

5 September 2007

Department of Environment and Water Resources
GPO Box 787
Canberra ACT 2601

Attention: Matthew Kinch

Dear Matthew

RE: Smiths Beach Tourist and Residential Development (EPBC 2007/3483)

Thank you for your letter of 30 July 2007 advising of the decision to assess the Smiths Beach development proposal through the process of Preliminary Documentation. In the letter you have asked for further information on six items to be provided before you can give instructions on the public consultation requirements. The responses to those six items are presented below.

Item 1 – Measures to strengthen habitat corridor linkages, noting that an average of 40m wide habitat corridors is considered a minimum to support populations of Western Ringtail Possums

The Western Ringtail Possum (WRP) habitat on the Smiths Beach site is the area of native Peppermint trees located on the eastern portion of the site. The Peppermints occur in one consolidated stand of dense trees approximately 5m high with almost continuous canopies. The stand is approximately 5ha in size. The stand of Peppermints abuts other dense Peppermints in the Leeuwin-Naturaliste National Park to the south-east of the site, separated by a wide firebreak on the southern boundary and Smiths Beach Road on the eastern boundary.

The WRP survey identified a concentration of dreys on the lower, northern half of the Peppermint stand, however dreys and individual possums were recorded throughout the stand. WRPs and dreys were also recorded in the Peppermint trees in the adjacent National Park at a similar density to those on the Smiths Beach site.

Attached is a plan of the proposed full development highlighting areas of Peppermint trees. The Peppermint trees are located in areas designated for tourist and residential development. The southern half is proposed for residential lots and the northern half for attached and semi-detached tourist units. In addition there is a Public Open Space strip that runs north-south down the site in the area that contains Peppermints. The southern row of residential lots contains a 30m building setback between the houses and the National Park.

The density of buildings is higher in the lower tourist unit sites and lower in the residential sites.

Peppermint trees are proposed to be retained wherever possible within the development. Retention of complete stands of trees will be possible in the Public Open Space and the 30m southern building setback strip. Peppermint trees will also be able to be retained within residential lots which will have building envelope restrictions and a conservation covenant on the remainder of the lot to protect the trees around the buildings. Retention of large numbers of Peppermint trees will be more difficult in the tourist unit sites, however it is anticipated that some trees will be retained and others will be planted after construction of the unit sites.

The attached Possum Management Strategy plan highlights the areas where significant numbers of Peppermints will be retained throughout the development. The area highlighted in orange identified as the “primary area of vegetation to be retained for possum management” links the Public Open Space area and the larger lots to the Peppermint stands in the adjoining National Park. Other Peppermint trees will be retained in the development to function as habitat for WRPs and will have a secondary corridor function.

In addition to the retention of Peppermints and supplementary planting where possible, the corridor link between the Peppermints on the Smiths Beach site and the adjoining National Park will be strengthened by the incorporation of trees within the southern road reserve and the installation of high wire crossings over the current Smiths Beach Road. The southern road will be constructed with two or more splitter islands in the road which will be planted with Peppermints. The mature Peppermints will have touching canopies that will allow aerial movement of WRPs between the development site and the National Park. Provided that the groundcover under the Peppermints is maintained at a low height we have been advised that retaining touching tree canopies within the development will not pose a fire risk. One supplemental road crossing is proposed over Smiths Beach Road near the southeastern corner of the Smiths Beach property where it is closest to the National Park. The Possum Management Strategy (attached) shows a wire crossing with twin tensioned wires, however the structure could be a ladder or box-like feature. The final design will be determined though further consultation with the Department of Environment and Conservation wildlife officers.

Item 2 - A description of the proposed use of the remaining 6.9ha of land not accounted for in the development and conservation covenant area.

We are unsure what the 6.9ha of land “not accounted for” is referring to. The following table lists the land uses in the proposed development.

Land Use	Area (ha) approximate
Principal Ridge Protection Area	9.7
Tourist - Beach Club Resort - Cape Spur Tourist Lodge - Camping and Chalets - Attached Units - Semi-detached Units	14.9

- Cottage Units - Backpacker Camping	
Residential - Green title Residential - Strata Residential	6.4
Privately Managed Conservation Area	5.7
Other Privately Managed Open Space	0.6
Foreshore Reserve and Public Open Space	2.4

If the area not accounted for is the Privately Managed Conservation Area (PMCA) then this area consists of an area of low open heath and heath on shallow sand over granite, which is located between the granite outcrops of the Principal Ridge Protection Area and the taller vegetation on the eastern half of the site. The PMCA is proposed to be managed as part of the amenity of the Beach Club Resort and will be retained in its natural condition but may have some raised boardwalks located within the area.

Item 3 - Discussion and nomination of potential environmental offsets for the loss of habitat for the Western Ringtail Possum, Baudin's Black Cockatoo and Chuditch, noting that the preferred habitat for the Western Ringtail Possum is native Peppermint.

We understand that the criteria that the Federal Minister for Environment and Water Resources needs to take into account when considering an offset proposal are the following:

- Does the offset provide for like for like;
- Does the offset provide equivalent or greater compensation for the habitat that will be lost;
- Does the offset deliver a conservation outcome that would not otherwise be achieved;
- Will the offset be delivered in a timely manner and be long lasting; and
- Will the offset be enforceable, monitored, managed and auditable.

We have discussed potential offsets specific to the Smiths Beach development with the Department of Environment and Conservation (Greg Mair – District Manager Blackwood District, and Kim Williams – Natural Resources Management Officer, Busselton). The DEC officers suggested that the developer consider contributing a sum of money to revegetate degraded site/s managed by DEC in the region. The amount of money was not discussed. Four sites were put forward as follows:

- Smiths Beach (~2.6ha)
- Mt Duckworth (~22ha)
- Ludlow Tuart Forest (~54ha)
- Ludlow Tuart Forest (~88ha)

The Smiths Beach site is an area within the Leeuwin-Naturaliste National Park located approximately 500m to the east of the Smiths Beach site. The site contains an area of about 2.6ha which is completely bare as a result of past land use activities. The site adjoins National Park to the north, private 2ha vegetated lots to the east and Gunyulgup and associated vegetation and cleared farmland to the west and south. The native vegetation of the National Park to the north and private lots to the east appear to be Peppermint trees, however no survey of the vegetation has presently been carried out. The cleared portion of the National Park appears to contain soil types conducive to the planting of dense Peppermint trees. Planting of this area would need to consider the fire risk for adjacent residents.

The Mt Duckworth site is located approximately 5km north-east of the Smiths Beach site. The area proposed for revegetation was ceded as part of a special rural development and is now part of the National Park. The site adjoins native vegetation in the National Park to the west, native vegetation on private land to the north and south, and semi-cleared land on special rural lots to the east. The area requiring revegetation is approximately 22ha. The site is on top of the ridge at an elevation of around 200m AHD. The suitability of the site for dense Peppermint trees may be limited as a result of the elevation and the aspect of the site which faces the westerly winds. However, the site may be suitable for planting of Marri trees which could be considered to offset the few Marri trees likely to be cleared in the Smiths Beach development. Planting of this area would need to consider the fire risk for adjacent residents.

The two Ludlow Tuart Forest sites adjoin each other and are located on the southern side of the Bussell Highway approximately 10km to the east of the Busselton townsite. Both sites are partially vegetated but mostly cleared or parkland cleared. According to DEC the Ludlow forest sites are both suitable for planting of dense Peppermints. One of the sites, or a portion thereof, is already being considered for another offset for WRPs in Busselton. However, we understand that a large area of the two sites remains available for further offsets.

We consider that all three sites have potential to be suitable for offsets either for the Western Ringtail Possum or for Baudin's Cockatoo and in some case perhaps both species. Due to the absence of Chuditch on the Smiths Beach site we do not propose any particular offset for the Chuditch. However, any revegetation of dense woodland (Peppermints and Marris) would be suitable for Chuditch habitat if it were to occur in the area/s being revegetated.

The developer is prepared to contribute \$100,000 for the revegetation of suitable habitat for WRPs and Baudin's Cockatoos. The funds are proposed to be spent on revegetating the nearby Smiths Beach site as a first priority. If there are funds remaining then the revegetation of a portion of the Ludlow forest locations is the second preference. The Mt Duckworth site will be investigated further during the assessment of the Smiths Beach Controlled Action to examine its suitability for planting dense Peppermints and/or Marri trees. If it is deemed to be suitable then its preference with respect to the Ludlow forest sites will be re-assessed with DEC officers.

The \$100,000 funds will be allocated to the following costs associated with the revegetation activities:

- Purchase of tubestock
- Labour costs for planting
- Site preparation works
- Tree guards (if necessary)
- Fencing (if necessary)

- Monitoring of seedling survival (first 2 years)
- Re-planting (where necessary)
- Maintenance bond for 5 years
- Administration by DEC staff relating to planting and monitoring activities

The planting operation/s can be done by contract staff either managed by the developer or the DEC.

The planting schedule (eg. density of planting, timing, site preparation etc) and allocation of costs will be detailed during the Controlled Action assessment period. It is expected that \$100,000 will be able to revegetate at least 10ha of fully degraded land.

The above conservation offset which involves the contribution of funds for revegetation of degraded DEC land should satisfy the criteria for offsets considered by the Federal Minister in that the final offset :

- is like for like by revegetating dense Peppermint habitat with seedlings at a density (3,000/ha) that will achieve a dense Peppermint stand at maturity (plus also planting Marri trees in separately or in association with the Peppermints).
- Provides greater compensation for the habitat lost
- Revegetates an area of DEC land that would not otherwise have been revegetated in the short-term
- Can be delivered at the start of the development
- Can be enforced, monitored, managed and audited.

The offset funds will be deposited into a trust account at the conclusion of the first stage of subdivision.

Item 4 - An analysis of the capacity for nearby habitat to support displaced species in consideration of existing species.

The species of interest relevant to the proposal under the EPBC Act are the Western Ringtail Possum, Baudin's Black Cockatoo and the Chuditch.

As stated in the ATA Environmental Vertebrate Fauna report the Chuditch has not been recorded from the Smiths Beach site but the woodland vegetation does provide potential habitat for the species both onsite and offsite. The vegetation in the National Park to the south of the Smiths Beach site is very dense, in excellent condition and extensive. If the Chuditch were to occur on the site then it is highly likely to be able to move offsite during construction into the National Park.

Baudin's Cockatoo are known to feed on the Marri and Banksia trees on the site. Marri and Banksia occur extensively throughout the Yallingup area both on reserved land as well on large areas of private rural and semi rural lots. Given the mobility of Baudin's Cockatoo and the small areal extent of Marri and Banksia trees on the Smiths Beach site, it is considered that Baudin's Cockatoos will be able to forage on other trees in the district.

Western Ringtail Possum habitat occurs to the south-east of the Smiths Beach site within the National Park. Surveys in 2006 by ATA Environmental identified possums and dreys within these areas of National Park. Therefore, the Peppermint habitat is suitable WRP habitat, however the habitat is already occupied. While there is potential for possums to move into the adjacent National Park it is likely that any WRPs that try to occupy the National Park habitat will meet with resistance from the

resident population and may either find additional habitat in other vegetation types in the National Park or move back to the development site. If the possums move back to the development site then they must be able to live and feed in the area in safety. The developers of Smiths Beach propose to incorporate artificial possum "nests" in the retained Peppermints within the development. The artificial nests could be a platform, either covered or uncovered, and built into the tree so that it is stable and out of reach of animals and people. To our knowledge artificial habitat nests for WRPs have not been tried in residential or tourist developments. The success of the platforms will be monitored by the developer during the lifetime of the development construction period which is estimated to be 10-15 years. The results will be useful for the DEW and DEC in consideration of other proposals which might impact on WRPs.

Item 5 - Details of any proposed translocation of species prior to clearing.

The preference for managing WRPs is to retain the possums onsite and not to translocate them. The ability to successfully retain possums onsite will be determined by the number of trees retained in the development, the impact of construction activities and the long-term impact of pets and people. It is considered that the presence of a viable long-term population of WRPs within the Smiths Beach development is definitely possible as there are a large number of Peppermints proposed to be retained in a way that provides continuous touching canopies. Secondly, the ability of WRPs to survive in an developed environment is well-known in the south west region. Thirdly, the location of WRPs in the adjoining National Park and the provision of supplementary aerial linkages between the development and the National Park should mean that the possums retain their current genetic diversity. Finally, the installation of artificial habitat platforms as described in the response to Item 4, should enable the WRPs to remain on the site during construction.

The Smiths Beach development will be staged over 10-15 years. Therefore, there will not be wholesale clearing throughout the site at any one time. This should enable the WRPs to adapt to the small amount of annual construction activity and the gradual development of the site, particularly as the retained Peppermints will provide continuous habitat throughout the development stage.

In summary, we do not propose to translocate any WRPs during the development unless monitoring during the construction period demonstrates that all the strategies used to retain WRPs onsite have not worked.

Item 6 - Timeframes for submission of the Western Ringtail Possum Management Plan.

The proponent has committed to the preparation and implementation of a Western Ringtail Possum Management Plan. The plan will be prepared prior to any subdivision works occurring onsite.

For and on behalf of Coffey Environments Pty Ltd

Dr Paul van der Moezel
Principal

cc. Neill Stevens, NS Projects
David McKenzie, Canal Rocks Pty Ltd

Attachments