



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 8106/1
Permit Holder:	City of Busselton
Duration of Permit:	11 January 2018 to 11 January 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 constructing a shared pathway

2. Land on which clearing is to be done

Cape Naturaliste Road reserve (PIN 11411290), Dunsborough
Hansen Street Road reserve (PIN 1277184), Dunsborough
Marri Drive Road reserve (PIN 11294178), Dunsborough
Crown reserve 12304, Dunsborough
Lot 328 on Diagram 91068, Dunsborough
Lot 329 on Diagram 91068, Dunsborough
Lot 500 on Plan 65896, Dunsborough

3. Area of Clearing

The Permit Holder must not clear more than 0.26 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8106/1.

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:

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

7. 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. Western Ringtail Possum Management

- (a) In relation to the area cross-hatched yellow on attached Plan 8106/1, 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 (*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*.
- (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 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

9. Record keeping

The Permit Holder must maintain the following records for activities done 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 or decimal degrees;
 - (ii) the date(s) 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 this Permit;
 - (v) actions taken to minimise the risk of the introduction and spread of *dieback* and *weeds* in accordance with condition 7 of this Permit; and
 - (vi) activities in relation to condition 8 of this Permit.

10. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 9 of this Permit when requested by the *CEO*.

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*;

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, 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.

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 species-led ecological impact and invasiveness ranking 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*

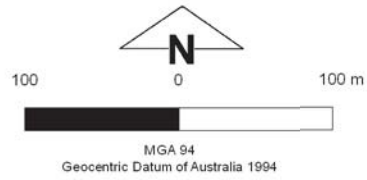
12 December 2018

Plan 8106/1



Legend

-  CPS areas approved to clear
-  Local Government Authorities
-  Cadastre
-  Roads
- Image



Samara Rogers

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





1. Application details

1.1. Permit application details

Permit application No.: CPS 8106/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: City of Busselton
Application received date: 19 June 2018

1.3. Property details

Property: Cape Naturaliste Road reserve (PIN 11411290), Dunsborough
Hansen Street Road reserve (PIN 1277184), Dunsborough
Marri Drive Road reserve (PIN 11294178), Dunsborough
Crown reserve 12304, Dunsborough
Lot 328 on Diagram 91068, Dunsborough
Lot 329 on Diagram 91068, Dunsborough
Lot 500 on Plan 65896, Dunsborough
Local Government Authority: City of Busselton
Localities: Dunsborough

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
0.26	0	Cutting	Shared pathway

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 12 December 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*. It has been concluded that the proposed clearing is at variance to principle (f), may be at variance to clearing principles (b) and (d), and is not likely to be at variance to any of the remaining clearing principles.

Through assessment it was identified that the application area includes vegetation associated with a watercourse. Given there was no riparian vegetation within the application area the impacts are considered not significant.

The assessment also identified that the application area may contain significant habitat for western ringtail possum and may comprise of vegetation associated with the 'Banksia Dominated Woodlands of the Swan Coastal Plain' threatened ecological community (TEC).

In determining to grant a clearing permit, the Delegated Officer determined that potential impacts to the mapped TEC can be adequately minimised by imposing weed and dieback management measures, and impacts to fauna species can be adequately minimised and/or avoided by imposing fauna management measures. The Delegated Officer determined 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 0.26 hectares of native vegetation within Cape Naturaliste Road reserve (PIN 11411290), Hansen Street Road reserve (PIN 1277184), Marri Drive Road reserve (PIN 11294178), Crown reserve 12304, Lot 328 on Diagram 91068, Lot 329 on Diagram 91068 and Lot 500 on Plan 65896, Dunsborough for the purpose of constructing a shared pathway.

Vegetation Description: The vegetation within the application area is mapped as:

- South West Forest vegetation complex Wilyabrup (Ww2), described as tall open forest of *Corymbia calophylla*-*Agonis flexuosa* on flats and valleys in perhumid and humid ones; and as
- Swan Coastal Plain vegetation complex Southern River Complex, described as open woodland of *Corymbia calophylla* (Marri) - *Eucalyptus marginata* (Jarrah) - *Banksia* species with fringing woodland of *Eucalyptus rudis* (Flooded Gum) - *Melaleuca raphiophylla* (Swamp Paperbark) along creek beds (Government of Western Australia, 2018).

A survey of vegetation units was undertaken by Ecoedge in 2017, and included the application area. The flora and vegetation survey included recording of vegetation structure and species composition at 27 assessment points; three vegetation units were recognised within the application area:

- Woodland on Abba deep sandy rises (grey sand) (AbABd) (inferred to be a TEC under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act)), described as scattered trees of *Corymbia calophylla* over a woodland or low woodland of *Allocasuarina fraseriana*, *Banksia attenuata*, *Banksia grandis*, *Banksia ilicifolia*, *Eucalyptus marginata* and *Xylomelum occidentale* over open heath/low open heath dominated by *Hakea ruscifolia*, *Jacksonia furcellata*, *Daviesia horrida*, *Melaleuca thymoides*, *Hibbertia hypericoides*, *Acacia pulchella*, *Acacia mooreana*, *Stirlingia latifolia*, *Dasyogon bromeliifolius* and *Xanthorrhoea preissii* over open sedgeland of *Phlebocarya ciliata*, *Hypolaena exsulca*, *Tetraria octandra*, *Lyginia barbata* and scattered herbs including *Styloidium repens* and *Burchardia congesta*;
- Woodland on Abba deep sandy rises (yellow-brown sandy loam) (AbABd) (inferred to be a TEC under the EPBC Act), described as woodland to open forest of *Corymbia calophylla* and *Eucalyptus marginata* over *Agonis flexuosa*, *Banksia grandis* and scattered *Allocasuarina fraseriana* and *Banksia attenuata* over open heath dominated by *Xylomelum occidentale*, *Jacksonia furcellata*, *Daviesia horrida*, *Adenanthos meisneri* and *Acacia pulchella* over scattered low open shrubland of *Acacia mooreana*, *Hibbertia hypericoides*, *Hibbertia cunninghamii* and *Dampiera linearis* and open sedgeland of *Hypolaena pubescens*, *Lepidosperma squamatum*, *Mesomelaena tetragona*, *Tetraria capillaris* and *Tetraria octandra*; and
- Low Open forest on Abba deep sandy rises (dampland) (AbABd) (inferred to be a Priority1 PEC by the Department of Biodiversity, Conservation and Attractions (DBCAs)), described as low closed forest to closed forest of *Melaleuca raphiophylla*, *M. preissiana*, *Agonis flexuosa* and *Banksia littoralis* with scattered emergent *Corymbia calophylla* over tall open scrub of *Acacia divergens*, *Acacia saligna*, *Dasyogon hookeri*, *Jacksonia furcellata*, *Taxandria linearifolia*, *Astartea* sp. *Gingalup*, *Kunzea glabrescens*, *Viminaria juncea* and *Xanthorrhoea preissii* over sedgeland of *Cyathochaeta clandestina*, *Schoenus laevigatus* or (locally) *Lepidosperma longitudinale* (Ecoedge, 2017).

Vegetation Condition:

Excellent: vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species; to
 Good: vegetation structure significantly altered with obvious signs of multiple disturbance. Retains basic vegetation structure or ability to regenerate. (Keighery, 1994).

The condition of the vegetation within the application was determined based on the flora and vegetation survey by Ecoedge (2017).

Soil/Landform Type:

The majority of the application area is mapped as Abba deep sandy rises Phase (213AbABd), described as gently sloping low dunes and rises (0-5 per cent gradients) with deep bleached sands, with a minor portion of the application area mapped as Wilyabrup gentle slope, described as gradients 5-10 per cent (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.

Figure 1: Application area



3. Minimisation and mitigation measures

The applicant advised that the proposed shared pathway has been designed to avoid vegetation where possible. The applicant also advised that a DBCA licenced (Regulation 15) and experienced fauna spotter will be present during clearing to ensure that no western ringtail possum (WRP) or other fauna are injured during the proposed works (City of Busselton, 2018).

The applicant advised that the proposed development includes construction of a stone pitched cut batter at 60 degree vertical angle slope at the location of the recorded rare flora species, enabling the plant itself to remain outside of the actual impact footprint by approximately two metres. The applicant advised that the construction of a formal pathway may result in less foot traffic over the existing batter and vegetation area, potentially having a positive impact on the rare flora record in the long term, by reducing the risk of accidental trampling (City of Busselton, 2018).

The applicant also advised that the potential impacts of up to 0.095 hectares of the Commonwealth-listed TEC (Banksia Woodlands of the Swan Coastal Plain) is being addressed separately, through a referral under the EPBC Act; the impacts are not anticipated to result in a controlled action therefore assessment under the bilateral agreement is considered unlikely to be required (City of Busselton, 2018).

4. Assessment of application against clearing principles

Eight rare flora species and 23 priority flora species have been recorded within the local area. Based on the mapped soil and vegetation types within application area, four rare flora species and five Priority flora species could potentially occur within the application area. The flora and vegetation survey undertaken by Ecoedge did not record any rare or Priority flora species within the application area (Ecoedge, 2017).

Caladenia excelsa (rare), has been recorded on the edge of the application area in 2010 and again in 2016, in a degraded area of Banksia woodland near the Dunsborough cemetery, however subsequent surveys on 28 September 2017 and 20 October 2017 did not find evidence of this record (Ecoedge, 2017). The applicant will be using a stone batter to reduce cutting impact to the previously recorded rare species (City of Busselton, 2018). DBCA south west region recommends that in addition to cutting stabilization that a protective barrier should also be installed to prevent path users cutting the corner and impact the DRF. Given that the paths primary purpose is to facilitate school kid movement it is considered that there is a high chance that corner cutting will occur and as such the DBCA south west region strongly recommends that a protective barrier is installed adjacent to this path in addition to the stone battering to protect this species (DBCA, 2018).

Seventeen terrestrial fauna species, listed as rare or likely to become extinct under *the Wildlife Conservation Act 1950* (WC Act), have been recorded within the local area (DBCA, 2007-). Noting the habitat requirements of these species, and the type and condition of the vegetation within the application area, the application area may comprise suitable foraging habitat for Carnaby's cockatoo (*Calyptorhynchus latirostris*), Baudin's cockatoo (*Calyptorhynchus baudinii*) and forest red-tailed black cockatoo (*Calyptorhynchus banksii* subsp. *naso*). The application area is also within an area known to support significant populations of western ringtail possums (WRP) (DBCA, 2018).

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. (Commonwealth of Australia, 2012). The vegetation present within the application area is likely to comprise of foraging habitat for this species. However, noting the linear nature of the application area and the presence of better quality foraging habitat adjacent to the application area, the proposed clearing is not likely to have a significant impact on foraging habitat for black cockatoos.

DBCA south west region advised that populations of WRP are highly likely to be displaced by the proposed clearing and that if the application is considered for approval, it is critical that a fauna spotter is present at all stages of clearing and that the fauna spotter ensures that any displaced animals relocate into nearby vegetation and do not shelter on the ground and/or under vehicles or machinery (DBCA, 2018).

The application area runs parallel to an ecological linkage as defined by the South West Regional Ecological Linkage Report (Molloy et al., 2009), with its closest point approximately 230 metres southwest of the application area. The proposed clearing will not sever this linkage.

The majority of the southern application area is mapped as the Commonwealth-listed TEC 'Banksia Dominated Woodlands of the Swan Coastal Plain IBRA Region' (listed as endangered). The state listed Priority Ecological Community 'Swan Coastal Plain Paluslope Wetlands' (listed as Priority 1) is mapped 70 metres west and 120 metres southeast respectively of the application area.

DBCA south west region advised that the Banksia Woodland TEC mapped within Reserve 28683 supports an orange sand form of Bassendean dune Banksia woodland; these orange sands are highly restricted and appear to only be on the Swan Coastal Plain south of the Capel River. They have been extensively cleared for mineral sand mining and very few vegetated occurrences remain. Those that do remain (including the occurrence in this reserve) have been documented to support species not typically found on the Busselton extent of the Swan Coastal Plain. DBCA advised that any clearing should be kept to an absolute minimum (DBCA, 2018). DBCA further advised that Banksia woodlands are prone to degradation through weed introduction and *Phytophthora* dieback and that the *Phytophthora* status of adjacent Banksia woodlands should be established and the introduction of fill or movement of soil appropriately managed to ensure that *Phytophthora* is not spread into un-infested areas; it also needs to be ensured that any introduced fill is weed free (DBCA, 2018). Weed and Dieback management conditions will mitigate the impacts on the adjacent TEC.

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 Jarrah Forest Interim Biogeographic Regionalisation of Australia bioregion retains approximately 2,514,550 hectares (56 per cent) of its pre-European extent of native vegetation, and the mapped South West Forest and Swan Coastal Plain Vegetation Complexes retain approximately 503 hectares (38 per cent) and 10,828 hectares (34 per cent) respectively of its pre-European extent within the Jarrah Forest IBRA Bioregion (Government of Western Australia, 2018). On this basis, and noting the extent of the proposed clearing, the extent of native vegetation within the local area, the application area is unlikely to be significant as a remnant of native vegetation in an area that has been extensively cleared.

According to available databases, a minor, perennial watercourse intersects the application area. The proposed clearing is not likely to significantly impact on vegetation growing in association with this watercourse as the application area does not include vegetation typically identified as riparian.

According to available databases, the nearest conservation areas are Ngari Capes Marine Park and Leeuwin-Naturaliste National Park, located approximately 900 metres and 5.2 kilometres respectively from application area. Marri Reserve (28683) is mapped adjacent to the southern portion of the application area. Noting the size of the application area the impacts to Marri Reserve conservation area are expected to be minimal. A weed and dieback management condition will help mitigate these impacts.

Noting the size and linear nature of the application area, the proposed clearing is unlikely to cause appreciable land degradation, or cause deterioration in the quality of surface or underground water, or cause or exacerbate the incidence or intensity of flooding.

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

Planning instruments and other relevant matters

The development footprint for the proposed shared pathway is 1.51 hectares with clearing of up to 1.1 hectares along Cape Naturaliste Road, Dunsborough, however the majority of the proposed clearing is exempt from requiring a clearing permit under Regulation 5, Item 13, 'clearing for walking tracks', of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*. The application area is not exempt because the areas are defined as Environmentally Sensitive Areas.

The clearing of native vegetation for the proposed shared pathway development (the entire footprint) has been referred by the applicant to the Department of the Environment and Energy for consideration under the EPBC Act (Referral number 2018/8282).

According to available datasets, three registered Aboriginal sites of significance intersect the application area. It is the applicant's responsibility to comply with the *Aboriginal Heritage Act 1972* and ensure that no Aboriginal sites of significance are damaged through the clearing process.

The original application was advertised on the Department of Water and Environmental Regulation's website on 27 March 2018, inviting submissions from the public within a 21 day period. One submission was received in relation to this application, raising concerns regarding impacts to significant habitat for WRP's, Carnaby's cockatoo and bandicoot; how Marri Reserve is valuable to protect areas downstream from flooding; and increase degradation through the introduction of weeds. These concerns have been addressed in clearing principles (a), (b), (h) and (e).

The submission recommended other alternatives should be explored including constructing the shared pathway on the other side of the road, to the west; there is already a pathway located on the western side near the primary school, and the western side has fewer roads intersections that would require crossing. The submitter also requested that the City of Busselton commits funds to fulfil outstanding actions that were identified within the 2004 Marri and Armstrong Management Plan, including annual weed control, rehabilitation within weed areas, fauna survey and changing the status and purpose of the Reserve to Class A, Landscape Protection and Drainage (Submission, 2018).

5. References

- City of Busselton (2018). Supporting documents provided by applicant for clearing permit application CPS 8103/1 – Background and assessment against the ten clearing principles. Received by DWER on 19 June 2018 (DWER ref: A1693618).
- 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/>. Accessed August 2017.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2018) Regional advice from South West Region for Clearing Permit application CPS 8106/1. Western Australia (DWER Ref: A1734357).
- Department of Primary Industries and Regional Development (DPIRD) (2017). NRInfo Digital Mapping. Accessed at <https://maps.agric.wa.gov.au/nrm-info/> Accessed September 2018. Department of Primary Industries and Regional Development. Government of Western Australia.
- Ecoedge (2018). Report of a Supplementary Rare Flora and Vegetation survey along Cape Naturaliste Road, Dunsborough. Prepared for SW Environmental by Ecoedge in December 2017. Received by DWER on 19 June 2018 (DWER ref: A1693611).
- Government of Western Australia. (2018). 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-statewide-vegetation-statistics>
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S. and Whisson, G. (2009) South West Regional Ecological Linkages Technical Report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.
- Submission (2018) Public submission received in relation to clearing permit amendment application CPS 8106/1 (DWER ref: A1717589).

6. GIS Datasets

- Aboriginal Sites of Significance
- Clearing Regulations - Environmentally Sensitive Areas
- Carnaby's cockatoo: breeding, roosting, feeding
- Department of Biodiversity Conservation and Attractions, Tenure
- Geomorphic Wetlands, Swan Coastal Plain
- Groundwater salinity, statewide
- Hydrology, linear
- IBRA Australia
- Land for Wildlife
- PDWSA, CAWSA, RIWI Act Areas
- Remnant vegetation
- SAC Biodatasets (accessed October 2018)
- Soils, statewide
- South West Forest Vegetation
- Swan Coastal Plain Vegetation