[redacted]

1 April 2022

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

RE – Payne Road, Kaloorup (SLK 2.56 to SLK 3.77) - Clearing Referral Application

Please find herein information pertaining to a clearing referral application on behalf of City of Busselton (the applicant) for roadside vegetation on Payne Road, Kaloorup (herein referred to as the subject site) (refer to **Figure 1** and **Figure 2**).

Background

The applicant is proposing to undertake a road reconstruction and seal widening project planned for physical construction in 2022/23. The seal width will increase from 6.0m to 8.0m on a 9.0m gravel pavement. The project is required to accommodate the increased volume of commercial traffic that utilises Payne Road.

To accommodate the changes in pavement/seal widths and increase sight lines from the existing crossovers, a total of 17 trees will require removal within a 3.2 ha roadside vegetated area.

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 – 12**.

Plate 1. Tree 1 - A single mature *Corymbia calophylla* tree with a diameter at breast height (DBH) in excess of 50cm. The tree appeared to contain two very small hollows, unsuitable for black cockatoo breeding purposes.

Plate 2. Tree 2 - A single *Corymbia calophylla* tree. This tree does not constitute black cockatoo breeding habitat. Furthermore, the tree does not contain any hollows.

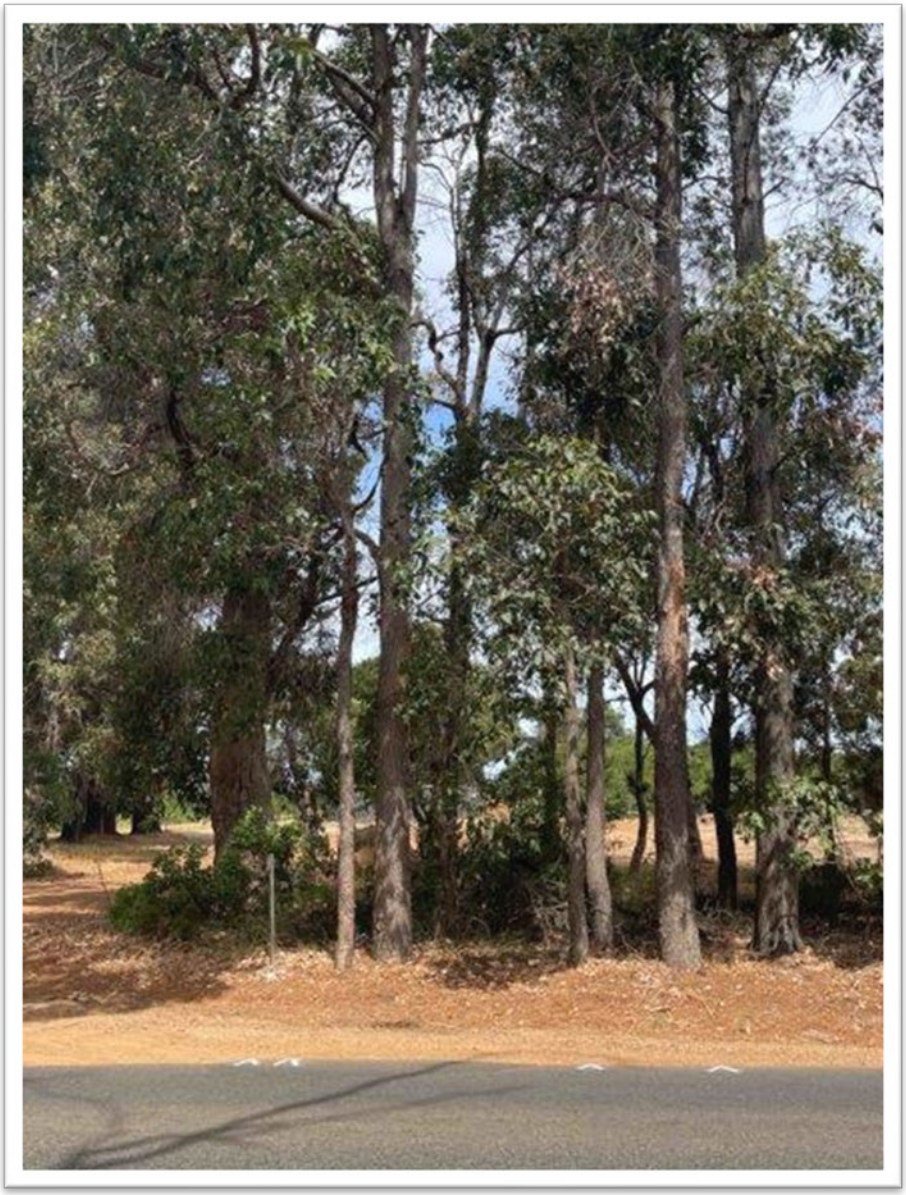


Plate 3. Trees 3-4 and 5-6 - Four juvenile *Corymbia calophylla* trees. The trees do not provide black cockatoo habitat in consideration of their limited size and absence of hollows.

Plate 4. Tree 7 - A mature *Corymbia calophylla* tree with a DBH in excess of 50cm. The tree does not appear to contain any hollows.

Plate 5. Tree 8 – A single juvenile *Corymbia calophylla* tree. The tree does not provide black cockatoo habitat in consideration of its limited size and absence of hollows.

Plate 6. Tree 9– A single juvenile *Corymbia calophylla* tree showing evidence of stress/disease. The tree does not provide black cockatoo habitat in consideration of its limited size and absence of hollows.

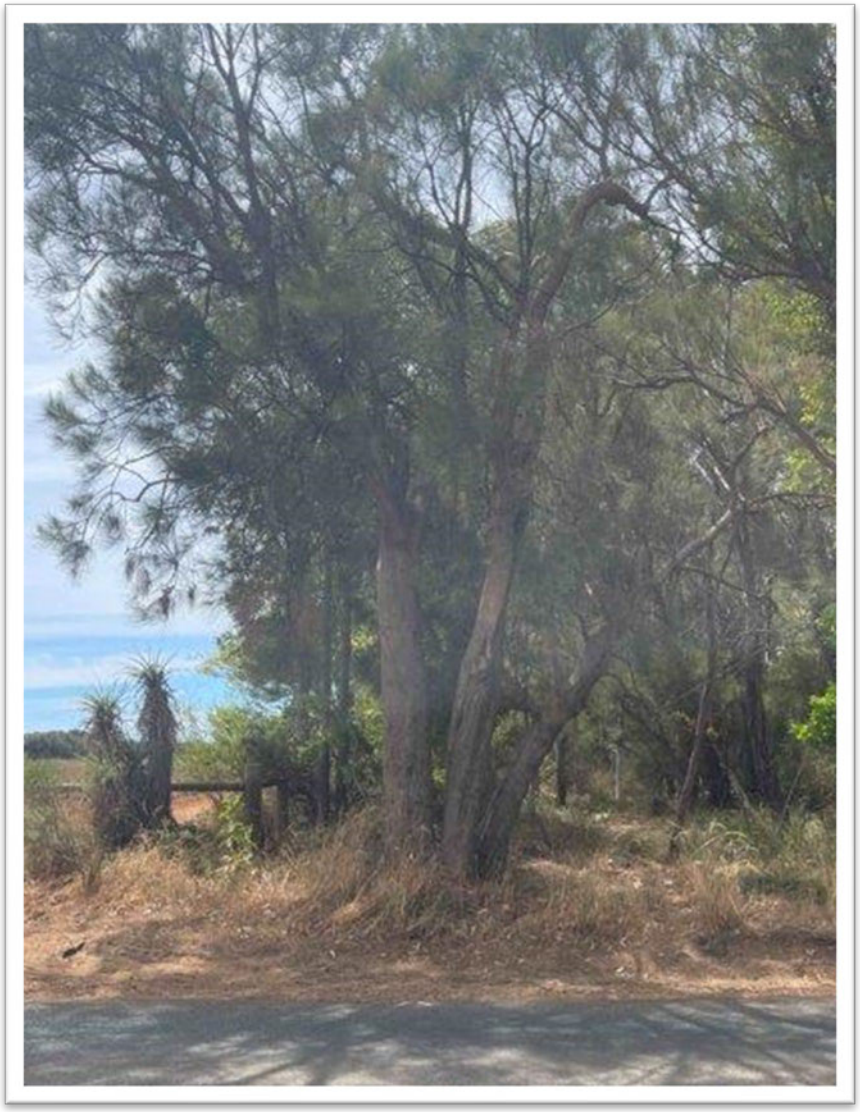


Plate 7. Tree 10– A multi-stemmed *Casuarina* tree spp.

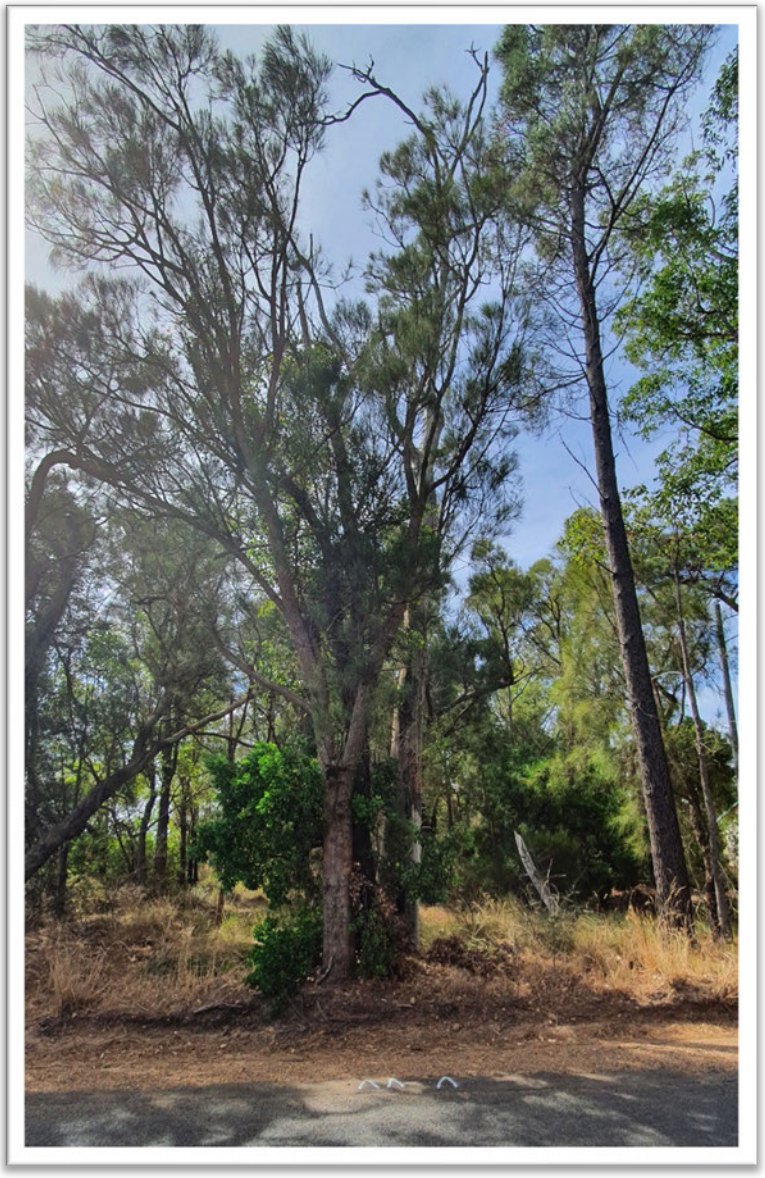


Plate 8. Trees 11, 12 and 13 – Two *Casuarina* tree spp. and one dead unknown tree species.

Plate 9. Tree 14 - Dead *Eucalyptus marginata* tree with hollows. Unable to determine suitability for black cockatoo nesting given orientation of hollow openings.

Plate 10. Tree 15 - A single *Corymbia calophylla* tree. The tree does not provide black cockatoo habitat in consideration of its limited size and absence of hollows.

Plate 11. Tree 16 - A mature *Corymbia calophylla* tree with a DBH in excess of 50cm. The tree does not appear to contain any hollows.

Plate 12. Tree 17 - A mature *Corymbia calophylla* tree with a DBH in excess of 50cm. The tree does not appear to contain any hollows.

Avoidance and Mitigation Measures

The road reserve has been purposefully surveyed in order to determine the minimum clearing requirements, whilst ensuring public safety. As far as practicable, roadside vegetation has been retained. The 17 trees are required to be cleared to reduce the incidence and intensity of vehicle crashes. Failure to remove these trees presents an imminent danger to the public.

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

- Prior to clearing commencing, the 17 trees will be clearly demarcated with flagging tape;
- No vehicular access or parking within vegetated areas in the reserve; and
- No stockpiling of cleared vegetation or storage of equipment within the reserve.

Impact Assessment

Any clearing of native vegetation requires a permit in accordance with Part V of the *Environmental Protection Act 1986* (EP Ac), 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 the road upgrades works is subject to a clearing 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 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	Vegetation mapping (Heddle *et.al* 1980) indicates that the original vegetation complexes within the clearing area would have included: • Abba Complex - is dominated by an open-forest of marri, jarrah, banksia and a woodland of marri with the presence of the occasional mountain gum adjacent to the Whicher Scarp. Common plant species include *Nuytsia floribunda, Kingia australis, Persoonia longifolia* and *Banksia grandis*. The low-lying areas along the creeks and on the flood plains support a woodland of *E. rudis, Melaleuca* spp., with common species including *M. preissiana, M. rhaphiophylla, Regelia ciliata, Hypocalymma angustifolia, Pericalymma ellipticum, Hakea varia, Acacia saligna, Astartea scoparia, A. leptophylla, Viminaria juncea* and sedges of the Chaetanthus, Schoenus, Hypolaena and Anarthria genera. Vegetation Complex statistics for the Swan Coastal Plain indicate the vegetation extent remaining of the Abba Complex to be 6.7%. (Webb *et al.* 2016). The clearing area is considered to be in a Completely Degraded (Keighery 1994) condition due to a history of anthropogenic impacts which has resulted in an altered vegetation structure (i.e. absence of under and mid-storey). The clearing area contains limited floristic characteristics associated with the abovementioned vegetation complex and therefore is not considered representative of the Abba complex. Notwithstanding, the removal of 17 trees will have a negligible impact on the vegetation extent remaining of the Abba Complex at a local and regional scale. 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). It is not known to contain any flora of conservation significance. 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.	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.

Principle	Assessment	Conclusion
	The clearing will result in the removal of, at most, 17 native trees. 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.	
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 *Environment Protection and Biodiversity Conservation 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: • *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 subject site 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 DAWE identify flora species as potential breeding and foraging habitat for the three threatened species of black cockatoo. The proposed works will result in the removal of four *Corymbia calophylla* trees (Trees 1, 7, 16 and 17) with a DBH in excess of 50cm. None of these trees appeared to contain hollows suitable for black cockatoo breeding purposes. One dead *Eucalyptus marginata* tree (Tree 14) was observed to contain hollows which could be suitable for black cockatoo breeding purposes, but could not be confirmed due to the orientation of the hollow opening. Notwithstanding, there is no evidence of black cockatoo breeding occurring within 40 km	Removal of vegetation within the subject site is not considered to be at variance to this Principle.

Principle	Assessment	Conclusion
	of the clearing area. Furthermore, the removal of four trees with a DBH in excess of 50cm and one tree that may contain suitable hollows for breeding within an approximate 3.2 ha area of vegetation, is very unlikely to constitute a significant impact to black cockatoos. Furthermore, available mapping data indicates that there is approximately 850 ha of remnant native vegetation within 10 km radius of the clearing area, the majority of which is described as 'Jarrah, marri and wandoo *Eucalyptus marginata, Corymbia calophylla*, *E. wandoo* woodland' (DPIRD 2020). In addition, the Whicher Scarp which contains approximately 20,000 ha of jarrah forest is located 10 km south- east of the clearing area. The project will not require the removal of habitat critical to the survival of WRPs. The highly disturbed environment of the subject site and very small clearing footprint is unlikely to present a significant impact to any fauna species of conservation significance. Given vegetation within the subject site is degraded and is limited in area, the subject site 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 10 km radius of the subject site: • *Caladenia busselliana;* • *Caladenia caesarea subsp. maritima;* • *Caladenia huegelii;* • *Caladenia viridescens;* • *Drakaea elastica;* • *Drakaea micrantha; and* • *Eucalyptus x phylacis.* Given that clearing will be limited to a specific number of trees to improve sightlines, if present (albeit considered unlikely), it is highly unlikely that any flora of conservation	Removal of the vegetation within the subject site is not considered to be at variance with this Principle as vegetation impacts are limited to 17 trees.

Principle	Assessment	Conclusion
	significance will be impacted. 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 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. 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 databases found one PEC, and one TEC 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' ecological community. The subject site does not contain any vegetation consistent with this PEC/TEC. 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.	Clearing of the subject site is not considered to be at variance to this Principle as vegetation consistent with the mapped TEC/PEC is not present within the clearing area.
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 clearing area has previously been cleared and subjected to a history of anthropogenic disturbances. Historically, the vegetation would have been representative of the Abba complex. The clearing area does not contain the floristic composition or structure consistent with this vegetation complex. Accordingly, the clearing of 17 trees in a degraded area will not impact the extent of the Abba complex. Furthermore, the subject site does not comprise 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.	The clearing is not considered to be at variance to this Principle as the vegetation is not considered significant as a remnant of native vegetation.

Principle	Assessment	Conclusion
	The proposed clearing is not at variance to this Principle.	
f.) Native vegetation should not be cleared if it is growing in, or in association with an environment associated with a watercourse or wetland.	No wetlands or watercourses are mapped within the disturbance footprint. Accordingly, no riparian vegetation will be impacted. The proposed clearing is not at variance to this Principle.	Clearing within the subject site is not considered to be at variance with this Principle as no riparian vegetation will be impacted.
g.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.	The Jindong fertile flats Phase is typically associated with a low risk of 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. The proposed clearing is not likely to be at variance to this Principle.	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.	The proposed clearing will not result in any impacts to the environmental values of any adjacent or nearby conservation areas. In consideration of the above, the clearing is not at variance to this Principle.	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.	Clearing within the subject site will not impact surface water run-off given the linear and very limited nature of the clearing area, and the short-term nature of the project. Alterations to surface water from the clearing will be extremely localized and will likely be diverted through the existing road stormwater system. The project 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 or involve groundwater interactions.
j.) Native vegetation should not be cleared if clearing the vegetation is likely to cause, or	The subject site does not contain a watercourse. The limited clearing along a previously disturbed area 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 subject site is not considered to be at variance to this Principle as it is unlikely to increase run off

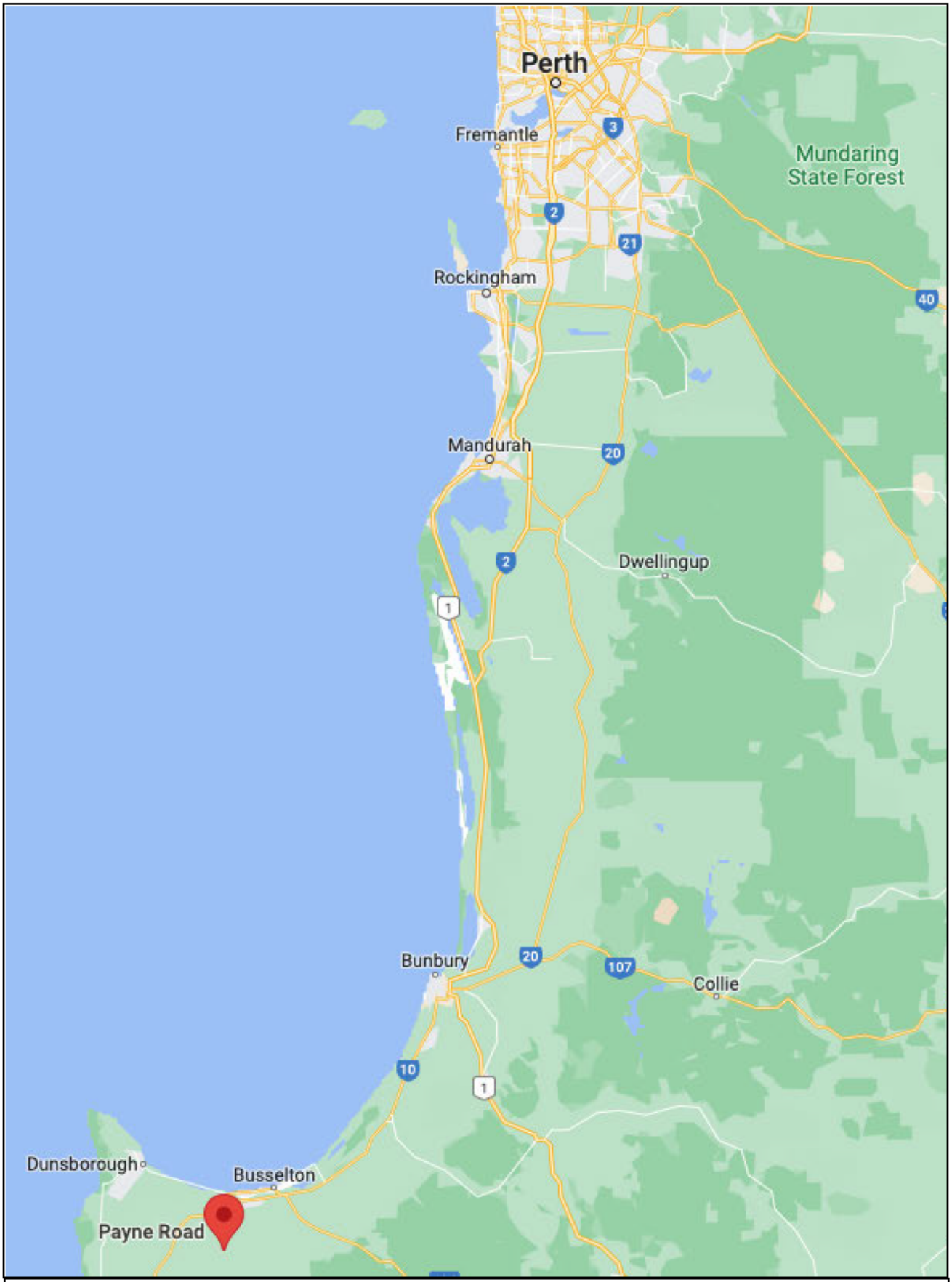
Principle	Assessment	Conclusion
exacerbate, the incidence or intensity of flooding.		and therefore intensity or incidence of flooding.

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 degraded condition of the vegetation and the very small disturbance footprint, 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.

FIGURES



PROJECT	Payne Road, Jindong
DRAWING TITLE	Figure 1 – Site Locality
CLIENT	City of Busselton

accendo AUSTRALIA

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Project Number	Drawing Number	Revision
2229	Figure 1	A

Designed	PN	Checked	
Drawn	PN	Approved	
Date			30/3/2022
Local Authority			City of Busselton
Sheet 1 of 1			

PROJECT	Payne Road,Jindong
DRAWING TITLE	Figure 2 - Trees to be c eared
CLIENT	City of Busse ton

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West Busselton
Western Australia 6280
Mobile 0418 950 852

Project Number	2229	Designed	KMT
Drawing Number	Figure 2	Drawn	PN
Revision	B	Checked	
Date	1/4/2022	Approved	
Sheet 1 of 1		Local Authority	C ty of Busse ton