

17 January 2023

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

RE – Lot 1 Payne Road, Kaloorup - Clearing Permit Application

Please find herein information pertaining to a clearing permit (area) application on behalf of Margaret River Wine Production Pty Ltd (the applicant). The applicant is seeking to expand the tank farm to increase production within their winemaking facility located at Lot 1 Payne Road, Kaloorup (herein referred to as the subject site). The works will entail clearing of 0.27 hectares (ha) of native and exotic vegetation (refer to **Figure 1**). Accordingly, to enable the progression of the project, a clearing referral or permit pursuant to the *Environmental Protection Act 1986* is required.

Background

The subject site has previously been cleared of vegetation and it is assumed that revegetation with *Acacia longifolia* has occurred (Harewood 2023). A fauna survey has been undertaken over the subject site, with daytime and nocturnal surveys undertaken during December 2022 and January 2023. The fauna habitat was found to be in a completely degraded state and not representative of habitat of any significance (Harewood 2023). Black cockatoo breeding habitat was limited to five habitat trees, none of which contain hollows (refer to **Figure 2**). A limited area (five habitat trees plus some smaller trees) of foraging resource is available within the subject site with some evidence of foraging by Carnaby's black cockatoo recorded. No evidence of western ringtail possums or any other fauna species of conservation significance was identified during the fauna assessment.

A detailed flora and vegetation survey was undertaken with the field survey occurring on the 14th October 2022. This survey (Plantecology 2022) identified three vegetation types within the site (refer to **Figure 2**):

1. *Corymbia calophylla* - * *Acacia longifolia* Woodland – Woodland of *Corymbia calophylla* with *Acacia longifolia* subsp. *Longifolia* on cream medium clays. This vegetation type occupies on most of the site and consists of dense overstorey over almost completely bare ground and litter (refer to **Plates 1 and 2**);
2. Herbland and grassland of exotic species – Mixed herbland and grassland of exotic species including **Zantedeschia aethiopica*, **Anthoxanthum odoratum*, **Echium plantagineum*, **Ehrharta longiflora* and **Arctotheca calendula*. This community occupies the firebreak areas adjacent to fence lines and the previously cleared area on the western side of the site (refer to **Plate 3**); and
3. *Eucalyptus globulus* plantation – Planted individuals of **Eucalyptus globulus* on the western fringe of the site.

The vegetation condition of the majority of the site is rated as 'Completely Degraded'. Furthermore, no Threatened or Priority flora were recorded during the survey and no communities of conservation significance (TECs or PECs) were inferred to occur within the subject site.



Plate 1. *Corymbia calophylla* – *Acacia longifolia* subsp. *longifolia* Woodland in a 'Completely Degraded' condition.



Plate 2. *Corymbia calophylla* – *Acacia longifolia* subsp. *longifolia* Woodland in 'Degraded' condition.



Plate 3. Herbland in a 'Completely Degraded' condition.

Avoidance and Mitigation Measures

The clearing footprint has been specifically designed to avoid any potential impacts to the mapped Resource Enhancement (RE) wetland and the Threatened Ecological Community (TEC) located in the north west of the property.

To avoid any direct or indirect impacts to other vegetation within or adjacent to the subject site, the applicant has committed to the following mitigation measures:

- Prior to clearing commencing, the clearing footprint will be clearly demarcated with flagging tape.

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 exemption 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 extending the tank farm to increase production capacity is likely to require an approved clearing permit/referral. 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 the flora and fauna survey 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>Vegetation mapping (DBCA 2022) indicates that the original vegetation complex within the disturbance footprint would have included the Abba Complex, described as:</p> <ul style="list-style-type: none"> A mixture of open forest of <i>Corymbia calophylla</i> (Marri) - <i>Eucalyptus marginata</i> (Jarrah) – Banksia species and woodlands of <i>Corymbia calophylla</i> (Marri) with minor occurrences of <i>Corymbia haematoxylon</i> (Mountain Mari). Woodland of <i>Eucalyptus rudis</i> (Flooded Gum) – Melaleuca species along creeks and on flood plains. <p>Vegetation Complex statistics for the Swan Coastal Plain indicate this vegetation complex is underrepresented.</p> <p>Vegetation within the clearing area is in a Completely Degraded (Keighery 1994) condition as a result of historical agricultural land uses. Accordingly, the sporadic trees within the clearing area are not representative of the Abba Complex, and therefore no further reduction in this vegetation complex is anticipated as a result of this project.</p> <p>The clearing area does not contain any Priority or Threatened Ecological communities (PEC or TECs), or flora of conservation significance in consideration of its degraded condition and based on the flora survey results.</p> <p>As discussed under Principle (b), the clearing area is not likely to comprise significant habitat for the conservation significant black cockatoo species, or any conservation significant fauna species.</p> <p>The removal of approximately 0.27 ha of predominately Completely Degraded vegetation is unlikely to impact 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 clearing area, 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	<p>The fauna assessment (Harewood 2023) identified one vertebrate fauna species of conservation significance utilizing the survey area:</p>	Removal of vegetation within the subject site is not considered to be at variance to this Principle.

Principle	Assessment	Conclusion
for the maintenance of, a significant habitat for fauna indigenous to Western Australia.	<ul style="list-style-type: none"> • Carnaby's Black Cockatoo. <p>A further seven additional species of conservation significance may also utilize the survey area, although, as no evidence of their presence was identified during the field survey, their actual status in the area remains uncertain:</p> <ul style="list-style-type: none"> • Peregrine Falcon • Masked Owl • Forest Red-tailed Black Cockatoo • Baudin's Black Cockatoo • Western Ringtail Possum • Quenda • Western False Pipistrelle. <p>The subject site does not represent habitat of any significance and given the degree of disturbance the original fauna assemblage within the survey area is likely to be depauperate in any aspects, in particular with respect to ground dwelling species which rely on dense native understory vegetation, which is almost absent or very sparse in most areas (Harewood 2023).</p> <p>Black cockatoo habitat within the subject site is limited to five habitat trees, none of which contain existing hollows. These same trees and some smaller trees also represent black cockatoo foraging habitat. No evidence of black cockatoos roosting within the survey area was noted (Harewood 2023).</p> <p>No evidence of western ringtail possums utilizing the survey area was found though given they occur in the wider area it has been concluded that individuals may occasionally pass through the survey area at times (Harewood 2023).</p> <p>No overall change in the conservation status of any fauna species currently utilizing the subject site is anticipated with the proposed clearing. While some very small, localized residual loss of fauna habitat may occur for some species, regional impacts on the status of any one species are anticipated to be negligible/non-existent (Harewood 2023).</p>	

Principle	Assessment	Conclusion
c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.	<p>A search for known rare and Priority flora within or in proximity to the subject site was undertaken through review of the following databases:</p> <ul style="list-style-type: none"> • DBCA's NatureMap database; and • EPBC Act Protected Matters database. <p>A total of 47 conservation significant flora species have the potential to occur within the site. Of these, 12 are listed as Threatened. The EPBC Act Protected Matters database search returned two results for listed "Critically Endangered" species, five results for "Endangered" species and three results for "Vulnerable" flora species which have potential to occur within the subject site (Plantecology 2022).</p> <p>No Threatened Flora pursuant to the BC Act (2016) nor the EPBC Act (1999) were recorded during the survey (Plantecology 2022).</p> <p>No Priority Flora pursuant to the BC Act (2016) were recorded during the survey (Plantecology 2002).</p> <p>Based on the results of the flora and vegetation survey, it is highly unlikely that any flora of conservation significance exists within the subject site. 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 no rare flora will be directly 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 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>	Clearing of the subject site is not considered to be at variance to this Principle as vegetation consistent with the mapped TEC/PEC in proximity to the subject site is not present within the clearing area.

Principle	Assessment	Conclusion
	<p>A search of the DBCA's and EPBC databases found six TEC and 15 PEC, endorsed under State and Commonwealth legislation recorded within a 20 km proximity to the subject site.</p> <p>During the flora survey (Plantecology 2022) no TECs or PECs were inferred to occur within the subject site. The presence of mature <i>Corymbia calophylla</i> and <i>Eucalyptus marginata</i> individuals in heavy soils suggest that the original FCT for the site was likely SCP1b – '<i>Corymbia calophylla</i> woodlands on heavy soils of the southern Swan Coastal Plain'. SCP1b occurs in the stand of native vegetation to the west and the subject site lies within the buffer zone for this occurrence. The condition of the vegetation within the subject site, however, means that it can no longer be considered native vegetation (Plantecology 2022).</p> <p>On this basis, the subject site is not likely to comprise or be necessary for the maintenance of 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 clearing area has previously been modified to an extent that it is not representative of a vegetation complex/association and provides negligible fauna habitat.</p> <p>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.</p> <p>The proposed clearing is not at variance to this Principle.</p>	Clearing within the clearing area 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>There is a Resource Enhancement (RE) wetland (UFI 5), mapped in the north western corner of the property (refer to Figure 1). Vegetation within this area is described as 'Woodland of <i>Corymbia calophylla</i> with <i>Acacia longifolia</i> subsp. <i>longifolia</i> on cream medium clays' and is in a 'Completely Degraded' condition. This vegetation types occupies the majority of the subject site and consists of dense overstorey over almost completely bare ground and litter (Plantecology 2022).</p> <p>RE wetlands are assessed as those which may have been partially modified but still support substantial ecological attributes and functions. Typically, they have between 10 to 94%</p>	Clearing within the subject site is not considered to be at variance with this Principle as no riparian vegetation will be impacted and no clearing within the mapped RE wetland will occur.

Principle	Assessment	Conclusion
	<p>native vegetation remaining. However, vegetation within the area mapped as an RE wetland in the subject site is classified as being in a 'Completely degraded' condition and therefore cannot be classified as native vegetation and has limited ecological value. Vegetation within the wetland is not classified as riparian vegetation.</p> <p>The management objective for RE wetlands is to minimize the potential impacts on the wetlands. These wetlands have the potential to be restored to Conservation category, and rehabilitation is encouraged (EPA 2008). The clearing is not proposing to alter the current hydrological process, and the removal of limited non native vegetation not representative of wetland communities will not impact the existing values of the nearby RE wetland. Furthermore, the development footprint has been developed to ensure no clearing within the mapped RE wetland is undertaken.</p> <p>The proposed clearing is not at variance to this Principle.</p>	
g.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.	<p>Given they degraded nature of the subject site and absence of understory species, the proposed clearing is not likely to cause appreciable land degradation in the form of wind or water erosion.</p> <p>The proposed clearing is not likely to be at variance to this Principle.</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.
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 proposed clearing will not result in any impacts to the environmental values of any adjacent or nearby conservation areas.</p> <p>In consideration of the above, the clearing is not 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>No surface water features including drainage lines were observed within the subject site, therefore the clearing is unlikely to cause deterioration in the quality of surface water.</p> <p>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 will not detrimentally alter natural surface water flows or involve groundwater interactions.

Principle	Assessment	Conclusion
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 clearing within a previously disturbed area of flat topography 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 majority of the vegetation, 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,



Environmental Consultant



FIGURES



PROJECT Lot 1 Payne Road, Ka oorum

DRAWING TITLE Figure 1 - Clearing Footprint

CLIENT Margaret River Wine Production Pty Ltd

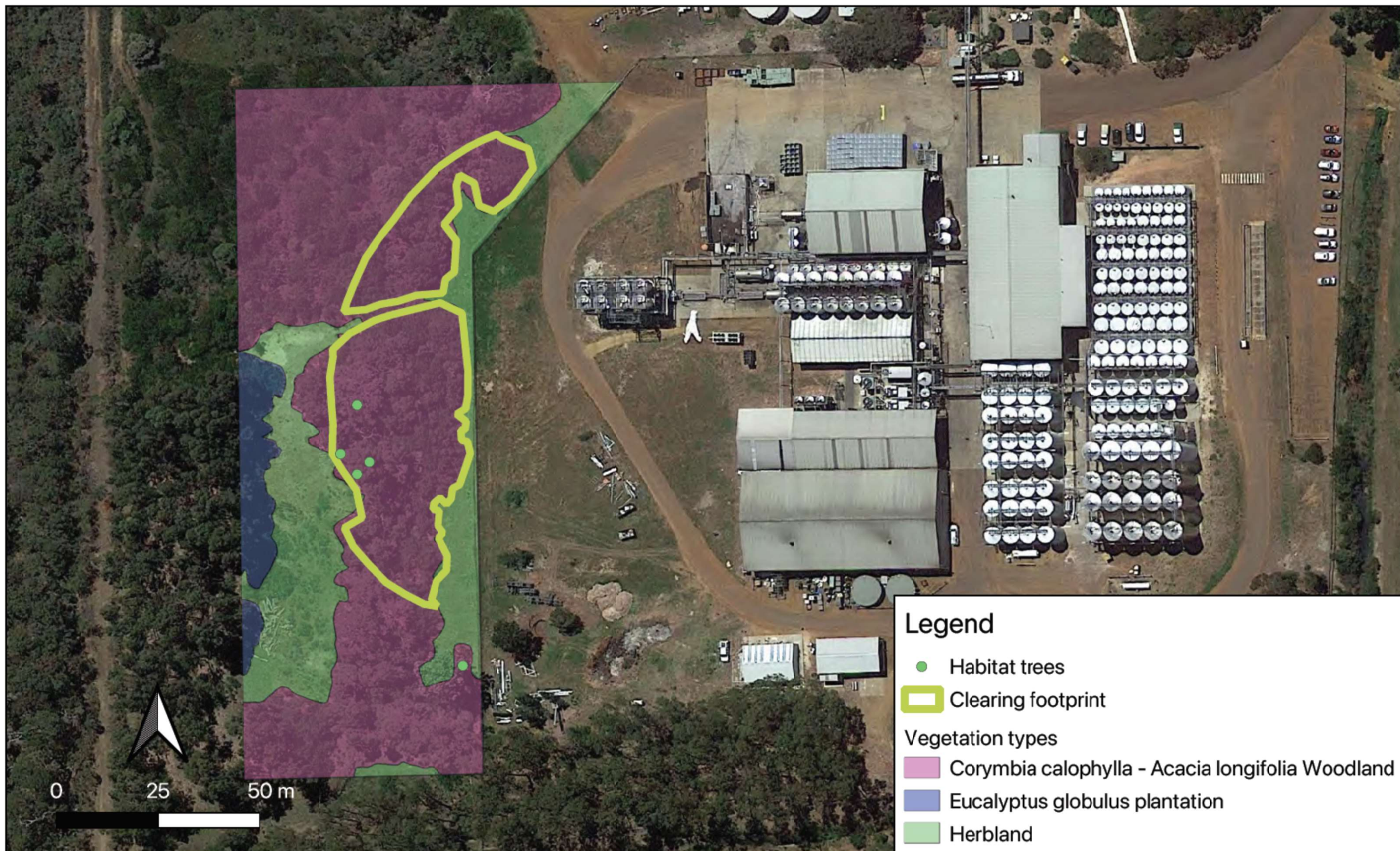
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Project Number 2297
Drawing Number Figure 1
Revision A
Date 20/1/2023
Sheet 1 of 1

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PROJECT Lot 1 Payne Road, Ka oorum

DRAWING TITLE Figure 2 - Vegetation Types

CLIENT Margaret River Wine Production Pty Ltd

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