

14 September 2023

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Department of Water and Environmental Regulation
Locked Bag 10
Joondalup DA WA 6919

Dear ██████████,

RE: Application to Clear Native Vegetation for the extension of Henley Brook Avenue

On behalf of the City of Swan please find following information to support a clearing permit application for 2.013ha of native vegetation in the proposed Henley Brook Avenue South road works. Please note that works are anticipated to commence in December 2023.

1 Background

Henley Brook Avenue is located in the City of Swan. An application to clear native vegetation for an extension of the road down to south of Henley Street was included in a Clearing Permit Application CPS 9953/1. The application included a northern area within a road reserve and a southern area mostly on private lots but in an area designated for the road extension. The northern part within the road reserve was considered to have far few native plants than the southern part so, to allow for current works to continue in the near future, the CPS 9953/1 application was amended to exclude the southern area. The updated Clearing Permit for the northern part of the road reserve was granted on 26 July 2023.

Advice from DWER was that the southern portion of the proposed road extension should be subject to a new application. The proposed clearing of the southern portion is the subject of this application.

2 Black Cockatoo Habitat Assessment

To assess whether there was some way to avoid the clearing of native vegetation and trees used by Black Cockatoos the City commissioned PGV Environmental to undertake a Black Cockatoo Habitat Assessment of the Application Area (see Attachment 1). The assessment identified 0.64 ha of Black Cockatoo foraging habitat and thirteen potential breeding habitat trees in the application area, although no actual breeding is possible on the site due to the absence of suitable hollows. Figure 3 of the report shows the location of the potential breeding habitat trees. Seven of the trees were planted Tuarts (*Eucalyptus gomphocephala*) and three Flooded Gum/River Red-Gum hybrid (*Eucalyptus rudis* x *E. camaldulensis*) which are not native to the area and technically do not need a clearing permit.

However, by definition these trees may be used for breeding by Black Cockatoos, hence why they were recorded in the assessment.

3 Avoidance and Mitigation Measures

Henley Brook Avenue is reserved under the Metropolitan Region Scheme as an 'Other Regional Road'. The road is identified as a key transport connection in the WAPC endorsed Swan Urban Growth Corridor Sub-regional Structure plan 2009. The road reserve runs north-south from Ellenbrook to Reid Highway and improvements to this route will play an important role in enhancing the transport network in the area. Main Roads anticipate the road will carry over 30,000 vehicles per day by 2031.

Unfortunately there is no ability for the road alignment to be moved west or east due to existing houses, therefore the impact on the Black Cockatoo habitat is unavoidable. However, trees located on the edge of the road works may be able to be retained.

The City will try to avoid the clearing of any trees that are on the outer limits of the extent of road works. Additionally, the City has commissioned a Revegetation Management Plan for the planting of the median strips, roundabouts and the proposed drainage basin with species that provide habitat for Black Cockatoos.

4 Ecological Linkage

We note that a public submission for the clearing permit previously applied for was received raising concerns about wildlife corridors which may be impacted by the clearing. The attached aerial photograph showing the clearing footprint in yellow shows the following:

- The southern road works area goes through private special residential lots that have mostly been cleared but contain some native and non-native trees. There is no native understorey. Therefore, the corridor function of the trees in the application area would only be for birds. As the aerial photograph in Attachment 3 shows, there are a large number of trees (native and non-native) in the private lots abutting the future road reserve. These trees will continue to provide an ecological corridor function in this area.

5 Mitigation of Land Degradation Risks

There was additional information requested by DWER for the initial Clearing Permit Application which included the following:

- DWER identified a number of risk factors for land degradation to be managed.
- The assessment of the Clearing Permit raised the following factors to be addressed as outlined in Water Quality Protection Notices (WQPN) as the proposed extension is located in a Public Drinking Water Source Area (PDWSA). The site is partly located within the Priority 2 (P2), Priority 3 (P3) and Priority 3* (P3*) as proclaimed under the *Rights in Water and Irrigation Act 1914* (RiWI Act).
- Management measures under the WQPNs as detailed in the advice include:
 - WQPN 10: Contaminant spills – Emergency response plan (DWER, 2020)
 - WQPN 28: Mechanical servicing and workshops (DWER, 2013a)

- WQPN 29: Mobile mechanical servicing and cleaning (DWER, 2013b)
- WQPN 44: Roads near sensitive water resources (DWER, 2006)
- WQPN 56: Tanks for fuel and chemical storage near sensitive water resources (DWER, 2018)
- WQPN 83: Infrastructure corridors near sensitive water resources (DWER, 2007)
- WQPN 84: Rehabilitation of disturbed land in PDWSAs (DWER, 2009)
- Brochure: Construction depots near sensitive water resources (DWER, 2008)

The City of Swan has commissioned a Construction Environment Management Plan to address any issues relating to the points raised. The CEMP is provided as Attachment 3.

6 Mitigating Impacts to a PDWSA

The City has advised that they do not intend to use recycled drainage rock and recycled road base due to the proximity of the PDWSA as detailed in the CEMP.

7 Impacts to Surface and Groundwater Quality

The City has advised that they will not be extracting groundwater for dust suppression and dewatering purposes. Therefore, they do not need to apply for a 5C licence.

The City has applied for a bed and bank permit to install box culverts in the St Leonards Creek crossing. The application has been granted with the license provided as part of the Clearing Permit Application.

8 Impacts to Watercourses/Wetlands

Please see attached Construction Environment Management Plan (Attachment 3) that addresses any issues relating to the potential impact on St Leonards Creek which in this location is a man-made drain with little to no riparian native vegetation.

9 Ten Clearing Permit Principles

The Ten Clearing Principles have been addressed below to determine the environmental impact that the removal of the native vegetation on the site would have.

Principle (a): Vegetation should not be cleared if it comprises a high level of biological diversity.

The vegetation on the site is Completely Degraded due to the past clearing. No intact native vegetation remains. As a result, the vegetation is not representative of a Threatened or Priority Ecological Community.

The proposed clearing is considered not at variance to this principle.

Principle (b): 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 indigenous to Western Australia.

The fauna habitat is in poor condition with high levels of disturbance and is not considered significant habitat. The vegetation is fragmented, disturbed and has limited ecological linkage value. The proposed clearing is considered not at variance to this principle.

Principle (c): Vegetation should not be cleared if it includes, or is necessary for the continued existence of rare flora.

No Threatened or Priority plant species are likely to occur on the site given the clearing and high levels of disturbance. Therefore, the proposed clearing is considered not at variance to this principle.

Principle (d): 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.

The vegetation on the site is not representative of a Threatened Ecological Community. Therefore, the proposed clearing is considered not at variance to this principle.

Principle (e): Vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.

The site is not a significant remnant of vegetation. The proposed clearing is considered not at variance to this principle.

Principle (f): Vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.

The vegetation present on the site is not indicative of wetlands and the proposed crossover to St Leonards Creek is in a cleared area. The proposed clearing is considered not at variance to this principle.

Principle (g): Vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.

Clearing the vegetation on the site will not result in land degradation. The area of clearing is mapped within the Bassendean System. Risk factors have been identified and management measures for minimising the risk of land degradation are in the CEMP (Attachment 3).

The proposed clearing is considered not at variance to this principle.

Principle (h): 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.

There are no adjacent reserves. The proposed clearing of scattered trees and some native shrubs will not adversely impact on any nearby areas of native vegetation. The proposed clearing is considered not at variance to this principle.

Principle (i): Vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.

The proposed road extension has been designed in accordance with *Better Urban Water Management*. Stormwater will be managed by controls associated with the road construction and it is unlikely the proposed clearing will cause the deterioration of surface water quality. Surface water management is also addressed in the CEMP. The proposed clearing is considered not at variance to this principle.

Principle (j): Vegetation should not be cleared if clearing the vegetation is likely to cause, or exacerbate, the incidence of flooding.

The site is predominantly cleared already, therefore any further clearing will not increase rain infiltration to the groundwater and stormwater controls will be installed as part of the construction of the road.

The proposed clearing is considered not at variance to this principle.

Please contact me or Jonathan Ersan at the City of Swan team if you would like to discuss any of these responses.

Yours sincerely



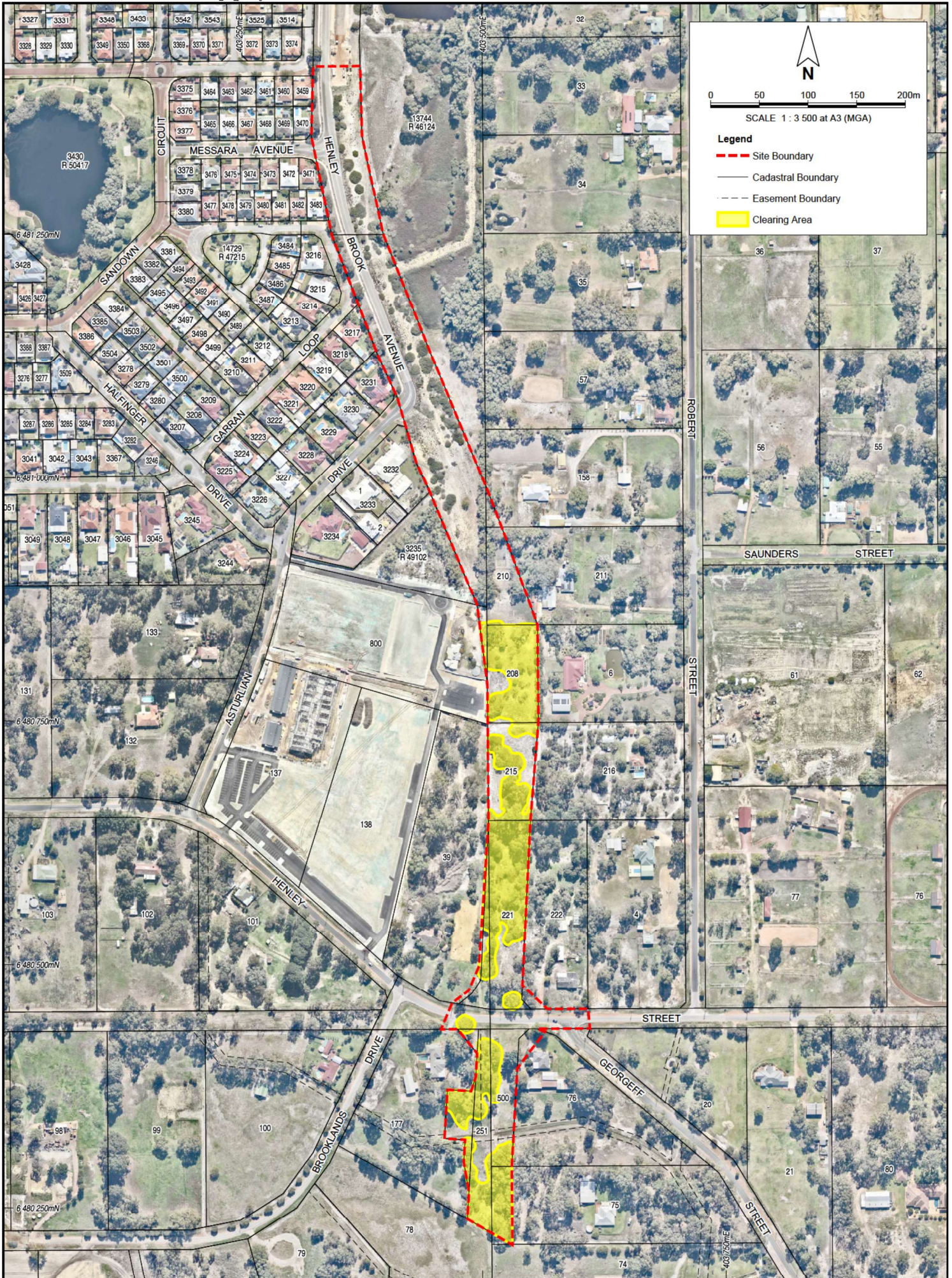
Paul van der Moezel
Managing Director

Provided as part of the Clearing Permit Application:

Clearing Permit Application Form
Figure showing Application Area
Shapefiles showing Application Area
Permit to Obstruct or Interfere (S17) Granted by the Minister under section 17 of the *Rights in Water and Irrigation Act 1914*
Lot 75 Georgeff Street Agreement to Purchase

Attachments:

Attachment 1 – Black Cockatoo Habitat Assessment (PGV Environmental)
Attachment 2 – Revegetation Management Plan (PGV Environmental)
Attachment 3 – Construction and Environmental Management Plan (PGV Environmental)
Attachment 4 – Road Design



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0 50 100 150 200m

SCALE 1 : 3 500 at A3 (MGA)

Legend

- - - Site Boundary
- Cadastral Boundary
- - - Easement Boundary
- Clearing Area

	City of Swan SOUTHERN CLEARING PERMIT APPLICATION HENLEY BROOK AVENUE ROAD WORKS		CLEARING AREA	Figure 1
	Drawn: J. Cabot	Date: 7 Aug 2023		
CADASTRAL SOURCE: Landgate, May 2023. AERIAL PHOTOGRAPH SOURCE: NearMap, flown April 2023.		Job: 10542_007_ic	Revisior: A	