



# Planning Outcomes WA

town planning, urban design, landscaping + appeals

Our Ref: 1200Alison/DA4

7 September 2023

Department of Water & Environmental Regulation  
Prime House  
8 Davidson Terrace  
JOONDALUP WA 6919  
Via E-Mail: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

Dear Sir / Madam,

## **REFERRAL OF PROPOSED CLEARING – WESTERN POWER ELECTRICITY UPGRADE NO. 1200 (LOT 70) ALISON STREET, MOUNT HELENA**

Thank you for your e-mail regarding the above matter dated 18 August 2023, with the following offered in response.

Planning Outcomes WA has been engaged by the landowners of the above property (the **Site** or **Subject Site**) to support a referral application for verge clearing (**Attachment 1**). In response to the environmental requirements, the following is submitted in support of the application.



Alison Street – View Northwest

### **1. Background**

In 2012, Western Power had overhead power infrastructure (4 cables, low voltage, single phase) in poor condition in Alison Street. In 2013, Western Power replaced the power-poles and power-lines (4 cables); and in 2022, Western Power refitted the power-lines (1 cable).

In 2016, planning approval was granted for holiday accommodation with 8 chalets and a restaurant on the Site. In 2022, planning approval was granted for an expansion with 12 eco-tents on the Site; which was then sold to the current landowners, with ownership in their natural names (**Attachment 2**). The client and builder investigated the power needs of the Site and found that a power upgrade would be necessary, and communicated with Western Power to initiate a solution, with works proposed immediately.

In 2023, Western Power completed the design work (4 cables, high voltage, 3 phase) and was prepared to proceed with the works (**Attachment 3**), on the condition that clearing permits be investigated by the landowner which is the purpose of this application.

## 2. Environmental Considerations

In accordance with the Environmental Protection Act 1986 (**EP Act**), a referral application is applicable as there are no agreements to reserve, conservation covenants, or environmental covenants. (s. 51DA ss. 1).

Furthermore, the referral is claimed with regard to compliance with (ss. 4):

- a **Area** - The area is small as Western Power use craned augers able to specifically target work areas with minimal impact (if any) upon local vegetation. The total investigation area has been measured at only 2,000m<sup>2</sup> (4m x 500m), however the area impacted is considered to be only around the 9 poles to be replaced at only 9m<sup>2</sup>. As the poles are to be replaced in their current positions, it is expected that no vegetation will be cleared (or modified).
- b **Environmental Values** - The area is mostly cleared, and there are no known species protected under local, state or federal legislation (see below discussion).
- c **Scientific Knowledge** - As above.
- d **Effects on the Environment** - As above.

The verge is not listed in a desktop search of DWER Environment Online GIS for any environmental layers, except Native Vegetation Extent. Notwithstanding this, the vegetation is mostly on the opposite side of the road, and not remnant vegetation.

The verge is not listed as a Local Natural Area under the Local Planning Scheme (SoM GIS 2023), which protects vegetation at a Local Government level. Furthermore, the verge and Site are not listed as a Bush Forever site under SPP2.8 (DPLH PlanWA GIS 2023), which protects vegetation at a State level.

As part of the 2016 planning application, a flora and fauna survey was commissioned (**Attachment 4**), which revealed that the Site did not have implications at a State or Federal level (p. 13):

No Threatened species listed under the EPBA Act and/or gazetted as Declared Rare Flora (Threatened) pursuant to the WC Act were records during the assessment.

Although the survey area did not include the verge as part of this current matter, in conjunction with a photographic survey of the verge (**Attachment 5**), it does suggest that the likelihood that the verge contains protected species is very low. Given such low risk, it would be unreasonable for the Department to request an expensive and time-consuming environmental survey of the verge.

The proposed works includes 9 poles to be replaced, all in their existing locations (**Attachment 3**). Photographs of these poles (Nos. S275386-394) are illustrated in **Attachment 5**, which demonstrates the minor nature of vegetation in the investigation area.

### **3. Other Potential Issues**

The purpose of the proposed works is for an upgrade to a public utility where there is already one, making this application for an ordinary and commonplace activity that should not be impeded upon.

It is understood that 'clearing' only relates to the destruction or removal of vegetation, and not maintenance of it (s. 51A); and that fees are not prescribed for a referral application (s. 51DA).

### **Conclusion**

This application is for a Referral Approval due to a lack of clearing required to upgrade a limited number of power poles and area. We have liaised with DWER to explain that these works do not appear on face value to be of the nature requiring a referral application or clearing permit, however this has been unsuccessful.

Accordingly, it is considered that the proposed works either does not require a referral approval, or referral approval is warranted, and written confirmation is therefore requested of the Department. If the Department does not see this proposal as being acceptable, I would appreciate a call or meeting to discuss the most efficient way forward.

If you have any queries, or wish to discuss this matter further, please do not hesitate to contact me.

Yours sincerely



Matt Stuart

**Principal Town Planning Consultant**

**BA (URP) Hons | Grad Cert (UD) | MLGPA**

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- Att.
1. Referral Application Form (signed)
  2. Certificate of Title (dated 13 October 2022)
  3. Western Power Proposal (dated 28 April 2023)
  4. Flora & Fauna Survey (dated October 2015)
  5. Photographic Survey (Rev. A)