



SARACEN
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21 March 2025

Darren Walsh
Chairman, Environmental Protection Authority
Prime House, 8 Davidson Terrace
Joondalup WA 6027

Dear Mr Walsh

ADDENDUM TO THE RESPONSE TO SUBMISSIONS – GNARABUP TOURISM DEVELOPMENT: RESORT AND BEACH VILLAGE (EPA ASSESSMENT NO: 2318)

Further to an email from EPA Services of 5 March 2025, Saracen Properties Pty Ltd provides clarification and further information in relation to the two matters raised:

- 1) Further and ongoing consultation with Aboriginal people.
- 2) Mitigation measures in the proposal regarding cumulative indirect impacts from the construction and operation of the proposal facilitating greater human presence/visitation in the area, and the nature and extent of contribution to further mitigate these impacts.

The following response constitutes an addendum to the Response to Submissions published on the Authority's website on 7 February 2025.

This addendum sets out the proponent's commitment to ongoing consultation and engagement with Aboriginal people and with the Shire of Augusta Margaret River, to ensure positive outcomes for the local community with respect to the protection of Aboriginal heritage values and the foreshore reserve.

1) Further and ongoing consultation with Aboriginal people.

The ERD and Response to Submissions (Emerge 2025) provides information on the historical context of Aboriginal heritage surveys undertaken across the proposal area and consultation with Aboriginal people. Surveys and consultation conducted to date have been primarily directed to developing an understanding of the heritage values present within and around the proposal, to ensure that all values were identified and fully considered as part of the environmental impact assessment, and that any potential impacts are avoided. As part of this process, and the public advertising processes, the only Aboriginal site identified as potentially subject to impacts from the proposal is Aboriginal Heritage Site 17093 (Gnamma Hole). As confirmed in the ERD, Saracen Properties is committed to protecting this site and will avoid any potential impacts by establishing and maintaining a buffer around the site, as recommended by Aboriginal people.

As to the specifics of how that buffer is protected - whether by fence and/or signposting or left in its natural state - Saracen Properties believes that this should be a matter for the Aboriginal people to decide and has committed to this approach. Whilst a preference for no fence or signposting was indicated in earlier consultation, confirming the current preference will be an important aspect of the ongoing engagement and consultation if the proposal is approved.



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Saracen Properties believes the history of the country prior to European settlement, the connection of Aboriginal people to the land, and places and objects that are significant to this Aboriginal cultural heritage are matters to be valued, protected and, where culturally appropriate, celebrated and showcased. It is in this spirit that Saracen Properties is fully committed to on-going engagement and involvement of Aboriginal people on the proposal, including design, construction and operational elements. The proposal has been progressing slowly through the EP Act assessment process for many years, since the decision to assess the proposal was made in December 2021, and so there has unfortunately been somewhat of a disconnect between the early survey and consultation work focussed on identifying heritage values for the purposes of the environmental impact assessment process, and the equally important ongoing engagement and relationship-building that will be essential to the construction and operation phases of the proposal post-approval.

Saracen Properties has re-commenced the process of consultation with all stakeholders, including Aboriginal people, with Karri Karrak Aboriginal Corporation being the local representative body. Once approval is received and it is clear that the proposal can move forward, Saracen Properties proposes to reach a written agreement with KKAC setting out the engagement framework for this next phase of the development.

Without prejudice, Saracen Properties contemplates that the agreed engagement framework will include the following consultation and involvement with Aboriginal people:

- Quarterly project meetings throughout the remaining planning, design, delivery and operation stages. This will allow further engagement and input from Aboriginal people on range of matters, including:
 - landscape features and plantings;
 - public artwork;
 - building naming;
 - interpretive signage;
 - guest and employee education;
 - treatment of the Gnamma Hole and buffer;
 - employment of Aboriginal people during construction and operation; and
 - updates on planning and building approval steps.
- Ad-hoc meetings as necessary to deal with priority matters, such as discovery of previously unidentified Aboriginal heritage material.
- Appointment of Aboriginal archaeological monitors to be present during site clearing and bulk earthworks within the proposal area. The monitors will have the opportunity to apply archaeological techniques such as test pitting and sieving should previously unidentified Aboriginal heritage objects be found.
- A ritual ceremony (welcome to country or smoking ceremony) to be performed prior to construction. Additional opportunities for ritual ceremonies at key stages.

Aboriginal people will deliver cultural heritage training sessions as part of site induction for all site employees and subcontractors engaged by the head construction contractor. The



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training will also address the procedures and processes in the event that previously unidentified Aboriginal heritage objects are discovered.

2) Mitigation measures in the proposal regarding cumulative indirect impacts from the construction and operation of the proposal facilitating greater human presence/visitation in the area, and the nature and extent of contribution to further mitigate these impacts.

In the ERD and Response to Submissions, Saracen Properties acknowledges that the proposal would result in additional people seeking to access the existing public beaches, within the foreshore reserve vested in and managed by the Shire of Augusta Margaret River. Saracen Properties commits to continued engagement and to partnering with the Shire of Augusta Margaret River, to contribute technically and financially to environmental management activities and works, such that residual indirect and cumulative impacts from the proposal on the surrounding area, including the foreshore reserve, are effectively mitigated. While this investment is focussed on achieving the intended environmental outcomes, Saracen Properties also considers it will have significant social and commercial benefits for the broader community.

Since publishing the Response to Submissions, Saracen Properties have initiated discussions with the Shire of Augusta Margaret River regarding their submission on the ERD and the process to resolve and agree the contribution Saracen Properties may make to foreshore management. The Shire has made it clear they expect the land to be developed in accordance with the Local Planning Scheme and approved Structure Plan, and it is important that the Prevelly Gnarabup Foreshore Management Plan is updated and implemented to manage the increased use pressure on the foreshore reserve.

Without wanting to prejudice the outcome of these ongoing discussions, Saracen Properties has reflected on the following matters to inform its position:

- Given the close proximity of the proposal to the beach and the extent of carparking within the proposal footprint, it is expected the majority of guests accessing the beach would do so on foot and therefore any increased pressure on existing public carparking would be minimal. It is also expected that guests and visitors will enjoy the same beach activities currently pursued by the public, that is, passive recreation, swimming, beach walking and sunbathing. For these reasons, the proposal is expected to result in an increase in existing use pressures rather than new environmental risks or pressures.
- In this regard the Prevelly Gnarabup Foreshore Management Plan (Section 1.1) acknowledges and anticipates the proposal and the increase in use pressure when it states, *"It is heavily anticipated that ongoing population and tourist growth will increase use of these reserves and increase the potential threats to the unique values of the area"*. The Plan also recognises the efficacy of management when it said, *"effective, strategic and proactive management of the area occurs in order to ensure that recreational and commercial usage and visitation of the area is undertaken in a way that ensures the important environmental, cultural and recreational values of the area are maintained"*. Therefore it is not a question of whether the increased use pressure can be managed but rather how it is managed.
- To that end, the Shire has made a significant investment, over decades, delivering foreshore management works, including carparks, signage, bins, dedicated access paths,



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- access control fencing, bike lockups, erosion control and dune rehabilitation. The 2022 Prevelly Gnarabup Foreshore Management Plan and the recent 2024 site inspections undertaken by Emerge Associates for the ERD highlighted that some of this foreshore management infrastructure is degraded and may need to be replaced, upgraded or repaired. For example, there were signs of erosion along tracks, invasive weeds, unstable/unsafe tracks, stairs and pedestrian landing points and degraded fencing.
- The Prevelly Gnarabup Foreshore Management Plan divides the management area into zones and the relevant zone to the proposal is *Zone 4 – Gnarabup Headland to Grunters*. Twelve recommendations were made for Zone 4, 11 being High or Very High priority rating, with most of these concerned with upgrading, replacing or repairing existing foreshore management infrastructure. There were also recommendations to extend fencing and rehabilitation, to close informal trails and provide further education on shorebirds.

Given this context and in terms of scoping the nature and extent of Saracen Properties' contribution to further mitigation measures, Saracen Properties expects its agreement with the Shire to including the following:

- Saracen Properties' contribution will be focussed on activities and actions in Zone 4, with case-by-case consideration given to Zone 3 (Riflebutts to Gnarabup boat ramp) and Zone 5 (Grunters to Gas Bay).
- Implementation of the outstanding recommendations for Zone 4 from the Prevelly Gnarabup Foreshore Management Plan is a priority.
- A condition assessment of existing foreshore management infrastructure within Zone 4 and, in collaboration with the Shire, the parties will develop a prioritised schedule and budget for items that require repair, replacement or upgrading, and agree the items that Saracen Properties will contribute towards or deliver.
- Saracen Properties will make a contribution to:
 - the Margaret River Surf Saving Club, to provide additional support that is needed to conduct patrols or nippers programs; and
 - Nature Conservation Margaret River (or similar), who undertake voluntary environmental management activities in the foreshore reserve.

3) Implementation of actions.

We have also been requested to clarify how these proposed actions above will be implemented.

As no Aboriginal site or native title will be impacted by the proposal, the ongoing engagement, consultation, and involvement of Aboriginal people sits outside the operation of the *Aboriginal Heritage Act 1972* (WA), the *Native Title Act 1992* (Cth) or any other regulatory framework. As noted above, Saracen Properties proposes to formalise the agreed arrangements in a written agreement with the KKAC, similar to the approach taken by the Aboriginal Cultural Heritage Plan processes in Queensland and Victoria.

It is not envisaged that this agreement will take the form of the Noongar Standard Heritage Agreement because that agreement is focussed on activity notices and heritage surveys, which are not expected to be relevant going forward. Instead, Saracen Properties expects the



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agreement to focus on the kinds of matters set out above at (1.), subject to further discussions with KKAC.

In relation to making a contribution to foreshore management activities, Saracen Properties expects that these matters will be addressed by conditions on the SDAU development approval and has no objection to that approach. This expectation is based on conditions imposed on development approvals previously granted for the proposal site, that were not implemented and have since lapsed. For example:

- Condition 5 of Shire approval (P28457, 25 June 2009) for Mixed Use and Tourist Development required: *"A Foreshore Management Plan shall be prepared under clause 5.1 (x) and (xi) of State Planning Policy 2.6: State Coastal Planning Policy, to the satisfaction of the Shire. The Foreshore Management Plan shall contain environmental management and infrastructure provision, a schedule of works and implementation schedule, and be implemented by the developer prior to occupation of the development."*
- Condition 7 of Shire approval (P28457, 25 June 2009) for Mixed Use and Tourist Development required: *"The Proponent is responsible for the cost and maintenance of any foreshore protection works (within either Lot 3, or in the Shire Reserve) required to protect the development from future coastal erosion"*
- Condition 18 of Development Assessment Panel (DAP 15/00885, 1 February 2016) Resort Development required, *"Prior to the commence of development the proponent shall prepare and implement improvements to local foreshore facilities, these improvements to include:*
 - *Improvements to foreshore access.*
 - *Expansion of the upper Gnarabup carpark.*
 - *Public open space facilities in association with the carpark expansion.*
 - *The incorporation of public art within the public open space improvement area."*

In relation to condition 18 the officer planning assessment report included the following commentary: *"Submissions have consistently raised the pressure on local facilities, which will be exacerbated by the greater density of development than envisaged under the Cedervale Agreement and LPS1 provisions. Contribution to improving the capacity of these facilities would be warranted and has been proffered through the Proposal, this could include:*

- *Improvements to foreshore access, likely renewal of the stairs and access paths that would also serve the dual function for fire management noted above.*
- *Expansion of the upper Gnarabup carpark.*
- *Public open space facilities in association with the carpark expansion.*

In accordance with clause 74(1) of the deemed provisions of LPS1, further consultation and the specific nature of these improvements will be subject to consultation and greater detail required to satisfy a condition of approval."

In summary, Saracen Properties is confident that the concerns raised in submissions received from KKAC and Shire of Augusta Margaret River can and will be addressed via a collaborative approach. Mutual agreement and certainty can be assured via the contractual or legislative mechanisms discussed above.



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The proponent is motivated to attend to these matters and mitigate the risk of appeals on the EPA's report.

Yours sincerely
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JOEL SARACENI
DIRECTOR