

**Residential Subdivision,  
Lot 1613 Barrett Street Southern River**

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**Mr D J & Mrs R Winter**

**Report and recommendations  
of the Environmental Protection Authority**

**Environmental Protection Authority  
Perth, Western Australia  
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## **Summary and recommendations**

This report provides the Environmental Protection Authority's (EPA's) advice to the Minister for the Environment; Science on the proposal by Mr D J & Mrs R Winter to subdivide Lot 1613 Barrett Street, Southern River.

As the proposal appeared unlikely to meet the EPA's environmental objectives, the Authority set the level of assessment for the proposal at Proposal Unlikely to be Environmentally Acceptable (PUEA) in April 2005. At that time a brief statement of the reasons for the PUEA level of assessment was made publicly available as set out in the EPA's Administrative Procedures for Environmental Impact Assessment.

No appeals were received on the level of assessment. This report is the next stage in the assessment process, which is the EPA's report to the Minister for the Environment; Science on the proposal, pursuant to Section 44 of the *Environmental Protection Act 1986*.

It should be noted that the EPA has reported separately on a proposal by D J and R Winter to construct a single residence on Lot 1613 Barrett Street, Southern River and has also judged that proposal unlikely to be environmentally acceptable.

### **Relevant environmental factors**

The EPA decided that the following environmental factors relevant to the proposal required detailed evaluation in the report:

- (a) Conservation Category Wetland (CCW); and
- (b) Regionally Significant Vegetation.

### **Conclusion**

Lot 1613 is wholly contained within a larger Conservation Category Wetland (CCW). CCW's are wetlands with a high level of ecological attributes and functions and are the highest priority wetlands for protection. The EPA's objective for CCW's is to protect the environmental values, functions and quality of wetlands with a goal of no net loss of wetland values and functions.

The subdivision proposal is considered to be detrimental to the important conservation value of the wetland as it would result in clearing and filling of the wetland for building envelopes, access ways and fencing. An expectation that a single residence can be developed on each of the new vacant lots will result in further incremental degradation of the wetland through the introduction of weeds, nutrients, and pollutants.

It is unlikely the proposal could be modified to retain an adequate buffer, which is necessary to protect the larger wetland. It is also considered that the proposal would significantly impact the environmental values of the larger wetland through fragmentation.

Lot 1613 is also part of the larger *Bush Forever* Site No.125, which is identified as an area of regionally significant vegetation requiring protection and management. The

EPA's environmental objective in regard to this factor is to protect at least 10% of each vegetation complex in the Perth Metropolitan Region and that natural areas recommended by formally recognized processes such as Perth's *Bush Forever* are of high conservation significance and require a high level of protection.

*Bush Forever* identifies the vegetation on Lot 1613 as Bassendean Dunes/Pinjarra Plain Southern River Complex. More than 80% of the vegetation on *Bush Forever* Site No. 125 is ranked in excellent condition (with some areas considered pristine) and the remaining ranked as very good to good. The proposal will reduce the extent of viable and intact native vegetation and would reduce the viability of *Bush Forever* Site No.125 as a significant fauna habitat and regionally significant linkage. Whilst limited survey of the *Bush Forever* site has been undertaken, significant flora includes two Declared Rare Flora (DRF) orchid species and nine Poorly Known Taxa.

It should be noted that MRS Amendment 1082/33 *Bush Forever* and Related Omnibus proposes to rezone the land to Parks and Recreation in order to give effect to the longer term conservation and protection of the environmental values of this lot and the larger Bush Forever site.

The EPA considers that the proposal by Mr D J & Mrs R Winter to subdivide Lot 1613 is inconsistent with the EPA's environmental objective for wetlands and regionally significant vegetation. The EPA has therefore concluded that the proposal is environmentally unacceptable, as it cannot be managed to meet the EPA's objectives.

### **Recommendations**

The EPA submits the following recommendations to the Minister for the Environment:

1. That the Minister notes that the proposal being assessed is the subdivision of Lot 1613 Barrett Street, Southern River.
2. That the Minister considers the report on the relevant environmental factors as set out in Section 3 of this report.
3. That the Minister notes that the EPA has concluded, based on available information, that the proposal as put forward by the proponent cannot be managed to meet the EPA's objective in relation to Conservation Category Wetlands and regionally significant vegetation.
4. That the Minister notes that the EPA has not included in this Bulletin "conditions and procedures to which the proposal should be subject, if implemented" because the EPA holds the view that the proposal should not be implemented.
5. That the Minister notes that the EPA has reported separately on a proposal by D J and R Winter to construct a single residence on Lot 1613 Barrett Street, Southern River and has also judged that proposal unlikely to be environmentally acceptable.

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1. References

# 1. Introduction

This report provides the advice and recommendations of the Environmental Protection Authority (EPA) to the Minister for the Environment; Science on the environmental factors relevant to the proposal by Mr D J & Mrs R Winter to subdivide Lot 1613 Barrett Street, Southern River (Figure 1). Further details of the proposal are presented in Section 2 of this Report.

The EPA has been advised that the application to subdivide the property was refused by the Western Australian Planning Commission (WAPC) as it considered the proposal contrary to the orderly and proper planning of the land and locality on a number of environmental grounds including that the land contains a Conservation Category Wetland (CCW) and is within *Bush Forever* Site No.125.

The subdivision refusal is the subject of an appeal to the State Administrative Tribunal who referred the proposal to the EPA in accordance with S38(5c) of the *Environmental Protection Act 1986* in February 2005.

A proposal to construct a single residence on Lot 1613 has also been referred to the EPA. The EPA has reported separately on that proposal and has also judged the proposal unlikely to be environmentally acceptable. The agent acting on behalf of the owner has advised the EPA that this proposal to subdivide is predicated on the proposal to build a single residence having already been implemented. That is, the proposal for a single residence would have already caused the clearing of 1 hectare and therefore, it is the proponent's proposition that the proposal for subdivision would not have any significant impact on the environment. The EPA does not support this proposition. The proposals can proceed independently of each other and the EPA has considered the environmental impacts of each proposal separately.

The site is currently zoned Rural under the Metropolitan Region Scheme (MRS). Consistent with the objective to preserve CCWs and to protect and manage regionally significant vegetation, Lot 1613, which forms part of a larger *Bush Forever* site has been proposed for reservation for Parks and Recreation in MRS Amendment 1082/33 *Bush Forever* and Related Land Omnibus, which is supported by the EPA. The public submission period for the amendment closed on 12 November 2004 and submissions are currently being analysed.

In relation to implementing the MRS Amendment, the EPA has been advised that the WAPC has purchased nearby Lot 1603 and negotiations/offers have occurred for other lots proposed as Parks and Recreation but with no final agreement being reached at this stage.

It should also be noted that the EPA has previously provided advice regarding this location as part of MRS Major Amendment No 927/33 – Canning Vale – Southern River (November 1993). The Amendment proposed to zone land, including this location, for urban development. The EPA's advice was provided as a submission by the EPA on the Amendment document released for review by the then State Planning Commission. In considering this amendment the EPA concluded (Section 3.4.4) that "Category C wetlands could be protected through public open space provisions, and

as part of the conservation reserve for the Holmes and Balfour Wetland". The larger area including Location 1613 remained zoned rural leading to its subsequent inclusion in *Bush Forever*.

The level of assessment was set at Proposal is Unlikely to be Environmentally Acceptable (PUEA). This level of assessment was set because the proposal does not meet the EPA's objectives for protection of Conservation Category Wetlands (CCW) and regionally significant vegetation.

No appeals on the level of assessment were received by the Minister for the Environment; Science.

Section 44 of the *Environmental Protection Act 1986* requires the EPA to report to the Minister for the Environment; Science on the environmental factors relevant to the proposal and on the conditions and procedures to which the proposal should be subject, if implemented. In addition, the EPA may make recommendations as it sees fit.

Accordingly, Section 3 discusses environmental factors relevant to the proposal and Section 4 presents the EPA's conclusions and recommendations. References are listed in Appendix 1.

## **2. The proposal**

The proposal is to subdivide Lot 1613 Barrett Street, Southern River into three large residential lots of 2.02ha all with frontage to Barrett Street.

## **3. Relevant environmental factors**

The EPA considers that this proposal is in a particularly sensitive location and could not be reasonably modified to meet the EPA's objectives. The EPA has therefore decided only to report in detail on key environmental factors relevant to the proposal.

It is the EPA's opinion that the following environmental factors are relevant to the proposal:

- (a) Conservation Category Wetland (CCW); and
- (b) Regionally Significant Vegetation.

The relevant factors are discussed in Sections 3.1 to 3.2 of this report.

### **3.1 Conservation Category Wetland**

#### **Description**

The proposal is to subdivide Lot 1613 Barrett Street, Southern River into three large residential lots of 2.02ha all with frontage to Barrett Street.

The *Wetlands Conservation Policy for Western Australia* (1997) recognises the importance of management and conservation of the State's wetlands. It adopts the

“Ramsar” Convention on Wetlands of Internal Importance definition for wetlands, which is:

*“areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.*

Its principle objectives include to prevent further loss or degradation of valuable wetlands and wetlands types, and promote wetland conservation, creation and restoration.

The EPA’s *Environmental Protection of Wetlands Position Statement No.4* released in November 2004, establishes its position to protect the environmental values, functions and quality of wetlands with a goal of no net loss of wetland values and functions. It is estimated that 80% of all wetlands once present on the Swan Coastal Plain prior to European settlement have been cleared, filled or developed. An estimated 15% of the remaining wetland area has retained high ecological values. These wetlands are classified as Conservation.

CCW’s are wetlands with a high level of ecological attributes and functions and are the highest priority wetlands for protection (*Position Statement: Wetlands, Waters and Rivers Commission, 2001*). The management objective for CCW’s is the preservation of their attributes and functions through various mechanisms including:

- reservation in national parks, crown reserves and State owned land;
- protection under Environmental Protection Policies; and,
- wetland covenanting by landowners.

Therefore, it is considered that there should be no further loss and degradation of these wetlands.

CCW 7625 is classified as a dampland and bounded by Holmes Street and Balfour Road. It extends over 18 lots either fully or partially. Lot 1613 is wholly contained within the larger CCW.

### **Assessment**

The area considered for assessment of this factor is the whole of Lot 1613 Barrett Street, Southern River.

The EPA’s environmental objective in regard to this factor is to protect the environmental values, functions and quality of wetlands with a goal of no net loss of wetland values and functions.

The subdivision is likely to be detrimental to the important conservation value of the wetland as it would lead to:

- The clearing and excavation of the wetland and its vegetation for building envelopes, access ways, fencing, and associated land uses which would be detrimental to the wetland’s functions and values.
- The direct loss of the wetland through filling to enable development and achieve the required separation distance from the groundwater table.



- An expectation that at least a single residence could be developed on each of the new vacant lots which would result in incremental degradation of the wetland through the introduction of weeds, nutrients, and pollutants.
- The loss of an adequate buffer, which is necessary to protect the larger wetland. It is unlikely the proposal could be modified to retain an adequate buffer.
- Significant impact on the environmental values of the larger wetland by fragmenting and eroding its values.

Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objective for Wetlands.

### **3.2 Regionally Significant Vegetation**

#### **Description**

The proposal is to subdivide Lot 1613 Barrett Street, Southern River into three large residential lots of 2.02ha all with frontage to Barrett Street.

Lot 1613 is located within *Bush Forever* Site No.125 Holmes Street Bushland, Southern River/Huntingdale which has a total area of 121.3 ha.

At the regional scale, the vegetation complex of the area is a combination of Bassendean Dunes/Pinjarra Plain Southern River Complex. Only 17% of this complex remains. Some 1,775 ha are protected as Parks and Recreation under the MRS, Department of Conservation and Land Management (CALM) managed lands and Crown Reserves with a Conservation Purpose. This, together with the 1,372 ha proposed under *Bush Forever*, will protect 10% of the Southern River Complex.

*Bush Forever* Site No.125 has bushland adjacent to the north and south and is part of a regionally significant fragmented bushland/wetland linkage.

Whilst limited survey of the *Bush Forever* site has been undertaken, more than 80% of the vegetation condition is excellent (with some areas considered pristine) and the remaining ranked as very good to good. Significant flora includes two Declared Rare Flora (DRF) orchid species and nine Poorly Known Taxa. DRF is protected by the *State Wildlife Conservation Act 1950* and both of the DRF are protected under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999*.

The DRF, *Diuris purdiei* and *Caladenia huegii* are classified as endangered and critically endangered respectively. Both are known to occur within 1km of the Lot, in similar vegetation. The populations of these two species are severely fragmented and under ongoing and increasing threat from urban development, weed invasion, inappropriate fire regimes etc. Due to continued clearing, there is little suitable remnant vegetation remaining that may contain unrecorded populations.

Considering the sporadic flowering nature of both orchids, the findings of the limited surveys on *Bush Forever* Site No.125, the continuity of vegetation on the site and in the absence of site-specific biological information for Lot 1613, it's possible that both DRF species and other priority taxa could be located on the Lot 1613.

## **Assessment**

The area considered for assessment of this factor is the whole of Lot 1613 Barrett Street, Southern River.

The EPA's environmental objective in regard to this factor is to protect at least 10% of each vegetation complex in the Perth Metropolitan Region and that natural areas recommended by formally recognised processes such as Perth's *Bush Forever* are of high conservation significance and require a high level of protection.

The proposal will reduce the extent of viable and intact native vegetation within the Bassendean Dunes/Pinjarra Plain Southern River Complex of which only 10% of its original extent will be protected. Lot 1613 is part of *Bush Forever* Site No.125 which is identified as an area of regionally significant vegetation requiring protection and management. The proposal if implemented would reduce the viability of *Bush Forever* Site No.125 as a significant fauna habitat and regionally significant linkage. The proposal is also inconsistent with the proposed MRS Amendment 1082/33 *Bush Forever* and Related Omnibus to rezone the land to Parks and Recreation.

Accordingly, it is the EPA's opinion that the proposal cannot be managed to meet the EPA's environmental objective for regionally significant vegetation.

## **4. Conclusions and Recommendations**

Lot 1613 is wholly contained within a larger Conservation Category Wetland (CCW). CCW's are wetlands with a high level of ecological attributes and functions and are the highest priority wetlands for protection. The EPA's objective for CCW's is to protect the environmental values, functions and quality of wetlands with a goal of no net loss of wetland values and functions.

The subdivision proposal is considered to be detrimental to the important conservation value of the wetland as it would result in clearing and filling of the wetland and its vegetation for building envelopes, access ways and fencing. An expectation that a single residence can be developed on each of the new vacant lots will result in further incremental degradation of the wetland through the introduction of weeds, nutrients, and pollutants.

It is unlikely the proposal could be modified to retain an adequate buffer, which is necessary to protect the larger wetland. It is also considered that the proposal would significantly impact the environmental values of the larger wetland through fragmentation.

Lot 1613 is also part of the larger *Bush Forever* Site No.125, which is identified as an area of regionally significant vegetation requiring protection and management. The EPA's environmental objective in regard to this factor is to protect at least 10% of each vegetation complex in the Perth Metropolitan Region and that natural areas recommended by formally recognized processes such as Perth's *Bush Forever* are of high conservation significance and require a high level of protection.

*Bush Forever* identifies the vegetation on Lot 1613 as Bassendean Dunes/Pinjarra Plain Southern River Complex. More than 80% of the vegetation on *Bush Forever*

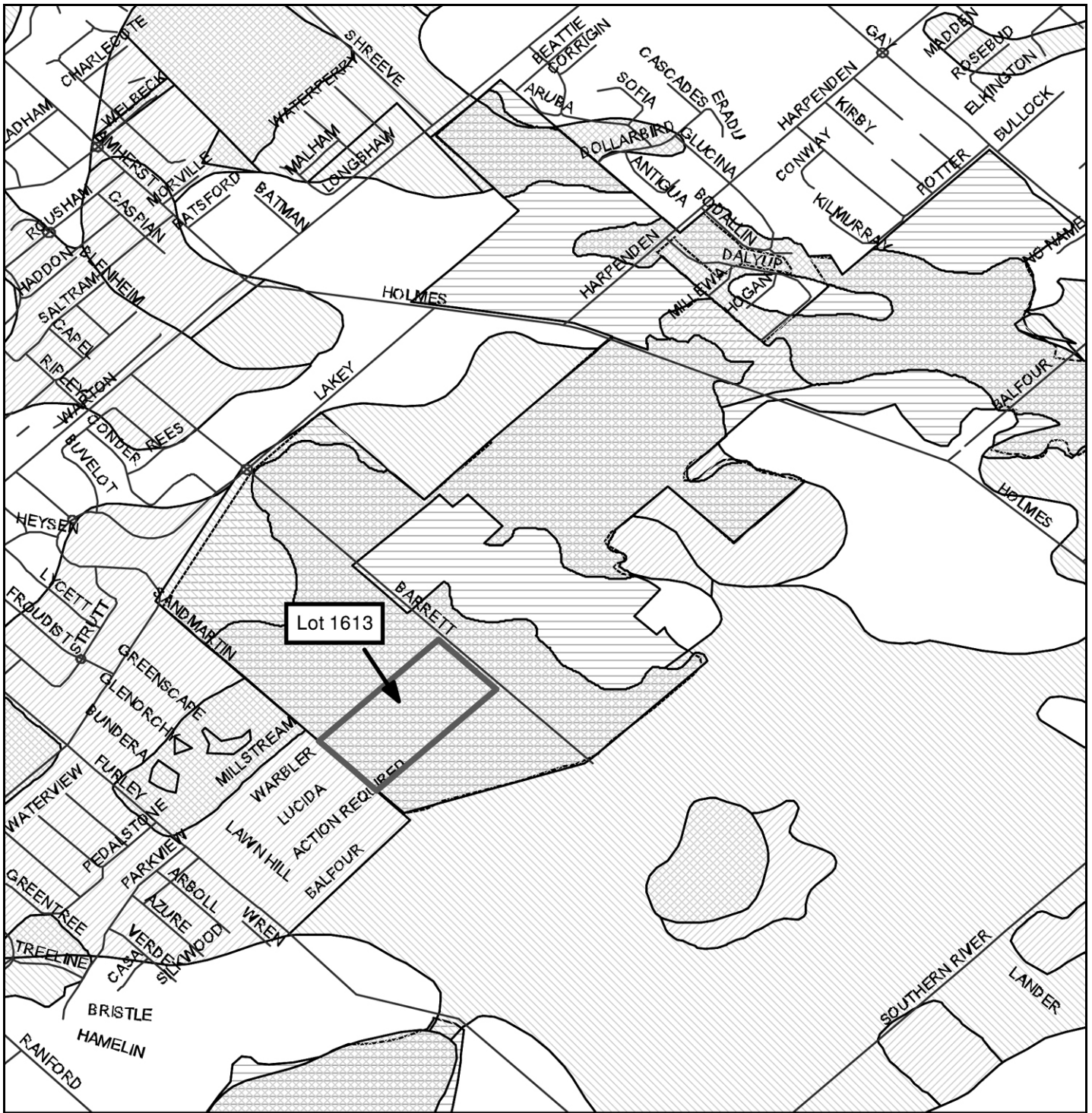
Site No. 125 is ranked in excellent condition (with some areas considered pristine) and the remaining ranked as very good to good. The proposal will reduce the extent of viable and intact native vegetation and would reduce the viability of *Bush Forever* Site No.125 as a significant fauna habitat and regionally significant linkage. Whilst limited survey of the *Bush Forever* site has been undertaken, significant flora includes two Declared Rare Flora (DRF) orchid species and nine Poorly Known Taxa.

It should be noted that MRS Amendment 1082/33 *Bush Forever* and Related Omnibus proposes to rezone the land to Parks and Recreation in order to give effect to the longer term conservation and protection of the environmental values of this lot and the larger Bush Forever site.

The EPA considers that the proposal by Mr D J & Mrs R Winter to subdivide Lot 1613 is inconsistent with the EPA's environmental objective for wetlands and regionally significant vegetation. The EPA has therefore concluded that the proposal is environmentally unacceptable, as it cannot be managed to meet the EPA's objectives.

The EPA submits the following recommendations to the Minister for the Environment:

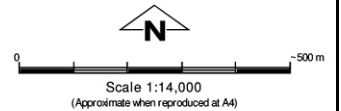
1. That the Minister notes that the proposal being assessed is the subdivision of Lot 1613 Barrett Street, Southern River.
2. That the Minister considers the report on the relevant environmental factors as set out in Section 3 of this report.
3. That the Minister notes that the EPA has concluded, based on available information, that the proposal as put forward by the proponent cannot be managed to meet the EPA's objective in relation to Conservation Category Wetlands and regionally significant vegetation.
4. That the Minister notes that the EPA has not included in this Bulletin "conditions and procedures to which the proposal should be subject, if implemented" because the EPA holds the view that the proposal should not be implemented.
5. That the Minister notes that the EPA has reported separately on a proposal by D J and R Winter to construct a single residence on Lot 1613 Barrett Street, Southern River and has also judged that proposal unlikely to be environmentally acceptable.



**LEGEND**

-  Local Rd - Sealed
-  Conservation Wetland
-  Multiple Use Wetland
-  Resource Enhancement Wetland
-  Bushforever - MFP 07/01

Information derived from this map should be confirmed with the data custodian acknowledged by the agency acronym in the legend.



Geocentric Datum of Australia 1994  
 Note: the data in this map have not been projected. This may result in geometric distortion or measurement inaccuracies.

Prepared by: Bryant T  
 Prepared for: EPA  
 Date: Tuesday, 31 May 2005 09:40

**Figure 1: Location of proposal**

# **Appendix 1**

## **References**

Environmental Protection Authority (1993) *Metropolitan Region Scheme Major Amendment No 927/33 – Canning Vale – Southern River area. A submission by the Environmental Protection Authority on the document released for review by the State Planning Commission.*

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Hill, A. L., Semeniuk, C. A., Semeniuk, V and Del Marco, A. (1996) *Wetlands of the Swan Coastal Plain Volume 2B.* Water and Rivers Commission and Department of Environmental Protection.