



CLEARING PERMIT

Granted under section 51E of the Environmental Protection Act 1986

Purpose Permit number:	CPS 7819/1
Permit Holder:	Department of Transport
Duration of Permit:	19 May 2018 to 19 May 2023

The Permit Holder is authorised to clear native vegetation subject to the following conditions of this Permit.

PART I – CLEARING AUTHORISED

- 1. Purpose for which clearing may be done**
Clearing for the purpose of dredging.

- 2. Land on which clearing is to be done**
Unallocated Crown land – Oyster Harbour

- 3. Area of Clearing**
The Permit Holder must not clear more than 0.11 hectares of native vegetation within the area cross-hatched yellow on attached Plan 7819/1.

- 4. Application**
This Permit allows the Permit Holder to authorise persons, including employees, contractors and agents of the Permit Holder, to clear native vegetation for the purposes of this Permit subject to compliance with the conditions of this Permit and approval from the Permit Holder.

- 5. Type of clearing authorised**
This Permit authorises the Permit Holder to clear native vegetation for the activities described in condition 1 of this Permit to the extent that the Permit Holder has the power to carry out works involving clearing for those activities under relevant Acts any other written law.

- 6. Clearing not authorised**
This Permit does not authorise the Permit Holder to clear native vegetation between 31 October and 1 April.

PART II – MANAGEMENT CONDITIONS

- 7. Avoid, minimise and reduce the impacts and extent of clearing**
In determining the amount of native vegetation to be cleared authorised under this Permit, the Permit Holder must have regard to the following principles, set out in order of preference:
- avoid the clearing of native vegetation;
 - minimise the amount of native vegetation to be cleared; and
 - reduce the impact of clearing on any environmental value.

PART III – RECORD KEEPING AND REPORTING

8. Records must be kept

The Permit Holder must maintain the following records for activities done pursuant to this Permit, in relation to the clearing of native vegetation authorised under this Permit:

- (a) the location where the clearing occurred, recorded using a Global Positioning System (GPS) unit set to Geocentric Datum Australia 1994 (GDA94), expressing the geographical coordinates in Eastings and Northings or decimal degrees;
- (b) the date that the area was cleared;
- (c) the size of the area cleared (in hectares).; and
- (d) actions taken to avoid, minimise and reduce the impacts and extent of clearing in accordance with condition 7 of this Permit.

9. Reporting

The Permit Holder must provide to the CEO the records required under condition 8 of this Permit, when requested by the CEO.

DEFINITIONS

The following meanings are given to terms used in this Permit:

CEO: means the Chief Executive Officer of the Department responsible for the administration of the clearing provisions under the *Environmental Protection Act 1986*;



Emma Bramwell
A/MANAGER
CLEARING REGULATION

*Officer delegated under Section 20
of the Environmental Protection Act 1986*

19 April 2018

Plan 7819/1



Legend

- Areas approved to clear
- Roads
- LGA
- WANow_Imagery



MGA 94
Geocentric Datum of Australia 1994

E. Gammell Date: 19/04/18
E. GAMMELL

Officer with delegated authority under Section 20
of the Environmental Protection Act 1986





1. Application details

1.1. Permit application details

Permit application No.: 7819/1
Permit type: Purpose Permit

1.2. Applicant details

Applicant's name: Department of Transport

1.3. Property details

Property: Unallocated Crown land – Oyster Harbour
Local Government Authority: City of Albany
DWER Region: South Coast
DBCA District: Albany
Localities: Emu Point
GPS Coordinates: 117.950445 -34.991175

1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	For the purpose of:
0.11 (as revised)		Mechanical Removal	Dredging

1.5. Decision on application

Decision on Permit Application: Granted
Decision Date: 19 April 2018

Reasons for Decision: The clearing permit application was received on 16 October 2017 and has been assessed against the clearing principles, planning instruments and other matters in accordance with section 51O of the *Environmental Protection Act 1986*. It has been concluded that the proposed clearing is at variance to clearing principle (f), and is not likely to be at variance to the remaining clearing principles.

The Delegated Officer noted that the application area is located within a nationally important wetland. The Delegated Officer determined that the proposed clearing will directly impact on seagrasses growing in association with this wetland, and will impact on the quality of surrounding waters through a resulting sediment plume and turbidity. The Delegated Officer noted the extent of the proposed clearing and the tidal nature of the estuary, and determined that these impacts are likely to be short term and that the proposed clearing is otherwise unlikely to have any unacceptable environmental impacts.

To address these impacts, the clearing permit contains conditions requiring the applicant to avoid and minimise impacts, and to restrict clearing to the period April to October.

2. Site Information

Clearing Description: The application is for the proposed clearing of up to 0.11 hectares of native vegetation within two locations (within a 0.553 hectare project footprint) in Oyster Harbour for the purpose of dredging.

Specifically, the application relates to the direct removal of seagrasses associated with maintenance of the Emu Point Boat Harbour entrance channel. The disposal of dredge spoil will be onshore above the high water mark, where dredge slurry will be pumped onto two sites (BMT Oceanica, 2017).

The location of the application area is indicated in Figure 1 (areas cross-hatched blue).

Vegetation Description: The application area is located within an estuary and below the water line. Vegetation description, vegetation condition and soil/landform datasets are not available for this location.

A survey of the application area by BMT Oceanica Pty Ltd (BMT Oceanica) found that the application area is mapped as a *Posidonia australis* seagrass community in good (Keighery, 1994) condition, with nearby areas comprised of bare sand, sparse seagrass with epiphytic holothurians, and rhizome mats (BMT Oceanica, 2017).

Vegetation Condition: As above.

Soil/Landform Type: As above.

Comment: The local area considered in the assessment of this application is defined as a five kilometre radius measured from the perimeter of the application area.

Figure 1: Application area (areas cross-hatched blue)



3. Assessment of application against clearing principles

The application area is located within the Oyster Harbour estuary, a nationally important wetland (being ANCA Wetland WA051) defined in *A Directory of Important Wetlands in Australia* (DEH, 2001).

As outlined in Section 2, the vegetation within the application area comprises predominantly of a *Posidonia australia* seagrass community in good condition, with nearby areas comprised of bare sand, sparse seagrass with epiphytic holothurians, and rhizome mats (BMT Oceanica, 2017). According to BMT Oceanica, the application area represents approximately 0.006 per cent of the Oyster Harbour estuary, and seagrass cover within the application area is representative of the wider seagrass assemblage within the Oyster Harbour estuary (BMT Oceanica, 2017).

The proposed clearing will directly impact on seagrasses growing in association with the Oyster Harbour estuary, and will impact on the quality of surrounding waters through a resulting sediment plume and turbidity. Noting the tidal nature of the estuary in which the application area is located, it is considered that the sediment plume and turbidity is likely to be short-term.

According to available databases, a number of records of threatened and priority fauna occur within the local area. The majority of these records are terrestrial or marine species and are unlikely to occur within the application area. However a number of these records are for migratory waterbirds, which utilise the Oyster Harbour estuary and broader King George Sound area. Avoiding dredging operations during the growth period of benthic flora and the peak visitation and breeding times of migratory waterbirds will minimise impacts to these species, and to the environmental values of the Oyster Harbour estuary.

According to available databases, a number of records of rare and priority flora occur within the local area. These records are primarily terrestrial species and a few aquatic species (Western Australian Herbarium, 1998-). On this basis, rare and priority flora are not likely to occur within the application area. The application area is not likely to include, or be necessary for the continued existence of, rare flora.

According to available databases, a number of records of priority ecological communities occur within the local area. The majority of these are terrestrial communities and are not likely to occur within the application area. The nearest occurrence of the 'Subtropical and Temperate Coastal saltmarsh' ecological community is located approximately 870 metres west of the application area, which is also listed as 'vulnerable' under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The approved Conservation Advice for this community states "The physical environment for the ecological community is coastal areas under regular or intermittent tidal influence", and "It is typically restricted to the upper intertidal environment, occurring in areas within the astronomical tidal limit, often between the elevation of the mean high tide and the mean spring tide" (Threatened Species Scientific Committee, 2013). On this basis, priority ecological communities are not likely to occur within the application area, and the application area is not likely to comprise the whole or a part of, or be necessary for the maintenance of, a threatened ecological community. The Department of Biodiversity, Conservation, and Attractions (DBCA) advised that there are no flora or fauna values of significance recorded for this area (DBCA, 2017).

According to available datasets, the nearest conservation areas are Green Island Nature Reserve and Voyagers Park, located approximately 450 metres north and 565 metres south of the application area, respectively. Noting the extent of the proposed clearing and distance between these conservation areas and the application area, the proposed clearing is not likely to impact on the environmental values of nearby conservation areas.

Noting that the application area is located within an estuary below the water line, the proposed clearing is not likely to cause appreciable land degradation, is not likely to cause deterioration in the quality of surface or underground water (noting the impacts to surrounding waters outlined above), and is not likely to cause, or exacerbate, the incidence or intensity of flooding. Noting the extent of the proposed clearing, the application area is also unlikely to comprise a high level of biological diversity in the context of the broader system, and is not likely to be significant as a remnant of native vegetation in an extensively cleared area.

Given the above, the proposed clearing is at variance to clearing principle (f), is not likely to be at variance to the remaining clearing principles.

4. Planning and Other Matters

The application was advertised on the Department of Water and Environmental Regulation (DWER) website on 9 November 2017 with a 21 day submission period. No public submissions have been received in relation to this application.

There are no Aboriginal Sites of Significance mapped within the application area.

DWER has granted a Dredging Licence under the *Waterways Conservation Act 1976*, authorising the applicant to plough and redistribute up to 400 cubic metres of sediment in the Emu Point Boat Harbour entrance channel. The Dredging Licence expires on 31 May 2018. The Dredging Licence contains a number of conditions, including the following (summarised):

- works are to be carried out in accordance with the approved *Emu Point High Spot Removal Ploughing Environmental Management Plan* dated February 2018 and application for a licence to carry out dredging/reclamation dated 16 October 2017;
- works are to be carried out in a manner which minimises the environmental, recreation and commercial impacts on the receiving waters and associated foreshore;
- the applicant is to determine a threshold level for the measurement of turbidity which will trigger a management response, prior to works commencing, and plume sketches are to be reported to the applicant's consultant on a daily basis; and
- there shall be no visible floating oil, grease, scum, litter, or other objectionable material during the works that are associated with the works, and no substances that produce objectionable odours or colours in water are to be used.

5. References

- BMT Oceanica Pty Ltd (BMT Oceanica) (2017) Emu Point Maintenance Dredging – Environmental Impact Assessment. Report prepared for Department of Transport, August 2017 (DWER ref. A1652454).
- Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Parks and Wildlife. URL: <http://naturemap.dpaw.wa.gov.au/>. Accessed December 2017.
- Department of Biodiversity, Conservation and Attractions (DBCA) (2017) Regional advice for Clearing Permit Application CPS 7819/1, received 21 December 2017 (DWER Ref: A1584159).
- Department of the Environment and Heritage (2001) A Directory of Important Wetlands in Australia, 3rd edition. Commonwealth Department of the Environment and Heritage, Canberra. Available from: <https://www.environment.gov.au/water/wetlands/australian-wetlands-database/directory-important-wetlands>
- Department of Water and Environmental Regulation (DWER) (2017) Regional correspondence January 2018.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower Society of WA (Inc). Nedlands, Western Australia.
- Threatened Species Scientific Committee (2013) Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act) (s266B) Conservation Advice for Subtropical and Temperate Coastal Saltmarsh. Department of the Environment, Canberra. Available from: <http://www.environment.gov.au/biodiversity/threatened/communities/pubs/118-conservation-advice.pdf>.
- Western Australian Herbarium (1998-) FloraBase - The Western Australian Flora. Department of Parks and Wildlife. <http://florabase.dpaw.wa.gov.au/>. Accessed December 2017.

GIS Databases:

- Aboriginal Sites of Significance
- Department of Biodiversity Conservation and Attractions, Tenure
- Hydrography, linear
- Hydrography, hierarchy
- DBCA Estate
- SAC Bio Datasets (Accessed January 2018)