



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 7289/2
<b>Permit Holder:</b>	City of Busselton
<b>Duration of Permit:</b>	From 8 April 2017 to 8 April 2022

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

### PART I – CLEARING AUTHORISED

#### 1. Purpose for which clearing may be done

Clearing for the purpose of road construction.

#### 2. Land on which clearing is to be done

Carter Road Reserve (PIN 11476575), Wilyabrup  
Commonage Road Reserve (PIN 11469288), Quindalup and Yallingup Siding  
Gale Road Reserve (PINs 11471082 and 11471073), Koorup and Metricup  
King Street Road Reserve (PINs 11906236 and 11435949), West Busselton  
Lot 4539 on Deposited Plan 211912 (Reserve 19319), West Busselton  
Miami Road Reserve (PIN 11476610), Metricup  
North Jindong Road Reserve (PIN 11471104), North Jindong  
Tom Cullity Drive Road Reserve (PIN 11476604), Wilyabrup

#### 3. Area of Clearing

The Permit Holder shall not clear more than:

- Four native trees within the combined areas cross hatched yellow on attached Plan 7289/2a.
- 0.02 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7289/2b.
- 0.4 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7289/2c.
- 0.27 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7289/2d.
- 0.12 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7289/2e.
- 0.078 hectares of native vegetation within the combined areas cross-hatched yellow on attached Plan 7289/2f.
- 0.06 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7289/2g.

#### 4. Application

This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

## **5. Type of clearing authorised**

This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under the *Local Government Act 1995* or any other written law.

## **PART II – ASSESSMENT SEQUENCE AND MANAGEMENT PROCEDURES**

### **6. Avoid, minimise etc clearing**

In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:

- (a) avoid the clearing of native vegetation;
- (b) minimise the amount of native vegetation to be cleared; and
- (c) reduce the impact of clearing on any environmental value.

### **7. Weed and dieback control**

When undertaking any clearing or other activity authorised under this Permit, the Permit Holder must take the following steps to minimise the risk of the introduction and spread of *weeds* and *dieback*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared;
- (b) ensure that no *dieback* or *weed*-affected soil, *mulch*, *fill* or other material is brought into the area to be cleared; and
- (c) restrict the movement of machines and other vehicles to the limits of the areas to be cleared.

### **8. Fauna management**

The Permit Holder must implement and adhere to the fauna management measures contained in Annexure 1.

## **PART III - RECORD KEEPING AND REPORTING**

### **9. Records to be kept**

The Permit Holder must maintain the following records in relation to the clearing of native vegetation authorised under this Permit,

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares); and
- (d) purpose for which clearing was undertaken.

### **10. Reporting**

- (a) The Permit Holder must provide to the CEO on or before 30 June of each year, a written report demonstrating adherence to all conditions of this permit, and setting out the records required under condition 9 of this permit in relation to clearing carried out between 1 January and 31 December of the previous calendar year.
- (b) If no clearing authorised under this Permit was undertaken between 1 January and 31 December of the previous 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 each year.
- (c) Prior to 8 January 2022, the Permit Holder must provide to the CEO a written report of records required under condition 9 of this Permit where these records have not already been provided under condition 10(a) of this Permit.

## DEFINITIONS

The following meanings are given to terms used in this Permit:

*dieback* means the effect of *Phytophthora* species on native vegetation;

*fill* means material used to increase the ground level, or fill a hollow;

*mulch* means the use of organic matter, wood chips or rocks to slow the movement of water across the soil surface and to reduce evaporation;

*weed/s* means any plant -

- (a) that is a declared pest under section 22 of the *Biosecurity and Agriculture Management Act 2007*; or
- (b) published in a Department of Parks and Wildlife Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.



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Mathew Gannaway  
MANAGER  
CLEARING REGULATION  
DEPARTMENT OF WATER AND ENVIRONMENTAL REGULATION

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

11 July 2017

## ANNEXURE 1

### **Fauna management measures adapted from 'CPS5012/2 Amendment to area - City of Busselton (Response to items raised)' provided to the (former) Department of Environment Regulation on 28 January 2016**

#### Prior to the commencement of clearing activities:

- The combined areas cross hatched yellow on attached Plans 7289/2a-g must be accurately surveyed and clearly marked.
- A fauna specialist meeting the following requirements will be identified:
  - Has suitable equipment to administer emergency care to any injured or displaced fauna (e.g. heat pack, box, blankets etc.) available at all times.
  - Has a suitable care facility or has made arrangements with an appropriate carer who can care for or rehabilitate any injured fauna.
  - Able to notify an appropriate person at the former Department of Parks and Wildlife regarding any fauna going into care and provide them with details of any incident, type of injury and carer details.
  - Able to identify suitable fauna habitat adjacent to the combined areas cross hatched yellow on attached Plans 7289/2a-g.
- A permit under Regulation 15 of the *Wildlife Conservation Act 1950* (WC Act) shall be sought by a fauna specialist regarding the handling or translocation of any fauna.
- A fauna specialist will conduct a drone inspection and dusk survey of all suitable habitat trees for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and the forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*) (black cockatoos) during the two evenings prior to clearing to ensure that no black cockatoos are using trees for nesting activities. Should a habitat tree be found to be used for nesting by black cockatoos, clearing must be postponed until young have fledged and left the nest.
- Immediately prior to clearing, a fauna specialist shall conduct a targeted survey of suitable habitat for the western ringtail possum (*Pseudocheirus occidentalis*; WRP) within the combined areas cross hatched yellow on attached Plans 7289/2a-g to determine the location of dreys or hollows that may be occupied by the WRP. Trees that may be occupied by the WRP shall be marked with flagging tape around the trunk, between waist and eye level, so that the tape is clearly visible from all directions. Any WRP present within hollows or dreys must be removed in accordance with a permit obtained under Regulation 15 of the WC Act.
- Machinery operators and others involved in the clearing ('operators') shall be briefed by the fauna specialist. The briefing shall include:
  - the identification of sites that may be occupied by fauna;
  - the techniques and protocols to be employed during clearing, including the means of communication between the operators and fauna specialist to identify fauna; and
  - operators shall be made aware that displaced fauna may shelter in stockpiled vegetation.

#### During clearing activities:

- Clearing must be undertaken in a systematic manner that minimises disturbance to fauna.
- Any stockpiles of vegetation must be placed in cleared areas. These should be removed from site or chipped as quickly as possible to prevent re-occupation by fauna.

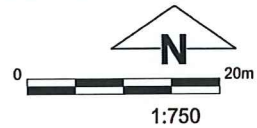
- The fauna specialist must be present during the clearing of all areas where suitable habitat for black cockatoos or the WRP exists.
- The fauna specialist shall direct the operators and ensure that any trees that are cleared are done so in a manner that allows WRP to be safely removed.
- The fauna specialist will supervise any animal handling or the rescue of any injured animals should this be required.
- All trees to be cleared, irrespective of whether fauna is seen, shall be bumped or shaken first. The operator shall wait and observe the tree for a short period of time.
- In the event that the WRP is observed in a tree to be cleared,
  - If there is suitable habitat for WRP adjacent to the area to be cleared, the tree should be gently lowered to the ground to enable the animal to safely evacuate. The fauna specialist shall ensure that WRP are encouraged to move towards adjacent habitat.
  - If there is no suitable WRP habitat adjacent to the area to be cleared, the fauna specialist shall remove and capture fauna prior to the tree being cleared. Captured fauna must be translocated in accordance with a permit obtained under Regulation 15 of the WC Act.
  - If fauna cannot be easily removed due to the density of the canopy, the machine operator shall be briefed on the slow removal of canopy, in a systematic way, to allow fauna to move away from the machine. This will allow fauna to move to outer areas of remaining canopy, where it shall be removed or captured using a cherry picker or manually as the operator slowly lowers the tree to the ground.
- If the operators encounter any injured fauna during the clearing, the fauna specialist will arrange for the care of any injured fauna.
- Stockpiles shall be checked for fauna prior to their movement or disposal. If fauna are present, they shall be removed by the fauna specialist and managed in accordance with guidelines from the former Department of Parks and Wildlife.

# Plan 7289/2 a



## Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)  
Geocentric Datum of Australia 1994

*Matthew Ginnaway* Date *11/7/2017*

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



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# Plan 7289/2b



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



1:1,500

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*Matthew Gannaway* Date 11/7/2017

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



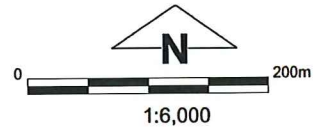
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# Plan 7289/2c



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)  
Geocentric Datum of Australia 1994

*MB* Date *11/7/2017*  
*Mathew Ginnaway*

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



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# Plan 7289/2d



## Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:12,500

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*Mathew Gannaway* Date *11/7/2017*

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# Plan 7289/2e



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



1:3,500

(Approximate when reproduced at A4)

GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*Matthew Gannaway* Date *11/7/2017*

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# Plan 7289/2f



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



1:2,000  
 (Approximate when reproduced at A4)  
 GDA 94 (Lat/Long)  
 Geocentric Datum of Australia 1994

*Matthew Gannaway* Date *11/7/2017*

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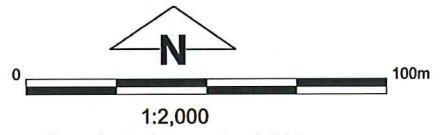
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# Plan 7289/2g



## Legend

-  Roads
-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority
-  Cadastre



(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)  
Geocentric Datum of Australia 1994

*MS* Date *11/7/2017*  
*Matthew Gannaway*

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



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## 1. Application details

### 1.1. Permit application details

Permit application No.: 7289/2  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: City of Busselton

### 1.3. Property details

Property: Carter Road Reserve (PIN 11476575), Wilyabrup  
Commonage Road Reserve (PIN 11469288), Quindalup and Yallingup Siding  
Gale Road Reserve (PINs 11471082 and 11471073), Kaloorup and Metricup  
King Street Road Reserve (PINs 11906236 and 11435949), West Busselton  
Lot 4539 on Deposited Plan 211912 (Reserve 19319), West Busselton  
Miamup Road Reserve (PIN 11476610), Metricup  
North Jindong Road Reserve (PIN 11471104), North Jindong  
Tom Cullity Drive Road Reserve (PIN 11476604), Wilyabrup

Local Government Authority: City of Busselton  
DER Region: Greater Swan  
DPaW District: Blackwood  
LCDC: Yallingup  
Localities: Kaloorup, West Busselton, Metricup, Quindalup, Wilyabrup, Yallingup Siding and North Jindong

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.948	4	Mechanical Removal	Road construction

### 1.5. Decision on application

Decision on Permit Application: Grant  
Decision Date: 11 July 2017  
Reasons for Decision: The application to amend clearing permit CPS 7289/1 was received on 18 May 2017 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*.

It has been concluded that the proposed clearing may be at variance to Principles (b), (f) and (i), and is not likely to be at variance to the remaining clearing Principles.

The original assessment determined that portions of the application area contain potential black cockatoo nesting habitat and western ringtail possum (WRP) habitat. A fauna management condition was applied to the permit to minimise impacts to WRP and black cockatoos, and reduce the risk of individual mortality. The Delegated Officer also considered that the implementation of suitable weed and dieback management measures was appropriate to address the impacts of the proposed clearing. These conditions remain on the amended clearing permit CPS 7289/2.

## 2. Site Information

### 2.1. Existing environment and information

#### 2.1.1. Description of the native vegetation under application

##### Vegetation Description

Six Mattiske vegetation complexes have been mapped within the application area (Mattiske and Havel, 1998):

- Mattiske vegetation complex C2 is described as 'open forest of *Eucalyptus marginata* subsp. *marginata* - *Corymbia calophylla* - *Banksia grandis* on lateritic uplands in perhumid and humid zones';
- Mattiske vegetation complex Cw2 is described as 'woodland of *Eucalyptus marginata* subsp. *marginata* - *Corymbia calophylla* on slopes and low woodland of *Melaleuca preissiana* - *Banksia littoralis* on depressions in perhumid and humid zones';
- Mattiske vegetation complex M is described as 'woodland to open forest of *Eucalyptus marginata* subsp. *marginata* - *Corymbia calophylla* on escarpment in the humid zone';

##### Clearing Description

The applicant proposes to clear up to 0.948 hectares of native vegetation and four native trees for the purpose of road construction across seven sites.

##### Vegetation Condition

Excellent: Vegetation structure intact; disturbance affecting individual species, weeds non-aggressive (Keighery, 1994).

To:

Degraded: Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994);

- Mattiske vegetation complex W2 is described as 'open forest of *Corymbia calophylla* - *Allocasuarina decussata* - *Agonis flexuosa* on deeply incised valleys in perhumid and humid zones';
- Mattiske vegetation complex Y is described as 'woodland of *Eucalyptus marginata* subsp. *marginata* - *Corymbia calophylla* - *Allocasuarina fraseriana* - *Agonis flexuosa* and open woodland of *Corymbia calophylla* on low undulating uplands in the humid zone'; and
- Mattiske vegetation complex Yw is described as 'woodland of *Allocasuarina fraseriana* - *Nuytsia floribunda* - *Agonis flexuosa* - *Banksia attenuata* on slopes and open forest of *Corymbia calophylla* - *Eucalyptus patens* - *Eucalyptus marginata* subsp. *marginata* on the lower slopes and woodland of *Eucalyptus rudis* - *Melaleuca raphiophylla* on valley floors in the humid zone'.

Vegetation condition was determined during a site inspection conducted by officers from the former Department of Environment Regulation (DER) on 17 November 2016 (DER, 2016).

### 3. Assessment of application against clearing principles

**Comments** The applicant has applied to amend Clearing Permit CPS 7289/1 by clearing an additional tree within Lot 4539 on Deposited Plan 211912, West Busselton. In total, the City of Busselton proposes to clear 0.948 hectares of native vegetation and four native trees for the purpose of road construction at seven sites, as follows:

Location	Proposed clearing	Application footprint	Vegetation condition (Keighery, 1996; DER, 2016)
King Street and Lot 4539 on Deposited Plan 211912	Four native trees	Four native trees	Completely Degraded
Commonage Road Reserve (PIN 11469288)	0.02 hectares	0.02 hectares	Excellent to Very Good
Carter Road Reserve (PIN 11476575)	0.4 hectares	2.106 hectares	Very Good to Degraded
Tom Cullity Drive Road Reserve (PIN 11476604)	0.27 hectares	5.096 hectares	Very Good
Miamup Road Reserve (PIN 11476610)	0.12 hectares	0.622 hectares	Degraded
Gale Road Reserve (PINs 11471082 and 11471073)	0.078 hectares	0.17 hectares	Excellent to Degraded
North Jindong Road Reserve (PIN 11471104)	0.06 hectares	0.06 hectares	Degraded

A review of available information identified that the assessment against the clearing principles has not changed since the assessment of the original application CPS 7289/1, and can be found within Clearing Permit Decision Report CPS 7289/1.

The proposed clearing may be at variance to Principles (b), (f) and (i), and is not likely to be at variance to the remaining clearing principles.

#### Planning instruments and other relevant matters.

**Comments** The clearing permit application was advertised on the former Department of Environment Regulation's website on 29 May 2017 and in *The West Australian* newspaper on 5 June 2017, inviting submissions from the public until 20 June 2017. Two public submissions were received, concerning impacts to roadside vegetation and fauna habitat, and recommending that the clearing be conducted in a similar manner to that under CPS 5012/2 (Submission, 2017a; Submission, 2017b).

These matters were addressed in the assessment of the original application CPS 7289/1.

**Methodology** References:  
Submission (2017a)  
Submission (2017b)

### 4. References

- Department of Environment Regulation (DER) (2016) CPS 7289/1 site inspection report. Department of Environment Regulation (DER REF: A1336063).
- Keighery, B.J. (1994) *Bushland Plant Survey: A Guide to Plant Community Survey for the Community*. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Mattiske, E.M. and Havel, J.J. (1998) *Vegetation Complexes of the South-west Forest Region of Western Australia*. Maps and report prepared as part of the Regional Forest Agreement, Western Australia for the Department of Conservation and Land Management and Environment Australia.
- Submission (2017a) Submission received on 15 June 2017 regarding CPS 7289/2 (DER REF: A1451958).
- Submission (2017b) Submission received on 18 June 2017 regarding CPS 7289/2 (DER REF: A1465305).