessed the impacts of the proposal against the key environmental factors and environmental values individually in the key factor assessments above, given the links between flora and vegetation, terrestrial fauna, inland waters and marine environmental quality and also between landforms, social surroundings and coastal processes, the EPA also considered connections and interactions between them to inform a holistic view of impacts to the whole environment.

The EPA's evaluation of other environmental factors (those which were not considered key factors for assessment) is included in Appendix E.

Flora and vegetation, terrestrial fauna, inland waters and marine environmental quality, landforms, social surroundings and coastal processes

The flora and vegetation of the proposal area provide important habitat for terrestrial fauna, including conservation significant fauna species. Impacts to flora and vegetation from clearing and changes to surface and groundwater quality has the potential to impact terrestrial fauna. Through the clearing of native vegetation, the proposal will impact on terrestrial fauna by removing and altering habitats, including fragmentation specifically to the western ringtail possum. Minimising impacts to flora and vegetation and maintaining habitat connectivity will minimise impacts to terrestrial fauna.

The proposal has been designed to limit the extent of full clearing of native vegetation by retaining vegetation in conservation/retention areas and within development areas, retaining vegetation in a modified form to meet bushfire management planning requirements and to limit potential impacts to visual amenity. Retaining vegetation in clumps throughout the development area, together with the installation of canopy connectivity structures (for example, rope bridges), will provide connectivity for the western ringtail possum and possibly the phascogale to move though the development envelope and to adjacent offsite areas, including National Park.

The EPA recognises that there are inherent links between the inland waters factor and other environmental factors, including marine environmental quality. The ecosystem health values related to inland waters generally include the ability to sustain flora and vegetation and terrestrial fauna habitat and the ecological processes that support them. Changes to the quality or quantity of surface and groundwater can affect flora and vegetation and terrestrial fauna habitat values.

The onsite treatment and irrigation of wastewater has the potential to impact flora and vegetation, and terrestrial fauna habitat values though changes to flora and vegetation composition and condition (for example, increased weed growth). By restricting the disposal of wastewater within the conservation area, native vegetation retention areas and the western ringtail possum habitat conservation and connectivity zone, potential changes to the flora and vegetation, and habitat values will be limited.

The EPA acknowledges Smiths Beach is a popular tourist destination and expansion of the existing tourism node will have impacts on Aboriginal cultural heritage values, visual amenity and possibly affect the overall 'sense of place' and natural visitor experience.

The proposal has been designed based on a landscape led approach to avoid and minimise impacts to landforms and social surroundings elements such as Aboriginal cultural heritage and visual amenity. The proponent has committed to ongoing engagement with KKAC, the avoidance of culturally significant plants and the potential retention of the soak within the foreshore area. The EPA notes the proposal also includes development of a community hub and Cape to Cape Track welcome centre to improve tourism and amenity outcomes in the area. Mitigation measures include avoiding vegetation associated with the granite outcrops, limiting ground disturbing works, and reducing visual impacts though protection of the western ridgeline landform, blending built form and retaining vegetation within development areas.

The EPA recognises the intrinsic link between the environmental factors of flora and vegetation, terrestrial fauna, inland waters and marine environmental quality and also landforms, social surroundings and coastal processes. The EPA has concluded that with the application of mitigation measures and through the implementation of the recommend conditions, the proposal would not unreasonably impact flora and vegetation, terrestrial fauna, inland waters and marine environmental quality, landforms, social surroundings, and coastal processes and will not be inconsistent with the EPA's factor objectives.

The EPA considered the proposal in the context of holistic impacts to environmental values within the local area, including the Leeuwin-Naturaliste National Park and broader.

Due to the linkages between the biological and social values of the EPA environmental factors of the proposal area and the proposed impacts to these values, the application of the EP Act precautionary principle, the principle of the conservation of biological diversity and ecological integrity and intergenerational equity (Appendix D) were relevant considerations in the holistic assessment of the proposal.

Summary of holistic assessment

When the separate environmental factors and values affected by the proposal were considered together in a holistic assessment, the EPA formed the view that the impacts from the proposal would not alter the EPA's views about consistency with the EPA factor objectives as assessed in section 2.

4 Offsets

Environmental offsets are actions that provide environmental benefits which counterbalance the significant residual impacts of a proposal.

Consistent with the *WA Environmental Offsets Guidelines* (Government of Western Australia 2014), the EPA may consider the application of environmental offsets to a proposal where it determines that the residual impacts of a proposal are significant, after avoidance, minimisation and rehabilitation have been pursued.

In the case of this proposal, likely (and potential) significant residual impacts are:

- clearing of 14.68 ha of western ringtail possum core and secondary habitat
- clearing of 5.19 ha of Baudin's and Carnaby's Black Cockatoo foraging habitat

Environmental offsets are not appropriate in all cases. In this case the EPA considers offsets are appropriate given the scale of the environmental impacts are not minor as per principle 2 of the WA Environmental Offsets Policy (Government of WA 2011). In accordance with principle 1 of the WA Environmental Offsets Policy, the proponent has applied mitigation measures, including vegetation retention within the development envelope, to avoid or minimise impacts to environmental values. The EPA also considers the proponent's proposed offset package will provide offsets that are enduring and likely to deliver long term strategic outcome and environmental benefit in line with principle 6 of the WA Environmental Offsets Policy.

The proponent developed an Offset Strategy (JSB&G 2025c) in accordance with the WA Environmental Offsets Policy to offset significant residual impacts to Carnaby's and Baudin's cockatoos and the western ringtail possum from the proposal.

The EPA notes the proposal was considered a 'Controlled Action' under the EPBC Act (2021/9141) and is being assessed as an accredited assessment under the EP Act in accordance with s87 of the EPBC Act. Therefore, the Offset Strategy was also prepared in accordance with the Commonwealth's Environmental Offset Policy (DSEWPC 2012).

The Offset Strategy (JSB&G 2025c) adopts a conservative approach assuming a worst-case scenario whereby modified areas are cleared in their entirety and significantly impacting all WRP and BC habitat. The Offset Strategy counterbalances this complete loss of habitat through protecting via a conservation covenant an area of WRP habitat on-site within the development envelope, revegetation and ongoing management of three separate off-site areas of land; two local and one regional, and a research component.

Proposed offset

The proposed Offset Strategy (JSB&G 2025c) is a package of several offsets including:

- rehabilitation of western ringtail possum and black cockatoo foraging habitat at three sites within DBCA estate
- research offset aimed at improving understanding of western ringtail possum populations in the south-west region
- onsite offset being the legal protection and ongoing management of 3.95 ha of western ringtail possum habitat within onsite conservation area.

The EPA recognises that the proponent's offset strategy has been designed to deliver immediate to long-term ecological benefits for the western ringtail possum and deliberately structured to integrate both local and regional efforts. This approach aligns with principles outlined in the EPA's *Public Advice – Consideration of Environmental Offsets at a Regional Scale* (EPA 2024b).

Medium to long-term benefits will be achieved from on-ground management (rehabilitation) and targeted research funding addresses knowledge gaps, supporting species recovery over time. Local measures, namely the onsite conservation area, the research program and rehabilitation at Mt Duckworth and Gunyulgup, focus on enhancing habitat condition, connectivity and species knowledge within the immediate vicinity of the development envelope and the local western ringtail possum population. Regional efforts, including rehabilitation at Ludlow, contribute to regional scale connectivity, population resilience, and broader conservation outcomes beyond the immediate project area.

Rehabilitation offset

The proponent has proposed on-ground management (rehabilitation) at three locations in the offset strategy (Figure 7):

- On-ground management and rehabilitation of **12.84 ha** at **Mt Duckworth site** approximately 4.6 km north-east of the development envelope within Leeuwin-Naturaliste National Park (Lot 301 on Plan 49920)
- On-ground management and rehabilitation of **2.97 ha** at **Gunyulgup site** approximately 0.6 km east of the development envelope within Leeuwin-Naturaliste National Park (Lot 301 on Plan 49920)
- On-ground management and rehabilitation of **15 ha** at **Ludlow site** within Ludlow State Forest approximately 44 km east of the development envelope (Lot 887 on Deposited Plan 140118 and Lot 4428 on Deposited Plan 231033)

The EPA considers the proposed offset sites are within the distribution range for western ringtail possum and Carnaby's and Baudin's cockatoo and either contain or could support suitable habitat for all three species, to counterbalance the significant residual impacts. DBCA records have recorded black cockatoo and western ringtail possums, respectively, within 1.1 km and 650 m east of the Gunyulgup site and within 120 m east and 1.6 km southeast of the Mount Duckworth site. The Ludlow site is considered core habitat for western ringtail possum as mapped in the Commonwealth's (2009) *Significant impact guidelines for the vulnerable western ringtail possum (Pseudocheirus occidentalis) in the southern Swan Coastal Plain, Western Australia.* The Ludlow region is also known to support Carnaby's and Baudin's Black Cockatoos, with Tuart Woodland being one of the primary roosting, breeding and foraging habitats for both cockatoo species (JSB&G 2025c).

Proposed on-ground management (rehabilitation) works in the Offset Strategy include revegetation (applies to heavily degraded areas and/or bare ground) and infill planting (applies to degraded areas with remnant vegetation). Under the Offset Strategy the proponent outlined site preparation and initial rehabilitation works that will be completed within the first 2 years of rehabilitation. These include weed control, feral animal control, fence installation, firebreak management, slashing and management of existing vegetation, earthworks, soil amendment, ripping, direct seeding and seedling (tube stock) planting.

The Offset Strategy also outlines on-ground management measures that will contribute to the long-term rehabilitation and conservation of western ringtail possum and black cockatoo habitat. These include ongoing maintenance and monitoring between years 3 to 10 of rehabilitation (such as weed control, infill planting where required, feral animal management and fence maintenance) and contingency measures that will be implemented as needed**,** based on monitoring outcomes to ensure ecological resilience, for a minimum of 10 years. Potential contingency measures include supplementary planting, soil wetting or irrigation and additional pest, weed or unauthorised access control (including in the adjacent National Park areas, subject to agreement by DBCA).

An offset management plan is proposed to be prepared for specific sites in consultation with DBCA following a determination on the proposal. The EPA recommends the management plan include specific details on the above on-ground management measures and also include details on ongoing site management, funding and monitoring/reporting. To support this recommendation the EPA has conditioned the offset management plan under recommended condition C4-2.

The EPA had considered that:

- Gunyulgup and Mt Duckworth offset sites are in secure conservation tenure vested to the Conservation and Parks Commission and managed by DBCA.
- Ludlow offset site is within Ludlow State Forest vested to the Conservation and Parks Commission and managed by DBCA. The EPA notes the offset area is within a portion of state forest proposed to become national park under the Forest Management Plan 2024 – 2033.
- The 10-year time lag associated with rehabilitation over severely degraded areas to achieve measurable ecological benefit for western ringtail possum habitat. Western ringtail possums are dependent on dense canopy cover and specific vegetation types or attributes for shelter and foraging that will establish overtime. The EPA notes peppermint trees will be planted to provide an initial food and nesting source.
- The 10-year time lag associated with rehabilitation to achieve measurable ecological benefit for black cockatoo foraging habitat. The EPA notes foraging species such as *Banksia*, *Hakea*, and *Eucalyptus* will require time to mature to provide meaningful ecological function to black cockatoos.
- The EPA is aware the Ludlow offset site is subject to harvesting of existing pine plantation and collaboration with DBCA will be required before

rehabilitation works can commence. The offset accounts for an additional 2-year time lag. Overall, a 12-year time lag is associated with rehabilitation at Ludlow to achieve measurable ecological benefit for western ringtail possum habitat and black cockatoo foraging habitat.

- The proponent's Offset Strategy, including the WA Offset Calculators, determined the full residual impact to black cockatoo habitat can be offset through proposed rehabilitation offsets, with 300% achieved using the State offset calculator (JSB&G 2025c). The EPA notes not all species to be planted (such as peppermint trees) represent primary foraging habitat and the offset ratio may be overstated. However, the EPA is confident future rehabilitation offsets will provide sufficient foraging habitat and notes the Offset Management Plan (required by condition B10-5) should be prepared in the context of providing adequate black cockatoo foraging habitat.
- The proponent's Offset Strategy, including the WA Offset Calculators, determined on-ground management (rehabilitation) offsets contribute to 84% of western ringtail possum offset requirements (JSB&G 2025c).

The EPA notes Gunyulgup and Mt Duckworth offset sites, as well as the development envelope, are within the Southern Jarrah Forest subregion of the Jarrah Forest bioregion and within the same western ringtail possum genetic subregion or management unit as defined by White et al. (2021). The EPA notes the Leeuwin-Naturaliste National Park adjoins the development envelope and, in context of the Gunyulgup and Mt Duckworth offset sites within Leeuwin-Naturaliste National Park, the offsets provide for like on similar values and connectedness of the ecological function values consistent with the *EPA (2024) Public Advice: Considering environmental offsets at a regional scale.*

The EPA also notes the proposed Ludlow offset site is located 44 km from the development envelope which forms part of a different genetic management unit for the western ringtail possum population being impacted. The Ludlow State Forest and nearby Tuart Forest National Park play a known role in supporting western ringtail possum recovery efforts and by strengthening the resilience and connectivity of possum populations at a broader landscape scale. The EPA considers the likely outcome of rehabilitation at locally significant offset sites will improve habitat condition, connectivity within the immediate vicinity of the development envelope and for the local western ringtail possum population. Rehabilitation at Ludlow is considered regionally significant and will contribute to landscape-scale connectivity, population resilience, and broader conservation outcomes beyond the immediate project area.

Consultation was undertaken by the proponent with DBCA to identify rehabilitation opportunities within existing conservation estate that will deliver a suitable offset and enhance connectivity of existing habitat. The EPA considers the outcome of the proposed rehabilitation offsets will improve connectivity of western ringtail possum habitat and assist in ensuring a net gain in vegetation communities, fauna habitat and western ringtail possum populations within conservation tenure. This will ultimately contribute to the long-term conservation of environmental values impacted by this proposal.

Onsite offset

The proponent has proposed an acquisition offset within the onsite conservation area (onsite offset) (Appendix A Recommended Conditions shown in Figure 7). The onsite offset will be protected for the purpose of conservation in perpetuity via conservation covenant subject to recommended condition B10-3(1). The total area proposed to be protected by conservation covenant is 4.14 ha, 3.95 ha provides secondary foraging and dispersal habitat for western ringtail possum.

The FMP developed for the proposal includes provisions to progressively revegetate and restore cleared areas within the onsite offset, which will enhance habitat connectivity over time (JBS&G 2024c). Once established, this revegetation will strengthen linkages between the adjoining conservation estate and the onsite offset, supporting safer movement and broader ecological connectivity for local western ringtail possums.

The onsite offset contributes to 6.2% of western ringtail possum offset requirements determined using the State offset calculator (JSB&G 2025c).

Research offset

The proponent advised in the Offset Strategy (JSB&G 2025c) the proposed research will align with best-practice regional offsets principles and contribute to knowledge at a regional ecosystem scale. Targeted research funding is proposed to deliver a long-term benefit addressing key knowledge gaps that will directly support species recovery over time. This is consistent with:

- principle 6 of the *WA Environmental Offsets Policy*, which states that environmental offsets should be focused on longer term strategic outcomes
- *EPA's Public Advice: Considering environmental offsets at a regional scale*, which states environmental offsets should contribute to environmental knowledge of a regional level

The EPA considered the proposed research offset will provide indirect benefits that will enhance species knowledge of the local western ringtail possum population and populations in the southwest region. Given the regional significance of western ringtail possums, the EPA considers the proposed research offset would complement the future rehabilitation works and facilitate improving western ringtail possum habitat.

The EPA recommends the offset management plan include specific details on the intended outcomes of proposed research and also include details on implementation arrangements and reporting. To support this recommendation the EPA has conditioned the offset management plan under recommended condition C4-2.

The research offset contributes the final 10% of western ringtail possum offset requirements determined using the State offset calculator (JSB&G 2025c).

Contingency offset

Principle 3 of the WA Environmental Offsets Policy states that offsets should be proportionate to the impact, however if a net gain was not achieved for western ringtail possum or black cockatoo habitat than the proposal would be at variance with principle 3.

The EPA has therefore proposed a contingency offset (condition B10-6), which will require the proponent to provide an additional offset if the research or rehabilitation measures do not adequately counterbalance the impacts to western ringtail possum habitat and black cockatoo foraging habitat.

As outlined above, the EPA considers that the implementation of the proponent's offset strategy can achieve a net environmental gain. Should a contingency offset be required, the proponent would be required to update the offset management plan required by condition B10-5 within 12 months from when the proponent is notified an additional offset is required.

Conclusion

The EPA has considered and assessed the offsets proposed and whether they would result in a net environmental benefit. The anticipated outcome from the offsets is:

- the creation of additional western ringtail possum habitat and foraging habitat for Baudin's and Carnaby's black cockatoos
- protection of secondary foraging and dispersal western ringtail possum habitat
- increase in connected western ringtail possum habitat
- improved understanding of western ringtail possum populations in the south-west region.

In summary, the EPA is of the view that the proposed offsets would likely counterbalance the significant residual impacts to the values being impacted and the environmental outcome is likely to be consistent with the EPA objective for terrestrial fauna, subject to recommended condition B10 requiring:

- the on-ground management (rehabilitation) at Gunyulgup, Mt Duckworth and Ludlow offset sites
- the protection of the onsite conservation area (onsite offset) in perpetuity by conservation covenant
- the preparation and approval of Offset Management Plan prior to ground-disturbing activities
- the Offset Management Plan is to include targets to be achieved, including for completion criteria and vegetation condition, and commitments to the research offset which will result in a tangible improvement to the environmental values being offset.

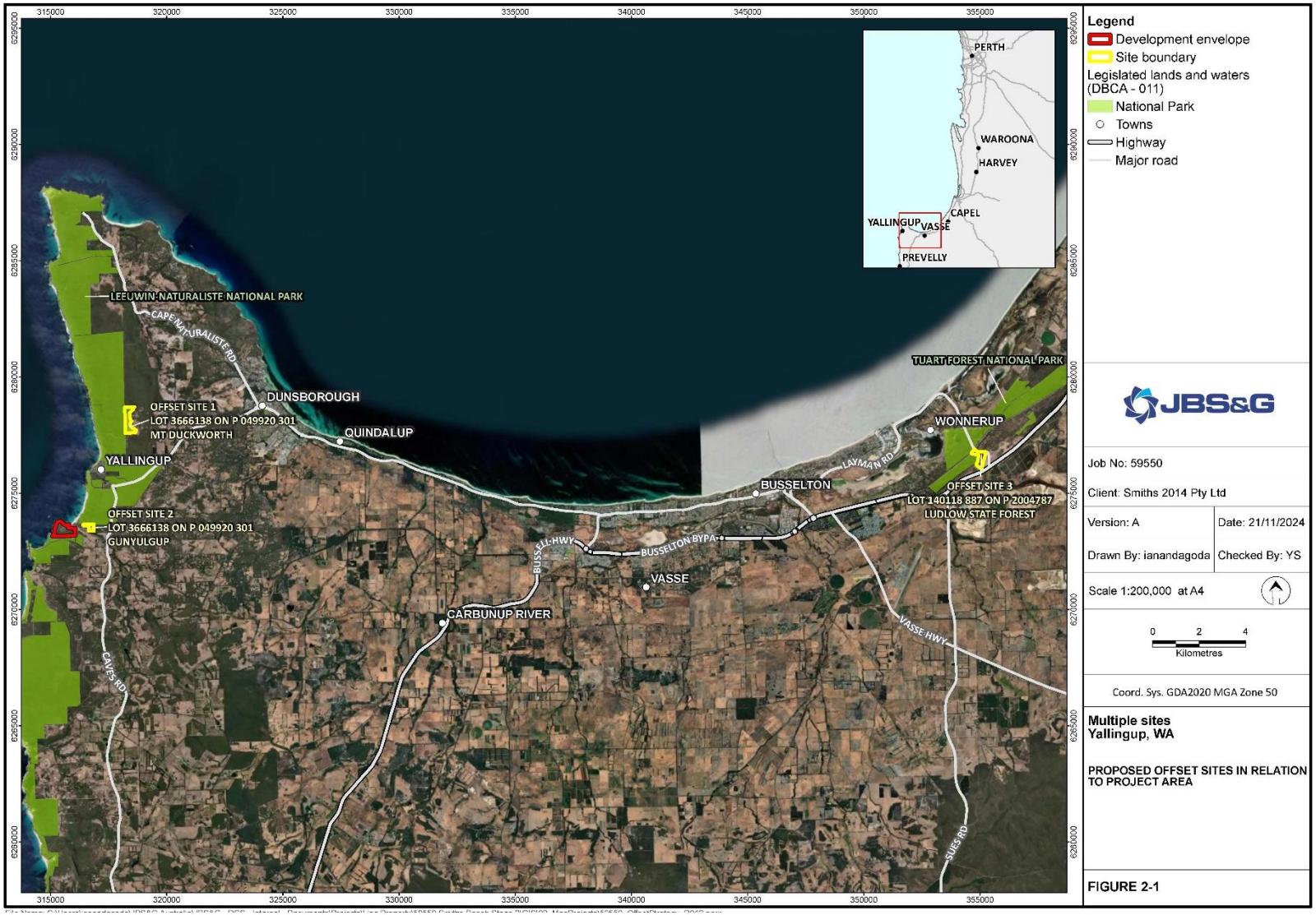

Figure 7: Proposed on-ground management offset sites (Source: JBS&Gc)

5 Matters of national environmental significance

The Commonwealth Minister for the Environment has determined that the proposal is a controlled action under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) as it is likely to have a significant impact on one or more Matters of National Environmental Significance (MNES). It was determined that the proposed action is likely to have a significant impact on the following matters protected by the EPBC Act:

- Listed threatened species and communities (s. 18 and s. 18A).

The EPA has assessed the controlled action on behalf of the Commonwealth as an accredited assessment under the EPBC Act.

This assessment report is provided to the Commonwealth Minister for Environment who will decide whether to approve the proposal under the EPBC Act. This is separate from any Western Australian approval that may be required.

Commonwealth policy and guidance

The EPA had regard to the following relevant Commonwealth guidelines, policies and plans during its assessment:

- *Commonwealth EPBC Act Environmental Offsets Policy* (Commonwealth of Australia 2012)
- Carnaby's Cockatoo (*Calyptorhynchus latirostris*) Recovery Plan (DPaW 2013)
- Forest Black Cockatoo (*Baudin's Cockatoo Calyptorhynchus baudinii* and *Forest Red-tailed Black Cockatoo Calyptorhynchus banksii naso)* Recovery Plan (DEC 2008)
- Referral guideline for three WA threatened black cockatoo species: Carnaby's Cockatoo (*Zanda latirostris*), Baudin's Cockatoo (*Zanda baudinii*) and the Forest Red-tailed Black cockatoo (*Calyptorhynchus banksia naso*) (DAWE 2022)
- EPBC Act policy statement 3.0 Significant impact guidelines for the vulnerable western ringtail possum (*Pseudocheirus occidentalis*) in the southern Swan Coastal Plain, Western Australia (DCCEEW 2009)
- Threat abatement plan for disease in natural ecosystems caused by Phytophthora cinnamomi (DoEE 2018).

EPA assessment

Impacts to the environment relating to MNES are also covered under the key environmental factor Terrestrial fauna (section 2.2) of this report.

Listed threatened species and communities (sections 18 and 18A)

Species considered MNES that are known to occur in the development envelope include:

- Carnaby's cockatoo (*Zanda latirostris*) – Endangered under the EPBC Act
- Baudin's Cockatoo (*Zanda baudinii*) – Endangered under the EPBC Act
- Western ringtail possum (*Pseudocheirus occidentalis*) – Critically Endangered under the EPBC Act

The occurrence of the above-listed species is discussed in section 7 of the proponents ERD and is confirmed by fauna surveys undertaken in 2020 by Biologic (2024).

Potential impacts to listed species are primarily a result of clearing of vegetation and habitat loss. The proposal will result in the loss of up to 5.19 ha of native vegetation considered foraging habitat for Baudin's and Carnaby's black cockatoo (Endangered) and 14.68 ha of native vegetation considered habitat for western ringtail possum (Critically Endangered).

Summary

The EPA recommends the following environmental conditions to minimise impacts on MNES:

- condition A1 which limits the extent of clearing of native vegetation within the development envelope
- condition B2 which limits the extent of clearing of western ringtail possum habitat and foraging habitat for black cockatoos; ensures no injury or morality to western ringtail possum during clearing or construction; maintains habitat connections for western ringtail possums
- condition B3 which requires the revision and approval of CSFMP

The EPA considers that there will be a significant residual impact from the clearing and disturbance of habitat for species of black cockatoo and western ringtail possum. The EPA has recommended an offset in condition B11 (see section 4) which takes into account the significant residual impact due to the implementation of the proposal.

The EPA's view is that the impacts from the proposal on the above-listed MNES are therefore not expected to result in an unacceptable or unsustainable impact on the any matters of national environmental significance.

6 Recommendations

The EPA has taken the following into account in its assessment of the proposal:

- environmental values which may be significantly affected by the proposal
- assessment of key environmental factors, separately and holistically (this has included considering cumulative impacts of the proposal where relevant)
- likely environmental outcomes which can be achieved with the imposition of conditions
- consistency of environmental outcomes with the EPA's objectives for the key environmental factors
- EPA's confidence in the proponent's proposed mitigation measures
- whether other statutory decision-making processes can mitigate the potential impacts of the proposal on the environment
- principles of the EP Act.

The EPA recommends that the proposal may be implemented subject to the conditions recommended in Appendix A.

7 Other advice

The EPA may, if it sees fit, include other information, advice or recommendations relevant to the environment in its assessment reports, even if that information has not been taken into account by the EPA in its assessment of a proposal. The EPA provides the following information for consideration by the Minister.

Wastewater Management

The EPA notes that the proposed WWTP is expected to achieve high levels of nutrient and pathogen removal. The EPA has considered the potential impacts of the WWTP and disposal of treated wastewater across several environmental factors. The EPA has recommended conditions to ensure disposal of surplus treated wastewater via irrigation can be managed to meet the EPA's environmental factor objectives and has noted that the WWTP will be subject to DWER works approval and licencing.

The EPA has considered the significance of the receiving land and marine environment and has recommended conditions for contingency measures to be enacted where the conditioned environmental outcomes for inland waters and marine environmental quality are not met. The contingency measures include upgrading the wastewater treatment system, tankering treated wastewater offsite and connection to mains sewerage. The EPA advises that the provision of mains sewerage within the Smiths Beach local area would deliver environmental benefits.

The EPA recommends that decision-making authorities ensure mitigation measures are implemented through future planning processes and actively consult to identify the most suitable long-term wastewater management option for the Smiths Beach local area, which achieves consistency with the EPA's environmental objectives.

Subsequent Planning Processes

Subsequent decision-making processes under the PD Act will be able to manage and mitigate impacts of the proposal that the EPA has not considered significant, as well as consider broader social and economic matters. Future planning decisions administered under the PD Act by the WAPC and other planning decision-makers should include consideration for, and potentially regulate:

- Any longer-term impacts of the proposal to social amenity values i.e. increased tourism, including pedestrian and vehicular traffic
- Bushfire management and risk i.e. acceptability of a fire bunker and one access road.
- Built form.
- Preparation and implementation of a CHRMAP in line with SPP 2.6 – Coastal Planning.
- Landform impacts to ensure consistency with objectives of SPP 6.1 – Leeuwin-Naturaliste Ridge.
- Prevention of domestic cats as pets within the development envelope.
- Retention of additional vegetation where possible within the development envelope to enhance visual/aesthetic benefit.

Appendix A: Recommended conditions

Section 44(2)(b) of *Environmental Protection Act 1986* specifies that the EPA's report must set out (if it recommends that implementation be allowed) the conditions and procedures, if any, to which implementation should be subject. This appendix contains the EPA's recommended conditions and procedures.

Recommended Environmental Conditions

STATEMENT THAT A PROPOSAL MAY BE IMPLEMENTED
***(Environmental Protection Act 1986*)**

SMITHS BEACH PROJECT, YALLINGUP – COASTAL TOURISM VILLAGE

Proposal:	Development of Lot 4131 Smiths Beach Road, Yallingup into a coastal tourism village, including: hotel accommodation and wellness centre; campground; 61 holiday homes; community hub, café, bakery and general store; Cape to Cape welcome centre and Surf Lifesaving Club facilities.
Proponent:	Smiths 2014 Pty Ltd Australian Company Number 600 626 426
Proponent address:	Smiths 2014 Pty Ltd PO Box 782 SUBIACO WA 6904
Assessment number:	2340

Report of the Environmental Protection Authority: 1802

Introduction: Pursuant to section 45 of the *Environmental Protection Act 1986,* it has been agreed that the proposal entitled Smiths Beach Project, Yallingup - Coastal Tourism Village described in the 'Proposal Content Document' attachment of the referral of 24 December 2021, as amended by changes to proposal approved under s. 43A on 30 November 2023, 12 August 2024 and 24 June 2025, may be implemented and that the implementation of the proposal is subject to the following implementation conditions and procedures:

Conditions and procedures

Part A: Proposal extent

Part B: Environmental outcomes, prescriptions and objectives

Part C: Environmental management plans and monitoring

Part D: Compliance and other conditions

PART A: PROPOSAL EXTENT

A1 Limitations and Extent of Proposal

A1-1 The proponent must ensure that the proposal is implemented in such a manner that the following limitations or maximum extents / capacities / ranges are not exceeded:

Proposal element	Location	Maximum extent
Physical elements		
Development envelope	Figure 1	41.79 **ha**
Direct disturbance of native vegetation	Within the **development envelope** shown in Figure 1	Clearing of no more than 17.80 **ha** of native vegetation
Temporary construction area	Within the **development envelope** shown in Figure 1	0.14 **ha**
Zone A	Within the **development envelope** shown on Figure 2	**Maximum building height** of 9 metres above **NGL**
Zone B	Within the **development envelope** shown on Figure 2	**Maximum building height** of 6 metres above **NGL**
Zone C	Within the **development envelope** shown on Figure 2	**Maximum building height** of 5 metres above **NGL**
Zone D	Within the **development envelope** shown on Figure 2	**Maximum building height** of 10 metres above **NGL**
Operational elements		
Wastewater	Figure 1 and **'WRP Habitat Conservation and Connectivity Zone'** as shown in Figure 1-5 of the **Conservation Significant Fauna Management Plan**	No **wastewater** treatment or disposal (including of treated **wastewater**) within the **'WRP Habitat Conservation and Connectivity Zone'**, **native vegetation retention areas** and the **conservation area**

PART B – ENVIRONMENTAL OUTCOMES, PRESCRIPTIONS AND OBJECTIVES

B1 Flora and vegetation

B1-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcomes**:

(1) **disturb** no more than 9.43 **ha** native vegetation to implement full clearing to facilitate construction of infrastructure, buildings and roads, including no more than 3.36 **ha** of the 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' priority ecological community (Priority 2) (Leeuwin Block PEC)';

(2) **disturb** no more than 3.55 **ha** of the Leeuwin Block PEC within **modified areas;**

(3) retain a minimum of 2.10 **ha** native vegetation within the **modified areas;**

(4) protection of flora and vegetation so the condition of vegetation, the biological diversity and ecological integrity are maintained or enhanced within the **native vegetation retention areas,** the **conservation area** and 50 metres outside the **development envelope** within Crown land, as attributable to **development** within the **development envelope**; and

(5) native vegetation is **self-sustaining** and not **adversely impacted** by **environmental weeds**, *Phytophthora* dieback or hydrological changes within the **native vegetation retention areas** and **conservation area** or by human disturbance within the **native vegetation retention areas**.

B1-2 Prior to **ground disturbing activities**, the proponent shall clearly demarcate clearing boundaries using distinctive markers to ensure no erroneous clearing occurs.

B1-3 The proponent must undertake the following actions during construction and for five (5) years post-construction:

(1) implement hygiene protocols consistent with the *Management of Phytophthora cinnamomi for Biodiversity Conservation in Australia, Part 2 National Best Practice Guidelines* as amended or replaced from time to time; and

(2) undertake weed control and management within the **native vegetation retention areas**, the **conservation area** and fifty (50) metres outside the **development envelope** within crown land to prevent the introduction or spread of **environmental weeds.**

B1-4 Prior to **ground disturbing activities** the proponent shall:

(1) undertake baseline flora and vegetation monitoring during spring to:

(a) inform condition B1-1(4);

(b) inform condition B1-5; and

(2) submit a report about the preconstruction baseline conditions to the **CEO**.

B1-5 The proponent must upon commencement of construction:

(1) undertake annual flora and vegetation monitoring during spring consistent with condition C3-1 to:

(a) inform condition B1-1(4) and B1-1(5);

(b) inform the implementation of any **contingency measures** consistent with condition D1-1; and

(2) continue to undertake the monitoring required by condition B1-5(1) for a minimum of five (5) years following the completion of construction, with reporting provided in the Compliance Assessment Report required by condition C3-2 until the **CEO** confirms by notice in writing that it has been demonstrated that condition B1-1(4) and B1-1(5) have been achieved.

B2 Terrestrial fauna

B2-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcomes**:

(1) **disturb** no more than the following **environmental values**:

(a) 14.68 **ha** of **western ringtail possum habitat** and wambenger brush-tailed phascogale habitat;

(b) 5.19 **ha** of foraging habitat for **black cockatoos**; and

(c) 3 **potential black cockatoo nesting trees**

(2) retain a minimum of 6.06 **ha** of **western ringtail possum habitat** within the **native vegetation retention areas** and the **conservation area**;

(3) retain a minimum of 1.0 **ha** of modified **western ringtail possum habitat** within **modified areas**;

(4) retain a minimum of 0.72 **ha** or 40%, whichever is greater, canopy cover in the **WRP Habitat Conservation and Connectivity Zone**;

(5) maintain connected habitat within the **development envelope** to ensure ongoing accessibility for western ringtail possums and wambenger brush-tailed phascogales between the Leeuwin-Naturaliste National Park to the south, and to the east of the **development envelope** and areas of retained habitat in accordance with the **Conservation Significant Fauna Management Plan** required to be implemented in condition B3; and

(6) within the **native vegetation retention areas** and the **conservation area** protection and enhancement of:

(a) **western ringtail possum habitat;** and

(b) **black cockatoo** foraging habitat; and

(7) no western ringtail possum individuals are to be harmed unless through a Ministerial authorisation obtained under the *Biodiversity Conservation Act 2016;* and during the clearing of habitat or removal of dreys, the proponent must ensure a suitably qualified fauna specialist is present during all clearing and undertakes the following:

(a) pre-clearance surveys;
(b) clearing is to be staged and directional towards retained vegetation and/or the adjacent National Park;
(c) establishment of replacement artificial dreys; and
(d) maintenance and active monitoring of the replacement artificial dreys, for a minimum period of 10 years.

B3 Conservation Significant Fauna Management Plan (Environmental Management Plan)

B3-1 The proponent must implement the **Conservation Significant Fauna Management Plan** (version 6), with the purpose of ensuring the terrestrial fauna environmental **outcomes** in condition B2-1 are achieved, monitored and substantiated.

B4 Inland waters and Marine environmental quality

B4-1 The proponent shall:

(1) Prior to **ground disturbing activities,** commence baseline groundwater and shoreline monitoring over a 12 month period to:

(a) inform condition B4-2(1); and

(b) inform condition B4-2(2);

(2) a program for the baseline monitoring as required in condition B4-1(1) is to be submitted to the satisfaction of the **CEO** prior to the commencement of the monitoring and include:

(a) monitoring frequency, locations and parameters; and

(3) submit a report about the baseline conditions to the **CEO**

B4-2 The proponent must implement a single centralised wastewater treatment system to service the **development** and ensure that the following environmental **outcomes** are met:

(1) groundwater water quality within the **development envelope** does not exceed baseline water quality **and water quality standards and criteria.**

(2) as attributable to **development** within the **development envelope**, **shoreline** water quality does not exceed baseline water quality and **water quality standards and criteria.**

B4-3 As part of the Compliance Assessment Plan required by condition D2-5 the proponent must:

(1) include a contingency plan for where conditions B4-2(1) and B4-2 (2) are not met that includes the following **contingency measures** as options:

(a) upgrading the **wastewater** treatment system within the **development envelope**;

(b) **wastewater** is to be tankered offsite for disposal to a facility licensed to receive this waste;

(c) **development** is to be connected to **mains sewerage**; and

(d) defines the number of non compliance events that must occur before the **contingency measures** in B4-3(1) are to be implemented.

B5 Social surroundings

B5-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome**:

(1) no loss of public access to Smiths Beach, Smiths Beach Road and the Cape to Cape Track shown in Figure 3.

B6 Aboriginal Cultural Heritage

B6-1 The proponent must implement the proposal to meet the following environmental **outcomes**:

(1) no **disturbance** to **Aboriginal sites** or to **Aboriginal cultural heritage** in the proposal **disturbance footprint** other than where consent is granted for the use of the land under the *Aboriginal Heritage Act 1972*;

(2) subject to reasonable health and safety requirements, no interruption of ongoing access to land utilised for traditional use or custom by the **native title party/ies**;

B6-2 The proponent must implement the proposal to meet the following environmental **objective**:

(1) avoid, and where unavoidable, minimise **adverse impacts** to **Aboriginal cultural heritage** within and surrounding the proposal **development envelope**.

B6-3 The proponent must undertake **reasonable steps to consult** with the **Karri Karrak Aboriginal Corporation** about the achievement of the **outcomes** and **objectives** in condition B6-1 and condition B6-2 for the life of the proposal.

B7 Coastal processes

B7-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome**:

(1) no permanent visible coastal infrastructure (seawall) above ground level at the time of **practical completion**.

B8 Native vegetation retention areas

B8-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome** within the **native vegetation retention areas** identified within Figure 1 within five (5) years post-construction:

(1) all **cleared** areas or areas in 'Good' or worse condition as defined in EPA *Technical Guidance: Flora and Vegetation Surveys for Environmental Impact Assessment* are to be **rehabilitated**.

B8-2 The proponent must protect the **native vegetation retention areas** within Figure 1 in perpetuity by an instrument or instruments approved by the **CEO** within five (5) years of development approval.

B9 Conservation area

B9-1 The proponent must ensure the implementation of the proposal achieves the following environmental **outcome** within the **conservation area** identified within Figure 1 within three (3) years post-construction:

(1) all **cleared** areas (excepting the Cape to Cape Track) are to be **rehabilitated**, with rehabilitation commencing prior to **ground disturbing activities**, to establish connected **western ringtail possum habitat**.

B9-2 The proponent must have substantially commenced protection of the **conservation area** shown in Figure 1 in perpetuity by management under a **conservation covenant** within two (2) years of development approval to the satisfaction of the **CEO**.

B10 Offsets

B10-1 The proponent must implement offsets to counterbalance the significant residual impacts of the proposal on the following **environmental values**:

(1) western ringtail possum habitat; and

(2) **black cockatoo** foraging habitat.

B10-2 The proponent must ensure the implementation of the offsets achieves the following environmental **outcomes**:

(1) counterbalance significant residual impacts to the **environmental values** identified in condition B10-1;

(2) improve connectivity for the western ringtail possum between western ringtail possum habitats;

(3) undertake works to enhance western ringtail possum habitat and **black cockatoo** habitat to achieve **tangible improvement** including an improvement in vegetation condition and to contribute to the recovery of the **environmental values** identified in condition B10-1;

(4) demonstrate a **strategic conservation benefit** for western ringtail possum habitat and **black cockatoo** habitat; and

(5) contribute to key knowledge gaps about western ringtail possum.

B10-3 The proponent must:

(1) have substantially commenced protection of the onsite conservation area (onsite offset) shown in Figure 7 in perpetuity by management

under a **conservation covenant** within two (2) years of development approval to the satisfaction of the **CEO**;

(2) commence the **on-ground management** measures (Offset Environmental Management Plan) at each of the offset locations identified in Figures 4 and 5 prior to **ground disturbing activities** in the **development envelope**; and

(3) commence the **on-ground management** measures (Offset Environmental Management Plan) at the offset location identified in Figure 6 within two (2) years of timber harvesting**.**

Offset Environmental Management Plan

B10-4 The proponent must, in consultation with **DBCA** and the **Karri Karrak Aboriginal Corporation**, prepare an Offset Environmental Management Plan, consistent with the **Offset Strategy**, that satisfies the requirements of condition C4 and demonstrates how achievement of the environmental **outcomes** in condition B10-2 will be achieved, and how this achievement will be substantiated, and submit it to the **CEO.**

B10-5 The Offset Environmental Management Plan must include, but is not limited to, the implementation of the offset measures to the extent and at the locations as set out and described in Table 1:

Table 1: Environmental values, locations and extent and type of offset measures required to meet condition B10-1

Environmental value	Offset locations	Extent of area to receive offset measures	Type of offset measures
Western ringtail possum habitat and **black cockatoo** habitat	Part Leeuwin-Naturaliste National Park (Mount Duckworth site) (Figure 4)	31.40 **ha**	**On-ground management**
Western ringtail possum habitat and **black cockatoo** habitat	Part Leeuwin-Naturaliste National Park (Gunyulup site) (Figure 5)	7.83 **ha**	**On-ground management**
Western ringtail possum habitat and **black cockatoo** habitat	Part Ludlow State Forest (Ludlow site) (Figure 6)	15 **ha**	**On-ground management**
Western ringtail possum habitat	Part Lot 4131 on Deposited Plan 61991 (Onsite conservation area (onsite offset)) (Figure 7)	4.14 **ha**	Land **acquisition**

Contingency offsets

B10-6 If, after receiving the ongoing performance review of the offsets and monitoring, reporting and evaluation required by condition C4-2(6)(e) and C4-2(8)(e), or the annual Compliance Assessment Report required by condition D2-1, the **CEO**, in consultation with the Department of Climate Change, Energy the Environment and Water, determines that the proposal has not met the environmental **outcomes** in condition B10-2, and after notifying the proponent in writing, the proponent must undertake an additional offset via **on-ground management** measures outside the **development envelope** to counterbalance the significant residual impact from the additional impact to western ringtail possum habitat and **black cockatoo** foraging habitat.

B10-7 Within twelve (12) months of receiving notice in writing from the **CEO** that an additional offset is required under condition B10-6 the proponent must update the Offset Environmental Management Plan required by condition B10-4 to include additional offsets to counterbalance the significant residual impacts to western ringtail possum habitat and **black cockatoo** foraging habitat.

PART C – ENVIRONMENTAL MANAGEMENT PLANS AND MONITORING

C1 Environmental Management Plans: Conditions Related to Commencement of Implementation of the Proposal

C1-1 The proponent must not undertake:

(1) **ground disturbing activities** until the **CEO** has **confirmed** in writing that the Offset Environmental Management Plan required by condition B10-4 meets the requirements of condition C4.

C2 Environmental Management Plans: Conditions Relating to Approval, Implementation, Review and Publication

C2-1 Upon being required to implement an environmental management plan under Part B, or after receiving notice in writing from the **CEO** under condition C1-1 that the environmental management plan(s) required in Part B satisfies the relevant requirements, the proponent must:

(1) implement the most recent version of the **confirmed** environmental management plan; and

(2) continue to implement the **confirmed** environmental management plan referred to in condition C2-1(1), other than for any period which the **CEO** confirms by notice in writing that it has been demonstrated that the relevant requirements for the environmental management plan have been met, or are able to be met under another statutory decision-making process, in which case the implementation of the environmental management plan is no longer required for that period.

C2-2 The proponent:

(1) may review and revise a **confirmed** environmental management plan provided it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan;

(2) must review and revise a **confirmed** environmental management plan and ensure it meets the relevant requirements of that environmental management plan, including any consultation that may be required when preparing the environmental management plan, as and when directed by the **CEO;** and

(3) must revise and submit to the **CEO** the **confirmed** Environmental Management Plan if there is a material risk that the **outcomes** it is required to achieve will not be complied with, including but not limited to as a result of a change to the proposal.

C2-3 Despite condition C2-1, but subject to conditions C2-4 and C2-5, the proponent may implement minor revisions to an environmental management plan if the revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes which the environmental management plan is required to achieve.

C2-4 If the proponent is to implement minor revisions to an environmental management plan under condition C2-3, the proponent must provide the **CEO** with the following at least twenty (20) business days before it implements the revisions:

(1) the revised environmental management plan clearly showing the minor revisions;

(2) an explanation of and justification for the minor revisions; and

(3) an explanation of why the minor revisions will not result in new or increased **adverse impacts** to the environment or result in a risk to the achievement of the limits, outcomes which the environmental management plan is required to achieve.

C2-5 The proponent must cease to implement any revisions which the **CEO** notifies the proponent (at any time) in writing may not be implemented.

C2-6 **Confirmed** environmental management plans, and any revised environmental management plans under condition C2-4(1), must be published on the proponent's website and provided to the **CEO** in electronic form suitable for on-line publication by the Department of Water and Environmental Regulation within twenty (20) business days of being implemented, or being required to be implemented (whichever is earlier).

C3 Conditions Related to Monitoring

C3-1 The proponent must undertake monitoring capable of:

(1) substantiating whether the proposal limitations and extents in Part A are exceeded; and

(2) **detecting** and substantiating whether the environmental outcomes identified in Part B are achieved (excluding any environmental outcomes in Part B where an environmental management plan is expressly required to monitor achievement of that outcome).

C3-2 The proponent must submit as part of the Compliance Assessment Report required by condition D2, a compliance monitoring report that:

(1) outlines the monitoring that was undertaken during the implementation of the proposal;

(2) identifies why the monitoring was capable of substantiating whether the proposal limitation and extents in Part A are exceeded;

(3) for any environmental **outcomes** to which condition C3-1(2) applies, identifies why the monitoring was scientifically robust and capable of **detecting** whether the environmental **outcomes** in Part B are met;

(4) outlines the results of the monitoring;

(5) reports whether the proposal limitations and extents in Part A were exceeded and (for any environmental **outcomes** to which condition C3-1 (2) applies) whether the environmental **outcomes** in Part B were achieved, based on analysis of the results of the monitoring; and

(6) reports any actions taken by the proponent to remediate any potential non-compliance.

C4 Environmental Management Plans: Conditions Relating to Monitoring and Adaptive Management for Outcomes Based Conditions

C4-1 The environmental management plans required under condition B3-1 and condition B10-4 must contain provisions which enable the substantiation of whether the relevant **outcomes** of those conditions are met, and must include:

(1) **threshold criteria** that provide a limit beyond which the environmental **outcomes** are not achieved;

(2) **trigger criteria** that will provide an early warning that the environmental **outcomes** are not likely to be met;

(3) monitoring parameters, sites, control/reference sites, methodology, timing and frequencies which will be used to measure **threshold criteria** and **trigger criteria**. Include methodology for determining alternate monitoring sites as a contingency if proposed sites are not suitable in the future;

(4) baseline data;

(5) data collection and analysis methodologies;

(6) adaptive management methodology;

(7) **contingency measures** which will be implemented if **threshold criteria** or **trigger criteria** are not met; and

(8) reporting requirements.

C4-2 The environmental management plan required under condition B10-4 is also required to include:

(1) demonstrate that the environmental outcomes in condition B10-2 will be met;

(2) spatially identify the areas (offset locations) in condition B10-5 and any other area proposed to receive **on-ground management** offset measures;

(3) demonstrate how the **environmental values** within the offset locations will be maintained and improved or managed in order to counterbalance the significant residual impact to the **environmental values** in condition B10-1 and achieve the environmental **outcomes** in condition B10-2;

(4) demonstrate application of the principles of the WA Environmental Offsets Policy, the *WA Environmental Offsets Metric* and the WA Offsets Template, as described in the *WA Environmental Offsets Guidelines,* and the *Environment Protection and Biodiversity Conservation Act 1999* Environmental Offsets Policy Assessment Guide, or any subsequent revisions of these documents;

(5) identify how the ongoing performance of the offset measures, and whether they are achieving the **outcomes** in condition B10-2, will periodically be made publicly available;

(6) for **on-ground management** offsets identified in condition B10-5:

(a) state the targets for each **environmental value** to be achieved by **on-ground management**, including completion criteria, which will result in a **tangible improvement** to the **environmental values** being offset. For **on-ground management** offsets relating to western ringtail possum habitat and **black cockatoo environmental values**, this must include, but not be limited to:

(i) **western ringtail possum** target canopy cover;

(ii) **black cockatoo** foraging habitat achieved;

(iii) completion criteria to measure (at a minimum) western ringtail possum abundance/distribution, habitat structure and diversity and vegetation condition;

(iv) completion criteria to measure (at a minimum) **black cockatoo** foraging habitat value, vegetation structure, species diversity and abundance, plant density and vegetation condition; and

(v) adaptive management to inform successful rehabilitation for **western ringtail possum habitat** and **black cockatoo** habitat.

(b) demonstrate the consistency of the targets identified in condition C4-2(7)(a) with the environmental **outcomes** in condition B10-2 and the **objectives** of any relevant guidance, including but not limited to, recovery plans or area management plans;

(c) detail the timeframes for implementation and completion;

(d) specify the management arrangement with **DBCA**, or **relevant management** body, including its role, the role of the proponent**,** acceptance of management responsibilities and the funding arrangements; and

(e) detail the monitoring, reporting and evaluation mechanisms for the targets and actions identified under condition C4-2(6)(a).

(7) For the land **acquisition** offset identified in condition B10-5 specify:

(a) works associated with establishing the onsite conservation area (onsite offset), including a contribution for maintaining the offset for at least twenty (20) years after the area is protected in perpetuity; and

(b) identify the **relevant management body** for the on-going management of the offset area within **development envelope**, including its role, and the role of the proponent, and confirmation in writing that the **relevant management body** accepts responsibility for its role.

(8) For the **research offset** proposed in the **offset strategy**, prepare a research program that**:**

(a) identifies the **objectives** and intended **outcomes**, and specifies the deliverables and completion criteria;

(b) identifies how the research will result in a positive conservation **outcome**, and will either improve management and protection or address priority knowledge gaps that have been identified as a research priority needed to improve management and protection for the western ringtail possum;

(c) demonstrate the consistency of the **objectives** in C4-2(8)(a), with any relevant guidance, including but not limited to, recovery plans or area management plans, the principles of the *WA*

Environmental Offsets Policy, the *WA Environmental Offsets Guidelines,* or any subsequent revisions of these documents;

(d) identifies and justifies how the research will support land **acquisition** and/or **on-ground management** in achieving a positive conservation **outcome**;

(e) provides an implementation and reporting schedule, including an outline of key activities, all deliverables, stages of implementation, reporting of research results (including interim results), reporting on implementation status, and milestones towards completion criteria;

(f) identifies the governance arrangements including responsibilities for implementing, and oversight of, the research program, agreements with government agencies, agreements with any third parties, and **contingency measures**;

(g) identify how a research program summary, and the results (including interim results) of the research program will be communicated and/or published in an open access format; and

(h) identifies the third party to carry out the work required to meet the outcomes of condition C4-2(8)(a), who is satisfactory for the role to the **CEO**. In applying to the **CEO** for endorsement of the selected third parties, the proponent shall provide:

(i) demonstration of the track record, experience, qualifications and competencies of the proposed third party to carry out the work and achieve the **outcomes**.

PART D – COMPLIANCE, TIME LIMITS, AUDITS AND OTHER CONDITIONS

D1 Non-compliance Reporting

D1-1 If the proponent becomes aware of a potential non-compliance, the proponent must:

(1) report this to the **CEO** within seven (7) days;

(2) implement **contingency measures**;

(3) investigate the cause;

(4) investigate environmental impacts;

(5) advise rectification measures to be implemented;

(6) advise any other measures to be implemented to ensure no further impact;

(7) advise timeframe in which contingency, rectification and other measures have and/or will be implemented; and

(8) provide a report to the **CEO** within twenty-one (21) days of being aware of the potential non-compliance, detailing the measures required in conditions D1-1(1) to D1-1(7) above.

D1-2 Failure to comply with the requirements of a condition, or with the content of an environmental management plan required under a condition, constitutes a non-compliance with these conditions, regardless of whether the **contingency measures**, rectification or other measures in condition D1-1 above have been or are being implemented.

D2 Compliance Reporting

D2-1 The proponent must provide an annual Compliance Assessment Report to the **CEO** for the purpose of determining whether the implementation conditions are being complied with.

D2-2 Unless a different date or frequency is approved by the **CEO**, the first annual Compliance Assessment Report must be submitted within fifteen (15) months of the date of this Statement, and subsequent reports must be submitted annually from that date.

D2-3 Each annual Compliance Assessment Report must be endorsed by the proponent's Chief Executive Officer, or a person approved by proponent's Chief Executive Officer to be delegated to sign on the Chief Executive Officer's behalf.

D2-4 Each annual Compliance Assessment Report must:

(1) state whether each condition of this Statement has been complied with, including:

(a) exceedance of any proposal limits and extents;

(b) achievement of environmental **outcomes**;

(c) achievement of environmental **objectives**;

(d) requirements to implement the content of environmental management plans;

(e) monitoring requirements;

(f) implement **contingency measures**;

(g) requirements to implement adaptive management; and

(h) reporting requirements;

(2) include the results of any monitoring (inclusive of any raw data) that has been required under Part C in order to demonstrate that the limits in Part A, and any **outcomes** or any **objectives** are being met;

(3) provide evidence to substantiate statements of compliance, or details of where there has been a non-compliance;

(4) include the corrective, remedial and preventative actions taken in response to any potential non-compliance;

(5) be provided in a form suitable for publication on the proponent's website and online by the Department of Water and Environmental Regulation; and

(6) be prepared and published consistent with the latest version of the Compliance Assessment Plan required by condition D2-5 which the **CEO** has **confirmed** by notice in writing satisfies the relevant requirements of Part C and Part D.

D2-5 The proponent must prepare a Compliance Assessment Plan which is submitted to the **CEO** at least six (6) months prior to the first Compliance Assessment Report required by condition D2-2, or prior to implementation of the proposal, whichever is sooner.

D2-6 The Compliance Assessment Plan must include:

(1) what, when and how information will be collected and recorded to assess compliance;

(2) the methods which will be used to assess compliance;

(3) the methods which will be used to validate the adequacy of the compliance assessment to determine whether the implementation conditions are being complied with;

(4) the retention of compliance assessments;

(5) the table of contents of Compliance Assessment Reports, including audit tables; and

(6) how and when Compliance Assessment Reports will be made publicly available, including usually being published on the proponent's website within sixty (60) days of being provided to the **CEO**.

D3 Contact Details

D3-1 The proponent must notify the **CEO** of any change of its name, physical address or postal address for the serving of notices or other correspondence within twenty-eight (28) days of such change. Where the proponent is a corporation or an association of persons, whether incorporated or not, the postal address is that of the principal place of business or of the principal office in the State.

D4 Time Limit for Proposal Implementation

D4-1 The proposal must be substantially commenced within five (5) years from the date of this Statement.

D4-2 The proponent must provide to the **CEO** documentary evidence demonstrating that they have complied with condition D4-1 no later than thirty (30) days after substantial commencement.

D4-3 If the proposal has not been substantially commenced within the period specified in condition D4-1, implementation of the proposal must not be commenced or continued after the expiration of that period.

D5 Public Availability of Data

D5-1 Subject to condition D5-2, within a reasonable time period approved by the **CEO** upon the issue of this Statement and for the remainder of the life of the proposal, the proponent must make publicly available, in a manner approved by the **CEO**, all validated environmental data collected before and after the date of this Statement relevant to the proposal (including sampling design, sampling methodologies, monitoring and other empirical data and derived information products (e.g. maps)), environmental management plans and reports relevant to the assessment of this proposal and implementation of this Statement.

D5-2 If:

(1) any data referred to in condition D5-1 contains trade secrets; or

(2) any data referred to in condition D5-1 contains particulars of confidential information (other than trade secrets) that has commercial value to a person that would be, or could reasonably be expected to be, destroyed or diminished if the confidential information were published,

the proponent may submit a request for approval from the **CEO** to not make this data publicly available and the **CEO** may agree to such a request if the **CEO** is satisfied that the data meets the above criteria.

D5-3 In making such a request the proponent must provide the **CEO** with an explanation and reasons why the data should not be made publicly available.

D6 Independent Audit

D6-1 The proponent must arrange for an independent audit of compliance with the conditions of this statement, including achievement of the environmental **outcomes** and/or the environmental **objectives** and/ or environmental performance with the conditions of this statement, as and when directed by the **CEO**.

D6-2 The independent audit must be carried out by a person with appropriate qualifications who is nominated or approved by the **CEO** to undertake the audit under condition D6-1.

D6-3 The proponent must submit the independent audit report with the Compliance Assessment Report required by condition D2, or at any time as and when directed in writing by the **CEO**. The audit report is to be supported by credible evidence to substantiate its findings.

D6-4 The independent audit report required by condition D6-1 is to be made publicly available in the same timeframe, manner and form as a Compliance Assessment Report, or as otherwise directed by the **CEO**.

Table 1: Abbreviations and definitions

Acronym or abbreviation	Definition or term
Aboriginal cultural heritage	Means the tangible and intangible elements that are important to the Aboriginal people of the State, and are recognised through social, spiritual, historical, scientific or aesthetic values, as part of Aboriginal tradition to the extent they directly affect or are affected by physical or biological surroundings.
Aboriginal sites	As defined in section 4 and 5 under the *Aboriginal Heritage Act 1972*.
Adverse impacts / adversely impacted	Negative change that is neither trivial nor negligible that could result in a reduction in health, diversity or abundance of the receptor/s being impacted, or a reduction in **environmental value**. Adverse impacts can arise from direct or indirect impacts, or other impacts from the proposal.
Black cockatoo / black cockatoos	Carnaby's black cockatoo (*Zanda latirostris)* and Baudin's black cockatoo (*Zanda baudinii).*
Acquisition	The protection of **environmental values** on an area of initially unprotected land for the purpose of conservation through improved security of tenure or restricting the use of land (e.g. ceding land to the Crown or perpetual **conservation covenant**). This includes upfront costs of establishing the offset site and the on-going management of costs of maintaining the offset for the long term (20 years).
CEO	The Chief Executive Officer of the Department of the Public Service of the State responsible for the administration of section 48 of the *Environmental Protection Act 1986*, or the **CEO's** delegate.
Cleared	Heavily disturbed areas comprising tracks and non-native vegetation with occasional native plants.
Confirmed	In relation to a plan required to be made and submitted to the **CEO**, means, at the relevant time, the plan that the **CEO** confirmed, by notice in writing, meets the requirements of the relevant condition. In relation to a plan required to be implemented without the need to be first submitted to the **CEO**, means that plan until it is revised, and then means, at the relevant time, the plan that the **CEO** confirmed, by notice in writing, meets the requirements of the relevant condition.
Conservation area	Conservation area as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
Conservation covenant	As defined under section 122 of the *Biodiversity Conservation Act 2016* (if implementable), section 30B of the *Soil and Land Conservation Act 1945,* section 129A of the *Transfer of Land*

	Act 1893 or an alternative instrument as approved by the **CEO.**
Conservation Significant Fauna Management Plan	JBS&G (2025) Smiths Beach Project, Conservation Significant Fauna Management Plan. Rev 6. Prepared for Smiths 2014 Pty Ltd.
Construction activities	Activities that are associated with the substantial implementation of a proposal including but not limited to, earthmoving (including for the buried seawall), vegetation clearing, grading or construction of right of way. Construction activities do not include Geotechnical investigations (including potholing for services and the installation of piezometers) and other preconstruction activities where no clearing of vegetation is required.
Contingency measures	Planned actions for implementation if it is identified that an environmental **outcome**, environmental **objective**, threshold criteria, **management target** are likely to be, or are being, exceeded. Contingency measures include changes to operations or reductions in **disturbance** or **adverse impacts** to reduce impacts and must be decisive actions that will quickly bring the impact to below any relevant threshold, **management target** and to ensure that the environmental **outcome** and/or **objective** can be met.
DBCA	Department of Biodiversity, Conservation and Attractions.
Detecting	The smallest statistically discernible effect size that can be achieved with a monitoring strategy designed to achieve a statistical power value of at least 0.8 or an alternative value as determined by the **CEO**.
Development	As defined in the *Planning and Development Act 2005*
Development envelope	Development envelope as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
Disturb/disturbance	Means directly has or materially contributes to the disturbance effect on health, diversity or abundance of the receptor/s being impacted or on an **environmental value**. In relation to flora, vegetation or fauna habitat, includes to result in the death, destruction, removal, severing or doing substantial damage to. In relation to fauna, includes to have the effect of altering the natural behaviour of fauna to its detriment.
Disturbance footprint	The location within which the physical proposal elements will occur.
Environmental weeds	Any plant declared under section 22(2) of the *Biosecurity and Agriculture Management Act 2007*, any plant listed on the Weeds of National Significance List and any weeds listed on **DBCA**'s South West Region Impact and Invasiveness Ratings list, as amended or replaced from time to time.

Environmental value/s	A beneficial use, or ecosystem health condition.
Ground disturbing activities	Any activity or activities undertaken in the implementation of the proposal, including any clearing, civil works or construction.
ha	Hectare
Karri Karrak Aboriginal Corporation	The regional corporation for the South West Boojarah region. This region refers to the Wardandi, Bibulmun/Piblemen and Kaneang Noongar language or dialectical groups.
Mains sewerage	Reticulated sewerage scheme connected to a sewage treatment plant managed by a sewerage service provider.
Management action(s)	The identified actions implemented with the intent of achieving the environmental **objective**.
Management target	A type of indicator to evaluate whether an environmental **objective** is being achieved.
Maximum building height	Means the maximum vertical distance between the **NGL** and the highest point of a wall or finished roof height directly above that point, excluding minor projections (as defined in the WAPC Residential Design Codes, as amended from time to time).
Modified areas	Modified areas will involve selective tree removal and thinning of mid-storey and under-storey vegetation subject to landscaping and bushfire treatment.
Native title party/ies	As defined in section 18(1AA) under the Aboriginal Heritage Act 1972.
Native vegetation retention areas	Native vegetation retention areas as depicted in Figure 1 and defined by geographic coordinates in Schedule 1.
NGL	Natural ground level - the levels on a site which precede the proposed development.
Objective(s)	A proposal-specific desired state for an environmental factor/s to be achieved from the implementation of **management actions**.
Offset Strategy	JSB&G (2025) Smiths Beach Project, Offset Strategy. Rev 4. Prepared for Smiths 2014 Pty Ltd.
On-ground management	This includes revegetation (re-establishment of native vegetation in degraded areas) and rehabilitation (repair of ecosystem processes and management of weeds, disease or feral animals) with the **objective** to achieve a **tangible improvement** to the **environmental values** in the offset area.
Outcome(s)	A proposal-specific result to be achieved when implementing the proposal.

Potential black cockatoo nesting trees	Trees defined as 'breeding trees' in the Lot 4131 Smiths Beach Road, Yallingup Detailed Terrestrial Vertebrate Fauna Survey (Biologic 2024).
Practical completion	The stage at which construction work is complete except for minor defects that do not prevent the works from being reasonably capable of being used for their intended purpose.
Reasonable steps to consult	As outlined in the EPA's *Technical Guidance Environmental impact assessment of Social Surroundings – Aboriginal cultural heritage*, as amended from time to time.
Rehabilitated	The process of reinstating a level of ecosystem functionality as a means of enabling ongoing provision of ecosystem goods and services. This should include revegetation that is focussed on ecosystem function and services, reinstating habitat connectivity across a landscape and preventing spread of weeds.
Relevant management body	Party/ies that have a role in the establishment and/or on-going management of the offset site(s), which includes those shown in Figures 4 to 7. Note: This includes the role of the proponent.
Research offset	A program or study that must be reasonably related to the impact and is designed to result in a positive conservation outcome. It may include improving the management and protection of existing conservation estate, adding to existing State Government initiatives, policies or strategies, or addressing priority knowledge gaps.
Self-sustaining	Refers to vegetation that can survive (continue indefinitely) without on-going **management actions** such as watering, weed control or infill planting. If the proponent cannot demonstrate that the vegetation is self-sustaining, on-going **management actions** should be implemented to ensure its ongoing survival.
Shoreline	Coastline adjacent to the northern boundary of the **development envelope**.
Strategic conservation benefit	Overall or long-term improvements in ecological resilience and/or function.
Tangible improvement	A perceptible, measurable and definable improvement that provides additional ecological benefit and/or value.
Trigger criteria	Indicators that have been selected for monitoring to provide a warning that, if exceeded, the environmental **outcome** may not be achieved. They are intended to forewarn of the approach of the threshold criteria and trigger response actions.
Threshold criteria	The indicators that have been selected to represent limits of impact beyond which the environmental **outcome** is not being met.
Wastewater	Used water arising from commercial and domestic activities consisting of liquid wastes, greywater and blackwater.

	Greywater means used water containing kitchen, laundry or bathroom waste other than products of human excretion. Blackwater means used water containing products of human excretion.
Water quality standards and criteria	Water quality standards and criteria as required under a works approval or license issued under Part V of the *Environmental Protection Act 1986*.
WRP Habitat Conservation and Connectivity Zone	As depicted in Figure 1-5 of the **Conservation Significant Fauna Management Plan**.
Western ringtail possum habitat	Core and secondary habitat for the western ringtail possum (*Pseudocheirus occidentalis*) defined in Bamford (2024) Smith's Beach Coastal Tourism Village Western Ringtail Possum Assessment. Prepared for JBS&G Pty Ltd.

Figures (attached)

Figure 1 Smiths Beach Project, Yallingup – Coastal Tourism Village **development envelope** (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 2 Building height control plan for **development envelope** (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 3 Cape to Cape Track within and adjoining the **development envelope** (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 4 Offset site 1. Mt Duckworth (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 5 Offset site 2. Gunyulgup (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 6 Offset site 3. Ludlow (This figure/map is a representation of the co-ordinates referenced in Schedule 1)
Figure 7 Onsite conservation area (onsite offset) (This figure/map is a representation of the co-ordinates referenced in Schedule 1)

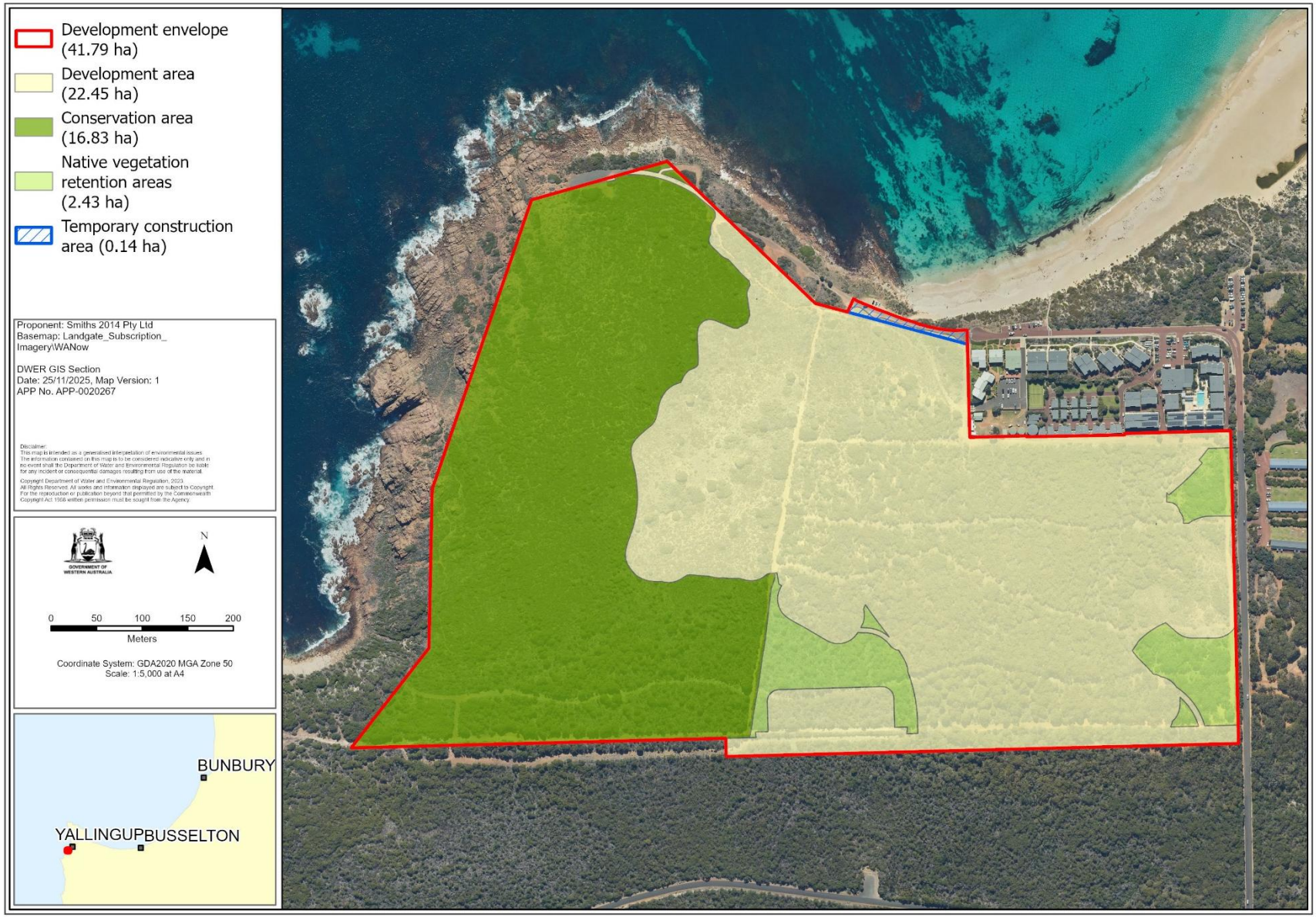

Figure 1: Smiths Beach Project, Yallingup – Coastal Tourism Village development envelope

Figure 2: Building height control plan for development envelope

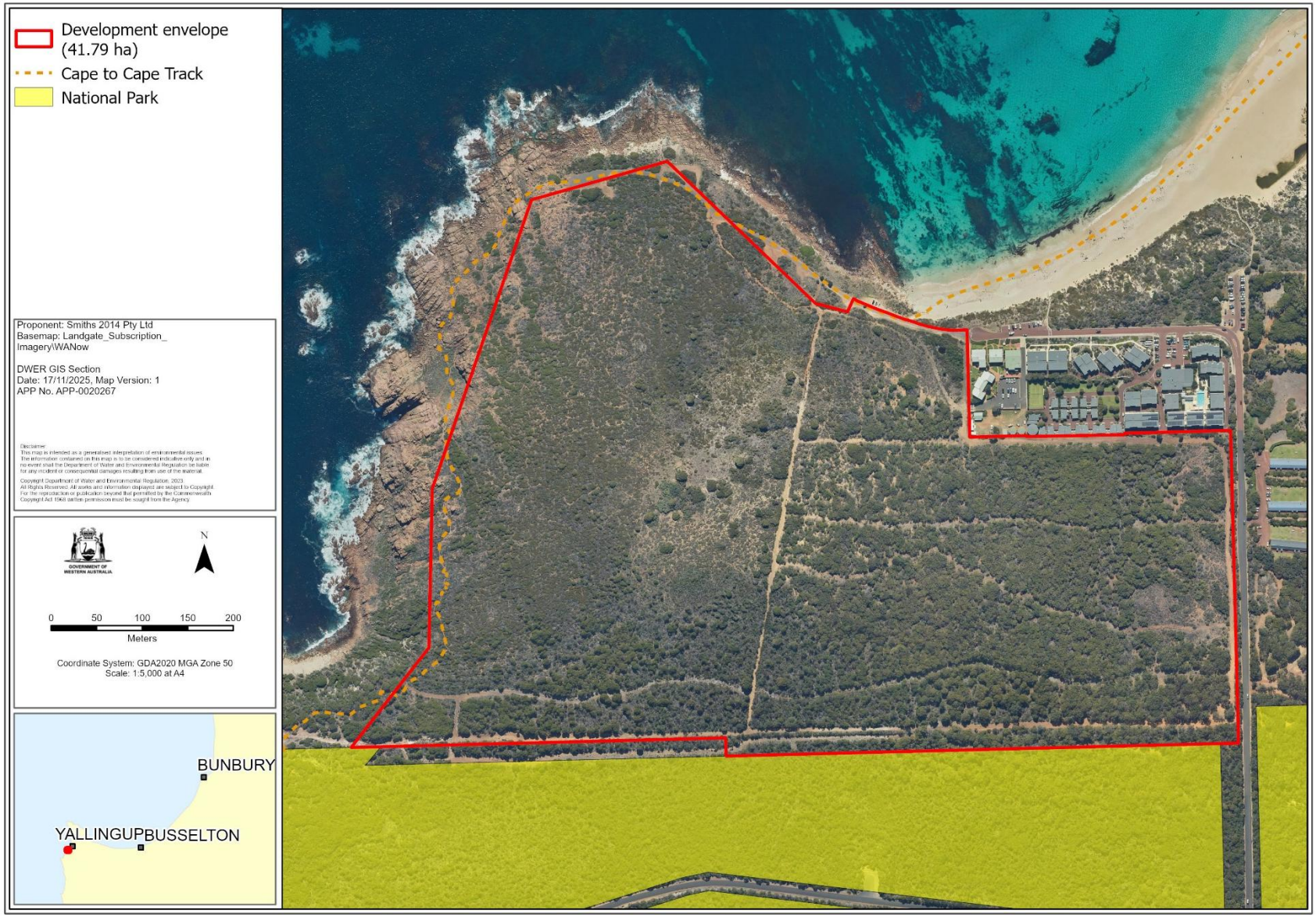

Figure 3: Cape to Cape Track within and adjoining the development envelope

Figure 4: Offset site 1 - Mt Duckworth

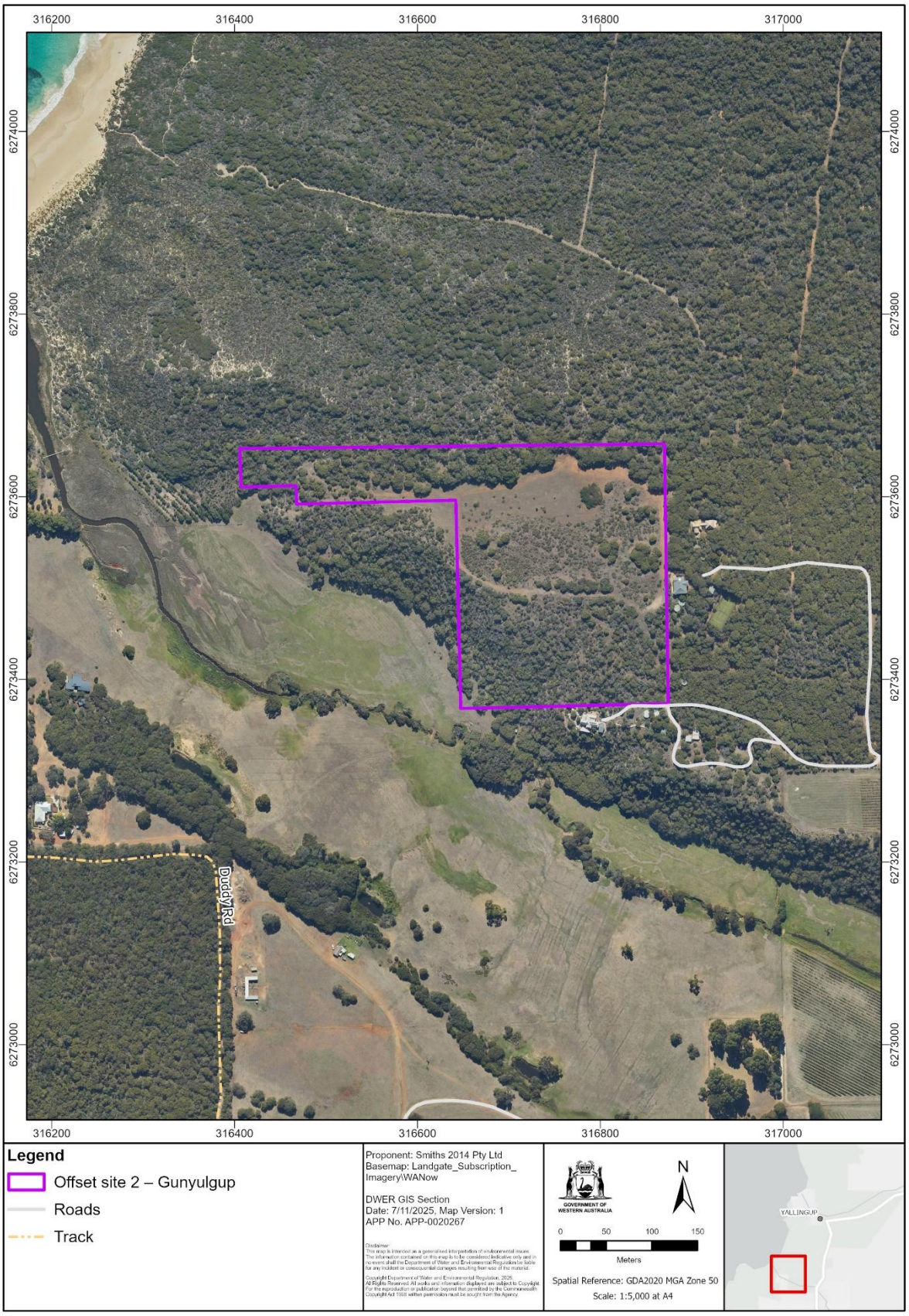

Figure 5: Offset site 2 - Gunyulgup

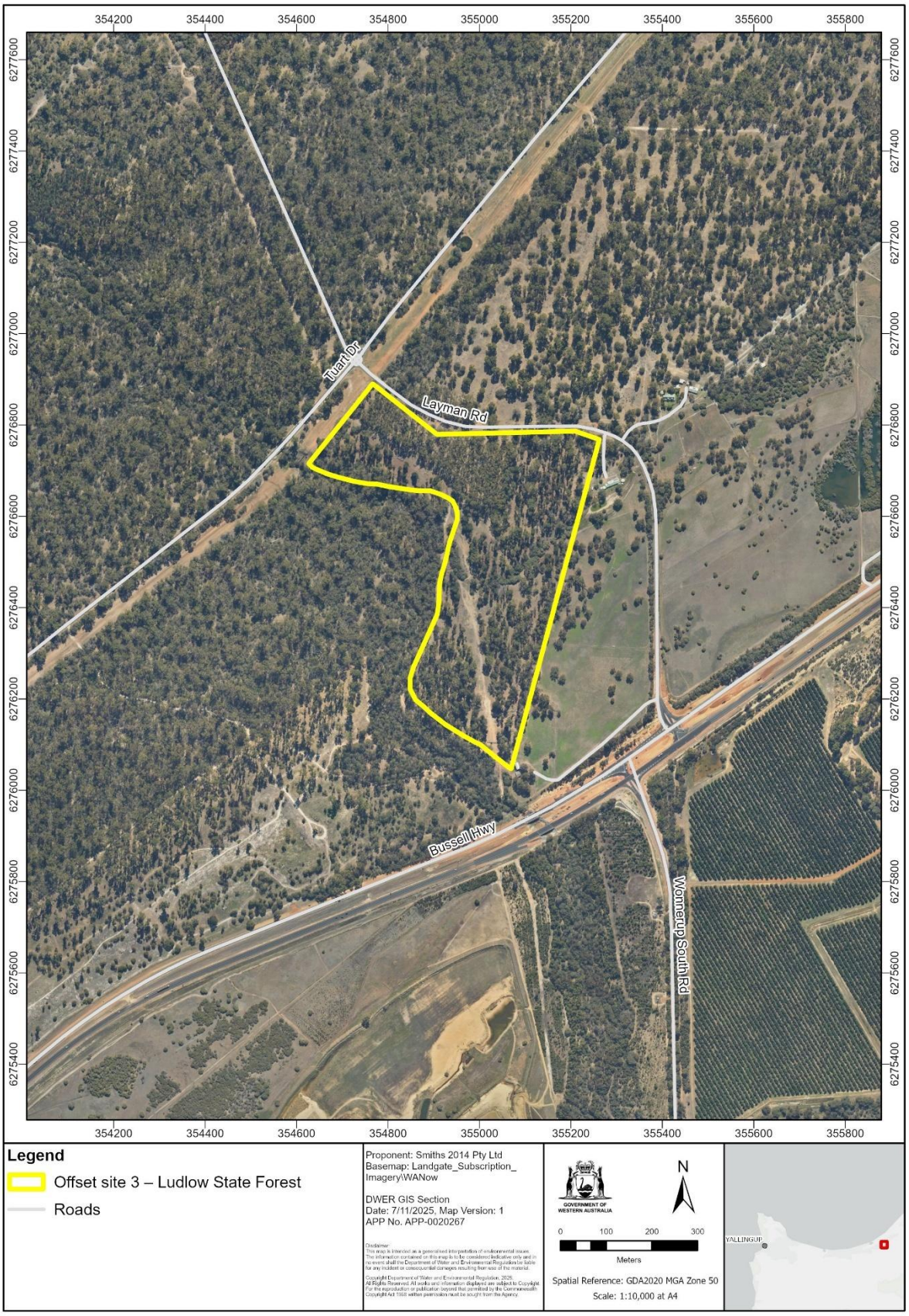

Figure 6: Offset site 3 - Ludlow

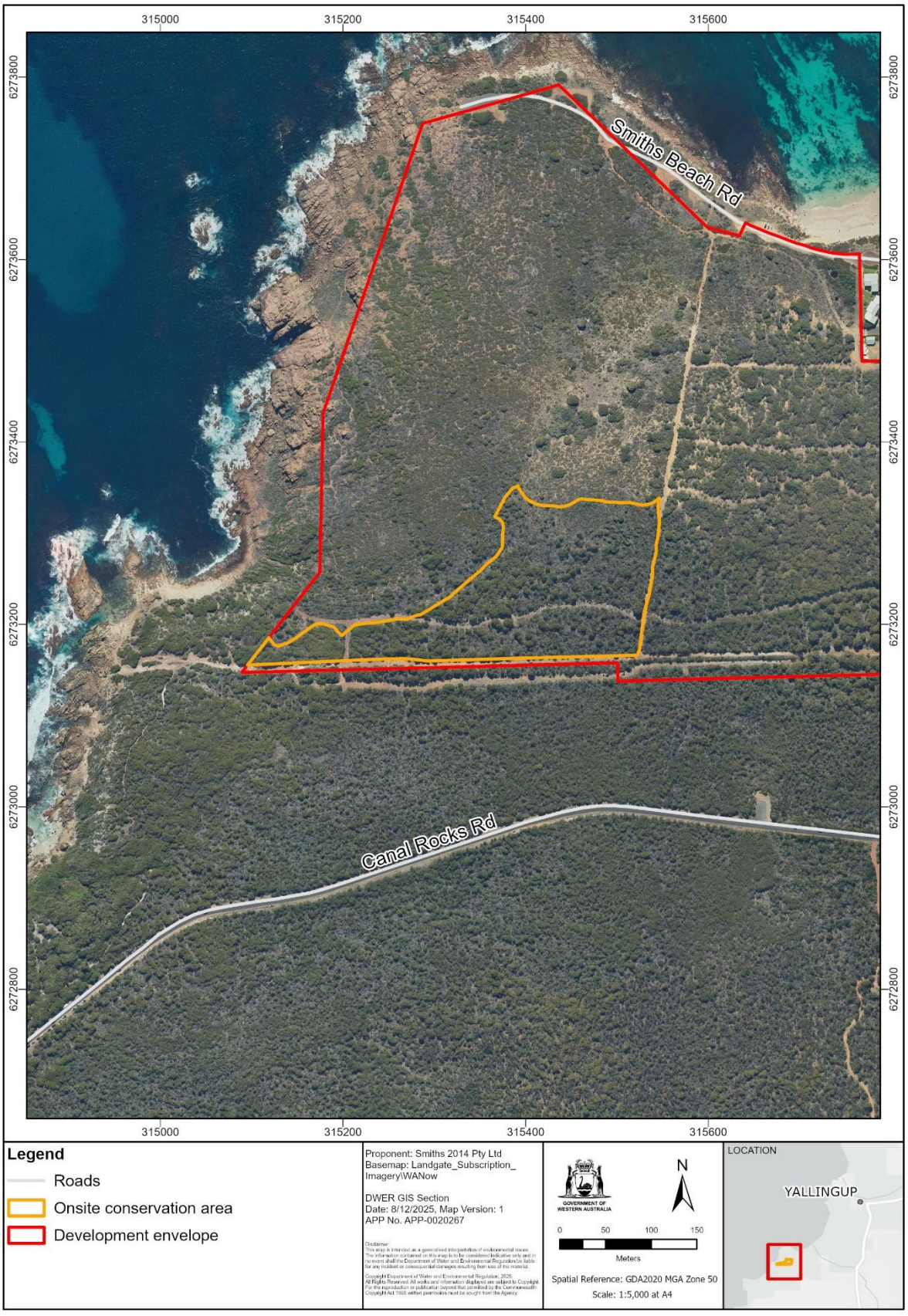

Figure 7: Onsite conservation area (onsite offset)

Schedule 1

All co-ordinates are in metres, listed in Map Grid of Australia Zone 50 (MGA Zone 50), datum of Geocentric Datum of Australia 2020 (GDA2020).

Spatial data depicting the figures are held by the Department of Water and Environmental regulation. Record no. APP-0020267.

Appendix B: Decision-making authorities

Table B1: Identified relevant decision-making authorities for the proposal

Decision-Making Authority	Legislation (and approval)
1. Minister for Aboriginal Affairs	*Aboriginal Heritage Act 1972* - section 18 consent to impact a registered Aboriginal heritage site
2. Minister for Environment	*Biodiversity Conservation Act 2016* - section 40 authority to take or disturb threatened species
3. Minister for Lands	*Land Administration Act 1997* - section 91 licence to access crown land - creation of easements and other land access for proposal
4. Chief Executive Officer, Department of Biodiversity, Conservation and Attractions	*Biodiversity Conservation Act 2016* - authority to take flora and fauna (other than threatened species) *Conservation and Land Management Act 1984* - licences or permits for the use of land reserved as National Park
5. Chief Health Officer, Department of Health	*Health Act 1911* Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulation 1974 - treatment of sewage intended to serve a building that is not a single dwelling or any other building that produces more than 540 litres of sewage per day
6. Chief Executive Officer, Department of Water and Environmental Regulation	*Environmental Protection Act 1986* - part V works approval and licence - part IV compliance (Ministerial statements)
7. Chief Executive Officer, City of Busselton	*Building Act 2011* - building permit
8. Western Australian Planning Commission	*Planning and Development Act 2005* - development application approval – supported by recommendations from the State Development Assessment Unit that deal with significant development applications

Appendix C: Regulation under other statutory processes

Table C1: Identified relevant decision-making authorities for the proposal

Statutory decision-making process	Environmental outcome
Aboriginal Heritage Act 1972	Any direct impact(s) to the registered Aboriginal heritage site are undertaken with the required consent (and associated conditions, if relevant) to ensure important and significant Aboriginal heritage values are protected.
Biodiversity Conservation Act 2016	Authorisation is required to take or disturb threatened species associated with implementation of the proposal, to ensure the taking or disturbance of threatened fauna and flora does not result in any species or community being listed under a higher conservation status, and to ensure development is undertaken consistent with the relevant recovery plans and conservation advice.
Building Act 2011	The assessment of a building permit application by the City of Busselton serves as a regulatory checkpoint through which environmental outcomes may be achieved. This process enables the City to verify whether conditions imposed through the prior planning approval (including those relating to environmental protection) have been satisfied.
Conservation and Land Management Act 1984	A licence will be required for installation of any connectivity infrastructure (such as support structures for rope bridges) proposed within the National Park boundary. This will ensure the ecological values within the National Park are appropriately considered and protected.
Environmental Protection Act 1986 - part V works approval and licence	The works approval and licencing process will enable the regulation of the wastewater treatment plant and on-site effluent disposal to ensure environmental outcomes are achieved. This process will consider and mitigate potential impacts to water quality, including groundwater, surface water, and the coastal environment as well as flora and vegetation through conditions that require appropriate treatment systems, containment measures, monitoring programs and contingency measures.
Health Act 1911	The approval process for the wastewater treatment plant and on-site effluent disposal will ensure the system is appropriately designed and located to protect public health and environmental

	values. A Site and Soil Evaluation will be required to confirm the suitability of the site for long-term wastewater management. This process will identify and mitigates risks to groundwater, surface water and surrounding ecosystems.
Land Administration Act 1997	The process will ensure the clearing of Crown land for temporary works, such as construction of a sub-surface erosion control structure, is undertaken in accordance with relevant environmental approvals, with clearing limited to the development envelope boundary as defined in the Ministerial Statement.
Planning and Development Act 2005	The assessment of the development application by the Western Australian Planning Commission (WAPC), and its administration by both the WAPC and the City of Busselton, provides a framework to identify, consider and mitigate potential environmental impacts. This process supports the achievement of positive environmental outcomes by addressing matters such as social and visual amenity, protection of vegetation and fauna habitat, bushfire risk management, noise attenuation, road safety, and the preservation of coastal processes and landforms.

Appendix D: Environmental Protection Act principles

Table D1: Consideration of principles of the *Environmental Protection Act 1986*

EP Act principle	Consideration
1. The precautionary principle *Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.* *In application of this precautionary principle, decisions should be guided by –* *(a) careful evaluation to avoid, where practicable, serious or irreversible damage to the environment; and* *(b) an assessment of the risk-weighted consequences of various options.*	The EPA had regard for the precautionary principle in its assessment and evaluation of impacts to flora and vegetation, terrestrial fauna, inland waters, marine environmental quality, landforms, social surroundings and coastal processes. The assessment of these impacts is provided in this report. With regard to flora and vegetation, terrestrial fauna, inland waters, marine environmental quality, landforms, social surroundings and coastal processes the EPA considers that the proponent has undertaken appropriate studies and investigations to understand the potential risks of the proposal. The EPA is satisfied that the proponent has proposed mitigation measures to avoid serious or irreversible damage to the environment, through: • the retention of native vegetation within the development envelope within a conservation area and public open space • minimisation measures to avoid injury and mortality of western ringtail possum individuals during construction • mitigation measures to reconnect western ringtail possum habitats • minimising visual impacts • removal of the UAR from the proposal avoiding impacts to the active beach zone and coastal processes • wastewater treatment to ensure protection of inland water and nearshore water quality. The EPA has recommended conditions to impose limits on the disturbance to environmental values including the conservation area and core habitat for western ringtail possum, impose height limits for built form, and to require the achievement and substantiation of environmental outcomes. The EPA has concluded that subject to the recommended implementation conditions, the proposal is unlikely to pose a threat of serious or irreversible harm.
2. The principle of intergenerational equity	The EPA has considered the principle of intergenerational equity in its assessment, and has had particular regard to this principle in its assessment of

EP Act principle	Consideration
The present generation should ensure that the health, diversity and productivity of the environment is maintained and enhanced for the benefit of future generations.	flora and vegetation, terrestrial fauna, inland waters, marine environmental quality, social surroundings, landforms and coastal processes. The EPA considers the following measures to be consistent with the principle of intergenerational equity: • the retention of native vegetation within the development envelope within a conservation area and public open space • continued connectivity to the adjoining National Park from the conservation area • measures to minimise and mitigate impacts to western ringtail possum • no on-site effluent disposal within the native vegetation retention areas and the conservation area • avoidance of impacts to karst features • siting of the proposal to minimse visual impacts from the beach and merge as much a possible with existing development in the area • removal of the UAR avoiding direct impacts to the active beach zone, and placement of the SEPS within the private property, sub-surface and outside of existing foreshore area (Crown land). The EPA has concluded that the environmental values are likely to be protected, or in the case of terrestrial fauna values, the impact from the proposal is unlikely to threaten the persistence of conservation significant species in the broader locality and region. The EPA considers consistency with this principle can be achieved through implementation of the proponent's mitigation measure and with the EPA's recommended conditions, particularly A1 (limitations on proposal extent), B1, B2, B3, B8, B9 and B10.
3. The principles of the conservation of biological diversity and ecological integrity *Conservation of biological diversity and ecological integrity should be a fundamental consideration.*	The EPA has considered the principle of conservation of biological diversity and ecological integrity in its assessment, and has had particular regard to this principle in its assessment of flora and vegetation and terrestrial fauna. <u>Flora and vegetation and terrestrial fauna</u> The EPA has considered: • the threatened statuses of western ringtail possum and black cockatoos and the likely impacts of the proposal in the context of their cumulative threats and pressures (including historical habitat losses, a drying climate, fragmentation and edge effects, weeds and surrounding land uses)

EP Act principle	Consideration

	• to what extent the potential impacts from the proposal to flora and vegetation and terrestrial fauna can be ameliorated to ensure consistency with the principle of conservation of biological diversity and ecological, including through:
	  ○ disturbance limits, and the conservation and vegetation retention areas (in particular, western ringtail possum core habitat areas) to be required by recommended conditions
	  ○ proposed minimisation and management measures including construction of artificial structures to support movement of western ringtail possums
	  ○ the provision of offsets to counterbalance significant impacts.
	The EPA has concluded that the impacts to conservation significant fauna species are significant and that conditions A1 (limitations on proposal extent), B1 (flora and vegetation), B2 (terrestrial fauna), B3, B8 and B9 (Native Vegetation Retention Areas and Conservation area), and the proposed offsets (Condition B10) to counter-balance the impacts of the loss of biological diversity and ecological integrity, would ensure the likely consistency with this principle.

4. Principles relating to improved valuation, pricing and incentive mechanisms *(1) Environmental factors should be included in the valuation of assets and services.* *(2) The polluter pays principle — those who generate pollution and waste should bear the cost of containment, avoidance or abatement.* *(3) The users of goods and services should pay prices based on the full life cycle costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any wastes.* *(4) Environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, which enable those best placed to maximise benefits and/or minimise costs to develop their own solutions and responses to environmental problems.*	In considering this principle, the EPA notes that the proponent will bear the costs relating to implementing the proposal to achieve environmental outcomes, and management and monitoring of environmental impacts during construction and operation of the proposal. The EPA has had particular regard to this principle in considering flora and vegetation, terrestrial fauna, inland waters, marine environmental quality, landforms, social surroundings, coastal processes and the proponent's offset strategy. The EPA has provided advice in Section 2.6 of this report regarding the requirement for the future broader Smiths Beach management unit coastal protection structure to tie-in to the sub-surface erosion control structure within the development envelope. The EPA noted that continuation of the coastal protection structure across the broader management unit may be undertaken and funded by a combination of State Government and the City of Busselton, with potential contribution by landowners that may privately benefit from such mitigation. The proponent would also bear the costs of managing waste generated by the proposal, most notably wastewater treatment and implementation of its Waste Management Plan.

EP Act principle	Consideration
	The EPA has considered the proponent's intent for the development to be accredited as an *EnviroDevelopment,* a sustainability assessment tool that assesses how projects have delivered required sustainability outcomes in six categories, one of which includes materials used in the development. The EPA concluded that the proposal will likely be consistent with principles relating to improved valuation, pricing and incentive mechanisms.•
5. The principle of waste minimisation *All reasonable and practicable measures should be taken to minimise the generation of waste and its discharge into the environment.*	In considering this principle, the EPA noted the proponent's commitment to reduce and manage waste produced from the operation of the proposal, including through the preparation of a Waste Management Plan, a Sustainability Strategy and pursuing *EnviroDevelopment* accreditation. The EPA has considered the proponent's commitment to the reuse of treated wastewater for toilet flushing and site irrigation onsite. The EPA has recommended conditions B4 to manage potential impacts of the proposed onsite wastewater treatment and disposal. The EPA has concluded that the proposal will likely be consistent with the principle of waste minimisation.

Appendix E: Other environmental factors

Table E1: Evaluation of other environmental factors

Environmental factor	Description of the proposal's likely impacts on the environmental factor	Government agency and public comments	Evaluation of why the factor is not a key environmental factor
Land			

Subterranean fauna	The proposal has the potential to indirectly impact subterranean fauna through changes to surface and groundwater regimes or water quality due to:
	• vegetation clearing
	• accidental spills or contamination during construction activities
	• irrigation of on-site treated wastewater.
	Noting that surveys did not identify significant subterranean fauna habitat for either stygofauna[1] or troglofauna[2] species, and large-scale earthworks, groundwater abstraction and dewatering are not proposed, the EPA advises that direct impacts during construction or operation of the proposal are
		Public comments
		• Concerns that the proposal would impact stygofauna, including TEC, through contamination of groundwater, and troglofauna from reduction in available energy source (carbon) from vegetation clearing.
		• Inadequate survey effort to understand the potential impacts
		Agency comments
		• DWER advised that onsite treatment of wastewater is practical and feasible with adequate design and mitigation measures; however, requires further assessment and regulation under Part V of the EP Act.
			Subterranean fauna was identified as a preliminary key environmental factor when the EPA decided to assess the proposal; however, the EPA considers it to not be a key factor at the conclusion of its assessment.
			Having regard for:
			• the proponent's subterranean fauna desktop assessment and hydrogeological investigations
			• the depth to the fractured rock aquifer, and the predominant shallow, unconsolidated sandy soil type underlaid by gneiss
			• results of previous surveys that reported the limestone within the site as too thin to support significant karst features
			• historic surveys that subsequently failed to identify significant karst features or indicators of concealed karst features within the site
			• the assessment and recommended conditions under the inland waters factor (section 2.3) to:
			  ○ restrict wastewater disposal/irrigation from the conservation areas and native vegetation retention areas
			  ○ ensure environmental outcomes for groundwater quality

[1] Stygofauna - aquatic fauna which inhabit various types of groundwater (EPA, 2021c).
[2] Troglofauna - air-breathing fauna which inhabit air-filled voids or caves below the ground (EPA, 2021c).

Environmental factor	Description of the proposal's likely impacts on the environmental factor	Government agency and public comments	Evaluation of why the factor is not a key environmental factor
	likely to be minor or immaterial.		○ require contingency measures • complimentary regulation by other statutory processes under Part V of the EP Act to mitigate the potential impacts to surface or groundwater (as relevant to interconnected subterranean fauna values) from any on-site disposal/irrigation of treated wastewater • considerations regarding significance of impacts as set out in the *Statement of environmental principles, factors, objectives and aims of the EPA* (EPA 2023b) noting presence of subterranean fauna is unlikely the EPA considers that the proposal is unlikely to have a significant impact on subterranean fauna. Accordingly, the EPA did not consider subterranean fauna to be a key environmental factor at the conclusion of its assessment.
Air			
Greenhouse gas emissions	Total scope 1 emissions from the development associated with the clearing of the vegetation on the site and operation of construction machinery is 17,750 tonnes of CO_2-e.	• Nil	Greenhouse gas emissions was identified as a preliminary key environmental factor when the EPA decided to assess the proposal; however, the EPA considers it to not be a key factor at the conclusion of its assessment. Having regard for: • the proponent's estimated annual greenhouse gas emissions, which total an amount significantly below 100,000 CO_2-e annually • the *Environmental Factor Guideline – Greenhouse Gas Emissions* (EPA 2024a) which states:

Environmental factor	Description of the proposal's likely impacts on the environmental factor	Government agency and public comments	Evaluation of why the factor is not a key environmental factor
			'generally, GHG emissions from a proposal will be considered where they are reasonably likely to exceed: • 100,000 tonnes of CO_2-e scope 1 emissions in any year; or • 100,000 tonnes CO_2-e scope 2 emissions in any year.' • considerations regarding significance of impacts as set out in the *Statement of environmental principles, factors, objectives and aims of the EPA* (EPA 2023b) the EPA considers it unlikely that the proposal would have a significant impact on greenhouse gas emissions. Accordingly, the EPA did not consider greenhouse gas emissions to be a key environmental factor at the conclusion of its assessment.

Appendix F: List of submitters

7-day comment on referral

Public

- 2,371 public submissions were received, of which 1,057 were 'pro forma' submissions.

Organisations

- Australian Coastal Society
- Bushwalking groups
- Busselton Dunsborough Environment Centre
- Cockburn Community Wildlife Corridor Group
- Conservation Council of Western Australia
- Dunsborough Coast and Land Care
- Injidup Residents Association Inc
- Friends of Gracetown and Cowaramup Bay
- Friends of Mosman Park Bushland
- Greens
- Libby Mettam (Member for Vasse, Deputy Leader of WA Liberal Party)
- Nature Conservation Margaret River Region
- Preserve Gnarabup
- Save The Black Cockatoos Coalition
- Smiths Trail Action Group
- Smiths 2014 Pty Ltd (Proponent)
- Swanbourne Coastal Alliance Inc.
- The Dunsborough & Districts Progress Association Inc
- Urban Bushland Council WA
- Wildflower Society of Western Australia

Public review of proponent information

Public

- 5,643 public submissions were received, of which 3,649 were 'pro forma' submissions.

Organisations

- Busselton Dunsborough Environment Centre
    - Busselton Bunbury First Aid

- Conservation Council of Western Australia
- Dunsborough and Busselton Wildlife Care
- Dunsborough Reference Group
- Friends of Gracetown and Cowaramup Bay
- Gracetown and Cowaramup Bay Community Association Inc.
- Libby Mettam (Member for Vasse, Deputy Leader of WA Liberal Party)
- Mullaloo Boardriders
- Nature Conservation Margaret River Region
- Preserve Gnarabup
- Save Smiths Action Group
- Toby Inlet Catchment Group
- West Australian Skateboard Association
- Wildflower Society of Western Australia
- Wildflower Society of Western Australia - South West Capes Branch
- Yallingup Land Conservation District Committee

Government agencies

- City of Busselton
- Department of Biodiversity, Conservation and Attractions
- Department of Climate Change, Energy, the Environment and Water
- Department of Planning, Lands and Heritage
- Department of Transport
- Department of Water and Environmental Regulation
- Main Roads WA

Appendix G: Assessment timeline

Date	Progress stages	Time (weeks)
18 May 2022	EPA decided to assess – level of assessment set (Public Environmental Review)	
29 May 2023	Environmental Scoping Document released for public review	54
15 June 2023	Public review period for Environmental Scoping Document closed	2
4 December 2023	EPA approved Environmental Scoping Document	25
6 December 2024	EPA accepted Environmental Review Document	53
16 December 2024	Environmental Review Document released for public review	1
10 February 2025	Public review period for Environmental Review Document closed	8
10 December 2025	EPA received final information for assessment	43
22 January 2026	EPA completed its assessment	6
28 January 2026	EPA accepted proponent's Response to Submissions	1
4 February 2026	EPA provided report to the Minister for Environment	1
10 February 2026	EPA report published	3 days
3 March 2026	Appeals period closed	3

Timelines for an assessment may vary according to the complexity of the proposal and are usually agreed with the proponent soon after the EPA decides to assess the proposal and records the level of assessment.

The EPA must give the Assessment report to the Minister so far as practicable no later than 6 weeks after the EPA completed its assessment or reassessment (s.44(2b)).

In this case, the EPA met its timeline objective to complete its assessment and provide a report to the Minister.

Appendix H: Relevant policy, guidance, procedures and references

The EPA had particular regard to the policies, guidelines and procedures listed below in the assessment of the proposal.

Bamford Consulting Ecologists 2024, *Smith's Beach Coastal Tourism Village Western Ringtail Possum Assessment*, prepared for JBS&G.

Bamford Consulting Ecologists 2025, *Smith's Beach Project, Yallingup – Coastal Tourism Village: potential impacts to Western Ringtail Possum*, prepared for JBS&G.

Biologic 2024 *Smiths Beach Project Short Range Endemic Invertebrate Fauna Repor*t, Rev 2, prepared for JBS&G.

City of Busselton 2022, *Coastal Hazard Risk Management and Adaptation Plan.*

DAWE 2022, *Referral guideline for 3 WA threatened black cockatoo species: Carnaby's Cockatoo, Baudin's Cockatoo and the Forest Red-tailed Black-cockatoo*, Department of Agriculture, Water and the Environment, Canberra, WA.

DBCA 2023, *List of threatened and priority ecological communities,* Department of Biodiversity, Conservation and Attractions, accessed 9 December 2025.

DEC 2008, *Forest Black Cockatoo (Baudin's Cockatoo Calyptorhynchus baudinii and Forest Red-tailed Black Cockatoo Calyptorhynchus banksii naso) Recovery Plan*, Department of Environment and Conservation, Perth, WA.

DEC 2012, *Fauna profiles Brush-tailed Phascogale*, Department of Environment and Conservation, Perth, WA.

DPAW 2013, *Carnaby's Cockatoo (Calyptorhynchus latirostris) Recovery Plan, Western Australian Wildlife Management Program No. 52*, Department of Parks and Wildlife, Perth, WA.

DPAW 2017 *Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan*, Department of Parks and Wildlife, Perth, WA.

DPLH 2025, *Aboriginal Cultural Heritage Inquiry System, List of Aboriginal Cultural Heritage (ACH) Register* [database], Department of Planning, Lands and Heritage, accessed 9 December 2025.https://www.wa.gov.au/government/document-collections/find-aboriginal-cultural-heritage-wa

DSEWPC 2012, *Environment Protection and Biodiversity Conservation Act 1999 Environmental Offsets Policy*.

Department of Sustainability, Environment, Water, Population and Communities, Public Affairs

EPA 2009, *Sussex Location 413 Yallingup - Smiths Beach Development Guide Plan – Report 1318*, Environmental Protection Authority, Perth, WA.

EPA 2016a, *Environmental factor guideline – Coastal processes*, Environmental Protection Authority, Perth, WA.

EPA 2016b, *Environmental factor guideline – Flora and vegetation*, Environmental Protection Authority, Perth, WA.

EPA 2016c, *Environmental factor guideline – Marine environmental quality*, Environmental Protection Authority, Perth, WA.
EPA 2016d, *Environmental factor guideline – Terrestrial fauna*, Environmental Protection Authority, Perth, WA.

EPA 2016e, *Technical guidance – Flora and vegetation surveys for environmental impact assessment*, Environmental Protection Authority, Perth, WA.

EPA 2016f, *Technical guidance – Sampling of short-range endemic invertebrate fauna*, Environmental Protection Authority, Perth, WA.

EPA 2018a, *Environmental factor guideline – Inland waters*, Environmental Protection Authority, Perth, WA.

EPA 2018b, *Environmental factor guideline – Landforms*, Environmental Protection Authority, Perth, WA.

EPA 2020, *Technical guidance –Terrestrial vertebrate fauna surveys for environmental impact assessment,* Environmental Protection Authority, Perth, WA.

EPA 2021a, *Environmental impact assessment (Part IV Divisions 1 and 2) procedures manual*, Environmental Protection Authority, Perth, WA.

EPA 2021b, *Environmental impact assessment (Part IV Divisions 1 and 2) administrative procedures*, Environmental Protection Authority, Perth, WA.

EPA 2021c, *Technical guidance –Subterranean fauna surveys for environmental impact assessment*, Environmental Protection Authority, Perth, WA.

EPA 2023a, *Environmental factor guideline – Social surroundings*, Environmental Protection Authority, Perth, WA.

EPA 2023b, *Statement of environmental principles, factors, objectives and aims of EIA*, Environmental Protection Authority, Perth, WA.

EPA 2023c, *Technical guidance – Environmental impact assessment of social surroundings - Aboriginal cultural heritage,* Environmental Protection Authority, Perth, WA.

EPA 2024a, *Environmental factor guideline – Greenhouse gas emissions*, Environmental Protection Authority, Perth, WA.

EPA 2024b, *Public Advice: Considering environmental offsets at a regional scale*. Environmental Protection Authority, Perth, WA.

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