WILDFLOWER SOCIETY OF WESTERN AUSTRALIA (Inc)

17 July 2024

Department of Water and Environmental Regulation
Prime House
8 Davidson Terrance
Joondalup WA 6027

CPS 10607/1 Vasse-Yallingup Siding Road, Busselton

The Wildflower Society of WA (WSWA) recommends to the Department of Water and Environmental Regulation (DWER) that the Clearing Permit application CPS 10607/1 submitted by the City of Busselton for clearing of native vegetation, including 26 trees, to allow road widening along Vasse-Yallingup Siding Road reserve, Marybrook, not be approved.

The WSWA's key objections to this proposal are as follows:

1. **The tree survey and conclusions are cursory and insufficient.**
2. **Terrestrial fauna, flora and vegetation surveys to the standard required under the *Environmental Protection Act 1986* (WA) ('EP Act') have not been completed.**
3. **Conclusions on impact of the clearing proposal are therefore unjustified as they stand.**
4. **The conclusions of risk to the public justifying this proposal are poorly argued and unsupported by the evidence available.**
5. **Federal referral under the *Environmental Protection and Biodiversity Conservation Act 1999* (Cth) ('EBPC Act') is required for the proposed clearing of Tree 16, which has a hollow suitable for Black Cockatoos, with signs of use.**
6. **A clear and evidence supported link between the benefit of the clearing to increased public safety is not made**.

Key Points

<u>1 - The tree survey has not been completed to the standards required under the EPBC Act or EP Act, and the conclusions are cursory and unjustified.</u>

The proposed clearing, including the partial tree survey by Accendo, fails to adequately address the EPBC Act, EP Act, as well as the Main Roads Guidance (see : guide-to-completing-the-environmental-and-heritage-checklist-to-undertake-works-within-the-road-reserve.pdf (mainroads.wa.gov.au) in a number of key areas. Note Points 1,2, 3 and 6 within the guidance.

The proposed clearing intersects an Environmentally Sensitive Area (Object ID 9795, scp_wetl50, Department of Water, Environment and Regulation, accessed 6 July 2024). It is noted that the City of

Busselton has a previous clearing proposal for three trees from within this area that they have now withdrawn, 8645/1. This ESA has not been identified or discussed in the consultant's report.

The partial tree survey has identified 26 trees to be removed. This includes at least one tree with multiple hollows, one of which, on examination, appears to be suitable for use by Black Cockatoos for breeding, with signs of use. Removal of this tree requires referral under the EBPC Act and referral guideline for three WA threatened black cockatoo species, this is further discussed in detail below. These trees provide habitat for a number of threatened fauna species.

2 - Fauna surveys for Black Cockatoos have not been carried out appropriately.

With respect to Baudin's Cockatoo (Endangered), Carnaby's Cockatoo (Endangered) and Forest Red-tailed Black-cockatoo (Vulnerable) that occur within this area, fifteen of the 26 trees proposed to be cleared are *Corymbia calophylla* or *Eucalyptus marginata subsp. marginata* with a DBH more than 50cm. There are potential nesting trees for these three species with two trees identified as having small hollows. These trees also provide suitable roosting and foraging habitat for Black Cockatoos. A rapid assessment of these trees shows that Tree 16 includes a number of hollows that require further investigation, photos below.

The WSWA makes the following recommendations:

- Dawn and dusk surveys for Black Cockatoos, to the standards required under the EPBC Act, EP Act and referral guidelines to document any current roosting or nesting activity to be undertaken. Observations to record signs of use, including feeding debris, Black Cockatoo droppings or feathers, sightings of birds and their behaviour.
- Accurate documentation of DBH of trees to be removed – eg a tree of 110cm DBH is likely to have a higher ecological value than one of 55cm DBH.
- Survey to be undertaken of the trees within the road reserve that are to be retained to provide context of the proportion to be lost, and the habitat values of those that will remain.
- Further investigation for retention of the larger trees, in particular Tree 16 which has a hollow suitable for Black Cockatoos, with signs of use. (Photo 1 and 2). This tree appears to have a DBH greater than 100cm, has numerous hollows, is located within a cleared driveway area and appears to pose little risk to road users who are travelling to the posted speed limit. One hollow appears to be of sufficient size to allow entrance by Black Cockatoos, with signs of use. There is increasing evidence that the required entrance size to hollows for Black Cockatoos can be as small as 10cm, with the size of the interior hollow the more limiting factor for breeding use. The photos of the other hollows on this tree show it clearly has significant hollow space within the trunk. This application should be referred under the EPBC Act to ensure that a Black Cockatoo breeding tree is not removed without alternative options being sought or, as a worst-case scenario, the required approvals being granted. Further investigation of the remainder of the trees, in particular Tree 12 which we have not had the

chance to assess, should also occur, to ensure that there are no additional suitable or potential hollows that the consultants have missed.

- Federal referral under the EPBC Act for the proposed clearing of Tree 16.

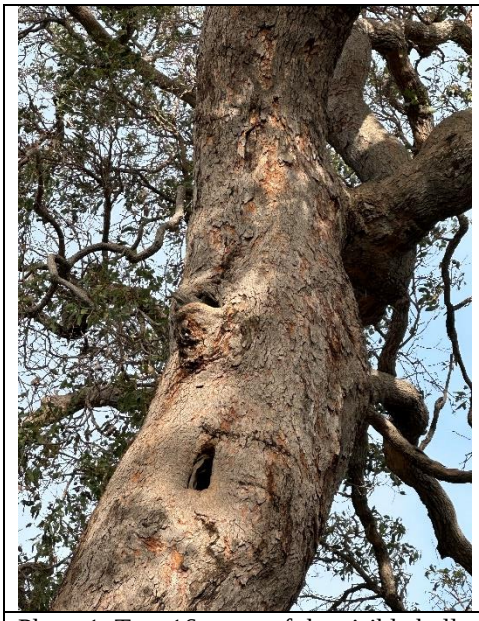


Photo 1: Tree 16 – two of the visible hollows

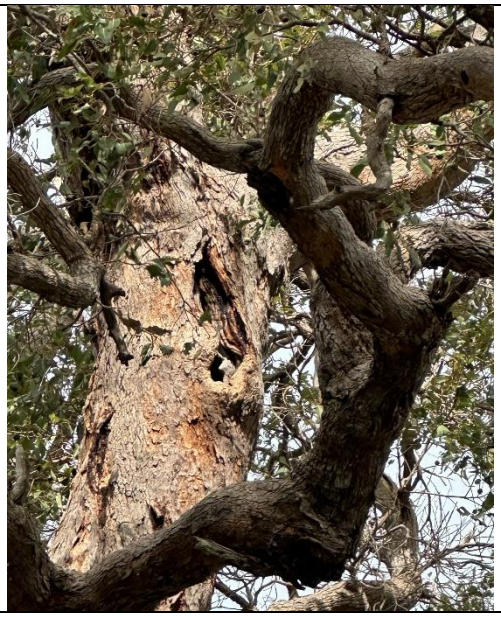


Photo 2: Tree 16 – the third visible hollow, of sufficient size with signs of use.

3 - Fauna surveys for Western Ringtail Possum have not been carried out appropriately.

Although only five *Agonis flexuosa* trees have been referred to as Western Ringtail Possum (WRP) (Critically Endangered) habitat, several other tree species including *Corymbia calophylla* and *Eucalyptus marginata subsp. marginata* are known to provide suitable shelter and foraging habitat for this species. Large trees with hollows are likely to provide habitat, with WRP known to utilize hollows if they are available.

The WSWA makes the following recommendations:

- Nocturnal surveys be undertaken using appropriate methodology for Western Ringtail Possums, to the standards required under the EPBC Act and EP Act. These surveys are essential to document any individuals that are currently utilizing the area. Daytime surveys to identify any dreys, or other signs of WRP should also be completed.

- Presence of a licensed fauna spotter during any clearing works, to assist any WRP or other fauna that is disturbed during the removal of trees.

4 - Flora surveys have not been carried out appropriately.

There has not been an adequate assessment of the native flora and vegetation within the proposed clearing footprint. Although only individual trees are proposed for removal, during these works there

will be impact to the surrounding area with the use of large machinery required to push over trees of this size. Areas that will be used for vehicle parking, stockpiling of materials etc should be determined, to ensure that additional vegetation will not require removal. Surveys to the standards required under the EP Act and associated Technical Guidance for Flora and Vegetation Surveys (EPA, 2020) need to be completed, to document the existing and potential flora and vegetation values within the proposed clearing footprint.

The WSWA makes the following recommendations:

- Additional surveys to document vegetation condition and the presence of any native flora species within the clearing footprint. It is noted that much of this road verge is in Degraded condition, but this general area has several Threatened flora species, such as orchids, that can persist within degraded areas. Road verges provide vital habitat for some of these species, and any species that have the potential to occur should be adequately surveyed for before the commencement of these works.

- A dieback survey be undertaken. The presence of dieback is likely but has not been discussed or documented. Appropriate hygiene protocols should be documented and followed in accordance with Main Roads requirements.

4 - The conclusions of risk to the public justifying this proposal are poorly argued and unsupported by the evidence available.

Analysis of crash incidence frequency and history provides a useful overview of risk on the road at present, and in the past. Use was made of the Main Roads WA (MRWA) Reporting Centre website and the Crash Specific database therein known as CRASHMAP.(see https://webreportingcentre.mainroads.wa.gov.au/Pages/FolderView.aspx?FolderId=WRC.CRASH)

The WSWA analysed crash incidents from 2014 to 2023 along the whole of Vasse-Yallingup Siding Road (14.5 km) in accordance with approaches and data and analytics' provided by attached Main Roads publications.

Overall, the crash incidence frequency on the Vasse-Yallingup Siding Road (VYS Road) has reduced to below that for a Black Spot rating over the last 5 years (See Table 1).

Table 1: 5 Year Crash Incidence Window.

5 Year Window	Crash Incidents	Crash Incidents/km
2019-2023	12	0.827586
2014-2018	20	1.37931

The crash incidence threshold for Black Spot Risk is 1 accident per km per 5 year window. Thus the safety record of this road has improved notably in the last 5 years, and it is now below the threshold for a rural Black Spot Road.

A sub analysis revealed a significant clustering of events across the offset Chain Avenue – VYS Intersection. This was not noted in the Consultant Report.

Crash incidences per year revealed a trend toward decreased incidence over time, decreasing overall in the period 2013-2023, confirming the reducing incident rate over time (see Figure 1).

Of note, from 2019 onwards, when further speed restrictions were implemented, the data showed a reduced incidence maintained over the 4 years since. These data indicate that a further speed reduction may further reduce risk of uncontrolled tarmac departures (see Figure 1 and incident Trend Figure 2.

Figure 1 Crash incidence 2013 to 2023.

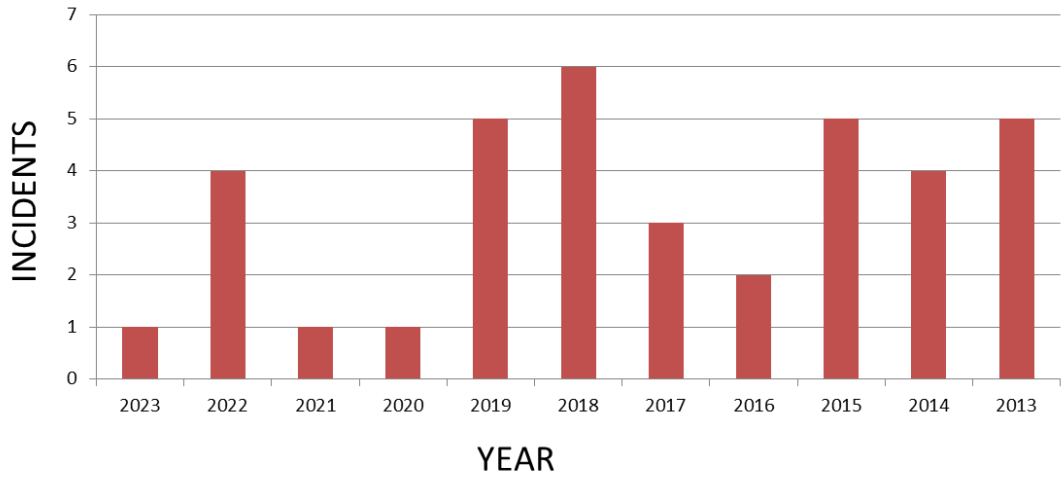


Figure 2 Crash Incidence Trend

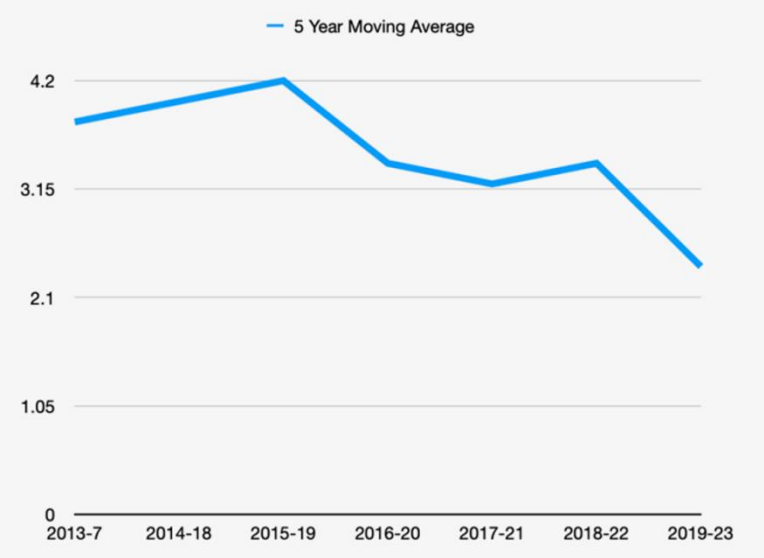


Figure 2 provides a clear view of improving safety of the road overall, associated with speed reduction actions in 2019. Serious consideration should be given to localised speed restriction along the proposed tree removal area, with a minimum of 6 months active policing to encourage compliance.

The nature of the crash incidences (the severity) in CRASHMAP was defined by Main Roads are as follows:

- PDO, being Property Damage Only.
- Medical, on site medical treatment needed,
- Hospital and Fatal meanings are clear.

There was 1 fatal incident during the period analysed (occurring in 2013). Many incidences involved driver error or loss of control and the majority of incidences were PDO Minor or PDO major (21/37 overall). The grouping of the incidences and severity are shown in Table 3. Trees did figure significantly where impacts were noted and is a likely outcome given the location of the road.

TABLE 3 Incidence per year and Severity Classification.

	PDO Minor	PDO Major	Medical	Hospital	Fatal	Total
2023	0	1	0	0	0	1
2022	0	0	2	2	0	4
2021	0	0	0	1	0	1
2020	0	1	0	0	0	1
2019	1	2	1	1	0	5
2018	1	4	0	1	0	6
2017	0	2	0	1	0	3
2016		0	0	2	0	2
2015	1	3	0	1	0	5
2014	0	3	0	1	0	4
2013	0	3	1	0	1	5
TOTAL	3	19	4	10	1	37

In summary, there are several deficiencies in the road assessment process that make the Clearing Permit Application inaccurate and untenable. These deficiencies include the following:

- On the basis of the evidence provided in the Clearing Permit Application and the evidence provided in this submission, the case that the removal of 26 trees in a short section of VYS Road, to facilitate road widening which, has not been clearly made.
- Based the Australian Transport Research Forum 2013 Proceedings (Deller, J. The Influence of Road Design speed posted speed limits and lane widths on speed selection – a literature synthesis.) widening lanes tends to lead to increased speed as perceived risk is unconsciously considered reduced. Since crash severity and speed are inextricably linked and crash severity

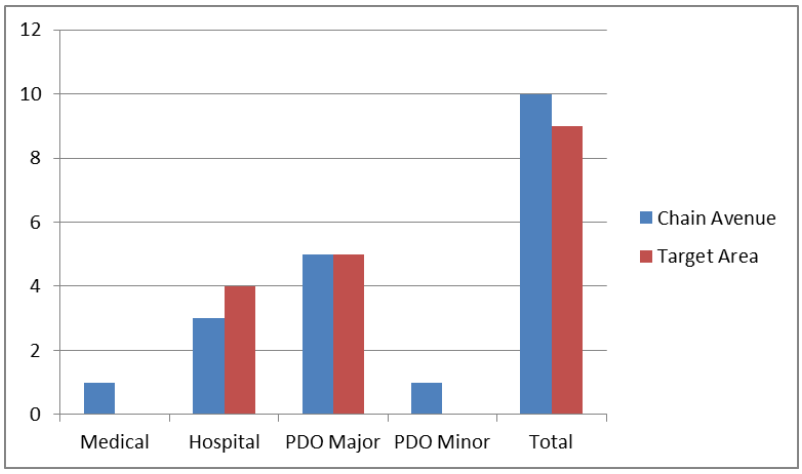
is dependent on the overall dissipation of momentum and kinetic energy, increased driver speed can effectively negate or reduce the improved safety outcomes desired.

- The safety of the road has been improving and a reasonable inference would be the reduction in speed limits on the road in 2019 has materially contributed to the reduced incidence of events. A further management of speed, particularly in potential hot spot areas, would appear to be a non-invasive and effective strategy.

- The risks associated with the Chain Avenue intersection should be noted and roundabouts or realignment should be a higher priority than removal of trees and concomitant flora and fauna disturbance (see Figure 3).

Figure 3

Chain Avenue Intersection and Targeted Tree Clearing Zone



Therefore, the WSWA suggests that what is likely to happen with the proposed removal of the 26 trees is that vehicle speeds will increase, because of the perceived reduction of risk in hitting a tree. In turn, this is likely to result in an increased crash incidence frequency, with potentially more serious consequences because of the increased speed, negating all the benefits achieved in the last 5 years. Further, with the removal of trees close to the road, and the increased speed of the vehicle, the vehicle will now travel further into the vegetation along the road, and hit the next line of trees, without any intermediate vegetation to slow it down. The overall result will most likely be that we are back where we started, with calls for further removal of trees.

The solution is not removing the trees, but to make the speed zoning commensurate with the road environment, and to rigorously enforce the appropriate posted speed limit. This should be supported by road signage cautioning drivers to slow down , and advising that trees are close to the edge of the road. This is what DBCA and Shire of Wanneroo have done on the approach road to Yanchep National Park to avoid the need to remove historic and aesthetically important trees. The

trees along Vasse-Yallingup Siding Road as well as along other roads in the area, such as Puzey Road, need to be retained in their entirety as they are part of the Busselton-Margaret River sense of place.

Moreover, there is a proposal and development plan for the Vasse-Dunsborough Link (VDL) and this is still planned, although no date is set. This link will likely take pressure off the Vasse-Yallingup Siding Road potentially leading to a significant reduction of traffic flow on the VYS Road.

Conclusion

The WSWA opposes the granting of Clearing Permit application CPS 10607/1 to the City of Buseelton for clearing of native vegetation, including 26 trees, to allow road widening along Vasse-Yallingup Siding Road reserve, Marybrook.

The Shire of Busselton should instead retain all the trees and other native vegetation and concentrate on reducing speeds and making motorists aware of the presence, and value, of the trees.

WILDFLOWER SOCIETY OF WESTERN AUSTRALIA

http://www.wildflowersocietywa.org.au/

References

ROADS 2040 : Regional Strategies for Significant Local Government Roads (Main Roads 2022 amended 2023)

ROAD HIERARCHY FOR WESTERN AUSTRALIA: ROAD TYPES AND CRITERIA (Main Roads D10#10992)

Australian Transport Research Forum 2013 Proceedings (Deller J,)