

[www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au)

“The biosphere, upon which humanity as a whole depends, is being altered to an unparalleled degree across all spatial scales. Biodiversity – the diversity within species, between species and of ecosystems – is declining faster than at any time in human history.”

- CONVENTION ON BIOLOGICAL DIVERSITY COP 15, MONTREAL, 2022

### **CPS 10340/1**

*‘The City of Swan is in the process of widening Henley Brook Avenue south of Gnangara Road and extending the Road through to just south of Henley Street’. (p1 PGV Environmental Construction Environmental Plan 29 August 2023.)*

### **Appeal Ground 1: The Proposal to clear is only part of the extent of clearing proposed.**

Henley Brook Avenue is not just going to stop *‘to just south of Henley Street.’* Under this proposal the proposed road concludes to the south at Lots 78 and Lot 801? [or according to SLIP map Lots 15 and 67]. Obviously this is not the ultimate end of the road. The proposed clearing will likely ...*‘be part of a larger development.’* The impact on the environment both to the north and to the south of Henley Street must not be ignored.

### **Significance**

Each part of this road (from CPS 9953/1 to the north) might not be deemed to have a significant impact but in combination, the impact would be highly significant. However the Urban Bushland Council does consider this proposal significant. The proposal for CPS 10340/1 must be withdrawn. As the proposed road is considered a necessity, then it must be referred to the DCCEE under the EPBC Act.

According to the Application for Permit, the proposal has not been referred to the EPA because the proposal is not considered significant. (p11 Application for Permit)

### **Trees**

Although the southern part of the site has been subject to historical clearing, *‘Some remnant trees have been retained within the site.’* (p2, 2.1 PGV environmental Black Cockatoo Habitat Assessment)

Trees on the proposed site include such important trees as River Red Gum, Eucalyptus rudis, Tuart, Jarrah, Marri, Banksia and hybrid of E rudis and E camaldulensis. Even if Tuarts and other trees are planted, they are still valuable.

### **Appeal Ground 2: Offset found is not local and there will be a net loss.**

The Urban Bushland Council advises that the monetary contribution (\$129,862) that is *‘intended to contribute to the purchase and conservation, in perpetuity, of at least 5.80 ha of native vegetation that comprises high-quality foraging habitat for threatened black cockatoos species’*, is land that exists, of course. However, lost will be 2 ha of land, plus fragmentation of areas on each side of the road.

There will be a net loss of habitat for fauna. As the Delegated Officer determined, the clearing would have *‘a significant residual* (p 2 of the Clearing Permit)

The fact that it has been so difficult for the proponent to find a suitable offset site or sites, is indicative of planning deficiencies over our city and suburbs.

Appellants are advised that the offset site is yet to be found and yet *'it will comprise high-quality foraging habitat for threatened black cockatoo species and be located as close in proximity to the application area as possible.'* Maybe such a site does not exist.

In fact, the site found is, as we are advised, in the Shire of Chittering, over 40 kms away.

### **Appeal Ground 3: Southern River Complex** (p 12 CPS 10340/1)

See advice below under Clearing Principle (a)

### **Appeal Ground 4: At variance to protection of habitat for perhaps three species of black cockatoo**

#### **Clearing principles**

The Urban Bushland Council considers that the proposed part-road is at variance to principles (b), (e), (f), (g), (j). Further comments are made below under the relevant Clearing Principles.

#### **The Clearing principles**

*(a)'Native vegetation should not be cleared if it comprises a high level of biodiversity'.*

As most of the understory vegetation and a number of trees have been cleared, the Urban Bushland Council understands why the Delegated Officer advised: 'not likely to be at variance'. However, the Urban Bushland Council does have concerns, not only about the number and variety of trees, but also about the *'Southern River Complex (42), which is described as open woodland of Corymbia calophylla (marri), Eucalyptus marginata (jarrah), Banksia sp with fringing woodland of Eucalyptus rudis (flooded gum), Melaleuca raphiophylla (Swamp Paperbark) along creek beds.*

So much clearing of this community has occurred.

#### **Southern River Complex** (p 12 CPS 10340/1)

Of this vegetation complex the Delegated Officer states that *'18.4 % of the original extent remains (Government of WA, 2019) 'while the local area retains 23.05% of its pre-European extent.'*

This does not agree with the 2015 EPA report that states that within the Perth and Peel Region, the Southern River Complex has only 1.5% secure for conservation, and only 6.8% reserved in Region Schemes or ROS. What remains in the vegetation complex is less than 30% of pre-European extent in the Perth and Peel region. (p112 Perth and Peel @ 3.5 million, July 2015). We recognise that this is a constrained area, but less than 10% remains.

The UBC agrees with the Delegated Officer that the proposal is 'At variance to Principle (b) 'Significant habitat for fauna.' PGV scores 8/10 for both Carnaby's and Red-tailed Black Cockatoo foraging quality.

The Urban Bushland Council is advised that using the DEE scoring tool, 6 would be high quality foraging habitat for black cockatoos, over 1 hectare. A score of 8 – 10 would be very high quality. Clearing of more than 1 hectare is significant. (pers comm A Kirkby. Reiterated 3/9/2024)

It surely does not follow, that an area of 0.64 hectares, if that is accurate, is not significant. The UBC supports on-ground investigations and comments by involved residents that the survey by PVG environmental is inaccurate.

**PVG recorded 17 Eucalypt species of trees and residents recorded 54** ('Comparison PVG Report and Community Site visit HBA alignment Asturian Drive to south of Henley Street')

DWER notes under 'Residual Impact:' *'The loss of 0.64 ha of vegetation comprising good to high quality foraging for threatened black cockatoo species.'* (UBC emphasis)

DCCEEW guidance is that *'The loss of or equal to or greater than 1 ha of high-quality foraging habitat is likely to require a referral.'*

We note that the consultant PVG advises that *'there is only 0.64ha of foraging habitat on site'*.

As the UBC pointed out above under Appeal Ground 1, this proposal is part of a larger development, and loss of foraging habitat over the length of the proposed Henley Brook Avenue, would be well over the 1 ha of high quality habitat guideline for referral under the EPBC Act.

Advice from DCCEEW is that loss of foraging habitat (**including non-native vegetation**) is a major contributor to declines in populations of black cockatoos. (p7, Referral guideline for 3 WA threatened black cockatoo species) (UBC emphasis)

*Further loss, fragmentation and degradation of black cockatoo habitat must be avoided, and measures implemented to mitigate and manage impacts that are likely to interfere with the recovery of black cockatoos.* (p 8 Referral guideline for 3 WA Threatened Black Cockatoo species)

#### Roosting sites

A roosting site at Whiteman Park SWAWHIR001\* is a site shared by both Carnaby's and Red-tailed Black cockatoos. (Birdlife/DBCA The 2019 Great Cocky Count Report)

A Carnaby's cockatoo chick fledged from a cockatube in Whiteman Park in March 2022. Habitat within a few kilometres of a roost site is to be protected.

#### Baudin's cockatoo

Baudin's cockatoo is listed as 'critically endangered' by the IUCN and as 'endangered' under the EPBC Act. This listing, under the EPBC Act, is *'based on a suspected severe reduction in population size, observed declines at traditional roosting sites, a decline in the area of occupancy and range of the species, and several threatening processes continuing to cause a reduction in population size'*. (Threatened Species Scientific Committee: Conservation Advice - Baudin's cockatoo)

PGV environmental's *'Black Cockatoo Habitat Assessment'* 28 June 2023, says little about the presence of Baudin's cockatoo, other than on page 8 *'...the species may be a vagrant visitor to the site (DAWE, 2022)'*.

In contrast to this advice, consulting ecologists M.J. and A. R. Bamford advise that a mixed flock of Baudin's and Carnaby's had been roosting together in Whiteman Park. *'Foraging signs of Baudin's on Marri fruit are as abundant and widespread as foraging signs of the Red-tails.'* (Metronet Bayswater to Ellenbrook rail alignment. Additional information. 30 June 2020)

In addition, Bamford states: *'As part of quarterly bird censusing since 1991, and monthly bird-banding since November 2017, Black-Cockatoos have been included in both systematic and opportunistic observations at Whiteman Park. The Forest Red-tailed, Carnaby's and Baudin's Black-Cockatoos are all now present regularly. (ibid)*

Because of the quality and diversity of the trees on the site under the CPS proposal, those trees must have importance for Baudin's cockatoos for feeding. Baudin's cockatoos are not able to maintain population numbers and need all the food-providing trees that exist.

#### **Idiosoma sigillatum** (Swan Coastal Plain shield-backed trapdoor spider)

Comment:

It is interesting that 'Y' for 'Yes' was listed under the column 'Are surveys adequate to identify? [the presence of]

*'Terrestrial fauna survey for EIA (EPA 2016)'* is not available within the current documents. Neither could it be found on-line or within the EPA webpage. The Urban Bushland Council appreciates that *'impacts to the following conservation significant fauna required further consideration'* (p 14 clearing Permit)

Although *Idiosoma sigillatum* is listed as P4, probably it is more appropriate that it be listed as 'EN' or 'CR'.

Advice given 'is: *'Further close assessment ... will be crucial to the continued survival of this species.'*  
(*'Conservation systematics of the shield-backed trapdoor spiders of the nigrum-group (Mygalomorphae, Idiopidae, Idiosoma): integrative taxonomy reveals a diverse and threatened fauna from south-western Australia'*)

▼ Michael G. Rix, Joel A. Huey, Steven J.B. Cooper, Andrew D. Austin, Mark S. Harvey)

(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.'*

Please refer to 'Southern River Complex' above with less than 10% remaining within a constrained area. Therefore, the Urban Bushland Council disagrees with the Officer and considers that the proposal is at variance to this principle.

Also, in relation to this principle the Officer states that: *'The vegetation proposed to be cleared is not considered to be part of a significant ecological linkage in the local area'*.

Because of so much clearing in the Brabham area, and looking at the map, it is obvious that the treed areas that the proposed road transects is a significant ecological linkage.

Yes, there are gaps in that linkage, but birds such as black cockatoos use the treed areas to traverse the landscape.

Therefore the Urban Bushland Council considers that the proposal is at variance to principle (e).

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."*

Although the Urban Bushland Council has not commented much on loss of wetlands and building over St Leonards Creek and the intersection with 'Multiple use' palusplain (advice from DWER), we suggest that the proposal is 'at variance' with this principle. Plate 1 on page 7 shows the extent of the Multiple use palusplain wetland. (PGV Construction Environmental Management Plan 29 August 2023)

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

Exchanging a treed corridor for a road, is causing appreciable land degradation. The Urban Bushland Council does not consider that the proposed clearing is a 'limited' amount. Tree clearing is significant. In addition, as stated, land on both sides of the proposed road will be impacted.

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."*

The officer determined that the proposal 'May be at variance to this principle'.

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."*

The officer determined that the proposal is 'Not likely to be at variance to this principle'

The Urban Bushland Council understands that with the clearing that has occurred, the water table is rising. This is resulting in some trees being killed. Our conclusion then follows that 'the proposal is likely to be at variance.'

## Conclusion

The Urban Bushland Council advises:

- 1.) that the proposal is significant
- 2.) that the proponent has an obligation to consider the environmental impacts over the complete length of the proposal for Henley Brook Avenue, beyond this part of the road
- 3.) that such a consideration would determine that the proposal is significant for two species and possibly three species of black cockatoo - Carnaby's, Forest Red-tailed Black, and Baudin's cockatoos.
- 4.) As such, if the proposed road is considered a necessity, then it must be referred to the DCCEEW under the EPBC Act.
- 5.) the proposed Henley Brook Avenue to the south of the current CPS site is highly contentious for various reasons - going through Bush Forever site 200; a dangerous site proposed adjoining the APA gas interchange station and Dampier to Bunbury Natural Gas Pipeline Corridor and Parmelia Gas Pipeline); adjacent to a primary school...

The Urban Bushland Council considers that the proposal is at variance to Principles (b), (e), (f), (g) and (j), and 'may be variance to Principle (i).

Alternatives have been suggested by community members. Even though funding has been provided for the road to be built, planning must reconsider the manifold problems associated with the location of Henley Brook Avenue.

Please contact our secretary Margaret Owen on 0409 927 810 if required.

Yours sincerely

Chairperson  
Urban Bushland Council WA Inc  
0427 777 135

**Urban Bushland Council WA Inc**  
City West Lotteries House  
2 Delhi Street  
West Perth WA 6005  
[ubc@bushlandperth.org.au](mailto:ubc@bushlandperth.org.au)  
[www.bushlandperth.org.au](http://www.bushlandperth.org.au)