



## CLEARING PERMIT

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

<b>Purpose Permit number:</b>	CPS 7713/1
<b>Permit Holder:</b>	City of Busselton
<b>Duration of Permit:</b>	17 February 2018 – 17 February 2023

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 widening.

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

Yelverton Road Reserve – PINs 11469323, 11471072, 1357100, 1357099, 11469322, 11469310, and 11469317, Yelverton

Yelverton Road Reserve – PIN 11469302, Yallingup Siding

Yelverton Road Reserve – PIN 11469316, Metricup

Yelverton Road Reserve – PIN 11469308, Wilyabrup

**3. Area of Clearing**

The Permit Holder must not clear more than 0.72 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7713/1.

**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 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.

### 7. Dieback and weed 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. Black cockatoo and Western Ringtail Possum Management

- (a) In relation to the area cross-hatched yellow on attached Plan 7713/1, 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 *Calyptorhynchus latirostris* (Carnaby's cockatoo), *Calyptorhynchus baudinii* (Baudin's cockatoo), *Calyptorhynchus banksii naso* (forest red-tailed black cockatoo) or (*Pseudocheirus occidentalis*) Western Ringtail Possum(s).
- (b) Clearing must cease in any area where fauna referred to in condition 8(a) above are identified until either:
  - (i) the Western Ringtail Possum(s) individual has been removed by a *fauna specialist*; or
  - (ii) the Western Ringtail Possum(s) individual has moved on from that area to adjoining *suitable habitat*; or
  - (iii) where black cockatoos are identified in relation to condition 8(a) of this Permit, the Permit Holder shall ensure that no clearing of the identified *black cockatoo habitat tree(s)* occur until such time that the black cockatoo species listed in condition 8(a) are no longer utilising the *black cockatoo habitat tree(s)*.
- (c) Any Western Ringtail Possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 8(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 date the *black cockatoo habitat tree(s)* was no longer being utilised;
  - (viii) 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
  - (ix) details pertaining to the circumstances of any death of, or injury sustained by, an individual.

### PART III - RECORD KEEPING AND REPORTING

#### 8. 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 8 of this Permit;
  - (ii) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 6 of this Permit; and
  - (iii) 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.

#### DEFINITIONS

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

**black cockatoo habitat tree/s:** means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater that contain hollows suitable for nesting by Carnaby's cockatoo, Baudin's cockatoo or Forest Red-tailed black cockatoo;

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

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

**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*;

**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;

**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

**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 Biodiversity, Conservation and Attractions Regional Weed Rankings Summary, regardless of ranking; or
- (c) not indigenous to the area concerned.

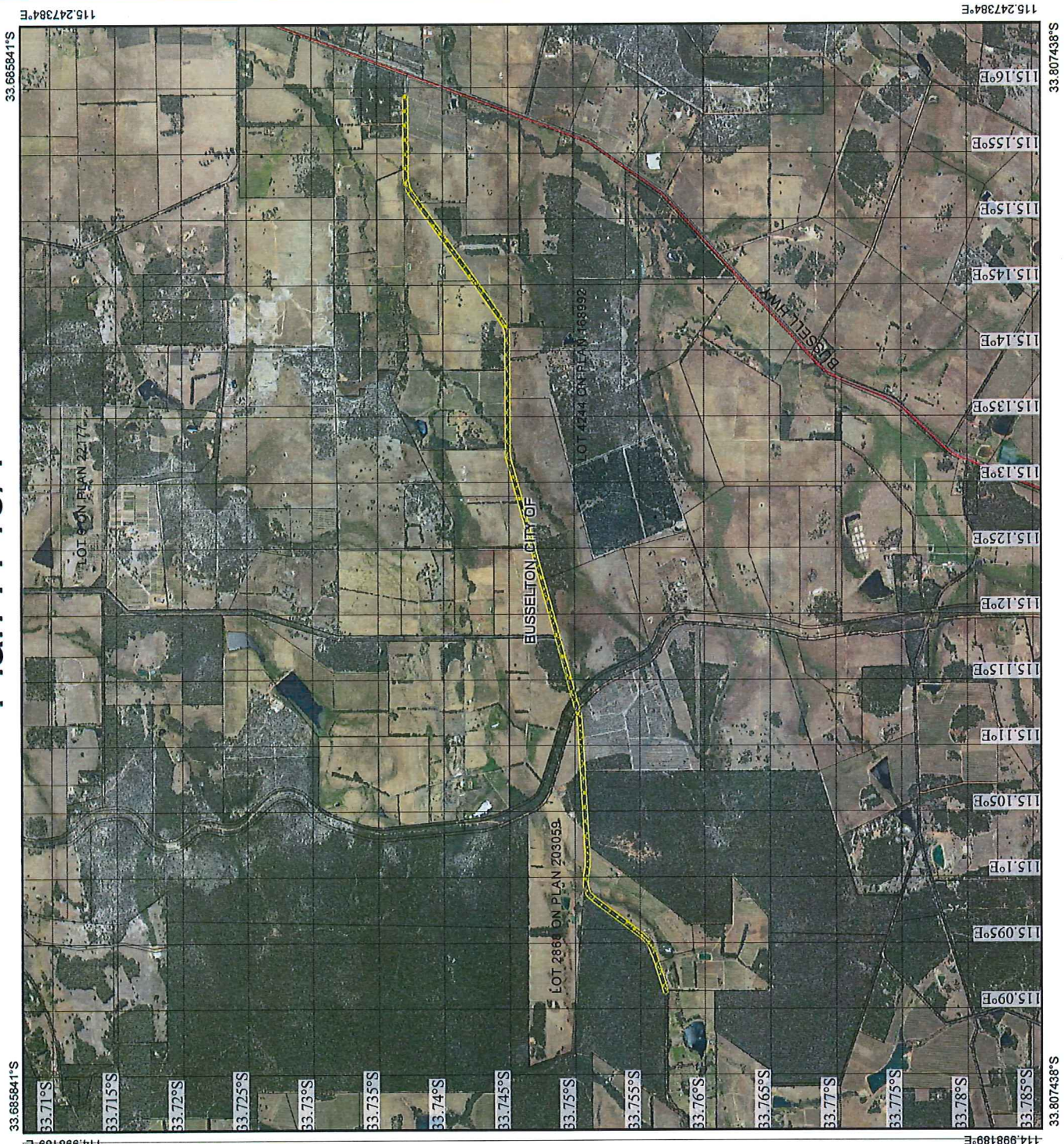
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Mathew Gannaway  
MANAGER  
CLEARING REGULATION




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

17 January 2018

# Plan 7713/1



## Legend

-  Imagery
-  Clearing Instruments Activities
-  Local Government Authority



1:40,000  
 (Approximate when reproduced at A4)  
 GDA 94 (Lat/Long)  
 Geocentric Datum of Australia

*MS* Date 17/01/2018  
*Matthew Gormanway*

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





## 1. Application details

### 1.1. Permit application details

Permit application No.: 7713/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: City of Busselton  
Application received date: 28 July 2017

### 1.3. Property details

Property: Yelverton Road Reserve – PINs 11469323, 11471072, 1357100, 1357099, 11469322, 11469310, and 11469317, Yelverton  
Yelverton Road Reserve – PIN 11469302, Yallingup Siding  
Yelverton Road Reserve – PIN 11469316, Metricup  
Yelverton Road Reserve – PIN 11469308, Wilyabrup

#### Local Government

Authority: Busselton, City of  
Localities: Metricup, Yallingup Siding, Yelverton and Wilyabrup

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.72		Mechanical Removal	Road construction or upgrades

### 1.5. Decision on application

Decision Date: 17 January 2018

Reasons for Decision: The clearing permit application was received on 28 July 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 (a) and (b), and is not likely to be at variance to the remaining principles.

Through the assessment it was determined that the proposed clearing area contains western ringtail possum and black cockatoo habitat trees. The Delegated Officer noted the small amount of clearing proposed was over a long, narrow seven kilometre road reserve, that the vegetation condition is in a Degraded to Good (Keighery, 1994) condition and that sufficient vegetation would remain, including a tree canopy, so as not to significantly impact fauna habitat.

The Delegated Officer also took into consideration that the applicant will avoid and/or minimise impacting mature habitat trees, by modifying the alignment of the road design, where practicable.

In determining to grant a clearing permit, the Delegated Officer determined that potential impacts to fauna species can be adequately minimised and/or avoided by imposing fauna management measures and that the proposed clearing is unlikely to lead to any unacceptable risk to the environment.

## 2. Site Information

**Clearing Description** The application is for the proposed clearing of 0.72 hectares of native vegetation along a seven kilometre section of narrow road reserve within the above-mentioned land parcels for the purpose of road widening.

**Vegetation Description** The vegetation within the application area is mapped as the following South West Vegetation Complexes (Mattiske and Havel, 1998):

- C2: Cowaramup: Margaret River Plateau: Uplands: Open forest of *Eucalyptus marginata* subsp. *marginata*-*Corymbia calophylla*-*Banksia grandis* on lateritic uplands in perhumid and humid zones;
- Cw2: Cowaramup: Margaret River Plateau: Valleys: 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;
- Y: 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;
- Yd: Woodland of *Allocasuarina fraseriana*-*Eucalyptus marginata* subsp. *marginata*-*Xylomelum occidentale*-*Banksia attenuata* on sandy slopes in the humid zone; and

- Yw: 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 rhapsiophylla* on valley floors in the humid zone.

**Vegetation Condition** Degraded; Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management (Keighery, 1994).

To

Good; Vegetation structure significantly altered by very obvious signs of multiple disturbance. Retains basic vegetation structure or ability to regenerate to it (Keighery, 1994).

**Soil type** Three land forms and soils types are represented over the seven kilometre application area:

- plain: chief soils are leached sands ironstone gravel; to
- gently undulating terrain: chief soils are ironstone gravels with associated leached sands to ironstone gravels on ridges and their slopes and areas of block laterite; and
- undulating with long ridges: chief soils ironstone gravels.

### 3. Minimisation and mitigation measures

The applicant has identified large black cockatoo habitat trees and will avoid and/or minimise impacting these trees, by modifying the alignment of the road design, where practicable. The proposed clearing will not remove all of the road reserve vegetation (DWER, 2017).

### 4. Assessment of application against clearing principles

The application is for the proposed clearing of 0.72 hectares of native vegetation along a seven kilometre section of narrow road reserve within the above-mentioned land parcels for the purpose of road widening. The proposed clearing will not remove all of the road reserve vegetation and will avoid and/or minimise clearing by modifying the alignment of the road design, where practicable (DWER, 2017).

During a Department of Water and Environmental Regulation (DWER) site inspection the vegetation under application was noted to be in a Degraded to Good (Keighery, 1994) condition including areas of weedy undergrowth to that being parkland cleared (DWER, 2017). Areas of vegetation fragmentation, weedy undergrowth, parkland cleared and areas void of native vegetation was observed along the seven kilometre application area (DWER, 2017).

There are five fauna species recorded within the local area (10 kilometre) listed as rare or likely to become extinct under the *Wildlife Conservation Act 1950* (DBCAs, 2007-). The vegetation under application along some sections of the application area has the potential to provide nesting and/or roosting habitat (namely *Eucalyptus marginata* subsp. *marginata* and *Corymbia calophylla*) for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and the Forest Red-tailed black-cockatoo (*Calyptorhynchus banksii* subsp. *naso*). In addition, habitat trees (*Agonis flexuosa*) for the Western ringtail possum (WRP) (*Pseudocheirus occidentalis*) were also noted in some sections of the application area but not in any great density. Only a few *Agonis flexuosa* are within close proximity to the roads edge that are proposed to be cleared (DWER, 2017).

Black cockatoos breed in large hollow-bearing trees, generally within woodlands or forests or in isolated trees (Commonwealth of Australia, 2012). 'Breeding habitat' for black cockatoos is defined as trees of species known to support breeding within the range of the species which either have a suitable nest hollow or are of a suitable diameter at breast height (DBH) to develop a nest hollow. For most tree species, suitable DBH is 500 millimetres (Commonwealth of Australia, 2012). The applicant has identified and marked within the application area where road widening works can avoid and minimise, where practicable, impacts to black cockatoo habitat trees. The majority of the black cockatoo trees marked for clearing are immature and too small to be utilised as black cockatoo habitat trees. Those that will be retained are large, mature specimens with obvious hollows (DWER, 2017). It is not considered likely that the clearing of 0.72 hectares over seven kilometres of narrow road reserve with the loss of scattered, individual immature habitat trees would severely impact upon the suitability of the remaining vegetation to provide black cockatoo habitat. To minimise any potential impacts to individual black cockatoos, a fauna management condition requiring the presence of a fauna spotter will help mitigate any impacts.

Suitable habitat for WRP varies between land units, however commonly it includes suitable vegetation structures for protection and/or nesting, and canopy continuity to aid in avoidance and/or escape predation and other threats. Vegetation communities critical to WRP include long unburnt mature remnants of peppermint (*Agonis flexuosa*) woodlands with high canopy continuity and *Eucalyptus marginata* and *Corymbia calophylla* forests and woodlands with limited anthropogenic disturbance (unlogged or lightly logged, and a low intensity and low frequency fire history), that are intensively fox-baited and have low indices of fragmentation. Long-term survival of WRP also requires linkages between such suitable habitat patches (DPaW, 2017).

The applicant has also identified and marked within the application area where road widening works can avoid and minimise, where practicable, to WRP habitat trees. The application area (Yelverton Road) is one of several ecological linkage corridors that modelling analysis suggests is a suitable habitat corridor for WRP within the City of Busselton (DBCAs, 2017). No WRP individuals have been historically recorded within the application area and none were sighted during a recent site inspection (DWER, 2017). Habitat trees were noted in some sections of the application area but not in any great density and only a few individual trees appeared likely to be cleared (DWER, 2017). It is not considered likely that the clearing of 0.72 hectares over

the seven kilometre application area with the loss of scattered, individual trees would severely impact upon the suitability of this road verge to act as WRP habitat or as an ecological linkage corridor. However, given the WRP preferred habitat trees are present, and to minimise any potential impacts to individual WRP, a fauna management condition requiring the presence of a fauna spotter will help mitigate impacts to WRP individuals.

Given the above, the proposed clearing may be at variance to principles (a) and (b) with regards to impacts to black cockatoo and WRP habitats; however any potential impacts will be mitigated through avoidance, minimisation and mitigation measures. Given the type of clearing and small amount proposed to be cleared, the application area is not considered to comprise a high level of biological diversity or is necessary for the maintenance of significant habitat for fauna indigenous to Western Australia.

No threatened or priority listed flora species are recorded within the application area. Given the vegetation is in a Degraded to Good (Keighery, 1994) condition and includes large areas of weedy undergrowth to that being parkland cleared, it is unlikely to provide suitable habitat for conservation significant flora species.

A 370 metre section of the application area intersects the southern boundary of a now mapped (since Yelverton Road was created) threatened ecological community (TEC), the "Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region". It is noted from aerial imagery that the majority of the TEC still exists in the adjoining property to the north and the remnant within the road reserve is severely fragmented. It is considered that this section of the application area, comprising mostly scattered trees and areas void of vegetation, is in a Degraded (Keighery, 1994) condition and that it no longer accurately represents this TEC. In addition, no vegetation within the proposed clearing area was found to be representative of this TEC (DWER, 2017).

The National Objectives and Targets for Biodiversity Conservation include a target that prevents the clearance of ecological communities with an extent below 30 per cent of that present pre-European settlement (Commonwealth of Australia, 2001). The application area is located within the Jarrah Forrest Interim Biogeographic Regionalisation of Australia bioregion retaining approximately 54 per cent of its Pre European vegetation extent (Government of Western Australia 2016). The application area occurs within the City of Busselton which has approximately 41 per cent of its pre-European vegetation extent remaining (Government of Western Australia 2016). Digital analysis indicates that the local area (10 kilometre radius) surrounding the application area retains approximately 25 per cent native vegetation cover. The proposed clearing of 0.72 hectares represents the loss of approximately 0.006 percent of this remaining native vegetation.

The vegetation under application is mapped as multiple Mattiske Vegetation Complexes, as shown in Table 1 below. These complexes comprise *Eucalyptus*, *Corymbia* and *Allocasuarina* upperstorey woodlands and associated mid-storey of *Agonis*, *Banksia*, *Melaleuca* and *Xylomelum* species (Mattiske and Havel, 1998). With the exception of vegetation complexes Cw2 and Yw, the mapped vegetation complexes are above the 30 percent recommended threshold of their Pre European extent (Government of Western Australia, 2017). None of the application area was representative of vegetation complex Cw2, with only small sections of the application area representative of Yw (DWER, 2017).

Noting the extent of native vegetation remaining in the local area, the long, narrow and linear nature of the application area, the vegetation being in an Degraded to Good (Keighery, 1994) condition, and the type of clearing and small amount proposed to be cleared, the application area is not considered to be significant as a remnant in an area that has been extensively cleared.

A 1.5 kilometre section of the application area adjoins a national park and timber reserve. Given the small amount and linear nature of the proposed clearing is not likely to impact the conservation values of these areas. Weed and dieback management measures will assist in mitigating potential impacts to areas of native vegetation adjacent to the application area.

No wetlands are mapped within the application area. The application area and existing road infrastructure intersects three minor, non-perennial watercourses. Any water quality issues in terms of surface water sedimentation or flooding caused by the proposed clearing is likely to be temporary and highly localised. Impacts to these waterways will be mitigated via the use of existing roadside infrastructure such as table drains and culverts. No riparian vegetation was observed to occur within the proposed clearing area (DWER, 2017).

Given the mapped soil types and the small amount and linear nature of the proposed clearing, it is unlikely to contribute to or cause land degradation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

**Table 1 - Statewide and South West Vegetation Complex Statistics for CPS 7713/1**

	Pre-European (ha)	Current Extent (ha)	Remaining (%)	Extent in Conservation Managed Lands (%)
<b>IBRA Bioregion*</b>				
Jarrah Forest	4,506,660	2,416,018	54	69
<b>Shire*</b>				
City of Busselton	146,478	60,015	41	69
<b>South West complex in Bioregion**</b>				

C2	13,692.45	4,442.60	32.45	6.30
Cw2	6,654.67	1,352.26	20.32	3.69
Y	9,007.37	3,223.32	35.79	18.83
Yd	2,439.37	1,358.92	55.71	14.63
Yw	3,589.14	1,065.20	29.68	12

\*Government of Western Australia (2016)

\*\*Government of Western Australia (2017); Matiske and Havel (1998)

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

### Planning instruments and other relevant matters.

The clearing permit application was advertised on the DWER website on 13 September 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

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

## 5. References

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commonwealth of Australia (2012). EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2017) Department of Biodiversity, Conservation and Attractions. Regional advice report for clearing permit application CPS 7713/1 (Ref: A1580755)
- Department of Parks and Wildlife (Parks and Wildlife) (2017) Department of Parks and Wildlife February 2017 Wildlife Management Program No. 58, Western Ringtail Possum (*Pseudocheirus occidentalis*) Recovery Plan
- Government of Western Australia (2016). 2016 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of October 2016. WA Department of Parks and Wildlife, Perth.
- Government of Western Australia (2017) 2016 South West Vegetation Complex Statistics. WA Department of Parks and Wildlife, Perth
- Department of Water and Environmental Regulation (DWER) (2017) Department of Water and Environmental Regulation Site inspection report for clearing permit application CPS 7713/1 (Ref: A1583574)
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Matiske, 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.