



## CLEARING PERMIT

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

### PERMIT DETAILS

Area Permit Number: CPS 7851/1

Duration of Permit: From 14 April 2018 to 14 April 2020

### PERMIT HOLDER

Ertech Pty Ltd

### LAND ON WHICH CLEARING IS TO BE DONE

Neville Hyder Drive road reserve (PIN 11034579, Yalyalup)

Vasse Highway road reserve (PIN 11614359, Bovell)

### AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.25 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7851/1.

### 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. 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.

#### 3. Western Ringtail Possum Management

(a) In relation to the area cross hatched yellow on attached Plan 7851/1, 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 a western ringtail possum(s) (*Pseudocheirus occidentalis*) is identified under condition 3(a) of this Permit, the Permit Holder must keep the following records:

- (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. Direction of clearing

The Permit Holder shall conduct clearing in a progressive manner from one direction to the other (e.g. north to south) to allow fauna to move into adjacent native vegetation ahead of the clearing activity.

#### 5. Records must be kept

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:

- (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);
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 1 of this Permit;
- (e) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 2 of this Permit;
- (f) in relation to fauna management pursuant to condition 3 of this Permit, the records required under condition 3(d) of this Permit; and
- (g) details of the direction of clearing in accordance with condition 4 of this Permit.

#### 6. Reporting

The Permit Holder must provide to the CEO the records required under condition 5 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 responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;

**Delegated Officer:** means the person appointed by the CEO to administer 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 specialising 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, 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*

15 March 2018

# Plan 7851/1

115°23'24"






-33°41'24"

-33°41'24"

115°23'24"

## Legend

-  Areas approved to clear
-  Roads
-  Cadastre


200



200 m



MGA 94  
Geocentric Datum of Australia 1994

 Date: 15/03/2018  
Matthew Gannaway  
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.: 7851/1  
Permit type: Area Permit

### 1.2. Applicant details

Applicant's name: Ertech Pty Ltd  
Application date: 3 November 2017

### 1.3. Property details

Property: Neville Hyder Drive road reserve (PIN 11034579, Yalyalup)  
Vasse Highway road reserve (PIN 11614359, Bovell)  
Local Government Authority: Busselton, City of  
Localities: Yalyalup and Bovell

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.25		Mechanical	Road construction or upgrades

### 1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 15 March 2018

Reasons for Decision: The clearing permit application was received on 3 November 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), is at variance to principle (f) and is not likely to be at variance to the remaining clearing principles.

Based on the assessment of the application area, the Delegated Officer determined that the proposed clearing area may impact on significant habitat for western ringtail possums (WRP's) (*Pseudocheirus occidentalis*) and adjacent native vegetation, including a wetland. The Delegated Officer noted the small, 0.25 hectares of clearing proposed is over a 200 metre, narrow road reserve, the majority of the vegetation is in a degraded to good (Keighery, 1994) condition and that sufficient vegetation would remain so as not to significantly impact fauna habitat or the wetland.

To minimise impacts to WRP's, the Delegated Officer has granted the clearing permit subject to conditions requiring:

- A pre-clearance search of the application area to identify any WRP's, with a requirement to cessate clearing should any WRP's be identified, until such time that they have been removed and relocated, or move on independently; and
- one directional clearing to allow WRP's to move into adjacent habitat.

The proposed clearing may result in the spread of weeds and dieback into adjacent areas of remnant vegetation. A weed and dieback management condition has been placed on the clearing permit to minimise this risk.

In determining to grant a clearing permit subject to conditions, the Delegated Officer determined that the proposed clearing is unlikely to lead to an unacceptable risk to the environment.

## 2. Site Information

### 2.1. Existing environment and information

#### Clearing Description

The application is to clear 0.25 hectares of native vegetation within Neville Hyder Drive road reserve (PIN 11034579, Yalyalup) and Vasse Highway road reserve (PIN 11614359, Bovell) for the purpose of constructing a turning lane.

## Vegetation Description

The application area is mapped as Mattiske vegetation complex Abba and is described as a mixture of open forest of *Corymbia calophylla* (Marri) - *Eucalyptus marginata* (Jarrah) - *Banksia* species and woodland of *Corymbia calophylla* (Marri) with minor occurrences of *Corymbia haematoxylon* (Mountain Marri). Woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca* species along creeks and on flood plains (Mattiske and Havel, 1998).

A site inspection conducted by Department of Water and Environment Regulation (DWER) officers on 20 February 2018 (DWER, 2018a) identified two vegetation communities within the application area. In the northern and central portion of the application area, the vegetation consisted of *Melaleuca* sp. and *Agonis flexuosa* over *Lepidosperma* sp. in good to very good (Keighery, 1994) condition. The southern portion of the application area consisted of *Agonis flexuosa*, *Banksia attenuata* and *Corymbia calophylla* over native shrubs, herbs and grass weeds in good to degraded (Keighery, 1994) condition (DWER, 2018).

## Vegetation Condition

The vegetation within the application area ranges from degraded to very good (Keighery, 1994) condition (DWER, 2018).

## 3. Assessment of application against clearing principles

The application is for the purpose of road widening to allow for a turning lane into the Busselton-Margaret River Airport.

Whilst no rare or priority listed flora species are mapped within the application area, the following species have been previously recorded within the adjacent land parcel:

- *Acacia semitrullata* (Priority Four)
- *Johnsonia inconspicua* (Priority Three)
- *Synaphea hians* (Priority Three)
- *Verticordia attenuata* (Priority Three)

Priority Three and Four flora species occur over a wide geographical area. Such species are known from several populations, some within conservation reserves, and are not considered to be under any immediate threat. None of the abovementioned priority flora were observed within the application area during the site inspection (DWER, 2018).

As noted during the DWER site inspection, the application area varies from being in a degraded to good (Keighery, 1994) condition towards the southern portion, and is in a good to very good (Keighery, 1994) condition towards the northern end. Grass weeds and rubbish was observed in the understorey across the majority of the application area (DWER, 2018). Weed incursion was greatest along the edge of existing vegetation and the existing road side. Given the above, and noting that the proposed clearing involves 0.25 hectares over a narrow 200 metre strip, it is considered that the proposed clearing is not likely to impact the abovementioned priority flora species.

There is a number of Priority and Threatened Ecological Communities mapped within the local area with the closest mapped occurrence being the 'Banksia Dominated Woodlands of the Swan Coast Plain Interim Biogeographic Regionalisation for Australia' region Threatened Ecological Community (TEC) within the adjacent property. The vegetation found within the application area may contain this TEC, given that *Banksia attenuata* is a co-dominant species within the southern portion of the application area (DWER, 2018). As this portion of the application area is in a degraded to good condition, the vegetation does not meet the minimum condition and patch size to be considered representative of this TEC (Commonwealth of Australia, 2016). Therefore, the proposed clearing area is not likely to comprise of vegetation representative of this TEC. Given the proximity of the application area to a mapped occurrence of the TEC, the proposed clearing may increase the potential for the spread of weeds and/or dieback. Weed and dieback management measures will assist in mitigate this risk.

The national objectives and targets for biodiversity conservation in Australia has a target to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The vegetation within the application area is mapped as Mattiske vegetation complex Abba, which retains approximately 6.6 per cent (3359 hectares) of its pre-European vegetation extent (Government of Western Australia, 2017). The local area (10 kilometres) retains approximately 14 per cent native vegetation cover. Based on the condition and type of vegetation found within the application area, the majority of the application area is not considered to be representative of this complex and is not considered a significant remnant within an extensively cleared area.

A number of conservation significant fauna are known to occur within the local area including the Western Ringtail Possum (*Pseudocheirus occidentalis*) (WRP) and black cockatoo species (DBCA, 2007-). DWER's site inspection identified two WRP dreys within the application area. No trees with the potential to contain black cockatoo nesting hollows were observed within the application area (DWER, 2018). While black cockatoo species may forage within the application area, the vegetation is not likely to be considered significant foraging habitat given the relatively small

size (0.25 hectares) of the proposed clearing area and suitable foraging habitat remaining adjacent to the application area.

Peppermint trees are favourable as habitat for WRP. The WRP is an arboreal marsupial endemic to south-western Australia. WRP conservation status is currently listed as rare or likely to become extinct under the *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 in coastal habitats and in close proximity to creeks, swamps and rivers. The greatest population density of WRP is now found within the Bunbury (Binningup to Dunsborough) coastal strip where there is significant pressure on their habitat due to rapid urban development (Shedley and Williams, 2014).

The Department of Biodiversity, Conservation and Attractions (DBCA) advised 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' (DBCA, 2017).

Noting that the majority of the trees under application are peppermint trees, dreys were observed within the application area and the application area is within the known distribution for the WRP, the application area is considered to support WRP. Noting the application areas size (0.25 hectares) and degraded to very good (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 they must be allowed to disperse into nearby vegetation before trees are felled. Such nearby vegetation occurs on the eastern side of the application area where 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.

The closest conservation area is located approximately three kilometres from the application area. Given the distance from the application area, and the relatively small size of the proposed clearing, the clearing is not likely to have any direct or indirect impacts on the environmental values of the conservation area.

The application area is adjacent to a wetland and a portion of the application area consists of wetland dependant vegetation, therefore the proposed clearing is at variance to principle (f). The applicant advised that the wetland is not permanent, with inundation only exhibited during the wetter winter months. The applicant further advised that modifications to the existing drainage channel will not have any effect on the groundwater levels or flows within the local area (Ertech Pty Ltd, 2018). Given the above, and noting the small size and condition of the application area, the proposed clearing is not likely to have a significant impact on the values of this wetland, contribute to or cause land degradation, deteriorate the quality of ground water or surface water and is not likely to cause or exacerbate flooding.

Given the above, the proposed clearing may be at variance to principle (a) and (b), is at variance to principle (f) 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 8 December 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.

The application clearing boundary was revised following DWER's site inspection. The original engineering and design works were modified resulting in the length of the turning lane being reduced by 100 metres. In addition, the original clearing boundary included a non-vegetated strip along the existing road seal (Ertech Pty Ltd, 2018). The removal of this area from the clearing application also contributed to the reduction of the proposed clearing area, thus the total amount of proposed clearing was reduced from 0.41 to 0.25 hectares.

#### **4. References**

- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.
- Commonwealth of Australia (2016) Department of the Environment and Energy '*Banksia Woodlands of the Swan Coastal Plain: a nationally-protected ecological community*, Commonwealth of Australia 2016'.
- 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) Regional advice report for clearing permit application CPS 7851/1 (Ref: A1607320)

Government of Western Australia (2017). 2017 State-wide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). 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) (2018a) Site inspection report for clearing permit application CPS 7851/1 (Ref: A1626769)

Ertech Pty Ltd (2018) Additional information from applicant concerning vegetation and site condition for clearing permit application CPS 7851/1 (Ref: A1625452)

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. Unpublished report for the Department of Parks and Wildlife, Bunbury, Western Australia.

GIS databases used:

Department of Biodiversity, Conservation and Attractions, Parks and Wildlife – Land Tenure  
Hydrology, linear  
Mattiske Vegetation Complexes 2017  
Pre-European Vegetation  
SAC Bio Datasets – accessed February 2018