



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 5792/3

File Number: 2011/006816-6

Duration of Permit: From 28 December 2013 to 28 December 2018

PERMIT HOLDER

City of Busselton

LAND ON WHICH CLEARING IS TO BE DONE

Lot 418 on Deposited Plan 402933, Busselton.

Lot 503 on Deposited Plan 402933, Busselton.

Lot 504 on Deposited Plan 402933, Busselton.

Lot 505 on Deposited Plan 402933, Busselton.

Lot 507 on Deposited Plan 402933, Busselton.

Lot 508 on Deposited Plan 402933, Busselton.

Lot 509 on Deposited Plan 402933, Busselton.

Queen Street road reserve (PIN 11370090), Busselton.

Marine Terrace road reserve (PIN 11436260), Busselton.

Georgette Street road reserve (PIN 11436246), Busselton.

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 35 native trees within the areas shaded yellow on combined Plans 5792/3a and 5792/3b.

CONDITIONS

1. Western Ringtail Possum Management Plan

The Permit Holder must implement and adhere to the document 'Busselton Foreshore Redevelopment, Management Plan for Western Ringtail Possums (*Pseudocheirus occidentalis*). Prepared by Ecosystem Solutions Pty Ltd, 10 June 2014'.

2. Native Vegetation Conservation

- (a) In respect to the area hatched red on attached plan 5792/3c, the permit holder shall amend the vesting of the land from its existing stated purpose to 'Conservation and Recreation'.
- (b) The vesting amendment outlined in condition 2(a) shall include, but not be limited to, the following conditions:
 - (i) native vegetation in the area subject to vesting must not be cleared, other than for clearing required under another prescribed written law;
 - (ii) the land subject the vesting shall not be used for the purpose of cultivation of crops or pasture, or for the de-pasturing of any stock; and
 - (iii) the vesting is to apply in perpetuity;

3. Revegetation and rehabilitation

The Permit Holder shall establish and maintain 50 *Agonis flexuosa* within the area cross hatched red on attached Plan 5792/3c in accordance with the following conditions:

- (a) *planting* is to commence within six months of clearing any area authorised under this Permit; and
- (b) supplementary watering of the *Agonis flexuosa* is to occur between October and May for the duration of the permit.

4. Records to be kept

- (a) In relation to condition 1 of this Permit the Permit Holder must maintain records of activities undertaken in accordance with the Western Ringtail Possum Management Plan.
- (b) In relation to the *planting* of *Agonis flexuosa* pursuant to condition 3 of this Permit:
 - (i) the date that *planting* commenced; and
 - (ii) a description of the *planting* activities undertaken.

5. Reporting

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report:
 - (i) of records required under condition 4 of this Permit; and
 - (ii) concerning activities done by the Permit Holder under this Permit between 1 January and 31 December of the preceding calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar year, a written report confirming that no clearing under this permit has been carried out, must be provided to the CEO on or before 30 June of each year.
- (c) Prior to 28 September 2018, the Permit Holder must provide to the CEO a written report of records required under condition 4 of this Permit where these records have not already been provided under condition 5(a) of this Permit.

DEFINITIONS

planting means the re-establishment of vegetation by creating favourable soil conditions and planting seedlings of the desired species.



Reuben Gregor
A/ SENIOR MANAGER
CLEARING REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

21 April 2016

Plan 5792/3a

346500

6276000

6276000



346500

Legend

-  Areas approved to clear
 -  Roads
 -  Cadastre
- Virtual Mosaic (LGATE-V001)



1:1,164

MGA 94

Geocentric Datum of Australia 1994


Reuben Gregor Date: 21 Apr 2016

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA

Plan 5792/3b

347000

347500

6276500

6276500

6276000

6276000

6275500

6275500



347000

347500

Legend

-  Areas approved to clear
 -  Roads
 -  Cadastre
- Virtual Mosaic (LGATE-V001)



1:3,947

MGA 94
Geocentric Datum of Australia 1994

Reuben Gregor Date *21 Apr 2016*
Reuben Gregor

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA

Plan 5792/3c

347500



6276000

6276000

347500

Legend

— Roads

□ Cadastre

Virtual Mosaic (LGATE-V001)



Clearing Instruments Conditions



1:1,974

MGA 94

Geocentric Datum of Australia 1994

Reuben Gregor Date *21 Apr 2016*
Reuben Gregor

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986



GOVERNMENT OF
WESTERN AUSTRALIA



1. Application details

1.1. Permit application details

Permit application No.: 5792/3
Permit type: Area Permit

1.2. Applicant details

Applicant's name: City of Busselton

1.3. Property details

Property: LOT 95 ON PLAN 208891, BUSSELTON
LOT 418 ON PLAN 189088, BUSSELTON
LOT 338 ON PLAN 208891, BUSSELTON
LOT 325 ON PLAN 208891, BUSSELTON
LOT 324 ON PLAN 208891, BUSSELTON
LOT 3001 ON PLAN 43542, BUSSELTON
ROAD RESERVE - 11436246, BUSSELTON
ROAD RESERVE - 11436260, BUSSELTON
ROAD RESERVE - 11370090, BUSSELTON

Colloquial name:
Local Government Authority: BUSSELTON, CITY OF
DER Region: Greater Swan
DPaW District: BLACKWOOD
LCDC:
Localities: BUSSELTON

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
	35	Mechanical Removal	Recreation

1.5. Decision on application

Decision on Permit Application: Grant Amendment

Decision Date: 21 April 2016

Reasons for Decision: The City of Busselton applied to amend Clearing Permit CPS 5792/2 by increasing the extent of clearing by five native trees to a total of 35 trees for the additional purpose of road realignment as part of the Busselton Foreshore Redevelopment.

The amendment application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*, and it has been concluded that the proposed clearing has similar overall impacts as for the original assessment CPS 5792/1 (that is, the proposed clearing is at variance with Principles (b) and (e) and not likely to be or not at variance with the remaining Principles).

The Delegated Officer considered that an offset comprising the establishment and maintenance of a total of 50 peppermint trees (*Agonis flexuosa*) within Lot 324 on Plan 208891, and a change of vested purpose of Lot 324 on Plan 208891 from its existing stated purpose to 'Conservation and Recreation', would be required to address the significant residual impacts of the proposed clearing to western ringtail possums (*Pseudocheirus occidentalis*).

2. Site Information

2.1. Existing environment and information

2.1.1. Description of the native vegetation under application

Vegetation Description	Clearing Description	Vegetation Condition	Comment
Beard Vegetation Association 990 is described as Low forest: peppermint (<i>Agonis flexuosa</i>) (Shepherd et al, 2001).	The application is to clear 35 native trees within Lot 95, 324, 325 and 338 on Deposited Plan 208891 (Reserve 8485), Lot 418 on Plan 189088 (Reserve 28535), Lot 3001 on Deposited Plan 43542, Queen Street, Marine Terrace and Georgette Street road reserves, Busselton, for the purpose of the Busselton Foreshore Redevelopment, in the City of	Completely Degraded; No longer intact, completely/almost completely without native species (Keighery, 1994).	The vegetation condition and description were obtained through a site inspection conducted by the Department of Environment Regulation (DER, 2015) on 20 August 2015.

3. Assessment of application against clearing principles

Comments The application is to amend Clearing Permit CPS 5792/2 by increasing the extent of clearing by five native trees to a total of 35 trees for the additional purpose of road realignment as part of the Busselton Foreshore Redevelopment. The applicant advised that a total of 30 native trees have been removed in accordance with Clearing Permit CPS 5792/2 (City of Busselton, 2015a).

The amended application area consists of 35 peppermint trees (*Agonis flexuosa*), which are favourable as habitat for the western ringtail possum (*Pseudocheirus occidentalis*) (WRP). The WRP is an arboreal marsupial endemic to south-western Australia (Shedley and Williams, 2014). Its conservation status is currently listed as rare or likely to become extinct under the WA *Wildlife Conservation Act 1950* and vulnerable under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*. Populations of WRP have significantly declined or become locally extinct over much of its former inland range due a number of threats due to habitat loss through land clearing and logging. This species was once found throughout forests and woodlands in the south-west of Western Australia. Today, populations are now concentrated coastal habitats and in close proximity to creeks, swamps and rivers (Shedley and Williams, 2014). The greatest population density of WRP is now found within the Bunbury (Binningup to Dunsborough) coastal strip where there is significant pressure on the habitat for WRP due to rapid urban development (Shedley and Williams, 2014). Given this, it is important to protect remaining habitat for the recovery and conservation of this species (Shedley and Williams, 2014).

WRP surveys that were conducted in December 2012 (NGH Environmental Pty Ltd, 2013) and July 2013 identified that the area under application is being actively utilised by WRP (Ecosystem Solutions Pty Ltd, 2013). The first survey conducted in December covered the approximately 33 hectares area which is being redeveloped (the site) (NGH Environmental Pty Ltd, 2013). The survey in July covered the site as well as a buffer of 150 metres around the site. Both surveys included the trees under application as well as other vegetation (Ecosystem Solutions Pty Ltd, 2013).

During the July survey, 99 WRP dreys were identified within the survey area; 44 within the site and 55 within the buffer area (Ecosystem Solutions Pty Ltd, 2013). Nocturnal surveys identified 61 WRP one night (13 within the site, 48 within the buffer) and 80 the following night (29 within the site, 51 within the buffer) (Ecosystem Solutions Pty Ltd, 2013). The survey indicates that two of the additional five trees proposed for clearing contain dreys that were recorded during the survey (Ecosystem Solutions Pty Ltd, 2013).

A site inspection conducted by the Department of Environment Regulation confirmed that the City has established more than 43 peppermint trees to offset the clearing of 30 native trees under Clearing Permit CPS 5792/2 (DER, 2015). The City will be required to mitigate the significant residual environmental impacts associated with the clearing of an additional five native trees under the proposed amendment, due to incremental clearing impacts.

The assessment against the remaining clearing Principles has not changed, the findings from the previous assessment are still relevant and are discussed in Clearing Permit Decision Report CPS 5792/1.

Methodology References:
City of Busselton (2015a)
DER (2015)
Ecosystem Solutions Pty Ltd (2015)
NGH Environmental Pty Ltd (2013)
Shedley and Williams (2014)

Planning instruments and other relevant matters.

Comments This proposed amendment increases the extent of clearing by five native trees to a total of 35 trees for the additional purpose of road realignment as part of the Busselton Foreshore Redevelopment.

The amendment application area is located within Lot 3001 on Deposited Plan 43542. The City of Busselton (City) advised that Lot 3001 on Deposited Plan 43542 is zoned 'Special Purposes' for the Busselton Foreshore Redevelopment Area and is within 'Special Provision Area No.44' (City of Busselton, 2015b).

On 30 November 2015 the amendment application was advertised in *The West Australian* newspaper for a period of 21 days. No submissions from the public have been received.

A site inspection conducted by the Department of Environment Regulation on 20 August 2015 confirmed that the City has completed the clearing of 30 trees authorised under Clearing Permit CPS 5792/2.

Condition 2 of Clearing Permit 5792/2 required the Permit Holder to amend the vested purpose of Lot 324 on Plan 208891 from its existing stated purpose to 'Conservation and Recreation' prior to 28 December 2014. On 1 March 2016 the City provided advice from the Department of Lands identifying that Lot 324 on Plan 208891 would be superseded by Lot 509 on Deposited Plan 402933 before the end of March 2016 and would become part of a reserve for 'Conservation and Recreation'.

Condition 3 of Clearing Permit 5792/2 required the Permit Holder to establish and maintain 43 *Agonis flexuosa* within Lot 324 on Plan 208891. DER's site inspection identified that the applicant has established more than 43 *Agonis flexuosa* trees within Lot 324 on Plan 208891 in accordance with this requirement (DER, 2015).

Using the Commonwealth's Offsets Assessment Guide (2012), DER calculated the offset required to mitigate the significant residual impact to western ringtail possums as a result of clearing of five additional *Agonis flexuosa* trees. This calculation was based on the same ratio calculation that was used to determine the offset required for mitigating the significant environmental impacts identified in the assessment of the original application CPS 5792/1. The calculation determined that the proposed additional clearing would require the City to establish and maintain an additional seven *Agonis flexuosa* trees within Lot 324 on Plan 208891.

The applicant was invited to review the draft amended clearing permit (CPS 5792/3) and provide comments within 28 days. The applicant waived the 28 day notification period (A1075627).

Methodology References:
City of Busselton (2015b)
DER (2015)

4. References

- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- City of Busselton (2015a) Application for an amendment to Clearing Permit CPS 5792/2. Western Australia. (DER Ref: A989948).
- City of Busselton (2015a) Application for an amendment to Clearing Permit CPS 5792/2. Western Australia. (DER Ref: A989948).
- City of Busselton (2015b) Correspondence between DER and the City regarding zoning of Lot 3001 on Deposited Plan 43542 Western Australia (DER Ref: A1029076).
- Department of Environment Regulation (2015) Site Inspection Report for CPS 5792/2. Department of Environment Regulation. Western Australia. (A980123).
- NGH Environmental Pty Ltd (2013) Busselton Foreshore Redevelopment Project - Western Ringtail Possum Report. NGH Environmental, Western Australia.
- Shedley, E and Williams, K. (2014) An assessment of habitat for Western Ringtail Possum (*Pseudocheirus occidentalis*) on the southern Swan Coastal Plain (Binningup to Dunsborough). Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia.
- Shepherd, D.P., Beeston, G.R., and Hopkins, A.J.M. (2001), Native Vegetation in Western Australia. Technical Report 249. Department of Agriculture Western Australia, South Perth.