

3 May 2022

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

RE – 25 Pebble Drive, Geographe - Clearing Referral Application

Please find herein information pertaining to a clearing referral application on behalf of City of Busselton (the applicant) for one *Agonis flexuosa* (peppermint) tree within 25 Pebble Drive (Lot 5085 on Plan 21425), Geographe (herein referred to as the subject site) (refer to **Figure 1** and **Figure 2**).

Background

The City of Busselton are proposing to remove the *Agonis flexuosa* tree from the subject site as it is causing structural damage to a fence and privately owned property. The subject site is located within a Reserve for Recreation (Reserve No. 46071) in the municipality of the City of Busselton, approximately 4 km from the Busselton town centre.

To enable the progression of the project, a clearing referral application pursuant to the *Environmental Protection Act 1987* is required. A description and photograph of the tree subject to clearing to enable progression of the project is provided below in **Plates 1 – 2**.



Plate 1. The mature *Agonis flexuosa* tree subject to clearing due to structural damage of private property.



Plate 2. Canopy of mature *Agonis flexuosa* tree subject to clearing. No hollows or dreys were observed within the tree.

Minimisation and Mitigation Measures

The applicant has previously undertaken pruning of the tree in an attempt to retain the tree whilst avoiding damage to private property. Unfortunately, the location of the tree denotes that with further growth, the tree will continue to cause damage to private property including the fence and pavements. It is considered that no other reasonable and practicable avoidance measures can be implemented.

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 trees will be clearly demarcated with flagging tape to avoid accidental clearing; and
- No stockpiling of cleared vegetation or storage of equipment within the subject site.

Impact Assessment

Any clearing of native vegetation requires a permit or approval subject to a referral application 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*.

Noting that the tree subject to clearing is located within an Environmentally Sensitive Area, the clearing of native vegetation will require DWER approval. 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 inspection is provided below.

Table 1: Assessment against the Ten Clearing Principles.

Principle	Assessment	Conclusion
<p>a.) Native vegetation should not be cleared if it comprises a high level of biological diversity</p>	<p>The subject site consists of previously cleared land with occasional cultivated, peppermint trees. Mapping (Mattiske and Havel 1998) indicates original vegetation complexes within the subject site would have included the Vasse complex, described as ‘<i>mixture of the closed scrub of Melaleuca species fringing woodland of Eucalyptus rudis (Flooded Gum) - Melaleuca species and open forest of Eucalyptus gomphocephala (Tuart) - Eucalyptus marginata (Jarrah) - Corymbia calophylla (Marri)</i>’.</p> <p>The subject site is in a completely degraded (Keighery 1994) condition as result of the residential development. The subject site does not contain any floristic characteristics associated with the abovementioned vegetation complex as the vegetation structure has been completely altered. Vegetation is limited to planted grasses and occasional, planted peppermint trees.</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.</p> <p>As discussed under Principle (b), the subject site is not likely to comprise significant habitat for the conservation significant western ringtail possum, or any conservation significant fauna species.</p> <p>The removal of one tree 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>	<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.</p>
<p>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</p>	<p>A search of the Department of Biodiversity, Conservation and Attraction’s (DBCA’s) threatened fauna database and the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (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"> • <i>Calyptrorhynchus baudinii</i> (Baudin’s Cockatoo); • <i>Calyptrorhynchus latirostris</i> (Carnaby’s Cockatoo); 	<p>Removal of the tree is not considered to be at variance to this principle as the tree does not constitute habitat critical to the survival of any fauna indigenous to Western Australia.</p>

Principle	Assessment	Conclusion
<p>indigenous to Western Australia.</p>	<ul style="list-style-type: none"> • <i>Calyptorhynchus banksia naso</i> (Forest Red-tailed Black Cockatoo) • <i>Ctenotus ora</i> (Coastal Plains Skink); • <i>Dasyurus geoffroii</i> (Chuditch, Western Quoll); • <i>Isoodon fusciventer</i> (Quenda, southwestern brown bandicoot); • <i>Phascogale tapoatafa subsp. wambenger</i> (South-western Brush-tailed Phascogale); and • <i>Pseudocheirus occidentalis</i> (Western Ringtail Possum (WRP)). <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>The highly urbanized environment of the subject site and limited habitat denotes that the removal of one peppermint tree is unlikely to present a significant impact to any fauna species of conservation significance.</p> <p>While it is noted that peppermint trees provide preferable habitat for WRPs, the tree subject to clearing does not contain any dreys or hollows. The tree may provide opportunistic foraging habitat for WRPs but the species or individuals would not rely on this single tree for their persistence.</p> <p>Given vegetation within the subject site is completely degraded, the subject site is not considered to provide significant habitat for conservation significant fauna recorded within the local area.</p>	
<p>c.) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.</p>	<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"> • <i>Caladenia busselliana</i>; • <i>Caladenia caesarea subsp. maritima</i>; • <i>Caladenia huegelii</i>; • <i>Caladenia viridescens</i>; • <i>Drakaea elastica</i>; 	<p>Removal of the tree within the subject site is not considered to be at variance with this principle as all native vegetation has previously been removed.</p>

Principle	Assessment	Conclusion
	<ul style="list-style-type: none"> • <i>Drakaea micrantha</i>; and • <i>Eucalyptus x phylacis</i>. <p>Given the completely degraded condition of the subject site and ongoing anthropogenic impacts, no flora of conservation significance exists within the subject site. On this basis, the proposed clearing is not at variance to this principle.</p>	
<p>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>	<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> <p>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 ‘Tuart Woodlands of the Swan Coastal Plain IBRA Region’ ecological community.</p> <p>The subject site does not contain any vegetation consistent with this PEC/TEC, and contains vegetation in a completely degraded condition. On this basis, the subject site does not comprise a TEC and therefore the proposed clearing is not at variance to this principle.</p>	<p>Clearing of the subject site is not considered to be at variance to this principle as vegetation consistent with the mapped TEC is not present within the subject site.</p>
<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>	<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 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</p>	<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.</p>

Principle	Assessment	Conclusion
	<p>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>	
<p>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>	<p>No wetlands or watercourses are mapped within the subject site. Accordingly, no riparian vegetation will be impacted.</p> <p>The proposed clearing is not at variance to this principle.</p>	<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.</p>
<p>g.) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.</p>	<p>The sandy soils present within the subject site can be prone to wind and water erosion. However, given the project only entails the removal of one tree, 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>	<p>Clearing within the subject site is not considered to be at variance to this principle given the nature of the site and the proposed works.</p>
<p>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>	<p>The proposed clearing will not result in any impacts to the environmental values of any adjacent or nearby conservation areas.</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 reserves.</p> <p>In consideration of the above, the clearing is unlikely to be at variance to this principle.</p>	<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.</p>
<p>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>	<p>Clearing within the subject site will not impact surface water run-off given the limited clearing area 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>	<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.</p>
<p>j.) Native vegetation should not be cleared if clearing the</p>	<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>Clearing within the subject site is not considered to be at variance to this</p>

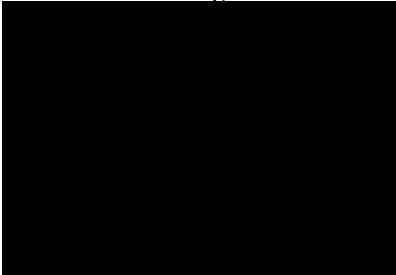
Principle	Assessment	Conclusion
vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.	The proposed clearing is not likely to be at variance to this principle.	principle as it is unlikely to increase run off and therefore intensity or incidence of flooding.

Summary

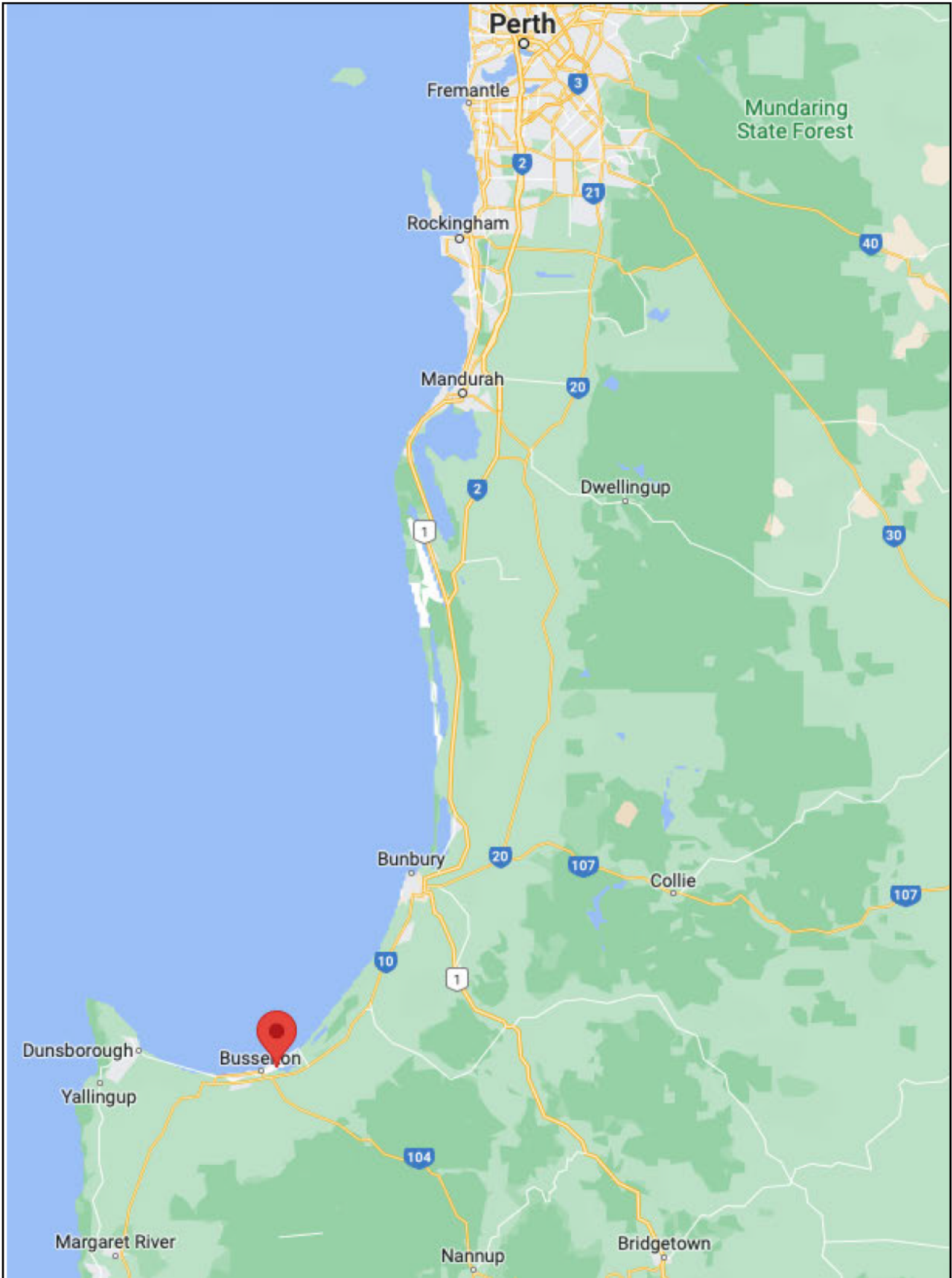
The above assessment of the proposed clearing against the Ten Clearing Principles demonstrates that the clearing is not at variance to any of the principles. Furthermore, given the completely degraded condition of the vegetation within the subject site and the history of anthropogenic disturbances, it 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,



FIGURES



PROJECT 25 Pebble Drive, Geographe

Project Number 2248
Drawing Number Figure 1
Revision A

DRAWING TITLE Figure 1 – Site Locality

Designed KMT
Drawn PN
Checked Approved

CLIENT City of Busselton



Date 3/5/2022
Local Authority City of Busselton
Sheet 1 of 1

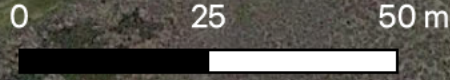
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Legend

- Lot Boundary
- Tree to be removed



PROJECT 25 Pebble Drive, Geographe

DRAWING TITLE Figure 2 - Site Extent

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Project Number 2248
 Drawing Number Figure 2
 Revision A
 Date 3/5/2022
 Sheet 1 of 1

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