



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8088/1
Permit Holder:	City of Busselton
Duration of Permit:	21 May 2019 – 21 May 2024

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 establishing an obstacle limitation surface.

2. Land on which clearing is to be done

Acton Park road reserve (PIN 11472931), Yoongarillup
Lot 21 on Plan 402929, Yoongarillup
Lot 22 on Plan 402929, Yoongarillup

3. Area of Clearing

The Permit Holder must not clear more than 1.3 hectares of native vegetation within the area hatched yellow on attached Plan 8088/1a.

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 known *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 – inspect suitable black cockatoo nesting trees

- (a) Prior to undertaking any clearing authorised under this Permit:
 - (i) the area shaded red on attached Plan 8088/1b shall be inspected by a *fauna specialist* who shall identify *black cockatoo breeding trees*; and
 - (ii) each *black cockatoo breeding tree* identified shall be inspected by a *fauna specialist* for evidence of current or past breeding use by Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and/or forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*).
- (b) Where the *suitable black cockatoo breeding tree* is identified as being occupied, the Permit Holder shall ensure that no clearing of, or within 10 metres of, the *suitable black cockatoo breeding tree* occurs until a *fauna specialist* has verified that the *suitable black cockatoo breeding tree* is no longer occupied by Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) or forest red-tailed black cockatoo (*Calyptorhynchus banksii* *naso*).

9. Western Ringtail Possum Management

- (a) In relation to the area cross-hatched yellow on attached Plan 8088/1(c), 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 (*Pseudocheirus occidentalis*) western ringtail possum(s).
- (b) Clearing must cease in any area where fauna referred to in condition 9(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*.
- (c) Any western ringtail possum (*Pseudocheirus occidentalis*) individuals removed in accordance with condition 9(b)(i) of this Permit must be relocated by a *fauna specialist* to *suitable habitat*.
- (d) Where fauna is identified under condition 9(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.

PART III - RECORD KEEPING AND REPORTING

10. Records must be kept

The Permit Holder must maintain the following records for activities done in pursuant to this Permit:

- (a) 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;
 - (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 6 of the Permit;
 - (v) actions taken to minimise the risk of the introduction and spread of *weeds* and *dieback* in accordance with condition 7 of the Permit;
 - (vi) actions taken in accordance with condition 8; and
 - (vii) actions taken in accordance with condition 9.

11. Reporting

- (a) The Permit Holder must provide to the *CEO* on or before 30 June of each year, a written report of records required under condition 10 of this Permit.
- (b) If no clearing authorised under this Permit was undertaken between 1 January to 31 December of the preceding calendar, 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 28 February 2024, the Permit Holder must provide to the *CEO* a written report of records required under condition 10 of this Permit where these records have not already been provided under condition 11(a) of this Permit.

DEFINITIONS

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

black cockatoo breeding tree/s: means trees that have a diameter, measured at 1.5 metres from the base of the tree, of 50 centimetres or greater (or 30 centimetres or greater for *Eucalyptus salmonophloia* or *Eucalyptus wandoo*) that contain hollows suitable for breeding by Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) or forest red-tailed black cockatoo (*Calyptorhynchus banksii naso*);

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 *Biodiversity Conservation Act 2016*;

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.

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.



Samara Rogers
MANAGER
NATIVE VEGETATION REGULATION

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

26 April 2019

Plan 8088/1a

115°23.280'E

115°23.400'E

115°23.520'E

115°23.640'E

115°23.760'E

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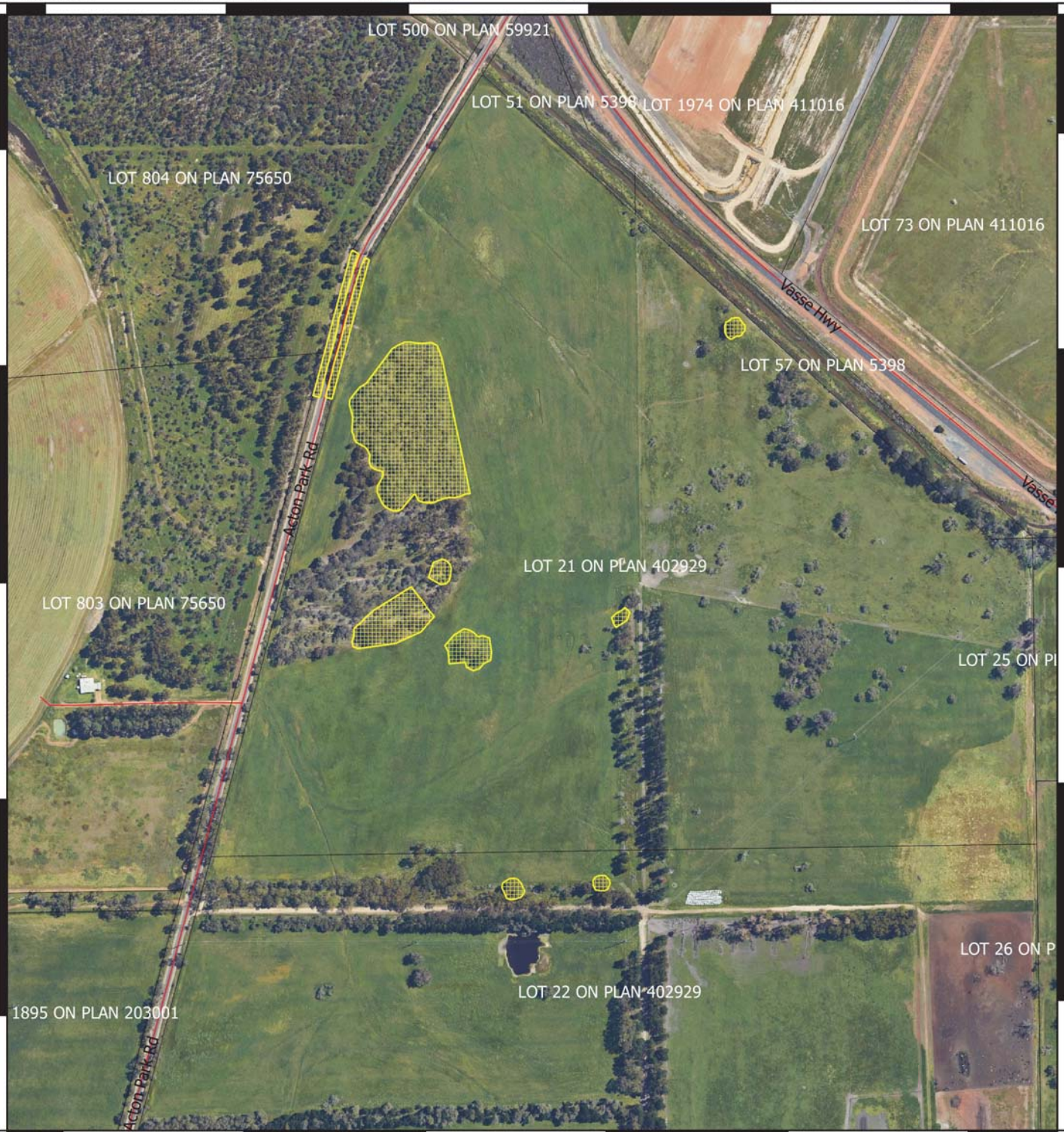
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Legend



CPS areas approved to clear

base layers

Cadastre

Road Centrelines

Local Government Authorities

Image

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MGA 94
Geocentric Datum of Australia 1994

Samara Rogers

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



GOVERNMENT OF
WESTERN AUSTRALIA







Plan 8088/1b

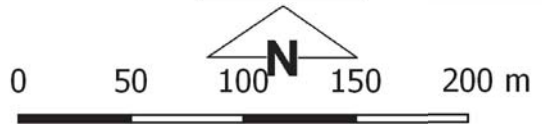
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Legend

-  CPS subject to conditions
-  base layers
-  Cadastre
-  Road Centrelines
-  Local Government Authorities
-  Image



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Geocentric Datum of Australia 1994

Jo Rayner

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GOVERNMENT OF
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Plan 8088/1 (c)

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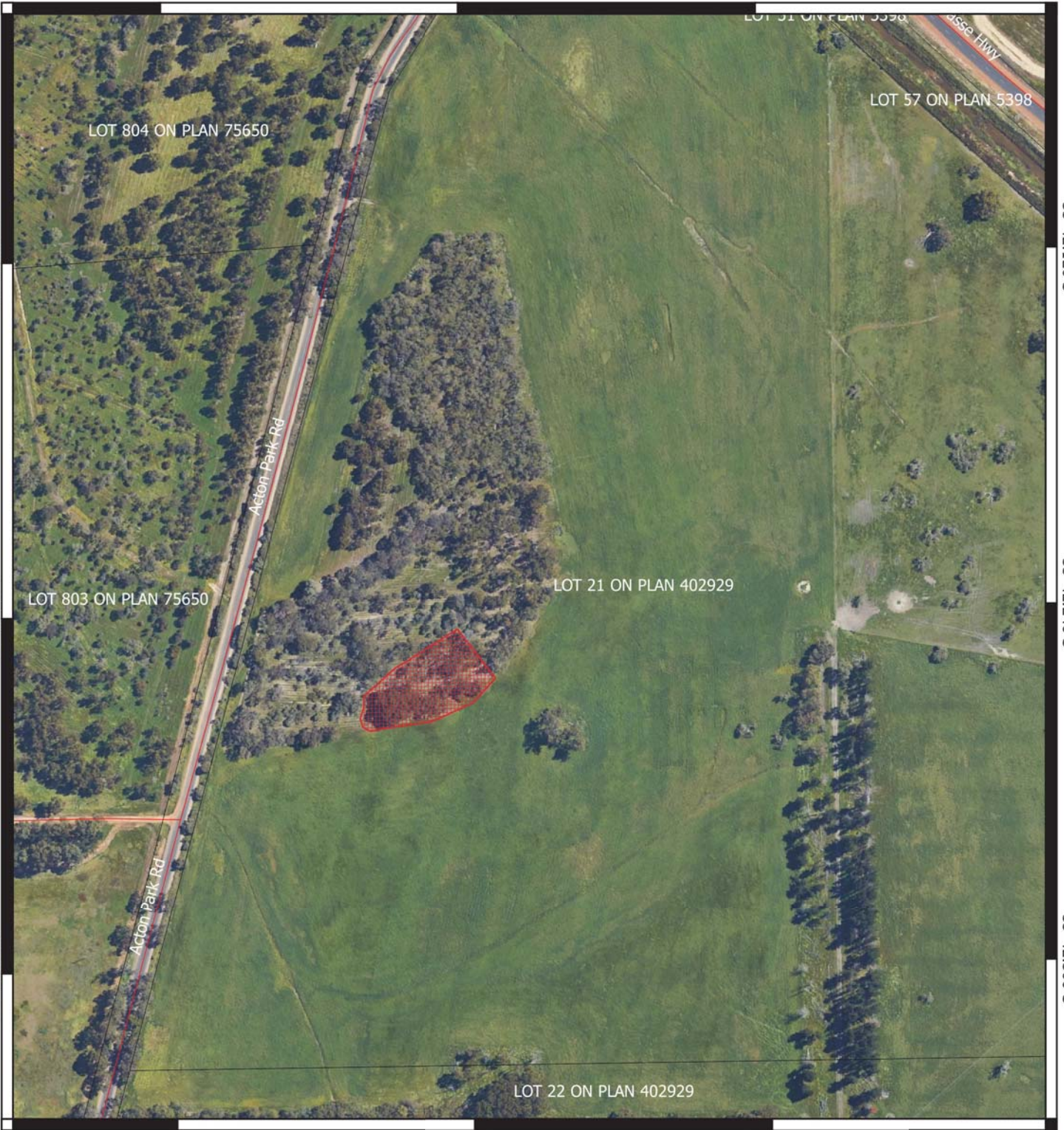
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Legend

 CPS subject to conditions
base layers

 Local Government Authorities

 Road Centrelines

 Cadastre

Image



MGA 94
Geocentric Datum of Australia 1994

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Samara Rogers

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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.: CPS 8088/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: City of Busselton
Application received date: 30 May 2018

1.3. Property details

Property: Acton Park road reserve (PIN 11472931), Yoongarillup
Lot 21 on Plan 402929, Yoongarillup
Lot 22 on Plan 402929, Yoongarillup
Local Government Authority: City of Busselton
Localities: Yoongarillup

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
1.3	82	Mechanical removal	Hazard reduction or fire control

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 26 April 2019
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*. It has been concluded that the proposed clearing is at variance with principle (f), may be at variance with principle (b), (d) and (e) and is not likely to be at variance to any of the remaining clearing principles.

The Delegated Officer determined that the application area contains suitable habitat for threatened fauna. To address this matter, the clearing permit contains a condition requiring the Permit Holder to inspect the suitable habitat tree prior to clearing, and where use by threatened fauna is evident, to ensure that no clearing occurs until the tree is no longer occupied. In addition, the clearing permit contains a western ringtail possum (WRP) management condition to mitigate potential impacts to WRP.

The Delegated Officer noted that the application area includes approximately 0.69 hectares of a mapped multiple use palusplain wetland, and determined that given that the proposed clearing involves the pruning of native vegetation, the impact to riparian vegetation is not likely to be significant. However, the proposed clearing may indirectly impact on the environmental values of adjacent vegetation through the introduction or spread of weeds and dieback. To address this matter, the clearing permit contains a condition requiring the Permit Holder to implement weed and dieback management measures.

The Delegated Officer notes that the proposed clearing has been applied for to meet the safety and legislative requirements of the *Civil Aviation Safety Regulations Safety 1998* (Cth).

In determining to grant a clearing permit subject to conditions, the Delegated Officer considered that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

2. Site Information

Clearing Description: The application is for the proposed clearing of 1.3 hectares of native vegetation at Lot 21 on Plan 402929, Lot 22 on Plan 402929, and Acton Park road reserve (PIN 11472931), Yoongarillup, for the purpose of establishing an obstacle limitation surface for the Busselton-Margaret River Airport.

Vegetation Description: The vegetation within the application area is mapped as South West Forest vegetation complex Abba complex, 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 (Government of Western Australia, 2018).

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

Completely degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species (Keighery, 1994).

The condition of the vegetation within the application was determined based on a site inspection undertaken by Department of Water and Environmental Regulation (DWER) officers on 10 August 2018 (DWER 2018) and 14 February 2019.

Soil/Landform Type: The application area is mapped as Abba wet flats Phase, described as Winter wet flats and slight depressions with sandy grey brown duplex (Abba) and gradational (Busselton) soils (DPIRD, 2017).

Comments: The local area referred to in the assessment of this application is defined as a 10 kilometre radius measured from the perimeter of the application area. A review of available databases has determined that the local area retains approximately 12 per cent of its pre-European clearing extent.

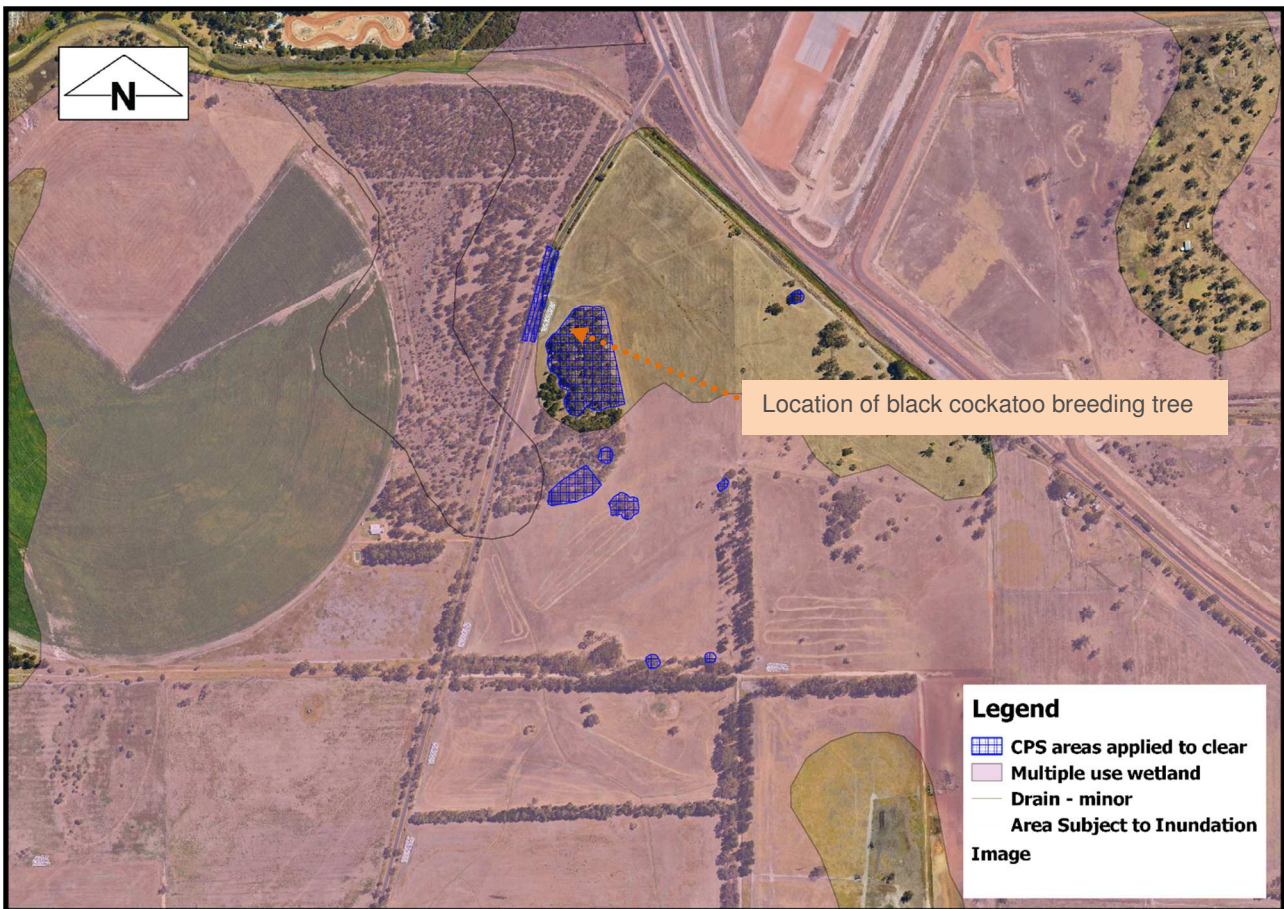


Figure 1: Application area hatched in blue

3. Assessment of application against clearing principles

The application area is to clear 1.3 hectares of native vegetation at Lot 21 on Plan 402929, Lot 22 on Plan 402929, and Acton Park Road Reserve (PIN 11472931), Yoongarillup, for the purpose of establishing an obstacle limitation surface for the Busselton-Margaret River Airport, in order to meet the *Civil Aviation Safety Regulations 1998* (Cth). The application area is in degraded to completely degraded (Keighery, 1994) condition and consists of *Corymbia calophylla* (marri) and introduced *Eucalyptus* sp. (DBCA, 2019), with the understorey dominated by paddock weed species and grass trees (DWER, 2018).

The City of Busselton (2018) have identified eighty two trees within the application area that intrude into the obstacle limitation surface. These trees will be pruned back from 1 to 5 metres from their highest point. As no understorey will be cleared, the proposed clearing is not likely to impact upon any threatened or priority flora species (DBCA, 2019).

According to advice received by DBCA (2019), the application area may be comparable to the State-listed threatened ecological community (TEC) "Marri woodlands on heavy soils of the southern Swan Coastal Plain". A site inspection determined that the application area predominately comprises of *Corymbia calophylla* over paddock weeds and is in a degraded to completely degraded (Keighery, 1994) condition. Noting that vegetation (marri trees) will be pruned back, this is likely to open up the understorey encouraging both the regeneration of marri trees and understorey species. The proposed clearing is not likely to significantly impact this TEC.

The National Objectives and Targets for Biodiversity Conservation includes a target that does not support the clearing 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 Swan Coastal Plain Interim Biogeographic Regionalisation of Australia (IBRA) bioregion and within the mapped South West Forests Abba vegetation complex, retaining approximately 38.6 per cent and 6.5 per cent of their pre-European vegetation extents, respectively (Government of Western Australia, 2018a; Government of Western Australia, 2018b). Aerial imagery indicates that the local area retains approximately 12 per cent native vegetation cover. Despite the Abba vegetation complex only retaining 6.5 per cent of its pre-European extent, pruning back the marri trees will open up the understorey encouraging both the regeneration of marri trees and understorey species. Therefore, the proposed clearing is not considered significant as a remnant.

The application area has been identified as a potential habitat for specially protected fauna species, including forest red-tailed black-cockatoo (*Calyptorhynchus banksii* subsp. *naso*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and Carnaby's cockatoo (*Calyptorhynchus latirostris*) which are listed as vulnerable under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). These species nest in hollows in live or dead trees of karri, marri, wandoo, tuart, salmon gum, jarrah, flooded gum, York gum, powder bark, bullich and blackbutt (Commonwealth of Australia, 2012). According to advice provided by DBCA (2019), one large marri (Figure 1) is considered to comprise potential breeding habitat for these species. Black cockatoos have a preference for foraging habitat that includes jarrah and marri woodlands and forest heathland and woodland dominated by proteaceous plant species such as *Banksia sp.*, *Hakea sp.*, and *Grevillea sp.* Given the above, the application area provides foraging habitat for black cockatoo species (DBCA, 2019). A fauna management condition placed on the permit to ensure that no clearing occurs until the tree is no longer occupied by black cockatoos will mitigate any potential impacts.

The application area is adjacent to bushland that includes planted *Melaleuca sp.*, and *Acacia sp.* (DBCA, 2019). The *Acacia sp.*, in the adjacent area depicted evidence of western ringtail possum (WRP) (*Pseudocheirus occidentalis*) grazing (DBCA, 2019). WRP are listed critically endangered under the EPBC Act. The application area has been mapped as Class B WRP habitat (the 2nd highest category). To minimise the impacts to WRP, a fauna management condition has been included on the clearing permit, requiring the presence of a fauna specialist to check habitat trees prior to clearing, and remove and relocate any individual WRP identified to any area of nearby suitable habitat. This will mitigate direct or indirect impacts to WRP individuals.

According to available databases, the north-western and southern portions of the application area falls within a multiple use palusplain wetland. Multiple use wetlands are wetlands with few important ecological attributes and functions remaining (Water and Rivers Commission, 2001). Additionally, the application area has been mapped as being subject to inundation (Figure 1). Given the degraded (Keighery, 2019) condition of the vegetation and that only large trees will be pruned, the proposed clearing is not likely to have a significant impact on the values and the function 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.

The disturbance cause by the proposed clearing will increase the likelihood of weeds and die back spreading into adjacent area of native vegetation. A weed and dieback management condition placed on the Permit will mitigate the impact of spreading weeds and dieback in the adjacent areas of native vegetation.

Given the above, the proposed clearing at variance to principles (f), may be at variance with principle (b), (d) and (e) and is not likely to be at variance to any of the remaining clearing principles.

Planning instruments and other relevant matters.

The application area is zoned agriculture under the town planning scheme and is within 200 metres of the Busselton-Margaret River Airport's runway.

The proposed clearing has been applied for to meet the *Civil Aviation Safety Regulations 1998* (Cth), which requires aerodrome operators to establish an obstacle limitation surfaces to set standards.

The EPA (2018) has recently considered the environmental impacts of the revised proposal to expand the Busselton-Margaret River Airport (Report 1616). The report notes that explanation includes the use larger jet aircraft types and that the airport will be used to conduct flight training. The EPA (2018) considers the key impact will be to social surroundings, and recommends that the proposal may be implemented with measure that address noise. Ministerial Statement No. 1088 agrees to implement the revised proposal subject to implementation conditions.

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

The clearing permit application was advertised on the DWER website on 1 September 2018 with a 21 day submission period. No public submissions have been received in relation to this application.

4. References

- Department of Biodiversity, Conservation and Attractions (DBCA) (2019) Regional advice from South West Region for Clearing Permit application CPS 8088/1. Western Australia (DWER Ref: A1765657).
- Department of Water and Environment Regulation (DWER) (2018) Site Inspection Report for Clearing Permit Application CPS 8088/1. Site inspection undertaken 10 August 2018 (DWER Ref: A1763246).
- Environmental Protection Authority (2018) Report and recommendations of the Environmental Protection Authority – Busselton-Margaret River Airport –revised proposal – Report 1626
- Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra
- Government of Western Australia. (2018a) 2017 South West Vegetation Complex Statistics. Current as of October 2017. WA Department of Biodiversity, Conservation and Attractions, Perth, <https://catalogue.data.wa.gov.au/dataset/dbca>
- Government of Western Australia. (2018b) 2017 Statewide Vegetation Statistics incorporating the CAR Reserve Analysis (Full Report). Current as of December 2017. WA Department of Biodiversity, Conservation and Attractions. <https://catalogue.data.wa.gov.au/dataset/dbca>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- City of Busselton (2018) Clearing permit application CPS 8088/1. Shire of Nannup (A1684477).