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15 June 2021

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

RE – Vidler Road Landfill Site- Clearing Permit Application

Please find herein information pertaining to a clearing permit (purpose) application on behalf of the City of Busselton.

Background

The City of Busselton are proposing to commence earthworks on the Dunsborough Lakes Sports Precinct. This will involve the application of clean fill to increase existing ground levels within the Dunsborough Lakes Sports Precinct. The clean fill will be sourced from the Vidler Road landfill located at Lot 8 on Diagram 66799, Western Cape Drive, Naturaliste. Approximately 24,000 m^3 of clean fill will be required which will be sourced from a 1.2 hectare (ha) area within the Vidler Road landfill (this area is herein referred to as the application area) (refer to **Figure 1** and **2**).

The application area was recently comprised of a blue gum (*Eucalyptus globulus*) plantation that was harvested in 2020. It is now devoid of all native vegetation apart from 11 peppermint (*Agonis flexuosa*) trees which are regrowth from when the plantation was initially established (approximately 15 – 20 years ago).

To excavate the required clean fill from the application area, removal of the 11 peppermint (*Agonis flexuosa*) trees will be required (refer to **Plates 1-3**).

Minimisation and Mitigation Measures

The application area was previously comprised of a blue gum (*Eucalyptus globulus*) plantation and therefore is not associated with any environmental values. The 11 peppermint (*Agonis flexuosa*) trees are located sporadically throughout the 1.2 ha application area, denoting that retention of the trees is not possible without significantly decreasing the excavation footprint (in consideration of the application of a 15m tree protection buffer).

The 11 peppermint (*Agonis flexuosa*) trees provide limited environmental value as canopy connectivity is absent and they are not located in proximity to habitat associated with the *Pseudocheirus occidentalis* (Western Ringtail Possum (WRP)), a species listed as critically endangered pursuant to the State *Biodiversity Conservation Act 2016* and the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). In their current state, it was determined that the trees within the clearing area are of a condition that is not sustainable in the long term and that the removal of these trees for the proposal will not result in a negative environmental impact. It is considered that no other reasonable and practicable avoidance measures can be implemented within the clearing footprint.

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 sand excavation will require an approved 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 applied against a desktop investigation and site-specific investigations 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	The application area consists of cleared land, previously comprised of a blue gum (*Eucalyptus globulus*) plantation. Native vegetation is restricted to 11 peppermint (*Agonis flexuosa*) trees which are regrowth from when the plantation was initially established (approximately 15 – 20 years ago). Mapping (Shepherd *et al.* 2001) indicates that the original vegetation association within the application area would have included: • Unit 1000 (Chapman): Medium forest; jarrah-marri / low woodland; banksia/low forest; teat tree (Melaleuca spp.). The application area is in a 'Completely Degraded' condition (Keighery 1994) with native vegetation being limited to 11 peppermint (*Agonis flexuosa*) trees. The application area does not contain any floristic characteristics associated with the abovementioned vegetation association as the vegetation structure has been completely altered. The condition of the application area and history of anthropogenic disturbances denotes that the vegetation within the application area is not representative of any Priority or Threatened Ecological communities (PEC or TECs). There are no mapped occurrences of flora of conservation significance occurring within proximity to the application area. This in combination with the former land use (blue gum plantation) denotes that the application area is unlikely to contain flora species of conservation significance. As discussed under Principle (b), the application area is not likely to comprise significant habitat for the conservation significant western ringtail possum (WRP) or any conservation significant fauna species. The clearing will result in the removal of 11 peppermint trees (*Agonis flexuosa*). The removal of these trees is not considered likely to significantly impact on the biological diversity of the area. The proposal is not at variance to this Principle.	Based on the extent of disturbance within the application area, the condition of the trees to be removed and the limited clearing footprint, the application area is not likely to comprise high biodiversity. The proposed clearing is not at variance to this Principle.

Principle	Assessment	Conclusion
b.) Native vegetation should not be cleared if it comprises the whole or part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.	A search of the Department of Biodiversity, Conservation and Attraction's (DBCA's) threatened fauna database and the EPBC Act protected matters database indicates the following fauna is likely to be present within a 1 km radius of the application area: • *Calyptorhynchus baudinii* (Baudin's Cockatoo); • *Calyptorhynchus latirostris* (Carnaby's Cockatoo); • *Calyptorhynchus banksia naso* (Forest Red-tailed Black Cockatoo) • *Ctenotus ora* (Coastal Plains Skink); • *Dasyurus geoffroii* (Chuditch, Western Quoll); • *Isoodon fusciventer* (Quenda, southwestern brown bandicoot); • *Phascogale tapoatafa subsp. wambenger* (South-western Brush-tailed Phascogale); and • *Pseudocheirus occidentalis* (Western Ringtail Possum (WRP)). Migratory and wetland fauna have not been included in this list as the required habitat is not present within the application area and therefore the proposed clearing is unlikely to impact these species. In the *EPBC Act referral guidelines for three threatened black cockatoo species* (2012), the Commonwealth Department of Agriculture, Water and the Environment (DAWE) has identified a range of flora species as potential breeding and foraging habitat for the three threatened species of black cockatoo. Peppermint trees are not identified as breeding or foraging habitat for black cockatoo species (DAWE 2012). Accordingly, no loss of habitat for black cockatoos is expected. The application area contains 11 peppermint trees (*Agonis flexuosa*), a species known to provide habitat for WRPs (Shedley *et.a*l. 2014). However, the trees that are subject to clearing are regrowth which have been situated amongst a blue gum plantation for the past 20 years. In addition, native vegetation surrounding the application area is limited, being restricted to very occasional tuart (*Eucalyptus gomphocephala*) and marri (*Corymbia calophylla*) amongst non-endemic species, primarily blue gum (*Eucalyptus globulus*) and the Sydney Golden Wattle (*Acacia longifolia*) (refer to **Plates 4** – **5**). The	Removal of vegetation within the application area is not considered to be at variance to this Principle as the limited clearing will not impact the success of any fauna indigenous to Western Australia.

Principle	Assessment	Conclusion
	vegetation surrounding the application area does not constitute suitable habitat for WRPs. Furthermore, the landfill site is infested with feral cats and foxes (pers. com. City of Busselton landfill manager, 08/06/2021) denoting that with the absence of canopy connectivity, the risk of predation from feral animals is very high for WRPs. In consideration of the above, the clearing will not result in the loss of significant habitat for WRPs and it is considered very unlikely that WRPs inhabit any vegetation surrounding the application area. The DBCA *Chuditch Dasyurus Geoffroii Fauna Profile* (2017) identifies Chuditch habitat as Jarrah (*Eucalyptus marginata*) forests and woodlands, mallee shrublands and heathlands. As this habitat is not present within the application area, the clearing will not result in the loss of significant habitat for Chuditch. The DBCA *Brush-tailed Phascogale Phascogale tapoatafa Fauna Profile* (2012) identified dry sclerophyll forests and open woodlands that contain hollow-bearing trees as the habitat preferred by Brush-trailed phascogales in southwest Western Australia. As this habitat is not present within the application area, the proposal is unlikely to result in the loss of significant habitat for brush-trailed phascogales. Given vegetation within the application area is 'Completely Degraded' and almost completely devoid of native species, the application area is not considered to provide significant habitat for conservation significant fauna recorded within the local area.	
c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.	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 application area: • *Caladenia busselliana;* • *Caladenia caesarea subsp. maritima;* • *Caladenia huegelii;* • *Caladenia viridescens;* • *Drakaea elastica;* • *Drakaea micrantha; and*	Removal of the vegetation within the application area is not considered to be at variance to this Principle as native vegetation has previously been impacted by anthropogenic activities.

Principle	Assessment	Conclusion
	• *Eucalyptus x phylacis.* According to available databases, none of the abovementioned species occur within the application area. Furthermore, they are not considered likely to occur within the application area as it does not appear to contain the structure or diversity consistent with recordings of these conservation significant species. Given the 'Completely Degraded' condition of the application area and ongoing anthropogenic impacts, it is highly unlikely that any flora of conservation significance exists within the application area. On this basis, the proposed clearing is not at variance to this Principle.	
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.	The DBCA defines an ecological community as "a naturally occurring assemblage that occurs in a particular type of habitat" (PWS 2015). A Threatened Ecological Community (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 Priority Ecological Community (PEC). 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. A search of the DBCA's and EPBC Act databases found two TECs endorsed under State and Commonwealth legislation which may occur within proximity to the application area. This included the Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region ecological community and the Tuart (*Eucalyptus gomphocephala*) Woodlands and Forests of the Swan Coastal Plain ecological community. The application area does not contain the floristic composition or structure consistent with the identified TECs, with vegetation being in a Completely Degraded condition. On this basis, the application area 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.	Clearing of the application area is not considered to be at variance to this Principle as vegetation consistent with the mapped TECs is not present within the application area.

Principle	Assessment	Conclusion
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.	Vegetation within the application area has previously been cleared and is not consistent with the mapped native vegetation present prior to clearing. Furthermore, the application area 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 application area is not considered to be a significant remnant within an extensively cleared landscape. The proposed clearing is not at variance to this Principle.	Clearing within the application 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.	According to the DBCA's *Geographic Wetlands Leeuwin Naturaliste ridge and Donnybrook to Nannup* database the closest mapped wetland is a Palusvale wetland (UFI number 235) located approximately 850 m to the north of the application area. There are no other watercourses or wetlands located within or in proximity to the application area. The proposal will not involve clearing of any riparian native vegetation or clearing of vegetation in proximity to a watercourse. The proposed clearing is not at variance to this Principle.	Clearing within the application area is not considered to be at variance to 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.	The application area is located within the Cowaramup wet sandy flats Phase soil landscape unit, consisting of poorly drained flats and depressions with deep organic stained sands (DPIRD 2021). This unit is described as having a 0% of moderate to high land instability risk. Furthermore, upon clearing and excavation of the required fill, the application area will be stabilized by the Applicant. On this basis and in consideration of the limited size of the clearing footprint, the proposed clearing is not likely to cause appreciable land degradation. The proposed clearing is not likely to be at variance to this Principle.	Clearing of the application area 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	The application area is surrounded by private property zoned 'Rural' or 'Rural-Residential'. The closest reserves to the application area are located 1.3 km to the west and 1.8 km to the south-east.	The proposed clearing is not considered to be at variance to this Principle as there will be no direct or indirect impacts to

Principle	Assessment	Conclusion
values of any adjacent or nearby conservation area.	The proposed clearing is unlikely to indirectly impact these reserves via the spread of weeds or disease given their distance to the application area and the exiting surrounding land uses. The limited clearing footprint does not constitute an ecological linkage with any of the nearby reserves denoting that the clearing will not result in fragmentation between reserves. In consideration of the above, the clearing is not at variance to this Principle.	conservation areas in proximity to the application area.
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.	Clearing within the application area will not impact surface water run-off given the small clearing footprint. The current water cycle within the application area consists of inputs from rainwater being infiltrated on site. The proposal will maintain this process, with all surface water being retained within the excavated areas to enable infiltration within the bunded excavated area. The proposal will not result in any groundwater interactions. The proposed clearing is not likely to be at variance to this Principle.	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 and there will be no 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.	The application area does not contain a watercourse and is not located within a flood prone area. The limited clearing is highly unlikely to substantially increase runoff and therefore the incidence or intensity of flooding. The proposed clearing is not likely to be at variance to this Principle.	Clearing within the application area 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 application area and the history of anthropogenic disturbances it is anticipated that there will be no residual impacts that will require the implementation of any offsets.

Yours sincerely,

PLATES

Plate 1. Six peppermint trees (*Agonis flexuosa*) subject to clearing within the application area, with a Sydney Golden Wattle (*Acacia longifolia*) shrub in the foreground and background.

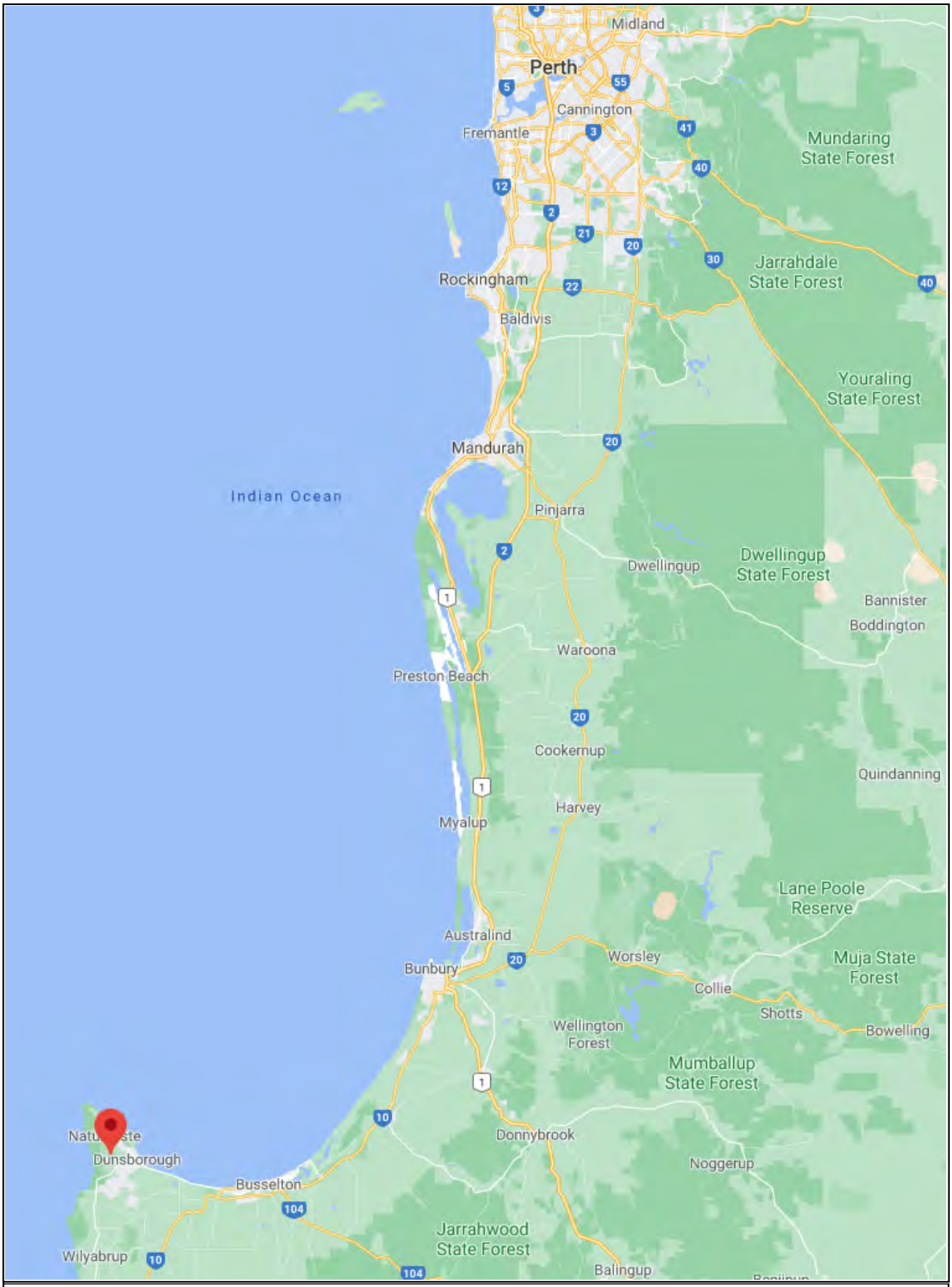
Plate 2. Two peppermint trees (*Agonis flexuosa*) subject to clearing within the application area.

Plate 3. Three peppermint trees (*Agonis flexuosa*) subject to clearing within the application area, growing around a blue gum.

Plate 4. Vegetation surrounding the application area, predominately comprised of blue gum (*Eucalyptus globulus*) and the Sydney Golden Wattle (*Acacia longifolia*). This vegetation does not contain peppermint trees (*Agonis flexuosa*) or habitat associated with WRPs.

Plate 5. Distance between the application area and surrounding vegetation which does not contain suitable WRP habitat.

FIGURES



PROJECT	Vidler Road Landfill		Project Number	Drawing Number	Revision
			2131	Figure 1	A
DRAWING TITLE	Figure 1 – Site Locality		Designed PN	Checked	
			Drawn PN	Approved	
CLIENT	City of Busselton		Date	17/6/2021	
			Local Authority	City of Busselton	
			Sheet 1 of 1		

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PROJECT	Vidler Road Landfill
DRAWING TITLE	Figure 2 – Application Area
CLIENT	City of Busselton

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Project Number	2131	Designed	PN
Drawing Number	Figure 2 A	Drawn	PN
Revision		Checked	
Date	17/6/2021	Approved	
Sheet 1 of 1		Local Authority	City of Busselton