



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: 7640/1  
File Number: DER2017/001000-1  
Duration of Permit: From 6 April 2018 to 6 April 2020

### PERMIT HOLDER

Mr Brian Terry Keell Hutchings

### LAND ON WHICH CLEARING IS TO BE DONE

Lot 883 on Deposited Plan 225719, Burnside

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than one hectare of native vegetation within the area hatched yellow on attached Plan 7640/1.

### CONDITIONS

#### 1. Avoid, minimise and reduce the impacts and extent of 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.

#### 2. Clearing not authorised

The Permit Holder shall not clear any native vegetation during the breeding season for black cockatoos, being between 1 October and 31 May each year.

#### 3. Western Ringtail Possum Management

- (a) In relation to the area cross hatched yellow on attached Plan 7640/1, 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 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*.
- (c) Any western ringtail possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 3(b)(i) of this Permit must be relocated by a *fauna specialist* to *suitable habitat*.
- (d) Where fauna is identified under condition 8(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.

#### 4. Records must be kept

- (a) The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:
  - (i) 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;
  - (ii) the date that the area was cleared;
  - (iii) the size of the area cleared (in hectares);
  - (iv) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit; and
  - (v) of records required under condition 3 of this Permit.

#### 5. Reporting

The Permit Holder must provide to the CEO the records required under condition 4 of this Permit, when requested by the CEO or delegated officer.

#### DEFINITIONS

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

**CEO:** means the Chief Executive Officer of the Department of Water and Environmental Regulation (Western Australia);

**fauna specialist:** means a person who holds a tertiary qualification specializing in environmental science or equivalent, and has a minimum of two 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*;

**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; and

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Mathew Gannaway  
MANAGER  
CLEARING REGULATION

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

7 March 2018

CPS 7640/1, 7 March 2018

# Plan 7640/1



## Legend

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



1:7,770

(Approximate when reproduced at A4)  
GDA 94 (Lat/Long)

Geocentric Datum of Australia 1994

*Matthew Gonnaway* Date 07/03/2018

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



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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 7640/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Mr Brian Terry Keell Hutchings  
Application received date: 13 June 2017

### 1.3. Property details

Property: Lot 883 on Deposited Plan 225719, Burnside  
Local Government Authority: Shire of Augusta-Margaret River  
Localities: Burnside

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
1		Mechanical Removal	Cropping

### 1.5. Decision on application

Decision on Permit Application: Granted

Decision Date: 07 March 2018

Reasons for Decision: The clearing permit application has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986* (EP Act). It has been concluded that the proposed clearing may be at variance to principle (b) and is not likely to be at variance to the remaining principles.

Given the condition of the vegetation within the application area, the Delegated Officer considers that this proposal has a low environmental risk. The Delegated Officer has decided to grant this clearing permit with fauna management conditions to mitigate the potential risks to individual black cockatoos and western ringtail possums residing within the application area. This approach is supported by the Department of Biodiversity, Conservation and Attractions.

The Delegated Officer also took into consideration that the Shire of Augusta Margaret River has granted planning approval for the clearing purpose.

Given the above, the Delegated Officer decided to grant a clearing permit subject to a fauna management condition.

## 2. Site Information

**Clearing Description** The applicant proposes to clear up to one hectare of native vegetation for the purpose of cropping.

**Vegetation Description** The application area is mapped as vegetation complexes:

- Cw1 (Cowaramup): Mixture of open forest to woodland of *Eucalyptus diversicolor-Corymbia calophylla* and woodland of *Eucalyptus marginata* subsp. *marginata* -*Corymbia calophylla* on slopes and low woodland of *Melaleuca preissiana-Banksia littoralis* on depressions in the hyperhumid zone;
- C1 (Cowaramup): Open to tall open forest of *Eucalyptus marginata* subsp. *marginata-Corymbia calophylla-Banksia grandis* on lateritic uplands in the hyperhumid zone; and
- Cd (Cowaramup): Woodland of *Eucalyptus marginata* subsp. *marginata-Corymbia calophylla-Banksia ilicifolia* on sandy rises and low woodland of

*Melaleuca preissiana* on lower slopes in the hyperhumid to humid zones (Mattiske and Havel, 1998).

**Vegetation Condition** Degraded; Structure severely disturbed; regeneration to good condition requires intensive management (Keighery, 1994).

**Comment** The condition of the vegetation in the application area was determined by a site inspection on 12 July 2017 (DAFWA, 2017) undertaken by the former Department of Agriculture and Food WA (DAFWA).

The Department of Biodiversity, Conservation and Attractions (DBCA) advised that the vegetation within the application area was described by the Land for Wildlife program after a site visit in 2011 (DBCA, 2017b).

### 3. Assessment of application against clearing principles

The application is to clear up to one hectare of native vegetation for the purpose of cropping. The vegetation within the application area is predominantly parkland cleared peppermint trees and is considered to be in degraded (Keighery, 1994) condition (DAFWA, 2017). The application area was inspected in 2011 by the Land for Wildlife program which described the area as 'woodland areas... collectively described as gravelly sands, grey calcareous sands and lateritic outcrops, and peppermint woodlands and Jarrah/Marri/Banksia woodlands with little to no understorey due to past grazing. It was noted that the peppermint trees on the property were in decline and observed to have thrip damage. Threatened and priority fauna species recorded... were white-tailed black cockatoos and forest red-tailed black cockatoos, western ringtail possum, brush-tailed phascogale and quenda.' (DBCA, 2017b).

The local area (10 kilometre radius) is approximately 50 per cent vegetated and two national parks are within two kilometres of the application area.

Peppermint trees 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 *Wildlife Conservation Act 1950*, ranked as critically endangered using International Union for Conservation of Nature (IUCN) criteria 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 including 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 in 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).

DBCA South West region advise that ' a fauna spotter needs to be present at the time of tree removal. If animals are observed than the tree needs to be fallen in a manner that allows the animal to disperse; it needs to be ensured that any displaced animals find their way to suitable habitat and are not left to disperse into pasture, nearby buildings and/or under parked vehicles. In regards to Marri trees within the application area, it is possible that they may provide black cockatoo hollows, as such... Marri trees should only be cleared outside of the black cockatoo annual breeding season (October to May).' (DBCA, 2017a). These clearing conditions were supported by DBCA fauna expert (DBCA, 2017b).

Noting that the majority of the trees under application are Peppermint trees and the property is within the known distribution for the WRP the application area may be supporting WRP. Noting the application areas size (one hectare) and degraded (Keighery, 1994) condition, potential impacts are likely to be limited to direct mortality of individuals during the felling of the trees. If animals are observed then trees must be felled in a manner that allows the animal to disperse into nearby vegetation, it is noted that on the eastern side of the application area the vegetation is contiguous with a larger remnant patch. Management actions including requiring a fauna spotter to be present during clearing activities will minimise fauna impacts from the proposed clearing.

Noting the size and vegetation condition and structure, dominated by Peppermint trees, the application area is not considered to be significant black cockatoo foraging habitat. The application area does contain jarrah/marri trees which may be suitable as black cockatoo breeding habitat. Noting the nearby vegetation in a similar or better condition, it is considered that limiting the clearing to occurring outside the breeding season for black cockatoos, being between October and May each year, will assist in minimising potential impacts to breeding habitat.

Given the condition of the vegetation, lack of understorey species, extent of native vegetation in the local area, presence of vegetation in better condition nearby and small size of the application area, the proposed clearing is not likely to impact on rare or priority flora, a priority or threatened ecological community or conservation reserves

within the local area and is not likely to be classified as clearing a significant remnant within a highly cleared landscape.

As no wetlands or watercourses are mapped within the application area and given the size of the application area, the proposed clearing is not likely to impact on riparian vegetation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

DAFWA conducted a site inspection of the application area on 12 July 2017 and advised that "the area to be cleared has a low to moderate capability for the intended agricultural land use and that the risk of land degradation is low." It was therefore concluded that "the proposed land clearing is not likely to cause land degradation and is not at variance with principle (g)." (DAFWA, 2017).

Given the above, the proposed clearing may be at variance to clearing principle (b) and is not or is not likely to be at variance to the remaining clearing principles.

Fauna management conditions, including clearing outside of the breeding season for black cockatoos and ensuring a fauna spotter is present during clearing activities, will mitigate the potential environmental risks associated with this proposal.

#### **Planning instruments and other relevant matters.**

No Aboriginal sites of significance have been mapped within the application area.

The application area is zoned for primary agriculture under the town planning scheme. The Shire of Augusta Margaret River advised that the proposed clearing is not supported under the provision of the Shires Local Planning Scheme No. 1 (LPS1). The proposed clearing is also not of a kind which is exempted from prior development approval (Shire of Augusta Margaret-River, 2017a).

The applicant has received planning approval for the proposed clearing on 20 December 2017 (Shire of Augusta Margaret River, 2018).

The clearing permit application was advertised on 22 June 2017 with a 21 day submission period. No public submissions were received in relation to this application.

The application area is located within the Busselton – Capel Groundwater Area, Cape to Cape North sub area which is an area proclaimed under the *Rights in Water and Irrigation Act 1914* (RIWI Act). The applicant is advised that "the taking and use of water is subject to assessment and licencing by the DWER's Land Use Planning South West Region". The application area is also located within the Busselton coast Surface Water Area on Ellen Brook. The tributary of Ellen Brook rises on the property, therefore the subject property has 'spring rights' and the existing dam located on the property is exempt from licensing. DWER's Land Use Planning South West Region advises that if irrigation is required for the cropping operation, then a hydrological assessment of the water demands and availability should be completed (DWER, 2017).

The application area is part of a registered Land for Wildlife (LFW) site. LFW is a voluntary scheme to encourage private landholders to provide wildlife habitat on their property and manage it for conservation. It does not change the legal status of the property and does not prevent or restrict vegetation clearing. A site inspection of this LFW site was undertaken in 2011 and noted a number of conservation significant species occurring on the property. Potential fauna impacts are discussed further under the assessment against the clearing principles (DBCA, 2017b).

#### **4. References**

- DAFWA (2017) Department of Agriculture and Food WA, Site inspection report for clearing permit application CPS 7640/1 DWER Ref A1510109.
- DBCA (2017a) Advice from the Department of Biodiversity, Conservation and Attractions South West Region regarding clearing permit application CPS 7640/1. DWER Ref A1517236.
- DBCA (2017b) Advice from the Department of Biodiversity, Conservation and Attractions Species and Communities Branch fauna specialist regarding clearing permit application CPS 7640/1. DWER Ref A1517237.
- 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.
- 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.

Shire of Augusta Margaret River (2017) Advice from the Shire of Augusta Margaret River regarding clearing permit application CPS 7640/1. DWER ref A1486089.

Shire of Augusta Margaret River (2018) Planning approval for Lot 883 Burnside Road, Burnside. DWER ref A14

**GIS Databases:**

- Hydrography, linear
- Hydrography, hierarchy
- Parks and Wildlife tenure
- SAC bio datasets accessed December 2017
- Virtual mosaic
- Aboriginal sites register system
- Town Planning Scheme Zones