Response to Submissions Smiths Beach Project: Yallingup Coastal Tourism Village

Smiths 2014 Pty Ltd

EPA Assessment No: 2340

166106 | 65771 (Rev 6)

10 December 2025

We acknowledge the Traditional Custodians of Country throughout Australia and their connections to land, sea and community.

We pay respect to Elders past and present and in the spirit of reconciliation, we commit to working together for our shared future.

Caring for Country The Journey of JBS&G
Artist: Patrick Caruso, Eastern Arrernte

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Abbreviations

Abbreviation	Definition
AH Act	Aboriginal Heritage Act 1972
AHD	Australian Height Datum
BC Act	Biodiversity Conservation Act 2016
CoB	City of Busselton
CE	Critically Endangered
CEO	Chief Executive Officer
CIA	Cumulative Impact Assessment
CHMP	Cultural Heritage Management Plan
CHRMAP	Coastal Hazard Risk Management and Adaption Plan
CTS	Community Title Scheme
CSFMP	Conservation Significant Fauna Management Plan
DCCEEW	Department of Climate Change, Energy, the Environment and Water
DBCA	Department of Biodiversity, Conservation and Attractions
DFES	Department of Fire and Emergency Services
DMA	Decision-making authority
DoH	Department of Health
DPaW	Department of Parks and Wildlife
DPLH	Department of Planning, Lands and Heritage
DWER	Department of Water and Environmental Regulation
EIA	Environmental Impact Assessment
EN	Endangered
EPA	Environmental Protection Authority
EP Act	Environmental Protection Act 1986
EPBC Act	Environment Protection and Biodiversity Conservation Act 1999
ERD	Environmental Review Document
ESD	Environmental Scoping Document
FMP	Foreshore Management Plan
GHG	Greenhouse Gas
ha	Hectare
HSD	Horizontal Shoreline Datum
IBSA	Index of Biodiversity Surveys for Assessments
KKAC	Karri Karrak Aboriginal Corporation
km	Kilometre
LPS	Local Planning Scheme
m^3	Cubic metres
MNES	Matters of National Environmental Significance
MS	Ministerial Statement
PD Act	Planning and Development Act 2005

Abbreviation	Definition
PEC	Priority Ecological Community
PER	Public Environmental Review
POS	Public Open Space
RtS	Response to Submissions
SDAU	State Development Assessment Unit
SPP	State Planning Policy
SRE	Short Range Endemic
TEC	Threatened Ecological Community
UAR	Universal Access Ramp
VIA	Visual Impact Assessment
VU	Vulnerable
WA	Western Australia
WAPC	Western Australia Planning Commission
WRP	Western Ringtail Possum

1. Introduction

Smiths 2014 Pty Ltd (the Proponent) is proposing to develop Lot 4131 Smiths Beach Road, Yallingup to deliver a sensitively designed coastal village (the Proposal). The Proposal forms part of a Development Application to be determined by the Western Australian Planning Commission (WAPC) under the significant development assessment pathway. The Proposal is located within the City of Busselton, Western Australia, approximately 23 kilometres (km) west of Busselton CBD and covers an area of 41.79 hectares (ha) (the Development Envelope). The Development Envelope is bound by Smiths Beach Road to the east, the Indian Ocean to the west, the existing Foreshore Reserve (vacant crown land) to the north, an unmade road reserve and Reserve 8428 (the Leeuwin Naturaliste National Park) to the south.

The Proposal will include a number of features, not limited to:

- Tourist Development including hotel accommodation and wellness centre;
- Campground;
- Community Hub including café, bakery, general store and the Cape to Cape Welcome Centre;
- Facilities for the Surf Life Saving Club; and
- 61 Holiday Homes.

The Design Vision for the Proposal has been formulated to achieve the following key objectives:

- Landscape Led – allowing the landscape to define the appropriate location for development within the Proposal;
- Visual Integration – design and location of built form sensitively located within the landscape to minimise visual impact;
- Environmental Safeguard – protecting the Proposal from bushfire risk and coastal erosion processes; and
- Landscape Rehabilitation – regenerating degraded areas within the Proposal with endemic species.

The result is a built form Proposal that integrates lightly into the landscape and is sympathetic to surrounding vegetation.

The Proposal was referred to the Environmental Protection Authority (EPA) under section 38 of the *Environmental Protection Act 1986* (EP Act) on the 18 May 2022. The EPA determined that the Proposal would be assessed and set the level of assessment at Public Environmental Review (PER) with a proponent-prepared Environmental Scoping Document (ESD) and an Environmental Review Document (ERD) with a 6 week PER period.

The Proposal was also referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for the potential to impact Matters of National Environmental Significance (MNES) and was determined to be a Controlled Action under the *Environmental Protection and Biodiversity Act 1999* (EPBC Act) (EPBC 2021/9141). The Proposal is being assessed as an accredited assessment under the EP Act in accordance with section 87 of the EPBC Act.

1.1 Proposal content

The Proposal is described in Table 1-1 and the extent of the Proposal is defined in Table 1-2 as per the Proposal Content Document (PCD).

Table 1-1 General Proposal content description

Item	Details
Proposal title	Smiths Beach Project, Yallingup – Coastal Tourism Village
Proponent name	Smiths 2014 Pty Ltd
Short description	The Proposal is to develop Lot 4131 Smiths Beach Road, Yallingup, into a sensitive coastal village. The Proposal consists of a Tourist Development including hotel accommodation and wellness centre, campground and 61 holiday homes. The development will also include a number of features (not limited to) such as a formalised access road, Community Hub with a café, bakery, general store, the Cape to Cape Welcome Centre (as a central node for all visitors to the region) and facilities for the Surf Life Saving Club will be included

Table 1-2 Proposal content elements

Proposal element	Location/description	Maximum extent, capacity or range
Physical elements		
Planning and development for the coastal village, incorporating elements including, but not limited to, hotel, holiday homes, campgrounds, community facilities, service infrastructure.	Located within Lot 4131 Smiths Beach Road, Yallingup and adjacent Crown Land as shown in Figure 1-1.	Clearing and earthworks for development of the coastal village of 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 as shown in Figure 1-1.	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 as shown in Figure 1-1.	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		
Greenhouse Gas Emissions is not expected to exceed 100,000 tCO_2-e per annum (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	N/A
	Construction phase	Up to 3 years from approval
	Operations phase	2028/2029 onwards
	Decommissioning phase	N/A

1.1.1 Partial modification

As described in the PCD and the ERD, the Proposal design has allowed for 10.47 ha of native vegetation to be subject to partial modification rather than full clearing. Within these areas, a combination of vegetation retention and removal will occur with selective clearing required to meet bushfire protection and landscaping objectives and the balance of vegetation retained where compatible with these requirements. The objective is to balance vegetation preservation, where it contributes to environmental and visual amenity values, with bushfire risk reduction outcomes through the creation and maintenance of low-fuel zones around buildings and structures (as described in Section 6.6.2 of the ERD). Specifically, partially modified areas will involve selective tree removal and thinning of mid-storey and understorey vegetation, with canopy cover (trees greater than 5 m in height) retained at varying densities in accordance with the Bushfire Management Plan (BMP) prepared for the Proposal (Strategen-JBS&G, 2021). This means that although the 10.47 ha footprint will be subject to modification, only a portion of this area will be cleared of native vegetation, with the remainder to be retained in a modified state.

For assessment purposes, a maximum clearing extent within the partially modified zones has been assigned to ensure the upper limit of potential vegetation loss is clearly defined and can be regulated. The maximum clearing extent within the partially modified areas has been set at 80% of the 10.47 ha footprint (equating to 8.37 ha of clearing and 2.10 ha of vegetation retention). Overall, the maximum clearing extent for assessment purposes is considered conservative and the Proponent remains committed to retaining a higher proportion of vegetation within the partially modified areas subject to the assessment of the BMP under the Part 17 process.

1.2 Purpose of this document

The ERD was approved by the EPA for release for public review on 6 December 2024. The public review period was originally set for 6 weeks, however, was extended to an 8-week period to account for the Christmas/New Year holiday period. The review period commenced on 16 December 2024 and ended on 10 February 2025 with a total of 5,643 submissions received. A large proportion (~60%) of the submissions received through the public review period were proforma style submissions, in which the submissions were substantively the same, with minor changes between submissions reflecting personal information and context.

The key issues raised during the public review period from both agency and the public included:

- residual impacts to fauna habitat associated with the ‘modified vegetation’ proposal element, in particular western ringtail possum and threatened black cockatoo habitat;
- impacts to an occurrence of a priority ecological community and threatened flora species;
- visual amenity impacts;
- uncertainties regarding proposed wastewater disposal, design, and impacts;
- adequacy and suitability of the proposed offsets;
- the size of the development envelope, which proposes development of a portion of the western headland and Crown land area (foreshore);
- construction of a ‘seawall’ (Universal Access Ramp) and perceived potential associated impacts to coastal processes (including sand movement, wave patterns, beach dynamics), recreation, and visual amenity;
- development of a sewage plant and disposal of treated wastewater onsite;
- impacts of an Aboriginal heritage site;

- impacts to flora, vegetation and fauna from the extent of clearing and subsequent development and operation of the proposal (including ongoing weed and pest management concerns, vehicle strike, degradation from increased visitation to the area); and
- general concerns about increased bushfire risk, traffic and visitor congestion, and changed social/cultural/visual amenity of the area.

The purpose of this document is to provide a response to the submissions received, which will inform EPA's assessment of the proposal and the preparation of its report and recommendations.

1.3 Change to Proposal since ERD publication

In response to comments received during the PER process, the Proponent submitted a request for a change to the Proposal under section 43A of the EP Act. The amendment involved removing the proposed Universal Access Ramp (UAR) from the Proposal and instead constructing a sub-surface coastal protection structure (buried seawall), within private Lot 4131 boundary. The section 43A was approved by the EPA on 24 June 2025[1].

Further details of this change are discussed in Table 2-7 and Table 2-17.

A variation request under Section 156A of the EPBC Act has also been lodged to reflect the change to the Development Envelope shown in Figure 1-1 and is currently under consideration by DCCEEW.

[1] https://www.epa.wa.gov.au/sites/default/files/S43A/s43A%20Notice%20-%20260625.pdf

Legend

- Development envelope
- Proposed full clearing
- Proposed modified areas
- Area to be placed into conservation (Area 1)
- Public Open Space/Conservation Lot (Area 2)
- Public Open Space (Area 3)
- Public Open Space (Area 4)
- Temporary construction area outside lot boundary

JBS&G

Job No: 65771

Client: Smiths 2014 Pty Ltd

Version: A	Date: 24/09/2025
Drawn By: bsunderland	Checked By: YS

Scale 1:4,500 at A4

0 50 100
metres

Coord. Sys. GDA2020 MGA Zone 50

Lot 4131 Smiths Beach Road Yallingup, WA

PROPOSAL ELEMENTS

FIGURE 1.1

File Name: C:\Users\bsunderland\JBS&G Australia\JBS&G - DCS - Internal - Documents\Projects\Linc Property\65771 Smiths Beach\GIS\02_MapProjects\65771_SmithsBeach_Rts_on_ERD_R014.aprx
Image Reference: www.nearmap.com© - Imagery Date: 01. February 2024
Name: 65771_A4L_01_01_PpslElements

2. Summary and Responses to Submissions

A summary of the submissions received from the EPA, and other regulatory stakeholders together with the Proponent's response to submissions (RtS) is provided in Section 2.1.

A summary of other public submissions and the Proponent response is provided in Section 2.2. The submitter reference list and pro-forma submissions list is provided in Appendix A and Appendix B respectively.

2.1 Summary of EPA Services and Technical Agency Comments and Response

2.1.1 The Proposal

Table 2-1 Response to EPA services and technical agency comments - Proposal

No.	EPA Services and Technical Agency Comments	Proponent Response
1.	Tables 2-1 and 2-2 and Section 3.1 of the ERD contain incorrect information about the roles and responsibilities of other decision-making authorities (DMA), subsequent approvals, and key stakeholders, including: • The Western Australian Planning Commission (WAPC) is the decision-maker for the development application. References to the Minister for Planning, the State Development Assessment Unit (SDAU) and State Design Review Panel as having responsibilities in this regard should be deleted. • The WAPC has no jurisdiction under the *Health Act 2011* legislation. • The WAPC has not yet made a decision on the development application and is required to have regard to the local planning scheme in making its decision. Relevant sections of the proponent's documentation should be updated to be consistent with this information.	The following decision-making authorities and other key stakeholders have been identified in relation to the Proposal: **Commonwealth**: • Department of Climate Change, Energy, the Environment and Water (DCCEEW); **State** • Department of Biodiversity Conservation and Attractions (DBCA); • Department of Fire and Emergency Services (DFES); • Department of Health (DoH); • Department of Planning Lands and Heritage (DPLH); • Department of Water and Environmental Regulation (DWER); • Southwest Development Commission (SDC); • Tourism WA; • Western Australian Planning Commission (WAPC); **Local Government** • City of Busselton; • Shire of Augusta Margaret River; and **Other** • Margaret River Busselton Tourism Association. Please refer to Appendix C for an updates to Table 2-1 and Table 2-2 from the ERD (now Table C1 and C2 respectively) in consideration of EPA's comments.
2.	The EPA's assessment (EPA Report 1318) and the subsequent approval (Ministerial Statement (MS) 831) of the previous development proposal at the site is a broad contextual/background consideration for the current proposal. It is appropriate to include an overview of the previous proposal in the discussion of 'proposal alternatives', however the previous proposal is not the proposal under assessment by the EPA. The EPA will not consider the differences between the current proposal and the previous proposal as mitigation or management measures for the predicted environmental impacts.	The EPA's position regarding the assessment of the current Proposal independently of the previous approval under MS 831 is acknowledged.
3.	A full complement of IBSA numbers (i.e. for ecological/biological surveys undertaken for the proposal) are required to be provided in the ERD.	IBSA numbers were provided in Table 21-1 of the ERD. It is noted the Bamford (2024) IBSA number was not available at the time of the ERD publication. This has subsequently been uploaded and assigned IBSA-2025-0231. IBSA data packages are only required for field surveys that have generated new data; and not desktop assessments (EPA, 2021).
4.	Provide additional detail at Table 4-1 about the consistency of the proposal against the EP Act principles relating to improved valuation, pricing and incentive mechanisms, and the principle of waste minimisation.	**Principles relating to improved valuation, pricing, and incentive mechanisms:** *(a) Environmental factors included in valuation of assets and services;* *(b) The polluter pays principle – those who generate pollution and waste should bear the costs of containment, avoidance or abatement;* *(c) 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; and* *(d) 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.* The Proponent is proposing to undertake a sensitive and contemporary tourist accommodation development, providing an investment in worldclass, sustainable, tourism which will benefit the local community and the State. The value of the proposed development lies in the proximity to the Smiths beach coastal ecosystem, which provides access to natural assets (e.g. beaches, surf) that attract tourists. Key environmental factors that provide this benefit, including Flora and Vegetation, Terrestrial Fauna, Landforms, Inland Waters; Coastal Processes, Marine Environmental Quality, Social Surroundings etc; have been considered in the planning and design and environmental management and mitigation of the Proposal. The Proposal will target the following outcomes:

No.	EPA Services and Technical Agency Comments	Proponent Response
		• Efficient building design, equipment and appliances resulting in a minimum 20% reduction in energy demand compared to a typical, building code compliant build; • 100% renewable sourced electricity supply, through onsite generation and green energy from the grid; • Hotel and other buildings will achieve above compliance energy efficiency, feature renewable energy systems and make use of low carbon materials to reduce the overall carbon footprint of the Project; • Rainwater tanks incentivised; • Grey water used in appropriate irrigation applications; • Combined water initiatives will lead to a minimum 50% reduction in consumption of precious mains water compared to a typical approach; • Low carbon concrete and green steel are now well tested materials and will be used in all appropriate applications. A 20% reduction in carbon footprint is targeted; • Timber used wherever suitable, always from sustainable forestry sources; and • All materials for internal use will be zero VOC and zero formaldehyde. The Proponent will be responsible for funding the cost of environmental avoidance, mitigation and management measures and have considered the full life cycle of materials and the impact of supply chains. Costs associated with protection and management of environmental factors have been considered in the planning and design of the Proposal. Ongoing improvement management measures will be cost effective and of value to the environment (e.g., modified native vegetation, revegetation, conservation of intact vegetation, water reuse conserving resources). Prices payable by the users of the Proposed development (holiday homeowners, visitors to the hotel, campground and other site amenities) will incorporate the lifecycle costs associated with the use of natural resources (e.g. potable water supply) and assets (e.g. Smiths Beach environs) including the disposal of wastes (wastewater reuse and waste management). **The principle of waste minimisation** Implementation of the Proposal will adopt the hierarchy of waste controls: avoid, minimise, reuse, recycle and safe disposal. Encycle was commissioned by the Proponent to prepare a Waste Management Plan (WMP) for the Proposal and includes the following considerations to ensure efficient and effective waste management: • The volumes of waste and recyclables likely to be generated during operation; • Size of bin storage area; • Safety for all operatives involved in waste management; • Access to bins and storage areas from within the development; • Access for trucks for waste collection; • Local council requirements; • Amenity (odours and noise); and • The ongoing management of waste and recycling services. The WMP stipulates that bins will be collected from the loading dock of the Community Hub and serviced by private contractors. The private contractor will enter the site from Smiths Beach Road, and park in the loading bay adjacent to the bin store. Bins will be collected from each Holiday Home via kerbside collection, serviced by the City of Busselton. In addition to the WMP, the Proposal includes for: • The reuse of treated wastewater for toilet flushing and site irrigation, to minimise use of limited fresh water supplies; • High levels of material reuse and divert at least 80% of construction waste from landfill; and • Organic and food waste streams will be managed onsite. Research is being done into emerging systems to create a circular process to turn food waste into feedstock for gardens that in turn produce ingredients for the kitchens.
5.	Regarding Section 17.1 of the ERD, Inland Waters should be considered as part of the proponent's cumulative impact assessment for the proposal. The proposed treatment and disposal of wastewater onsite is likely to represent a contribution/addition to the combined volume of wastewater being disposed of in the locality, including from the existing developments immediately south and east of the development envelope.	As discussed in Section 13.2.3 and Section 17.2.3 of the ERD, the southwest region of Western Australia is under pressure from urban growth, agricultural runoff and climate change, which together are lowering groundwater levels and degrading water quality. These pressures reduce groundwater recharge and increase nutrient pollution, affecting coastal aquifers and ecosystems. The Proposal is designed to limit hydrological impacts associated with the proposal through sustainable design, including stormwater management (Hyd2o, 2021) and wastewater systems (The Right Water Company, 2024), discussed in Section 10.6.1 and 10.6.2 of the ERD respectively. Regarding wastewater disposal, the Proposal includes the provision of a Wastewater Treatment Plant (WWTP) that treats the local wastewater from the development and plans to reuse the wastewater for irrigation of public and private outdoor areas along with toilet flushing. The modular sewage treatment plant (STP) has been designed to produce a WA Department of Health classified High Exposure Risk effluent (The Right Water Company, 2024). This classification reflects the high quality of the treated effluent, which meets strict health and environmental criteria, making it suitable for applications involving direct human contact. The system is therefore well suited to minimise nutrient discharge and environmental

No.	EPA Services and Technical Agency Comments	Proponent Response
		risk. Preliminary irrigation modelling for the Proposal indicates a low risk of nutrient enrichment in groundwater from the infiltration of treated wastewater, with no significant residual impact on groundwater quality anticipated (refer to Section 10.5.1.2 of the ERD). The impact assessment considered whether any relevant activities (either existing or 'reasonably foreseeable' as defined by (EPA, 2024) (Section 17 of the ERD) would contribute to cumulative impacts on Inland Waters and it was determined that there are no other reasonably foreseeable proposed developments at the local or regional scale that require consideration. Past activities should be acknowledged in the impact assessment, with their impacts considered in the context of the receiving environment. The ERD and the supporting assessments provide extensive detail on the receiving environment and potential impacts to groundwater and marine water quality as a result of the Proposal. However, it is acknowledged that the ERD does not provide an understanding of how wastewater is being disposed at the adjacent Smiths Beach resort or Canal Rocks apartments and developments to the east and south of the Development Envelope. The locality of Smiths Beach does not currently have access or connection to reticulated sewerage (for treatment and disposal offsite). It is understood that both the Smiths Beach Resort and Canal Rock apartments manage wastewater via an on-site treatment and disposal via a leach drain type system. Regarding the existing developments to the south and east of the Development Envelope, the disposal method for treated wastewater is unknown and given the absence of reticulated sewerage system, has similarly been assumed to be via on site disposal, such as via a leach drain system. In accordance with Part V of the EP Act and the Environmental Protection Regulations 1987, the Proposal meets the prescribed premises threshold under Category 54: Sewage facility, which is defined as: *"Premises (a)on which sewage is treated (excluding septic tanks); or from which treated sewage is discharged onto land or waters): 100 cubic metres or more per day."* As the anticipated wastewater generation from the Proposal will exceed this 100 kL/day threshold, this triggers the requirement for a Works Approval which ensures the wastewater treatment and disposal systems will be subject to a detailed assessment and regulatory controls by the Department of Water and Environmental Regulation (DWER) to ensure environmental protection. A search of DWER's Works Approval and Licence Register indicates that adjacent developments do not meet the prescribed premises threshold, implying their daily wastewater volumes are below 100 kL/day and therefore operate at a smaller scale with lower total effluent volumes and nutrient loads. Information on wastewater arrangements for adjacent properties is not publicly available; however, quantitative impact data for this Proposal has been provided. On this basis and considering the lower effluent volumes and nutrient loads anticipated from surrounding developments, the conclusion remains that cumulative impacts on groundwater quality are not expected to be significant. Approval and management of the wastewater treatment system will be undertaken under Part V of the EP Act by DWER and under relevant *Health Act 1911* (Health Act) requirements, administered by the City of Busselton. It is anticipated that an appropriate wastewater monitoring program and adaptive management measures will be required in accordance with Part V assessments and approvals, such that the EPA's objectives for Inland Waters can be met.
6.	Further information is required to support the conclusions from the proponent's cumulative impact assessment. The ERD concludes that the proposal will not result in significant cumulative impacts to environmental values, noting that the key environmental values likely to be impacted by the proposal are protected in surrounding conservation estate. However, EPA Services notes that the protection of environmental values within nearby areas is not a project-attributable avoidance or mitigation measure for potential cumulative impacts associated with the proposal. EPA Services therefore requests further information regarding the cumulative impact assessment, including information on the potential cumulative impacts of the proposal to environmental values that are not already protected in conservation areas (e.g. those areas of priority ecological communities, black cockatoo or Western Ringtail Possum habitat not protected in conservation estate). Justification is required on how the cumulative impacts of the proposal will be mitigated, managed, or offset by the proponent to such extent that they are not considered significant impacts.	The ERD states that the Proposal on its own, will result in impacts to the 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' priority ecological community (PEC) (Section 6) and conservation significant fauna Carnaby's and Baudins Black Cockatoo and Western Ringtail Possum habitat (Section 7) resulting in: • Loss of 3.15 ha of the PEC through clearing and impact to 3.69 ha though partial modification of native vegetation'; • A significant residual impact (SRI) of loss of 14.68 ha Western Ringtail Possum habitat within the Development Envelope of which the Open Peppermint Forest (8.76 ha) is considered primary breeding, foraging and dispersal habitat, habitat critical to the survival of the species in the recovery plan and with good connectivity. While this represents less than 1% of the local Western Ringtail Possum habitat within a 10km radius (refer to Figure 2-2 of Appendix H for a visual representation), the Proposal could impact local populations; and • Impacts to 5.19 ha of Carnaby's Black Cockatoo and Baudins Black Cockatoo foraging habitat. The amount of clearing represents <1% of the modelled foraging habitat available within 12km of the Proposal (refer to Figure 2-3of Appendix H for a visual representation). Whilst not originally considered as an SRI within the ERD, these impacts are now considered an SRI. Assessment of the Proposal found that implementation will not reduce any of the vegetation associations or vegetation complexes mapped within the Development Envelope below 30% of their pre-European extents. Further, within the 6 km local context, there are substantial areas of the same vegetation associations and complexes present that will be impacted by the Proposal. Specifically, Chapman Vegetation Associations 37 (109.24 ha), 990 (236.13 ha) and 1180 (512.29 ha) occur within 6 km of the Proposal, with larger extents also available within 12 km (167.25 ha, 392.78 ha and 1,682.77 ha respectively). Likewise, the Wilyabrup (We) complex (82.57 ha), Gracetown (GE) complex (1,372.37 ha) and Wilyabrup (W2) complex (1,205.76 ha) occur within 6 km of the Proposal, with broader representation within 12 km (151.28 ha, 3,008.15 ha and 2,051.31 ha respectively). These extents demonstrate that the same vegetation complexes and associations supporting the PEC, WRP, and Black Cockatoos are well represented and available in the surrounding landscape. Accordingly, the Proposal's clearing footprint representing <0.03% of the current extent of fauna habitat at a local scale (City of Busselton), and <0.01% at a subregional and regional scale is not considered likely to result in a significant cumulative impact. Furthermore, a significant proportion of the remaining extent occurs within existing conservation reserves. For example, within a 6 km radius, 62% of fauna habitat is within conservation reserve. 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-

No.	EPA Services and Technical Agency Comments	Proponent Response
		managed lands. These reserves are known to comprise PEC and habitat suitable for the survival of the conservation significant fauna species that occur within the Development Envelope. National parks adjacent to the Proposal will ensure the long-term, ongoing protection of PEC and fauna habitat in the local area. Their existence will facilitate habitat connectivity, allow for continued movement of arboreal species, eliminate the potential long-term fragmentation and encourage population stability. It is acknowledged that the PEC, Western Ringtail Possum and Black Cockatoos are under increasing threat in the region. The range of Western Ringtail Possum has contracted by 90% since colonial settlement, with declines in abundance and habitat continuing across the range of this species (DPaW, 2017). Similarly, the range of Baudin's cockatoo has declined by more than 50% over the past 50 years. Habitat loss and fragmentation are key threatening processes for Western Ringtail Possum and black cockatoos according to their respective Recovery Plans (DPaW, 2013; DEC, 2008). The Southwest has historically been cleared for agriculture and more recently, urban expansion, with the City of Busselton having 41% of its pre-European vegetation extent remaining. It is acknowledged that the Proposal will result in further incremental decline in habitats for these communities and/or species and therefore will have a cumulative impact as detailed in the ERD in Sections 6.5.3, 7.5.3 and 17. The Proponent has made significant efforts to identify key environmental values and avoid clearing wherever possible. Modifications to layout during the design phase resulted in avoidance of 11.24 ha (62%) of 'Coastal granitic shrublands of the exposed western and southern sides of the Leeuwin Block major landform' PEC and 18.17 ha fauna habitat of which includes 1.34 ha of Western Ringtail Possum and 5.48 ha of Carnaby's and Baudin's black cockatoo habitat to be retained in conservation and POS. Additional clearing has been avoided in the design phase through designing buildings and associated infrastructure to limit clearing and retaining large trees that contribute to canopy connectivity. Possum bridges and other raised structures will assist in providing artificial connectivity within and outside of the Development Envelope. Despite the avoidance and mitigation measures, as noted above, the ERD acknowledges the SRI to environmental values, in particular, suitable Western Ringtail Possum breeding, foraging and dispersal habitat and Black Cockatoo foraging habitat. To counterbalance the SRI, the Proponent has proposed an offsets package, consistent with the WA Offsets Framework (and Commonwealth policy and guidance) that counterbalances the impacts to these values (Section 15 of the ERD) by at least 100% of the assigned value of the impacts (using both the State and Commonwealth offset calculation methodology). The ERD notes that no reasonably foreseeable/approved activities which involve significant clearing of native vegetation were identified at a local or regional scale, that would provide significant cumulative loss of the PEC or fauna habitat. In addition, the land use zoning and extent of conservation reserve in the local area makes further clearing and further loss of habitat unlikely. The purpose for considering nearby conservation estate is to demonstrate that the proposed mitigation measures and offsets will provide continuity of habitat with, and access to, protected areas enhancing the survival prospects for the conservation significant fauna both at a local and regional scale. The preservation of this habitat ensures that the populations of species like Western Ringtail Possum and Black Cockatoos can persist within the local area and maintain the broader regional distribution due to the extent of protected suitable habitat despite the loss of a small portion of habitat for the Proposal. The Proponent considers that the implementation of the proposed mitigation measures, including proposed offsets, will ensure the EPA's objectives for the Flora and Vegetation and Terrestrial Fauna can be met.
7.	Additional information is required regarding the past, present and reasonably foreseeable activities (in a local and regional context) that have been considered by the proponent in undertaking the cumulative impact assessment. The specific activities considered by the proponent should be identified and discussed in the documentation.	The ERD notes one or more 'past, present and reasonably foreseeable activities' (as defined by EPA 2024) may cumulatively impact environmental within either a local and/or regional context. The ERD notes that the assessment is limited by the availability of quantitative data relevant to environmental values and therefore if data is not available it has not been included in the assessment. Where data has been available, this information has been considered in the assessment of predicted extent of cumulative impacts to the relevant environmental factor and summarised in Section 17. To undertake the cumulative impact assessment, the following were utilised to identified third party activities: • Commonwealth referrals and approvals using the Protected Matters Search Tool; and • State (WA) referrals and approvals by using EPA proposals search; • DWER Works Approvals and Prescribed Premises Licences search tool; and • Native Vegetation Clearing Permits searches. The ERD lists which third party activities were identified and considered in the cumulative impact assessment specific to individual environmental factors (see below), but it is acknowledged that the ERD does not list all the past present or potential activities in the "Cumulative Impact Assessment section (section 17). The third-party activities listed in consideration of cumulative impact assessment of fauna, and relate to clearing of native vegetation / fauna habitat include: • Lot 200 Caves Road - Clearing of native vegetation for tourism development. Located within the City of Busselton, approximately 8.5 km southwest of Proposal;

No.	EPA Services and Technical Agency Comments	Proponent Response

- 9018 Martingale Road and Lot 377 Clinker Drive, Dunsborough - Clearing of native vegetation to develop approximately 130 residential lots, located within the City of Busselton, approximately 9 km southwest of Proposal;
- 32 Tom Cullity Drive, Wilyabrup - Clearing of native vegetation to expand existing winery. Located within the City of Busselton, approximately 16km southeast of Proposal; and
- Lots 221, 461 and part Lot 54 Northerly Street, Vasse - Clearing of native vegetation to facilitate urban development. Located within the City of Busselton, approximately 20 km east of Proposal.

Regarding marine water quality, wastewater treatment facilities discharging treated water into the waterways that drain into the Ngari Capes Marine Park are identified as follows:

- Busselton (2010/11 – Treated 1,423,962 kL and discharged 981,648 kL into wetlands and waterways which flow into Geographe Bay);
- Dunsborough (2010/11 – Treated 447,116 kL and discharged 100,062 kL into waterways, almost exclusively used to irrigate blue gum plantations);
- Gnarabup (2010/11 – Treated 36,953 kL and discharged none to waterways, all was discharged into groundwater in shoreline dune systems);
- Margaret River (2010/11 – Treated 411,026 kL and discharged none into waterways, all used to irrigate pine trees on DEC land); and
- Augusta (2010/11 – Discharged to sumps that flow into Redman Brook and eventually Flinders Bay).

Adjacent developments identified in cumulative impacts assessment of Social Surrounds include:

- “Chandlers” resort;
- Smiths Beach Resort; and
- Canal Rocks Apartments.

For most environmental factors, the ERD concluded that, based on a desktop assessment, there are currently no other existing or proposed developments at a local or regional scale which would contribute to cumulative impacts to environmental values in combination with this proposal (Landforms (page 302); Subterranean fauna (Section 9.5.4); Inland waters (Section 10.5.2 page 338); Coastal Processes (Section 11.5.3 page 358); Marine Environmental Quality (Section 12.5.3 page 368)) .

The table below summarises all of the specific past, present and reasonably foreseeable activities (in a local and regional context) that have been considered by the Proponent in undertaking the cumulative impact assessment.

Activity	Status	Proximity to the Proposal	Relevance
Canal Rocks Apartments	Approved existing activities	Nearest development immediately adjacent	Considered in terms of: • Existing disturbance for the purpose of cumulative impacts to flora and vegetation habitat and fauna habitat; • Existing visual impacts for the purposes of cumulative impacts to social surrounds; and • Existing wastewater for the purpose of cumulative impacts to inland waters
Smiths Beach resort	Approved existing activities	Immediately adjacent	Considered in terms of: • Existing disturbance for the purpose of cumulative impacts to flora and vegetation habitat and fauna habitat; • Existing visual impacts; • Existing wastewater for the purpose of cumulative impacts to inland waters; and
Chandlers Smiths Beach Villas	Approved existing activities	Across road	• Existing disturbance for the purpose of cumulative impacts to flora and vegetation habitat and fauna habitat.
Clearing of native vegetation for tourism development within part of Lot 200 Caves Road and part of Caves Road	Approved existing activities	Located within the City of Busselton, approximately 8.5 km southwest of Proposal	Considered in terms of cumulative impacts to fauna habitat.

No.	EPA Services and Technical Agency Comments	Proponent Response			
		Clearing of native vegetation to develop approximately 130 residential lots of varying sizes at Lot 9018 Martingale Road and Lot 377 Clinker Drive, Dunsborough	Reasonably foreseeable (Under Commonwealth assessment; EPBC 2018/8278)	Located within the City of Busselton, approximately 9 km southwest of Proposal	Considered in terms of cumulative impacts to fauna habitat.
		Clearing of native vegetation to expend existing winery at Lot 32 Tom Cullity Drive, Wilyabrup	Approved existing activities	Located within the City of Busselton, approximately 16km southeast of Proposal	Considered in terms of cumulative impacts to fauna habitat.
		Clearing of native vegetation to facilitate urban development at Lots 221, 461 and Lot 54 Northerly Street, Vasse	Reasonably foreseeable (Under Commonwealth assessment; EPBC 2019/8494)	Located within the City of Busselton, approximately 20 km east of Proposal	Considered in terms of cumulative impacts to fauna habitat.
		Busselton WWTP	Approved existing activities	Ngari Capes Marine Park	Considered in terms of cumulative impacts to marine environmental quality.
		Dunsborough WWTP	Approved existing activities	Ngari Capes Marine Park	Considered in terms of cumulative impacts to marine environmental quality.
		Gnarabup WWTP	Approved existing activities	Ngari Capes Marine Park	Considered in terms of cumulative impacts to marine environmental quality.
		Margaret River WWTP	Approved existing activities	Ngari Capes Marine Park	Considered in terms of cumulative impacts to marine environmental quality.
		Augusta WWTP	Approved existing activities	Ngari Capes Marine Park	Considered in terms of cumulative impacts to marine environmental quality.

2.1.2 Terrestrial Fauna

Table 2-2 Response to EPA services and technical agency comments - Terrestrial Fauna

No.	EPA Services and Technical Agency Comments	Proponent Response
8.	The proposal to partially modify vegetation within the development envelope appears to be a result of prioritising the location of assets (potentially to address bushfire requirements) over the retention and protection of important threatened fauna habitat areas. Please advise whether any alternative development layouts were considered to provide additional avoidance for critical fauna habitat.	The siting of the Development Envelope was informed by extensive surveys and prioritises the retention of 'Excellent' quality vegetation. Within the Development Envelope, the proposed partial modification of vegetation balances asset bushfire protection requirements with environmental and visual considerations. Alternative layouts were assessed; however, they did not offer improved outcomes for fauna habitat retention without significantly compromising bushfire safety and reducing the tourism offering of this strategic location. The current layout represents the optimal balance between minimising environmental and visual impact whilst considering regulatory obligations.
9.	More detailed information on significant and SRE invertebrates within the proposal site is required for the EPA to assess the potential impacts to invertebrates from the proposal, the adequacy of the proponent's mitigation measures, and whether the EPA's terrestrial fauna factor objective can be met. The proponent's Short-Range Endemic (SRE) invertebrate fauna investigations are confined to desktop analyses and did not collect the fine-scale data required for SRE assessments. The absence of on-ground surveys means that the significance of impacts to two conservation listed SRE species have not been addressed. It is also noted that the lack of on-ground survey means that no new species/taxa have been considered. SRE and invertebrate fauna surveys regularly record new species, some of which can have restricted distributions. Further information via a detailed survey, or further analysis to demonstrate potential risks and impacts, is required.	The Biologic (2024) desktop assessment identified the entire Development Envelope as being moderately suitable SRE fauna habitat, with only small patches of high suitability habitat associated with the granite outcropping on the western margin of the Development Envelope, within the areas to be retained for conservation (Figure 3.1 of (Biologic, 2024)). A large proportion of the native vegetation within the Development Envelope (approximately 36.5 ha) is in very good to excellent condition which likely provides habitat for SRE invertebrate species and other invertebrates of conservation significance. A risk assessment based on the 14 SRE taxa identified as being likely to be present (including three conservation significant taxa) and their required microhabitat is provided within Appendix F. The outcome of this analysis is that the following SRE's with the potential to occur within the Development Envelope may be at moderate risk of impact, where consideration is required to provide confidence that the residual impact will not be significant and can be mitigated with the information presented at the time of assessment: • *Proshermacha* sp.*indet* (Potential SRE), Myglomorph spider; • *Cryptops sp. Indet* (Potential SRE), centipede; and • *Catasarcus coruscus* (Confirmed SRE), flightless weevil.

No.	EPA Services and Technical Agency Comments	Proponent Response
		The only *Biodiversity Conservation Act 2016* (BC Act) listed species previously identified as potentially occurring within the Development Envelope, Cape Leeuwin Freshwater Snail (CLFS) (*Austroassiminea letha*) (VU; BC Act 2016) is considered unlikely to occur due to lack of suitable habitat, and is therefore at low risk of impact. The DBCA listed taxa which have previously been identified with the potential to occur in the Development Envelope , are considered at low risk of impact: • *Bothriembryon irvineanus* (Onychophora: Bothriebryontidae) Priority 2, land snail – the habitat in which it is most likely to occur (low coastal scrub and heathland) in the Development Envelope is being conserved; and • *Bertmainius opimus* (Araneae: Migidae) Priority 3, Mygalomorph spider – the Development Envelope does not support known habitat. The remaining SRE taxa have been assigned a "low" risk rating as their habitat within the Development Envelope that are being conserved or have other mitigating factors (described in Table 1 Appendix F) which suggest they will not be significantly impacted by the proposal. In particular, for all species with suitable habitat within the Development Envelope, habitat extends beyond they boundary of, and contiguous with, the Development Envelope. Where similar vegetation units are contiguous and broadly distributed outside of the proposed impact area, the likelihood of SREs being confined to the impact area is reduced (EPA, 2016). This habitat will be protected through the proposed conservation area within the Development Envelope and the adjacent National Park. All of the 14 species are known from regional and/or local records ranging from 0.1 km to 27 km from the Development Envelope. Given the known extent of suitable habitat both within and outside of the Development Envelope, and existing records, field surveys, will primarily serve to build on the incremental knowledge of SREs locally and regionally. Surveys will not ultimately alter the proposed mitigation measures, designed to maintain the functionality of retained habitat within the Development Envelope as well as its maintain connectivity to suitable habitat outside of the Development Envelope. The SRE's considered in the risk assessment include: • Myglamorph spiders (trapdoor spiders) which prefer undisturbed soils, often near fallen trees and can be displaced where heavy weed infestation; • Land snails, which require high levels of calcium as well as leaf litter, so tend to prefer limestone rocky outcrops ; typically within the coastal shrubs and heath; • Freshwater snail, requires seepage films or splash zones flanking small freshwater streams and springs draining from limestone near the coast; • Centipede, pseudoscorpions, millipedes, harvestmen, which require damp leaf litter, logs, tree bark, rocks; and • Insects including grasshoppers, the weevil and wasp, which require flowering vegetation; with the wasps nesting in the bark of trees, particularly the Peppermint. The key to ensuring the continuity of these SRE's and other yet to be discovered taxa, is to protect and maintain suitable habitat, for which the key threats other than loss by clearing (which have been minimised by avoiding direct disturbance within some areas of known habitat within the Development Envelope) is fragmentation and degradation of habitat. Fragmentation can be managed by the proposed design, providing continuity of habitat within the Development Envelope to that existing outside of the impact areas, into the adjacent conservation areas. This can be assisted by the proposed use of endemic native vegetation within landscaped areas. The key threat to be managed is therefore degradation of habitat within the Development Envelope, including linkages outside of impact areas. The proposed mitigation measures include the ongoing targeted eradication of weeds, in particular the arum lily; ensuring adequate leaf litter remains within the retained vegetated areas; and landscape design and implementation using local native flora species during establishment of the Proposal, and in fill planting as required during operation; and providing paths to limit access through retained vegetation and directing pedestrian and vehicle access away from conservation areas.
10.	Further information is required about the proposed measures for mitigating potential impacts to SREs (outside of avoiding direct disturbance of some areas of SRE habitat within the DE).	Refer to the discussion above for Item 9.
11.	The Cape Leeuwin Freshwater Snail (CLFS) has been recorded within 1 km of the development envelope, within a closed grassland associated with a spring. It is noted that a freshwater spring occurs within the development envelope (Appendices V and W of the ERD). A targeted survey has not been undertaken to determine whether there is suitable habitat or occurrence of the CLFS within the proposal site. Provide further assessment/discussion on this species and whether there is suitable habitat and/or occurrence of this species within the development envelope.	As described in Appendix F, The Cape Leeuwin Freshwater Snail (CLFS) (*Austroassiminea letha*) (VU; BC Act) was recorded at Canal Rocks south of the Development Envelope in 2007. The only other records of this species occur at five other locations south of the Development Envelope within the Leeuwin-Naturaliste National Park. It is noted that the CLFS is an SRE and that the known range of the CLFS is within small, discontinuous habitats with an area of occurrence over a distance of 80 kms from Canal Rocks (Cape Leeuwin) to Cape Naturaliste (Onton, 2009). It is also recognised that increased sampling effort may identify more locations.

No.	EPA Services and Technical Agency Comments	Proponent Response
		The CLFS has been found to inhabit seepage films or splash zones flanking small freshwater streams and springs draining from limestone near the coast (Burbidge 2004). This habitat type was the focus of the monitoring program as stated in Onton (2009). This habitat has not been observed within the Development Envelope. Hydrological investigations completed for the Proposal identified the waterhole located in the western portion of the Development Envelope (refer to Figure 10-1 in the ERD). This waterhole is intermittently referred to as a waterhole and/or a spring in the supporting document (Appendix U and V). This waterhole was excavated nearly 60 years earlier and is groundwater fed. A comparison of the groundwater levels at the boreholes GB4 and GB5 with that of the waterhole/spring indicated that the waterhole is likely to be groundwater fed from a perched water table as these boreholes are to the west of paleochannel (Golder, 2024a). Groundwater flow was identified as in an easterly direction. This western area overlies sandy gravel, sand, clayey sand or sandy clay geologies. This area also has exposed gneiss and while close to the coast, limestone is not present. The waterhole/spring does not originate from seepage of limestone origin. It would be expected that if this was a natural waterhole then the likelihood of the CLFS was justifiably high and an assessment warranted. However, because the waterhole has an anthropogenic origin, with a recent time scale and limestone is not present, it is unlikely that the waterhole supports relict population of this species, unlike the population found at Canal Rocks and the sites south.
12.	The requirements of ESD work item No. 59 have not been addressed for invertebrates: 59. Identify and describe the terrestrial fauna habitats identified by the studies and surveys. Describe significant fauna habitats, including but not limited to: SRE invertebrate microhabitats, refugia, breeding areas, key foraging habitat, movement corridors and linkages. All survey reports to be provided as an appendix to the ERD. It is noted that the ERD includes a map showing the broad areas of predicted SRE fauna habitat suitability over the proposal site. However, a description of the SRE invertebrate microhabitat types, and a map presenting those habitat types has not been provided. Further information is required to address ESD work item No. 59.	A further risk assessment has been provided in Appendix E, as discussed for Item 10 above, which describes the habitat requirements for the SRE taxa that may occur within and outside of the Development Envelope, based on the Biologic desktop assessment. Broadly The SRE's considered in the risk assessment have the following habitat requirements for foraging and breeding: • Myglamorph spiders (trapdoor spiders) - undisturbed soils, often near fallen trees with minimal weed infestation; • Land snails, which require high levels of calcium as well as leaf litter, so tend to prefer limestone rocky outcrops ; typically within the coastal shrubs and heath; • Freshwater snail - seepage films or splash zones flanking small freshwater streams and springs draining from limestone near the coast • Centipede, pseudoscorpions, millipedes, harvestmen - require damp leaf litter, logs, tree bark, rocks; and • Insects including grasshoppers, the weevil and wasps - require flowering vegetation; with the wasps nesting in the bark of trees, particularly the Peppermint.
13.	The potential impacts to terrestrial fauna species (e.g. shorebirds, seabirds) and terrestrial fauna habitat associated with the clearing and construction of the Universal Assess Ramp (UAR) and associated infrastructure in the foreshore area require discussion.	The Universal Access Ramp (UAR) is no longer proposed to be developed and therefore there will be no interactions with the sandy shore environment as a result of the Proposal. Potential impacts from construction activities to terrestrial fauna species (e.g. shorebirds, seabirds) and terrestrial fauna habitat within the sandy shore environment are therefore not considered likely and do not require further assessment.
14.	Additional consideration of the *National Light Pollution Guidelines for Wildlife (May 2023)* could facilitate the mitigation of impacts to terrestrial fauna associated with artificial light emissions from construction and operation of the proposal (particularly nocturnal fauna and shorebirds). The application of this guideline is recommended.	The National Light Pollution Guidelines for Wildlife (DCCEEW, 2023) (the Guidelines) outlines the process to be followed where there is the potential for artificial lighting to affect wildlife. Artificial light can negatively impact species and ecosystems by altering behaviour, physiology and habitat conditions. It can reduce survival and reproduction, attract predators and invasive pests, disrupt food availability and reduce time spent foraging. The Guidelines highlights that the impacts of light on behaviour of some species are well understood, such as marine turtles and migratory shorebirds. The Guidelines sets out that if there is outdoor lighting, and this is visible outside, a Proposal should adopt best practice lighting design. If there is important habitat for listed species within 20km, environmental impact assessment should be undertaken for impacts of artificial light on wildlife. The Guidelines provide a range of mitigation measures to be implemented by a proponent at the detailed design stage of a Proposal. In general, best practice lighting design incorporates the following principles: • Start with natural darkness and only add light for specific purposes; • Use adaptive light controls to manage light timing, intensity and colour; • Light only the object or area intended – keep lights close to the ground, directed, and shielded to avoid light spill; • Use the lowest intensity lighting appropriate for the task; • Use non-reflective, dark-coloured surfaces; and • Use lights with reduced or filtered blue, violet and ultraviolet wavelengths. Section 13.5.2.1 the ERD identifies that an increase in artificial light at night is a potential indirect impact of the Proposal, in relation to the key environmental factor Social Surroundings; and notes that artificial light may disrupt nocturnal fauna species in Terrestrial Fauna (section 7.5.2.5). It is acknowledged however that the ERD does not include a substantial assessment of the impact of artificial light attributable to the Proposal on known listed terrestrial fauna.

No.	EPA Services and Technical Agency Comments	Proponent Response
		The Development Envelope and surrounds includes habitat for Western Ringtail Possums (Critically Endangered – EPBC/BC Act) and other listed nocturnal terrestrial fauna (Wambenger brush-tailed phascogale (CD – BC Act) and the Quenda (Priority 4 – DBCA Priority List) (partially nocturnal). These nocturnal species rely on natural darkness for their daily activities, such as foraging, navigation, and social interactions. The Guideline specifies that the introduction of artificial light into areas used for critical behaviours, such as foraging, breeding, seeking refuge, commuting and dispersing may not only disrupt critical behaviours, but degrade the habitat and reduce their area of occupancy. It is therefore acknowledged that artificial light from the Proposal may impact on an area of habitat that is used for critical behaviours for terrestrial fauna such as the Western Ringtail Possum, which may affect recovery of the species. While further detail on lighting will be determined at the detailed design phase, the Visual and Landscape Assessment (2021) and Development Application (2021) specify that the Proposal will adopt best practice lighting design principles for external light sources and involves a 'low-level lighting strategy' for the development. Nighttime effects of lighting requirements will be mitigated with an intent to minimise light pollution and spill. These approaches are intended to ensure minimal disturbance to fauna, preserve on-site amenity and reduce the visual impact of the development. Other mitigating measures that will reduce the impacts to fauna, include: • For the roadways, pole height and the type of fittings will be selected to minimise light spill and any direct effect on wildlife. The kelvin rating will also be selected to minimise any direct effect on wildlife (Development Application, 2021); • Lighting of roads and spaces will be located to ensure that luminaires are not visible from the western viewing areas towards the Development Envelope; • Lighting fittings and heights will be selected to shed downwards and illuminate access routes and spaces to safe levels while minimising light spill; • Lighting to the public foreshore and coastal park areas will provide for a safe environment with appropriate lighting levels and colour for a responsible and sensitive approach to lighting of public space; and • Use non-reflective surfaces where possible. The Western Ringtail Possum assessment (Bamford, 2024) notes that Western Ringtail Possum appear to have adapted fairly well to urbanisation and are unlikely to be negatively affected by light associated with operations once construction is complete. The Guideline notes that the impact of artificial light on wildlife will often be the cumulative impact of all light sources in the region. The Visual and Landscape Assessment provided as Appendix CC of the ERD (EPCAD, 2021), found that there are limited sources of artificial light at night at present in the local area, due to the relatively low level of existing development. While the Proposal will provide an additional artificial light source, it is designed to sit low in the largely undisturbed landscape and low impact lighting will be implemented, minimising additional night glow. Having regard for the existing light environment and the adoption of best practise lighting design proposed, it is considered that the risk of light impacts on fauna is low and further artificial light is unlikely given the extent of protected native vegetation.
15.	Additional information is required to discuss the mitigation of indirect impacts to fauna from noise and dust emissions during construction and operation of the proposal.	**Noise** The ERD notes that during construction activities temporary and short-term dust and noise may be generated from the movement of machinery and earthworks. A Noise Assessment (Lloyd George Acoustics, 2021) undertaken for the Proposal development application reviewed potential operational noise sources and determined that all predicted noise levels attributable to the Proposal's operations (car doors, reception hall, patrons) can comply with the assigned noise levels on the Environmental Protection (Noise) Regulations 1997, with some mitigation actions adopted at times. For example, noise from events held at the reception hall be restricted to certain days and times to achieve compliance; glazed doors may need to be shut if the café is at full capacity in the morning. The existing carpark areas for the Smiths Beach Resort and Canal Rocks Beachfront Apartments were identified in the Noise Assessment as a key noise source. Parking for the Proposal, other than individual holiday home lots, will be provided to the rear of the existing Smiths Beach Resort. The noise level that would disturb terrestrial fauna such as the Western Ringtail Possum (65 dB; Bamford 2024) would exceed assigned noise levels in the Environmental Protection (Noise) Regulations 1997 required to be met for the existing and proposed development. The proposed noise mitigation measures will minimise impacts to both humans and terrestrial faun; and include the following described in the Noise Assessment and the ERD: • Construction of a 2.6-metre-high wall (relative to the ground level of the units) alongside the single storey units of the Smiths Beach Resort, to reduce noise from the car park impacted adjacent native vegetation; • Design and material will be selected to reduce noise, such as roof/ceiling with acoustically absorptive panels installed to the underside of the ceiling or acoustically equivalent, floor material acoustically hard such as timber or vinyl; glazing is minimum 6.38mm thick laminated glass with a minimum acoustic performance of Rw + Ctr ≥ 28.;

No.	EPA Services and Technical Agency Comments	Proponent Response
		• Use of the Reception Hall and terraces will be determined based on noise impacts, with preferred times for balconies, nighttime limits, and doors to be closed if music is played; • Management of the campground will implement a noise management system to ensure no excessive noise from camp site area. This would be a condition of entry and persons not abiding by this will be required to leave; • The Surf Life Saving Club building will incorporate absorptive lining (Greenstuf soffit or similar) and the doors will be solid (no gaps) and reasonably well sealed; • Delivery vehicles will be limited to daytime only, Mondays to Saturdays 7am to 7pm. Drivers are to be instructed to turn off engines and/or refrigeration units during unloading; • Collection of waste, landscaped area maintenance, and car park cleaning will be undertaken during daytime hours, in the quietest reasonable and practicable manner and using the quietest equipment reasonably available; and • Construction restricted to daylight hours.; A complaints register maintained on site to record any complaints received and following any complaints, the source of excessive noise will be identified, and additional management measures determined, which may include: • In the case where such activities are required to be undertaken outside daytime hours, the works also need to be carried out according to a Noise Management Plan which has been approved by the local government authority CEO; and • All mechanical plant will be selected for quiet operation, including allowance for attenuators in exhaust fans and the like and low speed operation at night. During detailed design, once equipment has been selected, this shall be subject to an acoustic assessment undertaken by a suitably qualified acoustic consultant. **Dust** Potential dust generation is expected to be temporary and of a short duration, with potential impacts anticipated during high wind periods, particularly during strong onshore afternoon winds typical for the local coastline. The ERD sets out several mitigation measures to reduce the impact of dust, including: • Speed limits to be enforced on all site access road; • Water-based dust suppression measures, such as sprinklers and water carts, will be utilised during clearing and construction activities to minimise dust emissions; • Cleared areas will be stabilised to prevent wind-blown dust generation on site; • Sealed paths, access ways and roads are to be constructed, with remaining cleared areas to be landscaped which will minimise dust generation from these areas once operational; and Dust and sediment control fencing will be installed around the perimeter of construction area to prevent wind and water erosion off-site and dust emissions that could cause disturbance to the adjoining National Park. A complaints register maintained on site to record any complaints received and following any complaints, the source of excessive dust will be identified, and additional management measures determined, which may include limiting the quantity of machinery/vehicles in operation; or depending on the conditions, temporarily pausing work until wind conditions improve.
16.	Review the assessment of direct impacts to the barking owl at Table 7-14 of the ERD. The barking owl section appears to contain information about impacts to Baudin's black cockatoo habitat.	Revised assessment of direct impacts to the barking owl has been provided below – The Barking Owl was considered Likely to occur within the Development Envelope by Biologic (2024a). The southern subspecies of barking owl occurs primarily in dry sclerophyll woodland, particularly that associated with riparian vegetation in the Southwest (Johnstone & Storr, 1998) and on forest edges in the south-east (Taylor & Kirsten, 1999). It prefers densely wooded habitats, particularly stands of Melaleuca forest and inhabits coastal and subcoastal Western Australia from Esperance to Greenough River (Johnstone & Storr, 1998). The Melaleuca over Hakea Shrubland within the Development Envelope is considered primary foraging and dispersal habitat for the Barking Owl. The Proposal will result in up to 0.98 ha being disturbed (0.73 ha of habitat being fully cleared and 0.25 ha partially modified), subject to landscape treatment and selective tree retention. Based on the residual impact calculation undertaken in the ERD, which includes for clearing in partial modification zones, the total residual impact to Barking Owl habitat is 0.96 ha. This residual impact includes the full clearing and the residual impact calculated in partial modification zones. A significant portion of habitat (4.71 ha) for the species (*Melaleuca* over Hakea Shrubland) will be retained within the designated conservation area which will be protected in perpetuity. On this basis, the Proposal is unlikely to significantly impact the species or cause it to become rare or endangered.

2.1.3 Western Ringtail Possums

Table 2-3 Response to EPA services and technical agency comments - Western Ringtail Possums

<table>
<tr><th>No.</th><th>EPA Services and Technical Agency Comments</th><th>Proponent Response</th></tr>
<tr><td>17.</td><td>Total hectarage (ha) values are required for Western Ringtail Possum habitat within each of the Public Open Space (POS) and conservation areas to be retained in areas 1-4 (see Figure ES 2).</td><td>It is noted that the (Bamford, 2024) identified additional secondary habitat for the Western Ringtail Possum within areas of Melaleuca over Hakea shrubland and Open Coastal Shrubland in comparison to the Biologic (2024a) survey. An updated habitat map is provided in Figure 2-1 and all references to Western Ringtail habitat throughout the responses are now based on this updated mapping.
The total amount of Western Ringtail Possum habitat to be retained in the POS/Conservation Area is provided below:
<table>
<tr><th>Area</th><th>Western Ringtail Possum habitat</th></tr>
<tr><td>Area 1: Area to be placed into conservation</td><td>3.94 ha</td></tr>
<tr><td>Area 2: POS/ Conservation Lot</td><td>1.15 ha</td></tr>
<tr><td>Area 3: POS</td><td>0.64 ha</td></tr>
<tr><td>Area 4: POS</td><td>0.32 ha</td></tr>
<tr><td>Total</td><td>6.05 ha</td></tr>
</table></td></tr>
<tr><td>18.</td><td>Section 7.5.1.3 contains a series of inconsistencies that may under-represent the actual extent of canopy connectivity loss:
Table 7-15 text states a 33% reduction in canopy within the development envelope, however, Table 7-15 data indicates that there will be a 63.25% reduction in canopy within the development envelope.
Section 7.5.1.3 concludes that ‘despite the moderate loss of canopy cover, the overall impact is considered minimal, with sufficient habitat remaining within and around the development area to support wildlife’. ‘Moderate loss’ has not been defined or quantified, and the comparison scope for ‘minimal’ impact has not been specified.
Table 7-16 text states a 29% reduction in canopy within the development envelope, however, Table 7-15 data indicates that there will be a 76.19% reduction in canopy within the development envelope.</td><td>The intention was to demonstrate the reduction in canopy cover as a proportion of the entire Development Envelope, rather than as a percentage reduction from the pre-development canopy area. It is acknowledged that this approach may have led to confusion, given the same table can be used to draw different types of conclusions (absolute canopy loss vs loss relative to existing canopy). This approach did consider the loss of canopy in both fully cleared areas and partially modified areas.
Since preparation of the ERD, the modelling work has been further refined to more accurately reflect the parameters of the partial modification approach, as documented in (Bamford, 2025) and so the canopy connectivity loss presented in the ERD has been superseded by the assessment provided in Bamford (2025).
The updated assessment indicated that approximately 80.5% of trees (>5m) and 92% of shrubs (2-5m) will be lost compared to baseline levels, with the remaining retained vegetation available as accessible habitat, as presented in the Bamford (2025) report and summarised in the table below.
<table>
<tr><th>Vegetation layer</th><th>Baseline area (ha)</th><th>Accessible habitat retained (ha) under partial modification approach</th><th>% habitat lost/inaccessible under partial modification scenario</th></tr>
<tr><td>Trees</td><td>7.49</td><td>1.46</td><td>80.5</td></tr>
<tr><td>Shrubs</td><td>7.44</td><td>0.58</td><td>92</td></tr>
</table>
These figures are based on the combined habitat categories of Open Peppermint Forest, Open Banksia Forest and Closed Low Marri Forest and do not include the extended secondary habitat identified by Bamford (2024) (refer to response to Item 17 above). Bamford (2024) mapping identified additional areas of secondary habitat within Melaleuca over Hakea shrubland and Open Coastal Shrubland compared with the Biologic (2024a) survey. This mapping extension results in additional 1.79 ha of Western Ringtail Possum habitat now mapped as being impacted by the Proposal (either through partial modification or full clearing) and a greater area of secondary habitat also mapped as being retained in POS/conservation lots (increase of approximately 4.7 ha). As such, the overall reduction in canopy loss reported by Bamford (2024), is considered to be a comparable estimate under the partial modification approach if the extended habitat areas were to be incorporated into the modelling.
The proposed offset package (Appendix H) has been prepared on the assumption that all connectivity within the development footprint is lost and is therefore expected to counterbalance this loss of habitat through contributing to long-term habitat connectivity and function for Western Ringtail Possum habitat impacted by the Proposal.</td></tr>
<tr><td>19.</td><td>Partial modification of Western Ringtail Possum habitat
Informed by technical agency comments, the partial modification of fauna habitat (rather than full clearing of habitat) is not considered likely to reduce the impact of the proposal on Western Ringtail Possum. Partial modification of habitat will result in:
an increased need for Western Ringtail Possums to come to ground to move through the landscape (and subsequent increase in mortality risk for predation and vehicle strike)
a reduction in home range and associated resources for Western Ringtail Possums that remain within the development envelope
a reduced overall carrying capacity within the development envelope.
The functional connectivity of the retained canopy is important for allowing Western Ringtail Possums to move into, through, and out of the development envelope. The retained habitat within the development</td><td>In response to concerns regarding the partial modification of Western Ringtail Possum habitat within the Development, further technical assessment has been undertaken.
Bamford (2025) were engaged to specifically assess the implications of partial habitat modification on Western Ringtail Possums, with the full report provided in Appendix D. This assessment was informed by updated canopy connectivity modelling undertaken by JBS&G (provided as an attachment to the Bamford report). While the modelling is indicative, it is considered representative of the likely development scenario. The purpose of this work was to evaluate the potential impacts on Western Ringtail Possums as a result of the partial modification approach. The results indicate that habitat quality (i.e. the availability and condition of food and shelter resources) within the Development Envelope would be significantly reduced (at least temporarily) post-modification, due to the loss of approximately 90% of shrubs (2–5 m) and 80% of trees (>5 m), compared with baseline conditions. Despite this reduction, partial modification was considered preferable to more intensive clearing that would be required if high modification APZ’s were applied across the entire development footprint. Partial modification enables the retention of a proportion of existing trees, maintaining habitat value that could be further supported through measures such as possum bridges.</td></tr>
</table>

No.	EPA Services and Technical Agency Comments	Proponent Response
	envelope will be largely disconnected and likely highly degraded and will therefore significantly reduce habitat functionality for Western Ringtail Possums. The ERD states that clearing and modification of vegetation may be able to be achieved without a negative impact on Western Ringtail Possum. This relies heavily on the concentration of possum observations in the northern portion of the development envelope, which is proposed to be developed as a campground (and modified to a lesser extent than other areas). It is uncertain whether the existing concentration of Western Ringtail Possums will be able to persist in this location given Department of Planning Lands and Heritage (DPLH)'s advice that clearing/modification of the canopy to achieve a maximum of 15% coverage across the site is required to meet state bushfire policies and guidance (see comment at Row 78). The retention of Western Ringtail Possum habitat within the development envelope wherever possible is supported, however, the extent of partial modification of habitat currently proposed within the development envelope is likely to result in significant residual impacts to Western Ringtail Possums. EPA Services recommends that the proponent's Offset Management Strategy (OMS), and management and monitoring measures outlined in the Conservation Significant Fauna Management Plan (CSFMP), are reviewed accordingly. Specific comments regarding the proposed OMS and CSFMP are provided in Rows 33-39 and 40-56 of this table, respectively.	The partial modification treatment remains the Proponents preferred approach to reduce overall impacts to Western Ringtail Possum compared with full clearing. As detailed in Bamford (2025), this approach may support the continued presence of Western Ringtail Possum within the Development Envelope. This is supported by several published studies (Thompson & Thompson, 2009; Busschots, Close, Van Helden, & Speldewinde, 2021; Van Helden, Close, Stewart, Speldewinde, & Comer, 2020), which demonstrate that Western Ringtail Possum are capable of utilising disturbed environments (e.g. residential gardens, roadsides) provided sufficient structural connectivity is maintained. Bamford (2025) concluded that while partial modification will result in a reduced availability of resources for Western Ringtail Possums compared to baseline, the proposed scenario remains preferable to complete clearing. Specifically, Bamford notes that under the post-development scenario, where canopy trees and shrubs are selectively retained and a network of possum bridges is implemented approximately 5 individuals may be supported. This represents a potential reduction in carrying capacity, with baseline conditions currently supporting an estimated 15–20 individuals. In response to comments regarding the concentration of possum observations in the northern area proposed for campground development, the Proponent has established a 'Western Ringtail Possum Habitat Conservation and Connectivity Zone' (see Figure 2-2) around the proposed campground site. The establishment of this zone recognises this area as key habitat for the local possum population and prioritises the retention of canopy cover (40%; or up to 0.72ha), together with an expanded network of possum bridges to enhance habitat connectivity. The campground is a low impact, complementary land use selected specifically to suit this sensitive environmental setting. Design minimises disturbance through a focus on retention of primary WRP habitat and maintenance of canopy connectivity to maintain WRP movement pathways. Restricting vehicles and confining visitors within this zone to designated paths reduces mortality risk, limits disturbance, prevents habitat damage and maintains habitat continuity for Western Ringtail Possums. Notwithstanding the above and consistent with EPA Services' recommendation, the Offset Strategy (Appendix H) has been revised to adopt a precautionary and conservative approach. This includes treating both fully cleared and partially modified vegetation as contributing to the total significant residual impact on Western Ringtail Possum habitat. Offset calculations have been updated accordingly to reflect this broader consideration of potential impacts. As offsets have been calculated on the basis that both fully cleared and partially modified vegetation contribute to the total significant residual impact, the delivery of additional mitigation measures (such as artificial dreys, above-ground water sources and canopy connectivity structures as detailed in the ERD) is not relied upon to demonstrate that significant residual impacts have been addressed. However, the partial modification approach is still the preferred approach by the Proponent and it is still considered that implementation of such measures to enhance habitat functionality and improve outcomes for Western Ringtail Possums within the Development Envelope will be considered in the final design.
20.	Given the high proportion of Western Ringtail Possum habitat to be removed from the development envelope, it is unlikely that resident Western Ringtail Possum individuals will stay and shelter within the development envelope whilst clearing works are underway. It is more likely that mobile Western Ringtail Possum individuals will seek shelter in the denser adjoining habitat to the south. In this context, noting that Western Ringtail Possums are territorial animals, the impact to individuals moving out of the development envelope and into neighbouring possum territory to seek refuge should be considered. Further information is also required to demonstrate that surrounding areas (outside the development envelope) contain habitat suitable for Western Ringtail Possum breeding and foraging activities. In accordance with ESD work item No. 69, further contemporary survey and mapping work of Western Ringtail Possum habitat outside the development envelope may be required to address this information requirement.	As described for Item 19 above, and as outlined in Section 7.6 of the ERD and further supported by Bamford (2025), the partial modification is the preferred approach to be adopted by the Proponent in lieu of full clearing to support the coexistence of Western Ringtail Possums within the Development Envelope during and after development. The in-situ management of Western Ringtail Possums is supported by multiple studies (Thompson & Thompson, 2009; Busschots, Close, Van Helden, & Speldewinde, 2021; Van Helden, Close, Stewart, Speldewinde, & Comer, 2020), which provide evidence that Western Ringtail Possums can utilise highly disturbed environments, including residential areas, provided adequate structural connectivity and resources are maintained. As discussed in response to Item 19 above, the establishment of a Western Ringtail Possum Habitat Conservation and Connectivity Zone within the part of the Development Envelope where the local possum population is concentrated supports the objective of maintaining possums in situ. Through the retention of a minimum of 40% canopy cover (0.72 ha) and the installation of a possum bridge network, possums will be encouraged to remain in the canopy and minimise the need for ground movement, supporting their continued retention in situ. With respect to the suitability of surrounding habitat, the Biologic (2024a) survey incorporated seven habitat assessments in areas immediately south of the Development Envelope (refer to Section 3.3, Figure 3.3 and Appendix B and D of the Biologic report which was provided as Appendix K of the ERD). These assessments confirmed the presence of Open Peppermint Forest and recorded Western Ringtail Possum dreys directly adjoining the Development Envelope, indicating the presence of suitable breeding and foraging habitat within the Leeuwin-Naturaliste National Park. This demonstrates that suitable Western Ringtail Possums habitat extends beyond the Development Envelope and that the adjoining areas to the south are likely to support displaced individuals during development.
21.	With regard for EPA Services' comments at Row 19 above, please re-confirm quantifications for the extent of: • fauna habitat within the development envelope • fauna habitat to be directly disturbed (removed, lopped, irrigated with treated wastewater, etc) by the proposal • existing fauna habitat to be indirectly disturbed (from edge effects, emissions during construction, etc) by the proposal • fauna habitat to be revegetated within the development envelope post-disturbance • ensuring that extent quantifications for each of the points above include the total extent, extent by habitat type, and extent by conservation-significant fauna species' habitat.	The areas proposed for full clearing are fixed and have been clearly defined in the ERD. However, for the areas subject to partial modification for landscaping and bushfire treatment, the specific nature and extent of disturbance (whether direct or indirect) and revegetation cannot yet be confirmed, as detailed design, including Vegetation Management Plans (VMP) and landscaping plans are still in development and are subject to the bushfire and planning process currently underway. In the absence of this detailed information and to adopt a precautionary approach, the Proponent has conservatively assumed that the full extent of these partially modified areas may be subject to direct disturbance to inform current impact quantification. It is important to acknowledge however that by adopting this precautionary approach and conservatively treating all areas identified for partial modification as being subject to direct disturbance, the quantification significantly overestimates the actual extent of fauna habitat impacted by the Proposal. Portions of fauna habitat will be retained and actively managed throughout the Development Envelope as described in Section 6.6.2 of the ERD. Please refer to Section 1.1.1 for further details on the maximum extent of retention and clearing within partially modified areas proposed. Fauna habitat values are provided in the table below. Please refer to Table 7-3 of the ERD for fauna habitat type descriptions.

No.	EPA Services and Technical Agency Comments	Proponent Response

Fauna habitat types	Extent within Development Envelope	Full clearing	Partial Modification	Full clearing and partially modified areas
Kunzea and *Melaleuca* Closed Shrubland	11.63 ha	0.14 ha	0.10 ha	0.24 ha
Open Peppermint Forest	8.76 ha	3.76 ha	4.44 ha	8.21 ha
Melaleuca over *Hakea* Shrubland	5.69 ha	0.73 ha	0.25 ha	0.98 ha
Open Coastal Shrubland	5.81 ha	2.76 ha	2.84 ha	5.60 ha
Open *Banksia* Forest	4.12 ha	1.70 ha	2.37 ha	4.06 ha
Closed Low Marri Forest	1.52 ha	0.33 ha	0.47 ha	0.80 ha
Rocky Outcrop	0.52 ha	0.00 ha	0.00 ha	0.00 ha
Cleared/Disturbed	3.74 ha	1.27 ha	1.30 ha	2.56 ha
Total	**41.79 ha**	**10.68 ha**	**11.76 ha**	**22.45 ha**

Conservation significant fauna habitat extent within the Development Envelope for species either recorded in the Development Envelope or considered likely to occur are provided below. It is important to note that the habitat values for Western Ringtail Possums have increased since the ERD was published based on the results of the Bamford (2024) report (refer to response to Item 17). This has been reflected in the Wambenger brush-tailed phascogale habitat as they are known to share similar habitat values.

Species	Habitat type	Extent of habitat within Development Envelope	Full clearing	Partial modification	Extent of habitat within full clearing and partially modified areas
Western Ringtail Possum (*Pseudocheirus occidentalis*)	• Open Peppermint Forest • Open *Banksia* Forest • Closed Low Marri Forest • Portions of *Melaleuca* Closed Shrubland • Portions of Open *Banksia* Forest	20.73 ha	6.73 ha	7.95 ha	14.68 ha
Wambenger brush-tailed phascogale (*Phascogale tapoatafa)*	• Open Peppermint Forest • Open *Banksia* Forest • Closed Low Marri Forest	20.73 ha	6.73 ha	7.95 ha	14.68 ha
Quenda (*Isoodon obesulus fusciventer)*	• *Kunzea* and *Melaleuca* Closed Shrubland • *Melaleuca* over Hakea Shrubland	36.01 ha	9.09 ha	10.00 ha	19.09 ha

No.	EPA Services and Technical Agency Comments	Proponent Response					
			• Open *Banksia* Forest • Open Coastal Shrubland • Open Peppermint Forest				
		Western brush wallaby (*Notamacropus irma*)	• Open *Banksia* Forest	4.12 ha	1.70 ha	2.37 ha	4.07 ha
		Baudin's black cockatoo, (Calyptorhynchus baudinii)	• Open *Banksia* Forest • Closed Marri Forest/ Vegetation Unit CcH • *Melaleuca* over *Hakea* Shrubland/ Vegetation Unit MhGl	8.92 ha	2.47 ha	2.72 ha	5.19 ha
		Carnaby's black cockatoo (*Calyptorhynchus latirostris*)	• Open *Banksia* Forest • Closed Marri Forest/ Vegetation Unit CcH • *Melaleuca* over *Hakea* Shrubland/ Vegetation Unit MhGl	8.92 ha	2.47 ha	2.72 ha	5.19 ha
		Forest red-tailed black cockatoo (*Calyptorhynchus Banksia naso*)	• Closed Low Marri Forest/ Vegetation Unit CcHh	0.68 ha	0.04 ha	0.25 ha	0.14 ha
		Barking Owl (*Ninox connivens connivens*)	• *Melaleuca* over *Hakea* Shrubland	5.69 ha	0.73 ha	0.25 ha	0.98 ha
		Coastal plains skink (*Ctenotus ora*)	• Open Coastal Shrubland • *Melaleuca* over *Hakea* Shrubland • Open *Banksia* Forest	15.62 ha	5.19 ha	5.46 ha	10.65 ha
22.	**Rope bridges** The potential use of rope bridges in place of naturally occurring canopy connectivity is considered a novel approach, and studies assessing their effectiveness are limited. The use of rope bridges and artificial dreys	While the use of rope bridges is not considered equivalent to the retention of continuous canopy, they can play a valuable supplementary role in maintaining landscape scale connectivity and mitigating the impacts of fragmentation, especially when supported by appropriate design, placement, and monitoring. As noted by Bamford (2025), a number of studies (Yokochi & Bencini, 2015; Mitchell, Harrison, Ainley, Ree, & van der, 2022; Goldingay, Rohweder, & Taylor, 2012; Bamford, Bamford, & Bamford, 2023) have demonstrated that rope bridges and other arboreal					

No.	EPA Services and Technical Agency Comments	Proponent Response
	by Western Ringtail Possums is highly variable and context specific and is not considered equivalent to retaining canopy connectivity. It is noted that the Vasse Diversion drain project referenced in the proponent's documentation is not considered comparable to the Smiths Beach proposal, as it: Incorporated a lesser amount of clearing, with clearing undertaken in patches over a smaller total area. Was sited within a predominantly residential location that Western Ringtail Possums had been persisting in for more than 20 years prior. It is likely that the Western Ringtail Possum population along the Vasse Diversion drain would be more accustomed to a heightened level of residual impact (from light, noise, pets, cars, etc) than the population at Smiths Beach. Please provide justification for the proposed use of a single rope bridge and its alignment around the periphery of the development envelope. Given the high level of Western Ringtail Possum habitat fragmentation proposed, multiple smaller/shorter rope bridges connecting patches of prime habitat and/or individual Western Ringtail Possum home ranges, and informed by Western Ringtail Possum movement patterns, are likely to be more effective than the proposed single rope bridge and peripheral development envelope alignment.	crossing structures can be successfully used by various species of arboreal mammals, including Western Ringtail Possum. In particular, Yokochi & Bencini (2015) reported increased use of rope bridges by Western Ringtail Possum within 270 days of installation and similar results were observed along the Vasse Diversion Drain. While it is acknowledged that the Vasse example may not be directly comparable to the Smiths Beach context, it nonetheless demonstrates that rope bridges can facilitate Western Ringtail Possum movement across fragmented landscapes under certain conditions. The Proponent has investigated the use of rope bridges in consultation with Bamford (2025), including the development of a proposed network of structures to supplement canopy connectivity across the Development Envelope (as shown in Figure 2-2 and Appendix D). Bridges are intended to maximise safe arboreal access between retained vegetation patches across the Development Envelope, particularly where natural canopy connectivity is limited or absent. It also provides links to adjoining habitat in the Leeuwin-Naturaliste National Park to the south and habitat across Smiths Beach Road to the east. Within the proposed campground, where the Western Ringtail Possum Habitat Conservation and Connectivity Zone is set to be established, the density of retained trees and canopy is greater and connectivity is expected to be largely intact, enhancing the likelihood of use by Western Ringtail Possum and the ability for the population to remain in-situ. While rope bridges are not considered a substitute for intact canopy, their inclusion will supplement connectivity in a highly constrained landscape and minimise the need for Western Ringtail Possums to come to ground. The Proponent's preferred approach is to pursue partial modification of vegetation within suitable areas of the Development Envelope, maintaining canopy connectivity where practicable to support Western Ringtail Possum movement and access to habitat. In this context, supplementary measures such as rope bridges have been explored as an enhancement to connectivity, particularly where retained canopy gaps are expected. While these measures are not relied upon in demonstrating that significant residual impacts have been addressed (refer to response to Item 18), they represent an opportunity to improve functional habitat linkages and support safer arboreal movement across the site. Further consideration of these supplementary measures will occur during detailed design and throughout the bushfire and planning processes currently underway to optimise outcomes for Western Ringtail Possums within the Development Envelope and adjoining habitats.
23.	The ERD states that 'connectivity will be retained (or created) between the Development Envelope and nearby patches of suitable Western Ringtail Possum habitat, in the Leeuwin-Naturaliste National Park to the north-east and south'. The proposed alignment for the rope bridge does not provide direct connectivity from the development envelope to the Leeuwin-Naturaliste National Park to the north-east. Therefore, clarification is required as to how the proponent intends to deliver on the above statement.	Refer to response to item 22 above for more details.
24.	There is no indication that other structures (alternative to the rope bridges) will be placed within the development envelope to link up what would be the majority of the residual isolated patches of habitat. It is noted that if support structures (for a rope bridge(s) or other artificial habitat) are proposed within the Leeuwin-Naturaliste National Park, lawful authority will be required under the *Conservation and Land Management Act 1984* and a proposal should be submitted through DBCA's Disturbance Approval System for assessment.	The Proponent notes that no additional structures are currently proposed within the Development Envelope to facilitate connectivity between isolated patches of retained habitat. The comment regarding the potential need for lawful authority under the *Conservation and Land Management Act 1984* for any infrastructure proposed within the Leeuwin-Naturaliste National Park is acknowledged. Should any connectivity infrastructure (such as support structures for rope bridges) be proposed within the National Park boundary in the future, the Proponent will seek the necessary approvals through DBCA. Where any infrastructure is required in road reserves, appropriate permissions will be sought through the City of Busselton.
25.	The ERD states: 'Research suggests that Western Ringtail Possum can thrive in urban areas (Busschots et al. 2021; Van Helden et al. 2021) and consume a wide variety of plant species (Mathieson et al. 2020), making it likely that the Proposal will offer a net benefit in terms of habitat quality for the species, as compared to other species that may struggle with frequent human disturbances.' Technical agencies disagree with the inference that because Western Ringtail Possums have some capacity to persist in or alongside urban environments (using man-made structures and eating a variety of foods), they will do so naturally and spontaneously in response to clearing and severe modification of core habitat. Information regarding fitness or population ecology information/data that demonstrates Western Ringtail Possums are 'thriving' in urban areas is required to substantiate this point. Further, the potential long-term implications from human-induced impacts to Western Ringtail Possums living in residential and semi-rural areas are not well understood. It has been suggested that elevated in breeding may occur in urban areas, and that increased access to artificial resources in urban areas may cause lower levels of fitness within Western Ringtail Possum populations. EPA Services also notes that the high proportion of Western Ringtail Possum habitat proposed to be removed from the development envelope is unlikely to result in a 'net benefit' to Western Ringtail Possum habitat quality at the proposal site. It is recommended that the discussion regarding Western Ringtail Possum persistence/survival in urban areas, and the 'net benefit' of the proposal to Western Ringtail Possums, is revised to address the advice above.	The discussion in the ERD was not intended to suggest that Western Ringtail Possum will naturally and spontaneously adapt to the proposed development, nor was it intended to imply that urban environments are preferred over intact habitat. Rather, the reference to Busschots et al. (2021), Van Helden et al. (2020), and Mathieson et al. (2020) was intended to demonstrate the species' capacity for behavioural flexibility and persistence in human-modified landscapes where the right conditions are provided. These studies provide evidence that Western Ringtail Possum have been observed to utilise residential gardens, roadside verges and other disturbed settings, including for nesting and foraging. For example: • Thompson & Thompson (2009) found Western Ringtail Possum in Dunsborough occupying dreys in suburban areas and actively using roadside vegetation; • Van Helden et al. (2020) documented Western Ringtail Possum residing in residential gardens for extended periods, even in the absence of nearby remnant vegetation; • Busschots et al. (2021), reported Western Ringtail Possum occupying urban areas within the City of Albany; and • Mathieson et al. (2020) confirmed dietary plasticity in Western Ringtail Possum, further supporting their adaptability in modified environments. The Proposal does not rely on adaptability alone. Instead, the establishment of the Western Ringtail Possum Habitat Conservation and Connectivity Zone and partial modification approach offer an opportunity to implement, a range of supplementary measures that could be considered to support in situ persistence of Western Ringtail Possum. This will include: • Selective retention of canopy trees and clumps of shrubs throughout the Development Envelope; • Installation of a network of possum bridges to provide safe canopy connectivity, minimising the need for ground movement; • Provision of artificial dreys and water resources to supplement habitat needs; and

No.	EPA Services and Technical Agency Comments	Proponent Response
		• A commitment to ongoing monitoring and adaptive management. These measures, will aim to maintain movement pathways and resource access, supporting the persistence of Western Ringtail Possum in the Development Envelope over the long term. It is acknowledged that urban environments present risks (e.g. genetic isolation, reduced fitness), and that Western Ringtail Possum presence in urban areas should not be interpreted as an optimal outcome. However, with appropriate connectivity infrastructure, there is potential for a number of Western Ringtail Possums to persist in situ within a modified but strategically designed landscape.
26.	Revegetation within the development envelope is supported, however the proposed actions appear focused on the 'cleared and degraded' foreshore and existing informal tracks, which are outside the primary Western Ringtail Possum habitat to be cleared and fragmented. The proposed revegetation is therefore unlikely to mitigate the short or long-term direct or indirect impacts to Western Ringtail Possum primary habitat.	The Proponent acknowledges that revegetation within the Development Envelope will not fully mitigate the direct or indirect impacts to Western Ringtail Possum habitat. The Offset Strategy, developed to counterbalance the Proposal's impacts on Western Ringtail Possums, includes the restoration of more than 30 hectares of suitable habitat within DBCA managed conservation estate (Appendix H), with the objective of achieving a long-term conservation benefit for the species.
27.	It is noted that implementation of the proposal will require the proponent to obtain Ministerial authorisation under the *Biodiversity Conservation Act 2016* (BC Act) for the take of Western Ringtail Possums.	The Proponent will seek all relevant approvals prior to the commencement of construction.
28.	With reference to Table 7-23 from the ERD: • the anticipated decrease in Western Ringtail Possum food availability is considered a significant impact of the proposal • consistent with comments at Row 19 above, the figures/values provided for the outcomes of 'decrease in refuge site availability', 'increased likelihood of competition of the Western Ringtail Possum with other fauna' and 'reduced ability of the Western Ringtail Possum to disperse' will require revision.	Refer to response to Item 19 above. In addition, the Offset Strategy (Appendix H) has been revised to adopt a precautionary and conservative approach. This includes accounting for both fully cleared and partially modified vegetation areas as contributing to the total significant residual impact on Western Ringtail Possum habitat. Offset calculations have been updated accordingly to reflect this broader consideration of impact.

2.1.4 Black Cockatoos

Table 2-4 Response to EPA services and technical agency comments - Black Cockatoos

No.	EPA Services and Technical Agency Comments	Proponent Response
29.	Clarification is required as to whether the impacts to black cockatoos (BCs) cited in the ERD include potential clearing impacts associated with the inclusion of the southern road reserve in the proposal. Clarification of impacts to BCs is required, including quantification of anticipated residual BC habitat within the development envelope following the modification of vegetation. It is also noted that pockets of known foraging species occur within the 'open coastal shrubland' habitat type (including *Agonis flexuosa*). Revision of the quantification and condition scores for BC foraging habitat within the proposal site may be required to account for these additional habitat areas.	The impacts to Black Cockatoos as described in the ERD do include potential clearing impacts associated with the southern road reserve (referred to as Leeuwin Way Road reserve in the ERD). As described in Section 7.3.2 of the ERD, the fauna habitat mapping was extrapolated for the road reserve. This extrapolation was confirmed via a suitably qualified ecologist as part of the supplementary survey undertaken by JBS&G, provided as Appendix H of the ERD (JBS&G, 2024). The corresponding habitat quality values identified in the Biologic (2024a) black cockatoo habitat assessment was applied to the road reserve based on the habitat types present. The foraging habitat quality and quantum of habitat within the Development Envelope for the three Black Cockatoo species relevant to this Proposal (Carnaby's, Baudins and Forest Red-tailed) are further described in Section 7.3.6.1 and Table 7-14 of the ERD. Note, that the values presented in the ERD have changed slightly based on a review of spatial data undertaken during the preparation of the RtS (refer to response to Item 21 for areas.) In relation to the quantification of anticipated residual impacts to fauna habitat within the Development Envelope following the modification of vegetation, the methodology of how this was calculated is provided in Section 7.5.1.1 of the ERD. In summary, for each modification zone, a scoring system was applied that reflects the degree of vegetation modification. The more heavily modified zones, such as the APZ (High Modification) were assigned higher scores (0.93) to represent the significant reduction in habitat quality. These areas are characterised by low tree canopy cover, sparse groundcover, and minimal shrub presence, which significantly diminishes their capacity to support fauna. On the other hand, less modified zones, like the Low Threat Vegetation areas, received lower scores (0.70), due to better retention of canopy cover, denser groundcovers, and more structured shrub layers, providing more suitable habitat for fauna. Refer to Section 7.5.1.1 for further details on how this was calculated. The residual impact for each fauna habitat type, determined by the level of modification, was then applied to the Black Cockatoo quality habitat types to assess the residual impacts on Black Cockatoos, this is presented in Table 7-14 of the ERD. Further to subsequent consultation with the EPA, a precautionary approach has been taken whereby the total amount of fully cleared and partially modified areas are now considered as contributing to the total significant residual impact for Black Cockatoos habitat and have been included in the revised offset calculation and strategy (Appendix H). Regarding the pockets of known foraging species occur within the 'open coastal shrubland' habitat type, the black cockatoo habitat assessment undertaken by Biologic (2024a) did consider the presence of these foraging plants within the 'open coastal shrubland' habitat type however, the habitat was considered of low quality due to the general characteristic of containing only individual or small stands of foraging plants.

No.	EPA Services and Technical Agency Comments	Proponent Response
30.	Total hectarage (ha) values are required for BC habitat within each of the Public Open Space (POS) and conservation areas to be retained in areas 1-4 (see Figure ES 2).	The total amount of Black Cockatoo habitat to be retained in the POS/Conservation Area is provided in the table below. The areas have changed slightly since the publication of the ERD as some discrepancies within the spatial data sets were noted and as part of the recent section 43A approval the Proponent review the design and reconciled some of the clearing footprints.
31.	The most current BC referral guideline[2] was not used for the proposal: • consistent with the terminology used in the updated referral guideline, the terms 'low quality' (score 1 to 4) and 'high quality' (score 5 to 10) should be used to describe BC habitat at both impact and offset sites • application of the updated guideline results in a higher foraging score attribution for the mapped habitat types and would result in changes to Figures 7-6, 7-7 and 7-8 of the ERD.	The Black Cockatoo habitat assessment undertaken by Biologic (2024a) and included in the ERD was conducted in accordance with the most current and scientifically valid methodology available at the time (DoEE, 2017). This guideline was widely accepted and applied during the period of the habitat assessment and provided a valid and scientifically defensible basis for evaluating black cockatoo habitat quality. While the 2022 Referral Guideline for the Three WA Threatened Black Cockatoo Species introduces a revised scoring system and groups habitat into 'low quality' (scores 1–4) and 'high quality' (scores 5–10), these changes primarily serve to improve consistency in application. In practice, both the draft and final guidelines assess habitat on the basis of similar core attributes: the presence, richness and value of known black cockatoo food plant species, along with condition and context of the vegetation. As such, the outcomes are consistent particularly for areas that clearly represent high or low foraging value. Applying the 2022 black cockatoo referral guideline to the existing foraging habitat assessment would not materially change the outcome. The original assessment used a structured scoring approach to evaluate habitat value for each black cockatoo species. Many of the habitat types either scored very low (e.g. 0 or -2) or high to very high (e.g. 6–9), and under the 2022 system thresholds, these would still be categorised the same way: either as "low quality" (score 1–4) or "high quality" (score 5–10). Reapplying the updated system would therefore not shift the qualitative habitat classification, and the original assessment remains appropriate and defensible based on the best available guidance at the time.
32.	With consideration for: • the impacts of the proposal to BCs in a cumulative context • advice in the BC recovery plans, which indicates that the proposal site contains habitat critical to the survival of BCs • technical agency advice that all remaining resources (foraging, nesting, breeding) are significantly important to BCs the anticipated loss of BC foraging habitat (amount to at least 17 ha based on the information at Table 7-3 of the ERD) is likely to be a significant residual impact of the proposal. EPA Services recommends that the proponent's Offset Management Strategy (OMS), and management and monitoring measures outlined in the Conservation Significant Fauna Management Plan (CSFMP), are reviewed accordingly. Specific comments regarding the proposed OMS and CSFMP are provided in Rows 33-39 and 40-56 of this table, respectively. DBCA has advised that the preferred offset approach for counterbalancing impacts to BCs is revegetation (over land acquisition).	The Proponent acknowledges that impacts to both Carnaby's and Baudin's Black Cockatoos is likely to be significant as a result of the Proposal. However, the indicated quantum of at least 17 ha does not accurately reflect the extent of the actual impacts. The black cockatoo habitat assessment undertaken by Biologic (2024a) and as presented in Section 7.3.6 of the ERD identified 8.92 ha of high quality Carnaby's and Baudins foraging habitat within the Development Envelope. Based on the full clearing and proposed partial modification proposed for the Proposal, up to 5.19 ha of this high quality habitat will potentially be impacted and up to five potentially significant trees. Impacts of less than one hectare of Forest Red-Tail Black Cockatoo is not considered a significant residual impact in accordance with the thresholds provided in the referral guidelines (DAWE, 2022). The Offset Strategy proposed for the Proposal primarily focused on counterbalancing the significant residual impacts to Western Ringtail Possums, however, it was noted in the strategy that the offset package provided was of equal benefit to Black Cockatoos, providing dual conservation benefits and strengthening environmental outcomes for both species. The Offset Strategy has now been updated to demonstrate how the proposed offsets also counterbalances the 5.19 ha of significant residual impacts to Carnaby's and Baudins Black Cockatoos and calculations provided (refer to Appendix H). Further details on updates to the Offset Strategy and the CSFMP are provided in Table 2-5 and Table 2-6 below.

Black Cockatoo	Baudins	Carnaby's	Forest Red-Tail
Area 1: Area to be placed into conservation	2.37 ha	2.37 ha	-
Area 2: POS/ Conservation Lot	0.82 ha	0.82 ha	-
Area 3: POS	0.39 ha	0.39 ha	0.39 ha
Area 4: POS	0.15 ha	0.15 ha	0.15 ha
Total	**3.73 ha**	**3.73 ha**	**0.54 ha**

2.1.5 Offsets

Table 2-5 Response to EPA services and technical agency comments - Offsets

No.	EPA Services and Technical Agency Comments	Proponent Response
33.	Consistent with the comments at Rows 19 and 32 above, revision of the OMS may be required to fully account for the total anticipated disturbance/impact to conservation significant fauna within the proposal site. Revisions to the OMS should include updated offset calculations that demonstrate how both Commonwealth and State offset calculators have been applied.	The ERD included an assessment of residual habitat value and potential impacts within all vegetation zones of the Development Envelope, including areas subject to partial modification for bushfire management and site landscaping. This assessment was undertaken using a habitat scoring methodology that accounted for differences in habitat quality across various management zones (e.g. full clearing, Asset Protection Zones (APZs), and Low Threat Vegetation areas). Habitat value scores were assigned based on key structural and ecological attributes such as

[2] 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.

No.	EPA Services and Technical Agency Comments	Proponent Response
		tree canopy cover, shrub density, and groundcover quality, as detailed in Section 6.6.2 of the ERD. Based on this approach, the ERD identified the likely residual impact to habitat values within each zone and used this information to inform the original offset calculations. Notwithstanding this detailed approach and following further consultation with the EPA, the Offset Strategy has been updated to reflect a precautionary and conservative approach whereby the total amount of fully cleared and partially modified areas are now considered as contributing to the total significant residual impact for Western Ringtail Possums and Carnaby's and Baudin's Black Cockatoos habitat and have been included in the revised offset calculation and strategy (Appendix H). It is important to note that the Proponent maintains the view that the areas of partial modification will continue to provide ecological value for both Western Ringtail Possums and Black Cockatoos. Despite being subject to a level of modification, key habitat features such as canopy cover, native mid-storey vegetation and foraging resources are expected to remain in varying levels across the Development Envelope, supporting ongoing use by these species.
34.	Baseline environmental information has not been provided for the proposed offset sites. This information is required to support the EPA's consideration of the suitability of the sites in counterbalancing the significant residual impacts the proposal.	Baseline environmental information for the proposed Mt Duckworth and Gunyulgup offset sites has previously been established through the assessment and approval process of the previously proposed Structure Plan under EPBC 2007/3483. The Commonwealth Government assessed the previous development proposal under the EPBC Act on 3 March 2011 (with a subsequent extension granted in 2020), having determined that the proposed action was likely to have a significant impact on Western Ringtail Possum and Baudin's Black Cockatoo. As part of the conditions of approval (condition 3), offsets were required to counterbalance these impacts, including the revegetation of the Mt Duckworth and Gunyulgup sites. The suitability of these sites as offsets for Western Ringtail Possums and Baudins Black Cockatoo was informed by a site assessment conducted by PGV Environmental (PGV) and was documented in the approved Operations Plan for revegetation (Annexure 3 of the EPBC 2007/3483). Further to this, PGV provided the quadrat data collected during assessment of the Mt Duckworth and Gunyulgup Site which demonstrated that the remnant species present at each of the sites and the adjoining habitat are consistent with habitat suitable for Western Ringtail Possum, Carnaby's and Baudin's Black Cockatoo. A more recent site visit was undertaken by DBCA in November 2024 and Tranen (revegetation specialists) in March 2025 to provide baseline environmental information and inform site-specific requirements for revegetation. Sections 2 and 4 of the Offset Strategy (Appendix H) has been updated to include this information. Baseline information for the onsite conservation area is provided in the Biologic (2024a) and Bamford (2024) reports.
35.	Tables 5-1 and 5-2 from the OMS • The OMS states that efforts to infill and revegetate the offset sites using best practice methods will restore 'degraded' or 'completely degraded' bushland to self-sustaining Western Ringtail Possum habitat within 5 and 10 years (respectively). It is noted that there are no peer reviewed examples of self-sustaining restoration occurring in the bioregion of the proposal to provide confidence in this offset approach (including the above-cited times to benefit). In this context and noting that baseline environmental information has not been provided for the proposed offset sites, further justification and/or revision of the 80% 'confidence in result' value may be required. • Further information is required about the difference between the 'infill' and 'revegetation' approaches for each of the proposed offset sites. It is unclear why the two approaches should be attributed different 'time until ecological benefit' values, given that growth times and challenges associated with planting new vegetation into cleared areas would assumedly be the same? • The 'time until ecological benefit' value for the Ludlow State Forest offset site should reflect that the harvesting of pines from the site is likely to be undertaken prior to the commencement of revegetation works. Potential short-term impacts from harvesting activities to existing Western Ringtail Possums using the tuart trees within the offset site should also be considered as part of assigning values within Tables 5-1 and 5-2. • Further explanation is required for the 'start quality' values assigned to the offset sites, noting the absence of baseline environmental information for the sites (see comment at Row 34). • Given that the proposed offset sites are located within existing or pending CALM Act estate areas, EPA Services considers it unlikely that the 'future quality without offset' values for the sites would be '0'.	Regarding specific comments on calculator inputs provided in Table 5-1 and Table 5-2, further justification has been included in the revised Offset Strategy Appendix H. Responses to the comments raised are also provided here in the order the comments are presented: • The concern regarding the absence of peer-reviewed examples of self-sustaining Western Ringtail Possum habitat restoration within the specific bioregion of the Proposal is acknowledged. It is important to note that the absence of such peer-reviewed examples does not equate to lack of success. Though long term, peer-reviewed studies on habitat restoration are limited, there is a growing body of practical experience and monitoring data from offset programs and targeted revegetation efforts in the southwest of Western Australia that indicate success under the right conditions. To provide confidence for the offset outcomes proposed in the strategy, the following is noted: ○ A local revegetation specialist has been engaged by the Proponent and has undertaken a preliminary site visit to all offset sites to inform revegetation requirements and baseline environmental information; ○ A site visit to Mt Duckworth and Gunyulgup was undertaken by PGV ecologists to inform the previous approval. The quadrat data from this assessment will be used to inform baseline environmental information and set achievable completion criteria; ○ A follow up site visit will be undertaken by the revegetation specialist with DBCA to inform preparation of individual site revegetation plans and will incorporate adaptive management measures including defined performance indicators, contingency actions, and independent monitoring and review at key milestones (e.g., Years 3, 5, and 10 and 12); • 'Infill' planting refers to targeted supplementation of existing, but degraded, remnant vegetation with native species that are missing or sparse. These areas often retain key ecological functions such as soil structure and remnant habitat features (e.g. mature trees, existing fauna usage). 'Revegetation' refers to planting into cleared or completely degraded areas with little or no existing native vegetation structure or ecological functions. These areas require more intensive restoration efforts, such as weed control, soil amelioration and full reconstruction of the vegetation structure (ground layers, mid storey and canopy). The assignment of different timeframes reflets this difference in starting conditions, restoration intensity and ecological time lag. Infill areas often show functional improvement such as increased canopy connectivity and foraging habitat wihtin 3-5 years whereas fully cleared areas generally require a longer period to establish structure which native fauna can utilise; • It is acknowledged that pine harvesting within the Ludlow State Forest will affect the 'time until ecological benefit' due to associated ground disturbance and operational activities. To account for this, an additional 2 years has been added to this timeframe. Furthermore, short term impacts on Western Ringtail Possums and Black Cockatoos utilising the Tuart trees within the Forest during harvesting have been considered and the 'Quality without Offset' value has been adjusted to reflect the anticipated decline in habitat quality post pine removal; • A site assessment has been undertaken to inform 'start quality' values. Refer to the Sections 2 and 4 of the revised Offset Strategy (Appendix H); and

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- Inclusion in the conservation estate under the CALM Act primarily offers statutory protection from future development, but does not equate to active ecological management. Whilst the proposed sites are protected as part of the Leeuwin-Naturaliste National Park or Ludlow State Forest, the limited funding and resources available to the DBCA raise concerns about the potential for these sites to be enhanced sufficiently to contribute to the park and protected matters' needs. Notwithstanding, some of the 'future quality without offset' values have been adjusted with additional justification provided in the revised Offset Strategy (refer to Appendix H).

Further to the above, in preparing the offset package, the Proponent gave due consideration to the EPA's *Advice: Considering Environmental Offsets at a Regional Scale*. This advice outlines key values and priorities for improving environmental outcomes through strategic, regionally integrated offsets and does not necessarily focus on calculator inputs. The table below provides an assessment against these guiding values and demonstrates alignment with the EPA's regional-scale expectations. Further detail is also provided in the revised Offset Strategy (refer to Appendix H).

Guiding Values	Offset Package Alignment
Restoration	The Offset Strategy demonstrates a strong commitment to restoration, proposing revegetation and infill planting across three offsite offset sites—Mt Duckworth, Gunyulgup, and the Ludlow State Forest and the on-site Conservation Area. The restoration efforts will target degraded areas, many of which currently contain bare ground or invasive species and are designed to improve habitat quality over time in line with science-based completion criteria. This approach is consistent with both the EPA's and DCCEEW's emphasis on nature positive outcomes and habitat enhancement beyond averted loss alone.
Regional Scale Management	All three offsite offset sites are located within DBCA managed lands and either fall within or will be incorporated into formal conservation reserves the Leeuwin-Naturaliste National Park and Tuart Forest National Park respectively. This reflects a clear alignment with regional-scale conservation priorities and provides opportunity to support existing reserve management plans.
Resilient systems	The Offset Strategy includes management actions that will be included in the site specific OMPs that aim to improve ecological resilience, including revegetation, weed and pest control, fire management and prevention of unauthorised access. The OMPs will include adaptive management frameworks and triggers for corrective actions if outcomes are not met. Furthermore, the proposed offsite offset sites and on-site conservation area are located within or directly adjacent to existing conservation reserves, including the Leeuwin-Naturaliste and Tuart Forest National Parks. Their proximity enhances opportunities for ecological connectivity and supports broader conservation values beyond the offset boundaries.
Expanding scientific knowledge	In addition to on-ground offsets, the Proponent will undertake research aimed at improving understanding of Western Ringtail Possum populations in the region. Consistent with the EPA's *Advice: Considering environmental offsets at a regional scale,* environmental offsets should contribute to environmental knowledge. The proposed research will be targeted at knowledge gaps to enhance recovery efforts for the species and be developed to align with the Recovery Plan for the species. To further enhance environmental and community outcomes, the Proponent will provide funding support for local community groups and Karri Karrak engagement, including: • Education workshops; • Development of learning materials for schools and the broader community; and • Opportunities for school and community participation in revegetation activities. These activities will be localised and focused on the Development Envelope, surrounding areas and associated local offset sites, including Mt Duckworth and Gunyulgup.
Like for like, and similar, values	The selected offset sites are located within the known distribution of the Western Ringtail Possums and Carnaby's and Baudins Black Cockatoo and reflect habitat types and functions comparable to those being impacted by the Proposal. The Ludlow site, while geographically further from the Proposal is justified by its regional conservation value and known role in supporting Western Ringtail Possum recovery efforts.
Connectedness	The close proximity of Mt Duckworth and Gunyulgup to the Proposal maintains ecological connectedness for the avian fauna, while the Ludlow site contributes to broader regional efforts such as the adjacent Bunbury Outer Ring Road offset package thereby increasing landscape scale habitat connectivity for Western Ringtail Possums.
Co-benefits for social surroundings	The proposed offsite revegetation offsets is located within a National Park and State Forest, which provides important co-benefits for social surroundings beyond the primary ecological outcomes. These include enhanced

No.	EPA Services and Technical Agency Comments	Proponent Response
		landscape amenity, improved opportunities for nature-based recreation and tourism and support for community values associated with conservation. The suite of offsets proposed for the Development Envelope has been designed to deliver both immediate and long-term ecological benefits for the Western Ringtail Possum. Onsite revegetation within the Conservation Area is intended to provide immediate benefits, enhancing habitat quality andmaintaining canopy connectivity.In contrast, revegetation at offsite offset sites, including Gunyulgup, Mt Duckworth, and Ludlow and provision of funding to a research opportunity is intended to provide medium to long-term benefits, strengthening the resilience and connectivity of Western Ringtail Possum populations at a broader landscape scale. The offset strategy has been deliberately structured to integrate both local and regional efforts. Local measures, namely the onsite Conservation Area, the research program, and revegetation at Mt Duckworth and Gunyulgup, focus on enhancing habitat condition, connectivity and species knowledge within the immediate vicinity of the Development Envelope and for the local possum population. Regional efforts, including revegetation at Ludlow, contribute to landscape-scale connectivity, population resilience, and broader conservation outcomes beyond the immediate project area. By combining immediate, targeted interventions with long-term, landscape-scale restoration efforts, the proposed offset program is structured to maximise ecological benefits for the Western Ringtail Possum, support regional recovery objectives and contribute to the ongoing conservation knowledge and management of these threatened species.
36.	Regarding the assessment of the proposed offsets against the principles of the WA environmental offsets policy at Table 6-1 of the OMS: • The principle that 'environmental offsets will be based on sound environmental information and knowledge' has not been adequately addressed. Consistent with comments at Row 34 above, baseline environmental information, including surveys and investigations, have not been provided for the proposed offset sites. • A draft Offset Management Plan (OMP) should be provided to address the principle that 'environmental offsets will be applied within a framework of adaptive management' (see further comments at Row 39).	The Proponent acknowledges the importance of providing a draft Offset Management Plans (OMP) to support the principle that environmental offsets are to be implemented within a framework of adaptive management. At this stage, the OMPs have not been drafted as discussions with the DBCA regarding the proposed offset sites are ongoing. These discussions are critical to determining site specific requirements, management objectives and implementation standards that will underpin the content and structure of the OMPs. Accordingly, the Offset Strategy outlines a clear commitment to the development of OMPs as part of the formal management agreement process, once key parameters have been agreed with DBCA. To support this process, the Proponent has engaged a specialist revegetation contractor with expertise in the Southwest region to undertake a preliminary site assessment to gather baseline data and provide advice on site specific requirements, which will inform ongoing discussions with DBCA and guide the preparation of the OMPs. The Offset Strategy has been amended to include the preliminary site visit findings (Appendix H).
37.	The Tuart Forest National Park (TFNP) is known to support high density populations of Western Ringtail Possum and is a key location for Western Ringtail Possums at the species level. However, the TFNP represents a different genetic management unit of Western Ringtail Possums (White et al. 2021)[3] to that at the development envelope, and as such, will not directly counterbalance the impact to the Western Ringtail Possum genetic management unit being affected by the proposal. Additional investigation/survey work is likely to be required to identify the baseline fauna values within the proposed offset sites (see comments at Row 34) and could include consideration for the genetic composition of the Western Ringtail Possum populations currently utilising the proposed offset sites (or habitat areas adjacent to the sites). Revisions to the OMS may also consider opportunities to address knowledge gaps in this field. For example, research projects.	The Proponent acknowledges the EPA's advice regarding the genetic management units of the Western Ringtail Possum specifically that the possums within the Tuart Forest National Park and the Development Envelope fall within different genetic management units, as identified by White et al. (2021). While this distinction is recognised, the inclusion of the Ludlow State Forest site, proposed for incorporation into Tuart Forest National Park, remains a valid and valuable component of the overall offset strategy when considered in the context of both the WA Environmental Offsets Policy and the EPA's Public Advice: Considering Environmental Offsets at a Regional Scale (2024). The EPA's regional offset advice encourages offsets that contribute to broader environmental outcomes, including resilience, connectedness and enhancement of high value environmental areas, particularly where those areas play a critical role in species recovery or ecosystem function. The Tuart Forest National Park is one of the most significant remaining strongholds for Western Ringtail Possums and contributes to the long term persistence of the species at a regional and species level, particularly through ongoing revegetation and coordinated offset investment in the area (Department of Parks and Wildlife, 2014). The WA Environmental Offsets Policy allows for "like-for-similar" offsets where a broader environmental benefit can be demonstrated. In this case, the Ludlow site will contribute to the protection and enhancement of critical Western Ringtail Possum habitat, helping to secure the species' viability at a population level, despite the genetic variation. This is particularly important given the species' overall Critically Endangered status and the fragmentation of its habitat (Department of Parks and Wildlife, Western Ringtail Possum (Pseudocheirus occidentalis) Recovery Plan , 2017). The proposed Offset Strategy includes two other offset sites (Mt Duckworth and Gunyulgup) that are located within the same genetic management unit as the Development Envelope. These sites will provide a direct "like-for-like" counterbalance to the residual impacts within the same population. In this context, the Ludlow site complements the strategy by supporting a landscape scale approach and improving resilience across varying genetic populations. Notwithstanding the above, the updated Offset Strategy (Appendix H) includes a commitment to contribute funding to research aimed at improving understanding of Western Ringtail Possum populations in the southwest region.

[3] White et al. 2021, *Understanding genomic variation in the western ringtail possum and its application to effective conservation management.* NESP Threatened Species Recovery Hub Project 41.8 report, Brisbane.
The above report identified eight distinct genetic clusters for Western Ringtail Possum s and proposed that each cluster be considered as a 'management unit'. DBCA has advised that when the Department is assessing biodiversity conservation risk and mitigation strategies to Western Ringtail Possum , it will be in the context of these management units.

No.	EPA Services and Technical Agency Comments	Proponent Response
38.	Contrary to statements in the OMS, DBCA has not provided in-principle agreement to manage the proposed offset sites. DBCA identified sites on lands reserved under the *Conservation and Land Management Act 1994* (CALM Act) that require revegetation and could form part of the proponent's considerations for their offset proposal. DBCA has not indicated in discussions with the proponent as to the adequacy of the offsets. Regarding future management of the offset sites, DBCA has advised that: • a draft revegetation management plan with appropriate outcomes-based completion criteria, and standards to ensure outcomes are consistent with the underlying tenure and land uses, will be required prior to the Department considering whether to enter into a potential formal management agreement for the offset sites • it is assumed that the revegetation offset will be implemented and managed by the proponent, governed by a formal management agreement that outlines the roles and responsibilities of the proponent (and potentially DBCA) for the duration of the offset. It is noted that the support of Karri Karrak Aboriginal Corporation (KKAC) would also be required prior to DBCA providing formal support for the use of the Mt Duckworth site as a revegetation offset.	The Proponent acknowledges DBCA's clarification regarding the status of discussions relating to the proposed offset sites. In response, the Offset Strategy has been revised to remove references to any in-principle agreement and to more accurately reflect the nature of engagement with DBCA to date (refer to Appendix H). Specifically, the updated strategy acknowledges that: • DBCA has identified potential offset opportunities on CALM Act lands requiring revegetation, which the Proponent has considered in the development of the offset package; and • Ongoing consultation is being undertaken to align with DBCA's expectations, particularly in relation to the future preparation of OMPs and the potential for a formal management agreement to be put in place. The Proponent also acknowledges DBCA's position that a draft revegetation management plan will be required before the Department can consider entering into a formal management agreement. The Offset Strategy reflects this by committing to the preparation of site-specific OMPs that will define outcome-based completion criteria and agreed revegetation requirements at the offset sites. It is also recognised that the implementation and management of the revegetation offset will be the Proponent's responsibility, with roles and responsibilities to be clearly defined within any future agreement with DBCA.
39.	The OMS proposes that OMPs will be developed later, potentially as part of a future formal agreement with DBCA. EPA Services considers that some of the information proposed to be included in the OMPs (summarised below) is required at the RtS stage to inform the suitability of the offset sites: • details on the achievable goals and timeframes for the ongoing maintenance and improvement of Western Ringtail Possum habitat within the offset sites • proposed management activities to achieve the above goals within the timeframes • indicative milestones and completion criteria • contingency plans, should the revegetation work be unsuccessful/fail to meet completion criteria • indicative monitoring and reporting methods and timeframes • long-term management and funding arrangements.	Preparation of site-specific OMPs cannot yet be undertaken as it requires further on-ground assessments, input from revegetation specialists and consultation with DBCA to ensure alignment with their management priorities. The Offset Strategy is a strategic-level document and as such, is intended to provide overarching commitments rather than detailed site-specific implementation measures. Its purpose is to establish the framework within which more detailed OMPs will be developed. The strategy outlines the intent, objectives and high-level approach to delivering the offsets, while recognising that further work including targeted consultation with DBCA and input from revegetation specialists required to inform the specific goals, activities, and monitoring for each site. The updated Offset Strategy (Appendix H) does provide high-level commitments addressing the key elements identified by EPA Services (refer to Section 3 of the revised Offset Strategy). As mentioned above, these form a framework for the future development of site-specific OMPs, which will refine and formalise these elements.

2.1.6 Conservation Significant Fauna Management Plan (CSFMP)

Table 2-6 Response to EPA services and technical agency comments - CSFMP

No.	EPA Services and Technical Agency Comments	Proponent Response
40.	The following amendments to Table ES 1 of the CSFMP are required: • Be consistent in using either 'CSFMP' or 'EMP' - both acronyms are currently being used in the CSFMP. • Summarise the 'Purpose of the EMP' section. Consider removing all text after the first sentence. • Revise the 'Key environmental factor/s, outcome/s and/or objectives' section consistent with the EPA's EMP Template[4] to provide a summary list of environmental outcomes for terrestrial fauna. • Consider removing the 'Key components in the EMP' section and providing tables that adequately address the requirements of this section instead (see template tables at Attachment 2 of the EPA's EMP Template).	The CSFMP has been updated in accordance with the EPA/technical agency comments (Appendix G).
41.	Consistent with the purpose of the CSFMP as defined in Table ES 1, the technical advice provided regarding potential species presence/absence within the development envelope, and the reported survey results at Table 1.3, include the following conservation-significant species in the list at Section 1.2: • Forest red-tailed cockatoo ('vulnerable' under BC Act and EPBC Act) • Barking owl (state-listed priority 3) • Western brush wallaby (state-listed priority 4) • Cape Leeuwin freshwater snail ('vulnerable' under BC Act).	The Forest-red-tailed black cockatoo, Barking owl and Western brush wallaby has been added to the list of species in Section 1.2 of the CSFMP. The Cape Leeuwin freshwater snail has not been included as it is considered highly unlikely that this species is present within the Development Envelope as there is no suitable habitat. Refer to response to Item 11 in Table 2-2.

[4] EPA 2021, Environmental Management Plan Template.

No.	EPA Services and Technical Agency Comments	Proponent Response
42.	Section 1.4 of the CSFMP requires review for consistency with the EPA's EMP Template and Instructions[5], which direct that Section 1.4 of the EMP should provide *'a concise description of the rationale and approach for the EMP. This should not include an impact assessment summary, but rather focus on providing information which directly supports the proposed rationale for monitoring and management actions that aim to address the outcomes and objective/s.'* The discussion on the perceived environmental benefits of the current proposal, compared to previous proposals at the site, is superfluous to the requirements of the CSFMP.	Section 1.4 of the CSFMP has been reviewed and updated to align with the EPA's Environmental Management Plan (EMP) Template and Instructions. The revised text removes discussion of historical proposals and focuses solely on outlining the rationale and approach for management and monitoring actions relevant to the current proposal. The updated section now provides an explanation of the constraints associated with the Proposal and how these influence both the need for clearing and the feasibility of mitigation. It also outlines the rationale for the proposed management approach, including the Proponent's preference for a partial vegetation modification approach and implementation of specific measures to minimise impacts to Western Ringtail Possum and other conservation significant fauna. These revisions are intended to directly support the environmental outcomes and objectives of the CSFMP by providing clear justification for the monitoring and management measures proposed, in accordance with EPA guidance. Refer to Appendix G for the updated CSFMP.
43.	Regarding Table 1.1, fragmentation is a 'direct' impact type.	The CSFMP has been updated in accordance with the EPA/technical agency comments.
44.	Section 1.4.1 sets out the outcomes-based and objectives-based provisions for the CSFMP. The proposed outcomes-based provisions do not appear to be specific nor measurable (do not set out a clear boundary, size, extent or limit). EPA Services recommends that the proponent refers to the EPA's (2021) *Interim Guidance - Environmental outcomes and outcomes-based conditions* and reviews the proposed outcomes-based provisions in the CSFMP.	Section 1.4.1 of the CSFMP has been reviewed and updated to address the EPA's comments regarding the specificity and measurability of the proposed outcomes-based provisions. In response, a series of parameters that define clear, quantifiable outcomes for Western Ringtail Possum (WRP) have been included. These include measurable targets for habitat area clearance amounts, individual persistence, infrastructure to support ecological connectivity and water access and retention of key vegetation features. In line with the EPA's (2021) Interim Guidance – Environmental outcomes and outcomes-based conditions, the revised outcomes-based provisions now set out defined spatial and functional thresholds (e.g. minimum areas, numbers of structures and persistence targets) to support monitoring and adaptive management. Objective-based provisions have also been refined to better guide management actions that minimise impacts to conservation significant fauna and their habitats and support the long-term achievement of the specified outcomes. Further detail on these updates is provided in Section 1.4.1 of the revised CSFMP.
45.	Section 1.4.2 of the CSFMP identifies that a key assumption of the plan is that the installation of artificial structures (e.g. possum bridges) will effectively facilitate the movement of Western Ringtail Possum between fragmented habitat areas, and mitigate potential barriers caused by the proposal. Consistent with the comments at Row 24 above, research to provide confidence about the uptake of bridges by Western Ringtail Possums, and the efficacy of bridges, is limited. Noting the range of species included in the CSFMP scope (listed at Section 1.2), consider specifying (for clarity) whether any assumptions and/or uncertainties listed at Section 1.4.2 are species-specific. The CSFMP refers to multiple plans (including the Vegetation Management Plan (VMP) and Bushfire Management Plan) that will help guide the placement of Western Ringtail Possum bridges by mapping out significant trees and vegetation patches. Noting that a draft VMP has not been provided with the ERD for consideration, the current proposed alignment of the Western Ringtail Possum bridge does not appear to provide linkages between most of the isolated patches in the inner area of the development envelope. It is also unclear if the currently proposed alignment prioritises connectivity to/between the most significant trees and vegetation patches within the development envelope. Justification for the alignment of the Western Ringtail Possum bridge, including reference to relevant scientific evidence where available, should be provided.	Refer to the response to Item 22 in Table 2.3 regarding the benefits of rope bridges. An indicative possum bridge network is provided in the CSFMP and at Figure 2-2 and will further be refined during the detailed planning phase. The assumptions and uncertainties outlined in Section 1.4.2 of the CSFMP have been intentionally framed at a general level, as they apply broadly across all conservation significant fauna species identified in Section 1.2. This approach reflects the nature of the assumptions, which are focused on survey adequacy, habitat availability and general mitigation principles, rather than species-specific behavioural or ecological traits. Where assumptions relate more directly to a particular species the relevant species has been explicitly referenced within the text. However, in most cases, the assumptions are applicable to multiple species and separating them by species was not considered necessary or meaningful. Regarding the draft VMP, this has not been provided at this stage as it is still subject to the outcomes of the planning and bushfire process and needs to inform by detailed design, additional site-specific vegetation surveys and other supporting technical work that has not yet been finalised. The preparation of the VMP is a current commitment of the BMP (Strategen-JBS&G, 2021) which is subject to assessment under the planning process and will be undertaken prior to the commencement of any development works, in alignment with the staged implementation of the Proposal. This approach is consistent with other management frameworks associated with the Proposal which are also intended to be finalised at later project stages and are expected to form part of the conditional requirements of development approval.
46.	Section 1.4.4.1 requires revision for consistency with the EPA's EMP Template and Instructions, to ensure that the rationale for the choice of indicators and/or management actions adequately covers the: • application of early response indicators and criteria, if used • expected changes in the intensity, duration, magnitude or geographic footprint of the impact • expected changes and rate of changes in the environment • possible effects of issues external to the proposal (e.g. rainfall, land use, other users) • expected timeframe for mitigation to take effect. • Revision of the indicators and/or management actions may also be required as part of rescoping this section of the CSFMP.	Section 1.4.4.1 of the CSFMP has been updated in accordance with the EPA/technical agency comments.
47.	Section 1.4.4.1 states that the VMP will guide the development of landscaping and revegetation plans, and will include baseline vegetation studies, land-clearing procedures, a rehabilitation plan, monitoring, and	Refer to response to Item 45 above.

[5] EPA 2024, *Instructions: How to prepare Environmental Protection Act 1986 Part IV environmental management plans*. EPA, Western Australia.

No.	EPA Services and Technical Agency Comments	Proponent Response
	designation of responsibilities for key stakeholders. Noting that this information is likely to assist the EPA in undertaking its assessment of the proposed mitigation and management measures for impacts to conservation significant fauna and PECs, please provide the draft VMP for the EPA's consideration.	
48.	Section 1.4.4.1 describes a 'shepherding' strategy for Western Ringtail Possums to self-relocate to retained habitat within the development envelope. The proponent should consider: • management actions if Western Ringtail Possums are unable to self-relocate away from the clearing front • the clearing rate, noting that the home ranges of Western Ringtail Possum in peppermint dominated habitats are reported to be an average of 0.4 ha for females and 0.3 ha for males, which is smaller than the 1 ha per day clearing rate • the level of confidence in the retained habitat continuing to function as viable habitat for Western Ringtail Possums to return to post-clearing • impacts to Western Ringtail Possum individuals shepherded from the areas of disturbance in the development envelope to surrounding habitat to the south and west, noting Western Ringtail Possum s are territorial • that any planned disturbance to Western Ringtail Possum (shepherding or otherwise) will require appropriate permits and authorisations from DBCA.	**Management actions if Western Ringtail Possums are unable to self-relocate away from the clearing front** The CSFMP includes contingency measures in the event Western Ringtail Possums are unable to self-relocate during clearing. These include: • Immediate cessation of all works if Western Ringtail Possums are observed and unable to be safely relocated; • If Western Ringtail Possums comes to ground and cannot be removed safely, clearing will stop until the following day; • The incident is to be reported to the site supervisor and a suitably qualified fauna handler engaged; • Injured fauna are to be left undisturbed and observed until assistance arrives; and • The incident will be investigated and additional mitigation measures implemented to prevent recurrence. Further guidance on the shepherding approach has been included in the CSFMP. **Clearing rate and WRP home range considerations** The implementation of staged and sequenced clearing is proposed in the CSFMP to allow Western Ringtail Possums time to relocate naturally. This will be supported by daily pre-clearance inspections and onsite fauna monitoring to ensure animals are not displaced without access to alternative habitat. **Confidence in the long-term viability of retained habitat** The Proposal includes a range of mitigation measures designed to ensure the retained habitat remains functional and suitable for Western Ringtail Possums use during and post-clearing, including: • Retention of mature trees and clumps of shrubs in partially modified areas; • Construction of canopy connectivity through a network of possum bridges; • Provision of water sources in shaded, accessible areas; and • Implementation of predator control and strict pet management policies. Further details on each of the above have been included in the CSFMP and outcome-based and objective-based provisions included. **Impacts of shepherding and Western Ringtail Possum territoriality** It is acknowledged that Western Ringtail Possums are territorial and that forced movement into adjacent habitat areas may create competition and stress. The mitigation approach aims to avoid displacing Western Ringtail Possums offsite by: • Retaining connected habitat within the Development Envelope to support individuals; • Maintaining canopy connectivity to enable Western Ringtail Possums to remain within their established home ranges; and • Implementing a sequenced clearing to allow time for self-relocation within retained habitat rather than displacement to offsite habitat outside of home range. In addition, the retention and strategic placement of dreys will support home range stability and reduce the need for dispersal. **Permits and authorisations** The Proponent recognises that any disturbance to Western Ringtail Possums, including shepherding, handling, or relocation, will require appropriate authorisations under the *Biodiversity Conservation Act 2016*. All works will be conducted in accordance with relevant permits and under the supervision of qualified fauna handlers.
49.	Further information on the proposed monitoring program is required (including scope, metrics and timelines). The frequency of proposed monitoring is inconsistent throughout the CSFMP, and additional monitoring should be undertaken in areas adjacent to the proposal to increase understanding of the local Western Ringtail Possum population. Provisions should also be provided for monitoring to be undertaken in a way that could assess the successful dispersal of Western Ringtail Possum from the DE to adjacent lands, or persistence or return of individuals to the DE pre and post impact.	The monitoring program in the CSFMP has been revised to include updated methodologies and an indicative monitoring program is provided in Appendix C of the plan and was prepared in consultation with Bamford. Distance sampling techniques to monitor Western Ringtail Possum abundance both within the Development Envelope and in adjacent native vegetation within a surrounding buffer zone has now been proposed. This approach enables comparison across areas and provides insight into the number of individuals that remain within the Development Envelope following clearing and development. It will also help determine whether there has been an increase in abundance in surrounding vegetation due to displacement either temporary or sustained. The preference is to avoid monitoring methods that involve tagging individual animals, as this can cause unnecessary stress. It is intended to be refined in consultation with DBCA as needed once a fauna specialist is engaged on the Project team to support the ongoing monitoring commitments within the CSFMP.
50.	The following comments are provided to Table 2.1: • Outcome 1 – the time period for 'long-term' should be defined. • Trigger Criteria/Threshold Criteria 1: It is not clear how the trigger and threshold criteria were determined. Small, isolated populations have a higher risk of extinction because of their higher vulnerability to stochastic demographic changes and catastrophic events. The percentage decline provided should be revisited.	The outcome-based provisions in the CSFMP have been revised (Appendix G). In response to comments raised: • The period for 'long-term' has been defined as ten years; • The percentage decline trigger/threshold has been removed; • As noted in response to Item 49 the preference is to avoid monitoring methods that involve tagging individual animals, as this can cause unnecessary stress. Therefore, systematic monitoring has been proposed including visual counts of individual Western Ringtail Possum as per Appendix C of the plan; and

No.	EPA Services and Technical Agency Comments	Proponent Response
	• Monitoring to assess the usage of artificial structures by Western Ringtail Possums will require identification of individuals possums. One individual may utilise a structure many times and distort the conclusions. • It is unclear whether the 'near misses' associated with trigger criterion 2 relate to proposal activities occurring during the construction period only, or for the long-term operation of the proposal too.	• Near-miss has now been defined in the CSFMP and related to clearing/construction activities.
51.	The following comments are provided to Table 2.2: • Management Targets 5 and 6 - the proponent should consider management for predation of wildlife shelters. • Management Targets 6 and 8 – the contingency actions refer to undertaking additional fauna relocation works. The context for relocation is unclear in relation to: o where the Western Ringtail Possum would be relocated to (i.e. within the proposal area or external habitat areas) o what the trigger for this action would be o whether individuals will be monitored for a given period post relocation (e.g. how will survival be measured) o why it would be required/beneficial. • The means of, and party responsible for, the enforcement of Management Target 9 (particularly in relation to keeping dogs on leash) is unclear. • Management Target 10 – it is stated that clearing will be conducted between February and August to avoid breeding periods (including Western Ringtail Possum). Whilst Western Ringtail Possum reproduction is dependent on environmental triggers, key periods are between April to July and September to November. • Measures to maintain or restore habitat connectivity for ground-dwelling conservation significant fauna species have not been proposed (canopy focus in CSFMP).	In response to comments raised: • Wildlife shelters will be inspected both opportunistically and during scheduled annual monitoring. It is expected that any signs of predation or associated concerns will be identified through these inspections and addressed as required; • Management Targets 6 and 8 contingency actions have been revised to remove the additional fauna relocation works; • The enforcement of dog rules within the development will be the responsibility of the community corporation in accordance with the community title scheme; • Enforcement of dog control measures within the development will be the responsibility of the Community Corporation, in accordance with the provisions set out in the Community Title Scheme; • Permittable clearing timeframes have been revised in accordance with breeding seasons for conservation significant fauna within the Development Envelope; and • Management-based provisions have been included in the CSFMP to include measures that maintain and enhance ecological connectivity for both canopy and ground-dwelling conservation significant fauna. This includes maximising the retention of groundcover vegetation where possible, establishing vegetation corridors, and using connective structures such as rocks, logs, and artificial shelters particularly in areas where clearing creates gaps.
52.	Regarding Section 3.2.2, external reporting requirements should include reporting to DBCA where it relates to threatened species listed under the BC Act.	The CSFMP has been updated in accordance with the EPA/technical agency comments.
53.	The risk assessments at Appendix A appear to be underestimates. For example, whilst the 'loss of native vegetation' has been assigned a 'high' risk rating, argument could be made for rating of 'severe'. Additionally, the reduction of the 'high' risk rating to a 'medium' risk rating after applying the mitigation measures of: • implementing induction and education programs • designing unspecified measures to avoid additional fauna habitat clearing • demarcating areas to be cleared to prevent accidental clearing is considered questionable. Given that the impact of the proposal to Western Ringtail Possum habitat vegetation alone amounts to 91% (cleared + modified), it is unlikely that it could be concluded that the above mitigation measures reduce the risk of impact enough to result in a 'medium' risk rating.	The Proponent maintains that the risk assessments are appropriately assigned and reflect a balanced evaluation of the likelihood and consequence of each impact, consistent with standard environmental risk assessment methodologies and guidance. In relation to the example provided: *The 'loss of native vegetation' has been assigned a 'high' pre-mitigation risk rating, which recognises the ecological significance and potential scale of vegetation removal and modification.* Following the application of specific and targeted mitigation measures, the residual risk has been reduced to 'medium', reflecting a reduction in likelihood (not consequence) due to increased control over potential unplanned or unnecessary impacts. The residual risk rating does not imply the overall impact is low or insignificant, but rather reflects the residual risk after controls are applied to reduce the potential for additional or unintended loss of habitat.
54.	The CSFMP states that – This CSFMP specifically addresses the EPA 's environmental factor for Terrestrial Fauna, defined as: "Animals living on land or using land (including aquatic systems) for all or part of their lives. Terrestrial fauna includes vertebrate (birds, mammals including bats, reptiles, amphibians, and freshwater fish) and invertebrate (arachnids, crustaceans, insects, molluscs and worms) groups (EPA 2016a)." Given the above, and the recommendation at Row 41 to include the Cape Leeuwin freshwater snail in the species list at Section 1.2 of the CSFMP, the proponent should consider whether revision of the CSFMP is required to include conservation significant invertebrate fauna species in its scope.	Habitat for the Cape Leeuwin freshwater snail has not been identified within the Development Envelope and therefore inclusion in the CSFMP is not necessary. Refer to response to Item 11 in Table 2-2 for more details.
55.	Review the use of non-committal language throughout the CSFMP, for example: • *'near miss'* – the CSFMP should define what this would constitute • *'consider additional monitoring…'* - the CSFMP should specify in what instances additional monitoring would be required/applied, etc. • state the distance/destination for fauna *'relocations'* • *'high risk periods'* – the CSFMP should define this.	The CSFMP has been updated in accordance with the EPA/technical agency comments and non-committal language removed. Specifically: • *'near miss'* has been defined - A near-miss is defined as a situation or event during which injury or mortality could potentially have occurred to native fauna species, but injury or mortality did not actually occur. This may include native fauna being present on roads in the presence of vehicular traffic, native fauna almost being injured/killed during clearing activities; • *'consider additional monitoring'* – the requirement to consider additional monitoring has been removed, as the actions are sufficient to address any relevant changes or issues;

No.	EPA Services and Technical Agency Comments	Proponent Response
	The CSFMP should also be specific in differentiating between natural and artificial habitat enhancements proposed, including logs, rocks, and shelters.	• state the distance/destination for fauna *'relocations'*- any fauna relocation works will be undertaken by a suitably qualified expert and will require appropriate authorisation under the BC Act i.e. Fauna Taking (Relocation) Licence and/or Section 40 authorisation. During this process a suitable relocation site will be determined in consultation with DBCA; and • *'high risk periods'* – high risk periods have been defined throughout the CSFMP. It is not considered necessary to distinguish between natural and artificial habitat enhancements, as both serve the same intended purpose.
56.	Consistent with technical agency comments at Row 102 regarding the potential unsuitability of the proposed development for a community titles scheme, revision of the proposed entities responsible for the long-term management and maintenance of vegetation and fauna habitat within the development envelope may be required.	Please refer to response to Item 102 in Table 2-14.

2.1.7 Coastal Processes

Table 2-7 Response to EPA services and technical agency comments - Coastal Processes

No.	EPA Services and Technical Agency Comments	Proponent Response
57.	A comprehensive assessment inclusive of the 100-year coastal erosion hazard line is required for the sandy coast in the northwestern section of the proposed development.	This is addressed through the City of Busselton's CHRMAP (2022) which identifies existing assets such as Smiths Beach Resort and Canal Rocks Apartments as vulnerable land uses within the 100-year planning timeframe. This is further augmented through the site specific CHRMAP provided in Appendix J and the Coastal Processes Report provided in Appendix K.
58.	The City of Busselton's (the City) Coastal Hazard Risk Management and Adaptation Planning (CHRMAP) is a regional CHRMAP and did not consider in detail the potential implications of the proposal. A site-specific CHRMAP for the proposed development is required to address the uncertainties of the proposal and to clearly demonstrate that coastal hazard risk has been addressed responsibly.	Refer to the site specific CHRMAP provided in Appendix J and the coastal assessment provided in Appendix K.
59.	The proponent should justify the adoption of the 'Protect' adaptation strategy through exploration of alternative options, consistent with the State Planning Policy 2.6 (SPP 2.6) avoid-retreat-accommodate-protect hierarchy. Referencing the City's regional CHRMAP as justification for the 'Protect' strategy is insufficient. The City has advised that it has not marked this area of the coastline for any form of coastal protection. Further to the above, it is noted that the City's CHRMAP recommends 'further work to determine the most appropriate erosion protection approach due to the high-energy nature of the coast' and that 'the adaptation response to coastal erosion risk should protect public assets and infrastructure (including foreshore areas) as well as private properties.' This implies that a range of erosion protection options should be considered, not solely a UAR. The City has also advised that that a coastal adaptation option would be more appropriate than a coastal defence option for this location.	The City of Busselton's CHRMAP (2022) completed a review of the various options for risk management and adaptation. The recommended outcomes for all of the planning horizons included the construction of a seawall to protect the foredune, infrastructure and buildings. It was noted within the City's CHRMAP that the seawall should be buried and extend from the western end of the beach, eastwards to a point between the most eastern beach access path and Gunyulgup Brook. The site specific CHRMAP provided in Appendix J supports the recommendations in the City of Busselton's CHRMAP (2022). The comment "The City has also advised that that a coastal adaptation option would be more appropriate than a coastal defence option for this location" is in direction contradiction to the City's own CHRMAP. A coastal assessment has been undertaken to understand what the outcomes would be should the City not undertake coastal protection works (provided in Appendix K). The assessment notes that Proposal seeks to construct a buried seawall within the boundary of Lot 4131. This structure would be located approximately 20 m landward of the active beach area at its closest point and, while it remains buried, would have no impact on current coastal processes. At some point in the future, the seawall may become exposed; however, even at that stage, it is not expected to have a significant impact on the coastal processes within the Smiths Beach embayment. The only potential adverse impact would be the risk of flanking erosion around the eastern end of the seawall if it were not extended to protect the adjacent infrastructure. It is however considered highly unlikely that such a scenario would occur, given the requirements of SPP2.6, the City of Busselton's CHRMAP (2022) and the need to protect existing public and private infrastructure already identified for protection.
60.	It is inaccurate to state that the UAR *'would essentially result in a continuation of the rocky coast from the granitic headland'.* In the context of SPP 2.6, a UAR does not qualify as a rocky coast.	This comment has been taken out of context, the Coastal Hazard Assessment (Appendix Y of the ERD) introduces the UAR and identifies that, 'the armouring of the upgraded ramp would also be improved to properly protect the UAR to the sandy beach'. This armouring and its connection to the existing rocky coast would provide the extended protection, not the UAR alone. However, the UAR is no longer being proposed and a buried seawall is being provided as detailed in Appendix D and is consistent with the recommendations of the City's CHRMAP (City of Busselton, 2022)
61.	Provide information describing any changes to the requisite UAR dimensions (footprint, height, slope, etc) if the universal access component of the UAR were excluded, so that the UAR had the sole purpose of protecting the future development from coastal processes.	The UAR has been removed from the proposed development via an approved change to the proposal under s43A of the EP Act on 24 June 2025
62.	The proponent's information states that drilling in the area of the proposed UAR detected rock below the sand in some locations. Please clarify the potential implications of the presence of rock at this location, particularly in the context of the requirement for the UAR as a coastal protection mechanism.	The presence of subterranean rock improves the natural coastal erosion protection of the area and will ultimately guide the depth of the buried seawall when it is constructed. Refer to Section 3.1.1 of Appendix K for results of geotechnical investigations undertaken to date which indicate that, across the drilled areas, rock elevation decreases with increasing distance from the exposed shoreline. However, the results also confirm that rock is present across the majority of the area. This has been considered when assessing potential impacts to coastal processes as a result if implementation of the Proposal (refer to Appendix K).

No.	EPA Services and Technical Agency Comments	Proponent Response
63.	Impacts from the installation of the UAR to the coastline (including beach dynamics, sand movement, erosion risk, adjacent properties and long-term management needs) have not been fully assessed or discussed. In particular, rock and buried concrete seawall may affect sediment transport and cause erosion. A detailed coastal processes assessment including a sediment study and long-term management plan is needed.	Refer to Section 7.3.1 of Appendix J which outlines the revised coastal protection approach of a buried seawall and Appendix K which provides an assessment of impacts to coastal processes resulting from implementation of the Proposal. The assessment identified that, at some point in the future, the buried seawall may become exposed; however, even in this event, it would not have any significant impact on the coastal processes within the Smiths Beach embayment. The only potential adverse impact would be flanking erosion around the eastern end of the seawall if it were not extended to protect adjacent infrastructure. This outcome is considered highly unlikely given the requirements of SPP2.6, the City's CHRMAP (2022), and the fact that failure to extend the seawall would result in the loss of existing public and private infrastructure already identified for protection. The assessment also notes that natural rock occurs along much of the shoreline fronting the proposed seawall, particularly towards its eastern end, lessening further eastward which suggests that a sandy beach is unlikely to exist in this area irrespective of whether a seawall is constructed.
64.	No evidence has been provided to support the sustainability of the UAR as a solution to coastal protection, or its impact on the beach and foredune. It is noted that the low-profile section of the ramp will not provide coastal protection (e.g. from overtopping wave attack).	The UAR has been removed from the proposed development approved change to the proposal under s43A of the EP Act on 24 June 2025
65.	The potential inundation risk for the UAR (noting its location within the coastal hazard setback), is a coastal processes consideration.	The UAR has been removed from the proposed development approved change to the proposal under s43A of the EP Act on 24 June 2025

2.1.8 Flora and Vegetation

Table 2-8 Response to EPA services and technical agency comments - Flora and Vegetation

<table>
<tr><th>No.</th><th>EPA Services and Technical Agency Comments</th><th>Proponent Response</th></tr>
<tr><td>66.</td><td>The ERD does not highlight the importance of each granitic outcrop occurrence within the development envelope. Webb (2023) identified that the floristics of the eastern, central and western outcrops are not identical, and that there is a level of vegetation transition on the outcrops moving away from the exposed coast. As such, potential impacts on the state-listed 'Coastal granitic shrublands and herb lands of the exposed western and southern sides of the Leeuwin Block major landform' priority ecological community (PEC) have not been adequately accounted for.</td><td>Notwithstanding the floristic variation observed across granite outcrop communities, particularly the transition from exposed coast to more inland forested environments, the Proponent recognises the ecological importance of this PEC and as such, the Proposal has been designed to retain approximately 63% of the mapped extent of the PEC within the Development Envelope. Furthermore, as identified by Webb (2023), the coastal granite outcrops are predominantly protected within the Leeuwin-Naturaliste National Park. In contrast, forest outcrops, which represent the inland floristic subgroup, are generally poorly reserved and mostly in private ownership or Local Government Authority (LGA) reserves.
This context highlights that whilst a small portion of the coastal subgroup PEC may be impacted by the Proposal, the majority of its regional extent is formally protected, reducing the overall conservation risk.</td></tr>
<tr><td>67.</td><td>The proposal to partially modify vegetation within the development envelope appears to be a result of prioritising the location of assets (potentially to address bushfire requirements) over the retention and protection of occurrences of the PEC. Please advise whether any alternative development layouts were considered to provide additional avoidance for occurrences of the PEC.</td><td>The location of the Development Envelope was determined through extensive survey work and was guided by a strong emphasis on retaining areas of 'Excellent' quality vegetation.
Within the Development Envelope, partial modification of vegetation has been proposed by the Proponent and has been carefully designed to balance bushfire protection requirements with environmental conservation and visual amenity. A range of alternative layout options were explored; however, these did not provide better outcomes for flora and vegetation retention without significantly compromising bushfire safety or diminishing the tourism potential of the site. The current layout reflects the most balanced solution, minimising environmental and visual impacts while meeting relevant regulatory requirements.
It is also important to note that the Webb (2023) survey had not been completed at the time of the Proposal's design. At that stage, the known extent of the PEC within the Development Envelope was confined to the area proposed for conservation.</td></tr>
<tr><td>68.</td><td>Please re-confirm quantifications for the extent of:
vegetation within the development envelope
vegetation to be directly disturbed (removed, lopped, irrigated with treated wastewater, etc) through construction and operation of the proposal
vegetation to be indirectly disturbed (from edge effects, altered surface flows, increased sedimentation, etc) from construction and operation of the proposal
revegetation within the development envelope post-disturbance (this may relate and link to the VMP)
ensuring that extent quantifications for each of the points above include the total extent, extent by vegetation type, and extent by priority ecological community (where applicable).</td><td>While areas proposed for full clearing are fixed and defined in the ERD, the extent of disturbance within the proposed partially modified areas (for landscaping and bushfire treatments) is still n pending final design and assessment through the bushfire and planning processes. Please refer to Section 1.1.1 for further details on the maximum extent of retention an clearing within partially modified areas.
As a precautionary approach, all partially modified areas have been conservatively assumed to be fully disturbed for the purpose of the impact assessment. This is a conservative approach and likely results in a significant overestimation of actual vegetation impacts, as native vegetation is proposed to retained and managed within the Development Envelope as described in Section 6.6.2 of the ERD Section 1.1.1 of this document. This is consistent with the approach taken for fauna habitat, as described in response to Item 21 in Table 2-3.
Impact to vegetation types are provided in the table below. Please refer to Table 6-5 of the ERD for vegetation type descriptions.
<table>
<tr><th>Vegetation type</th><th>Extent within Development Envelope</th><th>Full Clearing</th><th>Partial Modification</th><th>Full clearing and partially modified areas</th></tr>
<tr><td>AfPe</td><td>8.76 ha</td><td>3.76 ha</td><td>4.44 ha</td><td>8.20 ha</td></tr>
<tr><td>AhHe</td><td>1.23 ha</td><td>0.62 ha</td><td>0.62 ha</td><td>1.24 ha</td></tr>
<tr><td>AsDc</td><td>3.30 ha</td><td>1.49 ha</td><td>1.61 ha</td><td>3.10 ha</td></tr>
<tr><td>AsHh</td><td>0.64 ha</td><td>0.44 ha</td><td>0.19 ha</td><td>0.63 ha</td></tr>
<tr><td>BaMrXp</td><td>4.12 ha</td><td>1.70 ha</td><td>2.37 ha</td><td>4.07 ha</td></tr>
</table></td></tr>
</table>

No.	EPA Services and Technical Agency Comments	Proponent Response

CcHh	0.68 ha	0.04 ha	0.10 ha	0.14 ha
DciDcL	0.85 ha	0.29 ha	0.37 ha	0.66 ha
KcDcPp	0.52 ha	0.00	0	0.00 ha
KcSg	8.36 ha	0.14 ha	0.10 ha	0.24 ha
MhGl	4.12 ha	0.73 ha	0.25 ha	0.98 ha
MlDr	1.57 ha	0.00	0.00	-
MlKc	3.26 ha	0.00	0.00	-
NfCcXp	0.63 ha	0.21 ha	0.42 ha	0.63 ha
Non-native vegetation/Cleared	3.74 ha	1.27 ha	1.29 ha	2.56 ha
Total	**41.79 ha**	**10.69 ha**	**11.76 ha**	**22.45 ha**

Impacts to PEC values are provided in the table below:

Priority Ecological Community (PEC)	Extent within Development Envelope	Full Clearing	Partial Modification	Full clearing and partially modified areas
Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' PEC (P2)	18.16 ha	3.36	3.55	6.89 ha
Melaleuca lanceolata forests, Leeuwin Naturaliste Ridge PEC (P2)	2.55 ha	0.00 ha	0.00 ha	0 ha

69.	A technical agency has advised that one of the three vegetation complexes within the development envelope, Wilyabrup (We), is a highly restricted complex of limited extent, and regional significance. The potential impacts of the proposal to the 20 ha of Wilyabrup (We) is noteworthy; whilst the impact represents a small relative change to the total vegetation complex, the remaining occurrences of the complex are very small in number and extent.	The significance of the Wilyabrup (We) vegetation complex is acknowledged, particularly in the context of its limited distribution and the relatively small number of remaining occurrences. As noted in the ERD, the Proposal will result in the clearing of this complex; however, this impact does not reduce the overall extent of the Wilyabrup complex below the key 30% threshold of pre-European extent. The 30% threshold is an established benchmark under the National Objectives and Targets for Biodiversity Conservation and is also recognised by the State Government as a critical threshold to avoid ecological communities becoming at risk of long-term fragmentation and loss of biodiversity. The implementation of the Proposal is consistent with this principle, as all vegetation associations and complexes, including Wilyabrup (We), will retain more than 30% of their pre-European extent following development. It is also noted that the Wilyabrup complex occurs over an approximate 94 km stretch of the Leeuwin-Naturaliste coast. Of this, around 48.46 ha (33%) is currently located within DBCA-managed lands, providing a level of formal protection at the landscape scale.
70.	The work requirements from the ESD have not been adequately met, including: • Work items 36 & 51 - a map depicting all flora and vegetation surveys, survey intensities (quadrats, traverses, transects including track logs), dates of samples/resamples, and botanists names has not been provided. • Work items 37, 38 & 44 – justification should be provided for incomplete identifications (i.e. flora not identified to taxon level). Include subspecies or variety where relevant. • A complete list of flora taxa at the development envelope has not been provided (see Row 72 below). • A Conservation Significant Vegetation Management Plan (CSVMP) has not been provided (see Row 73 below).	**Work items 36 & 51** While a consolidated map showing all flora and vegetation surveys with associated survey intensities and metadata (e.g., track logs, botanists' names, etc.) has not been included in the ERD, this information is available across the supporting technical appendices. The Proponent considers this approach meets the intent of the requirement by ensuring all data is available and transparent, without duplicating it in a single figure. Consolidating all survey components onto one map would result in a visually cluttered and difficult to interpret figure, reducing clarity rather than enhancing it. **Work items 37, 38 & 44** The Emerge (2019) survey timing is within the EPA guidance for spring survey (Sept-Nov). Emerge have addressed the season being extended for the more southern location, and that there was higher than average rainfall and anecdotal late flowering in the area. This is highly relevant as survey timing should be adjusted based on local environmental conditions as per EPA technical guidance for flora and vegetation surveys. There was a relatively low rate (~9%) of unconfirmed IDs reported and it is noted that a 20% higher overall number of species was recorded compared with previous survey by ATA in 2007. **Complete list of flora taxa at the Development Envelope**

No.	EPA Services and Technical Agency Comments	Proponent Response
		This information is already available and accessible in the appendices, namely Appendix B, and Appendix E and therefore it is not necessary to duplicate the species lists. **Conservation Significant Vegetation Management Plan (CSVMP)** A standalone CSVMP was not provided, as the management measures for conservation significant vegetation are integrated throughout the ERD and the Foreshore Management Plan (FMP). We consider this integrated approach to be consistent with the ESD's intent.
71.	Confidence in the survey results is diminished by numerous incomplete taxa on the flora list. It is noted that technical agencies detected additional significant taxa during tours of/visits to the proposal site, including: • *Stylidium lowrieanum* (state-listed priority 3) • *Jacksonia alata* (known from one record within the Leeuwin Block) • *Pittosporum ligustrifolium* (the record represents the most southern extent of the known range of this species) • *Daviesia divaricata* subsp. *divaricata* (may be a morphological variant of the typical form that occurs nearby around Yallingup Hall, or an undescribed novel taxa) • *Xanthorrhoea sp.* (several morphologically distinct forms that are potentially undescribed novel flora). Technical agencies also consider that six of the taxa reported by the proponent as occurring in the development envelope are significant flora in this location, and the ERD should provide an assessment of impacts to these: • *Austrostipa mollis* (locally, the only occurrence of the species west of the Darling Scarp) • *Austrostipa variabilis* (first record on the Leeuwin Block landform) • *Guichenotia ledifolia* (occurrences represent an extension of the range for the species on the Leeuwin Block landform) • *Rhodanthe corymbosa* (occurrences represent an extension of the range for the species on the Leeuwin Block landform) • *Santalum acuminatum* (disjunct from the species' typical area of occurrence) • *Gastrolobium ebracteolatum* (recorded on granite outcrop in proponent's flora report, which is not usual habitat for the species – this record may be an undescribed novel species). The proponent should reference the recorded flora in the development envelope to the Webb (2023) list of significant flora on the Leeuwin Block granites to more fully determine the significant granitic taxa.	The Proponent was not provided with the survey reports or field data associated with these observations. As such, we are unable to verify the methods used to detect and identify these taxa, nor assess whether the observations were made in accordance with EPA guidance on flora survey requirements. The detailed flora and vegetation survey conducted by Emerge (2019) was undertaken in optimal seasonal conditions. The survey design included comprehensive sampling efforts. It is expected and not uncommon that additional species may be recorded opportunistically outside of formal survey efforts, particularly when surveys are conducted over multiple seasons or by multiple parties. This variability is precisely why survey limitations are acknowledged and why a species accumulation curve is generated to estimate the number of species potentially present but not detected during the survey window. Emerge's report provides a discussion on survey limitations, noting that additional species could reasonably be expected to occur in the area based on the accumulation curve. This aligns with EPA guidance on flora and vegetation surveys. The detection of additional species during agency visits is therefore not inconsistent with expectations and does not necessarily indicate a deficiency in the survey methodology. Regarding the taxa the technical agency has referred to as potentially being significant flora identified within the Development Envelope, the following comments have been made after botanist review: • *Austrostipa mollis*: While this species has been described as the only local occurrence west of the Darling Scarp, there is a known record approximately 150 m from the intersection of Yallingup Caves Road and Caves Road, indicating it is not isolated within the local context. • *Austrostipa variabilis:* This may represent a new record for the Leeuwin Block; however, occasional new records in under surveyed areas are not uncommon and do not, in isolation, indicate ecological or conservation significance. • *Guichenotia ledifolia:* The claim that this is a range extension is incorrect. There are verified records from Smiths Beach Road (1994, confirmed again in 2024), from 2021, and from areas such as Yallingup and Canal Rocks. These records establish its known distribution on the Leeuwin Block. • *Rhodanthe corymbosa:* This species also has nearby records, including at Sugarloaf Rock. The distribution is consistent with regional expectations and does not represent a noteworthy extension. • *Santalum acuminatum:* This species has a broad distribution across much of Western Australia. Its apparent underrepresentation in this area likely reflects collection bias rather than a true disjunction. DBCA has also discouraged vouchering of common species, resulting in regional data gaps. On this basis, the record does not indicate ecological significance outside of its known range. • *Gastrolobium ebracteolatum*: Although the species was recorded near a granite outcrop, this is consistent with its ecological preferences. Granite margins are often seasonally wet and can support a wetland affiliated flora assemblage. This aligns with Webb (2023), who notes that "the majority of the Leeuwin Block granites are seasonally wet" and that such environments often support species typical of wetland or riparian habitats. As such, the recorded habitat is not atypical or unexpected for this species. It is noted that when attributing significance solely on the basis of range extensions or occurrence in particular microhabitats is not necessarily accurate. For many coastal species, being at the western extent of their range is a natural consequence of geography, and in the absence of other factors such as rarity, population isolation or known threats, this alone does not necessarily indicate conservation value.
72.	Work items 46 and 47 of the ESD require the preparation of a CSVMP to inform the environmental review of the proposal. Consistent with the ESD requirements, the CSVMP should describe any proposed management and/or monitoring plans that will be implemented pre- and post- construction to ensure residual impacts (direct and indirect) are not greater than predicted. The CSVMP will also include the requirement to rescore vegetation quadrats for the priority ecological communities in the Leeuwin-Naturaliste Ridge area (prior to clearing) to capture the herbaceous layer. A CSVMP has not been provided. The proponent has also indicated intent to prepare a VMP prior to commencement of development works, to outline clearing methodology, management strategies, monitoring requirements and rehabilitation for existing and proposed vegetation. The VMP has not been provided. Additional information is required to provide confidence that the proponent's mitigation measures can adequately address impacts to vegetation, including conservation significant vegetation and PECs.	It is considered that the intent of the requirement for a CSVMP has been met through the commitments, management actions and monitoring frameworks already outlined in the ERD and FMP (provided as Appendix Z of the ERD). Regarding the requirement to rescore vegetation quadrats for PECs, the Proponent considers this action no longer necessary as the PEC mapping by Emerge (2019) has been superseded by the floristic survey and vegetation community mapping presented in Webb (2023), which incorporates recent data across the Development Envelope. The Webb survey provides a more current assessment of the PEC in the Development Envelope, including the herbaceous layer and is therefore considered to meet and exceed the intent of the original requirement. Regarding the VMP, this has not been provided at this stage as it will be informed by detailed design and further survey work; however, the ERD outlines a clear and committed pathway for its preparation prior to the commencement of development works. This approach is consistent with the Bushfire Management Plan (Strategen-JBS&G, 2021) and is expected to be a condition of the Development Approval. The VMP is also subject to the endorsement of the proposed partial modification approach through the bushfire and planning approval process. It is important to note that the VMP is intended to be produced for the developable area and will not include the western conservation area as management of this area is covered through the FMP. As mentioned in the ERD, the VMP will be developed once additional site-specific data such as detailed landscaping design and targeted vegetation assessments are available. This ensures the VMP will be both accurate and implementable. It will include, but not be limited to:

No.	EPA Services and Technical Agency Comments	Proponent Response

		• Baseline vegetation studies;
		  ○ Initial tree survey
		  ○ Detailed survey
		• Land clearing;
		  ○ Construction plan and schedule;
		  ○ Annual plan and schedule;
		  ○ Clearing methodology;
		• Rehabilitation management plan;
		• Bushfire management;
		• Monitoring;
		• Reporting and review;
		• Vegetation management plan documentation;
		• Training and awareness;
		• Responsibilities;
		  ○ Construction Manager;
		  ○ Manager; and
		  ○ Community Corporation.
		The VMP will form the basis for a suite of operational documents, including landscaping and revegetation plans to guide site implementation and long term maintenance. These will be updated post-construction to form an "as-constructed" landscaping plan, which will underpin the site's ongoing vegetation and compliance management.

73.	Please provide additional information about the proposed tree survey, including the indicative survey methodology and how the survey will assist in the mitigation and management of impacts to vegetation.	As discussed in the ERD, a tree survey will be undertaken at the detailed design phase to clearly identify trees for retention in the proposed partially modified areas and will inform the VMP. The scope and implementation of the tree survey will be subject to the endorsement of the proposed partial modification through the bushfire and planning approval process. Should partial modification be endorsed, tree retention will aim to maintain connectivity within the Development Envelope for Western Ringtail Possums. The survey will be undertaken by a qualified zoologist and in consultation with bushfire practitioners and landscape architects to ensure an integrated approach that balances ecological, visual and bushfire risk management objectives. This will involve: • Mapping and tagging of all mature trees within development footprint areas; • Assessment of tree condition and habitat value, including structural connectivity for the Western Ringtail Possum; • Identification of retention opportunities based on tree health, ecological value and compatibility with bushfire APZs and design requirements; and • Recommendations for landscaping and bridge locations to maximise retention of mature trees, trees with confirmed dreys and maintain vegetated linkages.
74.	Targeted flora surveys conducted to date have not sampled the range of observation times for a number of significant orchids that could potentially occur in the development envelope.	The targeted orchid survey undertaken did incorporate known flowering times as well as vegetative identification techniques, in accordance with the DCCEEW guidance, details on the flowering period for each species targeted is provided in Table 1 of the Orchid Survey provided as Appendix E of the ERD). Specifically, the survey effort included identification of non-flowering orchid individuals based on vegetative traits where possible. As noted in the DCCEEW survey guidelines, “whether an observer encounters an orchid is influenced by the abundance, density and distribution of the species at the site—the larger the population size the more likely the observer is to encounter an individual.” Despite targeted effort, no Threatened orchid taxa were located within the survey area, suggesting that their abundance and density at the site is low or they are absent altogether. Whilst it is recognised that certain orchid species can be cryptic and may not be detectable in every survey season, the data collected to date indicate the Development Envelope is unlikely to support a significant population of conservation listed orchid species. This is consistent with the DCCEEW guidance, which supports inference about species absence where surveys are appropriately timed and targeted and where observed species richness is high. Regarding the *Caladenia* sp. identified wihtin the Leeuwin Way Road reserve, follow up monitoring has been conducted during the accurate flowering period (Spring) to accurately identify these individuals to a species level (see Appendix E for further details).
75.	Additional information is required as to how indirect impacts to the *Caladenia nivalis* population recorded in the north-west extent of the development envelope will be mitigated and/or managed.	The FMP (provided as Appendix Z of the ERD) includes ongoing management of the western portion of the site proposed to be retained where the *Caladenia nivalis* population have been recorded. Management measures included in the FMP to mitigate/manage indirect impacts to the population include contractor induction and demarcation of clearing boundaries, controlled access to retained vegetation, vehicle and machinery hygiene protocols, targeted weed control and ongoing maintenance and dust suppression measures during construction activities.

No.	EPA Services and Technical Agency Comments	Proponent Response
76.	The Bushfire Management Plan (BMP) has not been updated to reflect modifications to the proposal resulting from the s.43A amendments. Information is required to describe the amended vegetation clearing/modification requirements that may result from the refinement of the wastewater treatment plant area and inclusion of 'Leeuwin Way' road reserve within the development envelope.	The BMP will be updated in accordance with these changes as part of the Development Application approvals process currently underway. In preparing the footprint for the Wastewater Treatment Plant and the Leeuwin Way Road reserve upgrade the bushfire consultants were consulted to confirm the clearing/modifications proposed were adequate from a bushfire risk management perspective.
77.	The BMP is not consistent with the requirements of State Planning Policy (SPP) 3.7[6] and the state Bushfire Guidelines[7]. Canopy cover across the development envelope is to be a maximum of 15%, however, the BMP proposes alternative criteria (up to 40% canopy cover) based on the Asset Protection Zones (APZ) of other states. Additional clearing within the development envelope is likely to be required to ensure compliance with the state bushfire policy and guideline. Provide revised environmental value and impact extent quantifications after applying this comment.	Noting the advice that additional clearing may be required to ensure consistency with State Planning Policy 3.7 and the associated Bushfire Guidelines, the significance assessment for this Proposal has adopted a conservative approach. It should be noted, however, that the Proponent's intent remains to implement a partial modification approach, involving the selective retention of trees and vegetation within the development footprint, should this be endorsed through the bushfire and planning approval process. The assessment captures the worst-case scenario, while still recognising the Proponent's commitment to pursuing partial modification.
78.	Total hectarage (ha) values are required for each of the Public Open Space (POS) and conservation areas to be retained in areas 1-4 (see Figure ES 2) within the development envelope.	The total area of the proposed POS/Conservation Area is provided in the table below: **POS/Conservation Area** — **Area** Area 1: Area to be placed into conservation — 16.83 ha Area 2: POS/ Conservation Lot — 1.22 ha Area 3: POS — 0.83 ha Area 4: POS — 0.83 ha **Total** — **19.26 ha**
79.	Clarification is required as to the proposed activities permitted within the POS, and how vegetation within POS areas will be managed (i.e. no active management, managed to a bushfire attack level, re-landscaped, irrigated with treated wastewater, etc). Clarify the parties responsible for the long-term management of the POS areas, noting comments regarding the community title scheme proposal at Row 102 of this table.	The three POS areas proposed within the Development Envelope are in locations that represent opportunities to keep native vegetation on the fringes of the main development. The retained vegetation will be primarily scrub and shrubland vegetation with smaller pockets of forest in the two southern POS areas. All three POS's interface with nominated APZs to protect adjacent habitable development, in particular the central southern POS which contains the Wastewater Treatment Plant. This has been considered as part of detailed design and therefore the POS areas shown require no further modification other than revegetation of previously cleared land, which is to be consistent with existing vegetation and in accordance with the landscaping plan. Refer to response Item 102 in Table 2-14 regarding community title scheme and how it will apply to the management of POS areas. The areas proposed to receive treated wastewater irrigation have been clearly identified in Appendix AA of the ERD. As outlined in Appendix AA, POS areas containing retained native vegetation will only receive limited irrigation. The irrigation system has been designed to respond to actual water demand and the treated effluent will comply with relevant regulatory standards to minimise nutrient input and prevent adverse effects on vegetation adapted to low-nutrient soils. Clearing of vegetation will not be required as the irrigation infrastructure will consiste of a piped network which can be placed on the ground without the need for vegetation disturbance. The potential impacts of irrigation on native vegetation will be further assessed through the Part V approval process. Should irrigation of these areas not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. As a contingency, treated water may also be transported off site if required.
80.	Provide further discussion for the EPA design guideline of 'avoid inappropriate development in bushfire-prone areas' at Table 6-20 of the ERD. Discuss how the proposed bushfire management actions/requirements will impact biodiversity and justify how the impacts can be mitigated or managed to be consistent with the design guideline.	To meet bushfire protection requirements, some clearing or modification of vegetation is required for APZs. The potential biodiversity impacts associated with these measures primarily include the loss or fragmentation of native vegetation, particularly affecting fauna habitat and vegetations structure. The Proposal does not currently assume reliance solely on application of standard APZ requirements; instead, it puts forward a potential vegetation modification approach informed by landscape character and ecological values. Standard APZ treatments applied uniformly would risk significant vegetation loss, including habitat critical to species such as the Western Ringtail Possum. To provide an alternative pathway that may achieve a more balanced outcome (subject to bushfire and planning approvals), three indicative landscaping treatment zones have been described: • APZ: Applied in locations where buildings directly interface with unmanaged vegetation, these areas will be modified to meet current APZ standards. This provides a high level of protection where fire behaviour is most likely to be intense, ensuring compliance with the Planning for Bushfire Protection guidelines;

[6] WAPC 2024, *State Planning Policy 3.7 – Bushfire*.
[7] WAPC 2024, *Planning for Bushfire Guidelines*.

No.	EPA Services and Technical Agency Comments	Proponent Response
		• APZ-Modified Zones: These areas are located away from direct vegetation interfaces but still within proximity to habitable buildings. While largely aligned with APZ principles, they allow structured and targeted retention of trees and shrubs that do not significantly contribute to fuel loads. This treatment enables biodiversity and amenity objectives to be achieved while maintaining acceptable bushfire safety outcomes; and • Low Threat Vegetation Zones: Located in areas further removed from habitable buildings such as campgrounds. These zones will retain a higher tree canopy and incorporate isolated shrub "islands". This design also enhances ecological connectivity and visual appeal. These treatments are underpinned by a landscape-led design philosophy, with the VMP and Landscape Plan expected to document (if endorsed) detailed specifications for each treatment area, including vegetation retention mapping, fuel management and monitoring requirements.

2.1.9 Threatened Flora

Table 2-9 Response to EPA services and technical agency comments - Threatened Flora

No.	EPA Services and Technical Agency Comments	Proponent Response
81.	The twelve non-flowering *Caladenia* sp. recorded during the targeted flora and vegetation survey of the road reserve (21 October 2024) should be treated as threatened flora, unless further survey work confirms otherwise. It is noted that DCCEEW has requested additional information to confirm the species. It is possible that there is more than one *Caladenia* taxon in this location, or that plants are of a new undescribed *Caladenia* taxon.	The Proponent engaged a botanist to undertake targeted surveys during spring, commencing in September 2025 to enable species identification of the *Caladenia* sp. Given the cryptic nature of this species, the botanist conducted weekly visits to the orchid population throughout the flowering period. On 17 September 2025, the botanist was able to identify the orchids as *Caladenia latifolia*, a commonly occurring, non-conservation-significant species. Refer to Appendix E for further details. Given that the *Caladenia* sp. has now been identified as *Caladenia latifolia*, a common and non-conservation significant species. this taxa does not require further consideration in the assessment.
82.	DCCEEW has advised that referenced evidence is required to support the proponent's statements at Table 16-3 of the ERD, regarding consideration of the DoE (2013) criteria/guidelines[8] for significant impacts to *Caladenia* sp.	Refer to response to Item 81.
83.	The proponent should demonstrate consideration for the mitigation hierarchy to minimise impacts to the twelve non-flowering *Caladenia* sp. Justification is required as to why permanent loss of the twelve *Caladenia* sp. cannot be avoided. Alternatively, additional mitigation measures (immediate and ongoing) should be described.	Refer to response to Item 81. The twelve *Caladenia latifolia* individuals identified are located within an existing, unsealed road reserve currently used by the public to access the informal coastal site known locally as 'the Aquarium.' The Proponent is proposing to formalise and upgrade this existing access route for safety and amenity purposes; as well as to minimise the impacts of current unmanaged access across a wider area of native vegetation within the adjoining National Park. Due to the location of these individuals within the road formation itself, complete avoidance is not feasible without compromising the primary access route, which is already heavily utilised. Given these species are commonly occurring and not listed as a conservation significant species, residual impacts are not considered significant.
84.	The proponent should demonstrate how relevant *Caladenia* sp. recovery plans and conservation advice have been considered in terms of threats, mitigations and actions to the recovery of potentially impacted species.	Refer to response to Item 81.
85.	DCCEEW has advised that environmental offsets will be required to compensate for any residual adverse impacts to EPBC Act listed *Caladenia* species. Noting that the permanent loss of 12 *Caladenia* sp. individuals from the proposal site is likely, consider whether revision of the OMS is required to address DCCEEW's advice.	Refer to response to Item 81. *Caladenia latifolia* is not an EPBC listed species and therefore environmental offsets are not required.
86.	There are inconsistencies between the ERD and supporting appendices (Appendix H) regarding the number of *Caladenia excelsa* individuals present within a 20km radius of the development envelope.	The WA Herbarium holds 18 specimens (approximately 115 plants) from locations ranging from Dunsborough to Augusta., most of which recorded several plants and some locations were in the National Park. A further 158 *Caladenia excelsa* were listed in DBCA's Threatened and Priority Flora List database within a 20 km radius of the Development Envelope, including 69 *Caladenia excelsa* recorded from National Park. This equates to a minimum known extent of at least 273 individuals, within a range broader than the 20km radius referred to in the ERD.

[8] DoE 2013, *Matters of National Environmental Significance – Significant impact guidelines 1.1 Environment Protection and Biodiversity Conservation Act 1999*. Canberra, ACT.

2.1.10 Landforms

Table 2-10 Response to EPA services and technical agency comments - Landforms

No.	EPA Services and Technical Agency Comments	Proponent Response
87.	Quantification of the anticipated extent/magnitude of the earthworks and cut and fill within the proposal site is required to inform the scale of impact to the landform. With reference to Section 8.6.2 of the ERD, please define 'large-scale excavation'.	The Engineering Servicing Report provided in Appendix R of the ERD includes the earthworks, cross sections and long sections plan for the Proposal. These plans show that earthworks are primarily required within the road network with the total anticipated earthworks area approximately 7.49 ha or 18% of the Development Envelope. The average cut depth is less than 1m, with the maximum cut reaching approximately 3 m in a single, localised area. Minor, localised filling is also proposed, with fill depths not exceeding 800 mm. These figures demonstrate that the extent and magnitude of earthworks are minimal and have been carefully designed to preserve the natural landform as much as practicable across the Development Envelope. Importantly, the design has avoided a significant portion of the Development Envelope with approximately 42% of landforms retained in conservation or POS within the Development Envelope.
88.	Additional evidence-based justification for the conclusions around the likely absence of limestone environments/karst features within the development envelope is required. If historic technical studies have been relied upon (including original survey work/investigations undertaken by other parties), copies of these should be provided. For clarity, consider providing maps of the areas of the development envelope that could be characterised as limestone environments.	Evidence based justification regarding likely absence of limestone / karstic features within Development Envelope has been provided in the ERD as follows: • Results of the 50 locations investigated across the site through hand auger and drilling investigations (Appendix U and Appendix V of the ERD). The lithology logs did not identify limestone within the surficial sediments overlying the gneiss (fractured rock) and therefore limestone is not expected to be present within the Development Envelope; • Appendix Q of the ERD: WSP (2024) state that no karst features have been documented to be present within 1 km of the Development Envelope; and • The Regional geology figure (Figure 1-4 in the ERD) shows the regional limestone extent not being within Development Envelope. The surface geology (lithology) figure (Figure 1-5 in the ERD) also shows no calcareous sand and/or limestone within the Development Envelope. This is supported by the previously mentioned on-site soil and geological investigations that did not identify the presence of calcareous sand and/or limestone. The geology and lithology within the Development Envelope is characterised by a layer of surficial sediments that overly fractured rock (gneiss / granite). The borehole and hand auger locations were selected to align with the proposed development footprint, focusing investigations in areas subject to potential ground disturbance. There is no development or irrigation proposed for the western and southwestern parts of the Development Envelope, negating the requirement for further investigation. The results from the 50 investigation locations adequately capture the area to be developed and subject to treated wastewater disposal.

2.1.11 Subterranean Fauna

Table 2-11 Response to EPA services and technical agency comments - Subterranean Fauna

No.	EPA Services and Technical Agency Comments	Proponent Response
89.	The ERD concluded that there is low prospectivity of subterranean fauna habitat within the development envelope. However, this conclusion was based on the results of a desktop survey only. The desktop survey contemplated that the absence of subterranean fauna records at the proposal site may reflect a lack of sampling (pg. iii) and that: *'The Western Australian Speleological Group (in litt.) is aware of a couple of caves about 300 m south of the Project. There has been no walking survey for evidence of caves in the project area in the last 40 or 50 years.'* (pg. 5) and *'Very little, if any, sampling for subterranean fauna in the general landscape matrix has been conducted (and reported)'* (pg. 7). Four critically endangered southwest TECs of cave fauna assemblages are located south of the development envelope, and may indicate subterranean fauna presence. These TECs have not been discussed in the ERD. Based on the comments from the desktop survey and technical advice received, further information is required about the existing subterranean fauna values at the proposal site to substantiate the conclusion that there is low prospectivity of subterranean fauna habitat within the development envelope, and to determine the risk of potential impact(s) and subsequent requirements for mitigation/management of impacts. In the absence of suitable bores for subterranean fauna sampling, a karst geomorphologist or hydrogeologist could undertake ground-truthing at the proposal site to determine whether suitable habitat is likely to be present and whether sampling or management measures are required. This approach will assist in providing confidence about the presence/absence of subterranean fauna (and suitable habitat).	**Prospective Habitat** Hydrogeological investigations have been undertaken for the Proposal, presented in Golder (202aa) (Appendix V of the ERD). A further review was completed by WSP (2024) (Appendix Q of the ERD) which included an assessment of the risk of encountering karst formations. The review concluded that no karst features have been documented within 1 km of the Development Envelope. **Threatened Ecological Communities (TECs) - Aquatic root mat communities – caves of the Leeuwin-Naturaliste Ridge (communities 1-4) – Critically Endangered (BC Act); Endangered (EPBC Act)** The four Critically Endangered TECs which support cave fauna assemblages (1-4) comprise of the following caves: • Easter and Jewel Caves (Community 1); • Strongs Cave (Community 2); • Kudjal Yolgah and Budju Mar Caves (Community 3); and • Calgardup Cave (Community 4). These caves are located within areas which have limestone forming karstic system (refer to Appendix I for the location of the caves). Limestone is located outside of the Development Environment to the south and the east (refer to Figure 1-5 of the ERD). Additionally, the Proposal is proposing a large conservation area which will buffer any potential groundwater impacts to these areas. The Groundwater flow has been shown to flow in an easterly direction (Appendix V of the ERD). Any surface contamination which was not captured and retained would flow toward the ocean as shown in Figure 10-02 in the ERD. There will be no impact to any of the karstic caves outside of the Development Envelope, which are outside any area of influence by groundwater flowing from the Proposal. The potential for karst was summarised in WSP (2024) stated that Tamala Limestone, which supports karst, was not encountered in the previous geotechnical investigations completed within the Development Envelope. The regional geological map indicates that the limestone unit known to contain karstic features is not present within the footprint of the Development Envelope, however, is shown present near the southern site

No.	EPA Services and Technical Agency Comments	Proponent Response
		boundary. Given that Tamala Limestone is unlikely to be underlying the Development Envelope and no karst features have been identified near the Development Envelope the risk of encountering karst was low. As such, cave fauna assemblages are not expected and will not be impacted. Refer to Appendix I for further details.
90.	Potential impacts to subterranean fauna from earthworks/excavation at the proposal site have not been discussed. Information to understand the potential impacts to subterranean fauna, and to inform the need for potential mitigation and/or management measures should be included.	Geotechnical investigations found the area is dominated by sandy soils, and clayey soils over laying gneiss. These drill holes cores and the description of the geologies can be found in Appendix U, V, and S of the ERD. Sandy and clayey habitat does not support the vuggs and fissures which are typical of troglofauna habitat, which is well detailed in the EPA guidelines. The habitat where many listed troglofauna occur in the karstic cave environments which are to the south within limestone areas. This habitat is not considered to be habitat for troglofauna. A detailed overview of the troglofauna and stygofauna habitat and likelihood in the Proposal is provided as Appendix I and has been prepared by an ecologists specialising in subterranean fauna. This follows the preparation of the Bennelongia desktop report, which is speculative in many of its conclusions. The information on habitat has been updated in Appendix I. The removal of vegetation is not considered to impact subterranean fauna as the area does not have habitat suitable for troglofauna. The proposed earthworks will only intercept a maximum depth of up to 3 m (in a single, localised area refer to response to Item 87 in Table 2-10) and this has been found to be sandy to clayey. An update to the lithologies and suitability as subterranean fauna habitat is presented in Appendix I.

2.1.12 Inland Waters

Table 2-12 Response to EPA services and technical agency comments - Inland Waters

No.	EPA Services and Technical Agency Comments	Proponent Response
91.	There are discrepancies within the documentation in relation to the design of/plans for the treatment of wastewater onsite. The Right Water Company (2024) report appears to provide the most contemporary information and proposes all wastewater generated from the proposal site will be treated via a centralised wastewater system. Given the proponent's recent verbal advice to EPA Services that some treatment of wastewater may also occur within individual lots within the development envelope, clarity is sought on the design/plan for the treatment of wastewater onsite.	It is acknowledged that there was some inconsistency within the ERD and supporting documentation relating to the wastewater treatment design. To confirm, all wastewater generated from the Proposal will be treated via a centralised wastewater treatment system. This is consistent with the modelling undertaken (The Right Water Company, 2024) and presented in the ERD.
92.	More detailed information is required about soil and groundwater profiles (including potential in-situ testing of soil nutrient levels) and consideration of separation distances from water resources in accordance with the Government Sewerage Policy 2019. Future decision-making processes and approvals for centralised (and/or potential lot-specific) onsite wastewater treatment systems will also require the provision of this information.	Regarding soil and groundwater profiles (including in-situ testing of soil nutrient levels), Table 10-4 in the ERD shows the thickness of the soil profile that overlies the fractured rock generally ranges from around 0.3 m to around 11.0 m. The lithological characterisation and description of the soil profile across the site is sufficient based on the 50 locations that have been investigated across the site through hand auger or drilling investigations. In-situ testing of soil nutrient levels has not been undertaken, however, as the site has not previously been developed and is predominantly natural bushland, there are currently no suspected sources of nutrient input across most of the site, except the northern part of the site around the existing residential / hotel. In-situ testing of groundwater for nutrients has previously been undertaken in 2021, for bores where groundwater levels were sufficient for sampling. Elevated levels of nutrients in groundwater were identified at the northern part of the site around the existing residential / hotel at groundwater monitoring bores GB4 and GB5. The source of elevated nutrient levels in this area was not known, however, may be associated with septic tanks or wastewater if not connected to sewers, or nearby fertiliser use. There is little groundwater contained within the surficial sediments. In-situ soil nutrient levels will be determined to support an assessment of baseline nutrient levels to inform the management of nutrient loading associated with waste wastewater application. This will be required to inform the Nutrient and Irrigation Management Plan (NIMP) required to be submitted to DWER for assessment as part of the Works Approval and Licence application process under Part V of the EP Act (Wastewater Treatment Plant being a prescribed premises under Category 54 of the EP Regulations). Consideration of separation distances from water resources in accordance with the Government Sewerage Policy 2019. On-site wastewater management in accordance with the Department of Health (DoH) Guidance on Site-and-soil Evaluation (SSE) for on-site sewerage management (Government Sewerage Policy (WAPC 2019)) to inform impacts to Inland Waters values has been undertaken in Appendix T (Stantec 2022). Table 1 and Table 5 considers separation from water resources: • Current results as outlined within the latest geotechnical advice indicated no groundwater experienced. Where at risk locations occur (Table 10, Appendix T of the ERD), additional mitigation will be used to achieve the required setbacks; and • Separation to coastline is achieved through the implementation of the Hotel and Community Hub precinct with no treatment or land application occurring within 100m of the coastline. This information will support future approvals under Part V of the EP Act (Works approval and Licence), Development Approval under the *Planning and Development Act 2005* and approval with the City of Busselton under the *Health Act 1911* and regulations regarding sewage treatment and disposal.

No.	EPA Services and Technical Agency Comments	Proponent Response
		As discussed in response to Item 88, as no development or irrigation will occur at the western and southwestern parts of the Development Envelope no further site investigation is considered necessary. It is considered that there is appropriate information on groundwater and lithology within the surficial sediments, that overlie the fractured rock, within the part of the site subject to development and treated wastewater disposal.
93.	Further to the comment at Row 92, additional information is required to provide confidence that the proposal site can accommodate the anticipated discharge of treated wastewater without adverse impacts to retained environmental values. It is noted that: • mapping of the proposed irrigation areas against soil profiles and vegetation types within the proposal site to inform suitability has not been provided - comparison of information across documents suggests that some proposed irrigation areas may overlap some rocky/clay-dominant sections of the proposal site • soil testing to determine current nutrient levels of the soil and to inform suitability for wastewater disposal has not been undertaken • the use of 'coastal couch grass' in modelling has resulted in overestimation of the probable irrigation demand of the retained/remnant vegetation • the water balance calculations consider 90% occupancy in summer months instead of 100% occupancy as a worst-case scenario • based on the calculated wastewater volumes provided, the treated wastewater storage capacity may be inadequate for the winter months • a nutrient and irrigation management plan (or similar) to demonstrate that the application of treated wastewater can be effectively managed to prevent pollution and environmental harm has not been provided.	The modelling completed to date was undertaken to determine the likely quantum of wastewater storage capacity required and irrigation capacity of the proposed wastewater treatment and disposal option, based on preliminary design available at that time. The comments regarding ensuring worst case scenario in terms of irrigation limits and storage capacity requirement are noted and will be incorporated into the engineering design of the Wastewater Treatment Plant now in process. Once this is completed, this information combined with the now completed landscaping and development plans, will inform the development of a site-specific irrigation and nutrient management plan. Refer to response to Item 92 above for details on soil testing. The engineering plans and NIMP will be required to be submitted to DWER for assessment as part of the Works Approval and Licence application process under Part V of the EP Act (Wastewater Treatment Plant being a prescribed premises under Category 54 of the EP Regulations). It is also expected to be required to be submitted as part of the planning approval process, during which onsite sewage treatment requirements are also assessed in line with the current Government Sewage Policy. As discussed in response to Item 79 in Table 2-8, the potential impacts of irrigation on native vegetation will be further assessed through the Part V approval process. Should irrigation of these areas not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. As a contingency, treated water may also be transported off site if required.

94.	Maps detailing the estimated spatial extents of permanent, seasonal and event-driven groundwater regimes at the proposal site have not been provided. Table 10-4 and Figure 10-1 from the ERD provide data that could be used to develop plans to show contours of underlying confining strata and overlaid soil thickness, and, paired with available groundwater observations, could enable the above mapping to be undertaken. It is noted that future decision-making processes/approvals would require this mapping to support more detailed design work for both wastewater and stormwater management.	Estimated spatial extent of permanent, seasonal and event driven groundwater regimes:
		• No permanent groundwater was detected in the on-site monitoring bores; and
		• Logger data provides the frequency of data required to assess seasonal and event driven groundwater regimes. This is discussed in Section 10.3.4 of the ERD, from groundwater investigations in Appendix V (Golder, 2024a) and Appendix W (Golder, 2024b) This showed:
		  ○ Rainfall event driven groundwater in GB3 and GB9; and
		  ○ Seasonal groundwater at bore GB5 based on the logger data indicating groundwater throughout most of the monitoring period.
		Figure 2-3 has been developed illustrating estimated spatial extent of groundwater occurrence within the surficial sediments (permanent, seasonal and event driven, and generally unsaturated areas). In general, it is likely that the surficial sediments across most of the Development Envelope are unsaturated in summer and autumn and contain some water in winter and spring, from rainfall events, as evidenced from the logger data at GB3, GB5 and GB9.
		Generally Unsaturated area:
		The western extent generally aligns with the approximate area of shallow rock and clay as illustrated on Figure 10-02. This area also aligns with where the surficial sediments are thin (i.e. < 1 m thick) and with groundwater monitoring bores that did not detect groundwater (GB01, GB10).
		Permanent Water:
		Associated with the northern down gradient edge of site with permanent surface water wetland (waterhole) and ground elevation around 5 – 7 m AHD. It also aligns with GB05 (logger data) that recorded detectable water over most of the year.
		Seasonal and/or Event Driven:
		Remaining part of Development Envelope, where ground elevations are greater than 10 m AHD, unlikely to hold permanent water through the year, however groundwater occurrence is likely controlled by rainfall events. This also aligns with data collected at GB03, GB09 (logger data).
		It should be noted that while GB06 did not identify water during the monitoring period, it is considered that surficial sediments in this area likely contain some event driven water at isolated times throughout the year. GB06 identified surficial sediments to 10.7 m bgl and was screened from 9.2 – 10.7 m bgl. It did not detect the presence of water throughout the monitoring period. However, event driven water in the surficial sediments may be not have persisted long enough to infiltrate to the screen interval during the monitoring period.
		As previous comments (response to Item 92):
		There is no development and no irrigation at the western and southwestern parts of the development envelope., there is no reason to investigate areas that are not impacted by the development. It is considered that there is appropriate information on groundwater and lithology within the surficial sediments, that overlie the fractured rock, within the part of the site subject to development and treated wastewater disposal.

No.	EPA Services and Technical Agency Comments	Proponent Response
		The EPAS comment regarding future decision-making processes/approvals requiring additional information is noted and it is considered this can be adequately dealt with through the Part V process (described above for Item 93 for the WWTP) and the planning approval processes for stormwater management.
95.	Clarification is required about the proponent's intended water supply for the construction and operation of the proposed development. If agency approvals are required for the water supply, please indicate whether approvals have been sought or provided.	As detailed in Appendix R of the ERD, the Proposal will be serviced with a fully reticulated potable water supply. Water Corporation has the licence to supply water to the development area, however, the site is not currently considered within its water planning zone. Subject to a review of the current Dunsborough Groundwater Scheme, the Water Corporation will consider the scope of works required to provide the proposed development on Lot 4131 Smiths Beach Resort with water services compliant with the Water Corporations Operating Licence. The Proponent engaged Water Corporation to conduct a Connection Feasibility Study, which assessed the feasibility of various routes and options and concluded that the proposed development will not adversely affect the Dunsborough RWS in terms of reliability, conveyance capacity and source capacity. The current preference of the Water Corporation and the Proponent is to extend the Corporation's network to the site to provide a direct service. The off-site water works will be delivered by the Proponent for acquisition, operation and maintenance by the Corporation under a Developer Funded and Constructed Works Agreement process. The scope and the design will be undertaken by the Proponent. The off-site water main route will extend approximately 6km to existing mains located east of Yallingup. The route aims to balance the needs of relevant stakeholders as well as balancing cost, environmental, construction, operation and maintenance implications. The preferred route negotiated with Water Corporation includes Caves Road, Canal Rocks Road and Smiths Beach Road with a diversion to Marrinup Drive, Kangaroo Parade and Gunyulgup Valley Drive to minimise the extent along Caves Road. The preferred alignment negotiated with Water Corporation is a non-standard alignment positioned 1.5 meters from the seal edge to minimize disturbance to existing vegetation. The Water Corporation has endorsed the Notice of Proposal Plan which will shortly be issued to relevant stakeholders.

2.1.13 Social surroundings

Table 2-13 Response to EPA services and technical agency comments - Social surroundings

No.	EPA Services and Technical Agency Comments	Proponent Response
Aboriginal cultural heritage		
96.	Approvals are required under the *Aboriginal Heritage Act 1972* to directly impact the registered Aboriginal Heritage Site (AHS) (ID: 15080) within the development envelope. It is noted that a s.18 application is likely to be lodged following the outcomes of the additional archaeological and ethnographic survey with the KKAC Cultural Advice Committee in early 2025.	Consultation with the Traditional Owners has occurred across several years, more recently facilitated by the Karri Karrak Aboriginal Corporation (KKAC) which was established in 2021. As outlined in the letter of support received from KKAC (Appendix L), the Smiths Beach project team enjoys a positive and collaborative relationship with KKAC and the Traditional Owners, with whom we are working to achieve a development outcome that acknowledges and celebrates the cultural history associated with the site (refer to Section 13.6.1 of the ERD). As part of this consultation process, the Smiths Beach project team 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 Cultural Heritage Management Plan for the project, which will ultimately be required to support any approval under Section 18 of the *Aboriginal Heritage Act 1972*, to be determined by the Minister for Aboriginal Affairs.
97.	The ERD states that a potential soak, identified during consultation with Traditional Owners, will be considered for incorporation into the foreshore design, or if not possible, additional consultation with KKAC will be undertaken to minimise impacts to the soak. The FMP indicates that the soak could be incorporated into the Karla Boorla (yarning circle) area. Please provide any updated information regarding consultation with KKAC on the significance of the registered AHS (ID: 15080) and the soak area, information regarding potential impacts, proposed avoidance and mitigation measures, and whether potential future 'uses' of the soak (e.g. in public open space, Karla Boorla areas) have been subject to consultation with traditional owners.	Refer to response to Item 96 and Appendix L regarding ongoing consultation with KKAC.
Visual amenity		
98.	Regarding Section 13.8.2 of the ERD, please clarify: • the 'key visual amenity value identified in the Development Envelope' • the predicted outcomes of the proposal in relation to visual impacts.	The key visual amenity value identified within the Development Envelope of the Smiths Beach Project, as outlined in the Visual and Landscape Assessment undertaken for the Proposal (VLA; provided as Appendix CC of the ERD), is the site's high levels of scenic amenity. This encompasses the coastal topographic ruggedness, the variety of vegetation communities, and the presence of the ocean, collectively defining a landscape of aesthetic significance. The assessment emphasises the importance of integrating the built form sensitively into the landscape to minimise visual impact, considering the visual amenity from key external locations. The Proposal acknowledges that development will alter the existing landscape character but aims to do so in a positive way. Through environmentally responsive and high-quality architectural design, it seeks to integrate built form sensitively within the landscape, minimising

No.	EPA Services and Technical Agency Comments	Proponent Response
		adverse visual impacts while enhancing the area's aesthetic and cultural value. The approach follows the WAPC Visual Landscape Planning Guidelines (2007), recognising that well-designed, visible development can become a valued and enduring part of the landscape. The VLA predicts that, with the implementation of proposed mitigation measures, the visual impacts of the Proposal can be managed to ensure that the development integrates sensitively into the existing landscape. Ongoing monitoring and adaptive management strategies are recommended to address any unforeseen visual impacts that may arise during the development and operational phases.
99.	Based on the proponent's visual impact assessment, DPLH has advised that there are outstanding concerns about the visual impact(s) of several elements of the proposal, including: Hotel suites and eco suites • The proposed siting of the buildings west of the curve of the bay towards Smiths Point will enclose the bay, alter the natural landscape character at Smiths point and dominate beach views. • The rows of suites will appear stacked up the slope and create the effect of a three-storey building. • The design is not recessive and will therefore increase the prominence of buildings. Western holiday homes • The proposed siting of the buildings extends westwards into an area with low visual absorption capacity[9]. • The holiday homes will be visible from some parts of the Cape-to-Cape trail. • The design is not recessive and will therefore increase the prominence of buildings. Hotel and community hub • The proposed siting of the buildings is too close to the beach, and will insert a dominating built element to the natural beach landscape and well-recreated area. • The design is not recessive and will therefore increase the prominence of buildings. North-south aligned roads and accessways • Roads and accessways oriented north-south through the development envelope will create strong vertical lines (particularly on the ridge) in an otherwise natural landscape.	The adjacent bay is one continuous terrain form and as such being "west of the curve" is not a valid statement, however, the landscape character of Smiths point landform being created by the ridgeline, vegetated slopes and headland rock outcrops have been retained. The buildings proposed for this location are low rise and the Proponent has carefully considered design responses to the natural landscape. The proposed built form contains intervening spaces and vegetation which will create differential in shade and light appearance. In addition, further colour and material detailed finishes can be incorporated to further assist in ameliorating any concerns in this regard. The Proponent disagrees that the design is not recessive and has undertaken extensive studies throughout the Proposal's evolution responding to the objective of being visually responsive to this landscape. The design utilises site planning to disaggregate built forms providing a dominance of vegetation, utilises extensive new planting of native species, adopts materials and colours that are non-reflective and recessive within the landscape. The proposed site is broadly seen from the northeast. It could be considered as having low visual absorption capacity across its extent therefore the planning and design approach has been to adopt visual management measures including disaggregated buildings to allow for retention of managed vegetation. The ridgeline that forms the skyline in panoramic views is protected and form, colour and texture of buildings arranged to create a scene that respects and is equal to its setting. Built form, materials, roads, and paths have been arranged to blend and arranged as a composition in the landscape rather than an imposition on it. Development will not be seen from the Cape to Cape trail where the trail transverses wilderness like landscape characteristics. The trail from the Smiths Point headland enables views to Yallingup and users progressing northward onto the existing road obtain views to a presently modified environment including built form and a formalised road. It is within this context that development will be visible. This is detailed in Appendix 3 of the VLA (Appendix CC of the ERD). The design takes a landscape-led approach that prioritises blending development with the natural environment rather than introducing a concentrated urban-style development. Rather than consolidating buildings into one prominent area, an option allowed under the current Structure Plan but likely to create a visually intrusive outcome, the Proposal disperses low-rise structures throughout the site. This allows for significant vegetation retention and ensures that the built form remains recessive in key views. The design carefully considers sightlines from coastal trails, ridge backdrops, and travel routes, protecting important natural features like the rocky headland and Smiths Point promontory. By using materials and colours that are sympathetic to and harmonise with the landscape, minimising reflectivity, avoiding fencing, and arranging built elements to form a cohesive part of the setting rather than dominating it, the plan creates a proposed integrated built form that is respectful of its surroundings and visually unobtrusive. The proposed north south road has been aligned in a sinuous manner and does not form a straight line. The alignment winds down the landform and the carriageway will therefore be largely screened with vegetation meeting the visual management objectives of blending. The road is directly associated with the Park Spine, being a broad vegetation corridor. There are no North South roads on the ridge. The visualisations within the documents illustrate how the road does not form a feature running vertically on the ridge. In response to the submissions received, a peer review of the VLA outcomes was commissioned and the Proponent prepared a response addressing the peer reviewer's opinions, this review and response is provided in Appendix M.
100.	WAPC's subsequent assessment of the development application for the proposal will include evaluation of the proposal against the *Visual Landscape Planning in Western Australia: A Manual for Evaluation, Assessment, Siting and Design.* Consistent with the comment above (Row 104), a preliminary evaluation of the proposal against the manual has identified several matters requiring further consideration.	The assessment has been undertaken in broad compliance with the guidance contained within *Visual Landscape Planning in Western Australia, 2007 WAPC (VLPWA).* It also reflects the guidance provided by the WAPC endorsed "Methodologies" in regard to the landscape and visual assessment and analysis of this location. It is noted that the WAPC Manual establishes a structured and principles-based process rather than a prescriptive or quantitative testing regime. EPCAD has applied all five key steps outlined in the Manual, defining visual management objectives (VMOs), describing landscape character, identifying potential impacts, developing mitigation measures and recommending management responses. The WAPC Manual expressly allows for professional judgement in lieu of quantitative "magnitude/duration" scoring or photomontage simulations, which are not required at the scoping or strategic assessment stage. Consistent with this, EPCAD's VLA integrates survey accurate LiDAR derived Zone of Visual Influence (ZVI) mapping, assessment of 70 representative viewpoints, and a clear, staged mitigation framework. At this stage of planning, construction and interim visual effects remain dependent on detailed design and staging information, which are not yet finalised and therefore cannot be reliably illustrated. The assessment has appropriately focused on the completed development scenario, incorporating retained vegetation, fire management requirements, established built form parameters, and indicative material finishes. On this

[9] WAPC 2003, *State Planning Policy 2.0 – Environment and Natural Resources Policy*.

No.	EPA Services and Technical Agency Comments	Proponent Response
		basis, the assessment concludes that the anticipated visual outcome is consistent with the landscape character and the defined VMOs for the site. Further details on this are provided in the Proponents response to the peer review provided in Appendix M.
101.	Further justification is required from the proponent detailing how the proposal design is consistent with SPP 6.1, which states that – 'the size, nature and location of any development in the development investigation areas at Smiths Beach must be determined having regard to the overriding need to protect the visual amenity and environmental values of the area.'	The introduction of any built form into a sensitive landscape will inevitably alters the existing character, however development does not have to diminish its value. When guided by a deep understanding of this sites's environmental, visual and social dimensions and by responding thoughtfully to its natural patterns and identified values, a new landscape including built elements, is different, yet equally meaningful to future users and visitors. This Proposal is guided by careful design, respectful siting and ecological sensitivity, so the development can complement and enhance the setting, offering new opportunities for people to connect with place while maintaining the qualities that make it special. It also maintains the integrity of skylines and prominent features of the locality and take careful consideration of key views. Importantly the Proposal planning and design was informed by iterative process of visual and landscape assessment as emphasised in Visual Landscape Planning in Western Australia. While the manual does not explicitly use the term "iterative," it emphasises a cyclical approach to planning that integrates visual landscape evaluation, impact assessment, and design refinement. It advocates for a planning approach that involves continuous assessment and refinement, which is characteristic of iterative design processes. EPCAD's assessment explicitly identifies the site's recognised landscape categories and applies a robust framework that protects both primary and secondary ridgelines, embeds skyline avoidance and promotes recessive, landscape-led design outcomes. This directly operationalises the objectives of SPP 6.1, particularly the overriding need to protect visual amenity and environmental values in the Smiths Beach locality. EPCAD's VLA translates the policy vision of SPP 6.1 into measurable outcomes including protected ridgelines, visually recessive built form, and a cohesive, landscape-led tourism node that respects the natural character of the coast. The VIA classifies the site in accordance with SPP 6.1's landscape hierarchy, including Travel Route Corridor with Natural Landscape Significance, Rural Landscape Significance and Rural Landscape Protection areas. Within these, EPCAD's Character Units and VMOs are structured around SPP 6.1's protective mechanisms including view retention, form control and vegetation integration. These controls directly reflect the policies intent to ensure development responds to the landscape rather than dominates it. Refer to the VLA (Appendix CC of the ERD) which identifies how the Proposal has intently considered the visual amenity and environmental values of the area. Additionally, further details on this are provided in the Proponents response to the peer review provided in Appendix M.

2.1.14 Other

Table 2-14 Response to EPA services and technical agency comments - Other

No.	EPA Services and Technical Agency Comments	Proponent Response
102.	The proponent intends to deliver the proposal through a community scheme. It is understood that the primary benefits of this mechanism are: • consolidated management of common property areas; and • increased confidence regarding enforcement of key conditions from approving agencies through the community scheme by-laws, which require WAPC approval to amend or repeal. Notwithstanding, based on the information provided by the proponent and technical agency advice, a community title schemes subdivision may not be an appropriate pathway for the proposal. The proponent may need to consider alternative mechanisms for managing retained environmental values and common property areas and infrastructure (such as wastewater treatment facilities) within the development envelope.	The Proponent considers community titles to be the most efficient and effective form of subdivision for this Proposal. It is considered community titles will offer benefits not only to facilitate management of the items raised here, but also for equitable apportionment of maintenance costs and segregation of different forms of common property. Notwithstanding, if a community scheme cannot occur, the Proposal is capable of being implemented through a combination of green title and strata subdivision. The items raised can be managed through by-laws and other agreements.
103.	Should the proponent intend to 'cede back' the proposed POS areas through a WAPC freehold subdivision process, formal commitment from the prospective management body (e.g. the City) should be obtained as early as possible.	The POS areas will be Common Property under the community title scheme and will be managed through the Community Corporation (not the City of Busselton).
104.	With reference to Figure 1.3 of Appendix Z, DBCA has advised the proponent that the western portion of the development envelope (conservation area 1) has not been identified for management by DBCA in the Leeuwin Naturaliste National Park Management Plan[10], and that DBCA is not seeking management of this area.	Implementing a conservation covenant across the western portion of the site, instead of ceding it to DBCA as National Park, is a viable option for the Proposal. Ultimate management responsibility will be determined as part of the Development Application approval process. The FMP (Appendix Z of the ERD) is currently being updated to align with the updated details provided in the site-specific CHRMAP (Appendix J). Figure 1.3 will be amended accordingly as part of these updates.

[10] DPaW (2015), *Leeuwin-Naturaliste capes area parks and reserves management plan 2015*. Management plan number 81. Department of Parks and Wildlife, Perth.

No.	EPA Services and Technical Agency Comments	Proponent Response
	DBCA suggests an alternative mechanism for management of the site that would allow the land to be maintained in private ownership, and protected in perpetuity (for example, a covenant). Provide comment on whether this is an option for the proposal. In addition to providing a response to this comment, the proponent should amend Figure 1.3 of Appendix Z.	
105.	Greenhouse Gas Emissions was identified as a preliminary key environmental factor for the proposal at level of assessment. Whilst it is noted that the proponent's Proposal Content Document states the proposal is unlikely to exceed the annual 100,000t CO2-e of emissions to require assessment by the EPA, indicative/estimated calculations of scope 1 and 2 emissions should still be provided.	Greenhouse gas calculations were provided in the ERD. The Proposal is predicted to contribute: • Annual Scope 1 emissions of up to 17,724 tCO2-e during the clearing phase; and • No Scope 2 emissions will occur during the clearing phase of the Proposal. Please refer to Section 14 of the ERD for further information.

2.1.15 Foreshore Management

Table 2-15 Response to EPA services and technical agency comments - Foreshore Management

No.	EPA Services and Technical Agency Comments	Proponent Response
106.	The City does not formally manage the foreshore reserve. The City's formal management responsibilities extend up to the cul-de-sac at the end of Smiths Beach Road. Lot 1409 Smiths Beach Road, Yallingup is designated as Unallocated Crown Land with no management order in place. Contrary to the proponent's documentation, the City has not agreed to take on management of the expanded foreshore area. Noting the City's position on this matter, provide information about the likely alternative management arrangements for the foreshore area.	The City of Busselton are currently formalising arrangements with the DPLH to have a management order put in place for the foreshore reserve in front of Smiths Beach Resort and Canal Rocks Apartments. Amongst other reasons, this is required to allow the City to implement coastal protection measures in line with their CHRMAP. It is a logical extension for this management order to include the foreshore reserve area identified in the FMP which will include key community infrastructure such as the informal road to Smiths Beach point and access to Smiths Beach. Responsibility for foreshore management will be determined through the Development Application approval process if not accepted by the City of Busselton.
107.	The proponent's BMP notes that managed landscaping (for asset protection) will be required adjacent to the proposed community bushfire refuge and northern buildings. The City has advised that it will not accept responsibility for maintaining vegetation within a reserve to APZ standards. Bushfire management requirements, such as allocation and maintenance of APZ areas, should be accommodated wholly within the proposal site.	The Proponent considers the submissions to be outside of the scope of the EPA's assessment. These considerations will be addressed through the Development Application approvals process.
108.	The City considers that if required, universal access to the beach could be provided at a lower cost and in a more appropriate location than the proposed UAR.	The UAR is no longer proposed to be developed therefore its ongoing management requirements are no longer relevant (refer to Table 2-7).
109.	Future management arrangements for the UAR have not been specified. The City has advised that it would not maintain the UAR as the UAR is not strictly required for coastal protection or erosion (noting the alternative coastal adaption options available).	The UAR is no longer proposed to be developed therefore its ongoing management requirements are not relevant (refer to Table 2-7 for further details on this).

2.2 Summary of Public Submissions and Response

2.2.1 The Proposal – General comments

Table 2-16 Response to public submissions - General Comments

No.	Submission and/or issue	Proponent response
110.	Concerns about the general environmental, social and cultural impacts of the proposal, including: • the proposal should not be approved • impacts to/loss of the fragile/unique environmental and wilderness values, and natural beauty of the Smiths Beach area • impacts to/loss of the laidback 'simple life' character, recreational and social culture of the Smiths Beach area • changes to the current family-based, rustic tourist offering/tourism values at Smiths Beach, in favour of higher end and expensive accommodation • a need to protect the current Smiths Beach area/experience for future generations • threat to familial linkages/histories within area, restriction of public access to and use of the beach and surrounding areas • implementation of the proposed development will mean that hoteliers and developers will effectively own Smiths beachfront	The Proponent acknowledges that this submission raises a broad range of environmental, social and cultural concerns regarding the Proposal, many of which reflect personal views about the future of the Smiths Beach area including general opposition to development, concerns about changes to local character, tourism values and community identity, as well as perceived impacts on public access and long-term development intent. While these views are noted, many of the issues raised are either subjective in nature or fall outside the scope of the EPA's environmental impact assessment under Part IV of the EP Act. While the EPA's assessment focuses on whether the Proposal meets its environmental objectives, other matters such as land use planning, tourism classification, land value, accommodation pricing, developer intent, lifestyle preferences, or perceived overdevelopment are not determinative considerations under the EPA's framework. An ERD has been prepared in accordance with the requirements set by the EPA and includes detailed assessments of the identified key environmental factors. The ERD also outlines the application of the mitigation hierarchy (avoid, minimise, rehabilitate, offset) and includes proposed management measures to ensure that any residual environmental impacts are consistent with the EPA's objectives. The Proposal will only be approved if the environmental assessment demonstrates that it meets the EPA's environmental objectives and can be implemented without resulting in unacceptable environmental impacts. If approved, the Proposal will be subject to legally binding conditions, including requirements for long term environmental management, monitoring, and compliance. It's important to note also that approval under the EP Act does not remove the need to obtain all other necessary statutory approvals.

No.	Submission and/or issue	Proponent response
	• implementation of the proposed development may promote/lead to further unwanted development in the area, or overdevelopment • approval of the proposal would represent prioritisation of profit and wealth over general environmental, social and cultural values • the proposal is underpinned by economic/developer greed at the cost of the community and environment • lack of trust that the developer will fulfill any long-term obligations/requirements to manage the potential environmental impacts of the proposal • the potential compounding impacts of the proposal with climate change on the coastal environment • general impact to/disruption of the coastline, particularly to a top/valued family and surfing beach • inconsistencies with the EPA's environmental factors (generally) • impacts to one of the 36 global biodiversity hotspots.	
111.	The existing values of the proposal site (including environmental, cultural and social) are of regional, state and national importance and should be protected. The 'wilderness' quality of the area will be significantly reduced.	The Proponent acknowledges the environmental cultural and social values existing within the Development Envelope and in recognition of these values, self-referred the Proposal for assessment under the State and Commonwealth environmental approval processes and opted for an accredited assessment pathway. This assessment framework ensures a comprehensive assessment of potential impacts to these values and includes for public consultation, detailed technical studies and statutory review and decision making. It also allows for the application of conditions and mitigation measures that are proportionate to the scale, nature, and significance of the potential impacts ensuring that identified values are protected, and residual impacts are appropriately managed. The submitters specific concern regarding potential impacts to the area's wilderness character is acknowledged and has been considered throughout the design and planning of the Proposal. This consideration was informed by a VLA provided as Appendix CC of the ERD. As discussed in Table 13-5 of the ERD, an objective of the Proposal design was to 'Protect the landscape character and wilderness-like experience', which is being achieved through the following measures: • Built form restricted to eastern flank of site promontory 5 vertical metres below minor ridgeline; • Ensure the development is recessive and not obtrusive in recognised views of importance; • Disaggregation of built form; • Minimal cut to fill to avoid unnecessary visual impacts of clearing and retaining; • Maintain the wilderness qualities of the walking trail experience west of the ridge; • Conservation of vegetation; and • Lighting type and fixtures selected to minimise light spill and located not to be seen from west. The development has been guided by a commitment to protecting the area's wilderness values while providing for low-impact tourism infrastructure. The outcome seeks to integrate sensitively into the landscape, allowing the broader experience of wilderness to be preserved for current and future visitors.
112.	The development is unsuitable for the site due to: • the disproportionate size/extent of proposed development in the existing natural landscape • the density/scale of the development and built form proposed • the proposed design does not reflect the spirit/aesthetics/cultural values of the region • the proposed design is not respectful of/sympathetic to the existing natural values • its location too near the coastline. There are other more suitable areas of land that could be utilised for the proposed development (such as cleared areas, inland, avoiding impacts to the Leeuwin Naturaliste Ridge). A smaller tourist proposal (e.g. campground type) could have some merit and provide wider community benefit.	The Proposal has been deliberately shaped through an iterative, consultative process with input from environmental specialists, government agencies, and the community to ensure it reflects a site-sensitive approach that is consistent with relevant planning and environmental policy frameworks. **Existing Natural Values/Spirit/aesthetic and cultural values** Retention of the natural landform and landscape character to retain the key environmental and landscape characteristics of the site, whilst visually integrating built form has been the primary focus of the site responsive Proposal. The project has sought to establish a development footprint that responds to the natural assets of the site. Specifically, the Proposal is informed by the 'Excellent' quality vegetation which encompasses the western and southern portions of the site along with protection of the rocky headland, secondary western ridge flanks and variety of vegetation communities. **Density/scale of development and built form** The design brief focussed on creating a landform responsive built form layout to maximise retained vegetation, minimise visual impact and maintain landscape character and visual amenity. This has resulted in a reduction in the built form density within a dispersed development footprint to maximise vegetation retention on larger home sites. Rather than concentrating built form in a single area, which could lead to abrupt visual impacts and greater ecological disturbance, the Proposal now features a dispersal of development, allowing greater vegetation retention and improved integration with the natural landscape. This strategy helps maintain the visual recessiveness of the built form, particularly from key vantage points such as Torpedo Rocks and the Cape to Cape Track. With respect to built form and design, the Proposal has been guided by extensive Visual and Landscape Assessment (Appendix CC of the ERD), using topographic modelling and design responses aligned with the Visual Landscape Planning in Western Australia guidelines (WAPC, 2007). The

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		architectural character of the development is intended to be low-profile, naturalistic, and responsive to the coastal environment, incorporating natural materials and colours to reduce contrast with the surrounding landscape. This approach ensures the development remains aligned with the area's cultural, environmental, and scenic values. **Proximity to Coastline** The proximity to the coastline has been considered and is consistent with applicable coastal planning policies, including SPP 2.6, and the approved Structure Plan. The Proposal will facilitate important foreshore management works, including erosion control and access improvements as discussed in the FMP prepared for the Proposal. A draft version of the FMP was provided as Appendix Z of the ERD. The FMP is currently being updated to account for the outcomes detailed in the site specific CHRMAP provided in Appendix J . **Existing Planning framework** With respect to the suggestion that other sites are more suitable for development, it should be noted that the EPA's role is not to evaluate alternative development sites, but instead to assess the environmental merits of this proposal, noting the subject site has been identified for tourism development since the late nineties. It is important to note that the relevant planning framework identifies this site as a Tourism node, the majority of the site is zoned for tourism under the City of Busselton Local Planning Scheme No. 21 (LPS21) and is the subject of an approved Structure Plan (2011). The Proposal acknowledges the approved Structure Plan provides a predetermined suburban development outcome that is at odds with the sensitive landscape led design response and has been designed consistent with the site's relevant statutory planning framework. It is also noted that the Structure Plan does not extend across the entirety of the Development Envelope, including the western headland and northern section of the site proposed to be developed as part of this Proposal.
113.	General opposition to the proposal/development of the proposal area (specific reasons not provided/detailed).	As the submitter's concerns are not specified in detail, a direct response is not possible.
114.	Submitters query the need for the proposal, given: • the existing tourism accommodation offerings in the area • the development will not relieve housing stress/demand for permanent housing in the region • the development does not appear to benefit the community or be supported by the community.	The EPA's role is not to evaluate the demand for tourism and housing accommodation in the area, but instead to assess the environmental impacts of this Proposal. The planning framework identifies this site as a Tourism node, the majority of the site is zoned for tourism (and residential development) under the LPS21 and is the subject of an approved Structure Plan (2011). Notwithstanding, tourism is a key economic driver for Western Australia, with the Southwest region accounting for 30% of overnight visitor nights in the State. The City of Busselton attracts over 865,000 visitors annually, contributing approximately $501 million in tourism expenditure. Despite the presence of existing accommodation offerings in the area, limited private investment over the past decade has led to an ageing stock of tourism infrastructure that no longer fully meets contemporary visitor expectations. The Southwest Regional Planning and Infrastructure Framework (Framework) provides an overall strategic context for land-use planning in the Southwest. The Framework identifies that the population of the Southwest Region is expected to grow from 165,985 in 2011 to nearly 210,000 people in 2026, requiring supporting accommodation and key infrastructure to cater for the predicted growth. The Framework notes the WAPC will support tourism proposals which broaden opportunities for the tourism sector to provide experiences derived from the region's natural, cultural and economic resources and attractions, where this can be achieved through: • Identifying strategically or locally significant tourism areas in local tourism planning strategies; • Identifying other key tourism sites and precincts that maximise the economic benefit to the region or sub-region, while minimising adverse impact on the environment and local amenity; and • Identifying ancillary facilities for camping and caravans including black waste dump points in appropriate areas. The Proposal aligns with the intent of the Framework by responding to a clear market gap through the delivery of high-quality, nature-based accommodation and visitor amenities. It supports Tourism WA's "Spirit of Adventure" brand and regional tourism strategies, capitalising on its proximity to the Cape to Cape Track and other natural attractions to cater to the growing walking tourism market. **Housing Demand** It is not the role of this proposal to address housing stress and demand in the region. This is a matter for the WAPC and the various local governments to provide for through its strategic and statutory planning frameworks. This proposal needs to respond to the requirements of the statutory planning framework which proposes tourism and residential development. The Proposal is consistent with the requirements of the planning framework and provides for complementary land use by delivering a purpose built tourism precinct that supports the local economy without displacing existing housing stock. **Community Benefit** The Proposal will also deliver community benefit in a variety of ways, including through: • Enhanced tourism offer comprising hotel, restaurant, wellness centre. • A Community Hub designed for both residents and visitors, which includes: ○ A Cape to Cape Welcome Centre, which will support local tour operators, promote Aboriginal culture, and enhance visitor orientation;

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		○ A Surf Life Saving Club facility, delivering essential beach safety services and activating the public realm with year-round community activity; ○ A Bushfire Refuge, providing critical emergency infrastructure in an area with known evacuation constraints; ○ Café; ○ General Store/Bakery; ○ Reception Hall – for event hire; and ○ Hire shop. • An upgraded and expanded foreshore reserve returned to its natural state and connected to the existing foreshore environment, including: ○ Cape to Cape Track enhancement; ○ Shared access to Smiths Point and shared paths with beach access; ○ Additional seating along the foreshore; ○ Additional on-street parking within Smiths Beach Road; and ○ Public beach/foreshore parking (onsite). • A proposed National Park extension/conservation area (area currently held in private ownership) - including rehabilitation. • Campground – alternative accommodation option for tourists. • Publicly accessible open space areas throughout. The Proposal will provide lasting benefits to both the local community and visitors. The Proposal is expected to create over 1,100 direct and indirect jobs during construction, and support approximately 92 ongoing full-time equivalent jobs once operational. These economic and employment opportunities will generate positive flow on effects for the local community and the broader Southwest region.
115.	The proposed development footprint extends out into the western headland, which is a significant departure from the existing approval for the site (2010) and reduces the amount of land available to be ceded to national park. The proponent has not justified the expanded footprint. In the previous assessment, the EPA stated that the headland had 'high conservation, landscape and ecological values' with a 'low ability' absorb any development. The 'sensitive' nature of the proposed development does not justify the increased development area/footprint.	While the current proposal differs from the 2010 approval (MS 831), it has been designed to align with contemporary planning and environmental considerations and informed by numerous technical studies. The current Proposal is being assessed on its own merits, with a focus on its potential environmental impacts and the effectiveness of proposed mitigation measures. For this reason, justification of the Proposal design in comparison to that approved under MS 831 is not required. Refer to EPA comments in Table 2-1 (Item 2). It should be noted that the approved planning framework provides for a revised approach to the development footprint, noting the sites predominantly tourism zoning, does not predetermine the extent of the National Park extension. While the approved Structure Plan identifies the National Park extension generally consistent with the previous environment approval, it is a "document of due regard" and provides for the application of discretion by the decision maker having regard to the broad planning principles defined in the statutory planning framework.
116.	Concerns about the proposal extending into/resulting in loss of, national park and Crown land. The proposal should retain previous commitments to cede the western area of the site to national park. The proposal should not rely on clearing of Crown land areas to meet bushfire requirements.	The Proposal is located within freehold land except for the proposed Leeuwin Way Road upgrade to the south which is located within an already identified road reserve. The Proposal does not encroach upon National Park. While the Proponent had previously committed to ceding the western portion of the site to the National Park, the DBCA has advised that it is not able to accept this land. Notwithstanding, the Proponent remains committed to its long-term protection and will apply a conservation covenant to ensure its ongoing preservation in perpetuity. The Proposal does not propose the clearing of Crown land to meet bushfire requirements.
117.	The proposed southern access road appears to require clearing outside the proponent's land. The impact of development/access roads in terms of edge effects to the national park is more than double compared to the original proposal (2009). It appears that fire mitigation works will be required within the existing national park to maintain the emergency evacuation function of the southern access road. The southern access road is not considered acceptable in terms of landscape or environmental impact.	The proposed Leeuwin Way Road upgrade is primarily for the purpose of accommodating roading and service infrastructure and is located entirely within an existing road reserve following an alignment that is primarily already in use as a gravel track. The Proposal involves minor additional clearing beyond the existing disturbance footprint to facilitate levels and formalising the road surface through bituminisation. Sealing the road is expected to reduce edge effects by minimising dust generation, erosion and the need for ongoing maintenance grading, which can disturb adjacent vegetation. In addition, providing formal access to the 'Aquarium' will remove the impact of unmanaged access that currently occurs through this and adjacent sites. This upgrade represents a reduction in ongoing environmental disturbance compared to the current unsealed condition and is consistent with the EPA's mitigation hierarchy, particularly in avoiding further impacts and minimising residual effects.
118.	Submitters query how the new proposal could be considered 'better' than the original proposal (2009) given the new proposal occupies more land and includes a sea wall and onsite sewerage plant. Noting that the previous development approval for the site was issued approximately 14 years ago, it is unclear how the increased environmental impacts associated with the current proposal could be considered acceptable.	The dispersed development approach and inclusion of infrastructure such as the UAR and the onsite wastewater treatment plant reflects a more contemporary landscape and environmental design responses to site specific constraints and planning requirements. Notwithstanding, the previous development proposal (assessed in EPA Report 1318 and approved under Ministerial Statement 831) is not the proposal currently under assessment and the EPA will not consider comparisons made between the previous development Proposal and the current Proposal in their assessment as outlined in Table 2-1 (Item 2). The EPA will assess the current Proposal on its own merits, against the contemporary environmental factors and objectives. Environmental impacts have been addressed through the application of the mitigation hierarchy and are detailed in the ERD.
119.	General concerns about/objection to the increased size of the proposal (compared to existing approvals for the site). Some submitters consider that impacts could be avoided/reduced by limiting development to the existing approved development envelope (per the Development Guide Plan 2009) and following the	Preference for the 'old' proposal (assessed in EPA Report 1318 and approved under Ministerial Statement 831) is acknowledged by the Proponent, however, this is not the current Proposal under assessment by the EPA. As noted above in response to Item 118 above, the current Proposal reflects a more contemporary landscape and environmental design response to site specific constraints and planning requirements.

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	guidelines already in place. There is a general preference for the old proposal (subject to Ministerial Statement 831).	
120.	General concern about indirect impacts to marine life/ecosystems from litter and plastic pollution from the future development site. The proposed campsites in particular may present an increased risk of litter to the beach/ocean.	Implementation of the Proposal will adopt the hierarchy of waste controls: avoid, minimise, reuse, recycle and safe disposal as detailed in the Waste Management Plan (WMP) prepared to support the Proposal. Appropriate waste management will ensure that the risk of pollution to the marine environment resulting from litter will be reduced as far as reasonably practical. Please refer to response to Item 4 in Table 2-1 for more details
121.	The proposal is inconsistent with the EPA's priorities, including protection and enhancement of WA's unique biodiversity and ensuring intergenerational protection of WA's significant environmental assets. The proposal is also inconsistent with: • state government commitments around climate action, biodiversity conservation and sustainable development • broad state planning policies and strategies, including SPP 2.6 and the Leeuwin-Naturaliste Sub-Regional Strategy.	The EPA assesses proposals against the environmental factors and objectives set out in its *Statement of Environmental Principles, Factors and Objectives* (EPA, 2023), rather than general policy priorities. The ERD has been prepared in accordance with EPA requirements and provides a detailed assessment of the proposal against the relevant environmental factors. The ERD also outlines the measures proposed to avoid, minimise and manage potential impacts to ensure the protection of Western Australia's significant environmental values, consistent with the EPA's objectives. In relation to state-level commitments on climate action, biodiversity conservation, and sustainable development, the Proposal seeks to strike a balance between conservation and sensitive development by adopting a site-sensitive and low-impact design approach. This will deliver community benefit while maintaining the unique environmental and scenic qualities of the Smiths Beach locality. The integration of vegetation buffers, landscape-led visual impact mitigation, and the retention and restoration of natural values contributes directly to state goals for long-term environmental stewardship. The Proposal has also had regard to locally relevant planning guidance, including State Planning Policy 2.6: State Coastal Planning Policy and the Leeuwin-Naturaliste Sub-Regional Strategy. These documents inform strategic planning for the locality and have been considered in the ERD and site-responsive design, including development siting, retention of landscape and environmental values and alignment with conservation objectives. Regarding state planning policies and strategies, please refer to 'Relevant Policy and Guidance' section of the ERD under each key environmental factor section for detail on how each policy has been applied.
122.	The proposal is inconsistent with some of the UN's Sustainable Development Goals: • Goal 11: Sustainable cities and communities • Goal 12: Responsible consumption and production • Goal 13: Climate action • Goal 14: Life below water • Goal 15: Life on land • Goal 16: Peace, justice and strong institutions	The EPA assesses Proposals against the environmental factors and objectives outlined in the *EPA's Statement of Environmental Principles, Factors and Objectives* (EPA, 2023). Whilst the Proponent recognises the importance of the United Nations Sustainable Development Goals (SDGs) as a global policy framework, these goals do not form part of the statutory assessment criteria under the WA EP Act. The Proposal has been assessed and designed to meet the relevant EPA environmental factors and objectives, and these are addressed in detail in the ERD. Additionally, as discussed in response to Item 240, a Sustainability Strategy (Stantec, 2021) has been prepared to support the Proposal and submitted as part of the Development Application package for WAPC's consideration. This strategy includes the following measures regarding the optimal use of resources and materials used for the Proposal: • existing materials already present on site such as gneiss are proposed to be reused on site through various landscaping treatments; • low carbon concrete and green steel are now well tested materials and will be used in all appropriate applications. A 20% reduction in carbon footprint is targeted; • timber used wherever suitable, always from sustainable forestry sources; and • all materials for internal use will be zero VOC and zero formaldehyde. In addition, it is proposed that the development will be accredited as an *EnviroDevelopment*, a sustainability assessment tool administered by the Urban Development Institute of Australia. This is a robust, nationally recognised framework that assesses how projects have delivered required sustainability outcomes in six categories, one of which includes materials used in the development.
123.	Impacts need to be close to imperceptible against the base natural/scenic starting point. Every proposed environmental impact needs to be resolved or mitigated in a better than 'best-practice' method.	The EPA's environmental impact assessment framework does not require that all impacts be imperceptible but rather that they are assessed, avoided where possible, and minimised such that residual impacts are consistent with the EPA's environmental objectives. The proponent has applied the mitigation hierarchy in line with EPA policy, with an emphasis on avoidance and minimisation of impacts through site design and management measures. Mitigation and management actions have been developed in accordance with current best practice and are detailed in the ERD. Furthermore, significant residual impacts have been counterbalanced through the proposed Offset Strategy (Appendix H).
124.	Support for the resort development, but not for the sea wall.	The Proponent acknowledges the general support for the proposed development. Please refer to Appendix J and response to Item 128 for further details regarding the coastal protection structure now being proposed.
125.	General support for the proposal/development of the proposal area, including: • the seawall is likely to protect the dunes • there is minimal clearing of natural vegetation • the vegetation is in abundance along the coastline, and minimal future development is proposed for the coastline • increased public benefit	The Proponent acknowledges the general support for the proposed development.

No.	Submission and/or issue	Proponent response
	• increased avenues for tourism • the development may provide some return on recent infrastructure investment in the region (e.g. bypasses) • the development represents a tourism offering without too great an impact to the environment.	
126.	Overdevelopment of the area has the potential to adversely affect nature tourism, which is a primary drawcard for tourists to the area. That is, there is conflict between the aims (tourism) and the outcomes (loss of features that attract tourists) of the proposal.	The Proposal seeks to support a nature based tourism in the southwest by providing high quality, environmentally sensitive accommodation and visitor infrastructure that complements the existing landscape. The design approach has aimed to optimise the retention of natural values, including protection of key vegetation communities and fauna habitat, minimising visual impact and avoiding development in highly sensitive coastal areas. The vision is to establish the area as a world-renowned iconic tourism attraction and destination and deliver a Project that aligns with world's best-practices. Anchored by the Cape to Cape Track, the heart of the village will be the "Cape to Cape Welcome Centre", a highly curated and innovative 'welcome centre' providing tourist information, facilities and amenity within a central node for all visitors to the region. The intention is to complement and enhance the visitors and community's experience within the Southwest region by supporting and building on initiatives that have already been identified as key to the region (e.g. authentic/local produce; taste of Margaret River, etc). This node will strengthen not diminish the regional Cape to Cape outcomes and allow a network of other businesses to flourish.
127.	Management of the national park and foreshore reserve should not be the responsibility of the proponent/future development owners.	The foreshore reserve is proposed to be managed by the City of Busselton. The Proponent has not committed to management of the National Park which is located outside of the Development Envelope, this remains the responsibility of the DBCA. As noted in response to Item 116, the Proponent had previously committed to ceding the western portion of the site to the National Park, however the DBCA has advised that it is not able to accept this land . Notwithstanding, the Proponent remains committed to its long-term protection and will apply a conservation covenant to ensure its ongoing preservation in perpetuity.

2.2.2 Coastal processes

Table 2-17 Response to public submissions – Coastal Processes

No.	Submission and/or issue	Proponent response
128.	Concern about the proposed access ramp/sea wall at Smiths Beach, including: • the scale/size of the proposed sea wall (including uncertainty about why the proposed scale/size is necessary) • negative impacts to social amenity, such as exclusion/restriction of public use and enjoyment of the most visited section of the beach, including for the surf lifesaving club and for recreational fishing • destruction of the western end of Smiths Beach • potential changes to wave patterns and dynamics • permanent changes to the way coastal forces in the area operate, and potential increased sand/dunal erosion or accretion • long-term/ongoing economic costs to the local community and local/state governments from maintenance of the sea wall and management of potential erosive impacts • the sea wall was not included as a proposal element in the previous EPA assessment (2009) and there has been a lack of transparency around its inclusion in the current proposal • the location of the sea wall within unallocated Crown land (i.e. not private land) and potential inconsistencies of its location with State coastal planning policies • uncertainty about impacts to/from the sea wall during storms and surge events • precedence for other sea walls to be constructed along the coastline to serve private developments • similar seawalls that have been constructed on beaches around the state and country have demonstrated catastrophic impacts to coastal values/marine environments • impacts to outflows from Gunyulgup Brook • loss of/disruption to fauna habitats in foreshore/beach area • uncertainty about the impacts of the seawall to local vegetation • potential tourism/economic impacts of the sea wall (resulting from reduced natural aesthetics, impacts to surf breaks, and reduced social and visual amenity)	The UAR to Smiths Beach was originally proposed to provide essential access for service and emergency vehicles, while also delivering much needed inclusive access to the beach for people with disabilities and mobility issues. The armouring of the ramp was carefully considered during the coastal hazard assessments (MP Rogers, 2024) undertaken for the proposed development, ensuring it contributed to, rather than compromised, coastal resilience. Concerns about the UAR's impact on beach stability have been significantly overstated in the public domain. The foundation of the ramp was intended to extend below the observed beach sand level, meaning its actual footprint on the beach surface would be much smaller than the proposed structure's full size which was to be approximately 500m², rather than the larger (~2,900m²) construction area required temporarily for machinery circulation. Furthermore, rock protection associated with the ramp was proposed to be buried beneath the sand and vegetated to minimise visual impacts. Claims that the ramp would rise 5m above the beach are incorrect; cross-sections clearly show a height difference of only about 2m from the sand level to the top of the land side rockwork. Importantly, the UAR would not only have improved equitable access, but also contributed meaningfully to coastal protection within this area. The City of Busselton's CHRMAP (City of Busselton, 2022) identifies a need for seawalls to protect the Smiths Beach locality over the coming century. The UAR would provide a comparable level of protection to that envisioned by the CHRMAP, contributing to the protection of both existing infrastructure and the proposed development, while delivering universal beach access. Unlike traditional seawalls, the ramp offered a dual benefit: protection and accessibility, underpinned by engineered stability and resilience appropriate for its coastal setting. Notwithstanding the above and as a result of the public review process and the opposition demonstrated toward the UAR construction, the Proponent has decided to no longer proceed with the UAR construction. Instead, a buried seawall is now proposed within the freehold lot boundary to provide adequate coastal erosion protection for the development. It should be noted that the construction of the seawall (within the freehold lot) is consistent with the recommendations within the City's CHRMAP (City of Busselton, 2022) which outlines that a seawall is required to extend from the natural rocky shore to the area between the eastern-most beach access track and Gunyulgup Brook. The construction of the proposed seawall will provide the first stage of the overall seawall protection required for the Smiths Beach locality and will be privately funded by the Proponent, therefore reducing the extent of public expenditure required to implement the overall protection regime. The preparation of the City's CHRMAP was completed in accordance with the requirements of State Planning Policy 2.6: the State Coastal Planning Policy (SPP2.6). The proposed implement of the first stage of the seawall is consistent with the City's CHRAMP and the requirements of SPP2.6. Further details on the proposed structure are provided in Appendix J. Furthermore, Appendix K provides an assessment of impacts to coastal processes resulting from implementation of the Proposal including the buried seawall option. The assessment identified that, at some point in the future, the buried seawall may become exposed; however, even in this event, it would not have any significant impact on the coastal

No.	Submission and/or issue	Proponent response
	• the sea wall proposal appears to provide benefit for the few (wealthier clients, developers) at the cost of the wider community/is solely profit driven.	processes within the Smiths Beach embayment. The only potential adverse impact would be flanking erosion around the eastern end of the seawall if it were not extended to protect adjacent infrastructure. This outcome is considered highly unlikely given the requirements of SPP2.6, the City's CHRMAP (2022), and the fact that failure to extend the seawall would result in the loss of existing public and private infrastructure already identified for protection.
129.	The proposed seawall is likely to have a significant impact on coastal processes. The full impacts of the sea wall have not been provided in the ERD, further investigations/studies are required. Detailed design information, including long term modelling of the post-construction beach profile and erosion studies should be undertaken. A coastal geomorphological assessment undertaken by an independent and reputable coastal engineer is required to determine the suitability of the proposal site for the development. Based on the lack of adequate information provided and the high risk to environmental and social values, the precautionary principle should be applied for the seawall component of the proposal. An assessment of the impacts of the proposal against the EPA's environmental factors cannot be undertaken with the current information.	See response provided above. The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes in accordance with the recommendations of the City's CHRMAP (City of Busselton, 2022). Please refer to Appendix J and Appendix K for more details.
130.	Submitters queried the need for the access ramp/sea wall, noting that there is already an existing ramp, and that universal and emergency access requirements could still be achieved via a less obtrusive design. Submitters also noted: • that the existing environment does not require a sea wall for protection/continued functioning • the construction of a sea wall for the main purpose of enabling development closer to the ocean is not supported • the proposal should be setback appropriately from the beach (100m suggested) • that it is unclear why a structure to protect the development from coastal erosion could not be built within the existing development envelope • beach access and safety could be improved through a minimalist Universal Access Ramp (UAR) construction of the sea wall should be supported by published research that proves there will be significant benefit to the ecosystems, beach and community.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Contrary to what has been stated, the City's CHRMAP (City of Busselton, 2022) has determined that coastal protection is required along this section of coastline to ensure ongoing protection of the Smiths Beach locality. Please refer to Appendix J and Appendix K for more details.
131.	General opposition/objection to the sea wall (environmental reasoning not provided/detailed).	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Please refer to Appendix J and Appendix K for more details.
132.	There should be an emphasis on long-term planning for broader health and sustainability of the entire coastline, rather than short-term solutions that protect specific properties. Alternative measures to manage coastal risk could include managed retreat, dune restoration, or alteration of the development plan.	The Proponent acknowledges the submitters comments and notes that under the guidance of the Western Australian Planning Commission (WAPC), local governments throughout WA have worked to undertake such long-term planning through examination of the impact of climate change and rising sea levels on their coastal area, infrastructure and impact zones. The local governments have each prepared a CHRMAP, based on guidelines developed by the Department of Planning, Lands and Heritage (DPLH) and State Planning Policy 2.6. The City of Busselton's CHRMAP, relevant to this Proposal, was published in October 2022 and was prepared with the following overarching objectives: • Ensure that the location and development of coastal facilities considers projected coastal processes, landform stability, erosion hazards, climate change/sea level rise and biophysical criteria; • To guide the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, commercial and other activities; • To provide for sustainable public coastal foreshore reserves and access to those reserves; and • To protect, conserve and enhance coastal zone values, particularly in areas of landscape, biodiversity and ecosystem integrity, and indigenous and other cultural significance. The City's CHRMAP considered various adaptation options for this area and ultimately recommended that the construction of a seawall extending from the natural rock headland to a point between the eastern beach access and Gunyulgup Brook was required to ensure the ongoing protection of the Smiths Beach locality. The Proposal's coastal mitigation strategy was developed in line with the City's CHRMAP. Building on this, the Proponent has also prepared a site-specific CHRMAP (Appendix J), which further aligns with and addresses the objectives set out in the City's CHRMAP. However, the UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes specific to this Proposal. This seawall will provide the first stage of the protection recommended within the City's CHRMAP and will privately funded by the proponent, reducing the extent of protection needed to be constructed in the future using public funds.

No.	Submission and/or issue	Proponent response
		With respect to the submission's query regarding why 'avoid/retreat/accommodate' has not been pursued in preference to 'protect', the following should be noted: • The Proposal relates to land that has been zoned and identified for development for many years, and avoidance or retreat is not considered a reasonable or practical option in this context; • The City's CHRMAP explicitly identifies a seawall as the preferred adaptation measure for this location, reflecting the high social, cultural, tourism and infrastructure values present at Smiths Beach that warrant protection; • An "accommodate" approach (e.g. building to withstand periodic flooding or erosion) is also not considered suitable, as it would not provide adequate long-term security for critical public and private infrastructure identified in the CHRMAP for protection; and • In contrast, the buried seawall option allows for protection in a staged and adaptive manner. While it remains buried, it does not interfere with natural coastal processes, and when exposed, it will provide the necessary level of protection consistent with SPP2.6 and the City's CHRMAP. Refer to Appendix J and Appendix K for more details.
133.	It is irresponsible to approve developments in vulnerable coastal zones that may be at risk from rising sea levels and extreme weather events associated with climate change. The proposal is not compatible with its location on a coastal headland. The ERD does not adequately address the inevitable impacts to the coastal headland from erosion if the Proposal proceeds in its present form. The impact of these intrusive site works on the stability of the coastal headland requires review.	A Coastal Hazard Assessment was undertaken by coastal engineers MP Rogers and provided as Appendix Y of the ERD which considered the risk of rising sea levels and extreme weather events associated with climate change. Further to this, a site specific CHRMAP has now been prepared and is provided as Appendix J and an updated coastal assessment considering the buried seawall option provided in Appendix K. It is important to note that the coastal headlands in this area are comprised of natural rock and as such have negligible rates of erosion.
134.	A plan for the management of coastal erosion risk at the beach should be provided.	The Proposal's coastal mitigation strategy was developed in line with the City's CHRMAP. A site specific CHRMAP has now been prepared and is provided as Appendix J and an updated coastal assessment considering the buried seawall option provided in Appendix K. . The Foreshore Management Plan provided as Appendix X of the ERD will be updated in accordance with the requirements of this CHRMAP.
135.	A Universal Access Ramp (UAR) analysis was undertaken by Damara WA Pty Ltd (see full SBAG submission) which notes that the UAR will result in near total loss of active beach zone due to size and scale, and erosion is likely to occur on the UAR ocean side.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Refer to Appendix J for the site-specific CHRAMP and Appendix K for an updated coastal assessment, the outcomes of which, indicate that while the buried seawall may become exposed in the future, it would not significantly impact coastal processes at Smiths Beach, with flanking erosion considered highly unlikely given SPP2.6, the City's CHRMAP (2022) and the need to protect existing infrastructure."
136.	The UAR prevents the proposal from being approved in its current form as it is inconsistent with the EPA's Coastal Processes factor guideline and SPP 2.6. The ERD Coastal Hazard assessment is also inconsistent with SPP 2.6. SPP 2.6 specifies 'New coastal protection works are not permitted, except where such works are considered only after all other options for avoiding and adapting to coastal hazards have been fully explored, as part of a comprehensive coastal hazard risk management process' SPP 2.6 also states *"Avoid significant and permanent negative impacts on the environment, either on or off site".* The proposal will not avoid significant and permanent impacts to the coastal environment because it will result in the residual loss (and modification) of native vegetation and fauna habitat, which could create additional impacts from erosion. The inadequate coastal setback for proposal should be reconsidered to protect the coastal ridge from erosion. The Precautionary aspects of SPP2.6 (5.111) include: • "Where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason to postpone measures to prevent environmental degradation. • The onus is on any proponent to show that development does not pose any likelihood of serious or irreversible harm to the environment. • If the proponent cannot demonstrate there is not a likelihood of such harm, the onus is on the development proponent to show that the harm can be managed." The coastal planning policy directive is in addition to the precautionary provisions of s.4A of the EP Act. The proposal will result in irreversible environmental damage and, therefore, does not adequately consider the protective capacity of the precautionary principle.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection. Refer to Appendix J and Appendix K for more details. Refer to response to Item 132 as to why 'avoid/retreat/accommodate' has not been pursued as a coastal mitigation approach.
137.	The submitter considers that a third-party assessment of the Smiths Beach area and adjacent areas should be undertaken to fully understand the existing coastal processes before locating any hard engineering structures along the shoreline.	A Coastal Hazard Assessment was undertaken by coastal engineers MP Rogers and provided as Appendix Y of the ERD. Further to this, a site specific CHRMAP has been prepared and provided as Appendix J.

No.	Submission and/or issue	Proponent response
138.	There is insufficient detail to properly substantiate any claims made in the ERD about the UAR due to the fact the ERD is void of a single report or statement by an authorised party with the relevant expertise to justify the above conclusion that the UAR will not result in any *'significant changes.'* The proposal requires the disclosure of further design and location information, and for comprehensive modelling of the impact of the seawall in relation to coastal processes to be undertaken and reported. The EPA must take into account the material lack of detail, and not overlook the serious long term impacts.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Refer to Appendix J for the site-specific CHRAMP and Appendix K for an updated coastal assessment, the outcomes of which, indicate that while the buried seawall may become exposed in the future, it would not significantly impact coastal processes at Smiths Beach, with flanking erosion considered highly unlikely given SPP2.6, the City's CHRMAP (2022) and the need to protect existing infrastructure."
139.	The ERD contains a lack of scientific evidence in making claims about the UAR. The following comments are offered against the claims of the ERD: • The ramp provides limited, potentially negligible defence for the City's adjacent road and carpark assets. • The Coastal Hazard Assessment gives low confidence to support decision-making. The UAR is proposed to be constructed in an active beach zone, where waves will wash against the structure on most winters, with increasing frequency if the coast recedes. Wave action may scour due to wave reflection, and focused scour at the toe of the ramp through overtopping wave running down the ramp slope. The UAR has limited functionality within the range of existing beach variation, with no additional capacity to tolerate beach retreat required for longer-term function. Whilst this may provide a potential benefit for the proposal, it may not be optimal for beach access. Beach access would already be seasonally constrained and is likely to be significantly compromised with even a small amount of beach recession, such as might be expected over 20-30 years. In contrast, the role of the UAR in providing protection will become increasingly important and will be needed for at least 100 years.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Refer to Appendix J for more details.
140.	There are significant issues with the validation of the data, inputs and modelling scenarios in the ERD Coastal Hazard Assessment. These include: • The coastal classification only considers a small section of Smiths Beach, the rocky coast, instead of the entire sandy coast. The classification should be reevaluated and reassessed following the guidelines of SPP 2.6. • Data modelling in the Delft3d model is centred on Canal Rock and not Smiths Beach. Failure to locate the high resolution grid over the specific location for assessment can introduce errors within the results and model assumptions. • The Digital Elevation Model used data on a 5m resolution from 2001 to 2015. This type of minimal data accuracy, coupled with the long-time frame of collection, introduces errors within the model. • There is no ground-truthing in the data collection beyond the geotechnical report by Golder which terminates at the southern beach end. Validation of topographic and bathymetric data should have additionally been conducted for the Smiths Beach area spatially and temporally throughout a set period of time, updating the model accordingly. Seasonal variability is crucial for understanding coastal dynamics. • The models used lacked industry standard validation to ensure accuracy. Running models with the engineering design in place is vital for assessing potential impacts accurately. • The empirical model used in Appendix Y relies heavily on observed data for calibration. The model uses simplifications and assumptions that may not fully capture the complexity of all coastal dynamics. The model is used to investigate short term events and not long term, future changes. This raises the question of whether other models should be utilized to assess this coastal area where "human structures", seawalls, will be introduced into the coastal zone and impact processes. The seawall should be incorporated in other models with updated data to understand the long-term changes to the Smiths Beach area.	To ensure consistency with coastal planning works completed in the area, the coastal planning for the development has adopted the coastal erosion hazard lines determined as part of the City's CHRMAP. These coastal erosion hazard lines have been used in the site specific CHRMAP included in Appendix J. Based on this approach, these comments are no longer relevant. Further to the above, the local coastal processes within the region have been investigated separately, with details presented in the Coastal Processes Report provided as Appendix K.
141.	The UAR, in the context of the EPA's 2009 report, DGP and the inconsistency with the EPA's objectives, is impermissible.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Refer to Appendix J for more details.
142.	Submission of an ABC article (2021) titled *'Yallingup Beach on Western Australia's South West coast smashed by severe weather'.* The article outlines how consistent storm events caused severe erosion and damage to infrastructure (stairs, retaining walls) at Yallingup Beach and Canal Rocks.	This comment is noted. The Coastal Hazard Assessment undertaken by coastal engineers MP Rogers and provided as Appendix Y of the ERD considered severe weather events in determining the Horizontal Shoreline Datum (HSD) and proposed foreshore reserve.

2.2.3 Marine Environmental Quality

Table 2-18 Response to public submissions – Marine Environmental Quality

No.	Submission and/or issue	Response to comment
143.	The water discharging from the proposed onsite sewerage treatment plant may affect water quality in the bay, including potential excess nutrients and algal growth in the nearshore environment. Conveyance and offsite disposal (sewer main) is the only environmentally acceptable method of sewerage disposal for a proposal of this size and at this location.	The proposed onsite sewerage treatment and irrigation system has been assessed to determine the potential for impacts to marine water quality, including concerns about nutrient enrichment and algal growth in the nearshore environment. As outlined in Section 12.5.2.3 of the ERD and provided as Appendix X of the ERD, nutrient modelling was undertaken using a conservative, worst-case scenario approach. This included detailed modelling of treated wastewater irrigation and its potential for nutrient infiltration to groundwater. The results showed that leaching was minimal and primarily due to an initial flush of nutrients already present in the soil. Once the vegetation is established, the system stabilises, with modelled residual nutrient concentrations after plant and soil uptake being low; 2.47 mg/L for Nitrogen and less than 0.1 mg/L for Phosphorus. To test the implications of these residual nutrients reaching the marine environment, MP Rogers (2024) conducted hydrodynamic modelling (provided as Appendix AA of the ERD). This modelling considered conservative tidal and wind-driven flushing scenarios and found that the expected additional Nitrogen contribution from irrigation would be less than 2 µg/L in the nearshore zone. This is more than two orders of magnitude below the relevant water quality trigger value of 230 µg/L (ANZECC & ARMCANZ, 2000). Phosphorus levels are not expected to increase due to its uptake in the plant root zone, as confirmed by site-specific groundwater flow modelling undertaken by Rockwater (MP Rogers, 2024) Given these findings and the conservative nature of the assessments, the potential for nutrient enrichment or adverse marine water quality outcomes is considered negligible. The modelling demonstrates that the proposed onsite treatment and irrigation system can operate without significant environmental risk, particularly when compared to the benchmarks set for marine water quality.
144.	General concern about adverse impacts to marine life (e.g. abalone) and marine biology/ecology from development on the beach and/or increased human activity on the beach. There is insufficient data and analysis in the ERD and insufficient consideration has been given to determine any secondary or significant impacts to the marine environment from the Proposal. There is potential risk to the long-term health of the environment and to people.	As discussed in Section 12.5 of the ERD, there will be no direct interaction with the marine environment as a result of the Proposal and therefore there will be no direct impacts to marine environmental quality and/or marine life and ecology. It is acknowledged that increased human activity on the beach can lead to a range of indirect impacts on the marine environment at Smiths Beach including: • Pollution from litter and waste; and • Erosion and sedimentation resulting from trampling of dunes and vegetation. These impacts have been appropriately mitigated for and are further detailed in the Foreshore Management Plan (FMP; provided as Appendix Z of the ERD). Measures include: • Conduct regular inspections of the FMP area during the five year maintenance period for signs of rubbish and remove as necessary; • Regular removal of rubbish within the FMP area; • Access will be managed through the establishment of formal access ways with appropriate surface treatments that include dual use paths and beach access ways. Existing informal access ways will either be converted into formal access ways or closed and revegetated to prevent access; • Signs that advise the public of the current revegetation works will be erected in the dune rehabilitation areas to keep people off the dunes. Adequate signage will help restrict movement over the primary dunes and sensitive granite heathland vegetation to assist in the conservation of the Foreshore Reserve; and • Educational signage for key fauna species will be erected within the Foreshore Reserve. As no construction will take place on the beach, there will be no indirect impacts to the marine environment resulting from construction activities.

2.2.4 Flora and Vegetation

Table 2-19 Response to public submissions – Flora and Vegetation

No.	Submission and/or issue	Response to comment
145.	Concerns about direct and indirect impacts to flora and vegetation values within the proposal site, including state-listed priority 4 (*Banksia sessilis var. cordata*) plants, threatened orchids, priority ecological communities (PEC), ecological linkages, and the large extent of native vegetation to be cleared. Concerns raised about the level of clearing within the proposed 'modified' areas. Redesign of the development could avoid impact to occurrences of threatened and priority flora species. Some submitters also consider that the previous approval (2010) provides better environmental outcomes for flora and vegetation than the currently proposed development. The ERD does not address how the offset sites will be used to offset the loss of threatened flora species.	The Proponent acknowledges that the Proposal will result in permanent loss and disturbance of native vegetation (refer to response to Item 68 in Table 2-8). The Proponent also acknowledges that there are potentially indirect impacts to flora and vegetation values from construction and operation of the Proposal including the spread of weeds and dieback. The ERD notes the important values of the vegetation in the Development Envelope and surrounds (see Section 6.5.1) and its role as of an ecological linkage and fauna habitat. As such, the Proponent has applied the mitigation hierarchy to avoid and minimise the impact as much as possible (see below). Notwithstanding, it is noted that the Proposal is not likely to result in a significant decline in any of the relevant vegetation associations or complexes.

No.	Submission and/or issue	Response to comment
		As noted above, the Proposal has been designed to avoid clearing of vegetation as far as practically possible. In designing the layout of the site, buildings and associated infrastructure and tracks have been located and designed to utilise existing disturbed areas where possible and the Development Envelope has been modified so that the following be avoided: • 11.25 ha 'Coastal granitic shrublands of the exposed western and southern sides of the Leeuwin Block major landform' PEC; • 2.55 ha *Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge PEC; • 38 individual of *Banksia sessilis var. cordata; and* • 18 individuals of *Caladenia nivalis.* Instead of additional permanent clearing, the Proponent proposes to 'partially modify' up to 11.67 ha footprint wihtin the Development Envelope (10.47ha of native vegetation). Partially modified areas will involve selective tree removal and thinning of mid-storey and under-storey vegetation for the purpose of landscaping and bushfire treatment. Following avoidance and mitigation measures, the loss of native vegetation providing habitat for fauna was identified in the ERD as a significant residual impact and therefore the Proponent has developed an offsets package. This will compensate more than 100% of the loss of habitat and is consistent with the WA government's offsets framework. The previously approved structure plan (2009) was submitted by a different proponent for a different proposal and is not part of the EPA's assessment. The outcome of the structure plan would have provided an intensive development with limited opportunity for retention of the vegetation or for revegetation. The Proponent has applied the mitigation hierarchy to the previously approved structure plan to this Proposal to deliver a vastly improved environmental outcome for the region with reduced intensity of development, significantly less built form, allowing greater retention of vegetation in POS whilst also respecting the site's natural landform and visual amenity requirements.
146.	General concerns about impacts to flora (that are uniquely adapted to low nutrient soil conditions) from onsite sewerage disposal.	Wastewater generated onsite will be treated within an onsite wastewater treatment plan, designed to deliver a high quality product, safe for reuse. Treated water will be used for irrigation within designated areas, in accordance with relevant Department of Health and DWER guidelines. Irrigation will be carefully managed and applied only to meet plant demand. Native vegetation, which is well adapted to local low-nutrient conditions, will not be subject to excessive or unnecessary irrigation. In general, irrigation will be limited to landscaped areas such as gardens and community spaces, with minimal application in areas where native vegetation is being retained. The potential impacts of irrigation on native vegetation will be further assessed through the Part V approval process. Should irrigation of the native vegetation areas not be supported through that process it is considered that there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. It should also be noted that clearing of vegetation within POS will not be required, the pipework required for irrigation can be placed on top of the ground there is no disturbance. Refer to response to Item 93 in Table 2-12 for further details.
147.	The proposal will require further clearing of vegetation to meet building and bushfire requirements. Details of the clearing for bushfire management, including implementation of the Bushfire Management Plan, are uncertain/unclear. The ERD understates the likely impacts to vegetation by categorising the partial clearing of large areas as modification for bushfire management.	The ERD distinguishes between full clearing and partial modification of vegetation to reflect the differing levels of impact on ecological values. Section 6.6.2 of the ERD clearly defines the different bushfire protection measures required under the BMP and outlines the extent and type of vegetation modification or clearing associated with each. Full clearing involves the complete removal of native vegetation and associated habitat, resulting in a total loss of structure, species composition and ecological function within the affected area. In contrast, partial modification such as selective thinning or fuel load reduction in accordance with bushfire protection measures retains a level of key structural elements of the vegetation and allows for the continued presence native species. While it may alter vegetation condition and composition to an extent, it does not result in the complete loss of ecological function. The Proponent has conservatively proposed to offset the significant residual impacts associated with full clearing for the entire development footprint as detailed in the Offset Strategy (refer to Appendix H).
148.	The proposal will result in the clearing of native coastal vegetation which was described as regionally significant and of good quality by the EPA in its previous assessment at the site (2009). The vegetation provides visual amenity and fauna habitat values and has largely been unimpacted by human encroachment or agricultural development. Some of the vegetation associations and complexes within the site satisfy a number of criteria that would identify them as being of biodiversity conservation value within a regional context. Vegetation retained after development is likely to be in degraded condition. There is particular concern that the limestone coast at the proposal site is sensitive and does not revegetate easily. Any disturbance of this vegetation will take decades to recover.	The ERD recognises the biodiversity, habitat and landscape values of the vegetation present within the Development Envelope and presents a detailed assessment of these in relevant sections of the ERD. Impacts to flora and vegetation have been quantified and mapped using current survey data and vegetation association/complex data and compared against pre-European and current extents, in line with EPA guidance. As discussed in the ERD, the Proposal will not result in any of the vegetation associations or complexes mapped within the Development Envelope being reduced to below 30% of their pre-European extents. Revegetation and landscaping associated with the Proposal will be undertaken by appropriately qualified experts with consideration of local soil conditions and ecological characteristics of the site.
149.	Areas proposed for partial modification of vegetation should be considered as cleared areas. The level of modification proposed will compromise the ecological function of vegetation and it will no longer be representative of the unique vegetation units occurring at the site. Any areas subject to treated wastewater irrigation should be considered as areas of modified vegetation, and not as protected/conserved areas.	The ERD has distinguished between areas of clearing, partial modification and retention throughout. Areas identified for partial modification such as those subject to vegetation thinning for bushfire protection are not functionally equivalent to cleared areas. As outlined in Section 6.6.2 of the ERD, partial modification typically involves selective removal of understorey or canopy thinning, which retains a level of vegetation structure and habitat value. While there may be some reduction in ecological condition, the vegetation continues to contribute to biodiversity, provide fauna habitat and maintain soil stability and landscape connectivity. As such, these areas were assessed separately from fully cleared vegetation and not considered as 'lost' in terms of ecological function.

No.	Submission and/or issue	Response to comment
		The Proponent has conservatively proposed to offset the significant residual impacts related with full clearing for the entire development footprint as detailed in the Offset Strategy (refer to Appendix H). In relation to areas subject to treated wastewater irrigation, these have been clearly identified in Appendix AA of the ERD. As noted in Appendix AA, POS areas that include retained native vegetation will be subject to limited irrigation only. The irrigation system is designed to respond to actual water requirements and treated effluent will meet relevant regulatory standards to minimise nutrient input and avoid adverse impacts to vegetation adapted to low-nutrient soils. The potential impacts of irrigation on native vegetation will be further assessed through the EP Act Part V approval process. Should irrigation of these areas not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas.
150.	It is unclear why ESD work item no. 46, relating to the monitoring of vegetation communities within the national park, is not considered applicable. This work would determine impacts of the onsite wastewater disposal, or other impacts from the development to vegetation within the proposal site. It is also unclear why a Conservation Significant Vegetation Management Plan is not considered applicable.	Refer to response to Item 70 and 72 in Table 2-8.
151.	The Community Titles Scheme (CTS) cannot protect the retained vegetation within privately owned lots from further degradation (from inappropriate management or planting of introduced species by residents). The CTS cannot override local government bushfire requirements either, which may result in additional clearing. DPLH advised that a community scheme issued under the *Community Titles Act 2018* does not remove landowner's obligations under the *Bush Fires Act 1954*. Therefore, the CTS does not protect the vegetation in perpetuity and the whole development footprint should be considered cleared.	It is the intent of the Proposal for a community title scheme to apply to the development. The community title scheme will be governed by a management structure that includes a Community Corporation. They are the body corporate that manages the scheme by-laws. The intent is for by-laws to apply to the community corporation and the owners/occupiers of the development. These by-laws will address the management responsibilities and requirements across Bushfire, Flora and Fauna, common property, built form, place management and activation, administration and infrastructure management. Bushfire risk and vegetation management is supported by a comprehensive BMP (Strategen-JBS&G, 2021) that seeks to optimise public safety and vegetation removal so that the environmental assets of the area can be celebrated in the manner intended. The community title scheme can be conditioned to have specified by-laws that cannot be amended or repealed without the approval of the WAPC, the City of Busselton or another specific government agency. The By-laws can be enforced by the Community Corporation owner or occupiers of lots and are a very powerful form of regulating land use and the various management regimes required for Smiths Beach, including vegetation protection, rehabilitation and management. Restricted-use conditions can also be applied to condition the use of conservation areas. Approval of the WAPC is also required to vary or revoke a restricted use condition. Noting agency's position that partial modification of fauna habitat may not be supported (refer to Item 19), the proposed offset package (Appendix H) has been developed on the conservative assumption that all vegetation within the development footprint is lost. The offset package is designed to counterbalance this potential loss by contributing to long-term habitat connectivity and function for Western Ringtail Possum and Black Cockatoo habitat across the local landscape. The Proponent remains committed to implementing this approach to retain and enhance canopy connectivity where possible. This would represent an improved outcome relative to that already accounted for in the impact and offset assessment.
152.	Clearing of this large area of native vegetation without an offset is at odds with legislative requirements and sets a concerning precedent for government and state approving agencies. The previous proposal required an offset including revegetation within the national park. This should be enforced by the EPA if development proceeds.	An Offset Strategy has been prepared and was provided as Appendix DD of the ERD, which has since been updated with the revision provided as Appendix H.
153.	Plans for rehabilitation of disturbed areas have not been clearly set out. Rehabilitation with the correct species is important, to ensure long-term survival of individuals and to exclude accidental introduction of pest/weed species. Detail about long-term management of weeds within the proposal site has not been provided. It is not appropriate to pass on weed management responsibilities to the City of Busselton, DBCA, or local community group volunteers.	The CTS provides a framework for the implementation and management of the site in a coordinated manner, including in relation to rehabilitation and weed management across the proposed conservation area, common property and across the three proposed Community Corporations – 1. Tourist Development, 2. Community Hub and 3. Holiday Homes. This coordination management and control provides the most effective management framework. The rehabilitation and management will be informed by Management Plans endorsed by the relevant authorities i.e. the FMP which includes management measures to be implemented in the proposed conservation rea.
154.	The proposal will result in unacceptable impacts to the coastal granitic shrubland PEC, due to/from: • proximity to development • increased use by displaced fauna • increased pedestrian traffic • increased risk of disease introduction • erosion. The anticipated impact to the PEC is unacceptable and can be avoided by restricting development to the existing approved area (2010). Indirect impacts to the PEC have not been accounted for/adequately discussed in the proponent's documentation.	To clarify, the revised PEC mapping undertaken by (Webb, 2023) included in the current assessment extends beyond the boundaries of the previously approved development area (2010). Therefore, the assertion that impacts to the PEC could be fully avoided by restricting development to the 2010 approved area is not correct. Notwithstanding, the Proponent has committed to avoiding 11.25 ha (62%) of the Coastal granitic shrublands of the exposed western and southern sides of the Leeuwin Block major landform PEC and 2.55 ha (100%) *Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge PEC (as it is designated in the conservation area and/or the POS areas). Measure to mitigate indirect impacts to the PEC being retained are include throughout the ERD and FMP (Appendix X of the ERD) and include: • Weed and dieback management measures; • Demarcation of clearing areas; • POS and conservation area to be fenced; and • Erosion control including dust suppression via water cartage and sedimentation basins and/or fences to locally control sediment and erosion during the construction phases.

No.	Submission and/or issue	Response to comment
155.	Concern about the destruction of native Christmas trees (moojar) from the proposal, which would have been largely protected under the previous proposal (2009) in the proposed national park area. Under the current proposal, the moojar clusters are located within the proposed holiday home areas. Moojar are of great significance to Noongar people.	The site responsive design approach across the development has resulted in the Moojar trees/cluster being specifically identified and mapped for future protection. As a result, building and infrastructure placement has specifically sought to avoid any impact to protected vegetation. Refer to the Landscape report provided as Appendix I of the ERD.
156.	The vegetation across the development envelope provides continuity/linkage between otherwise separated portions of the national park.	The site responsive design approach sought to establish a development footprint that responds to the natural assets of the site. Specifically, retention of the 'excellent' quality vegetation in the western portion of the Development Envelope much of which will be conserved and will provide an important ecological link to the existing northern and southern national parks.
157.	The retained vegetation within the development envelope will be subject to significant disturbance, including partial clearing, landscaping, irrigation of nutrient-rich wastewater in high quantities. The retained vegetation will no longer represent the conservation values that the EPA considered important and worthy of protection under the previous assessment (2009).	The submitters comment that 'retained vegetation within the Development Envelope will be subject to significant disturbance' overstates the extent and impact of proposed activities. The assessment has carefully differentiated between full clearing, partial modification and retention areas in conservation and POS, with the proposed partial clearing limited to specific areas necessary for infrastructure and bushfire management, as detailed in the ERD (see Section 6.6.2). Landscaping and irrigation are confined to designated zones, primarily comprising landscaped gardens and community spaces and do not broadly impact retained native vegetation areas. Irrigation of treated wastewater will be applied strictly according to plant water demand, using effluent treated to meet stringent water quality standards, minimising the risk of nutrient enrichment or ecological harm. The potential impacts of irrigation on native vegetation will be further assessed through the Part V approval process. Should irrigation of these areas not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. The current Proposal is being assessed on its own merits, with a focus on its potential environmental impacts and the effectiveness of proposed mitigation measures. For this reason, justification of the Proposal design in comparison to that approved under MS 831 is not required. Refer to EPA comments in Table 2-1 (Item 2).
158.	There is no commitment to ongoing ecological monitoring. Assessments by a Level 3 bushfire consultant relate to Asset Protection Zone standards and cannot be used as demonstration/in place of ongoing monitoring. Ongoing monitoring is required to ensure impacts to flora and vegetation and the adjacent National Park are managed.	The FMP includes a commitment to annual spring vegetation monitoring within the proposed conservation area. This monitoring will track changes in vegetation condition over time and support adaptive management responses as needed to protect ecological values and mitigate any indirect impacts, including those that may affect the adjacent National Park. In addition, the VMP which will be developed for areas within the development footprint, will include requirements for ongoing vegetation monitoring and maintenance. This includes monitoring of retained and landscaped vegetation to ensure it remains healthy and ecologically functional, with intervention measures (e.g. weed control, erosion mitigation) implemented as required.
159.	Section 6.6 and 6.7 of the ERD are not sufficient and lack detail on the direct and indirect impacts of the proposal to vegetation. The statement that *'no direct or indirect impacts to conservation reserves will occur'* contradicts statements in other parts of the ERD, including on page xii where it is noted that *'direct impacts of up to 29.55 ha of soil landscape units representing significant granite landform'* will constitute an environmental outcome of the proposal.	The assessment of direct and indirect impacts to vegetation has been undertaken in accordance with relevant EPA guidance, including the EPA's Environmental Impact Assessment (Part IV Divisions 1 and 2) Procedures Manual (2021) and the Flora and Vegetation Environmental Factor Guideline (2016). For clarity, conservation reserves and soil landscape units are distinct concepts. Conservation reserves refer to protected areas established under legislation, while soil landscape units describe mapped geomorphological and ecological features that may occur both within and outside conservation reserves. The 29.55 ha of potential direct impact refers to mapped soil landscape units located within the development footprint and does not relate to any land within a conservation reserve. As such, the statement that "no direct or indirect impacts to conservation reserves will occur" remains accurate and the perceived inconsistency between the two statements is not correct.
160.	The proponent's landscaping plan includes a number of species that are not native to the area, with several noted as having the potential to become invasive, including *Portulaca oleracea* and *Bromus hordeaceus.*	Where possible, naturally occurring endemic species and locally sourced materials have been proposed in the landscaping plan that complement the natural features of the site. It is noted that *Portulaca oleracea* (pigweed) and *Bromus hordeaceus* (soft brome) are naturalised species in Western Australia but are not listed as declared pests or invasive species under the *Biosecurity and Agriculture Management Act 2007*. Both are common opportunistic species that typically occur in disturbed areas and can be readily managed through standard landscaping maintenance practices.
161.	The baseline flora and vegetation surveys have not appropriately identified the importance of the vegetation types within the site by undertaking relevant regional survey and multivariate floristic analysis of similar landform/vegetation types along the Capes region. These studies are critical for determining the true conservation value of the vegetation types within the project area, particularly the western granitic headland, and have been excluded from the impact assessment to date. The flora surveys undertaken by the proponent are inadequate: • surveys were undertaken outside the main flowering period for the area and reported only one orchid species, despite the large volume of orchids known from the broader area • a number of common flora species within the site were excluded from the Emerge 2019 assessment • is it unclear whether IBSA data has been submitted • GPS tracks recorded during the survey have not been provided as a figure	The Emerge (2019)) survey timing occurred within the EPA guidance for spring survey (Sept-Nov).Emerge have addressed the season being extended for the more southern location and that there was higher than average rainfall and anecdotal late flowering in the area. This is highly relevant as survey timing should be adjusted based on local environmental conditions. There was a relatively low rate (~9%) of unconfirmed IDs reported and it is noted that a 20% higher overall number of species was recorded compared with previous survey by ATA (2007). The majority of the flora identified as likely to occur are perennial taxa, many of which are identifiable all year from vegetative material or may be able to be excluded if no similar taxa were identified by the field survey. This does not apply to orchids, most of which have similar leaves to other members of their genus. The timing with regards to orchids has been addressed in the subsequent targeted orchid survey which is provided as Appendix E of the ERD and was undertaken in accordance with the Commonwealth *Draft survey guidelines for Australia's threatened orchids (2013).* IBSA reference numbers have been provided in the ERD, refer to Section 21 of the ERD.

No.	Submission and/or issue	Response to comment
	• an updated flora and vegetation survey should be conducted over the entire site, in line with EPA guidelines and the Draft survey guidelines for Australia's threatened orchids (Commonwealth Department of Environment 2013). The age of the current ERD survey gives rise to scientific uncertainty, given the last comprehensive survey across the whole site was over 5 years ago.	
162.	The flora does not appear to have been properly documented, and there has been no independent scientific study on the flora at the site. There are inconsistencies and potential inaccuracies between flora surveys (e.g. incorrect identification of *gastrolobium ebractoleum*).	Flora and vegetation surveys were conducted in accordance with relevant technical guidance *EPA Technical Guidance – Flora and Vegetation Surveys for Environmental Impact Assessment (2016).* These surveys were undertaken by qualified botanists during the appropriate survey seasons.
163.	Impacts to threatened *Caladenia* species from the proposal are unknown, due to inadequate and inappropriately timed survey work: • additional surveys should be undertaken during the flowering period. replicated sampling is recommended, owing to the cryptic/inconspicuous nature of orchid species.	Refer to response to Item 81.
164.	The Vegetation Assessment (Strategen-JSB&G, 2020), noted that should the proposed development encroach further into the mapped PEC boundary, further regional survey work may be required to quantify the extent of the regional PEC location identified, to provide further context to support environmental impact assessment. Given that the proposed extent of clearing of the *'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block or major landform'* PEC has increased since publication of the Vegetation Assessment (due to revised mapping provided by DBCA), further regional survey work should be a requirement, or the disturbance footprint modified to minimize the impact to this PEC.	Over the last 10 years the DBCA Southwest region has been seeking to improve understanding of the Leeuwin Block granites by undertaking such floristic surveys. This survey work was considered regionally significant flora and outcrop conservation significance (Webb, 2023) which informed the impact assessment undertaken in Section 6.5.1.3 of the ERD.
165.	Further work is required to justify the extent of vegetation loss for the proposal, together with an analysis of biodiversity loss, rehabilitation and offsets. Offset information is lacking in detail and certainty and analysis has not been completed or approved by DBCA. What is proposed cannot mitigate the effects of permanent and partial clearing and is not compliant with State or Commonwealth government offset requirements. In a region already extensively cleared and with most remnant vegetation already protected, offsets are not likely to be a feasible approach for compensating the impacts of the proposal.	The Proponent acknowledges that the Proposal will result in permanent loss of native vegetation (refer to response to Item 68 in Table 2-8). The Proponent also acknowledges that there are potentially indirect impacts to flora and vegetation values from construction and operation of the Proposal including the spread of weeds and dieback. The ERD notes the important values of the vegetation in the Development Envelope and surrounds (see Section 6.5.1) and its role as of an ecological linkage and fauna habitat. As such, the Proponent has applied the mitigation hierarchy to avoid and minimise the impact as much as possible (see Section 6.6 of the ERD). Notwithstanding, it is noted that the Proposal is not likely to result in a significant decline in any of the relevant vegetation associations or complexes. As noted above, the Proposal has been designed to avoid clearing of vegetation as far as practically possible. In designing the layout of the site, buildings and associated infrastructure and tracks have been located and designed to utilise existing disturbed areas where possible and the Development Envelope has been modified so that approximately 45% of it will not be cleared. 18.17 ha of native vegetation (within a total 19.26 ha area) will be avoided and retained in conservation areas and POS. This represents most of (62%) the 'Coastal granitic shrublands and herblands of the exposed western and southern sides of the Leeuwin Block major landform' PEC P and all of the (100%) '*Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge' PEC within the Development Envelope. Specifically, the avoided vegetation includes the following values: • 11.25 ha Coastal granitic shrublands of the exposed western and southern sides of the Leeuwin Block major landform PEC; • 2.55 ha *Melaleuca lanceolata* forests, Leeuwin Naturaliste Ridge PEC; • 38 individual of *Banksia sessilis* var. *cordata*; and • 18 individuals of *Caladenia nivalis.* Instead of additional permanent clearing, the Proponent proposes to 'partially modify' up to 11.76 ha (of which includes 10.47 ha of native vegetation). Partially modified areas will involve selective tree removal and thinning of mid-storey and under-storey vegetation for the purpose of landscaping and bushfire treatment. Refer to response to Item 72 in Table 2-8 for further details on this. Following avoidance and mitigation measures, the loss of native vegetation providing habitat for fauna was identified in the ERD as a significant residual impact and therefore the Proponent has developed an offsets package. This will compensate more than 100% of the loss of habitat and is consistent with the WA government's offsets framework (refer to Appendix H for further details).

2.2.5 Landforms

Table 2-20 Response to public submissions – Landforms

No.	Submission and/or issue	Response to comment
166.	The proposal will directly, and unacceptably, impact the significant granite outcrop landform. The proposal information does not include a detailed analysis of the rock within the disturbance area. As such, the impacts (including potentially to karst landforms) from disturbance/excavation/blasting are unknown and may be greater than currently identified. Disturbance on the western headland should	As discussed in Section 8.6.1 of the ERD, targeted earthworks are required due to the site's variable terrain, but will be limited primarily to building platforms, roads, and essential infrastructure. Construction will be aligned with the natural topography as closely as possible, thereby limiting extensive cut and fill operations and minimising impacts to outcropping granite. Please refer to refer to response Item 87 in Table 2-9

No.	Submission and/or issue	Response to comment
	therefore be avoided. A detailed description of the earthworks for the construction stage has not been provided, including information about how earthworks will impact areas much larger than the individual building footprints proposed (including outcropping or shallow granites).	for further details on the extent and magnitude of earthworks required. The presence of rock on site will be analysed as part of detailed design, with levels and alignment of infrastructure adjusted to suit given its impermeability (Stantec, 2021). Further geotechnical investigation and detailed engineering design to inform the structural controls may be required to balance construction of the Proposal and retention of the natural landforms (refer to response to Item 88 in Table 2-9 an Item 169 below for more details) . Noting that there is no excavation or blasting proposed as part of the Proposal.
167.	General concern about impact to the landform/limestone (environmental reasoning not specified).	As the submitter's concerns are not specified in detail, a direct response is not possible. However, please refer to response Item 88 in Table 2-9 for evidence-based justification regarding likely absence of limestone / karstic features within Development Envelope.
168.	Appendix Q of the ERD fails to provide the requisite geotechnical investigation to identify the presence (or otherwise) of karst formations and communities, despite the commentary at Item 15 on page 36 of the ERD. Appendix Q performs a desktop analysis on 1:50,000 geological mapping and as such, does not provide a definitive outcome on the presence of karst.	Please refer to response Item 88 in Table 2-9 for evidence-based justification regarding likely absence of limestone / karstic features within Development Envelope.
169.	Appendix P of the ERD notes the need to remove rock in the vicinity of footings and slabs, however, the extent of surface rock, levels and ease of excavation has not been assessed. Appendix P also casts significant doubt on the conclusion at paragraph 8.5.1.1 of the ERD that the impacts on granite outcrops are expected to be minor in both magnitude and duration; page 11 (of Appendix P) notes that where shallow massive rock or large boulders are present these will be difficult to excavate. The impact of works to accommodate 11 dwellings with footprints of over 1,100m^2 on the granitic headland will be significant on the landform.	The geotechnical investigation undertaken for the Proposal, as detailed in Appendix P of the ERD, has characterised the geological context and confirmed the presence of granite outcrops within portions of the Development Envelope which has informed the development of the engineering design and construction methodology. This information has informed the design intent to avoid and minimise disturbance wherever practicable through responsive site planning, including the positioning and orientation of buildings to align with the natural landform features. Further detailed investigation of surface rock (including precise extent, depth and excavation requirements) will occur during the detailed design phase to inform final footing design and construction methodology. Where necessary, the levels and alignment of infrastructure will be adjusted to respond to onsite conditions, including avoiding or minimising disturbance to areas of granite outcrop (Stantec, 2021). The commitment to adapt the design to onsite conditions, combined with the limited footprint of the proposed works relative to the broader granitic landform, supports the conclusion that impacts on granite outcrops will remain minor in magnitude and duration.
170.	The geological stability of the proposal should be carefully considered and the risks to landforms from the construction of the proposal assessed. In particular, the geotechnical report (Appendix P) notes: • variability in subsoil conditions; • risk of shrink/swell of the clay soils; • variability in the permeability of soils; and • factors that will complicate site excavation works.	A geotechnical investigation (Golder, 2021) has been undertaken to inform the engineering design and construction methodology for the Proposal, as documented in Appendix P and Appendix R of the ERD. The geotechnical investigation identified key subsurface conditions and the findings have been carefully considered in the development of the design and engineering strategy (Stantec, 2021), which incorporates measures to mitigate potential geotechnical risks and ensure the geological stability of the Proposal including: • Minimising clearing and earthworks in line with the Proposal's design philosophy. No general earthworks are proposed, and a balance of cut and fill will be sought to limit the movement of soils to and from the site; • Stabilisation and management of any necessary earthworks, to be undertaken in conjunction with rehabilitation and landscaping works; • Implementation of erosion and scour control measures, particularly during the early phases of development when exposed soils are most vulnerable; • Inclusion of energy dissipation structures along swale drains and rock pitching on steep sections to reduce water velocity and limit erosion; and • Consideration of the presence of rock in excavation planning, which will be addressed during detailed design and construction staging to avoid instability and manage site excavation constraints effectively.
171.	The landscape of southwestern Australia is made up of fragile karst landforms. Development of the area may result in increased landslides and erosion from the removal of vegetation and vibrations from groundworks.	It is acknowledged that the Proposal is located within a landscape that requires appropriate management to prevent erosion and land instability. To address this, the Proposal design and engineering strategy has been informed by a geotechnical investigation and has recognised the potential for scouring to occur particularly in the early phases of the development (Stantec, 2021). To manage this risk preventative measures will be put in place, such as installing hemp mats. Hemp mats are biodegradable erosion control blankets that help stabilise the soil, reduce water runoff, and support the growth of vegetation, thereby reducing the likelihood and severity of scour. Furthermore, energy dissipation structures along swale drains and rock pitching on steep sections will be implemented to reduce water velocity and limit erosion (Stantec, 2021).

2.2.6 Subterranean Fauna

Table 2-21 Response to public submissions – Subterranean Fauna

No.	Submission and/or issue	Response to comment
172.	The treatment and disposal of wastewater onsite has the potential to impact stygofauna, in particular the Cape Leeuwin Freshwater Snail and a microbe TEC (tufa), via contamination of groundwater and potential promotion of algal growth. Troglofauna may be indirectly impacted through reduction in available energy source (carbon) from the removal of vegetation. The proponents are relying on assumptions by undertaking a desktop study only, with potentially ineffective mechanisms in place to prevent harm to subterranean fauna. The ERD even notes that 'the habitat information is incomplete.'	The Cape Leeuwin Freshwater Snail is not a subterranean species. This species occurs in the splash zone of seepages form limestone. This habitat does not occur in the Development Envelope (refer to response to Item 11 in Table 2-2). Habitat which is considered significant supporting habitat for stygofauna and troglofauna does not occur in the Development Envelope. The hydrological studies have found that the palaeochannel which runs through the Proposal is infilled with sand. Groundwater which infiltrates through sandy, clayey overlain on gneiss geologies, occurs as a perched aquifer near the coast. The area does not appear to support karst (caves) nor anchialine systems which are suitable habitat for stygofauna. The geologies above any groundwater is sandy and clayey. This does not allow

		for the required voids (vugginess) that troglofauna inhabit. All the drillhole investigations have clearly shown the stratigraphy as being unsuitable/ no karst is present as there is no limestone. The tufa TEC (which is the Rimstone pools and cave structure formed by microbial activity on marine shorelines (Augusta microbial communities) buffer, as shown in Figure 6-12 of the ERD, is intersected by the Development Envelope in the far south western corner. This area is designated as conservation. The impacts to this TEC is considered to be from declining water quality and groundwater discharge both of which will be managed a with wastewater treatment facility. There will be no physical disturbance of the TEC where the Development Envelope intersects from the Proposal as this is in the proposed conservation area. There are no rimstone pools or cave structure formed by microbial activity on marine shoreline near the Development Envelope, primarily as there are no freshwater springs which originate from the geology underlying the Development Envelope. As with karstic caves their occurrence is highly unlikely as is limestone and has not been intercepted in any drilling studies completed for the Proposal. Refer to Appendix I for further details.

2.2.7 Terrestrial fauna

Table 2-22 Response to public submissions – Terrestrial Fauna

No.	Submission and/or issue	Response to comment
173.	General concerns about the extent and scale of impacts to terrestrial fauna values within the development envelope (after clearing for bushfire, wastewater management and development is accounted for), including both fauna species and habitats: • western ringtail possums • black cockatoos • emu wrens • quenda • marsupial mouse species • good to excellent condition fauna habitat • woylie • chuditch • frogs • birdlife, including the noisy scrub bird • bearded dragons • poorly studied vertebrate and invertebrate species.	A detailed terrestrial vertebrate fauna survey has been undertaken in accordance with relevant EPA guidelines to identify species presence, habitat quality and potential ecological values within the Development Envelope (provided as Appendix K of the ERD). This survey included targeted assessments for key species of conservation significance, such as the Western Ringtail Possum and Black Cockatoos, as well as broader habitat evaluations for species considered to occur within the Development Envelope. In addition, a targeted Western Ringtail Possum assessment was undertaken by Bamford (2024) and provided as Appendix M of the ERD and a risk assessment based on the 14 SRE taxa identified as being likely to be present (including three conservation significant taxa) and their required microhabitat is provided within Appendix F with further details in response to Item 9. The impact assessment considered all clearing requirements associated with the development and determined residual impacts to fauna habitat (refer to Section 7.5.1.1 of the ERD). Mitigation measures have been incorporated into the Proposal, including avoidance of high value fauna habitats in conservation and POS areas and implementation of fauna management protocols during construction (refer to Section 7.6 of the ERD) , implementation of a CSFMP (Appendix G) and proposed offsets where significant residual impacts remain (Appendix H). While some level of impact is unavoidable, the assessment indicates that the Proposal can be implemented with a manageable level of residual risk to fauna values.
174.	Anecdotal sightings of, and general concerns about impacts to, fauna within the disturbance footprint and development envelope reported by submitters, including: • echidnas • pythons • black cockatoos • nesting shrub birds • kangaroos • lizards.	The Proponent acknowledges the anecdotal reports of species such as echidnas, pythons, black cockatoos, nesting shrub birds, kangaroos, and lizards. While such observations are valued and contribute to our general understanding of local biodiversity, the environmental impact assessment is based on systematic fieldwork undertaken in accordance with the EPA's Terrestrial Fauna Survey Guidelines. As such, a detailed terrestrial vertebrate fauna survey has been completed, which included targeted searches and habitat assessments for a range of fauna species and is provided as Appendix K of the ERD. The results of this survey form the basis for the impact assessment, which evaluates both direct and indirect impacts of the Proposal and identifies appropriate mitigation and management responses. Of the fauna listed by the submitter, the following were identified during the survey and considered in the assessment: • Carnaby's and Baudins Black Cockatoo; • Short-beaked echidna; • Western Grey Kangaroo; and • Numerous lizard and bird species. For a full listed of recorded species please refer to Appendix E of the Biologic (2024a) report.
175.	Concern about increased direct impacts to fauna/fauna mortality from increased traffic and tourism in the area, including uneducated tourists interacting with fauna, predation by pets (cats, dogs) associated with the future development, and pollution (human food, litter).	The potential for fauna mortality and disturbance was considered as part of the impact assessment presented in the ERD. A suite of mitigation and management measures has been proposed to reduce these risks and encourage responsible visitor behaviour (refer to Section 7.6 of the ERD and the CSFMP) and include: • Speed limits and fauna awareness signage will be implemented throughout the development. This is intended to reduce the risk of vehicle strikes and minimise noise-related disturbance to wildlife; • No vehicles permitted within campground area; • Waste management practices will be adopted to limit the attraction of predators and competitors into the development area. These include:

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Installation of secure-lidded bins across the site;
Regular waste collection to prevent overflow;
Community education campaigns focused on the impacts of improper waste disposal on wildlife;
Provision of clear guidance on how to store and dispose of waste properly;

Cats will be prohibited within the tourist village to eliminate the risk of predation on native species.
Dogs will be prohibited within the Western Ringtail Possum Habitat Conservation and Connectivity Zone. In all other precinct areas, dogs must remain on-leash at all times. Dogs in Holiday Homes are restricted to secure areas only, under strict by-laws, with no free roaming permitted.
Possum-management personnel present whenever works occur adjacent to, or within, trees known to contain possums;
Low-impact, fauna-sensitive lighting installed within the campground (primarily low-level bollards to minimises spill and avoid canopy illumination);
Carpark lighting selected and positioned to shed downward, achieving safe access illumination while minimising off-site spill;
Solid light-screening barrier installed where required to block vehicle headlights from entering habitat areas and prevent disturbance to Western Ringtail Possums; and
Interpretive signage will be installed throughout the development to highlight the importance of local fauna and how to interact responsibly. Further education will be delivered through presentations, displays and materials available at the proposed Community Hub and/or Cape to Cape Welcome Centre. These initiatives are designed to increase public awareness and reduce the likelihood of negative human-fauna interactions.

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<tr><td>176.</td><td>Concern about impacts of the proposal to western ringtail possums, including removal of dreys, impacts to ecological linkages to the national park, fragmentation and disturbance to habitat, potential mortality risk from vehicles and dogs. It was noted that western ringtail possums do not generally relocate/translocate successfully. The car park component of the development will result in the loss of what appears to be the most important area of western ringtail possum habitat within the site. Avoidance of this western ringtail possum habitat is possible through redesign of the proposal.</td><td>Matters related to Western Ringtail Possum habitat loss, drey removal, fragmentation, vehicle strike and interaction with domestic animals have been assessed in the ERD particularly in Sections 7.5 and 7.6.4 with management measures to be implemented included in the CSFMP (Appendix G). Key mitigation measures specific to Western Ringtail Possums include:

The Proposal has been designed to retain portions of Western Ringtail Possum habitat in the conservation area and POS and includes a focus on preserving canopy connectivity within partially modified areas to maintain ecological linkages to the adjacent Leeuwin-Naturaliste National Park including for the installation of artificial corridors (rope bridges);
The layout has been informed by fauna survey data to minimise impacts on key habitat areas in particular the campground area;
The approach of allowing Western Ringtail Possums to self-relocate to retained habitat within the Development Envelope and/or adjacent National Park has been chosen over translocation as it provides the best outcome in terms of animal welfare;
Clearing will be timed to minimise impact on Western Ringtail Possums (i.e. clearing will avoid breeding / nesting periods);
Speed limits and signage will be implemented, especially in areas of higher Western Ringtail Possum density will be implemented to minimise the risk of vehicle strike;
Possum management personnel will be on site at all times when works are to take place adjacent to or in trees that contain possums; and
If a Western Ringtail Possum ‘goes to ground’ under a vehicle or fallen vegetation, work will stop until the following day, to enable the possum to move away overnight.

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<tr><td>177.</td><td>The proposed offsets are inappropriate in the context of the WA Environmental Offsets Policy which states that offsets should only be considered after avoidance and mitigation options have been pursued. The development should be redesigned to avoid impacting western ringtail possum and black cockatoo habitat.</td><td>The Proponent acknowledges the importance of avoiding and minimising impacts to conservation significant fauna, particularly Western Ringtail Possums and Black Cockatoos. The design of the proposal has therefore been informed by the mitigation hierarchy, with a strong emphasis placed on avoidance and minimisation as discussed in Section 7.6 of the ERD. Despite these measures, some residual impacts to fauna habitat remain unavoidable due to the location and nature of the Proposal. In recognition of this, offsets have been proposed in accordance with the WA Environmental Offsets Policy to counterbalance the significant residual impacts to Western Ringtail Possum and Black Cockatoo habitat. These offsets are intended to deliver a long-term conservation benefit and have been designed to align with principles of like-for-like habitat protection and management. Please refer to Appendix H for further details on the Offset Strategy proposed.

Application of the mitigation hierarchy for the Proposal in consideration of Western Ringtail Possums is summarised below:
<table>
<tr><td>Avoid</td><td>Establishment of 1.79 ha WRP Habitat Conservation and Connectivity Zone (see Figure 2-2)</td><td>• Retention of 40% of canopy coverage consistent with bushfire risk management requirements will provides key primary habitat for the Western Ringtail Possums.
• Complementary use limited to low-impact camping.</td></tr>
<tr><td></td><td>Avoidance of 2.11 ha of Western Ringtail Possum Habitat in POS/Conservation Lots</td><td>• Retains key consolidated areas of breeding, foraging and dispersal habitat for Western Ringtail Possums.</td></tr>
<tr><td>Minimise</td><td>Implementation of CSFMP</td><td>• Outlines clear outcome-based provisions and objective based measure for the protection of Western Ringtail Possums.</td></tr>
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No.	Submission and/or issue	Response to comment		
		Rehabilitate/Restore	Retention of Western Ringtail Possum Habitat throughout partially modified areas in addition to 'Avoid' areas	• Facilitate connectivity for Western Ringtail Possum throughout the Development Envelope and into adjacent National Park
			Revegetation of 1.21 ha wihtin the Development Envelope	• Use of natives, including nitrogen-rich understorey species and quality WRP foraging species.
		Offset	Revegetation and ongoing management of three parcels of land identified as suitable offset sites for WRP	• Mt Duckworth –12.84 ha • Gunyulgup–2.97 ha • Ludlow –15 ha
			Protection of 3.95 ha via conservation covenant within on-site conservation area	• Secondary WRP habitat –3.95 ha within the 16.83ha on-site conservation area
			Contribution of funding to WRP focused research program	• Aimed at improved understanding of WRP in the southwest region and their recovery.
		The proposed management and offset measures are designed to provide both immediate and long-term benefits for Western Ringtail Possums, with a strategic focus on supporting local populations within the Development Envelope while contributing to broader regional recovery objectives. Short-term benefits are delivered through the establishment of the 1.79 ha WRP Habitat Conservation and Connectivity Zone, retention of key habitat areas and revegetation within the Development Envelope. These measures provide immediate protection and enhancement of breeding, foraging, and dispersal habitat, maintain canopy connectivity and support low-impact use of the area. Longer-term benefits are achieved through offsite revegetation and ongoing management of Mt Duckworth, Gunyulgup, and Ludlow offset sites. These actions enhance the resilience and connectivity of populations at a landscape scale, supporting regional recovery of the species. The integrated approach combines local-scale measures, including onsite habitat retention, revegetation, and a targeted research program, with regional-scale initiatives to deliver measurable ecological outcomes consistent with EPA Section 16E guidance on environmental offsets, ensuring that both immediate and cumulative benefits are realised for Western Ringtail Possums.		
178.	Offsets should be carefully considered/selected and managed in perpetuity. The Mt Duckworth offset site is degraded and is likely to be difficult to rehabilitate and manage. There is inferred low confidence in a long-term beneficial result for the site as an offset.	It is recognised that restoration of degraded land presents challenges; however, with appropriate planning, investment and long-term management, the Proponent is confident the site can deliver a significant and enduring environmental benefit. The Mt Duckworth site has been selected due to its strategic location, potential for ecological restoration and relevance to the impacted values, particularly habitat for Western Ringtail Possums and Black Cockatoos. While majority of the site is degraded, a detailed site-specific Offset Management Plan will be developed to guide its rehabilitation, informed by best-practice ecological restoration methods and in consultation with revegetation experts in the southwest and DBCA. The offset will be subject to long-term protection and active management to address threats such as unauthorised access, weeds and feral animals. Furthermore, rehabilitation goals and performance criteria will be established, with progress monitored and reported to ensure transparency and adaptive management.		
179.	The fauna does not appear to have been properly documented, and there has been no independent scientific study on the fauna at the site.	A detailed terrestrial vertebrate study was completed by fauna survey specialists Biologic in 2020 and provided as Appendix K of the ERD.		
180.	The masked owl has been stated as being likely to occur within the development envelope, however, no mitigation measures have been provided.	This comment is not supported by the findings of the detailed terrestrial fauna survey undertaken for the Proposal (provided as Appendix K of the ERD). The masked owl was not identified as likely to occur within the Development Envelope based on a review of habitat suitability, existing records, and targeted field survey effort. Furthermore, no individuals or signs of presence were recorded during the survey. As such, the species has not been included in the impact assessment as a species likely to be impacted by the Proposal.		
181.	Concerns about the disruptive impacts of artificial lighting to nocturnal animals and bird species.	Please refer to response to Item 14 in Table 2-2.		
182.	Concerns about the effects of noise pollution on fauna, and that noise levels may have been under-examined.	Refer to response to Item 15 in Table 2-2.		
183.	There are cumulative impacts to black cockatoos from native vegetation loss in the SW of WA. The increased clearing of native vegetation is increasing Carnaby's cockatoo reliance on any remaining foraging areas – even those that might be considered minor foraging areas. The highest quality Carnaby's cockatoo habitat is within the primary development area of the proposal.	The submitters comments are noted. Refer to response to Item 6 in Table 2-1.		
184.	The risks to migratory shorebirds require careful evaluation. Avoidance and mitigation strategies are required to minimise disturbance from light, noise, pollution, feral animals, human disturbance, and dogs.	The Proposal does not interact with migratory shorebird habitat and therefore potential impacts are not considered likely and do not require further assessment.		

No.	Submission and/or issue	Response to comment
185.	*Ctenotus ora* has been recorded in the development envelope (disturbance footprint) and is reliant on the coastal vegetation types for breeding and forage. The proposal will likely result in critical habitat loss for *C.ora* producing loss of the resident colony.	The potential loss of habitat suitable for *Ctenotus ora* has been addressed in the impact assessment (refer to Section 7.5.1.2 of the ERD). While the Proposal will result in some habitat loss, the impact is not considered significant. Approximately 4.98 ha of suitable habitat, primarily *Melaleuca* over *Hakea* shrubland, will be retained within designated conservation and POS areas. In addition, larger intact vegetated areas are present nearby within the Leeuwin-Naturaliste National Park. The management measures outlined in Section 7.6 are considered adequate to mitigate potential impacts. As such, the Proposal is not expected to significantly affect *Ctenotus ora* or contribute to its decline.
186.	The development envelope contains several species of short-range endemic (SRE) arachnids, including one state-listed priority 3 species. The proposal area (disturbance footprint) also contains: • confirmed diplopods • confirmed SRE insects, including ground nesting bees • confirmed onychophorids, including two state-listed species (one Vulnerable species and one priority 2 species) • potential habitat for chilopods • potential habitat for symphylans. Submitters note that habitat loss, degradation, fragmentation, and construction over ground-nesting hollows are the primary threats to these species.	It is unclear what evidence the submitter has relied upon to support claims of SRE species presence, as no current records or observations of SRE species have been identified within the Development Envelope. Habitat which will support SREs can be seen as contiguous across the Development Envelope, into the proposed conservation area and to the south in the National Park and therefore the significance of impacts is considered to be low. Refer to Appendix F which provides a risk assessment for SRE with the potential to occur within the Development Envelope. In addition, should the proposed vegetation management strategies in the partially modified zones be endorsed, they are designed not only to mitigate bushfire risk but also to minimise ecological impacts on SRE. The proposed graduated approach to vegetation modification across different zones ranging from highly modified APZ to more conservation oriented Low Threat Vegetation areas ensures that critical habitat features are retained wherever possible (as discussed in Section 6.6.2 of the ERD). This selective management helps support local biodiversity by maintaining microhabitats and reducing fragmentation.
187.	Some of the proponent's fauna surveys are at least five years old and predate recent climatic events in the region, including vegetation die-off during the summer of 2023/2024. Survey work should be repeated and updated for relevance in a contemporary context.	The terrestrial fauna surveys undertaken for the Proposal have been completed within the past five years and are consistent with the requirements of the EPA's Technical Guidance – Terrestrial Fauna Surveys (2016), which states that surveys are considered valid if conducted within a five year timeframe. The fauna surveys used to inform the Proposal are all within a five year timeframe as listed below: • Lot 4131 Smiths Beach Road, Yallingup. Detailed Terrestrial Vertebrate Fauna Survey (Appendix K of the ERD) – undertaken between 1-10 November 2020; • Foreshore Vegetation Assessment (Appendix D of the ERD) – undertaken on 9 April 2021; • Smith's Beach Project Short-Range Endemic Invertebrate Fauna Desktop Assessment (Appendix L of the ERD) – undertaken in November 2023; • Western Ringtail Possum Assessment (Appendix M of the ERD) – undertaken between 19-21 November 2023; and • Supplementary flora and vegetation survey of road reserve at Smiths Beach (Appendix H of the ERD) – undertaken on 25 October 2024. The observation of vegetation die-off during the summer of 2023/2024 is anecdotal and no evidence has been presented to suggest this has materially altered the condition or function of fauna habitat within the Development Envelope. Vegetation condition and habitat quality were assessed as part of the field surveys and no significant change has been observed that would warrant repeating the survey work.
188.	Prohibition of cats (and potentially dogs) from the proposal site should be enforced via a notification on Certificate of Title, or by another mechanism that ensures enforcement in perpetuity.	The community title scheme by-laws will include details on keeping of pets within the development including prohibition of cats. Dogs will be allowed however under strict management controls, including a requirement for them to not be free roaming and a prohibition from the Western Ringtail Possum Habitat Conservation and Connectivity Zone.
189.	There has been minimal consideration for cumulative impacts of the proposal and no analysis of the success of proposed mitigation strategies. Submitter primarily questions the efficacy of offset and relocation strategies. Concern that a 'box tick and half measure' approach has been used with small-scale strategies to appear to satisfy mitigation requirements without adequately accounting for the impacts. The proposal mitigates habitat loss by utilising offsets, fire, weed and pest management controls. Habitat loss resulting from the proposal will have a greater impact on the spatial and temporal populations of fauna species, than fire and invasive predators.	The ERD does address cumulative impacts in the context of surrounding land uses, existing environmental pressures (such as fire regimes and invasive species) and the proximity to the Leeuwin-Naturaliste National Park (refer to Section 7.5.3 and Section 17 of the ERD). These considerations have informed the development layout and the design of avoidance, minimisation and mitigation measures particularly for Western Ringtail Possum impacts. Offsets have been proposed only after the application of avoidance and minimisation strategies, in line with the WA Environmental Offsets Policy. The offset package is intended to secure long term conservation outcomes, particularly for Western Ringtail Possums and Black Cockatoos and will be managed in perpetuity. Monitoring and adaptive management will be implemented to evaluate the effectiveness of these strategies over time, with management actions adjusted as needed. Refer to Appendix H for further details. The Proposal has not adopted a 'box ticking' approach. Rather, the ERD presents an integrated strategy that balances development with environmental responsibility. Habitat loss has been minimised to the greatest extent practicable and the remaining significant residual impacts will be addressed through long term conservation commitments. Please also refer to response to Item 6 in Table 2-1 for further consideration of cumulative impacts.

2.2.8 Inland Waters

Table 2-23 Response to public submissions – Inland Waters

No.	Submission and/or issue	Response to comment
190.	Concerns that the proposed wastewater system is not adequate/does not adequately account for the high volume of patrons likely to utilise the future development. The adequacy of the sewerage	A preliminary water balance for the Proposal has been prepared based on average occupancies and is provided in Appendix X of the ERD. Please refer to response to Item 93 in Table 2-12 for further details on modelling relating to the wastewater system.

	system (treatment plant or ATUs) is uncertain based on the information provided, including the ERD engineering report which notes that sewerage system design has not been completed and that associated investigations and modelling work is still being developed. There is concern about the elevation/location of the wastewater plant within the site.	It is acknowledged that there was some inconsistency within the ERD and supporting documentation relating to the wastewater treatment design. To confirm, all wastewater generated from the Proposal will be treated via an on-site centralised wastewater treatment system. This is consistent with the modelling undertaken (The Right Water Company, 2024) and presented in Section 10.5.1.2 the ERD. The proposed location of the wastewater treatment has been carefully chosen to balance operational functionality with visual amenity. The facility will be set into the natural topography to minimise visual impact and will utilise recessive colours to help it blend into the surrounding landscape.
191.	General concerns about impacts from proposed onsite wastewater disposal, potentially including: • increased land clearing to accommodate the physical infrastructure and disposal area • pollution of groundwater, or polluted waters discharging to the ocean • permanent changes to soil composition • risk of sewerage leaching to natural environment • increased loss of native vegetation (including from increased growth of introduced and weed species) • impacts to the continued functioning of native vegetation in the retained and 'conservation' areas of the proposal site from irrigation with treated wastewater • unspecified impacts to local water quality and waterways • impacts to the natural spring • aesthetic and visual amenity impacts from the proposed on-site wastewater treatment plant • relevant government bodies (including Water Corporation) have not recommended the proposed onsite sewerage system.	An assessment of the onsite wastewater irrigation for its potential to impact marine water quality, including nutrient enrichment and algal growth in the nearshore environment has been undertaken (refer to Section 12.5.1 of the ERD). In addition, groundwater impacts have been considered in detail (refer to Section 10.5.1.2 of the ERD) with findings indicating a low risk of nutrient enrichment or other significant residual impacts from infiltration of treated wastewater through irrigation. Irrigation in areas of retained native vegetation will be limited. As outlined in Appendix X of the ERD, these areas are expected to rely primarily on natural rainfall due to the drought tolerant nature of the local plant communities. Perpetual irrigation will be restricted to landscaped zones such as hotel gardens and community precincts, thereby reducing the risk of encouraging invasive species or altering the ecological function of native vegetation in areas of retention. Irrigation modelling has been undertaken using a range of soil profiles from deep sands to shallow soils over rock to ensure wastewater application is matched to the infiltration capacity of each area. In locations with limited permeability or shallower depths, irrigation rates will be reduced to prevent over application and maintain moisture levels within acceptable limits. The preliminary modelling is intended to test the system's suitability during the EIA phase and will be refined through the Works Approval and Licence application required under Part V of the EP Act. Should irrigation of native vegetation not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. As a contingency, treated water may also be transported off site if required. Aesthetic concerns have also been considered. The proposed Wastewater Treatment Plant has been strategically positioned to minimise visual impacts and will utilise colour-recessive materials to help it blend into the surrounding natural environment. This ensures that the visual character of the site is maintained.
192.	The proposed disposal of wastewater onsite is a departure from the existing development approval (2010). The disposal of wastewater onsite (rather than by the reticulated network) is a high-risk alternative, and it is unclear what has changed in the time since the previous EPA assessment to allow for onsite disposal now. It should be noted that the developers purchased the land with knowledge of the existing Development Guide Plan (2010) requirement to dispose wastewater to the reticulated network.	Whilst it is acknowledged that the existing Development Guide Plan (2010) includes a requirement for connection to a reticulated wastewater network, this requirement relates to a different proposal that was assessed and approved under a previous planning and environmental framework. The current Proposal is being assessed independently under section 38 of the EP Act and should be considered on its own merits, including the environmental outcomes it seeks to achieve. The selection of an onsite wastewater treatment and disposal is considered appropriate in the current setting where reticulated sewerage is not available. The proposal's site yield and produced sewer effluent is lower in comparison to what can be achieved under the current Development Guide Plan. The use of onsite wastewater treatment and irrigation is not inherently of greater environmental risk than connection to a reticulated network. In this case, the proposed onsite system has been designed with careful consideration of site characteristics and operational requirements and will be subject to appropriate regulation (e.g., EP Act and Health Act) and ongoing management to ensure appropriate environmental performance.
193.	The geology and soil profile of the development envelope particularly the disturbance footprint will make disposal of treated wastewater difficult, particularly during wet weather. Spills may result.	In accordance with the Department of Health's *Guidance on Site and Soil Evaluation (SSE) for on-site sewage management,* a Site and Soil Evaluation (SSE) was undertaken and provided as Appendix T of the ERD. The SSE was required to ensure that the Development Envelope has an acceptable capacity for sustainable on-site wastewater management and where constraints have been identified they are addressed accordingly. The findings of the SSE have informed the wastewater disposal strategy, however, there has been a departure from the option of installing ATUs on individual lots (refer to response to Item 91 in Table 2-12). As discussed in the Wastewater Treatment Plant report (The Right Water Company, 2024) the treated water storage tank strategy is to retain water through the winter rainfall period and lower the storage level though summer by means of additional irrigation or water offtakes. Please refer to response to Item 93 and Item 94 in Table 2-12 for further details.
194.	Any sewerage conditions should be suitable for the environment and the community in the long-term. A sewerage pipeline to the Dunsborough treatment plant could be an environmentally sound solution. Or the installation of deep sewerage system infrastructure to the closest mains and that the neighbouring developments and Yallingup townsite could also connect.	The submitters comments are noted however, the current Proposal under assessment is not considering reticulated sewerage as an option for wastewater disposal as it is not available in this location.
195.	It is unclear who/which entity will be responsible for monitoring and testing the water quality discharging from the onsite sewerage treatment plant. There is no confidence in the government undertaking this work.	Any monitoring required to be undertaken relating to the wastewater treatment plan will be the responsibility of the Proponent, not the government.

196.	If the onsite sewerage treatment system fails, the cost of installing reticulated sewerage at the proposal site will be passed on to the City's rate payers (via tax increases).	The statement regarding costs being passed on to ratepayers is inaccurate. If the onsite wastewater treatment system fails, the Proponent will be responsible for addressing the issue, not the City or its ratepayers. The system will be designed to meet regulatory standards and will be carefully monitored to ensure its continued performance and to minimise the risk of failure.
197.	General opposition to/concern about onsite sewerage disposal/an onsite sewerage treatment plant.	The submitter's concerns are noted. The wastewater treatment plant design will comply with all relevant environmental and health regulations.
198.	The existing Smiths Beach Resort is having difficulty successfully treating and disposing of wastewater due to poor permeability. The proponent is also responsible for the Bunker Bay Resort which cannot treat wastewater to meet regulatory requirements for ocean disposal. Concerns about implications for the proposed development.	It is unclear what evidence the submitter has relied upon to support claims relating to Smiths Beach Resort and Bunker Bay Resort wastewater disposal. The Wastewater Treatment Plant proposed for this Proposal will be designed to meet regulatory standards and will be carefully monitored to ensure its continued performance and to minimise the risk of failure.
199.	Where will the water for operation of the proposal will be sourced from. There is concern about increased pressure on water availability/supply.	Please refer to response to Item 95 in Table 2-12.
200.	Studies to understand the relationship between surface water and groundwater within the proposal site have not been undertaken.	Please refer to Table 10-2 of the ERD for a summary of the studies conducted on groundwater and stormwater within the Development Envelope, including their interrelationship.
201.	SBAG retained Bowman & Partners Environmental to review Appendix X. Serious concerns were raised due to sewerage disposal being based on a theoretical model which applied broad and contradictory assumptions from data in other reports. The proposal carries a high risk to both the environment and public health. • The reliability of the modelling is limited by the assumptions made about the soil characteristics, particularly depth to rock, soil types, and the site's shallow hydrology. • There is insufficient groundwater data for the site upon which to base the water balance modelling. • For a project of this scale and magnitude, more data should be input for the presence and distribution of soil type, depth to rock, and shallow groundwater characteristics within a detailed hydrological model for the site. • The EPA should require additional water balance modelling work based on more refined and detailed site information as described above and should require an independent review of the work by an expert organization. The agronomic parameters adopted by modelling should also be subject to expert comment regarding their veracity for application in this instance. • It would be appropriate for the EPA to determine the long-term facets of how the proposed effluent management system will operate. A 50-year time frame could be an appropriate evaluation period.	To clarify, the modelling presented in Appendix X of the ERD provides an initial assessment of site suitability and system performance using conservative assumptions. The modelling was primarily undertaken to determine potential impacts on marine water quality, including concerns about nutrient enrichment and algal growth in the nearshore environment. Regarding the modelling assumptions, the Proponent acknowledges that conservative inputs were adopted to simulate both 'best-case' (deep sands) and 'worst-case' (shallow soils over rock) scenarios, based on available data from geotechnical and soil investigations undertaken to date. These assumptions are clearly documented in the report and were used to provide a high level information for evaluating effluent disposal options. As is typical for projects of this nature and scale, the detailed design, including final modelling of wastewater treatment and disposal systems, will be further refined and subject to assessment and approval under Part V of the EP Act, through both the works Approval and Licensing process (Wastewater Treatment Plant being a prescribed premises under Category 54 of the EP Regulations). At this stage, DWER will require the submission of detailed technical data, including but not limited to refined soil characterisation, depth to rock, groundwater levels and hydrological modelling supported by updated site investigations. The suggestion for an extended time horizon (50-year evaluation period) is noted and will be considered. While this level of projection is not typically required at this stage of the assessment, long-term management of the effluent system is expected to be addressed through the operational design, Part V approvals and any subsequent licence conditions (a NIMP is considered likely to be required) particularly in relation to monitoring, contingency measures, and adaptive management.
202.	All vegetation within the disturbance footprint that is not cleared or modified will be impacted from onsite sewerage disposal. The proposal has made minimal effort to avoid water contamination, and the entire site will be negatively impacted by changes to ground and surface waters.	The potential for impacts to vegetation, ground or surface waters associated with the use of treated wastewater for irrigation, has been assessed within the ERD informed by the Right Water Company (2024) modelling and (referred to in the response to Item 201 above). Ground and surface water management has been addressed through the preparation of a site-specific UWMP (Appendix U of the ERD), which outlines a water management strategy including the retention, treatment and infiltration of stormwater within the site. This plan is consistent with contemporary water sensitive urban design principles and ensures no offsite discharge during frequent storm events, minimising any potential for water quality impacts. As depicted in Appendix X of the ERD, for areas where native vegetation is being retained, irrigation will be limited. It is likely they will rely on natural rainfall due to their drought-tolerant characteristics and adaptability to the local environment, thereby reducing the need for continuous irrigation in these areas. This is reflected in the irrigation areas as 'limited irrigation only.' Perpetual irrigation will primarily be limited to landscaped areas, such as hotel gardens and community hubs. In contrast, areas retaining native vegetation will be subject to limited irrigation depending on plant demand. The irrigation modelling has accounted for both best and worst-case soil profiles ranging from deep sandy soils to shallow sands over rock to ensure wastewater application is matched to the infiltration capacity of each location. In areas with limited permeability or shallower soil depths, irrigation rates will be reduced to prevent over application and ensure moisture levels remain within acceptable limits. It is important to note that the current irrigation model is preliminary and has been prepared to determine the suitability of the proposed wastewater irrigation program as part of the EIA process; and to inform project design. A more detailed irrigation plan, considering specific site conditions and final landscape design, will be developed in subsequent stages to fine tune irrigation rates and ensure optimal water management across the site for the operational phase. It is expected that this will be required as part of the works approval and licence requirements of the Part V process. Refer to response to Item 93 in Table 2-12 for more details on this. Should irrigation of native vegetation not be supported through that process, there is sufficient storage capacity available to manage treated wastewater without irrigating these areas. As a contingency, treated water may also be transported off site for alternate disposal, if required.

203.	Concerns about impacts from the leaching of pollutants (fertilisers) in stormwater and abstraction of groundwater to service the 'exclusive' properties within the proposal site. Legal protection is required to exclude or minimise escaped pollutants to the pristine area.	To clarify, no groundwater abstraction is proposed as part of the Proposal. Water supply for the development will be provided via external reticulated infrastructure, not through onsite groundwater extraction. Regarding stormwater quality and potential pollutant pathways, the Urban Water Management Plan (UWMP; provided as Appendix U of the ERD) outlines a site wide approach to stormwater management that prioritises onsite retention and infiltration of surface flows via distributed biofiltration areas, which are designed to treat stormwater during frequent rainfall events. Given the clearance to groundwater and the proposed system's ability to retain and treat stormwater onsite, post-development groundwater and surface water quality monitoring is not proposed. Instead, a targeted performance monitoring program of the stormwater infrastructure is recommended. This monitoring program will assess the system's effectiveness against its design objectives, focusing on indicators such as vegetation health, scour, sediment deposition and water retention times within the bioretention areas. The program is proposed to operate for two years post construction, with at least four inspections each winter and may be adapted based on outcomes through agreement with DWER, the City of Busselton and the Proponent. It is expected that the Part V approval process for wastewater irrigation will include requirements for post-development soil and water quality monitoring.
204.	The ERD does not clearly detail how stormwater will be managed in areas of proposed fill along the proposal boundaries. There is concern about drainage/runoff of stormwater from the development to adjoining sites, resulting in deferred/inappropriate management.	No significant fill is proposed near site boundaries that would materially alter predevelopment surface flows. Stormwater management for the entire site has been addressed in detail through the preparation of an UWMP (provided as Appendix U to the ERD) which has been prepared in accordance with relevant guidelines.

2.2.9 Social Surroundings

Table 2-24 Response to public submissions – Social Surroundings

No.	Submission and/or issue	Response to comment
205.	Objection to the proposal directly disturbing a significant Aboriginal heritage site (ID: 15080), namely through construction of a carpark and access road over the site. It is noted that the disturbance of the site is contrary to the recommendation from the ethnographic report that *"Smiths 2014 consider revising development plans in order to avoid Aboriginal site ID 15080."*	Consultation with the Traditional Owners has occurred across several years, more recently facilitated by the Karri Karrak Aboriginal Corporation (KKAC) which was established in 2021. As outlined in the letter of support received from KKAC (Appendix L), the Smiths Beach project team enjoys a positive and collaborative relationship with KKAC and the Traditional Owners, with whom we are working to achieve a development outcome that acknowledges and celebrates the cultural history associated with the site (refer to Section 13.6.1 of the ERD). As part of this consultation process, the Smiths Beach project team 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 Cultural Heritage Management Plan for the project, which will ultimately be required to support any approval under Section 18 of the Aboriginal Heritage Act, to be determined by the Minister for Aboriginal Affairs.
206.	The social and historical values of the proposal site will be negatively impacted by the disturbance of the Aboriginal heritage site (ID: 15080).	Refer to response to Item 205 above.
207.	Aboriginal sites must be protected, general objection to impacts to Aboriginal sites.	Refer to response to Item 205 above.
208.	Concern about the adequacy of consultation undertaken with Traditional Owners to date. Any potential risk of disturbance to cultural heritage should be subject to consultation with Traditional Owners. It appears that the proponent's cultural heritage surveys were undertaken at a time pre-dating the South West Native Title Settlement, which would infer that Karri Karak Aboriginal Corporation (KKAC) were not involved/engaged in the surveys.	Refer to response to Item 205 above.
209.	Any development on culturally significant land should be subject to local Traditional Owner approval and compensation. It is unclear whether Traditional Owners support the proposal.	Refer to response to Item 205 above.
210.	Concern about the adequacy of documentation of Aboriginal heritage values and lack of consideration for impacts to the cultural and recreational values of the site for Aboriginal people.	Refer to response to Item 205 above.
211.	The required section 18 consent under the *Aboriginal Heritage Act 1972* (AH Act) has not been acquired and has historically been refused (2021). The advice from the Aboriginal Cultural Materials Committee to the Minister for Aboriginal Affairs concluded that: • "the ethnographic and archaeological assessments to be insufficient" • the South West Aboriginal Land and Sea Council was "not consulted by the applicant" • "the land had not been completely surveyed and the extent and method of the ethnographic survey was not provided" • "an archaeological survey was not undertaken"	Refer to response to Item 205 above.

	• "the only custodian on the original survey was not engaged in recent surveys and questions its validity...concerns about assessment methodology". There is a high degree of uncertainty as to whether consent to destruction of Site 15080 would be granted to the proponent. The former proposal preserves Site 15080 and Aboriginal heritage values more broadly.	
212.	Reliance on section 18 consent under the AH Act is unsuitable when viable alternatives exist to avoid the impact.	Refer to response to Item 205 above.
213.	Appendix BB states that there could be archaeological material around site 15080, and that burial sites may possibly occur in the area, given that burial sites have been unearthed in dune systems in the southwest. It is recommended that the potential soak identified by the Aboriginal consultants is incorporated into the foreshore design. It does not appear that the recommendations by the Aboriginal consultants have been meaningfully considered.	Refer to response to Item 96 and 205 above. A Cultural Heritage Management Plan is in preparation in consultation with KKAC to manage matters relating to Aboriginal Heritage.
214.	General concerns about the potential visual impacts from the proposal, including: • removal/loss of vegetation and modification of the natural environmental landscape currently occupying the Smiths Beach cape/headland • encroachment into good quality, regionally significant coastal vegetation areas on the western headland • visibility of the sea wall from key viewing points and impacts to the landscape character • impact to coastal outlook • impact to wilderness quality and outlooks from the Cape to Cape trail • expansion of built form into the coastal reserve and on an iconic coastline • increased man-made/artificial built form in place of the natural environment.	Refer to response to Item 99 and 101 in Table 2-13 and Appendix M.
215.	Concern about the lack of consistency of the proposed development with the previous approvals for the site, including the development envelope as prescribed in the approved Development Guide Plan (2010). The same conclusions from the original EPA report (2009) should apply. Concern about the lack of consistency in the application of visual impact planning guidelines for proposals in the Leeuwin-Naturaliste Ridge area. Planning consents across various projects appear to be inconsistent in applying the relevant policy guidelines. The current proposal is based on an entirely different approach delivering a *'…known development that acknowledges the inevitable changes in the landscape that will result'*. It should have included a comprehensive assessment of previous landscape analysis, community surveys, and outcome of previous development proposals. This is considered a fundamental flaw.	While the current proposal differs from the 2010 approval (MS 831), it has been designed to align with contemporary planning and environmental considerations and informed by numerous technical studies. The current Proposal is being assessed on its own merits, with a focus on its potential environmental impacts and the effectiveness of proposed mitigation measures The Proponent notes that concerns raised by the submitter do not accurately reflect the nature, intent, or rigour of the current Proposal, nor do they acknowledge the substantial improvements over previous approved schemes. While it is acknowledged that the introduction of built form into sensitive coastal landscapes inevitably alters their character, this does not equate to diminished value. On the contrary, when development is guided by a deep understanding of environmental, visual, and cultural values, it can offer a meaningful contribution to both place and community. The current Proposal is grounded in a landscape-led approach, not a conventional urban development model. It consciously moves away from the concentrated and visually obtrusive form endorsed under earlier planning approvals, which would have significantly impacted the receiving environment. Instead, the design adopts a dispersed pattern of low-rise built form, sensitively located across the site to allow extensive vegetation retention and preserve important views and landforms. This shift in strategy directly addresses and rectifies the shortcomings of the previously approved development. The design process was informed by iterative visual landscape assessment, as endorsed by the Visual Landscape Planning in Western Australia manual. While the manual does not explicitly use the term "iterative," it clearly promotes a cyclical process of evaluation, impact testing, and design refinement. This methodology was embedded in the approach, allowing for continued responsiveness to site-specific conditions and stakeholder input throughout the design evolution. The Proposal ensures that the visual integrity of key landscape elements, such as coastal ridgelines, rocky headlands and the Smiths Point promontory, is preserved. Careful analysis of sightlines from walking trails, roads and key public vantage points informed the siting of all built elements. In addition, built form is deliberately recessive, using a palette of materials, colours, and textures that harmonise with the landscape, minimise reflectivity and avoid hard edges or fencing. The planning is underpinned by a commitment to protecting the qualities that make Smiths Beach unique. The result is a design that does not seek to dominate but to complement and enhance the setting. It offers new opportunities for people to experience and connect with the landscape while maintaining its essential character. It is not accurate to suggest that the Proposal lacks consistency with policy or previous assessments. Rather, it presents a well-considered evolution, guided by current best practice in landscape and visual planning and demonstrates how sensitive development can sit comfortably within this valued landscape. The approach adopted for the Proposal demonstrates a rigorous and transparent application of all relevant visual landscape and environmental planning frameworks, ensuring alignment with the intent and objectives of each policy, including the following:

State Planning Policy 6.1 – Leeuwin–Naturaliste Ridge
The EPCAD VLA has been explicitly structured around the objectives and principles of SPP 6.1. The assessment identifies the site's recognised landscape categories and protects both primary and secondary ridgelines through a design approach that prioritises recessive, landscape-led outcomes. In doing so, it translates SPP 6.1's vision into measurable results including protected ridgelines, visually recessive built form, and an environmentally responsive tourism node.

The VLA classifies the site in accordance with SPP 6.1 as a Travel Route Corridor with Natural Landscape Significance, a Rural Landscape Significance are and a Rural Landscape Protection area. These classifications directly inform the application of ridgeline protection, skyline avoidance, and recessive design as controlling objectives. EPCAD's Character Units and VMOs are aligned with SPP 6.1's landscape classes and give practical effect to its overriding purpose to safeguard the natural panorama, ridges and spurs that define the area's visual identity. Further, alignment to SPP 6.1 has been achieved as the Proposal:

- Conserves the Principal Ridge Protection Area and values within the Ridge Landscape Amenity Area and National Park Influence Area, as a result of the development footprint being contained entirely within the Development Investigation Area, and outside of the National Park Influence Area, Principal Ridge Protection Area, and Ridge Landscape Amenity Area.
- Adopts landscape and environmentally led design outcomes which have sought to optimise the retention of vegetation and provide for the sensitive placement of dispersed development across the site to optimise landform retention and thereby vegetation retention, which supports visual amenity objectives.
- Provides for an environmentally acceptable means of effluent disposal, and demonstrates the proposed wastewater treatment systems are suitable, based on the Site and Soil Evaluation undertaken and the assessment provided for in the ERD.
- Provides fully reticulated potable water supply and will be serviced by the existing Western Power network surrounding the subject site.
- Provides for acceptable bushfire protection and landscape management strategies detailed throughout the Development Application and supporting appendices, which addresses the Project objectives of vegetation retention and environmental excellence to create a world-class Tourism Node, whilst also ensuring adequate asset protection zones to protect property and life.
- Recognises the State's identified tourism priority for this region and the opportunity the site has to support the Cape to Cape Track as a unique tourism attraction. The Project will address the needs of meaningful growth in tourism demand in the region and deliver tourism, community and economic benefits to the Cape to Cape Track, as well as the South West region generally.
- Provides for a range of tourism uses and infrastructure across the site, including:
  - A variety of tourist accommodation types to cater for all visitors including Hotel rooms, Campgrounds and Holiday Homes.
  - Cape to Cape Welcome Centre – curated tourist information, education and facilities to support the tourism offer.
  - A tourism village comprising a variety of community facilities including Surf Life Saving Club, a general store, café and bakery, hire shop, restaurants, wellness centre.
  - With an emphasis on providing a well-considered tourism offer for the region, the project's design, management and operation is structured to serve the tourism needs of the South West and, for this reason, satisfies SPP 6.1 requirement for a primary tourism function.

State Planning Policy 2.0 – Environment and Natural Resources
SPP 2.0 reinforces the same planning intent as SPP 6.1 the protection of landscape values through sustainable siting and appropriate design. The EPCAD VLA demonstrates compliance with these principles by recognising landscape sensitivity, capacity to accommodate change and opportunities for visual mitigation. The assessment provides a balanced response that integrates environmental constraints with visual amenity considerations to achieve sustainable land use outcomes.

Visual Landscape Planning in Western Australia (WAPC Manual)

The WAPC Manual provides a structured, stepwise process for landscape assessment rather than a prescriptive set of quantitative metrics. EPCAD (2021) has followed all five stages of the Manual: defining VMOs, describing landscape character, identifying potential impacts, developing mitigation strategies and recommending management measures.

The Manual explicitly allows for professional judgement and proportionality in assessment. EPCAD's VLA applies this appropriately through the use of survey-accurate LiDAR-based ZVI mapping, assessment of 70 viewpoints and application of a comprehensive mitigation framework.

Given the absence of confirmed staging or construction details, the VLA focuses on the completed development scenario, which reflects retained vegetation, fire management constraints, defined built form parameters and anticipated finishes. This provides a realistic and policy consistent representation of the final visual outcome, recognising that temporary construction impacts will be addressed through future management controls.

EPA Environmental Factor Guideline – Social Surroundings
The EPA Guideline anticipates a progressive refinement of visual impact assessment through subsequent design and implementation stages.

		EPCAD's (2021) assessment meets the required level of analysis for an environmental referral, providing a practical and policy-aligned framework to manage and protect visual and social values. The VLA satisfies the EPA's objective to protect visual amenity and people's experience of place from significant harm by identifying key viewpoints relevant to public receptors including beach users, trail walkers, and road travellers and demonstrating proportionate design and management measures such as recessive built form, vegetation retention and colour/texture control.
216.	The visual impacts associated with the wastewater treatment and proposed sea wall have not been adequately addressed in the ERD. The sea wall will segment the landscape, cause a barrier between the sea and land, and extend a meaningful way along the shore. Wastewater treatment tanks will be visible.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. The proposed alternative will be located underground and therefore will not result in impacts to visual amenity. Please refer to Appendix J for more details. The proposed Wastewater Treatment Plant has been strategically positioned to minimise visual impacts and will utilise colour recessive materials to help it blend into the surrounding natural environment. This ensures that the visual character of the site is maintained. The location for the Wastewater Treatment Plan is visually contained within a low-lying, previously disturbed area on the southern boundary, below the primary ridge and screened by existing vegetation. The structure is also buffered by the APZ and surrounding canopy, ensuring no visibility from public viewpoints such as Smiths Beach, Torpedo Rocks, or the Cape to Cape Track.
217.	The proposed development footprint is similar to the development area assessed by the EPA in 2009 but is not consistent with the outcome of the assessment. The EPA considered that there would be a significant and unacceptable impact on the visual amenity and landscape character (specifically the west and northwest area) and concluded the proposal *'would not meet the EPA's objective for landscape and visual amenity'.* The proponent has now included this area. The proposal should comply with the outcome of the former assessment.	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above.
218.	The justifications for the proposal are outdated, undemonstrated and based on limited appreciation of the landscape values of the site and a clear misunderstanding of the existing vegetation and growing condition around the western dwellings. The proposal is far from *'a new vision backed by contemporary thinking and planning'* and is instead the same large residential subdivision style proposal that maximises the land area for sale at the expense of natural characteristics. The additional extension higher up the slope will only dramatically increase the visual impact of the development, as noted by the EPA (2009) and Ecoscape.	Refer to response to Item 215 above. The Smiths Beach VLA was undertaken in alignment with the EPA's Environmental Factor Guideline – Social Surroundings and specifically addressed the factor objective by identifying key viewing locations, assessing potential changes to landscape character and evaluating visual impacts. Of note, comments regarding development higher up the slope fail to take into account the lack of development on the southeast high ground enabled in previous proposals or the lack of development immediately east of the firebreak on high ground also enabled in previous proposals. These areas specifically left as high value vegetation areas that are visible, retained on the higher ground. Refer to Figure 1 presented in the VIA (provided as Appendix CC of the ERD).
219.	The proposal will have detrimental impacts to landscape and visual amenity from all viewing stations; the statement in the ERD that there is no significant residual impact, is incorrect. The development should be discreet and blend into the environment. The proposal does not contain mitigating measures for visual and landscape impacts. The built form footprint and density should be minimised, and greater attention provided to screening and revegetation of the upper storey to reduce visual impacts.	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above.
220.	The Visual Impact Assessment (VIA) is insufficient and does not provide for assessment against the EPA's factor objective:	Refer to response to Item 215 and Item 218 above. The Smiths Beach VIA was undertaken in alignment with the EPA's Environmental Factor Guideline – Social Surroundings and specifically addressed the factor objective by identifying key viewing locations, assessing potential changes to landscape character and evaluating visual impacts. EPA guidelines do not prescribe a singular method but allow the application of expert judgement supported by established techniques. Responses to each of the submitter's comments (in order that they are raised) are as follows:
	• Figure 4a (VALA 2021) shows none of the proposed buildings, construction or vegetation clearing. Created views/photos greatly diminish the quality, natural colours and contrasts, and visible clarity of the images, thereby portraying reduced significance.	All visualisations used standard professional techniques to balance clarity with legibility, including colour management and atmospheric conditions. The purpose was not to obscure impact but to ensure realistic contextual representation, acknowledging limitations of any static image in conveying full experiential qualities.
	• Seven of the figures depicted in the VIA are misleading, as they depict a western north-south ridge line. There is no singular ridgeline, but rather a crown or zone of an observable headland. The proposal's ESD also identifies a '*convex landform that comprises the western portion of the site'.*	The terminology used in the VIA ("ridgeline", "crown", or "convex landform") reflects the continuous elevated zone identified during topographic analysis. This was explicitly acknowledged and described in the text and graphics. The western headland area is consistently referenced as a complex landform with undulating features, not a single linear ridge.
	• Regarding the built form modelling, there does not appear to be any timescale impacts assessed, clearing, excavation of surface rock, or fill importation, associated with the western dwellings and hotel components.	The Smiths Beach VIA focused on permanent visual outcomes post-construction. Temporary or transitional visual impacts during construction will take the form of construction vehicle movements and building construction related to the staged delivery of engineering and built forms.
	• The proposal should be fully mapped within the ZVI and photo simulations post-development (clearing provided). Cross-sections should have been used and presented to demonstrate the extent of impact of the development footprint and building height. This is a standard and fundamental practice.	ZVI mapping was undertaken using digital terrain modelling and ground-truthed field analysis. Cross-sections and photomontages were provided for representative viewpoints. Site specific LIDAR survey has enabled exacting computer modelling for the project based upon topographic data, site features and existing vegetation massing. This data was used to construct a three-dimensional digital model of all vegetation on the site as well as the landform. This information provided an accurate height of all vegetation to be assessed and analysed. The survey data was then used in various computer software programs to inform development decisions and address visual impact.

	• Timing of the photographic base (setting sun) is not acceptable in a VIA for any orientation but particularly when the view is into the sun. A wider scope of view with photosimulation should be provided.	Orientation and lighting effects were accounted for and photographic conditions were documented. Images were not manipulated to understate visual presence.
	• The mapping of foreground and middle ground views needs to be undertaken and presented for each individual key viewing point, including Torpedo rocks, Smiths surf break, beach transition point, and the Cape to Cape Track at its highest point.	Key viewpoints such as the Cape to Cape Track, beach areas and other public access points were included based on fieldwork and stakeholder input. The report reflects a comprehensive sample of the highest sensitivity locations. A specific detailed assessment of the Cape to Cape track around the headland was also undertaken.
	• The VIA is not consistent with the VLPWA and WAPC methodologies as it does not present the necessary steps to accurately define the landscape character and values, and does not then use the management objectives for these to define a developable area within the site.	The methodology used aligns with the intent and practical application of VLPWA, particularly in defining landscape character types and responding with appropriate design and mitigation. VLPWA methodology is presented as a framework rather than a rigid process and allows for amendment or adaptation based on specific circumstances. **Section 1.3 of VLPWA – Scope and Purpose** *"It is recognised that the methodology may need to be adapted to suit the circumstances of individual proposals or planning situations. The method provides a framework that should be applied in a flexible manner."* **Section 3.1 of VLPWA – Purpose of the Methodology** *"The methodology provides a structured and systematic framework... While the steps are presented in a linear sequence, in practice the process is iterative and may require adaptation to suit particular project or planning circumstances."* Amendments to the methodology are not only acceptable but encouraged when needed to address site-specific constraints, scale, policy frameworks, or unique landscape characteristics. The iterative process adopted for this project required that the approach was consistent with contemporary best practice, adapted for the local context. Refer to response to Item 215 above for further detail.
	• The VIA is not compliant with a number of ESD items. By omitting items and failing to consider avoidance of impacts to the Cape to Cape trail and the headland, the VIA is flawed. Modelling of residual impacts has not been undertaken, and this prevents a valid examination of the acceptability of residual impacts.	Key viewpoints such as the Cape to Cape Track, beach areas, and other public access points were included based on fieldwork and stakeholder input. The report reflects a comprehensive sample of the highest sensitivity locations. A specific detailed assessment of the Cape to Cape track around the headland was also undertaken.
	• The VIA pre-dates changes to the proposal since referral (UAR, primary access road and wastewater storage tanks) and does not consider the scale and impact of the modified proposal. It is unclear how bushfire mitigation clearing is accounted for in the VIA.	The assessment addressed all relevant matters current at the time of referral. Noting that the UAR is no longer included in the Proposal. Bushfire clearing assumptions were integrated into the impact envelopes. Refer to response to Item 216 for details on Wastewater Treatment Plant.
	• SBAG's independently produced 3D-model clearly demonstrates a significant adverse impact to visual amenity.	Without access to SBAG's model, its accuracy, assumptions, and modelling parameters cannot be verified. The EPCAD VLA used industry-standard 3D visualisation tools and very detailed LIDAR based topographic and vegetation data and incorporated accurate 3D built forms and earthworks to support a transparent and peer-reviewable outcome. Independent models may serve advocacy purposes but require review before their findings can be relied upon.
	• There is no evidence that an "iterative design process" (which has not been described nor defined) has been used and that any development footprint other than that of the assessment proposal has been tested.	The project's design has evolved over several years through multiple iterations based on environmental, visual, and stakeholder inputs. This process is documented in accompanying planning material.
	• The high point to the west on the Cape to Cape track has been incorrectly identified.	All locations were ground-truthed using GPS data and cross-verified with digital elevation models. Any reference to the "highest point" is based on observable access, not theoretical absolute elevation.
	• The inclusion of 'illustrative views' without defined parameters and based on an inappropriate photographic base should not be included in the VIA.	Illustrative views are used to communicate likely experience. These are technically informed, conceptual aids constructed utilising the digital terrain model and the digital building plans as a 3D model. Site plans are scaled within digital documentation.
	• The site plan is not to scale.	The site plan in the EPCAD VLA is stated as being not to scale to facilitate graphic reproduction at A3. All digital models and site-based survey information are correlated across all documents regarding this development.
	• Detail has not been provided for the features identified in the appraisal of the area, the process used to evaluate these, and the implications of the radial distances mapped.	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above.
	An independent VIA should be undertaken that complies with policies and is based on an accurate description of the topographic features of the site, to establish an acceptable development footprint and inform design to mitigate impacts (including consideration of the 'wilderness like character' of the site). It is suggested that specific advice should be sought from DBCA landscape architects given their long-standing experience in visual landscape impact assessment, landscape design, and landscape management. The highly valued wilderness-like character of the proposal	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above. Discussions with officers of the DBCA were undertaken during the planning, design and production of the VIA and advice incorporated into the assessment.

	site is not mapped in the landscape character units, nor translated into management objectives against which simulations of the development can be objectively assessed from the viewing points.	
	LIDAR vegetation height mapping should be used for the VIA to inform depiction of vegetation in photo simulations and transects to demonstrate the low vegetation screening effect.	A comprehensive LIDAR survey model of terrain and vegetation was utilised throughout the planning design and evaluation process. The model was the basis of visualisations.
221.	The VIA undertaken by the proponent insufficient because: • Visual Management Objectives do not reflect the landscape character units of the site and are based on a flawed interpretation of the headland as a sharp ridgeline, which is not supported by viewshed analyses and slope evaluation. • No written or graphic descriptions of likely changes to visual character and views has been provided. • No evaluation of impacts from development has been provided, including consideration of project timelines, clearing for asset protection zones (APZs), lighting, landscape planting and built form. • No determination provided as to whether Visual Management Objectives can be achieved. • The landscape values as noted in the Leeuwin-Naturaliste Ridge Statement of Planning Policy will be significantly and permanently diminished at the proposal site as a direct result of the proposal. Information on APZs is critical to assessing the proposal's visual impact. APZ's have not been included in Appendix CC – Part(s) 1-4 Visual and Landscape Assessment, despite requirements to do so. The proposal will result in excessive impact to the landscape and visual amenity of the area, as a result of the significant increase to the development area on the western ridge headland. The extended development area on the western headland conflicts with the requirements of the LNRSPP. The proximity of the hotel complex to the beach, and the continued run of these individual buildings to the west when viewed from the beach, will have the most dramatic impact in changing the character and amenity of the area.	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above for further details. EPCAD's VLA includes detailed ZVI analysis and canopy-retention modelling confirming that this precinct is substantially screened by vegetation and landform, with limited, filtered views available only from select distant locations. The design maintains low-profile, recessive built form that steps with the natural slope, avoiding skyline intrusion and visual dominance. Accordingly, development on the western headland are demonstrated to be appropriately sited, visually contained and compliant with SPP 6.1 and WAPC (2007) in preserving the area's natural character and public visual amenity.
222.	The VIA is not consistent with the Visual Landscape Planning in WA manual; the purpose of which is to quantify what gives a landscape its particular character, guide objectives for protection and enhancement of that landscape character, and to ensure that development is sympathetic to the landscape character. The VIA is not consistent with the 'Combined Methodology 2004' as it does not undertake the necessary steps to accurately define the landscape character and values and to then use the management objectives for these to define a developable area within the site. Undertaking a limited VIA on a pre-determined footprint does not meet the test of the methodologies nor the VLPWA. There was no 'iterative design process'.	Refer to response to Item 99 and 101 in Table 2-13 and Item 215 above.
223.	SBAG commissioned a Visual Landscape Review of the Proposal from Ecoscape dated (September 2022) which found the VIA insufficient (refer to full SBAG submission) and inconsistent with SPP 6.1. The proposal will increase the visual impact by extending the development west onto the ridge area with buildings of significant size and scale. This area has the lowest ability to absorb visual impact.	The Smiths Beach VLA was undertaken in alignment with the EPA's Environmental Factor Guideline – Social Surroundings and specifically addressed the factor objective by identifying key viewing locations, assessing potential changes to landscape character and evaluating visual impacts. The assessment has also been undertaken in broad compliance with the guidance contained within *Visual Landscape Planning in Western Australia, 2007 WAPC (VLPWA).* It also reflects the guidance provided by the WAPC endorsed "Methodologies" in regard to the landscape and visual assessment and analysis of this location. The criticisms raised, while noted, do not invalidate the approach or findings. Many relate to differences in professional judgement or interpretation, and not to omissions or methodological failures. Without clear understanding of the brief provided to Ecoscape it is not known whether a bias is incorporated within the report prepared for SBAG. Refer to response to I Item 215 above for how the EPCAD VLA has considered both policies and guidance,
224.	There is insufficient detail to properly assess the visual amenity impacts of the UAR.	The UAR has been removed from the Proposal via an approved change to the proposal under s43A of the EP Act.
225.	The proposal is inconsistent with the Leeuwin Naturaliste Ridge Policy. The policy notes that development should reinforce the primary tourism function of the site and not compromise the landscape values of the area. Accordingly, the size, characteristics and location of any development for the proposal must prioritise protection of visual amenity and the environmental values of the area. Consideration of development should be directed by the LNRP LUS 1.21 *"The size, nature and location of any development in the development investigation areas at Smiths Beach must be determined having regard to the overriding need to protect the visual amenity and environmental values of the area."* Case law background (and tribunal outcomes) have been ignored.	SPP6.1 and the Strategy identifies Smiths Beach as a Tourist Node and defines Tourism Node as: "Tourism nodes contain a negligible population base and as such the functions they provide cater exclusively for the needs of tourists; and like tourism centres they experience significant seasonal population fluctuations. Tourism nodes primarily accommodate overnight visitors and generally contain the necessary infrastructure to facilitate this function. They can also offer some basic retail facilities that are secondary to the core function of accommodation." The Strategy recognises that the site is subject to the Smiths Beach Structure Plan, which provides for tourism and residential uses in accordance SPP 6.1. The Proposal is consistent with the principles and vision of the Strategy, identifying Smiths Beach as a Tourism Node. The Proposal prioritises the retention of existing vegetation, in a managed form to accommodate bushfire requirements, and the landscape character of the

		site, and includes revegetation where required to enhance the landscape character. Importantly, the Strategy is one of a suite of instruments in the planning framework that define the outcome for the site. Subsequent more detailed planning frameworks have evolved and more clearly defined the applicable planning framework through the City's Scheme and the approved Structure Plan (Development Guide Plan). The proposal has been developed having regard to the requirements of the SPP6.1, the LNSRPS and the requirements of the Scheme. Section 8.1 of the Development Application discusses this in more detail. Refer to response to Item 215 for more detail.
226.	The sharp vertical and horizontal linear structural forms of the proposed building design elements are visually at odds with the amenity and organic shapes, variability, and forms of the natural vegetation that create the current scenic appeal. At no point were acceptable building height zones determined for the present proposal. The information fails to address the determination of height limits for buildings, with the design appearing to simply adopt the current DGP. This would allow development to again proceed without having landscape determined acceptable building height zones, with consequential construction of buildings within the current wilderness-like character. Proper determination of acceptable building heights should be undertaken by a simple process of drawing a fan of transects lines from the highest point on the Cape to Cape track (west of the development), spanning the development, and showing topographic profiles and viewer sightlines. The ERD discusses building height in the context of the LPS incorrectly. It references a 9m height limit in the foreshore area instead of the '7.5m' or 'no development' cited in the Height Control Plan. It references minor intrusions of the community hub and tourist development above the 7.5m height limit, of 2 – 2.5m. This discussion ignores that based on the Height Control Plan, many of the buildings proposed (sized over 5,000m^3 each and 5 m in height) should not be there at all.	Refer S8.2.5.1 Building Height of the Development Application. Consistent with the requirements of Clause 4.8.3, the City of Busselton has adopted the approved SP which specifies building heights to be in accordance with the approved Building Height Plan associated with Smiths Beach (refer Section 7.2). Within the approved SP area all development is generally consistent with these building height requirements, except for two minor departures discussed further in Section 8.2.5.1. The Scheme provides discretion for variations to maximum building heights to be considered. These include a small portion of the Community Hub and Tourist Development where it protrudes beyond the 7.5m height limit. These minor projections relate to public and community functions, namely: • The Reception Hall; and • The Hotel Lounge and Bar. In both cases the projections are primarily the roof form which have been designed to minimise their impact on the existing landscape. The roof of the reception area exceeds the 7.5m limit (extruded from the natural ground) by approximately 2-2.5m. To reduce the bulk and scale of the Reception Hall, and to maintain north-west views from the existing adjacent development (Canal Rocks), the building forms are situated further south of the boundary to increase the visual amenity for neighbours and the general public. When viewed from Smiths Beach Road, the roof form that exceeds the allowable height limit will be obscured by the adjacent existing 2 storey volumes to the east of the site. The pitched roof forms also allow for greater ceiling heights to the public and community areas, further increasing the amenity of these public areas.
227.	The Visual Amenity section of the ERD states that the proposal will increase artificial light and may impact the experience of nighttime wilderness views through pollution of the evening and night sky. Light spillage modelling and best practice solutions should be presented.	While the Proposal will provide an additional artificial light source, the location low within a largely undisturbed landscape, and low impact lighting will minimise additional night glow in the local area. Artificial light emissions will be minimised through building and lighting design including: • Lighting of roads and spaces will be located to ensure that luminaires are not visible from the western viewing areas towards the Development Envelope; • Lighting fittings and heights will be selected to shed downwards and illuminate access routes and spaces to safe levels while minimising light spill; • Lighting will be configured to ensure that luminaires are not seen from the western viewing locations; and • Lighting to the public foreshore and coastal park areas will provide for a safe environment with appropriate lighting levels and colour for a responsible and sensitive approach to lighting of public space.

2.2.10 Consultation

Table 2-25 Response to public submissions – Consultation

No.	Submission and/or issue	Response to comment
228.	The underlying plans and agenda of the developer have been concealed from the community (in particular, the sea wall component of the proposal), and/or the voices of community members have been/are being disregarded by the proponent and decision-makers.	The Proponent self-referred the proposal to the EPA and DCCEEW recognising the importance of a rigorous and transparent environmental assessment process. The Proposal is going through a Public Environmental Review which is the highest level of environmental assessment in Western Australia which ensures a comprehensive, independent and publicly accessible assessment of the Proposal. Please refer to Section 3 of the ERD for further details on the extensive stakeholder (including community) consultation undertaken by the Proponent to date.
229.	Consultation with community on the proposed sea wall/access ramp has been inconsistent and lacking in detail. The potential environmental impacts of, and the need/justification for the structure, is unclear to community members.	The UAR is no longer proposed to be developed and instead a buried seawall is being provided within the freehold lot boundary to provide appropriate protection against coastal erosion processes. Please refer to Appendix J for more details. Noting that the primary reason the UAR is not being implemented is as a result of the public review process and the opposition demonstrated toward the UAR construction.
230.	Consultation with neighbouring landowners has not been adequate; they have not been contacted by the proponent within the last 5 years. Based on the proponent's documentation, there appears to have been no proponent consultation or engagement with the community after 2022.	The Proponent submitted the Development Application and initial Environmental Referral in December 2021. Both processes included formal consultation periods, providing opportunities for relevant authorities and the community to review the Proposal and provide feedback. Prior to the lodgement of these documents, considerable consultation was conducted as identified in Section 3 of the ERD.
231.	The proponent's public consultation illustrations appear to be inconsistent with the actual proposal. The public are being misled. The full design and impacts of the proposal should be released to the public.	Illustrations provided in the ERD provide for public review and any attachments to this RtS accurately reflect the level of detail available for the project to date, and are appropriate to the current level of assessment. Further detailed internal design will be aligned with the assessed documentation.

No.	Submission and/or issue	Response to comment
232.	It is important that the high number of community concerns to this proposal, and previous proposals at the site, are recognised. The main themes/reasons for community concern are substantially the same.	Submitters comment is noted. The Public Environmental Review process is specifically designed to provide transparency and ensure public input is considered.
233.	The details of the sea wall should be sought by the EPA and released to the public before any further requirements are undertaken.	Refer to the site specific CHRMAP provided in Appendix J for more detail on the revised coastal erosion structure which includes a sub-surface structure.
234.	Another round of public consultation should be undertaken once the results of the additional survey work become available. Submissions by groups should be subject to an open hearing. More engagement with the community will ensure a more responsible approach to the proposal and suggested that this could be achieved through an additional public review period.	The Proponent acknowledges the suggestion for further public consultation, however, this is a decision for the EPA and not the Proponent. It is however noted that an additional round of formal public review is not a requirement under the EP Act at this stage. The Proposal was submitted for both Development Application and environmental referral in December 2021, with each process incorporating formal public consultation periods to allow for feedback from stakeholders, government agencies and the community. In addition, as outlined in Section 3 of the ERD, extensive consultation was undertaken prior to the submission of these documents to help shape the Proposal in response to community and stakeholder input.
235.	The ERD stakeholder engagement section lacks accuracy and completeness and is overly positive towards the proposal. Key concerns raised at stakeholder meetings have been excluded from Table 3.2 of the ERD, and include: • the development scale has significantly increased • the increased development envelope contravenes the approved Development Guide Plan (DGP), and • contravenes the 2009 EPA limit on development on the western headland and ridge • increases visual impact • increases the environmental impacts from additional clearing • significant loss of land to be ceded to national park • increased ecological impact when compared to the approved DGP • onsite sewerage proposed despite studies casting uncertainty to the ability to achieve a sustainable outcome at the site • fire management is not going to meet standards and increase risk to human life.	The stakeholder engagement process was undertaken over an extended period and aimed to provide clear information and to understand a wide range of views on the Proposal. Section 3 of the ERD outlines the consultation activities undertaken and summarises key themes and issues raised by stakeholders throughout the process. Table 3.2 is not intended to be an exhaustive record of every point raised in every meeting, but rather a representative summary of recurring or significant issues to inform the environmental assessment. The issues raised in this submission such as development scale, visual impact, ecological values, and wastewater management are all addressed in detail in the relevant technical sections of the ERD, including: • Impacts resulting from clearing – Numerous sections including Section 6, Section 7, Section 8 and Section 13 of the ERD; • Visual impacts – Section 13 of ERD; and • Wastewater disposal impacts – Section 10 of ERD. Regarding comments relating to the previous Development Guide Plan (A non-statutory plan - a guiding document of due regard only), it is acknowledged the current Proposal differs from the 2010 approval (MS 831), however it has been designed to align with contemporary planning and environmental considerations and informed by numerous technical studies. The current Proposal is being assessed on its own merits, with a focus on its potential environmental impacts and the effectiveness of proposed mitigation measures. For this reason, justification of the Proposal design in comparison to that approved under MS 831 is not required. Refer to EPA comments in Table 2-1 (Item 2).
236.	General concern over the lack of adequate consultation. One submitter notes the proponent fails to consult relevant individuals, community groups and organisations including: • FAWNA • Southwest Catchments Council (SWCC) • The University of Western Australia (UWA) • Australian Wildlife Conservancy • The Wildflower Society of WA • Western Ringtail Action Group.	All organisations and community groups have had the opportunity to provide feedback through the various public advertising periods associated with the Public Environmental Review process.

2.2.11 Other

Table 2-26 Response to public submissions – Other

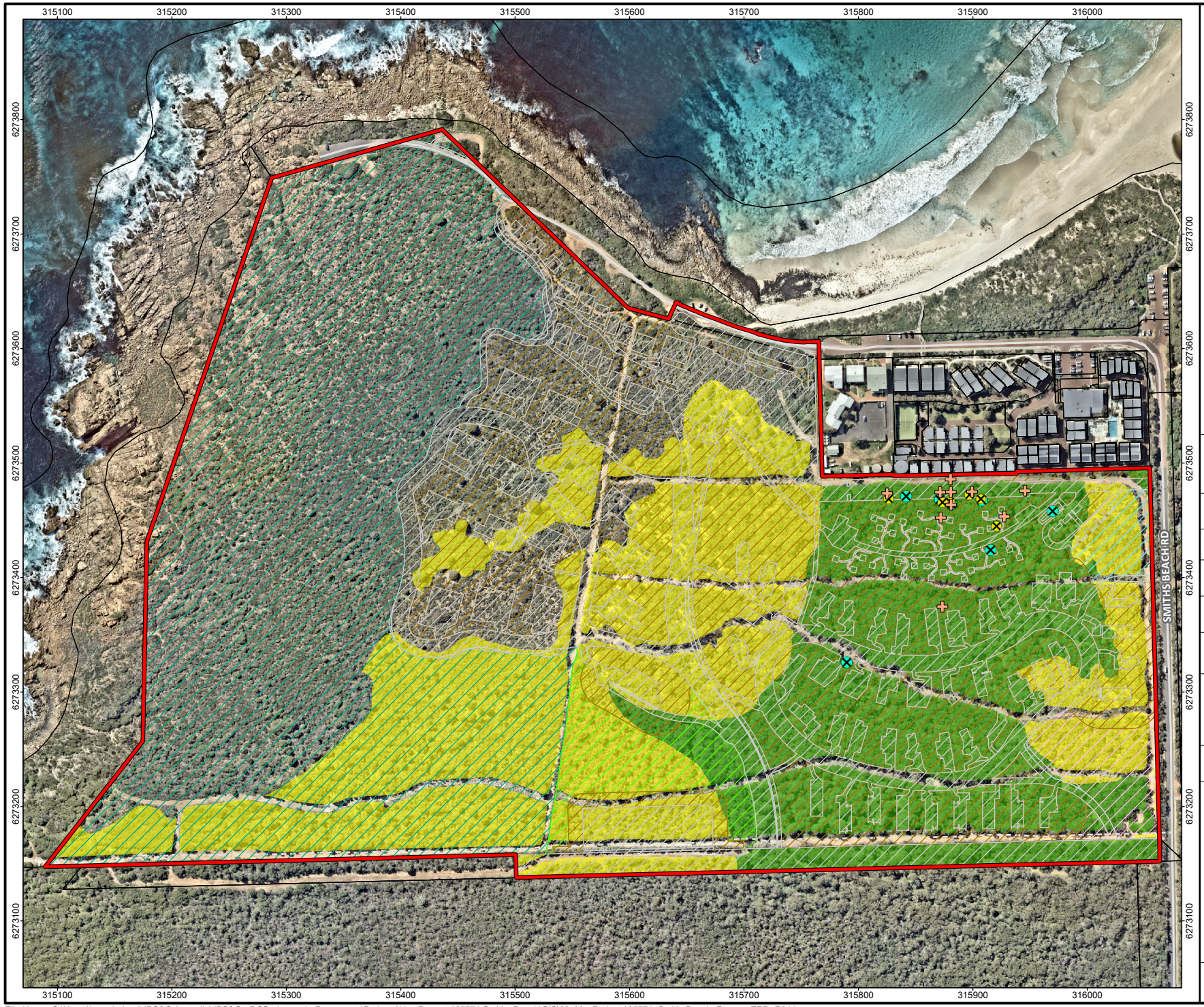
No.	Submission and/or issue	Response to comment
237.	The proposal will increase pressure on limited/unfunded infrastructure and utilities in an already highly touristed/overcrowded area. The proposal may also create further pollution/waste and traffic issues and result in road safety problems. Without upgrades/improvements to the existing infrastructure/utilities, the development will exacerbate existing issues for the already overburdened facilities. Increased pedestrian traffic will result in increased impacts to environmental values in adjoining areas (e.g. trampling of vegetation, increased waste production). There is inadequate information in the proponent's documentation about how indirect impacts to adjoining areas of high environmental value (including the Aquarium and national park) will be managed.	The Proposal has been designed to integrate with the surrounding landscape and limit external impacts where practicable. Indirect impacts, such as increased pedestrian access to sensitive areas is recognised and will be addressed through a combination of access management and visitor education as detailed in the ERD. It is noted that planning related infrastructure issues (e.g. road upgrades and service capacity) are addressed through the separate Development Application process, in consultation with the local government and relevant service providers. As part of this application, a traffic and road safety have been assessed as part of a Transport Impact Assessment and waste management addressed through the provision of a Waste Management Plan.
238.	The resort should provide facilities such as storage, showers and toilets for the Smiths Beach surf lifesaving club.	The Proponent is fully funding facilities for the Smiths Beach surf lifesaving club that includes appropriate storage, showers and toilets.

No.	Submission and/or issue	Response to comment
239.	Environmental impacts associated with providing/delivering services to the site (i.e. by installation of some off-site service infrastructure) have not been accounted for. The proposal will require significant upgrades to the existing electricity infrastructure, and queries whether impacts to surrounding property owners has been considered.	Please refer to response to Item 95 in Table 2-12 for further details of the environmental approval which will be sought to support supply of water to the Proposal. Regarding the electricity infrastructure upgrade, this has been detailed within Appendix R of the ERD and is outside of the scope of this environmental impact assessment.
240.	Concerns about the origin and sustainability of the materials that will be used to construct the development.	A Sustainability Strategy (Stantec, 2021) was prepared to support the Proposal and submitted as part of the Development Application package for WAPC's consideration. This strategy includes the following measures regarding the optimal use of resources and materials used for the Proposal: • existing materials already present on site such as gneiss are proposed to be reused on site through various landscaping treatments; • low carbon concrete and green steel are now well tested materials and will be used in all appropriate applications. A 20% reduction in carbon footprint is targeted; • timber used wherever suitable, always from sustainable forestry sources; and • all materials for internal use will be zero VOC and zero formaldehyde. In addition, it is proposed that the development will be accredited as an *EnviroDevelopment,* a sustainability assessment tool administered by the Urban Development Institute of Australia. This is a robust, nationally recognised framework that assesses how projects have delivered required sustainability outcomes in six categories, one of which includes materials used in the development.
241.	General opposition/concern regarding increased tourism/traffic to the Smiths Beach area, including: • risks to existing community/resident lifestyles and possibility of commercialisation and restriction of public access to the beach (privatisation of area) • the lack of proposed modifications detailed in the proponent's traffic management plan to address increased traffic and tourism to the area. • off-season demand does not warrant the size of the development • increased littering, sewerage and issues relating to management of waste.	Many of the matters raised such as potential changes to community character, commercialisation, beach access, and tourism demand are outside the scope of the EPA's environmental impact assessment and are more appropriately addressed through the separate planning processes. Where elements are relevant to and within the scope of the EPA's assessment, such as waste management and potential impacts to environmental values from increased visitation, these have been considered. Refer to response to Item 4 in Table 2-1 for details on how the Proposal will manage waste through the WMP. Refer to response to Item 92 in Table 2-12 for details on the wastewater disposal. Traffic impacts have been assessed through a Transport Impact Assessment, which is subject to review by the relevant transport and planning authorities as part of the broader Development Application process.
242.	The majority of the development comprises permanent residential housing instead of tourism units.	The development proposes the creation of 61 holiday homes. The City of Busselton's LPS defines a 'Holiday Home' as a grouped dwelling which may also be used for short stay accommodation for hire or reward for not more than 12 persons. The scheme provides additional use provisions over the site (refer Additional Use 36.) which provides for residential development in accordance with the Residential Zone with a maximum residential density of R25. For this reason, holiday homes will be available for short stay accommodation to form part of the tourism offering and provide an alternative accommodation option, but may also be used by the owner as a private holiday home or for extended length of stay (ie second dwelling or primary residence). This approach is consistent with the adjoining tourism settlements of Yallingup and Eagle Bay where the proportion of permanent residential occupants is relatively low, in comparison to the proportion of homes used for short stay accommodation and/or used infrequently as Holiday Homes by landowners throughout the year.
243.	The developer's promotional imagery is misleading/not representative of the likely development (as proposed), particularly with regard to the level of clearing likely to be required for bushfire management, roading, carparks and other ancillary infrastructure.	Visual renders prepared for the Proposal are based on the development footprint and design elements as described in the ERD. These renders are intended to illustrate the intended character and architectural approach of the development, not to serve as final engineering or clearing plans.
244.	Access to additional public land/extension of the proposal footprint into areas of adjoining public land to provide for roads, parking, etc. should not be permitted. All development should be restricted to occurring within the proponent's title.	The proposed Leeuwin Way Road upgrade is primarily for the purpose of accommodating road and service infrastructure and is located entirely within an existing road reserve following an alignment that is primarily already in use as a gravel track. The Proposal involves minor additional clearing beyond the existing disturbance footprint to facilitate levels and formalising the road surface through bituminisation. Sealing the road is expected to reduce edge effects by minimising dust generation, erosion and the need for ongoing maintenance grading, which can disturb adjacent vegetation. In addition, providing formal access to the 'Aquarium' will remove the impact of unmanaged access that currently occurs through this and adjacent sites. This upgrade represents a reduction in ongoing environmental disturbance compared to the current unsealed condition and is consistent with the EPA's mitigation hierarchy, particularly in avoiding further impacts and minimising residual effects.
245.	The proposal takes the 'necessary but undesirable' aspects of the proposal such as public parking, service / waste truck entry, loading bays, and a reception centre, and locates them as far away from its own resort and residential lots as possible and instead on parts of Lot 4131 that have meaningful environmental value and are close to other existing developments. Limited effort has been made to mitigate against the associated environmental and amenity impacts arising from this.	A contemporary environmental/landscape led design approach has been applied to optimise the retention of environmental assets, mitigate visual impact and prioritise the public realm for tourists and visitors to Smiths Beach, the Cape to Cape trail and to the tourism offerings located within the proposal. As a result, the design outcome looks to locate parking and servicing infrastructure so that it is screened from public view but remains convenient and well located. Public Parking – the previous proposal sought to utilise the proposed Foreshore Reserve for extensive parking areas (119 bays) and car access to Smiths Point. This proposal seeks to rehabilitate the foreshore reserve and integrate with the existing foreshore environment. As a result, parking has been dispersed to minimise the visual and physical impact on the foreshore environs and located so that it is screened from public

No.	Submission and/or issue	Response to comment
		view (with a public parking area located behind the existing tourism development), but remains easily accessible and centrally located, whilst minimising the impact on the environment. Service/Waste/loading bays – similarly, these back of house facilities have been located to minimise the visual and physical impact on the public realm in developed areas (such as at the rear of buildings on purpose built hard stand areas).
246.	Other parts of the land at Lot 4131 Smiths Beach Road should be acquired by the state government and incorporated into Crown land for future management for environmental conservation purposes.	Lot 4131 is wholly privately owned and has been zoned for development for over 20 years with Smiths Beach being recognised as a strategic tourism node. The Proponent had previously committed to ceding the western portion of the site to the National Park, however the DBCA has advised that it is not able to accept this land. Notwithstanding, the Proponent remains committed to its long-term protection and will apply a legally binding mechanism to protect the site in perpetuity for the purpose of conservation, for example through the application of a conservation covenant. For information on potential impacts to Aboriginal heritage and the mitigation measures and approvals required, refer to the response provided for Item 96.
247.	Concerns that the proponent may be seeking to ensure development of the proposal site through submitting an overly ambitious/unrealistic proposal, so as to encourage relevant decision-making authorities to compromise with an approval of a 'watered-down' or less 'offensive' alternative development option for the site. There are concerns about potential proponent or government corruption/back-handed dealings to progress the proposal, and general lack of transparency. An independent peer review of the environmental issues associated with the proposed development is required.	The Proponent rejects any suggestion that the Proposal has been submitted with the intent to manipulate the assessment process or to secure approval through improper or non-transparent means. The focus of the Proposal is to produce an environmentally sensitive design response that optimises the retention of 'excellent quality' vegetation, whilst responding to the landform and visual amenity whilst delivering on the vision anticipated for the site through the existing planning and environmental approval frameworks. The Proposal has been referred through the formal environmental and planning processes in accordance with State and Commonwealth legislation and is subject to rigorous, independent assessment by the EPA and other relevant agencies. The Public Environmental Review process is the highest level of environmental assessment in Western Australia and includes detailed technical studies, transparent documentation and a public consultation process specifically designed to ensure accountability and informed decision-making. All agencies involved in the assessment operate independently.
248.	Concerns about the EPA's independence and capability to make decisions under influence/pressure from Government and developers, particularly given recent media about potential EPA member conflicts. The EPA must protect the environment regardless of the interests of developers, and require the necessary information from developers to address the environmental concerns. The EPA's decision on the proposal will be indicative for the integrity of development approvals in WA.	The EPA is an independent body, that is not subject to direction by the Minister; and is not a decision maker. As an independent agency, their role is to evaluate the environmental impact of a proposed project and provide advice to the decision maker; being the Minister for the Environment. The EPA Services is a DWER function that supports the EPA in conducting environmental impact assessments. Where individual EPA members are conflicted with a proposal (either actual or perceived), they are excluded from the impact assessment process.
249.	The timing of the public review period, over the Christmas and New Year break, caused difficulties for sourcing authoritative, independent advice. Submitter considers that the timing of the public review period could have been strategic to reduce scrutiny/public attention.	The timeframe for the public review period is determined by the EPA and not the Proponent. The timing of the public review period, was extended by an additional two weeks from the assigned six-week public advertising period for the ERD by the EPA to account for public holidays and ensure adequate time for public review and submissions. This is the standard approach when advertising occurs over a public holiday period.
250.	Concerns regarding the state and local governments leading the proposal to develop Smiths Beach, particularly in an election period.	The Proposal is designed and led by the Proponent. The State, local government and other servicing authorities have been engaged, as required, to inform planning and design and in response to the pre-referral and Design Review Panel process defined in the Part 17 Significant Development Pathway. Refer to the additional comments below for Comment 251.
251.	Concern that the proposal is bypassing established laws/regulations/processes. The proponent should be held to the same laws/regulations/processes as everyone else. Submitters question the suitability of the proposal for fast tracking, in place of a full and detailed review. Some submitters considered progressing the proposal through the 'covid' loophole/State Development Assessment Unit process as 'unethical'. The developer's ability to hire consultants for investigations as well as recommendations is a conflict-of-interest situation. Concerns regarding how the developer is allowed to avoid independent analysis.	The Proposal is required to comply with all Commonwealth, State and Local laws, including Acts, Regulations, By-Laws etc, and departmental processes. The Proposal is subject to a Public Environmental Review process under the EP Act, which is the highest level of environmental assessment in Western Australia and includes detailed technical studies, transparent documentation and a public consultation process specifically designed to ensure accountability and informed decision-making. A Development Application is being progressed concurrently through the Significant Development Pathway (SDP) under Part 17 (*Planning and Development Act 2020*). The SDP was originally established as a temporary initiative to encourage major developments as part of the COVID-19 economic recovery program. The pathway continues and was upgraded pathway in March 2024 (Part11B) to cater for: • Significant applications presenting issues of State or regional importance benefiting from the technical expertise of the WAPC; • Complex applications requiring referral to and input from multiple State Government agencies and stakeholders; and • Applications aligned with State Government policies and priorities which are unreasonably constrained by an out-of-date local planning framework. The process incudes pre-lodgement engagement and design review with the States Design Review Panel, a committee of the Western Australian Planning Commission (WAPC). The SDRP are a group of multi-disciplinary built environment professionals who provide expert analysis and informed assessment of proposals with the intent of improving the design quality of projects leading to high-quality buildings and places that provide a range of benefits to occupants, neighbours and the broader community. For development applications it is the most rigorous and detailed planning assessment pathway in Western Australia. There are no statutory timeframes associated with this pathway, as opposed to a Development Assessment Panels pathway where the statutory timeframes range from 60-90 days (excluding request for further information delays. By comparison, the application was lodged in December 2021 and remains

No.	Submission and/or issue	Response to comment
		undetermined. To suggest the proponent has chosen a fast-tracked process is incorrect. The approval authority is the Western Australian Planning Commission (WAPC), an expert advisor and independent decision-making planning body in Western Australia These members are appointed by the Minister for Planning who ensures they possess requisite skills, knowledge, expertise and experience in urban and regional planning, subdivision of land, property development, infrastructure planning and management, and economic, social and environmental policy, along with public sector governance and administration. They are bound by a code of conduct.
252.	The proposal does not adhere to current planning regulations and codes, and that approval of the proposal could establish a trend for future developments to do the same.	The Development Application has demonstrated compliance with the Planning Framework - refer Section 6.0 Strategic Planning Framework, Section 7.0 Statutory Planning Framework. Section 8.0 of the Development Application provides an assessment against the relevant provisions of the planning framework where the exercise of discretion is required and provides a rationale in support of this. S275 Clause 3 of Part 17 of the *Planning and Development Act (2005*), the legal instrument does not apply (in this case, the Scheme) and the WAPC is able to exercise its discretion, consistent with the objectives of the Significant Development Pathway.
253.	The EPA does not have enough information about the proposal elements and impacts (particularly seawalls and sewerage) to approve the proposal. The EPA should require further information from the proponent about the development, including how it can meet the needs of state and shire, town planning and environmental planning.	The ERD has been prepared in accordance with current EPA requirements as specified in the EPA approved Environmental Scoping Document (ESD; available on the EPA website: https://www.epa.wa.gov.au/proposals/smiths-beach-project-yallingup-%E2%80%93-coastal-tourism-village), which sets out the level and nature of information required for the EPA to assess impacts and prepare advice to the Minister for the Environment, to enable a decision on whether or not to approve the proposal. The EPA assesses proposals against the environmental factors and objectives set out in its Statement of Environmental Principles, Factors and Objectives (EPA, 2023) and associated EPA guidance for each factor. The ERD has been prepared in accordance with EPA requirements, including the ESD, and provides a detailed assessment of the proposal against the relevant environmental factors. The ERD also outlines the measures proposed to avoid, minimise and manage potential impacts to ensure the protection of Western Australia's significant environmental values, consistent with the EPA's objectives. Additional information requested by the EPA as part of the Summary of Submissions has been responded to in the Response to Submissions and its accompanying appendices. A summary of other approvals required for the development is provided in Section 2.2 of the ERD, in accordance with EPA requirements for an ERD.
254.	General concerns about the potential for the proposal to increase the risk/threat of bushfire to the existing community, noting: • single road in/out of the area • the already high number of tourists and vehicles in the area during peak season (some obstructing roads) making evacuation difficult • uncertainty about the water supply for the site, which may cause implications for bushfire planning/response • additional impost/pressure on emergency services • the proposal is inconsistent with the WA Guidelines for Planning in Bushfire Prone Areas • the campsite component of the proposal • the findings/conclusions from the 2022 Department of Fire and Emergency Services report/memo provided to the WAPC as part of the development application assessment • the proposal site is already located within a bushfire prone area, development will only amplify this risk.	The matters raised in the submission fall outside the scope of the EPA's assessment and the work items identified within the ESD. These considerations will be addressed through the separate Development Application process including a Bushfire Management Plan.
255.	The proposed measures to mitigate or manage bushfire risk and response (which may be exacerbated by the proposal) are inadequate. In particular, the proposed fire bunkers/shelters are unrealistic and subject to dispute from other fire prone councils around the country. Parts of the BMP suggest possible additional bushfire fuel management in the National Park immediately to the south. This would be inconsistent with WAPC Policy DC3.7. The development should contain impacts to the development property with no impact upon adjoining properties or reserves.	There is no bushfire fuel management required in the National Park. Impacts are contained to those described in the Proposal.
256.	Any bushfire conditions should be suitable in the long-term for the environment and the community.	Bushfire management will be addressed via the Development Application process, which includes the development of an appropriate Bushfire Management Plan. This falls outside the scope of the EPA's assessment.
257.	Concerns regarding why other developments in the locality have been closed/refused on the basis of bushfire risk, but that this does not appear to apply to the proposal.	The matters raised in the submission fall outside the scope of the EPA's assessment and the work items identified within the ESD. These considerations will be addressed through the separate Development Application process including a Bushfire Management Plan.
258.	The original BMP conformed to outdated statutory requirements and required update. The updated assessment noted the deviation of the site's design, vehicle access, and water access to the current fire guidelines. The deviation from some aspects of the guidelines is being addressed through claims of 'exceptional circumstances'. Some of the management strategies are reliant on aerial-based	The matters raised in the submission fall outside the scope of the EPA's assessment and the work items identified within the ESD. These considerations will be addressed through the separate Development Application process including a Bushfire Management Plan.

No.	Submission and/or issue	Response to comment
	suppression, warning systems to alert residents, and public education, rather than providing viable exit routes. To reduce the fire risk, it would be necessary to construct a new public road to provide an additional escape route, upgrade the existing foreshore roads to improve public access (for escape to the beach), and increase the width and location of internal roads to accommodate easier fire escape. These remedial actions will likely result in additional clearing of native vegetation. The proposal is not viable from a fire safety perspective.	
259.	The proposal represents/may represent an economic impact to the value of existing investments/properties/businesses and other commercial ventures in the Smiths Beach area, due to: • visual impost • changed social/cultural/tourism values of the area • overdevelopment • overcrowding • strain on hospitality/commercial outlets. The proposal may also impact local townsites by concentrating a large number of people outside of existing towns.	Smiths Beach has been identified in the Strategic Planning framework as a Tourism node and is consistent with the principles and vision of the Leeuwin Naturaliste Sub-Regional Planning Strategy. Smiths Beach is recognised as a key tourism node within the Southwest and supports the adjacent Yallingup and Eagle Bay tourism settlements. Current accommodation and amenity is not adequate for the current and forecast visitor populations in Southwest region. Consistent with this vision the proposal provides: **Environmentally sensitive** • Reduced density and dispersed buildings to maximise vegetation retention (larger lot sizes). • Key habitats retained for better fauna protection. • 41% of site transferred by owners to National Park. • Additional 10% of site set aside as natural open space. • Coordinated vegetation management to facilitate a sensitive, site responsive bushfire management approach. **Better visual response** • Buildings nestled within larger areas of retained/managed vegetation. • Low profile and dispersed built form. • Site specific building envelopes selected to manage visual integration. **Well defined, contemporary tourism offering** • Dedicated Cape to Cape Welcome Centre. • Cultural education through immersive Aboriginal experiences. • Diverse range of accommodation – hotel, camping, holiday homes (short stay). **Meaningful community assets** • New Surf Life Saving Club. • General Store/Bakery, café, hire shop. • Rehabilitated foreshore. • Improved pedestrian and vehicle access to Smiths Beach and Smiths Point. • Additional public foreshore parking. An Economic Benefit Analysis was provided as part of the Development Application which shows the significant benefits of the Proposal.



Legend

- Development envelope
- Proposed full clearing
- Proposed modified areas
- Area to be placed into conservation (Area 1)
- Public Open Space/Conservation Lot (Area 2)
- Public Open Space (Area 3)
- Public Open Space (Area 4)
- Cadastral boundary (LGATE-002)

Western Ringtail Possum habitat category (Bamford Consulting Ecologists, 2024)

- Primary breeding, foraging and dispersal habitat
- Secondary foraging and dispersal habitat

Roads (LGATE-195)

- Minor road
- Track

Western Ringtail Possum (Biologic)

- Drey

Western Ringtail Possum (Bamford Consulting Ecologists)

- Drey
- Maternity drey

JBS&G

Job No: 65771

Client: Smiths 2014 Pty Ltd

Version: A	Date: 26/09/2025
Drawn By: bsunderland	Checked By: RM

Scale 1:4,500 at A4

0 50 100
metres

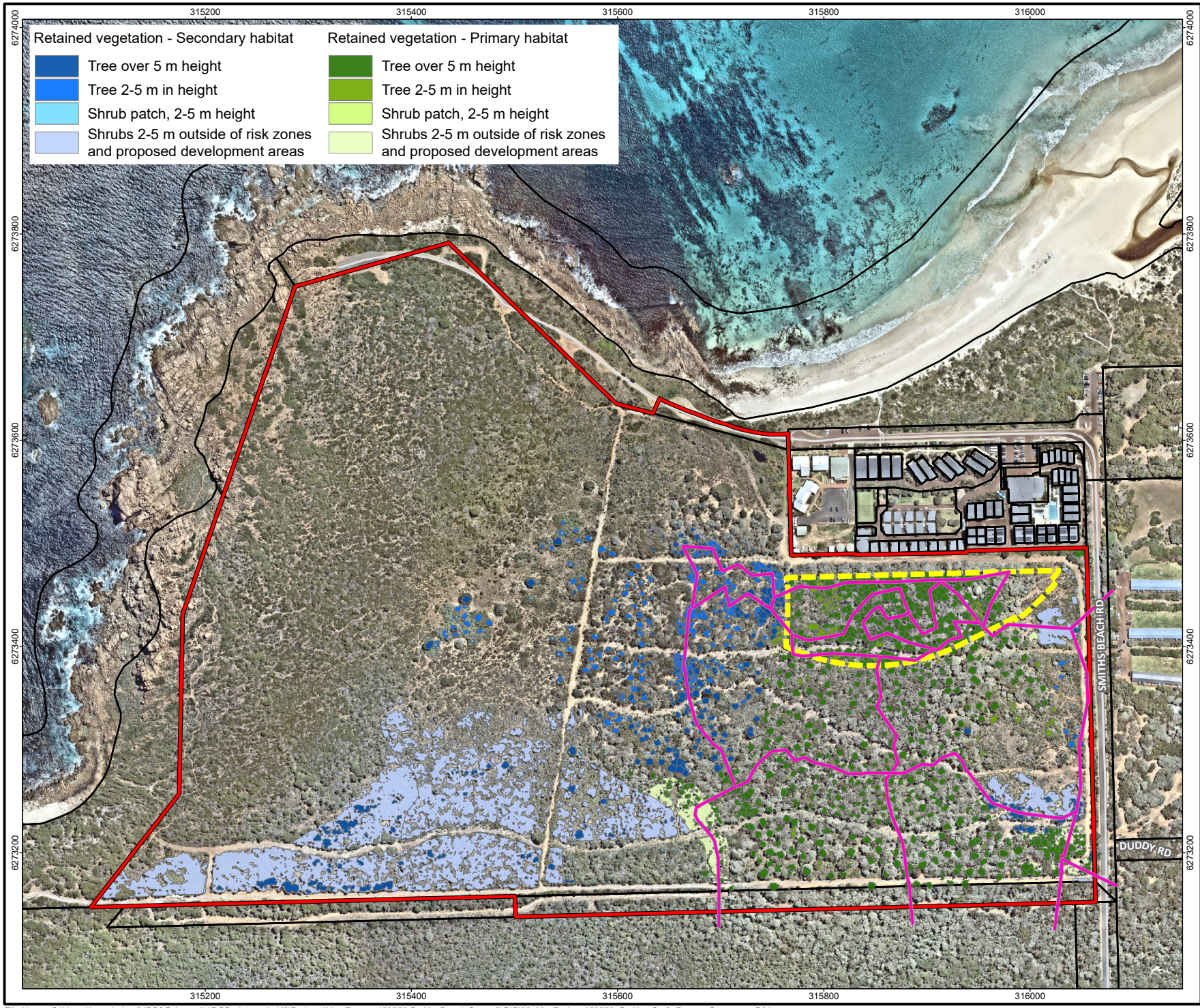
Coord. Sys. GDA2020 MGA Zone 50

Lot 4131 Smiths Beach Road Yallingup, WA

POTENTIAL WESTERN RINGTAIL POSSUM HABITAT

FIGURE 2-1

File Name: C:\Users\bsunderland\JBS&G Australia\JBS&G - DCS - Internal - Documents\Projects\Linc Property\65771 Smiths Beach\GIS\02_MapProjects\65771_SmithsBeach_Rts_on_ERD_R014.aprx
Image Reference: www.nearmap.com© - Imagery Date: 21 September 2024.
Name: 65771_A4L_01_02_WRTP_Habitat



Legend

- Development envelope
- Cadastral boundary (LGATE-002)
- WRP Habitat Conservation and Connectivity Zone
- Possum bridge

Roads (LGATE-195)

- Minor road
- Track

JBS&G

Job No: 59550

Client: Smiths 2014 Pty Ltd

Version: R014	Date: 5/12/2025
Drawn By: bsunderland	Checked By: RM

Scale 1:5,000 at A4

0 100 200
metres

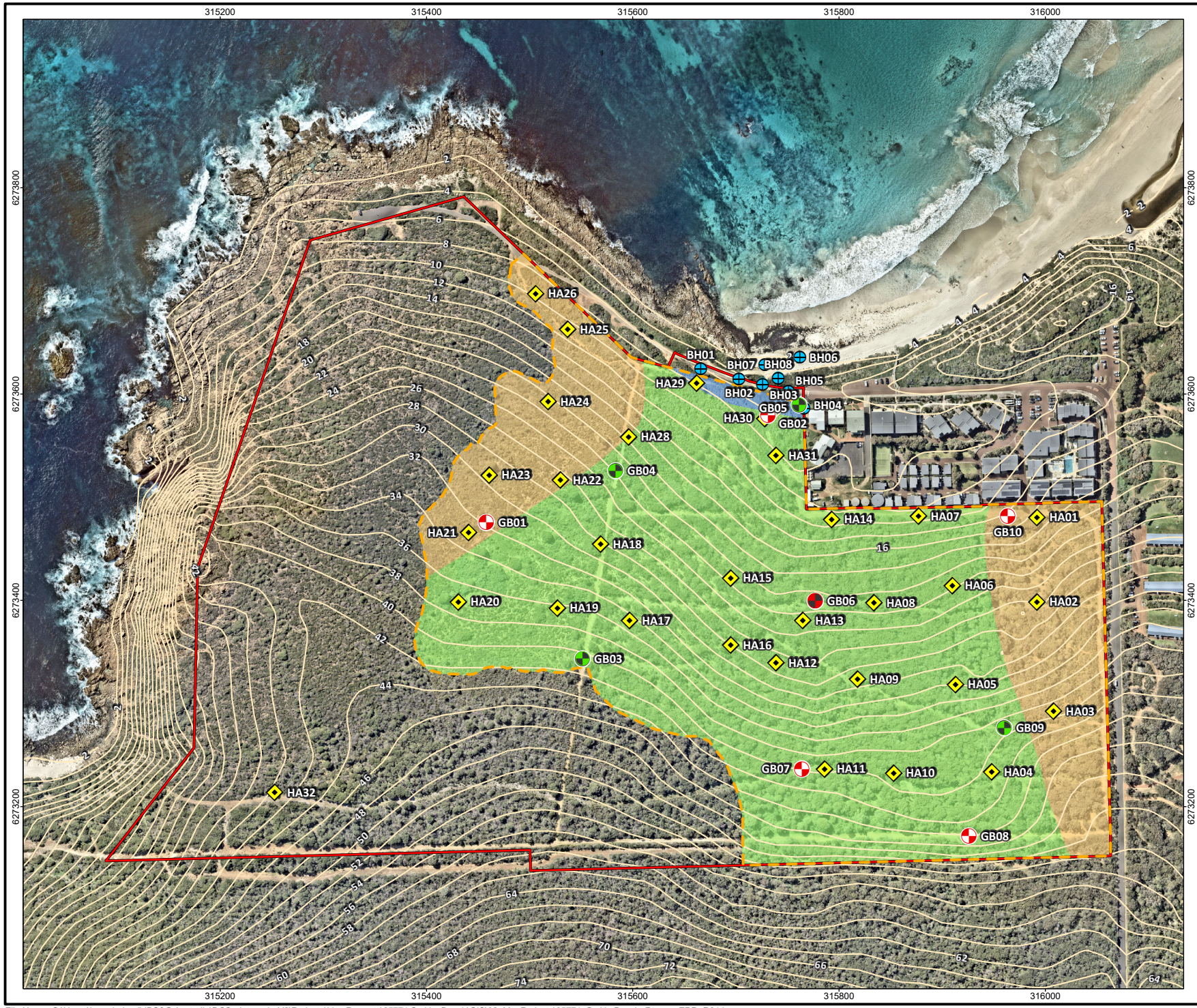
Coord. Sys. GDA2020 MGA Zone 50

Lot 4131 Smiths Beach Road Yallingup, WA

WESTERN RINGTAIL POSSUM CONSERVATION AND CONNECTIVITY ZONE AND INDICATIVE POSSUM BRIDGE NETWORK.

FIGURE 2.2

File Name: C:\Users\bsunderland\JBS&G Australia\DCS - Internal - V2\Projects\Linc Property\59550 Smiths Beach Stage 2\GIS\02_MapProjects\59550_Smiths_Stg2_PossumOutcomes_P04.aprx
Image Reference: www.nearmap.com© - Imagery Date: 23 September 2025.



Legend

Development envelope
Development area (Irrigation area)

Estimated Water Occurrence

- Generally unsaturated
- Permanent water
- Seasonal and/or event driven water

Topographic contours - m AHD (DPIRD - 072)

Bore locations

- Bore hole - March 2021
- Hang auger - December 2020

Groundwater monitoring bores - September 2021

- Recorded water during monitoring period, equipped with loggers
- Did not record water during monitoring period
- Did not record water during monitoring period, equipped with loggers

JBS&G

Job No: 65771

Client: Smiths 2014 Pty Ltd

Version: A	Date: 5/12/2025
Drawn By: bsunderland	Checked By: SC

Scale 1:5,000 at A4

0 50 100
Metres

Coord. Sys. GDA2020 MGA Zone 50

Lot 4131 Smiths Beach Road Yallingup, WA

ESTIMATED GROUNDWATER OCCURRENCE WITHIN THE SURFICIAL SEDIMENTS

FIGURE 2.3

File Name: C:\Users\bsunderland\JBS&G Australia\DCS - Internal - V2\Projects\Linc Property\65771 Smiths Beach\GIS\02_MapProjects\65771_SmithsBeach_Rts_on_ERD_R014.aprx
Image Reference: www.nearmap.com© - Imagery Date: 12 September 2024.

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4. Limitations

Scope of services

This report ("the report") has been prepared by JBS&G in accordance with the scope of services set out in the contract, or as otherwise agreed, between the Client and JBS&G. In some circumstances, a range of factors such as time, budget, access and/or site disturbance constraints may have limited the scope of services. This report is strictly limited to the matters stated in it and is not to be read as extending, by implication, to any other matter in connection with the matters addressed in it.

Reliance on data

In preparing the report, JBS&G has relied upon data and other information provided by the Client and other individuals and organisations, most of which are referred to in the report ("the data"). Except as otherwise expressly stated in the report, JBS&G has not verified the accuracy or completeness of the data. To the extent that the statements, opinions, facts, information, conclusions and/or recommendations in the report ("conclusions") are based in whole or part on the data, those conclusions are contingent upon the accuracy and completeness of the data. JBS&G has also not attempted to determine whether any material matter has been omitted from the data. JBS&G will not be liable in relation to incorrect conclusions should any data, information or condition be incorrect or have been concealed, withheld, misrepresented or otherwise not fully disclosed to JBS&G. The making of any assumption does not imply that JBS&G has made any enquiry to verify the correctness of that assumption.

The report is based on conditions encountered and information received at the time of preparation of this report or the time that site investigations were carried out. JBS&G disclaims responsibility for any changes that may have occurred after this time. This report and any legal issues arising from it are governed by and construed in accordance with the law as at the date of this report.

Environmental conclusions

Within the limitations imposed by the scope of services, the preparation of this report has been undertaken and performed in a professional manner, in accordance with generally accepted environmental consulting practices. No other warranty, whether express or implied, is made, including to any third parties, and no liability will be accepted for use or interpretation of this report by any third party.

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Appendix A Submitter Reference List

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Appendix E Orchid Identification

Appendix F SRE Risk Assessment

Appendix G Revised Conservation Significant Fauna Management Plan

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Appendix I Subterranean Fauna Risk Assessment

Appendix J Site-specific CHRMAP

Appendix K Coastal Processes Report

Appendix L Karri Karrak Aboriginal Corporation Correspondence

Appendix M VIA Peer Review and Proponent Response

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