



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7393/2
Permit Holder:	City of Busselton
Duration of Permit:	From to 3 June 2017 to 3 June 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 recreation.

2. Land on which clearing is to be done

Lot 410 on Deposited Plan 216960, Busselton.

3. Area of Clearing

The Permit Holder must not clear more than four native trees within the area cross hatched yellow on attached Plan 7393/2a.

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 – MANAGEMENT CONDITIONS

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:

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

7. Western Ringtail Possum Management

- (a) In relation to the area cross hatched yellow on attached Plan 7393/2a, the Permit Holder must engage a *fauna specialist* to inspect that area immediately prior to, and for the duration of, clearing, for the presence of western ringtail possum(s) (*Pseudocheirus occidentalis*);
- (b) Clearing must occur outside the peak breeding period for the western ringtail possum (*Pseudocheirus occidentalis*) which is April to June and October to November;
- (c) Clearing must cease in any area where a western ringtail possum (*Pseudocheirus occidentalis*) is identified until either:
 - (i) the individual has been removed by a *fauna specialist*; or
 - (ii) the individual has moved on from that area to adjoining *suitable habitat*.
- (d) Any western ringtail possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 2(b)(i) of this Permit must be relocated by a *fauna specialist* to *suitable habitat*, in accordance with a fauna licence pursuant to Regulation 15 of the *Wildlife Conservation Regulations 1970*;
- (e) Where a western ringtail possum(s) (*Pseudocheirus occidentalis*) is identified under condition 2(a) of this Permit, the Permit Holder must provide the following records to the CEO as soon as practicable:
 - (i) the number of individuals identified;
 - (ii) the date each individual was identified;
 - (iii) the location where each individual was identified 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;
 - (iv) the number of individuals removed and relocated;
 - (v) the date each individual was removed;
 - (vi) the date each individual was relocated;
 - (vii) the location where each individual was relocated to, recorded using a GPS unit set to GDA94, expressing the geographical coordinates in Eastings and Northings or decimal degrees; and
 - (viii) details pertaining to the circumstances of any death of, or injury sustained by, an individual.
- (f) The Permit Holder will ensure that habitat areas not being cleared are managed, both during the construction and subsequent maintenance period; and
- (g) The Permit Holder will ensure that clearing will be conducted to maximise the ability of western ringtail possum (*Pseudocheirus occidentalis*) to safely disperse to adjoining *suitable habitat*.

8. Revegetation and rehabilitation

The Permit Holder shall establish and maintain 11 *Agonis flexuosa* within the area cross hatched red on attached Plan 7393/2b 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.

9. Records to be kept

In relation to the *planting* of *Agonis flexuosa* pursuant to condition 8 of this Permit the Permit Holder must maintain the following records:

- (a) the date that *planting* commenced; and
- (b) a description of the *planting* activities undertaken.

10. 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 9 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 3 June 2018, 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

CEO: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

fauna specialist: means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of 2 years work experience in fauna identification and surveys of fauna native to the region being inspected or surveyed, or who is approved by the CEO as a suitable fauna specialist for the bioregion, and who holds a valid fauna licence issued under the *Wildlife Conservation Act 1950*;

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

suitable habitat: means habitat known to support western ringtail possums (*Pseudocheirus occidentalis*) within the known current distribution of the species. This often includes stands of myrtaceous trees (usually Peppermint Tree (*Agonis flexuosa*)) growing near swamps, watercourses or floodplains, and at topographic low points which provide cooler, often more fertile, conditions.



Mathew Gannaway
MANAGER
CLEARING REGULATION

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

15 December 2017





Plan 7393/2a

346900



346900


Legend

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



1:277

MGA 94
Geocentric Datum of Australia 1994

 Date 15/12/17
Matthew Gannaway

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



GOVERNMENT OF
WESTERN AUSTRALIA

Plan 7393/2b



Legend

-  Clearing Instruments Conditions
 -  LGA
 -  Roads
 -  Cadastre
- Virtual Mosaic (LGATE-V001)



1:1,842

MGA 94
Geocentric Datum of Australia 1994

 Date 15/12/17

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





Clearing Permit Decision Report

1. Application details

1.1. Permit application details

Permit application No.: 7393/2
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: City of Busselton

1.3. Property details

Property: Lot 410 on Deposited Plan 216960, Busselton
Local Government Authority: City of Busselton

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
	4	Mechanical Removal	Recreation

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 15 December 2017

Reasons for Decision: This amendment has been made to implement the Minister for Environment's appeal determination (Reference C005/17). The Minister for Environment determined that the former Department of Environment Regulation's (DER) decision to grant clearing permit CPS 7393/1 with conditions was justified. However, the minister decided to allow the appeal to the extent that conditions on the permit are amended to:

1. improve the offset requirements of condition 8 using the correct conservation status for western ringtail possums (WRP) (*Pseudocheirus occidentalis*), to increase the requirement for the establishment and maintenance of six peppermint trees to 11;
2. include the specific management measures outlined in the applicant's WRP management plan; and
3. Include a condition to require the presence of an accredited fauna spotter-handler during clearing.

The proposed amendment 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 is at variance to principle (b) and is not likely to be at variance to any of the clearing principles.

The Delegated Officer considered that an offset comprising the establishment and maintenance of a total of 11 peppermint trees (*Agonis flexuosa*) within Lot 509 on Plan 402933 would be required to address the significant residual impacts of the proposed clearing to WRP.

2. Site Information

Clearing Description	The application is for the clearing of four native trees within Lot 410 on Deposited Plan 216960, Busselton for the purpose of recreation.
Vegetation Description	The application area is mapped as Beard vegetation association 990, described as low forest with peppermint (<i>Agonis flexuosa</i>) (Shepherd et al., 2001).
Vegetation Condition	Completely degraded; The vegetation is no longer intact and is completely or almost completely without native species (Keighery, 1994).
Comment	The condition and description of the vegetation within the application area was determined by aerial imagery.

3. Assessment of application against clearing principles

This amendment has been made to implement the Minister for Environment's appeal determination (Reference C005/17). Conditions 7 and 8 have been amended to include the specific management measures outlined in the applicant's WRP management plan, include a condition requiring an accredited fauna spotter-handler during clearing and increase the requirement to establish and maintain a total of six peppermint trees to 11.

The assessment of the application against the clearing principles has not changed since the assessment of the original application and can be found in the Decision Report for CPS 7393/1.

Planning instruments and other relevant matters.

The assessment of the application against other planning instruments and relevant matters has not changed since the assessment of the original application and can be found in the Decision Report for CPS 7393/1.

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.
- Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2001) Native Vegetation in Western Australia, Extent, Type and Status. Resource Management Technical Report 249. Department of Agriculture, Western Australia.