

24 February 2023

Department of Water and Environmental Regulation  
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To Whom it May Concern,

**RE – Plant 11, Lot 610 Fairway Drive, Broadwater - Clearing Permit Application**

Please find herein information pertaining to a clearing permit (area) application on behalf of Busselton Water.

**Background**

Busselton Water are proposing to construct and install solar panels at Plant 11, Lot 610 Fairway Drive, Broadwater (herein referred to as the subject site) (refer to **Figure 1** and **2**). The subject site is located in the municipality of the City of Busselton, approximately 2 km from the Busselton town centre.

The proposed construction works will require the removal of two individuals and a small group of *Eucalyptus rudis* (flooded gum) trees. Accordingly, to enable the progression of the project, a clearing referral pursuant to the *Environmental Protection Act 1987* is required. A description and photograph of the trees subject to clearing to enable progression of the project is provided below in **Plates 1 – 4**.

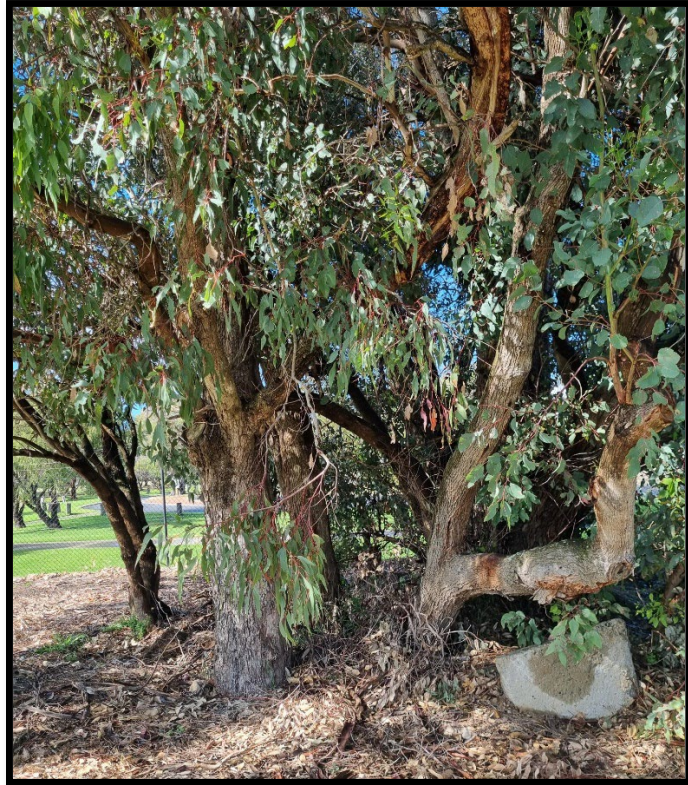


**Plate 1:** *Eucalyptus rudis* tree subject to clearing.

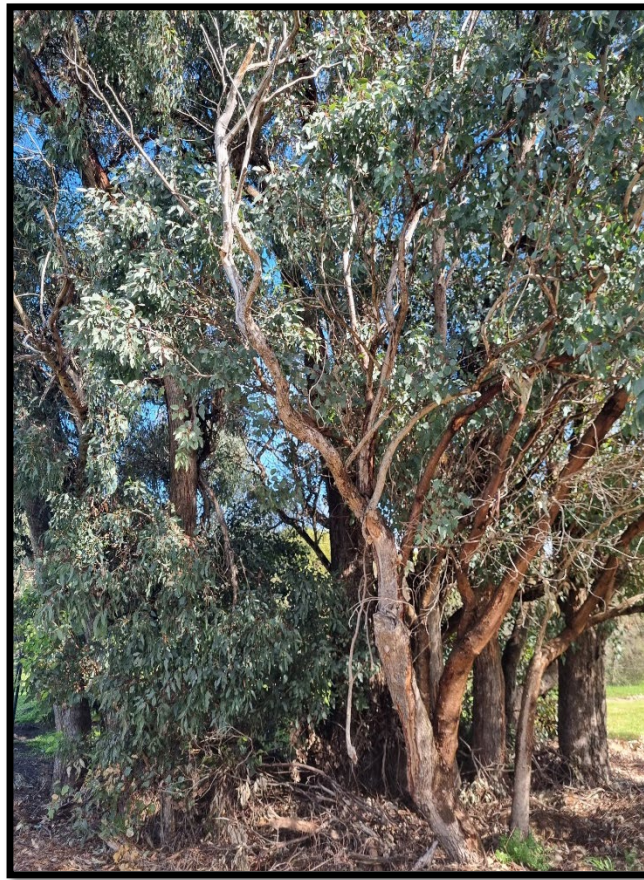


**Plate 2:** *Eucalyptus rudis* tree subject to clearing.





**Plate 3: Small group of *Eucalyptus rudis* trees subject to clearing (looking south).**



**Plate 4: Small group of *Eucalyptus rudis* trees subject to clearing (looking north).**

### Avoidance and Mitigation Measures

Busselton Water undertook an assessment of the subject site prior to determining a suitable location for the proposed solar infrastructure. In consideration of the setback requirements, installation area and safety specifications associated with retaining mature trees within a water plant area, the proposed location is considered the only feasible option. It is considered that no other reasonable and practicable avoidance measures can be implemented within the clearing footprint.

To avoid any direct or indirect impacts to adjoining crown reserves, the Applicant has committed to the following mitigation measures:

- No vehicular access outside of the plant area to adjoining reserves; and
- No stockpiling of cleared vegetation or storage of equipment within the plant area.

### Impact Assessment

Any clearing of native vegetation requires a permit in accordance with Part V of the *Environmental Protection Act 1986* (EP Act), except where an exception applies under Schedule 6 of the Act or is prescribed by regulation in the *Environmental Protection (Clearing Native Vegetation) Regulations 2004*.

The clearing of native vegetation for the purpose of installing solar power infrastructure is subject to a clearing permit. Clearing applications are assessed against the Ten Clearing Principles outlined in Schedule 5 of the EP Act. These principles aim to ensure that all potential impacts resulting from the removal of native vegetation can be assessed in an integrated manner.

An examination of the Ten Clearing Principles based upon a site visit and desktop information is provided below.

**Table 1: Assessment against the Ten Clearing Principles.**

Principle	Assessment	Conclusion
a.) Native vegetation should not be cleared if it comprises a high level of biological diversity	<p>The subject site consists solely of <i>Eucalyptus rudis</i> trees. Mapping (Mattiske and Havel 1998) indicates the original vegetation complexes within the subject site would have included:</p> <ul style="list-style-type: none"> <li>Vasse Complex - Mixture of the closed scrub of Melaleuca species fringing woodland of <i>Eucalyptus rudis</i> (Flooded Gum) - Melaleuca species and open forest of <i>Eucalyptus gomphocephala</i> (Tuart) - <i>Eucalyptus marginata</i> (Jarrah) - <i>Corymbia calophylla</i> (Marri). Will include areas dominated by Tecticornia and Sarcocornia species (Samphire) near Mandurah and south of the Capel River.</li> </ul> <p>The subject site is in a completely degraded (Keighery 1994) condition as result of the current land use (water plant). The subject site does not contain any floristic characteristics associated with the abovementioned vegetation complex as the vegetation structure has been completely altered.</p> <p>The condition of the subject site and history of anthropogenic disturbances denotes that the subject site would not contain any Priority or Threatened Ecological communities (PEC or TECs), or flora of conservation significance. There is no other native vegetation within the subject site excluding the <i>Eucalyptus rudis</i> trees.</p> <p>As discussed under Principle (b), the subject site is not likely to comprise significant habitat for the conservation significant black cockatoo species, or any conservation significant fauna species.</p> <p>The clearing will result in the removal of 154 m<sup>2</sup> <i>Eucalyptus rudis</i> trees. The removal of these trees is not considered likely to significantly impact on the biological diversity of the area.</p> <p>The proposal is not at variance to this principle.</p>	Based on the extent of disturbance within the subject site, and the limited clearing footprint, the subject site is not likely to comprise high biodiversity. The proposed clearing is not at variance to this principle.
b.) Native vegetation should not be cleared if it comprises the whole or part of, or is necessary	A search of the Department of Biodiversity, Conservation and Attraction's (DBCA's) threatened fauna database and the <i>Environment Protection and Biodiversity Conservation</i>	Removal of vegetation within the subject site is not considered to be at variance to this principle as the limited clearing of very

Principle	Assessment	Conclusion
for the maintenance of, a significant habitat for fauna indigenous to Western Australia.	<p>Act 1999 (EPBC Act) protected matters database indicates the following fauna is likely to be present within a 1 km radius of the subject site:</p> <ul style="list-style-type: none"> <li>• <i>Calyptorhynchus baudinii</i> (Baudin's Cockatoo);</li> <li>• <i>Calyptorhynchus latirostris</i> (Carnaby's Cockatoo);</li> <li>• <i>Calyptorhynchus banksia naso</i> (Forest Red-tailed Black Cockatoo)</li> <li>• <i>Ctenotus ora</i> (Coastal Plains Skink);</li> <li>• <i>Dasyurus geoffroii</i> (Chuditch, Western Quoll);</li> <li>• <i>Isoodon fusciventer</i> (Quenda, southwestern brown bandicoot);</li> <li>• <i>Phascogale tapoatafa subsp. wambenger</i> (South-western Brush-tailed Phascogale); and</li> <li>• <i>Pseudocheirus occidentalis</i> (Western Ringtail Possum (WRP)).</li> </ul> <p>Migratory and wetland fauna have not been included in this list as the required habitat is not present within the subject site and therefore the proposed clearing is unlikely to impact these species.</p> <p>In the <i>EPBC Act Referral guideline for 3 WA threatened black cockatoo species</i> (2022), the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW) identify mature <i>Eucalyptus rudis</i> trees as potential breeding habitat for the three threatened species of black cockatoo. This species of tree does not provide foraging habitat for black cockatoos.</p> <p>The DCCEEW define 'breeding habitat' as trees of species known to support breeding which either have a suitable nest hollow or are of a suitable Diameter at Breast Height (DBH) to develop a nest hollow. For most tree species, a suitable DBH is 50 cm. During a site inspection by Accendo, it was determined that none of the trees subject to clearing contain hollows.</p> <p>The subject site does not contain vegetation associated with quality WRP habitat. This is supported by the DBCA's <i>Western Ringtail Possum Habitat Suitability</i> mapping whereby the subject site is identified as provided no habitat suitable for WRPs. Accordingly, the project will not result in the loss of significant habitat for WRPs.</p>	low quality habitat will not impact the success of any fauna indigenous to Western Australia.



Principle	Assessment	Conclusion
	<p>The absence of suitable habitat denotes that the proposed clearing is unlikely to present a significant impact to any fauna species of conservation significance.</p> <p>Given vegetation within the subject site is completely degraded and almost completely devoid of native species, the subject site is not considered to provide significant habitat for conservation significant fauna recorded within the local area.</p>	
c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.	<p>The DBCA's threatened (Declared Rare and Priority) flora databases and the EPBC Act protected matters database indicates the following conservation significant flora is likely to be present within a 1km radius of the subject site:</p> <ul style="list-style-type: none"> <li>• <i>Caladenia busselliana</i>;</li> <li>• <i>Caladenia caesarea subsp. maritima</i>;</li> <li>• <i>Caladenia huegelii</i>;</li> <li>• <i>Caladenia viridescens</i>;</li> <li>• <i>Drakaea elastica</i>;</li> <li>• <i>Drakaea micrantha</i>; and</li> <li>• <i>Eucalyptus x phylacis</i>.</li> </ul> <p>Given the completely degraded condition of the subject site and ongoing anthropogenic impacts, it is highly unlikely that any flora of conservation significance exists within the subject site. There is no other native vegetation within the subject site excluding the <i>Eucalyptus rudis</i> trees. On this basis, the proposed clearing is not at variance to this principle.</p>	Removal of the vegetation within the subject site is not considered to be at variance with this principle as it is very unlikely any conservation significant flora species will be impacted.
d.) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.	<p>The DBCA defines an ecological community as "a naturally occurring assemblage that occurs in a particular type of habitat" (PWS 2015). A TEC is one that has declined in area or was originally limited in distribution. Uncommon ecological communities that do not strictly meet TEC defined criteria, or are inadequately defined, are listed by the DBCA as a PEC.</p> <p>As well as protection under State legislation, selected ecological communities are also afforded statutory protection at a Federal level pursuant to the EPBC Act. The EPBC Act</p>	Clearing of the subject site is not considered to be at variance to this principle as vegetation consistent with the mapped TECs are not present within the subject site.

Principle	Assessment	Conclusion
	<p>provides for the protection of TECs, which are listed under section 181 of the Act, and are defined as “Critically Endangered”, “Endangered” or “Vulnerable” under Section 182.</p> <p>A search of the DBCA’s and EPBC databases found two TECs endorsed under State and Commonwealth legislation recorded within proximity to the subject site. This included the ‘Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region’ and the ‘Tuart Woodlands’ ecological community.</p> <p>The subject site does not contain any vegetation consistent with these TECs, and contains vegetation in a completely degraded condition. On this basis, the subject site is does not comprise a TEC and therefore the proposed clearing is not at variance to this principle.</p>	
e.) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.	<p>Vegetation within the area has previously been cleared and is not consistent with the mapped native vegetation present prior to clearing. Furthermore, the subject site does not comprise a high biological diversity, is not likely to impact upon significant habitat for fauna indigenous to Western Australia, priority or threatened flora and is not likely to comprise a PEC or TEC. On this basis the subject site is not considered to be a significant remnant within an extensively cleared landscape. Furthermore, the vegetation is not representative of the Vasse Complex and will therefore not result in a decline to this vegetation complex.</p> <p>The proposed clearing is not at variance to this principle.</p>	Clearing within the subject site is not considered to be at variance to this principle as the vegetation is not considered significant as a remnant of native vegetation.
f.) Native vegetation should not be cleared if it is growing in, or in association with an environment associated with a watercourse or wetland.	<p>The DBCA’s <i>Geographic Wetlands Swan Coastal Plain</i> database does not map the subject site within a delineated wetland area. No wetlands or watercourses are mapped within the disturbance footprint. Accordingly, no riparian vegetation will be impacted.</p> <p>The proposed clearing is not at variance to this Principle.</p>	Clearing within the subject site is not considered to be at variance with this principle as no riparian vegetation or clearing in proximity to a watercourse will be undertaken.
g.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.	<p>The Vasse Wonerup wet flats phase is typically associated with a low risk of wind and water erosion. The sandy soils present within the subject site can be prone to wind and water erosion. Furthermore, given the limited amount of vegetation subject to clearing it is very unlikely to cause appreciable land degradation in the form of wind or water erosion.</p>	Clearing of the subject site is not considered to be at variance to this principle given the nature of the site and the proposed works.

Principle	Assessment	Conclusion
	The proposed clearing is not likely to be at variance to this Principle.	
h.) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.	<p>The subject site adjoins the Broadwater Nature Reserve.</p> <p>The proposed clearing will not result in any impacts to the Broadwater Nature Reserve given that it is located within a fenced, compound area, which is predominately cleared of vegetation. Furthermore, vehicular access to these reserves will be prohibited during construction works.</p> <p>Given the limited native vegetation present, the subject site does not form an ecological link and the clearing will not result in fragmentation between any vegetated areas.</p> <p>In consideration of the above, the clearing is unlikely to be at variance to this principle.</p>	The proposed clearing is not considered to be at variance to this principle as there will be no direct or indirect impacts to conservation areas in proximity to the subject site.
i.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.	<p>Clearing within the subject site will not impact surface water run-off given the linear nature of the clearing area, the small clearing footprint and the short-term nature of the project.</p> <p>Alterations to surface water from the clearing will be extremely localized and will likely be diverted through the adjacent road stormwater system. The project will not result in any groundwater interactions.</p> <p>The proposed clearing is not likely to be at variance to this principle.</p>	The clearing is not considered to be at variance to this principal as it is unlikely that the clearing will alter natural surface water flows or involve groundwater interactions.
j.) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.	<p>The subject site does not contain a watercourse. The limited clearing is highly unlikely to substantially increase runoff and therefore the incidence or intensity of flooding.</p> <p>The proposed clearing is not likely to be at variance to this principle.</p>	Clearing within the subject site is not considered to be at variance to this principle as it is unlikely to increase run off and therefore intensity or incidence of flooding.




## Summary

The above assessment of the proposed clearing against the Ten Clearing Principles demonstrates that the clearing is not at variance to any of the principles. Furthermore, given the completely degraded condition of the vegetation within the subject site and the history of anthropogenic disturbances, it is anticipated that there will be no residual impacts that will require the implementation of offsets.

I trust this information is sufficient for your purposes. Should you have any queries or require further information, please do not hesitate to contact the undersigned.

Yours sincerely,

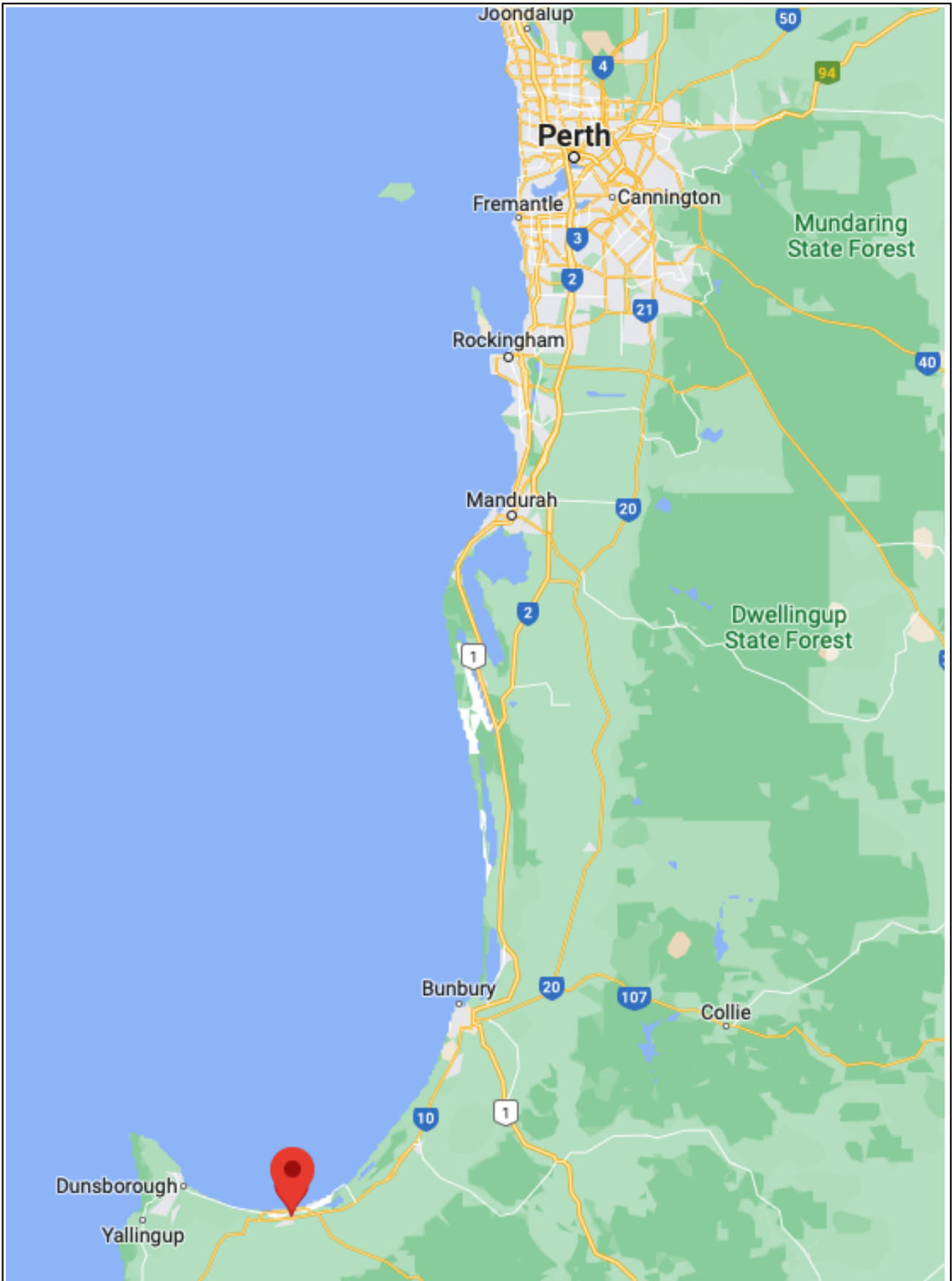


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## FIGURES



PROJECT Plant 11

DRAWING TITLE Figure 1 – Site Locality

CLIENT Busselton Water



Project Number	Drawing Number	Revision
2293	Figure 1	A
Designed PN	Checked	
Drawn PN	Approved	
Date	28/02/2023	
Local Authority	City of Busselton	
Sheet 1 of 1		



PROJECT Plant 11

DRAWING TITLE Figure 2 – Site Extent

CLIENT Busselton Water



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Project Number	2293	Drawing Number	Figure 1	Revision	A
Designed	PN	Checked			
Drawn	PN	Approved			
Date	28/02/2023				
Local Authority	City of Busselton				
Sheet 1 of 1					