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Emerge contact: [REDACTED]

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Attention: Native Vegetation Regulation  
Department of Water and Environmental Regulation  
8 Davidson Terrace  
JOONDALUP WA 6027

SW Office  
Unit 6, 14 Fearn Avenue  
PO Box 1129  
Margaret River  
Western Australia 6285

P +61 8 9758 8159  
emergeassociates.com.au

Emerge Environmental Services Pty Ltd ABN  
57144772510 trading as Emerge Associates

Delivered by email to: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

## **SUPPORTING INFORMATION FOR REFERRAL OF PROPOSED CLEARING— WESTERN POWER OVERHEAD POLE REMOVAL AND UNDERGROUND POWERLINE INSTALLATION, WALLCLIFFE ROAD, MARGARET RIVER**

### **1 INTRODUCTION**

Wallcliffe House Pty Ltd (the proponent) have engaged Emerge Associates (Emerge) to provide environmental consultancy services to support the clearing of vegetation for the removal of existing overhead powerlines and the installation of a new underground powerline (using horizontal boring) for various land parcels associated in/near Wallcliffe Road, Margaret River.

This document provides supporting information for a Referral of Proposed Clearing (section 51DA of the *Environmental Protection Act 1986* (EP Act)) in relation to proposed clearing of identified native vegetation, where it intersects the proposed power pole removal and undergrounding and where a valid clearing permit exemption does not apply.

This supporting letter provides an assessment of the proposed clearing against all clearing referral criteria listed in Section 51DA(4) of the EP Act. Based on an assessment undertaken by Emerge against these criteria, it would appear that there are reasonable grounds to suggest that the clearing within the clearing referral area would result in very low environmental impacts.

Information included in this letter has been provided as part of a previous clearing referral assessment (Department of Water and Environmental Regulation (DWER) reference: 10898/1) and includes supplementary information outlining the other approvals that the proposed activities will be operating under (see **Section 2.6** and referenced throughout).

### **2 PROPOSED POWER POLE REMOVAL AND UNDERGROUNDING**

#### **2.1 Location**

The clearing that is the subject of this referral will occur within the following land parcels:

- Wallcliffe Road reserve (P Road, ID 3632512)
- Lot 102 on Deposited Plan 049026
- Unnamed road reserve (P Road, ID 3632510)
- Lot 4623 on Deposited Plan 186913 (Reserve 33435)

These areas are herein referred to as ‘**the application area**’ and are shown in **Figure 1**. The application area is **0.056 hectares (ha)** in size.

The proposed activities also extend into:

- Lot 4862 on Deposited Plan 091785 (Reserve 41545) (‘Area 2’ in **Figure 1**), within which Western Power have already cleared a corridor to the pole that will be removed. It is understood that this was completed as part of scheduled pole maintenance Western Power have been undertaking in the area.
- Lot 101 Wallcliffe Road (on Deposited Plan 049026) (‘Area 4’ in **Figure 1**) where clearing in this landholding, including the new cross-over, new buildings, internal roads and parking areas, is exempt pursuant to Regulation 5, Item 1 as part of the planning (development) approval, reference P223766. The clearing for the power pole removal aligns with areas required to be cleared for the installation of approved infrastructure and the new driveway cross-over.

Area 2 and Area 4 have been included in **Figure 1** for context but **do not** form part of the referral as they are either cleared and/or exempt through other mechanisms. These areas are not discussed in further detail as part of this supporting information.

## 2.2 Existing status

Overhead power lines extend along Wallcliffe Road (generally), and vegetation has historically cleared for installation of the poles in Areas 3 and 5 (within the application area). The most recent clearing of vegetation appears to have occurred in 2007-2008, based on a review of publicly available historic aerials.

The proposed clearing areas only include a small portion of the overall overhead powerline extent (which is approximately 320 m long) and is directly related to the pole locations.

## 2.3 Land use planning context and need for powerline undergrounding

Lot 101 Wallcliffe Road (on Deposited Plan 049026) is being redeveloped as a boutique hotel and is subject to a planning (development) approval granted 5 April 2024 pursuant to the *Planning and Development Act 2005* (reference P223766). The existing buildings were significantly damaged in the 2011 Margaret River/Prevelly bushfire and as a result new buildings and associated infrastructure will be constructed. The power pole removal and undergrounding is part of upgrade works required for the project.

Under the planning approval, the applicant will be redeveloping Lot 101 and will include the construction of a new vehicle (driveway) cross-over and other associated infrastructure (wastewater treatment plant, waste storage, site entry, water tanks etc.), which is located in the same area as the clearing required to remove the pole associated with Area 4. This clearing is therefore exempt from requiring a clearing permit pursuant to Regulation 5, Item 1 of the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 as the clearing will be done in association with other requirements. This is why this area has been excluded.

Area 2 has been excluded due to recent pole maintenance by Western Power which cleared an access track to the pole. This track will be used for the pole removal.

Areas 1, 3 and 5 have been included in this referral as clearing for the installation /maintenance of the power poles was undertaken more than 10 years ago and therefore other possible exemptions do not apply.

The removal of the power poles and overhead powerlines, and installation of the new underground powerline does not require planning approval.

This referral is being applied for to address the environmental approval requirements of Western Power.

## 2.4 Proposed works

As outlined, six (6) overhead powerlines will be removed and/or relocated as part of converting approximately a 320 m long extent of overhead powerlines to an underground arrangement, required as part of implementing the approved boutique hotel within Lot 101 Wallcliffe Road.

The powerline upgrade is generally between the current driveway access for Lot 101 and Lot 102 Wallcliffe Road (via an unnamed road reserve) to near the lookout on Wallcliffe Road (as general landmarks). This will involve the physical removal of the poles, stabilising cables (stays) and overhead cables, then installation of new poles and/or stabilising cables (at either end, within Area 1 and Area 5), and horizontal boring of the new underground cable within Area 1 and Area 5. This is generally shown in **Figure 1**. A safe work space is required around each pole for a cherry picker and crane to be located in close proximity to the poles, as both pieces of equipment are required to remove/relocate the poles.

Wallcliffe House Pty Ltd will be undertaking the mechanical vegetation clearing on behalf of Western Power and will involve the use of an arborist, with Western Power completing the pole and overhead cable removal and installation of the new underground cable and poles with stabilising cables.

The specific alignment for the underground cable is still to be confirmed through detailed design, and the Area 1 clearing footprint aligns with that uncertainty. The Area disturbed is anticipated to be significantly less (as already outlined) and associated with the .

Emerge Associates have met with a Western Power representative on site on 13 September 2024, with further consultation 2 December 2024, to discuss requirements and understand the extent of clearing. As part of this, it was discussed:

- Safe access for vehicles/machinery means the application area is different (in both location and extent) to the preliminary works area drawing and the clearing areas identified on that plan, which is provided in **Attachment 3**, and was completed by Western Power based on desktop information.
- The vehicle and machinery/equipment access to the poles is similar to that previously required for the installation of the poles, with poles most recently replaced in 2007/2008 (and cleared areas are visible on publicly accessible historic aerial photography, viewable via Landgate Map Viewer). This is based on topography of the land and providing safe and stable access for the crane and cherry picker.
- The underground powerline will be established within 'Area 1' (and is shown in **Figure 1**) by utilising trenchless technology (horizontal boring), which otherwise would have required an excavated or depressed passage (traditional trenching) and removal of all vegetation in the alignment. Specifically, and in consultation with Western Power:
  - Individual trees along Wallcliffe Road will be avoided and therefore are not required to be included in the clearing referral.
  - Clearing within the areas of more intact vegetation in the Wallcliffe Road reserve (identified in the 'application area') will be minimal (less than that contemplated in this referral), as only a limited number (specific number to be confirmed, but anticipate a maximum of 4-6) of small 3 m X 3 m (usually) 'shot' locations (where the bore starts/stops) will be required to be disturbed. The specific location cannot be determined until the alignment is confirmed (which is an ongoing design process with Western Power, who will not finalise until clearing approvals are in hand). Existing disturbed areas will be targeted for the shot locations.
- Three poles will likely need to be relocated (shown in **Figure 1**) to enable the stabilising cables (stays) to be located outside the existing road pavement and safety zones and to enable suitable tension of the poles.

Emerge Associates have also had multiple meetings with the Shire of Augusta Margaret River to discuss the works and the requirements for their permit process, including site meetings the 2 December 2024 and 10 February 2025.

## 2.5 Referral area

The referral area, shown in **Figure 1**, comprises the combined extent of three different areas that includes vegetation that meets the definition of ‘native vegetation’ under the EP Act and that are also not subject to any valid exemptions for a clearing permit. The referral area (also referred as the ‘application area’) totals **0.056 ha, with a total of 0.047 ha of native vegetation**.

## 2.6 Other approvals

As outlined, the physical clearing of vegetation will be completed by Wallcliffe House Pty Ltd, however the removal/relocation of the existing power poles and power lines and installation of the new underground portion will be completed by Western Power. Western Power is currently working through the detailed design, and it is understood will be finalised in the coming weeks (a draft design has been released and is provided in **Attachment 3**). No planning approval is required.

The proposed clearing, and associated management and mitigation activities (discussed further below in **Section 4**), are also being undertaken in accordance with existing approvals, or approvals that are underway, including:

- **Planning (development) approval** for the redevelopment of Lot 101 Wallcliffe Road (local government reference P223766 / Development Assessment Panel (DAP) reference: DAP/23/02589). Of relevance to the clearing activities for the Western Power works are the following conditions:
  - Condition 29, which relates to the preparation of a landscape management plan, which includes needing to address additional planting across the property, including revegetation closer to the river);
  - Condition 32, related to minimising the risk of weed and dieback introduction; and
  - Condition 33, related to the preparation of a construction environmental management plan, with specific requirements around the retention of *Banksia sessilis* and addressing fauna spotting.

A copy of the development approval has been provided in **Appendix A**, as part of this letter. The management requirements, specifically those associated with Condition 32 and 33, apply to all activities related to the redevelopment of the site, including neighbouring properties (Lot 102) and the Shire reserves.

- **Shire of Augusta Margaret River local permit**, under their *Infrastructure Policy 16 Management of Vegetation on Shire Reserves*. This covers all work within Wallcliffe Road reserve (P Road, ID 3632512); Unnamed road reserve (P Road, ID 3632510); and Lot 4623 on Deposited Plan 186913 (Reserve 33435). This permit will need to be approved before any works can commence within the Shire reserves. We are still working through this with the Shire so do not have the formal permit in hand (as the permit also includes the new driveway which there is some additional design work occurring around the required batters but is not relevant for the clearing referral) but have had several meetings with them. As part of this, the following requirements will apply:
  - A fauna spotter to be present during clearing.
  - Clearing being undertaken in a progressive manner.
  - Managing works to minimise erosion, in accordance with the *Shire of Augusta Margaret River Erosion and Sediment Control Local Law 2019*.
  - Replanting of new *Agonis flexuosa* individuals within Wallcliffe Road reserve. The specific number of trees is still to be confirmed, as the Shire has specific bushfire considerations for the road which minimised planting.

We have also discussed the Shire will likely be present for the clearing.

- **Fauna relocation licence** (to support fauna spotting activities) in accordance with the requirements of the *Biodiversity Conservation Act 2016* and associated regulations. Section 40 Authorisation will be addressed if requested by the Department of Biodiversity Conservation and Attractions as part of the licence application process (as per their standard processes).

### 3 EXISTING ENVIRONMENT

#### 3.1 Environmental surveys completed to date

A number of environmental surveys have been undertaken over the clearing extent and include:

- Spring Flora and Vegetation Assessment- Lot 101 Wallcliffe Road, Prevelly (2019) (**Attachment 4**)
- Fauna Assessment - Lot 101 Wallcliffe Road Prevelly (2019) (**Attachment 5**); and
- Technical Memorandum Flora and Fauna Assessment (2024) (**Attachment 6**)

The surveys listed above have informed preparation of this referral. The surveys cover a broader area than that subject to this application.

#### 3.2 Summary of existing environmental values within referral area

##### 3.2.1 Historical clearing

A review of historic aerial photography shows that vegetation within the majority of the application area was historically cleared/disturbed to support the installation of power poles and associated infrastructure, with the most recent disturbance in 2007/2008 and appears to be associated with a bushfire which may have damaged infrastructure. An excerpt of the historic aerial photography from 2008 is provided in **Plate 1**.

The historic aerial photography also shows that in 2013, existing vegetation along the southern verge on Wallcliffe Road was significantly modified, with vegetation removed and only isolated trees remaining. This includes modification along the footpath, where more intact native vegetation is present.



**Plate 1: Excerpt from publicly available 2008 historic aerial photography (Landgate MapViewer) with areas associated with power poles within the application area highlighted with blue outline**

### 3.2.2 Flora and vegetation values

Emerge Associates completed a Spring Flora and Vegetation Assessment in November 2018 (see **Attachment 4**) within Lot 101 Wallcliffe Road and portions of the Reserve 41545. This assessment was undertaken to identify plant communities and vegetation condition, as well as the presence of priority or threatened flora species and ecological communities.

A follow-up targeted flora and vegetation assessment was completed in September 2024 (see **Attachment 6**) to support this referral application and addressed the survey area shown in **Figure 1**. This assessment was undertaken to supplement the previous ecological study and capture areas which had not previously been surveyed and included areas larger than the eventual footprints.

The site is found within the Leeuwin Naturaliste Coast subregion in the South-West Forest region. The survey area contains vegetation of the Gracetown Complex (G3), which is described as “Closed heath of *Olearia axillaris*-*Rhagodia baccata*-*Agonis flexuosa* on seaward slopes in hyperhumid to humid zones” (Government of Western Australia 2019).

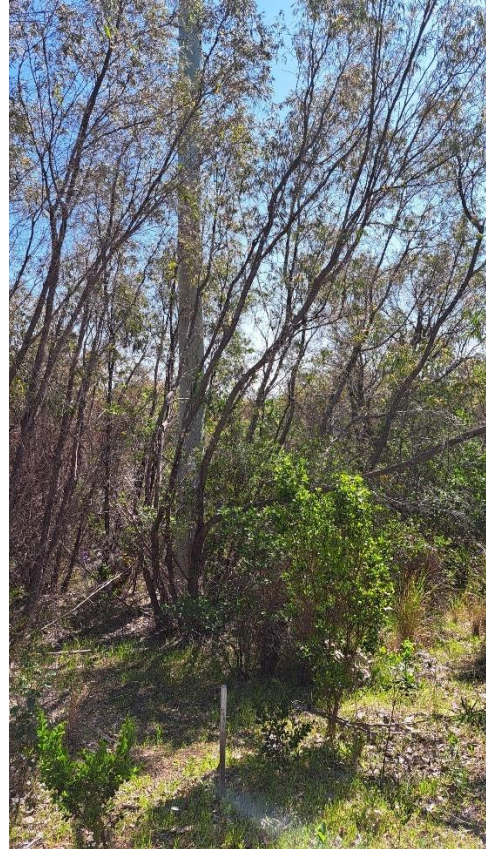
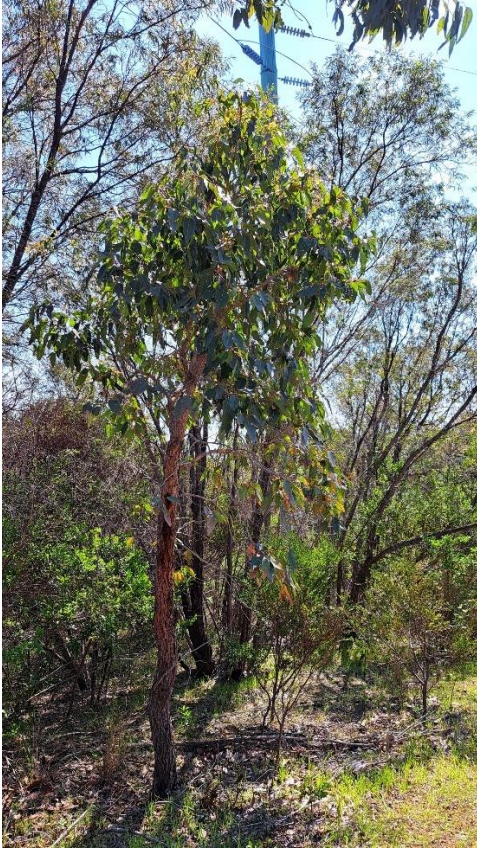
Six plant communities were identified within the survey area and are described in **Table 1** and shown in **Figure 2**.

Vegetation condition, shown in **Figure 3**, varied from ‘completely degraded’ to ‘very good’ and had been summarised based on the survey area and the application area in **Table 1** organised by the identified plant communities. Examples of the vegetation are provided in **Plate 2** to **Plate 7**.



**Table 1: Vegetation values identified within the survey area.**

Plant community and description (see Figure 2)	Vegetation condition (see Figure3)	Area (ha) within survey area	Area (ha) within application area
<b>AfSgHcW</b> – Woodland of <i>Agonis flexuosus</i> over shrubland of <i>Spyridium globulosum</i> , <i>Hibbertia cuneiformis</i> , <i>Templetonia retusa</i> with vineland of <i>Hardenbergia comptoniana</i> and <i>Muehlenbeckia adpressa</i> over low shrubland of <i>Phyllanthus calycinus</i> over forbland of <i>Tricoryne elatior</i> and <i>Thysanotus arenarius</i> <i>Austrostipa flavescens</i> (see <b>Plate 2</b> ).	'Very good'	0.24	0
	'Good'	0.02	0.017
<b>AfMh</b> – Scattered <i>Agonis flexuosa</i> over tall closed shrubland <i>Melaleuca huegelii</i> over mixed native understorey species and non-native grasses on edges (see <b>Plate 3</b> ).	'Very good'	0.02	0.017
	'Good'	0.01	0.004
	'Degraded'	<0.01	0
<b>AfSg</b> – Woodland of <i>Agonis flexuosa</i> over scattered native shrubs such as <i>Spyridium globulosum</i> and <i>Hardenbergia comptoniana</i> over closed non-native grassland <i>*Ehrharta</i> sp. and <i>*Hyparrhenia hirta</i> (see <b>Plate 5</b> ).	'Degraded'	0.04	0
<b>Af</b> – <i>Agonis flexuosa</i> trees and tall shrubs over non-native grasses and bare ground (see <b>Plate 6</b> ).	'Degraded'	0.01	0.010
	'Degraded-completely degraded'	0.02	0
	'Completely degraded'	0.01	0
<b>Scattered native plants</b> – Scattered shrubs such as juvenile <i>Agonis flexuosa</i> , <i>Acacia littorea</i> and <i>Spyridium globulosum</i> (see <b>Plate 7</b> ).	'Degraded-completely degraded'	<0.01	0
<b>Non-native</b> – Heavily disturbed areas comprising non-native plants (weeds), bare ground and tracks.	'Completely degraded'	0.18	0.008
<b>Total</b>		<b>0.57 ha</b>	<b>0.056 ha (of which 0.047 ha is native vegetation)</b>



***Plate 2: Plant community AfSgHcW in 'Good' condition (Area 3). Regrowth peppermints visible in front of the pole to be removed.***

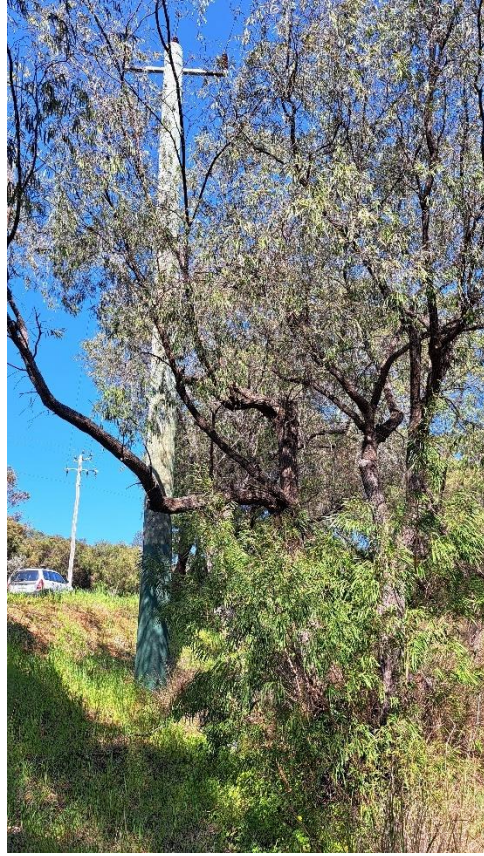


***Plate 3: Plant community AfMh in 'Good' condition (on the north-western edge of the path, in front of the pole to be relocated) (Area 1)***





***Plate 4: Plant community AfMh in 'Good' condition (left of photo and footpath) and 'Very good' condition (right of photo and footpath) with area to include entry/retrieval pits to right (Area 1)***



***Plate 5: Plant community AfSg in 'degraded' condition (Area 5). Regrowth peppermints visible, and pole to be relocated with peppermints in front.***





**Plate 6: Vegetation unit Af in 'degraded – completely degraded' condition (Area 1, not part of application)**



**Plate 7: Scattered native plants in 'degraded – completely degraded' condition (Area 1, not part of application)**

A number of threatened and priority flora species were identified in the desktop assessment as possibly occurring within the survey area. One priority four (P4) species (*Banksia sessilis* var. *cordata*) was recorded within the survey area but not in the application area. The remaining species were not identified and are not considered to occur within the survey and/or application area.

No threatened or priority ecological communities were identified as possibly occurring within the survey area and are associated with vegetation types and landforms (such as caves) which do not occur in the site and so confirming their absence was straightforward.

### 3.2.3 Fauna values

A basic fauna assessment and targeted black cockatoo and western ringtail possum survey was undertaken in November 2018 (see **Attachment 5**) within Lot 101 Wallcliffe Road and portions of Reserve 41545 to determine suitability of habitat for threatened, specially protected and priority fauna.

Similar to the flora and vegetation values, a follow-up basic fauna assessment was completed in September 2024 (see **Attachment 6**) for the survey area. This assessment was undertaken to supplement the previous ecological study and capture areas which had not previously been surveyed.

Four broad fauna habitats were identified within the survey area and are shown on **Figure 4** and include:

- Bare ground/grassland (0.17 ha, of which 0.008 ha is within the application area)
- Scattered trees and shrubs (0.03 ha, of which none is within the application area)
- Woodland (0.05 ha, of which 0.027 ha is within the application area); and
- Woodland/shrubland (0.29 ha, of which 0.021 ha is within the application area).

The 'woodland/shrubland' habitat contains moderate to high microhabitat complexity and would provide habitat for a range of native fauna species, particularly patches which are contiguous with a larger patch.

A description of the conservation significant fauna species that may occur within the survey area and the associated habitat values are summarised in **Table 2**.

Vegetation within the survey area could be utilised by western ringtail possum, particularly **woodland** and **woodland/shrubland** habitat (0.34 ha of the survey area, and 0.047 ha of the application area), but no dreys or hollows suitable for possum refuge were identified. The short-term removal of 0.047 ha (470 m<sup>2</sup>) of native vegetation would not disrupt or prevent western ringtail possums from occupying or using the area. Vegetation around the perimeter of the application areas means the clearing would not result in the larger areas of habitat being disconnected or the linkages being lost. Western ringtail possums could still utilise the area with minimal disruption. The vegetation is shown in **Plate 2** and **Plate 5**.

**Table 2: Conservation significant fauna species and habitat values identified during site assessment (Emerge Associates 2024)**

Species name	Common name	Status		Survey area and suitability
		WA	EPBC Act	
<i>Apus pacificus</i>	Pacific swift	Migratory	Migratory	Primarily aerial species that may fly over but would not breed in the survey area (does not breed in Australia).
<i>Calyptorhynchus banksii naso</i>	Forest red-tailed black cockatoo	Vulnerable	Vulnerable	Survey area occurs within the species' distribution and breeding range. May fly over and perch in the survey area but no foraging or breeding habitat occurs.
<i>Falco peregrinus</i>	Peregrine falcon	Other specially protected fauna	-	Primarily aerial species that may fly over and/or foraging in the survey area, but no breeding habitat occurs.
<i>Pandion haliaetus</i>	Osprey	Migratory	Migratory	May fly over and/or foraging in the survey area but no breeding habitat occurs.
<i>Tyto novaehollandiae novaehollandiae</i>	Australian masked owl	Priority 3	-	May fly over and/or foraging in the survey area but no breeding habitat occurs.
<i>Zanda baudinii</i>	Baudin's black cockatoo	Endangered	Endangered	Survey area occurs within the species' distribution and breeding range. May fly over and perch in the survey area but no foraging, breeding or roosting habitat occurs.  Single Banksia sessilis var. cordata plant may provide foraging but very small extent and is outside the application area.
<i>Zanda latirostris</i>	Carnaby's black cockatoo	Endangered	Endangered	Survey area occurs within the species' distribution and breeding range. May fly over and perch in the site. Peppermint trees provide a secondary foraging resource. No breeding habitat occurs.
<i>Isodon fusciventer</i>	Quenda	Priority 4	-	<b>Woodland/ shrubland</b> habitat types may provide suitable habitat due to dense shrubland vegetation. Remainder would not provide habitat.
<i>Phascogale tapoatafa wambenger</i>	South-western brush-tailed phascogale	Conservation dependent fauna	-	Likely occurs in the local area but no suitable habitat (no hollow bearing trees).
<i>Pseudocheirus occidentalis</i>	Western ringtail possum	Critically Endangered	Critically Endangered	<b>Bare ground/grassland</b> does not contain suitable habitat. <b>Scattered trees and shrubs</b> , while containing suitable species would be marginal habitat. <b>Woodland</b> and <b>woodland/shrubland</b> contain peppermint trees and is suitable habitat. Further consideration of habitat based on the plant units for <b>woodland</b> and <b>woodland/shrub</b> is provided below: <ul style="list-style-type: none"> <li>• <b>Af</b> vegetation provides suitable habitat but no dreys or suitable hollows occur.</li> <li>• <b>AfMh</b> vegetation contains peppermint trees and so provides habitat for the species (in combination with a larger patch). No dreys or suitable hollows occur.</li> <li>• <b>AfSgHcW</b> vegetation contains peppermint trees and so provides habitat for the species (in combination with a larger patch). No dreys or suitable hollows occur.</li> <li>• <b>AfSg</b> vegetation contains peppermint trees and so provides habitat for the species (in combination with a larger patch). No dreys or suitable hollows occur.</li> <li>• <b>Af</b> vegetation contains peppermint trees and so provides habitat for the species (in combination with a larger patch, although would require travel over bare ground due to canopy separation). No dreys or suitable hollows occur.</li> </ul>



## 4 IMPACT MITIGATION

In accordance with *A guide to the assessment of applications to clear native vegetation* (DER 2014), the clearing has been considered in the context of the impact mitigation hierarchy and outlined below.

### 4.1 Avoidance

It is not possible, due to the location of the power poles compared to surrounding public roads and cleared areas, to avoid clearing of native vegetation. The crane and cherry picker are required to be located in close proximity to the pole, with safe zones around the poles to enable the removal and/or relocation.

Based on the outcomes of a site meeting with Western Power undertaken on the 13 September 2024 (and discussed in **Section 2.4**):

- The clearing extent has been modified and reduced compared to the works area drawing provided by Western Power (provided in **Attachment 3**). In addition, less vegetation will be cleared from within Area 1 than indicated in the application (see below point).
- Horizontal boring will be utilised to install the underground powerline. The entry and retrieval pits (start/end locations) will be located to reduce the extent of areas disturbed, enabling trees to be avoided and only small areas in the more intact areas of vegetation will need to be disturbed (if at all, given entry and retrieval pits will be aimed for completely degraded areas wherever possible). The specific location of the bore shots will not be known until detailed design is finalised. The clearing within Area 1 is therefore an overestimation of impact.
- None of the individual trees in the Wallcliffe Road reserve will need to be removed for the removal/relocation of the powerlines and installation of the underground cable.

Clearing will largely align with areas previously disturbed to install the overhead powerlines. Therefore, while native vegetation is present, it is largely regrowth that has occurred since 2007/2008. Vegetation that has not been disturbed historically has been largely avoided. The clearing identified in Area 1 is an overestimation.

### 4.2 Minimise

Measures that will be implemented to minimise the duration, intensity and extent of impacts from the clearing of native vegetation, which are also in accordance with requirements of the planning approval (P223766) and Shire permit, and include:

- Adaptive implementation of works, with the vehicle access and entry and retrieval locations to respond to site conditions, and modified to avoid vegetation where possible, or to be located in areas of poorer quality vegetation. Ongoing consultation with Western Power and the Shire will be undertaken to inform the clearing works and ensure it responds to works areas. The referral considers a larger area than will be impacted, particularly for Area 1.
- Clearly demarcate the extent of native vegetation clearing permitted, using flagging tape and/or fencing, in addition to being detailed on the works drawings.
- Manage clearing and relocation works to prevent the potential spread of weeds and dieback, including ensuring all machinery, vehicles, tools and footwear is cleaned down of soil material before entering the works area and minimising activities (where possible) during wet conditions. This is required as part of addressing the planning approval (P223766) and Shire permit.
- Conducting clearing in a progressive manner towards surrounding remnant vegetation to the south. An arborist will assist with the clearing, given the small area of impact and proximity to other vegetation not proposed to be removed. Trees/vegetation will not be fully removed but instead lopped/mulched to the base and able to regrow.

- Ensuring a suitably qualified fauna specialist undertakes an inspection of the vegetation ahead of clearing, and to be present during clearing activities to assist with fauna management/relocation to adjacent areas where fauna is identified. This will be in accordance with licences pursuant to the *Biodiversity Conservation Act 2016* (BC Act). This is required as part of addressing the planning approval (P223766) and Shire permit.
- Limit vehicle speeds within/around the works area to reduce the chance of fauna vehicle strike.
- Maintaining works in a clean and tidy manner, to prevent fauna from entering the works area.

#### 4.3 Rehabilitation

Following the completion of the power pole removal/relocation activities, areas of cleared vegetation within the application area will be left to regenerate naturally.

It is expected, similar to observed site conditions, that trees lopped to the base will regrow, the same as vegetation that has regrown since the last pole installation activities in 2007/2008.

#### 4.4 Offset

The proposed clearing is 0.056 ha (0.047 ha (470 m<sup>2</sup>) of which is native vegetation) of native vegetation and is required for the relocation of electrical power poles and associated overhead powerlines. Given the outlined avoidance, mitigation and rehabilitation activities, no offset is proposed.

Removal of the vegetation within the application area would not significantly reduce the available vegetation, its connectivity or the vegetation available to fauna species (particularly western ringtail possums) in the area. Western ringtail possum will still be able to actively use the area. No residual significant impact is anticipated.

### 5 RESPONSE TO CLEARING REFERRAL CRITERIA

DWER's referrals process supports a risk-based approach to assessing native vegetation clearing proposals by establishing a pathway to assess very low impact clearing activities that are deemed not to require a permit. When assessing the clearing referral, DWER have regard to the referral criteria listed in Section 51DA(4) of the EP Act. A clearing permit is required if all referral criteria are not met.

In support of this clearing referral, the four referral criteria have been considered and responded to, provided in **Table 3**.

**Table 3: Response to EP Act clearing referral criteria**

EP Act s51DA(4) criteria	Response to the EP Act clearing referral criteria
<p><i>Criterion 1: The area proposed to be cleared is small relative to the total remaining vegetation</i></p> <ul style="list-style-type: none"> <li>• Relative to the total remaining vegetation in the region where the proposed clearing is located, and</li> <li>• Relative to the total remaining vegetation of the ecological community that the vegetation proposed to be cleared forms a part of</li> </ul>	<p>The application area is located within the 'intensive land use zone' located in south-west WA. The <i>Native Vegetation Clearing Referrals Guideline</i> ('the Guideline') (DWER 2021) states that if the extent of the proposed clearing is more than 1 ha, a clearing permit is required. The proposed clearing would involve the removal 0.047 ha (470 m<sup>2</sup>) of native vegetation in the 0.056 ha application area. This is well below the 1 ha threshold and is anticipated to result in a very low environmental impact.</p> <p>The application area is located within the Warren sub-region of the Interim Biogeographic Regionalisation for Australia (IBRA) dataset. It is comprised of the 'Boranup' system which has 53.56% of its pre-European extent remaining, with the application area part of the 'Boranup 1109' association, which is described as mainly "Shrublands; peppermint scrub, <i>Agonis flexuosa</i>" and has approximately 96.03% (29,183 ha) of its pre-European (1750) (30,388 ha) vegetation extent remaining as of 2018 (Government of Western Australia 2018).</p> <p>Of the remaining Boranup 1109 vegetation association (29,183 ha), 79.6% (24,183 ha) is reserved for conservation (Government of Western Australia 2018). The clearing of native vegetation within the</p>

EP Act s51DA(4) criteria	Response to the EP Act clearing referral criteria
	<p>application area (0.047 ha) would represent &lt;0.0001% of remaining area of the 'Boranup 1109' vegetation association.</p> <p>At a more localised level, the application area is found within South West Forest Region of Western Australia and is associated with the 'Gracetown' (G3) vegetation complex. There is 3,833 ha of this vegetation complex remaining (DBCA 2018) and 2,561 ha is protected for conservation (approximately 57% of the remaining vegetation). The application area represents &lt;0.0001% of the remaining area. The remaining vegetation is above the 30% threshold for the Gracetown complex.</p> <p>A review of the current native vegetation extent dataset (DPIRD-005), within a 5 km buffer of the application area, indicates that the threshold for remaining native vegetation surrounding the boundary of the site is above the 30% as highlighted in the Guideline. The pre-European native vegetation extent within 5 km of the application area was approximately 4,774 ha, whilst presently there is an estimated total of 2,982 ha of native vegetation remaining (approximately 62.5%) within a 5 km radius of the application area.</p>
<p><i>Criterion 2: There are no known or likely significant environmental values within the area</i></p> <ul style="list-style-type: none"> <li>• Biological values (e.g. flora, fauna, ecological communities)</li> <li>• Conservation values (e.g. impact to ecological linkages, conservation areas and heritage values)</li> <li>• Land and water resource values (e.g. wetlands and watercourses, water resources, land and soil quality)</li> </ul>	<p>No known or likely significant environmental values occur within the area, as summarised below. As such, the proposed clearing is not at variance with this criterion.</p> <p><u>Biological values</u></p> <ul style="list-style-type: none"> <li>• The application area is mapped as comprising vegetation in 'very good' to 'completely degraded' condition, based on the completed survey work (Emerge Associates 2024).</li> <li>• The vegetation within the application area has been disturbed historically and does not provide material or significant habitat for any threatened, priority or specially protected fauna, including western ringtail possum, based on the completed survey work (Emerge Associates 2024). Western ringtail possum are known to occur in the area, but the removal of 0.047 ha (470 m<sup>2</sup>) of native vegetation would not change the area possums can occupy nor would it create breaks in canopy which could not be traversed by adjacent connected areas of vegetation. No dreys were observed in the peppermint trees that will be pruned to the base, and they are not large enough to contain hollows suitable for possums. Vegetation is largely regrowth from previous clearing to support maintenance of the power poles.</li> <li>• The application area does not contain, nor is it in proximity to, any threatened or priority ecological community occurrences.</li> <li>• The application area does not contain, nor is it in proximity to, any threatened or priority flora occurrences. <i>Banksia sessilis</i> var. <i>cordata</i> was identified within the survey area, but it is easily distinguished and was not found in the application area.</li> </ul> <p><u>Conservation values</u></p> <ul style="list-style-type: none"> <li>• The application area does not intersect any mapped regional ecological linkages.</li> <li>• The application area does not intersect any conservation reserves (e.g. Bush Forever, Environmental Protection Policy areas, DBCA managed land, Shire managed land, Regional Open Space, or crown reserves vested for conservation purposes).</li> <li>• The application area intersects a registered Aboriginal Cultural Heritage place, 'Cliffs at Wallcliffe' (ID 5848). The Cliffs at Wallcliffe are located further west of the application area, however this is being managed separately pursuant to the <i>Aboriginal Heritage Act 1972</i>, and Karri Karrak Aboriginal Corporation (the regional corporation for the South West Boojarah region) have already been consulted with regarding the place and required process. No other known historic heritage places are identified in the application area.</li> </ul> <p><u>Land and water resource values</u></p> <ul style="list-style-type: none"> <li>• The application area does not contain, nor is it in proximity to, any wetlands listed under the Convention on Wetlands of International Importance (Ramsar Convention) or the Directory of Important Wetlands in Australia, or wetlands classified as 'conservation category' or 'resource enhancement' in the DBCA <i>Geomorphic wetlands</i> databases.</li> <li>• The application area does not intersect with or impact upon a watercourse. Margaret River is located more than 400 m to the west of the application area (see <b>Figure 5</b>) but none of the works associated with this application will extend to the Margaret River and no plant communities in the survey area (or application area) are representative of any riparian vegetation or vegetation dependent on intermittently waterlogged soils.</li> <li>• The application area is not within a public drinking water source area.</li> <li>• The DWER Contaminated Sites Database does not indicate any known contamination within the application area or the surrounding area.</li> </ul>

EP Act s51DA(4) criteria	Response to the EP Act clearing referral criteria
	<ul style="list-style-type: none"> <li>• A review of soil landscape mapping (DPIRD 2018b) indicates that the application area is within the 'Gracetown Ridge System' (see <b>Figure 5</b>), which contains 'deep yellow brown siliceous sands over limestone' (i.e., Spearwood Sands) (DPIRD 2018b). The soil group is identified as moderately permeable soil in elevated landscape positions.</li> <li>• The works are in relatively flat areas, with clearing (and exposure of soils) proposed over a small area, with root balls to remain (e.g. vegetation is getting lopped back to ground level, not fully removed) and for only a short duration. No specific control measures are proposed to be implemented during clearing and removal of the poles due to the small area, the presence of existing root matter that will remain for the duration of the works and support regrowth; and the short duration of activities. The works will also be managed in accordance with separate Shire permit requirements, which consider management of sedimentation and erosion.</li> </ul>
<i>Criterion 3: The state of scientific knowledge of native vegetation within the region is adequate</i>	<p>The site is located within the South West Forest Region. Various databases, spatial datasets and other relevant readily available information is available for the site and the broader region. Additionally, site-specific flora, vegetation and fauna investigations for the pole removal and undergrounding activities have been completed (see <b>Section 3.1</b> and <b>3.2</b>). The state of scientific knowledge of native vegetation in the region (and locally) is adequate. As such, the proposed clearing is not at variance with this criterion.</p>
<i>Criterion 4: Conditions will not be required to manage environmental impacts</i>	<p>Efforts to avoid, minimise and rehabilitate environmental impacts of the pole removal and undergrounding works have been incorporated into the design process and proposed construction approach and has included consultation with both Western Power and the Shire of Augusta Margaret River. Consultation with both parties will be ongoing as part of implementation.</p> <p>The outlined management measures will be managed in accordance with the conditions of the planning approval (P223766) and also a Shire permit, as discussed in <b>Section 2.6</b>. A fauna relocation licence pursuant to the <i>Biodiversity Conservation Act 2016</i> will also apply.</p> <p>The residual impacts outlined in this referral (being the clearing of 0.047 ha of native vegetation) have been assessed to be of very low environmental impact and are not anticipated to require any conditions to manage effects on the environment, particularly given the other approvals that apply, and conditions/requirements associated with those approvals. As such, the proposed clearing is not at variance with this criterion.</p>

## 6 SUMMARY AND CLOSING

Wallcliffe House Pty Ltd will be undertaking clearing works to support Western Power in the removal/relocation of existing overhead power lines and undergrounding of a portion of the alignment in/around Wallcliffe Road reserve. The works are associated with upgrade works for the approved redevelopment of a boutique hotel within Lot 101 Wallcliffe Road, Margaret River.

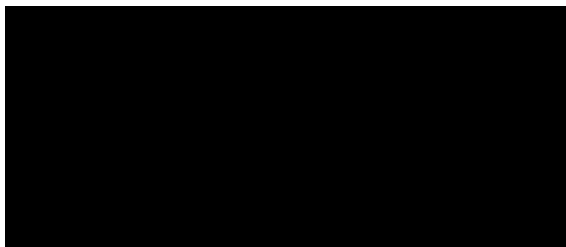
The proposed clearing subject to this referral comprises 0.047 ha (470 m<sup>2</sup>) of native vegetation (within a 0.056 ha application area). Impact avoidance (reduction in clearing area compared to the areas originally identified by Western Power, through active engagement and discussion); impact minimisation (clearing/disturbing vegetation in areas previously cleared to install the power poles, with recent works in 2007/2008; working with Western Power to minimise clearing in Area 1 as part of locating entry and retrieval pits; and fauna management protocols during clearing in accordance with other approvals ) and impact rehabilitation (allowing regrowth) is proposed, such that no significant residual impacts are anticipated.

Overall, the proposed clearing activities are assessed to have a very low environmental impact and are not considered to be at variance with the four referral criteria outlined in the EP Act and the Guideline, which have been addressed in detail within this letter.



Should you have any questions regarding the referral or content of this supporting letter please do not hesitate to contact the undersigned on [REDACTED]  
[REDACTED]

Yours sincerely  
Emerge Associates



**Kirsten Knox**  
PRINCIPAL ENVIRONMENTAL CONSULTANT

cc: Chris Furtado – Wallcliffe House Pty Ltd

Encl: Figure 1: Location of Site and Application Area  
Figure 2: Plant Communities  
Figure 3: Vegetation Condition  
Figure 4: Fauna Habitat  
Figure 5: Soils and Hydrology  
Appendix A: Planning approval P223766

Related documents:

Attachment 1: Signed application (Form C1)  
Attachment 2: Additional information – Clearing referral criteria (this document)  
Attachment 3: Western Power Preliminary Works Area  
Attachment 4: Spring Flora and Vegetation Assessment- Lot 101 Wallcliffe Road, Prevelly (2019)  
Attachment 5: Fauna Assessment - Lot 101 Wallcliffe Road Prevelly (2019)  
Attachment 6: Technical Memorandum Flora and Fauna Assessment (2024)  
Attachment 7: Certificate of Title  
Attachment 8: Landowner Consent

Digital shape file of application area – provided with email

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# Figures



Figure 1: Location of Site and Application Area

Figure 2: Plant Communities

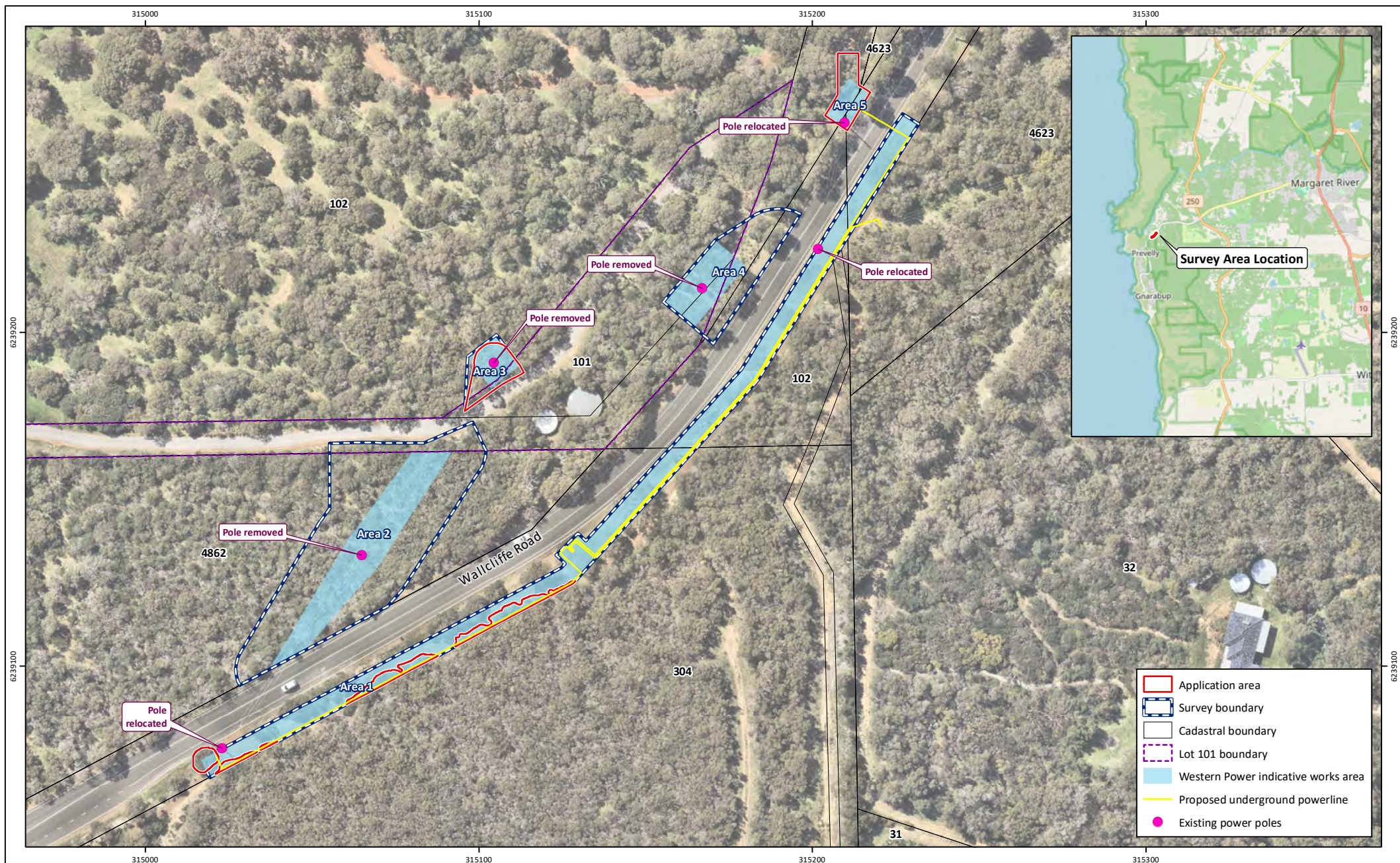
Figure 3: Vegetation Condition

Figure 4: Fauna Habitat

Figure 5: Soils and Hydrology







**Figure 1: Location of Application Area**

**Project:** Clearing Referral Application  
Various Landholdings Wallcliffe Road, Prevelly

**Client:** Wallcliffe House Pty Ltd

**Plan Number:**  
EP18-128(17)--F76a

**Drawn:** GAR

**Date:** 12/12/2024

**Checked:** KK

**Approved:** KK

**Date:** 12/12/2024



0 20 40 60

Metres

**Scale: 1:1,500@A4**

GDA 1994 MGA Zone 50

**emerge**  
ASSOCIATES





**Figure 2: Plant Communities**

**Project:** Clearing Referral Application  
Various Landholdings Wallcliffe Road, Prevelly  
**Client:** Wallcliffe House Pty Ltd

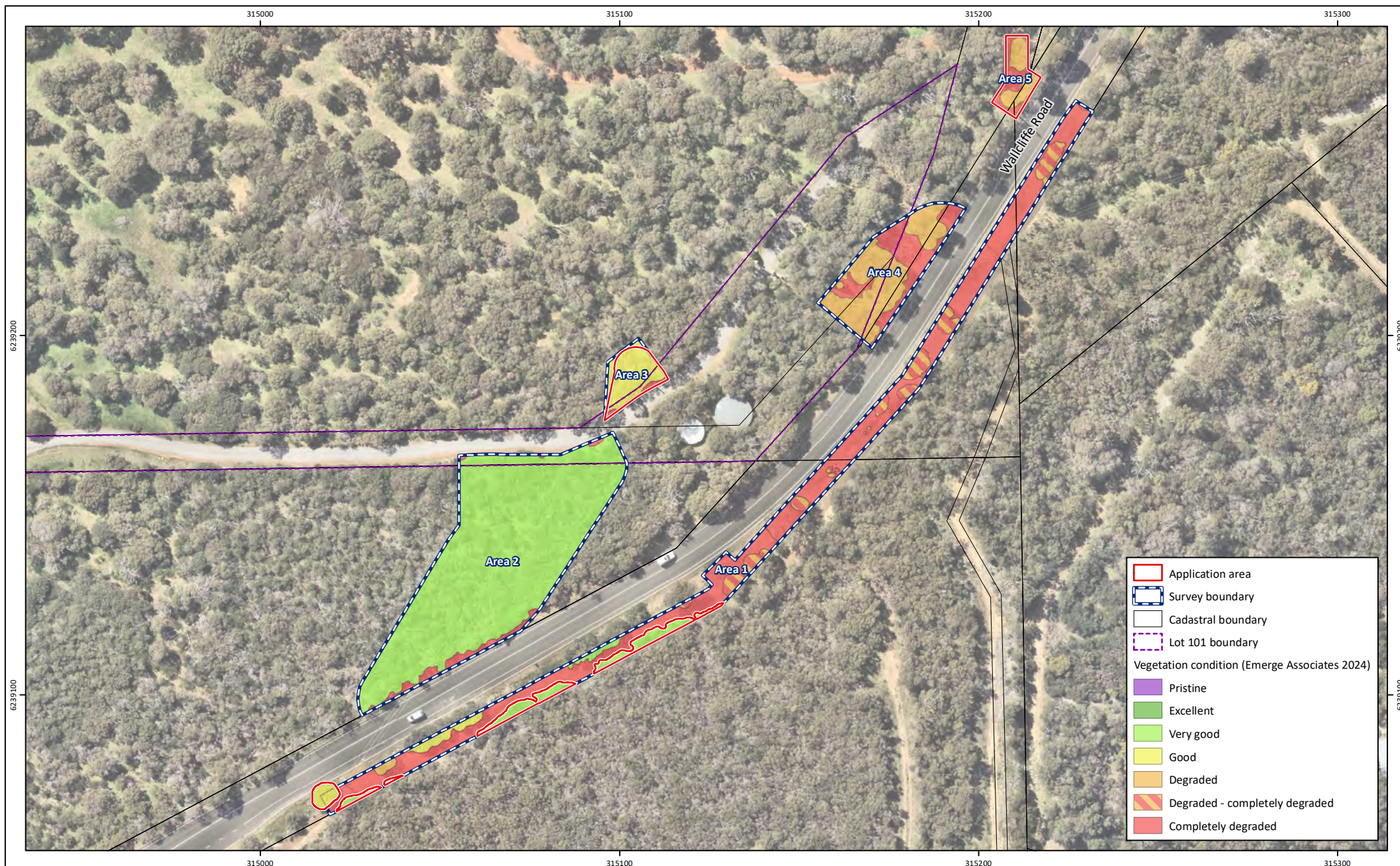
**Plan Number:**  
EP18-128(17)--F77a  
**Drawn:** GAR  
**Date:** 12/12/2024  
**Checked:** KK  
**Approved:** KK  
**Date:** 12/12/2024



0 20 40 60  
Metres  
Scale: 1:1,500@A4  
GDA 1994 MGA Zone 50







**Figure 3: Vegetation Condition**

**Project:** Clearing Referral Application  
Various Landholdings Wallcliffe Road, Prevelly

**Client:** Wallcliffe House Pty Ltd

**Plan Number:**  
EP18-128(17)--F78a

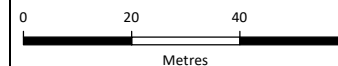
**Drawn:** GAR

**Date:** 12/12/2024

**Checked:** KK

**Approved:** KK

**Date:** 12/12/2024



**Scale:** 1:1,400@A4  
GDA 1994 MGA Zone 50







**Figure 4: Fauna Habitat**

**Project:** Clearing Referral Application  
Various Landholdings Wallcliffe Road, Prevelly  
**Client:** Wallcliffe House Pty Ltd

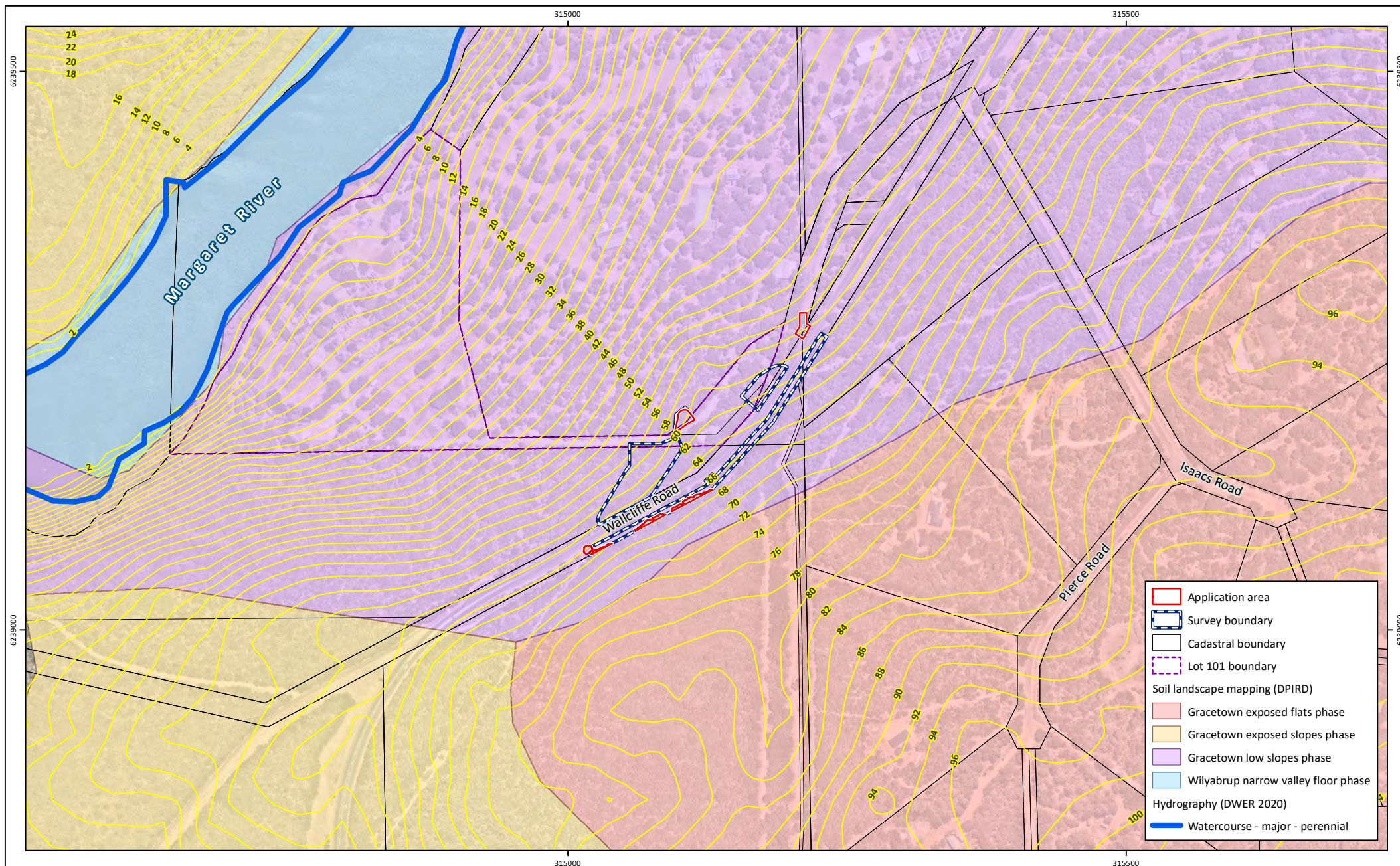
**Plan Number:**  
EP18-128(17)--F79a  
**Drawn:** GAR  
**Date:** 12/12/2024  
**Checked:** KK  
**Approved:** KK  
**Date:** 12/12/2024



0 20 40 60  
Metres  
Scale: 1:1,400@A4  
GDA 1994 MGA Zone 50

**emerge**  
ASSOCIATES





**Figure 5: Soils and Hydrology**

**Project:** Clearing Referral Application  
Various Landholdings Wallcliffe Road, Prevelly

**Client:** Wallcliffe House Pty Ltd

**Plan Number:**  
EP18-128(17)--F83a

**Drawn:** GAR

**Date:** 12/12/2024

**Checked:** KK

**Approved:** KK

**Date:** 12/12/2024



0 50 100 150  
Metres

**Scale: 1:4,500@A4**

GDA 1994 MGA Zone 50





# Appendix A

Planning Approval P223766









LG Ref: P223766, PTY/9395  
DAP Ref: DAP/23/02589  
Enquiries: (08) 6551 9919

[REDACTED]  
[REDACTED]  
[REDACTED]  
  
[REDACTED]

**REGIONAL DAP - SHIRE OF AUGUSTA-MARGARET RIVER - DAP APPLICATION  
- P223766, PTY/9395 - DETERMINATION**

Property Location:	752 (Lot 101) Wallcliffe Road, Margaret River
Application Details:	Boutique Hotel

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the Shire of Augusta-Margaret River on 21 November 2023 for the above-mentioned development.

This application was considered by the Regional DAP at its meeting held on 28 March 2024, where in accordance with the provisions of the Local Planning Scheme No. 1, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Harriet Park on behalf of the Shire of Augusta-Margaret River on 8 9780 5220.

Yours sincerely,

**DAP executive director**

5 April 2024

Encl. DAP Determination Notice  
Approved Plans

Cc: [REDACTED]  
Shire of Augusta-Margaret River

***Planning and Development Act 2005***

**Shire of Augusta-Margaret River Shire of Augusta Margaret River Local  
Planning Scheme No. 1**

**Regional Development Assessment Panel**

**Determination on Development Assessment Panel  
Application for Planning Approval**

**Property Location:** 752 (Lot 101) Wallcliffe Road, Margaret River

**Application Details:** Boutique Hotel

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 28 March 2024, subject to the following:

**Approve** DAP Application reference DAP/23/02589 and accompanying plans, in accordance with Clause 68 of Schedule 2 (Deemed Provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the Shire of Augusta Margaret River Local Planning Scheme No. 1, subject to the following conditions:

**Conditions:**

1. This decision constitutes planning approval only and is valid for a period of 4 years from the date of approval. If the subject development is not substantially commenced within the specified period, the approval shall lapse and be of no further effect.
2. The development the subject of this approval must comply with the approved plans at all times unless otherwise approved in writing by the Shire of Augusta Margaret River or the Joint Development Assessment Panel.

Plans and Specifications	P1 to P62 received by the Shire on 10 November 2023, and P63 received on 12 February 2024
--------------------------	---

**Waste Management**

3. Prior to commencement of the development, a Waste Management Plan must be submitted to and approved by the Shire for the intended use. The Waste Management Plan must then be implemented to the satisfaction of the Shire, and have due regard to the following:
  - a) Ownership, maintenance and management of waste receptacles;
  - b) Provider of waste collection services;
  - c) Categories (landfill, recycling, FOGO, etc.) and volumes of waste expected to be produced;
  - d) Bin storage area and types of receptacles – showing quantity and placement of bins in storage area;
  - e) Method of collection and disposal of waste including access, circulation and collection times for the servicing of waste bins/receptacles;
  - f) Hygiene and noise, odour and vermin control;



- g) Health, safety and environmental considerations, particularly focussed around manual handling, and prevention of accidental spills and releases;
- h) Waste avoidance and staff education on avoiding waste; and,
- i) Any opportunities for management of waste on site, like composting food waste, etc.

#### Stormwater and Drainage

- 4. Prior to lodging a building permit application, a detailed Stormwater Management Engineering Plan shall be prepared to the satisfaction of the Shire and submitted to the Shire showing drainage details, stated storage capacity, lid levels, drainage pipe inverts, sump connections details, slow-release details and calculations, offsite infrastructure connection details and a feature survey showing existing services, street trees, footpaths, and furniture etc. The Shire's written acceptance of the Stormwater Management Plan must be provided with the building permit application. (Refer to advice note 'c').
- 5. Prior to practical completion of the development, stormwater management systems on the subject site shall be constructed in accordance with the accepted Stormwater Management Engineering Plan referred to in abovementioned condition and shall thereafter be maintained.
- 6. At all times, all stormwater and drainage run-off from the development shall be detained within the lot boundaries and where available disposed offsite by an approved connection to the Shire's drainage system. At all times stormwater shall be managed to predevelopment flow regimes.

#### Access and Parking

- 7. Prior to lodging a building permit application, a detailed Vehicle Parking Construction Engineering Plan shall be prepared in accordance with the Australian Standard AS 2890 to the satisfaction of the Shire and submitted to the Shire showing construction details including bay lengths and widths, aisle widths, pavement levels, thickness, cross fall, lighting proposal and drainage disposal method. The Shire's written acceptance of the Vehicle Parking Engineering Plan(s) must be provided with the building permit application (refer to advice note 'c').
- 8. Prior to lodging a building permit application, engineering drawings and specifications are to be submitted and approved by the Shire, for the widening of Wallcliffe Road to facilitate the construction of a Basic Right Turn BAR treatment to support vehicle access to the development, constructed and drained at the applicant's cost.
- 9. Prior to occupation of the development, vehicle parking areas shall be constructed and thereafter maintained in accordance with accepted Vehicle Parking Construction Plan(s), the Australian Standard AS 2890 and the Shire's Standards and Specifications.
- 10. Prior to commencing construction of any development on site, the new access way and crossover shall be designed, constructed, sealed, and drained in accordance with the Shire's standards and specifications.

11. ACROD bay and statutory signs shall be located convenient to the building entrance and shall be designed in accordance with AS2890.6 Parking Facilities Part 6: Off street Parking for People with Disabilities to the satisfaction of Local Government.

#### Public Art

12. Prior to issue of a building permit for the development, the proponent shall either make arrangements to install public art on site or make a contribution toward public art in accordance with the Shire's *Public Art Policy* (dated August 2023).

#### Health

13. Prior to issue of a building permit, an acoustic assessment of external mechanical plant is required prior to construction with any required noise amelioration to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997* and no loss of amenity to the locality by appearance, noise, emissions or otherwise, to the satisfaction of the Shire.
14. Prior to issue of a building permit, an assessment of anticipated noise emissions from the operation of development shall be assessed at final design stage and appropriate noise controls are to be incorporated into the design to ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
15. Noise emissions resulting from the development or use of the land shall not exceed the assigned levels in the *Environmental Protection (Noise) Regulations 1997*, and shall not unreasonably interfere with the health, welfare and amenity of an occupier of another premises.
16. Prior to the construction and fit out of the approved food premises, detailed plans and specifications must be submitted to the Local Government for assessment. Refer to advice note 'f'.
17. The proponent shall capture and treat all wastewater associated with the proposed activity on site in accordance with the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*. Given that the land is within 2km and drains into the Margaret River, all wastewater will need to be treated to secondary standard in accordance with the *Government Sewerage Policy 2019*.

#### Heritage

18. An Interpretation Plan for Wallcliffe House and Landscape is to be fully implemented prior to occupancy of the new boutique hotel. The plan is to be provided to the satisfaction of the Director Historic Heritage Conservation prior to the application for a Building Permit. The Interpretation Plan should include interpretation strategies for the place and implementation proposals.
19. An Archaeological Management Plan is to be prepared to include appropriate procedures for identification, assessment, documentation and management of any archaeological material encountered during ground disturbance work.

Bushfire

20. Prior to lodging a building permit application, the Bushfire Management Plan (BMP) is required to be updated to include the technical memorandum (prepared by Emerge Associates and dated February 2024) referenced as Landscape Treatment for Bush Cottages to Achieve Low Threat. The revised BMP is required to make reference to the requirement for the development to require a variation to the fire break notice.
21. Prior to lodging a building permit application, the Bushfire Emergency Evacuation Plan (prepared by Emerge Associates and dated November 2023) shall be revised to the specifications of the Shires Emergency Services and to the satisfaction of the Shire.
22. Prior to lodging a building permit application, the modified BMP (see condition 20) is to undergo a third party review by a Level 3 bushfire practitioner, to confirm the acceptability of bushfire safety measures contained therein. A copy of the completed review is to be provided to the Shire. Any resultant modifications to the BMP are not to cause material alterations to the approved development nor increase the extent of required land clearing.
23. The revised and accepted Bushfire Management Plan and Bushfire Emergency Evacuation Plan, required in above-mentioned conditions 20 and 21, shall be implemented on site prior to commencement of the use and at all times thereafter.
24. The Bushfire Emergency Evacuation Plan shall be displayed in a conspicuous location within the development at all times.
25. Certification shall be provided to the Shire by an accredited Bushfire Consultant that all bushfire management actions detailed in the accepted Bushfire Management Plan have been implemented prior to commencement of the use.
26. The restaurant building being designed and constructed to be compliant with the Design and Construction of Community Bushfire Refuges Handbook (ABCB 2014), and capable of accommodating 130 people (guests and staff) in the event that evacuation from the site is not considered safe during a bushfire event.

Environment

27. Prior to occupation of the development boundary fencing shall be installed to the satisfaction of the Shire.
28. Any vegetation clearing for fence construction shall not extend onto Crown land which includes Shire and Road Reserves.

29. A Landscape Management Plan shall be prepared by a suitably qualified and/or experienced consultant, with a focus on the following:
- Revegetation of the undeveloped northern corner of the site abutting Shire Foreshore Reserve 43268 with appropriate native plant species, known to naturally occur in the subject area (endemic plant species; local provenance plant stock).
  - Proposed landscape treatment across the entire site
  - Weed management

The plan shall be submitted to the Shire prior to lodging a building permit, and thereafter implemented inclusive of the following

- a) the location and species name of existing trees and proposed plantings;
  - b) quantity of each species to be planted;
  - c) any soil treatment or mulching;
  - d) details of any weed control and maintenance;
  - e) quantitative completion criteria;
  - e) Detail the timing of planting; and
  - f) annual monitoring plan.
30. Landscaping shall be implemented, in accordance with the approved Landscape Plan, prior to occupation/use of the development and shall be maintained at all times.
31. The clearing of existing vegetation is limited to that specified in approved plans P62 and P63.
32. When undertaking any clearing, revegetation and rehabilitation, the Proponent shall take the following steps to minimise the risk of introduction and spread of dieback/weeds:
- a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
  - b) avoid the movement of soil in wet conditions;
  - c) ensure that no dieback-affected materials are brought into an area that is not affected by dieback; and
  - d) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.
33. Prior to lodging a building permit a Construction Environmental Management Plan being prepared to the specifications of the Shire and submitted for the approval of the Shire prior to the issue of a building permit, responding to the following:
- a) Landform and karst formations
    - Excluding works from the portion of Wallcliffe Cliffs within the site and include soil erosion and sedimentation protocols.
  - b) Flora and Vegetation
    - Identifying tree/vegetation retention areas, including retention *banksia sessilis* where possible
    - Hygiene and dieback management (avoiding introduction of disease and weeds)
    - Exclusion of works from Margaret River and associated riparian vegetation.
  - c) Native fauna

- Maximise retention of vegetation through sensitively located buildings
  - Protection of osprey nest and black cockatoo habitat trees
  - Fauna spotter
  - d) Hydrology
    - Address requirements of Water Management Plan
  - e) Heritage
  - f) Bushfire
34. Clearing of native vegetation is only permitted in those areas approved for development.
35. Prior to lodging a building permit, a Sediment Management Plan for the proposed development shall be prepared by the proponent to the satisfaction of the Shire. The approved Sediment Management Plan shall be implemented on site from commencement of works.

#### Hotel and Chalets

36. This approval is for short stay accommodation only. This means accommodation by a person or group of people for a period of less than three (3) months in any one 12 month period. The chalets shall not be used for permanent residential purposes.
37. The number of short stay guests accommodated on site at any one time is limited to a maximum of sixty two (62) people.

#### Restaurant and Spa

38. The spa and the restaurant are only approved for use by guests of the hotel and chalets. Use of the restaurant and spa by the public would require further planning approvals from the Local Government.

#### **Advice Notes**

- a) You are advised of the need to comply with the requirements of the following other legislation:
- (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the Building Act 2011;
  - (ii) Health (Miscellaneous Provisions) Act 1911 and Department requirements in respect to the development and use of the premises; and
  - (iii) The Bush Fires Act 1954 as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
  - (iv) This is not an Approval under the Aboriginal Heritage Act 1972. Any relevant approvals must be issued before any works commence on site as per the Aboriginal Heritage Act 1972.

- b) Commercial developments should contain the 5% AEP on site using appropriate onsite storage with suitably designed storage such as pipe and pit, raingardens and shaping the carpark to function as part of the onsite detention with slow release to mimic predevelopment flows.
- c) Engineering plans are required to be developed and designed by a suitably qualified engineer and submitted to the Shire's Asset Services department (PH 9780 5274) The plans shall include a feature survey of the Shires road reserve as part of the submission.
- d) The onsite wastewater system operations will be categorised as Prescribed Premises as per Schedule 1 of the *Environmental Protection Regulations 1987*. The *Environmental Protection Act 1986* makes it an offence to undertake any work which causes a premises to become, or become capable of being, a Prescribed Premises unless the work is undertaken in accordance with a works approval. The applicant is therefore advised to refer to the information and Industry Regulation Guide to Licensing available at <http://www.der.wa.gov.au/our-work/licences-and-works-approvals> and/or if they have queries relating to works approvals and licences to contact the Department of Water and Environmental Regulation at [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) or 6364 7000.
- e) Licensed premises are to comply with the Standards of Licensed Premises issued by the Department of Local Government, Sport and Cultural Industries.
- f) Any food handling activities are to comply with the *Food Act 2008* and the Food Standards Australia New Zealand Code.
- g) A building or place or part of a building or place where persons may assemble is a public building and is required to comply with the *Health Act 1911*; the *Health (Public Building) Regulations 1992* and the Building Code of Australia.
- h) *Agonis flexuosa* (WA Peppermint Trees) provide key habitat for the critically endangered Western Ringtail Possum (WRP). The WRP, and their habitat, are awarded protection under the Biodiversity Conservation Act 2016 and penalties may apply for destroying this habitat and/or disturbing (including relocating or causing harm/death) a WRP without the necessary approvals. A section 40 ministerial authorisation to take or disturb threatened fauna under the Biodiversity Conservation Act 2016 is to be obtained prior to clearing occurring. A certified and / or registered fauna handler is required to undertake a pre-clearing inspection of areas of vegetation that may be impacted by development and be present during the removal of vegetation. The handler is to provide a post clearing report to DBCA [swlanduseplanning@dbca.wa.gov.au](mailto:swlanduseplanning@dbca.wa.gov.au) that includes the numbers of adult or juvenile WRP observed, taken or disturbed, any injuries or fatalities, and the location of the fauna after clearing has occurred.
- i) The applicant/owner is advised to brief all persons involved in site works and associated activities of their legal obligations with respect to the Aboriginal Heritage Act 1972 prior to construction work.



Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) or local government approval under regulation 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.