

CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

PERMIT DETAILS

Area Permit Number: 8827/1 File Number: DWERVT5420

Duration of Permit: 25 July 2020 to 25 July 2022

PERMIT HOLDER

City of Bunbury

LAND ON WHICH CLEARING IS TO BE DONE

Lot 336 on Deposited Plan 160698, Bunbury Lot 337 on Deposited Plan 160698, Bunbury.

AUTHORISED ACTIVITY

The Permit Holder shall not clear more than 0.053 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8827/1.

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. 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*:

- (a) clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared:
- (b) ensure that no 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. Directional Clearing

The Permit Holder must conduct clearing activities in a slow, progressive manner, from north to south, to allow fauna to move into adjacent native vegetation.

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4. 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 1 of this Permit; and
- (v) actions taken to minimise the risk of the introduction and spread of *weeds* in accordance with condition 2 of this Permit.

5. Reporting

The Permit Holder must provide to the *CEO* the records required under condition 5 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*;

fill means material used to increase the ground level, or to fill a depression.

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;

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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Ryan Mincham MANAGER NATIVE VEGETATION REGULATION

Officer delegated under Section 20 of the Environmental Protection Act 1986 2 July 2020

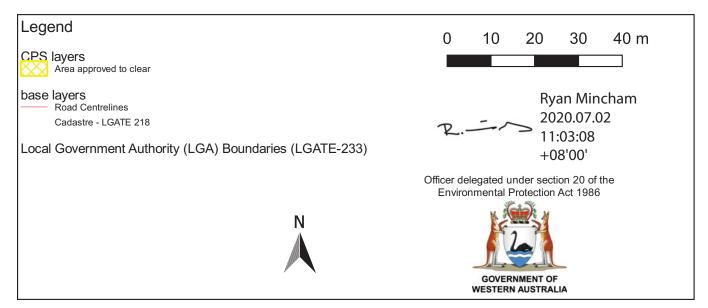
CPS 8827/1, 2 July 2020

Plan 8827/1

115°38′6.000″E



115°38′6.000″E



Clearing Permit Decision Report

Application details and outcome

1.1. Permit application details

Permit number: CPS 8827/1

Permit type: Area permit

Applicant name: City of Bunbury

Application received: 26 February 2020

Application area: 0.053 (hectares) ha of native vegetation.

Purpose of clearing: Removing Acacia rostellifera causing infrastructure damage to adjacent properties.

Method of clearing: Felling – mechanical

Property: Lot 336 on Plan 160698 and Lot 337 on Plan 160698

Location (LGA area/s): City of Bunbury

Localities (suburb/s): Bunbury

1.2. Description of clearing activities

The vegetation applied to be cleared is contained within a single contiguous area (see Figure 1, Section 1.5).

The application is to selectively clear *Acacia rostellifera* trees that are impacting upon infrastructure in adjacent properties. The proposed clearing area is a 60 metre by approximately 12 metre strip on the eastern boundary of Lot 336 and Lot 337.

1.3. Decision on application and key considerations

Decision: Granted

Decision date: 2 July 2020

Decision area: 0.053 ha of native vegetation, as depicted in Section 1.5, below.

1.4. Reasons for decision

This clearing permit application was made in accordance with section 51E of the *Environmental Protection Act 1986* (EP Act) and was received by the Department of Water and Environmental Regulation (DWER) on 26 February 2020. DWER advertised the application for public comment and no submissions were received.

In undertaking the assessment, and in accordance with section 510 of the EP Act, the Delegated Officer has given consideration to the Clearing Principles in Schedule 5 of the EP Act (see Appendix C), relevant planning instruments, and any other pertinent matters they deemed relevant to the assessment under Section 3.

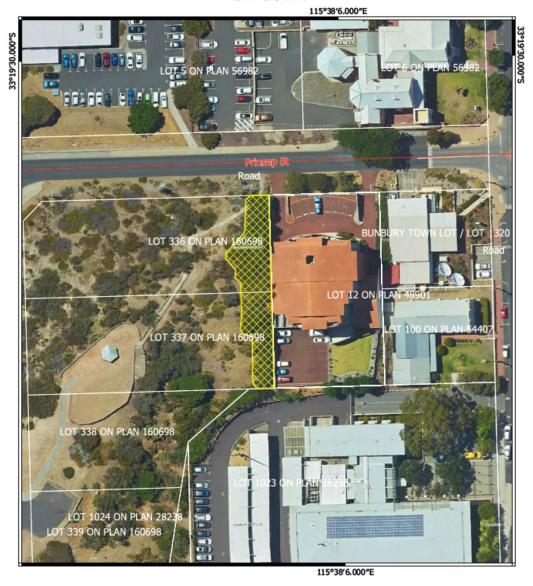
The Delegated Officer has determined that:

- the implementation of a directional clearing condition is appropriate to mitigate the potential impacts of the clearing on western ringtail possum (*Pseudocheirus occidentalis*) (see Section 3.2.1).
- the implementation of a weed management condition is appropriate to mitigate the impact of spreading weeds into adjacent vegetation (see Section 3.2.1).

The applicant has demonstrated that measures to mitigate and minimise the impacts of clearing have been appropriately considered. In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing is not likely to lead to an unacceptable risk to the environment.

1.5. Site map

Plan 8827/1



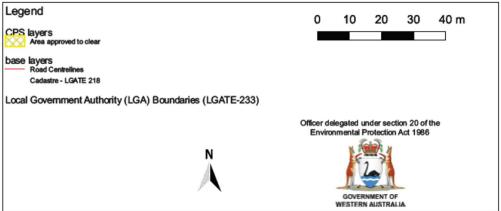


Figure 1. Map of the clearing area.

The area cross-hatched yellow indicates the area authorised to be cleared.

2. Legislative context

The clearing of native vegetation in Western Australia is regulated under the EP Act and the *Environmental Protection* (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

In addition to the matters considered in accordance with section 510 of the EP Act (see Section 1.3), the Delegated Officer has also had regard to the objectives and principles under section 4A of the EP Act, particularly:

- 1. the precautionary principle;
- 2. the principle of intergenerational equity;
- 3. the principle of the conservation of biological diversity and ecological integrity;

Other legislation of relevance for this assessment include:

- Biodiversity Conservation Act 2016 (WA) (BC Act)
- Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act)

The key guidance documents which inform this assessment are:

- A guide to the assessment of applications to clear native vegetation (December 2013)
- Procedure: Native vegetation clearing permits (DWER, October 2019)

3. Detailed assessment of application

3.1. Avoidance and mitigation measures

The applicant has demonstrated that measures to mitigate and minimise the impacts of clearing have been appropriately considered. Root pruning was proposed as an alternative, however, this would require digging a trench up to 5 metres deep which would increase soil disturbance and the potential risk of wind erosion. The removal of the trees will reduce the potential for land degradation and future regrowth which may result in damage to the adjacent properties through root invasion.

The City of Bunbury has committed to only removing trees with invasive roots that pose a risk to the neighbouring properties and will leave any ground covering plants to reduce the risk of wind and water erosion.

3.2. Assessment of environmental impacts

In assessing the application in accordance with section 510 of the EP Act, the Delegated Officer has evaluated the application and site characteristics (Appendix B) and considered whether the clearing poses a risk to environmental values. The assessment against the Clearing Principles is contained in Appendix C.

This assessment identified that the clearing may pose a risk to the environmental value of biological values, and that this required further consideration. The detailed consideration and assessment of the clearing impacts against the specific environmental values is provided below. The assessment found that the proposed clearing will not impact on environmental values provided conditions imposed under sections 51H and 51I of the EP Act are adhered to by the permit holder.

3.2.1. Environmental value: biological values (fauna) – Clearing Principle (b)

Assessment:

Based on available datasets, there are two historical records of the western ringtail possum (*Pseudocheirus occidentalis*) and one record of the south-western brush-tailed phascogale, wambenger (*Phascogale tapoatafa wambenger*) within 150 metres of the application area. One of the western ringtail possum records is within an area which is contiguous area with the application area. The south-western brush-tailed phascogale, wambenger record is located across Prinsep Street in a parkland with completely disturbed vegetation. Vegetation present within the application area is not preferred foraging or breeding habitat for either of these species and is in a completely degraded to degraded condition. Although the ground level vegetation cover is sparse, the canopy is moderately dense and may be used for concealment by the western ringtail possum which has been recorded making nesting dreys within *Acacia rostellifera* trees (Shedley & Williams, 2014). The south-western brush-tailed phascogale, wambenger nests exclusively in tree hollows (Rhind, 2003), and as there are no suitable tree hollows within the application area it is highly unlikely that this species uses this vegetation.

Outcome:

Based on the above assessment, the Delegated Officer has determined that the proposed clearing is considered acceptable subject to relevant conditions (see below) in relation to this environmental value.

Conditions:

To address the above impacts, the following condition will be added to the permit:

Directional Clearing

The Permit Holder must conduct clearing activities in a slow, progressive manner, from north to south, to allow fauna to move into adjacent native vegetation.

3.3. Relevant planning instruments and other matters

It is the permit holder's responsibility to comply with the *Aboriginal Heritage Act 1972* (WA) and ensure that no Aboriginal Sites of Significance are damaged through the clearing process.

Appendix A – Additional information provided by applicant

Summary of comments	Consideration of comment
The City of Bunbury clarified that undergrowth would not be removed and that only the trees with invasive roots would be removed, in particular <i>Acacia rostellifera</i> (DWER, ref: A1904009).	The retention of ground cover will reduce the risk of erosion during and after clearing activities.

Appendix B - Site characteristics

The information provided below describes the key characteristics of the area proposed to be cleared and is based on the best information available to DWER at the time of this assessment. This information was used to inform the assessment of the clearing against the Clearing Principles, contained in Appendix C.

1. Site characteristics

Site characteristic	Details
Local context	The proposed clearing area is part of a 2.6 hectare isolated patch of native remnant vegetation. It is surrounded by the inner residential suburbs of the City of Bunbury. The proposed clearing area is a small patch of remnant vegetation in an area subject to intensive urban development. Aerial imagery and currently available data indicates the local area (10 km radius of the proposed clearing area) retains approximately 26% of the original native vegetation cover.
Vegetation description	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area consists of closed scrub predominantly consisting of <i>Acacia rostellifera</i> with an understory of predominantly introduced species. Representative photos are available in Appendix E. The application area is within the mapped vegetation type: • Swan Coastal Plain Quindalup complex (previously Heddle) which is described
	as: coastal dune complex – low closed forest and closed scrub.
Vegetation condition	Photographs supplied by the applicant indicate the vegetation within the proposed clearing area is in degraded to completely degraded condition (Keighery, 1994)
	Described as:
	Degraded: Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
	То
	Completely Degraded: The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.
	The full Keighery condition rating scale is provided in Appendix D, below.
	Representative photos are available in Appendix E.
Soil description	The soil is mapped as: Quindalup South Qp2 Phase
	Map Unit Symbol 211QuQp2

Site characteristic	Details			
	Summary Map Unit Description	Long walled discrete parabolic dunes with moderate steep slopes and uniform calcareous sands showing variable depths of surface darkening.		
Land degradation risk	Land Degrad	lation Risks		
	phosphorus export risk water erosion	30-50% high		
	acid subsurface	30-50% high		
	compaction subsurface	<3% Risk		
	water repellence	>70% High Risk		
	water logging	<3% Risk		
	wind erosion	30-50% High Risk		
Waterbodies	No watercourses or wetlands are within the application area. The closest waterbody is Leschenault Inlet which is approximately 470 metres northeast of the proposed clearing area on the other side of the Bunbury city centre.			
Conservation areas	The nearest conservation area is a DBCA reserve located 1.2 kilometres east of the application area.			
Climate and landform		. The climate of the Bur	y inner suburbs and is located within abury region is classified as warm at in summer.	

2. Flora, fauna and ecosystem analysis

With consideration for the site characteristics set out above and relevant datasets, the application area is not considered to be of significant environmental value. A total eight Commonwealth listed Threatened Ecological Communities (TEC's) have been recorded within the local area, of which six are also listed under the *Biodiversity Conservation Act 2016* (BC Act). A further three P3 Priority Ecological Communities (PEC's) have been recorded within the local area. A total of 43 conservation significant fauna species and 19 flora species of conservation significance have been recorded within the local area, however, none have been recorded within the application area and the vegetation community within the application area is not representative of a TEC or PEC. Of the fauna species, only two species, the western ringtail possum and the south-western brush-tailed phascogale may use the vegetation within the application area. Individuals of each of these species have been recorded within 1 kilometre of the application area, however, the vegetation within the application area is not the preferred habitat for either of these species. *Acacia semitrullata* (P4) was the only flora species to occur within the same soil type found within the application area and has been recorded 850 metres to the south. Onsite photography does not indicate the presence of *A. semitrullata*, and given the large known range of *A. semitrullata* (from Bremer bay in the south to Shark Bay in the north), the small scale clearing will not impact on the conservation status of this species should it be present within the application area.

Species / Ecological Community	Distance of closest record to application area (kilometres)	Suitable soil type? (flora, ecological community)	Suitable vegetation type? (flora, ecological community)	Suitable habitat features (fauna)	Are surveys adequate to identify? (Y, N, N/A)
Western Ringtail Possum (Pseudocheirus occidentalis).	0.11	N/A	N/A	Potential cover in canopy, but otherwise unlikely.	N/A

Species / Community	Ecological	Distance of closest record to application area (kilometres)	Suitable soil type? (flora, ecological community)	Suitable vegetation type? (flora, ecological community)	Suitable habitat features (fauna)	Are surveys adequate to identify? (Y, N, N/A)
South-western phascogale, (Phascogale wambenger).	brush-tailed wambenger tapoatafa	0.13	N/A	N/A	Unlikely, potential cover.	N/A
Acacia semitrullata		0.85	Yes	No	N/A	N/A

Appendix C – Assessment against the Clearing Principles

Assessment against the Clearing Principles	Variance level	Is further consideration required?			
Environmental value: biological values	Environmental value: biological values				
Principle (a): "Native vegetation should not be cleared if it comprises a high level of biodiversity."	Not likely to be at variance	No			
Assessment:	variance				
The proposed clearing area does not contain any records of locally or regionally significant flora, fauna or ecological communities. It is not likely that the clearing of such a small area of vegetation in degraded condition will negatively impact upon biodiversity values.					
Principle (b): "Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna."	May be at variance	Yes. Refer to Section 3.2.1 above.			
Assessment:					
The proposed clearing area does contain potential breeding habitat and cover for western ringtail possums. There is also a record of the south-western brushtailed phascogale, wambenger (<i>Phascogale tapoatafa wambenger</i>) within 140 metres of the application area in a parkland across Prinsep Street. Although the western ringtail possum may use <i>Acacia rostellifera</i> for cover and dreys, it is not preferred habitat.					
Principle (c): "Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, threatened flora." Assessment:	Not likely to be at variance	No			
The proposed clearing area is unlikely to contain habitat for threatened flora species listed under the <i>BC Act 2016</i> . Two threatened species occur within the local area, the closest being approximately 4.9 kilometres away. It is not likely that the clearing of such a small area of vegetation in degraded condition will negatively impact upon the conservation status of any flora species.					
Principle (d): "Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community."	Not likely to be at variance	No			
Assessment: (Insert text as appropriate – see below for situational example)					

Assessment against the Clearing Principles	Variance level	Is further consideration required?
The proposed clearing area does not contain any vegetation representative of a threatened ecological community (TEC) listed under the <i>BC Act 2016</i> .		
Environmental values: significant remnant vegetation and conservation a	reas	
Principle (e): "Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared." Assessment:	Not likely to be at variance	No
Approximately 26% remnant vegetation remains within the local area. The vegetation within the application area does not provide a significant ecological linkage function and has limited environmental value. The 0.053 ha of vegetation proposed to be cleared is in a degraded to completed degraded condition within a built-up area and is not considered to represent a significant remnant.		
<u>Principle (h):</u> "Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area."	Not likely to be at variance	No
Assessment:		
The nearest conservation area is approximately 1.2 kilometres east of the application area and separated by residential areas as well as the Leschenault Inlet. The proposed clearing is not likely to have an impact on the environmental values of nearby conservation areas.		
Environmental values: land and water resources		
Principle (f): "Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland."	Not likely to be at variance	No
Assessment:	variance	
Given no watercourses or wetlands are recorded within 470 metres of the proposed clearing area, and that the closest wetland is on the other side of the Bunbury city centre, the clearing is unlikely to impact on hydrology and water quality.		
Principle (g): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation."	Not likely to be at	No
Assessment:	variance	
The mapped soil within the application area is highly hydrophobic and susceptible to wind and water erosion, with no other significant land degradation risks. Despite the erosion risk, the small area of the clearing and retention of vegetative ground cover will mitigate these risks. The risk of appreciable impacts on land degradation are considered to be low.		
Principle (i): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water."	Not likely to be at variance	No
Assessment:		
No watercourses, wetlands or public drinking water source areas are recorded within 470 metres of the proposed clearing area. Given that the application area is isolated within the surrounding developed residential area and that there is no connectivity between the application area and any		

Assessment against the Clearing Principles	Variance level	Is further consideration required?
watercourse, wetland or public drinking water source area, the proposed clearing is unlikely to impact surface or ground water quality.		
Principle (j): "Native vegetation should not be cleared if the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding."	Not likely to be at variance	No
Assessment:		
Given the small area proposed to be cleared and the fact that the proposed clearing will not remove any vegetative ground cover, it is unlikely to contribute to an increased incidence or intensity of flooding.		

Appendix D - Vegetation condition rating scale

Vegetation condition is a rating given to a defined area of vegetation to categorise and rank disturbance related to human activities. The rating refers to the degree of change in the vegetation structure, density and species present in relation to undisturbed vegetation of the same type. The degree of disturbance impacts upon the vegetation's ability to regenerate. Disturbance at a site can be a cumulative effect from a number of interacting disturbance types.

Measuring Vegetation Condition for the South West and Interzone Botanical Province (Keighery, 1994)

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, with disturbance affecting individual species; weeds are non-aggressive species.
Very Good	Vegetation structure altered, with obvious signs of disturbance. For example, disturbance to vegetation structure caused by repeated fires, the presence of some more aggressive weeds, dieback, logging and/or grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. For example, disturbance to vegetation structure caused by very frequent fires, the presence of some very aggressive weeds at high density, partial clearing, dieback and/or grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. For example, disturbance to vegetation structure caused by very frequent fires, the presence of very aggressive weeds, partial clearing, dieback and/or grazing.
Completely Degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas are often described as 'parkland cleared' with the flora comprising weed or crop species with isolated native trees or shrubs.

Appendix E – Biological survey information excerpts / photographs of the vegetation

Representative photographs of the vegetation with the application area:



Photo 1: Middle of application area facing north.

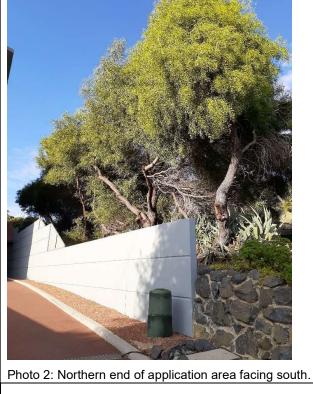




Photo 3: Middle of application area facing south.

Appendix F – References and databases

1. GIS datasets

Publicly available GIS Databases used (sourced from www.data.wa.gov.au):

- Aboriginal Heritage Places (DPLH-001)
- Cadastre Address (LGATE-002)
- Contours (DPIRD-073)
- DBCA Lands of Interest (DBCA-012)
- DBCA Legislated Lands and Waters (DBCA-011)
- Directory of Important Wetlands in Australia Western Australia (DBCA-045)
- Environmentally Sensitive Areas (DWER-046)
- Flood Risk (DPIRD-007)
- Groundwater Salinity Statewide (DWER-026)
- IBRA Vegetation Statistics
- Local Planning Scheme Zones and Reserves (DPLH-071)
- Regional Parks (DBCA-026)
- Soil and Landscape Mapping Best Available

Restricted GIS Databases used:

- Threatened Flora (TPFL)
- Threatened Flora (WAHerb)
- Threatened Fauna
- Threatened Ecological Communities and Priority Ecological Communities
- Threatened Ecological Communities and Priority Ecological Communities (Buffers)

2. References

City of Bunbury (2020). Email correspondence from applicant indicating the intension to retain ground covering plants and that only trees would be removed within the application area. Received by DWER on 17 June 2020 (DWER Ref: A1904009).

Commonwealth of Australia (2012). EPBC Act referral guidelines for three threatened black cockatoo species. Department of Sustainability, Environment, Water, Populations and Communities, Canberra.

Commonwealth of Australia (2001) National Objectives and Targets for Biodiversity Conservation 2001-2005, Canberra.

Department of Primary Industries and Regional Development (DPIRD) (2017). NRInfo Digital Mapping. Accessed at https://maps.agric.wa.gov.au/nrm-info/ Accessed June 2020. Department of Primary Industries and Regional Development. Government of Western Australia.

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 June 2020.

Heddle, E. M., Loneragan, O. W., and Havel, J. J. (1980) Vegetation Complexes of the Darling System, Western Australia. In Department of Conservation and Environment, Atlas of Natural Resources, Darling System, Western Australia.

Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.

Rhind, S. (2003) Communal nesting in the usually solitary marsupial, Phascogale tapoatafa. Journal of Zoology.

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