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Dear Sir/Madam

## **APPLICATION TO AMEND A CLEARING (AREA) PERMIT (CPS 8983/1) FOR LOT 508 ON DEPOSITED PLAN 414835, BIBRA LAKE**

### **1 OVERVIEW**

The following letter has been prepared by Emerge Associates in support of a native vegetation clearing permit amendment pursuant to Section 51M of the *Environmental Protection Act 1986* (EP Act) to amend an area clearing permit (CPS 8983/1) on the behalf of the City of Cockburn (the 'permit holder'). The approved area clearing permit (CPS 8983/1) (the 'permit') was granted by the Department of Water and Environmental Regulation (DWER) on 3 November 2020. The permit authorises the permit holder to clear 0.89 hectares (ha) of native vegetation within a portion of Lot 508 on Deposited Plan 414835, Bibra Lake (referred to as the 'approved permit boundary') for the purpose of constructing an Aboriginal Cultural and Visitor Centre (the 'Centre'). The permit is valid between 26 November 2020 to 26 November 2022.

In accordance with Section 51M of the EP Act, the permit holder is submitting an application to amend the permit. The signed clearing permit amendment form (Form C4) is provided in **Attachment 1**, with the specific proposed changes to the granted permit highlighted in **Attachment 2**. Key terms used throughout the permit are provided in **Table 1**.

The proposed amendments to the permit are outlined in further detail within **Sections 6 to 9** below and summarised as follows:

1. **Extend the duration of the permit for an additional two years.** The duration of the permit is proposed to be amended to authorise clearing from 26 January 2022 to 26 January 2024.
2. **Amend the size of the area permitted to be cleared under the permit.** The size of the area to be cleared is proposed to be increased from 0.89 ha to 1.01 ha, referred to as the 'amendment area'. The amendment area incorporates portions of the approved clearing permit boundary (0.35 ha) subject to 'translocation only'<sup>1</sup> activities. The remaining 0.66 ha

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<sup>1</sup> The permit holder has salvaged approximately 50 native *Macrozamia riedlei* (zamia palms) throughout the approved clearing permit boundary. Previous discussions with the DWER have indicated that the salvaging of individual native plants is considered as clearing under the EP Act. Therefore, the proposed amendment area will be required to incorporate the portions of the approved clearing permit boundary where the removal of the zamia palms has already occurred

reflects the extent of the development footprint required to facilitate the construction of the Centre.

3. **Redescribe the boundary of the area authorised to be cleared.** It is proposed to amend the boundary of the area authorised to be cleared to reflect the footprint of clearing required for the realigned Aboriginal Cultural and Visitor Centre. The amendment area boundary will include the approved clearing permit boundary to account for the previous translocation activities described above and shown in **Attachment 3** – Figures 1 and 2.

The purpose of the proposed amendments is to allow for the implementation of an updated Development Layout Plan (Officer Woods 2021) as provided in **Attachment 4** - Development Layout Plan. The Centre design is similar to the design previously proposed, including a main building, car park and landscaped native gardens. The reason for new building layout is to realign the main building horizontally, parallel to Progress Drive and to reduce clearing of black cockatoo habitat trees. This will place the infrastructure within previously cleared areas of the site to reduce the amount of native vegetation clearing required and therefore the overall environmental impact.

Overall, the amendment area is 1.01 ha in size and includes a 0.35 ha ‘translocation only’ area (where translocation has already occurred, and the translocated plants proposed to be replanted within the permit area following completion of construction). Therefore, of the 1.01 ha, 0.66 ha relates to the clearing necessary for the development footprint which will necessitate the removal of up to:

- 0.40 ha of native plant community **EmBaAfLOF** in ‘good’ to ‘completely degraded’ condition.
- 0.21 ha of quality foraging habitat<sup>2</sup> for the Carnaby’s cockatoo.
- 0.11 ha of quality foraging habitat<sup>2</sup> for the forest-red tailed black cockatoo.
- One breeding habitat tree with potential nesting hollows for black cockatoo species.

As previously stated, the permit holder has begun salvaging of individual native plants within the approved permit clearing boundary. Therefore, the amendment area boundary (**Attachment 3 – Figure 1**) incorporates the portions of the approved permit clearing boundary where the removal of the zamia palms and grass trees has already occurred. A large proportion of the amendment area boundary (0.35 ha, 34%) comprises areas of ‘translocation only’. No further native vegetation is proposed to be removed from these areas. Overall, the amount of wholesale clearing required to construct the Centre (0.66 ha) is less than the previously approved clearing area (0.89 ha). This is further discussed in **Section 4.2**.

The permit holder proposes to implement the same offset commitments as outlined within the approved permit. Under Conditions 6 and 7 of the permit, the permit holder must protect and manage 2.17 ha of vegetation in at least ‘Very Good’ condition within Rose Shanks Reserve (Lot 500 on Plan 413034 - Crown Reserve R 1820) through the changing of the purpose of Rose Shanks Reserve from ‘Recreation’ to ‘Conservation’. This was determined in consultation with DPLH who have provided in principle support (Emerge 2020c).

## 2 INDEX OF DOCUMENTATION

This letter contains the following attachments required by the DWER:

- **Attachment 1** – Signed clearing permit amendment form (Form C4)
- **Attachment 2** – CPS 8983-1 - Granted permit proposed changes
- **Attachment 3** – Figures.

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<sup>2</sup> ‘Quality’ foraging habitat is taken to mean ‘low to moderate’ foraging value or better. The ‘negligible to low foraging value’ and ‘low foraging value’ foraging habitat is not considered to be ‘quality’ foraging habitat due to the low proportion of flora species occurring which provide a foraging resource to Carnaby’s cockatoo and/or FRTBC (less than 5%) (Focused Vision 2020a).

- **Attachment 4** – Development Layout Plan.
- **Attachment 5** – Tree Survey Report - Lot 508 Progress Drive (Paperbark Technologies Pty Ltd 2021)
- **Attachment 6** – Landscape Design Development Package (UDLA 2021)
- Email attachments – an updated certificate of title and a .shp file of the amendment area has been submitted to DWER as part of the application.

### 3 LIST OF KEY TERMS

A list of the key terms used throughout this letter is provided in **Table 1** below. This list should be referred to whilst reading this document.

**Table 1** List of key terms

Key Term	Abbreviation
Approved area clearing permit (CPS 8983/1)	The 'permit'
Aboriginal Cultural and Visitor Centre	The 'Centre'
City of Cockburn	The 'permit holder'
The proposed amendment boundary	The 'amendment area boundary'
The proportion of the amendment area boundary required to be cleared to construct the Aboriginal Cultural and Visitor Centre.	The 'Centre clearing area'
The proportion of the amendment area boundary comprising areas of plant salvage only.	The 'translocation only' areas
Values pertaining to the areas outside of the approved clearing permit boundary.	The 'Additional clearing areas'

### 4 TIMING FOR PROJECT DELIVERY

The construction of the Aboriginal Cultural and Visitors Centre is proposed to commence in early June 2022 to enable full use of funding the City of Cockburn has received to implement the project. However, prior to this the tendering for the works will need to occur and will need to commence in early March, with resolution of the amendment area a key input for the tender process. It is therefore vital that the amendment application to be resolved by mid-February 2022 to meet tendering, construction and funding timeframes and requirements.

### 5 BACKGROUND AND EXISTING APPROVALS

The City of Cockburn is seeking to proceed with the development of an Aboriginal Cultural and Visitors Centre (the 'Centre') within a portion of Lot 508 on Deposited Plan 414835, Bibra Lake. The Centre includes cultural education spaces, art and performance spaces, cultural meeting rooms, a visitor information centre, café and outdoor areas including a bush tucker garden and other landscaped native gardens.

A Development Application (DA) was prepared to facilitate the construction of the Centre, which was approved by the Western Australian Planning Commission (WAPC) on 21 May 2020 (WAPC ref no: 23-50457-3). A new DA is currently being considered for approval, based on the revised design of the Centre.

The City of Cockburn lodged a clearing permit application with DWER in accordance with section 51E of the EP Act on 27 July 2020. The application was given a CPS reference number 8983/1. The permit holder provided the following supporting information and technical documents to support the application and assessment process:

- *Clearing Permit (Area Permit) Application Supporting Letter (Emerge Associates 2020a)*

- *Flora and Vegetation Assessment (Focused Vision Consulting 2020b).*
- *Black Cockatoo Habitat Assessment (Focused Vision Consulting 2020a)*
- *Targeted Threatened Ecological Community and Black Cockatoo Assessment (Emerge Associates 2020c).*
- *CPS 8983-1 Offset Proposal (Emerge Associates 2020b)*

DWER advertised the application for public comment and no submissions were received. During the assessment process, DWER submitted a Request for Further Information (RFI) on 10 September 2020, requiring the identification of satisfactory environmental offsets to counterbalance the significant residual impacts. The City of Cockburn submitted an Offset Proposal (Emerge 2020c) involving the protection, and ongoing management of 2.17 hectares of vegetation in at least 'Very Good' condition within Rose Shanks Reserve (Lot 500 on Plan 413034 - Crown Reserve R 1820). The Delegated Officer considered that the offset provided adequately counterbalances to the significant residual impact identified.

The Delegated Officer assessed the clearing application against the Clearing Principles in Schedule 5 of the EP Act. In determining to grant a clearing permit subject to conditions, the Delegated Officer found that the proposed clearing did not adversely contravene the Clearing Principles and would not likely lead to an unacceptable risk to the environment, given the applicants' implementation of the impact mitigation sequence; avoidance, minimisation and mitigation to reduce the impacts of the proposed development.

The DWER issued an Area Permit under section 51E(1) of the EP Act for the City of Cockburn to clear 0.89 hectares of native vegetation within Lot 508 on Deposited Plan 414835, Bibra Lake, on 3 November 2020.

## 6 PROPOSED CLEARING PERMIT AMENDMENT

### 6.1 Purpose

As a result of ongoing consultation and discussions with the community and Aboriginal Reference Group, it was determined that the Centre should be realigned to reduced impact on the flora and fauna values of the land (in particular reducing the number of black cockatoo habitat trees impacted) and to avoid areas within the previous permit area of cultural sensitivity. The Aboriginal Reference Group were concerned about the damage to country the previous design would result in. The redesign has reduced the 'damage' and also brought benefits to community through the changes in orientation of the building.

An updated Development Layout Plan has been prepared by Officer Woods (2021) (refer to **Attachment 4**) to reflect the new building layout. The main building has been realigned horizontally, parallel to Progress Drive. This places the infrastructure within previously cleared areas of the site, adjacent to Progress Drive, reducing the amount of native vegetation clearing required and suitably avoids cultural significant areas within the broader site. It improves connection to Country, with the new location and new orientation providing direct views to Bibra Lake and surrounding vegetation from the heart of the building outwards.

Benefits that have been realised through this redesign include:

- Improving connection to Country, which has been supported by the Aboriginal reference Group.
- Reducing the extent of clearing, and enabling retention of additional trees (including black cockatoo habitat trees).
- The proposed landscaping will occur in existing degraded areas and will be located closer to the retained/existing native vegetation to the west, contributing to broader habitat linkages and improvement of ecological values.
- The multifunction, Moort (community) and children's spaces including the bush tucker garden will be located on the 'private side' of the building meaning that sorry business,



wakes and other private cultural ceremonies and activities can be undertaken in the privacy of the bushland side without a public frontage.

- Provide solar passive design opportunities, with the Centre, Moort (community) and children’s spaces having a northerly orientation.
- The building occurs in line with the topographic contours, minimising the requirement for cut and fill and enabling the building to be more feasibly addressed to allow for a building on stumps. This encourages the natural flow of water across the site, which provides benefits for stormwater management as well as addresses cultural preferences.
- A change in construction methodology to reduce concrete content, cut and fill, retaining walls and disruptive site works.
- Improved access across the Centre for those with accessibility issues, which was not fully considered in the previous design. This supports use of the indoor and outdoor spaces by with disability and access constraints.

## 6.2 Amendment area boundary

Through this application, the boundary of the area authorised to be cleared is proposed to be amended (the ‘amendment area boundary’) to reflect the footprint of clearing required for the realigned Aboriginal Cultural and Visitor Centre. The amendment area boundary will include the approved clearing permit boundary to account for the previous translocation activities as shown in **Attachment 3 - Figure 2**.

In April 2021, the City of Cockburn salvaged approximately 50 native *Macrozamia riedlei* (zamia palms) throughout the approved clearing permit boundary. The salvaging of individual plants for transplanting forms part of the City of Cockburn’s mitigation measures. The salvaged material is intended to be utilised within the clearing area itself, as part of landscaping works and in the adjacent Lot 508 on Deposited Plan 414835, for revegetation works.

Previous discussions with the DWER have indicated that the salvaging of individual native plants is considered as clearing under the EP Act. Therefore, the proposed amendment area will be required to incorporate the portions of the approved clearing permit boundary where the removal of the zamia palms has already occurred. This area extends over 0.35 ha outside of the proposed amendment area and is herein referred to as the ‘translocation only’ area.

Whilst the amendment area boundary is 1.01 ha in size, 0.35 ha of this comprises areas subject to the removal of selected plants for translocation purposes and necessitates a lesser environmental impact. The remaining 0.66 ha reflects the extent of the development footprint required to facilitate the construction of the Centre and is herein referred to as the ‘Centre clearing area’, as shown in **Attachment 3 - Figure 2**. A breakdown of the vegetation proposed to be cleared within the amendment area categorised by plant community, is outlined within **Table 2**.

**Table 2: Vegetation proposed to be cleared within the amendment area**

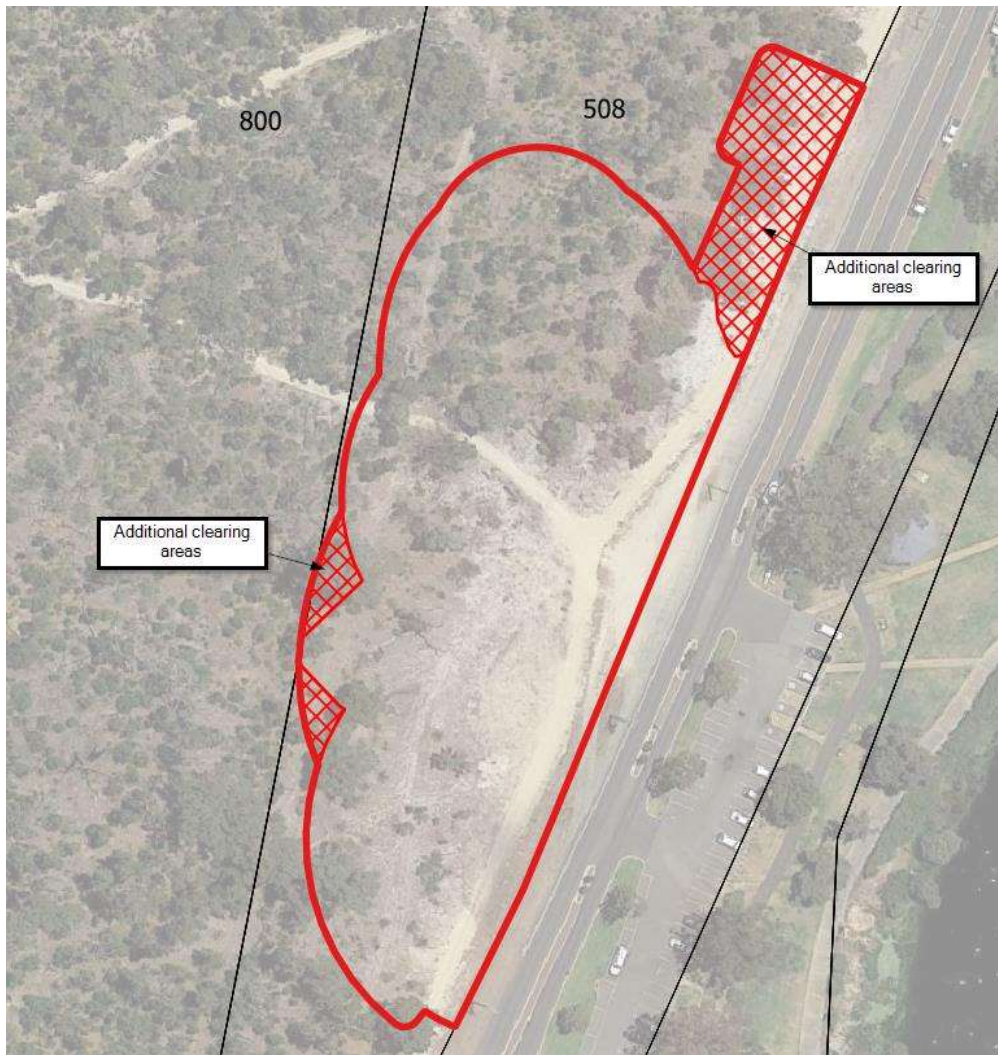
Plant community	Amendment area boundary			Approved clearing permit (CPS 8983/1) boundary (ha)
	Centre clearing area	Translocation only area	Total	Total
EmBaAfLOF	0.40	0.33	0.73	0.645
Cleared	0.26	0.02	0.27	0.245
<b>Total</b>	<b>0.66</b>	<b>0.35</b>	<b>1.01</b>	<b>0.890</b>

## 7 SUMMARY OF ENVIRONMENTAL CONDITIONS

The environmental conditions identified through the flora and vegetation and fauna assessments pertaining to the approved clearing permit boundary have been provided to the DWER as part of the *Clearing Permit (Area Permit) Application Supporting Letter* (Emerge Associates 2020a).

A summary of the environmental conditions pertaining to the amendment area has been provided within **Section 5** below. This has been divided into two sections:

1. A detailed statement of the values pertaining to the areas **outside** of the approved clearing permit boundary, referred to as 'Additional clearing areas', as shown in **Plate 1** overleaf. The additional clearing areas extends over approximately 0.115 ha.
2. A summary of the values pertaining to the overall amendment area (including the additional clearing areas), extending over a total 1.01 ha.



**Plate 1:** Proportion of the proposed amendment area comprising additional clearing areas extending over (0.115 ha) as shown in red.

## 7.1 Flora and vegetation

A detailed flora and vegetation survey was undertaken by Focused Vision on 13 September 2019 over the majority of the amendment area. A follow up survey was undertaken by Emerge on 23 January 2020 to refine the mapping and determine the extent of any threatened ecological communities.

A small portion of the amendment area has not been surveyed during recent the flora and fauna assessments (Focussed Vision 2019, Emerge Associates 2020). As a result, the plant community and vegetation condition mapping for this area has been inferred using aerial imagery and extrapolating existing mapping which covers the majority of the amendment area (including consideration of broader investigations undertaken for the Bibra Lake area). The unsurveyed portion extends over 0.092 ha and is indicated by the hatching in **Attachment 3** - Figure 3 and Figure 4.

### Additional clearing area values

The additional clearing areas comprises a total area of 0.115 ha which includes 0.076 ha of native plant community **EmBaAfLOF** and 0.039 ha of cleared areas in 'Completely Degraded' condition.

Plant community **EmBaAfLOF** was considered to represent floristic community type (FCT) SCP 28 'Spearwood *Banksia attenuata* or *Banksia attenuata* – *Eucalyptus woodlands*'. These plant communities are described below, and the extent is shown in **Attachment 3 - Figure 2**:

- **EmBaAfLOF** – *Eucalyptus marginata*, and *Banksia attenuata* Low Woodland over *Macrozamia riedlei*, *Hibbertia hypericoides*, *Gompholobium tomentosum* and *Bossiaea eriocarpa* Open Shrubland (**Plate 1**).
- **Cleared** – Areas devoid of native vegetation and does not comprise a plant community (**Plate 2**). This is clearly visible in the aerial imagery and through the presence of cleared firebreaks.



**Plate 2: Plant community EmBaAfLOF in 'degraded - good' condition**





**Plate 3: Cleared areas in 'completely degraded' condition**

Whilst a portion of the additional clearing areas (0.092 ha) is unsurveyed during recent the flora assessment (Focussed Vision 2019, Emerge Associates 2020), it is considered unlikely that these areas contain any threatened or priority flora given the vegetation is highly disturbed and the surveys within the adjacent area did not identify any threatened or priority flora.

Vegetation condition within the additional clearing areas was assumed to be the same as adjacent areas of the same plant community, which is higher on the condition scale and has been identified as ranging from 'good' to 'completely degraded' using methods from Keighery (1994). Vegetation condition is shown in **Attachment 3 - Figure 2**.

It is assumed that vegetation within the additional clearing areas would also be two Commonwealth listed threatened ecological communities (TECs), the 'banksia woodlands of the Swan Coastal Plain' TEC and the 'Tuart (*Eucalyptus gomphocephala*) woodlands and forests of the Swan Coastal Plain TEC'. This is on the basis that contiguous patches of vegetation associated with TECs (or potential values) were identified within the broader amendment area (Emerge Associates 2020c; Focused Vision Consulting 2020b). No state-listed TECs were identified within the amendment area.

#### Overall amendment area values

Overall, the amendment area is highly disturbed, with remnant vegetation representative of the **EmBaAfLOF** plant community predominantly located in the western portion of the amendment area. The **EmBaAfLOF** plant community extends over a total 0.73 ha ranging from 'Good' to 'Completely Degraded' condition. The remainder of the amendment area (0.27 ha) comprises cleared areas in 'Completely Degraded' condition.

A summary of the flora and vegetation values pertaining to the additional clearing areas and the total amendment area is outlined in **Table 3** below.

**Table 3: Area of vegetation categorised by plant community and vegetation condition within the amendment area.**

Plant community	Vegetation condition (FVC 2019)	Additional clearing areas (ha)	Total amendment area boundary (ha)
EmBaAfLOF	Good	0	0.01
	Good - degraded	0.020	0.22
	Degraded	0.056	0.49
	Completely degraded	0.0002	0.01
Cleared	Completely degraded	0.039	0.27
<b>Total</b>		<b>0.115</b>	<b>1.01</b>

## 7.2 Fauna values

### Additional clearing areas values

A targeted black cockatoo habitat assessment was undertaken by Focused Vision on 22 August 2019, with a follow-up survey undertaken by Emerge Associates on 23 January 2020. A broader fauna survey was undertaken by FaunaTrack in 2018 within the Bibra Lake area and included the majority of the additional clearing areas. The surveys did not record any conservation significant fauna.

The targeted black cockatoo assessments (Emerge Associates 2020c; Focused Vision Consulting 2020a) identified that vegetation within the additional clearing areas represents foraging habitat for threatened species of black cockatoo species, namely Carnaby's cockatoo (CBC) and the forest red-tailed black cockatoo (FRTBC).

As previously stated, a small portion of the amendment area was not surveyed during recent the fauna assessments (FaunaTrack 2018, Focused Vision 2019). The CBC and FRTBC foraging habitat values pertaining to this unsurveyed portion has been inferred through aerial imagery and extrapolation of existing data (including arborist assessment of trees, describing diameter at breast height (DBH) and species). The unsurveyed portion extends over 0.092 ha.

For the purposes of the black cockatoo habitat assessment, 'quality' foraging habitat is taken to mean 'low to moderate' foraging value or better. The 'negligible to low foraging value' and 'low foraging value' foraging habitat is not considered to be 'quality' foraging habitat due to the low proportion of flora species occurring which provide a foraging resource to Carnaby's cockatoo and/or FRTBC (less than 5%) (Focused Vision 2020a).

Approximately 0.056 ha of quality FRTBC foraging habitat and 0.075 ha of quality Carnaby's cockatoo foraging habitat was identified within the additional clearing area and is summarised in **Table 4**. The targeted black cockatoo assessments also identified one black cockatoo breeding tree, with potential breeding hollows has been identified within the additional clearing area. This tree will be retained as part of the development works. The location of the trees and the potential foraging habitat are shown in **Attachment 3 - Figure 5 and Figure 6**.

For the additional clearing area that is unsurveyed as part of the black cockatoo surveys, an arborist assessment of trees within the Centre footprint was undertaken, and captured trees with a DBH from at least 170 mm. None of the trees within the additional clearing area had a DBH equal to or greater than 500 mm, and therefore would not meet the definition of black cockatoo breeding habitat. Only two of these trees were Eucalypt species (none with a DBH  $\geq$  500 mm), with the majority *Banksia spp.* A copy of the arborist assessment is provided in **Attachment 5**.

### Overall amendment area values

The fauna habitat values within the amendment area are limited, due to the historical clearing, vegetation degradation, edge effects and the presence of numerous weeds. No evidence of roosting

activity such as droppings, feathers or branch clippings were observed during the black cockatoo habitat assessments.

Overall, 0.36 ha of quality FRTBC foraging habitat and 0.47 ha of quality Carnaby's cockatoo foraging habitat was identified within the amendment area, of which 0.25 ha and 0.26 ha respectively is within the translocation area only.

The targeted black cockatoo assessments and review of arborist information identified a total of ten potential black cockatoo breeding habitat trees within the amendment area, three of which contain potentially suitable nesting hollows. One breeding habitat tree with potential nesting hollows is proposed to be removed as part of the proposed clearing as shown in **Attachment 3 - Figure 5 and Figure 6**.

A summary of the black cockatoo foraging habitat values pertaining to the additional clearing areas and the total amendment area is outlined in **Table 4** below.

**Table 4: Area of quality foraging habitat for FRTBC and CBC within the amendment area**

Black cockatoo species quality foraging habitat	Additional clearing areas (ha)	Total amendment area boundary (ha)		
		Centre clearing area	Translocation only area	Total
FRBC	0.056	0.11	0.25	0.36
CBC	0.075	0.21	0.26	0.47

## 8 APPLICATION OF MITIGATION HIERARCHY

In accordance with *A guide to the assessment of applications to clear native vegetation* (DER 2014), the impact mitigation sequence has been considered as part of the proposed amendment in order to ensure the environmental impact was further minimised in comparison to the approved permit.

### 8.1 Avoidance

The previous location of the Centre was determined by the Indigenous stakeholders to be the most culturally appropriate at the time. Subsequent consultation with the community and Aboriginal Elders interrogating the design and layout of the Centre has brought forth an alternative alignment to further reduce the impact on flora and fauna values of the land (including reducing the number of habitat trees impacted) and avoids recently identified culturally sensitive areas.

The proposed amendment area reflects the realigned Centre depicted within the updated Development Layout Plan (**Attachment 4**) and allows for additional avoidance measures. These avoidance measures are outlined below:

- Modifying the design of the carpark to fit within the existing cleared areas parallel to Progress Drive.
- Further rotation of the building design to ensure that the majority of the building footprint was located within lower quality vegetation.
- Locating buildings and infrastructure so that nine of the ten black cockatoo habitat trees can be retained, including two identified as containing potentially suitable hollows. This has increased the retention of black cockatoo trees by an additional two trees within the amendment area.
- Whilst the amendment area applies to the entire 1.01 ha, a portion of this will not require wholesale clearing, as 0.35 ha of this comprises areas subject to the removal of selected plants for translocation purposes only, with the transplanted individuals to be reintroduced following completion of construction. Where possible vegetation within the asset protection zone will be retained, including existing trees.

## 8.2 Mitigation

In alignment with the approved permit, the permit holder also proposes to salvage, store and replant species after construction, including trunked Balgas (*Xanthorrhoea preissii*), trunkless Balgas (*Xanthorrhoea gracillis*) and Djiriji (Zamia) palms (*Macrozamia riedlei*) where possible. The permit holder has already salvaged approximately 50 native *Macrozamia riedlei* (zamia palms) throughout the approved clearing permit area, and based on a detailed inspection of the amendment area, proposes to salvage, store and replant 9 Balgas and 21 Djiriji from this area.

In addition to the transplanting of vegetation, once construction within the amendment area is finalised, revegetation will occur where appropriate. This revegetation will consist of landscaped native gardens, and replanting within the asset protection zone will occur in accordance with the *Guidelines for Planning in Bushfire Prone Areas*, including use of irrigation which will enable greater planting. The Centre landscape plan indicating the location and design of the revegetation areas is provided in **Attachment 6**.

The asset protection zone, were tree retention will be possible (but is assumed to be cleared to provide a conservative assessment of impact), is shown in **Attachment 3 - Figure 7**.

## 8.3 Offset

As previously stated, an Offset Proposal has been prepared by Emerge Associates (2020) to counterbalance the significant residual impacts of the clearing and approved by the DWER. Under Conditions 6 and 7 of the CPS 8983/1, the permit holder is required to protect and manage 2.17 ha of vegetation in at least 'Very Good' condition within Rose Shanks Reserve (Lot 500 on Plan 413034 - Crown Reserve R 1820) through the changing of the purpose of Rose Shanks Reserve from 'Recreation' to 'Conservation'. The permit holder proposes to retain the same offset commitments as outlined within the approved permit, even though the amendment will result in a reduction in the overall amount of wholesale clearing.

## 9 RESPONSE TO EP ACT CLEARING PRINCIPLES

The DWER may chose to reassess clearing permit amendments under the ten clearing principles contained in Schedule 5 of the EP Act so far as they are relevant to the matter under consideration.

Whilst the proposed amendment is considered to be minor and therefore unlikely to warrant reassessment by the DWER, we have considered and responded to the ten clearing principles in **Table 5** overleaf. Further detail can be reviewed in the original clearing permit application (Emerge Associates 2020).

**Table 5: Summary of response to each clearing principle specific to the amendment area.**

Clearing principle	Response to clearing permit principle
Principle (a)	The amendment area is highly disturbed as a result of historical clearing. Notwithstanding, q native plant community was identified within the amendment area, extending over a total 0.73 ha ranging from 'Good' to 'Completely Degraded' condition. A proportion of the vegetation proposed to be removed (0.35 ha) comprises areas that will be subject to the removal of selected plants for translocation purposes only (which will be replanted within the amendment area following construction). In addition, where possible vegetation (including trees) within the asset protection zone will be retained, and therefore is likely to be an overestimation of the clearing likely to be undertaken. Due to the degraded nature of the vegetation, the small size of the clearing, the impact of existing weeds and that no threatened or priority flora were identified within the amendment area, the amendment area is not considered to represent a high level of flora diversity.
Principle (b)	Within the amendment area, there is 0.47 ha of quality foraging habitat for the Carnaby's cockatoo and 0.36 ha of quality foraging habitat for the forest-red tailed black cockatoo. One breeding habitat tree with potential nesting hollows for black cockatoo species is proposed to be removed. Due to the amount of foraging habitat in the broader area, including the broader Beeliam Regional Park, it is unlikely these species are reliant on vegetation within the amendment area. Nine of the ten identified potential breeding habitat trees within the amendment area are proposed to be retained, which is a reduction in clearing of habitat trees compared to the approved clearing permit.
Principle (c)	No threatened or priority flora species were recorded within the amendment area as part of several flora surveys.
Principle (d)	No state-listed threatened ecological communities were identified within the amendment area. The proposed clearing was referred pursuant to the EPBC Act for potential impacts on MNES (including federally listed TECs) and was determined to be not a controlled action. The relocation of buildings and infrastructure has allowed nine of the ten black cockatoo habitat trees to be retained, including two identified as containing potentially suitable hollows. This has increased the retention of black cockatoo trees by an additional two trees within the amendment area.
Principle (e)	Based on the small amount of vegetation proposed to be removed, the degraded condition of the vegetation and it not being a core constituent of an ecological linkage, the vegetation within the amendment area is not representative of a significant constituent of a vegetation complex.
Principle (f)	The flora and vegetation assessment did not identify any groundwater dependent vegetation, nor was any riparian vegetation identified within the amendment area, and review of existing information does not suggest the additional clearing area not subject to surveys contains these values either. In addition, no wetlands are identified within the amendment area within the regional mapping.
Principle (g)	The proposed clearing will not cause appreciable land degradation. Wind erosion during construction is the main risk for the amendment area, and the proposed management measures will reduce potential for this to occur and can be managed through the typical land development process.
Principle (h)	The proposed clearing of vegetation is within Bush Forever Site No. 244 and Beeliam Regional Park and is therefore at variance to Principle (h). However, based on the existing condition of the vegetation proposed to be cleared, and the management measures that will be implemented through the clearing process (including the implementation of an offset) , the clearing is unlikely to have a significant impact on the surrounding conservation area. Furthermore, the proposed use is considered to be in the scope of the Management Order for the land (e.g. the Bush Forever Site No. 244 and Beeliam Regional Park).
Principle (i)	The proposed clearing is not considered to pose a risk in terms of the deterioration of surface or groundwater.
Principle (j)	The proposed clearing is not likely to cause or exacerbate a risk of flooding



## 10 SUMMARY AND CLOSING

The proposed amendment area reflects the realigned Aboriginal Cultural Centre within the updated Development Layout Plan (**Attachment 4**) and allows for additional avoidance measures. The design of the Centre has been rotated to fit within the existing cleared areas parallel to Progress Drive which reduces the overall amount of native vegetation clearing required. Whilst the amendment area applies to the entire 1.01 ha, a proportion of this will not require wholesale clearing, given 0.35 ha of this comprises areas subject to the removal of selected plants for translocation purposes only and vegetation (trees) within the asset protection zone are proposed to be retained. The actual clearing required for the development of the realigned Centre equates to 0.66 ha. This is a lesser amount of clearing than the removal of 0.89 ha of native vegetation according to the Centre design footprint.

The rotation and relocation of the buildings and infrastructure (including carpark) has enabled the retention of nine of the ten black cockatoo habitat trees, including two identified as containing potentially suitable hollows. This has increased the retention of black cockatoo trees by an additional two habitat trees.

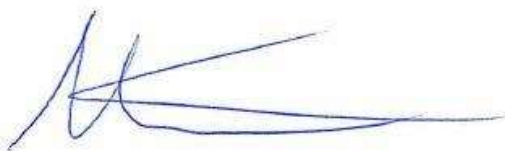
Overall, the amendment area is 1.01 ha in size and includes a 0.35 ha 'translocation only' area (with translocated plants proposed to be replanted within the permit area following completion of construction). Of the 1.01 ha, 0.66 ha relates to the clearing necessary for the development footprint which will necessitate the removal of up to:

- 0.40 ha of native plant community **EmBaAfLOF** in 'good' to 'completely degraded' condition.
- 0.21 ha of quality foraging habitat for the Carnaby's cockatoo.
- 0.11 ha of quality foraging habitat for the forest-red tailed black cockatoo.
- One breeding habitat tree with potential nesting hollows for black cockatoo species.

Emerge Associates believe that the proposed amendment remains consistent with the EP Act Clearing Principles, consistent with the approved area clearing permit (CPS 8983/1), given the reduction in overall wholesale clearing and increase in retention of black cockatoo habitat trees.

Should you have any questions regarding the content of this letter, please do not hesitate to contact the undersigned.

Yours sincerely  
Emerge Associates



**Kirsten Knox**

SENIOR ENVIRONMENTAL CONSULTANT

cc: Peter McCullagh – City of Cockburn

Encl: Attachment 1: Form C4 - Amendment Application

Attachment 2: CPS 8983-1 - Granted permit proposed changes

Attachment 3: Figures

Figure 1: Proposed Amendment Area Location

Figure 2: Clearing and Translocation Area

Figure 3: Plant communities

Figure 4: Vegetation Condition

Figure 5: Forest Red-tailed Black Cockatoo Foraging Habitat

Figure 6: Carnaby's Cockatoo Foraging Habitat

Figure 7: Development Layout and Bushfire Asset Protection Zone Location

Continued below

Continued from above.

Attachment 4: Development Layout Plan (Officer Woods 2021)

Attachment 5: Tree Survey Report - Lot 508 Progress Drive (Paperbark Technologies Pty Ltd 2021)

Attachment 6: Design Development Package (UDLA 2021)

## General References

Department of Environment Regulation (DER) 2014, A guide to the assessment of applications to clear native vegetation under Part V Division 2 of the Environmental Protection Act 1986, Perth.

Emerge Associates 2020a, Clearing Permit (Area Permit) Application Supporting Letter, EP19-144(01)—009 SCM, A.

Emerge Associates 2020b, CPS 8983-1 Offset Proposal EP19-144(10)—012A, 1.

Emerge Associates 2020c, Targeted Threatened Ecological Community and Black Cockatoo Assessment - Bibra Lake Aboriginal Cultural and Visitors Centre, EP19-144(03)—006B RAW, Version B.

Focused Vision Consulting 2020a, Black Cockatoo Habitat Assessment, Revision 1.

Focused Vision Consulting 2020b, Flora and Vegetation Assessment - Aboriginal Cultural and Visitors Centre, Bibra Lake, Revision 3.

Keighery, B. 1994, Bushland Plant Survey: A guide to plant community survey for the community, Wildflower Society of WA (Inc), Nedlands.

## Online References

Department of Water and Environmental Regulation (DWER) 2020c, *Perth Groundwater Map*, viewed July 2020, <https://maps.water.wa.gov.au/#/webmap/gwm>.

Landgate 2020, *Map Viewer*, viewed July 2020, <https://maps.landgate.wa.gov.au/maps-landgate/registered/>.