



## CLEARING PERMIT

*Granted under section 51E of the Environmental Protection Act 1986*

<b>Purpose Permit number:</b>	CPS 8572/1
<b>Permit Holder:</b>	Department of Transport
<b>Duration of Permit:</b>	From 12 January 2020 to 12 January 2025

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 disposal of dredge material.

**2. Land on which clearing is to be done**

Peel Harvey Estuarine System – Water Feature PIN 11834258.

**3. Area of Clearing**

The Permit Holder must not clear more than 6.2 hectares of native vegetation within the area cross-hatched yellow on attached Plan 8572/1.

**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 *project activities* to the extent that the Permit Holder has the power to carry out works involving clearing for those *project activities* under the *Local Government Act 1995*, *Waterways Conservation Act 1976* or 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*.

*Project activities* means those activities described in condition 1 of this Permit.

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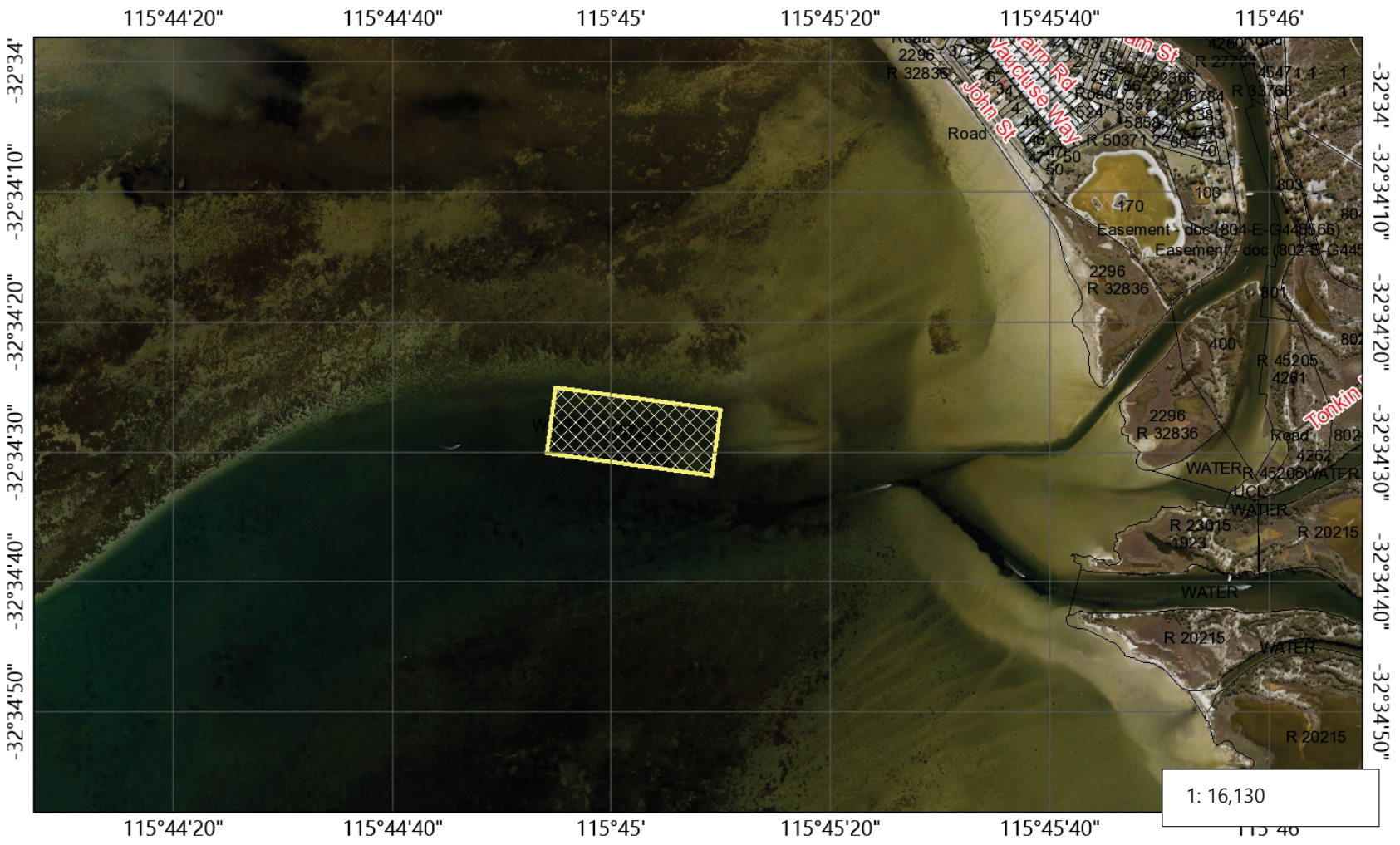
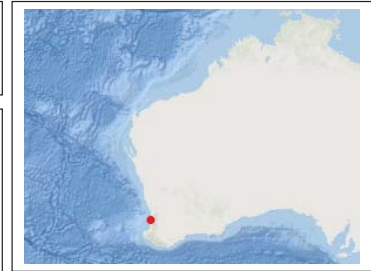
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Ryan Mincham  
MANAGER  
NATIVE VEGETATION REGULATION

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

13 December 2019

Plan 8572/1



Legend

- CPS areas approved to clear
- Land Tenure (LGATE\_226) - SLIP
- Roads - Minor Roads

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



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# Clearing Permit Decision Report

## 1. Application details

### 1.1. Permit application details

Permit application No.: 8572/1  
Permit type: Purpose Permit

### 1.2. Applicant details

Applicant's name: Department of Transport  
Application received date: 26 June 2019

### 1.3. Property details

Property: Point Grey (Water feature PIN 11834258)  
Local Government Authority: City of Mandurah  
Localities: Coodanup

### 1.4. Application

Clearing Area (ha)	No. Trees	Method of Clearing	Purpose category:
6.2		Flooding (Smothering of aquatic vegetation)	Waste disposal/management (Disposal of dredge material)

### 1.5. Decision on application

Decision on Permit Application: Grant

Decision Date: 13 December 2019

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

The Delegated Officer noted that the application area is located within a conservation category and Ramsar wetland. The Delegated Officer determined that the proposed clearing for the disposal of dredging material will directly impact on aquatic native vegetation growing in association with the wetland. The Delegated Officer noted the tidal nature of the estuary, and determined that impacts are likely to be short-term and the proposed clearing is otherwise unlikely to have any unacceptable environmental impacts.

Given the above, the Delegated Officer decided to grant a clearing permit subject to avoidance and minimisation conditions, and to restrict clearing to the period of April to October to avoid the growth period of benthic flora and the peak visitation and breeding times of migratory waterbirds.

## 2. Site Information

### Clearing Description

The application is for the clearing of 6.2 hectares of native vegetation within the Peel Harvey Estuarine System (PIN 11834258), for the purpose of disposing dredged material (Figure 1). While native vegetation is present within the application area, it is noted that the application to clear 6.2 hectares is a conservative approach which covers the whole proposed disposal area and the amount of native vegetation may be less.

The application relates to the disposal of approximately 26,000 m<sup>3</sup> of dredged material which will be transported via floating pipeline to the application area, located approximately 300 metres northeast of the Rivers Entrance Channels.

### Vegetation Description and Condition

The application area is located within an estuary and below the water line. Vegetation description and condition datasets are not available for this location, however, information provided along with the application stated that previous surveys completed within the vicinity of the application area have shown that benthic communities and habitats are predominantly sand environments with macro algae and/or benthic microalgae and sparse seagrasses (Department of Transport, 2019).

### 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.

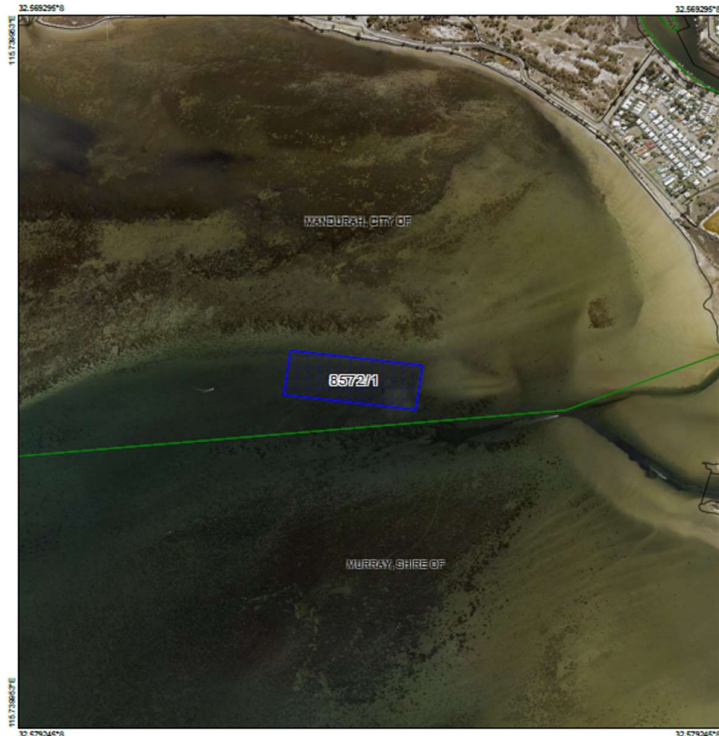


Figure 1: Application area (outlined in blue)

### 3. Assessment of application against clearing principles

The application is to clear up to 6.2 hectares of native vegetation for the purpose of the disposal of dredging material from ongoing maintenance dredging of the Murray and Serpentine River channels to maintain navigability. The application area is located within the Peel-Harvey Estuarine System and the 'Peel-Yalgorup System' Ramsar wetland. The proposed clearing may 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. Considering the extent of the proposed clearing, the application area is unlikely to comprise a high level of biological diversity in the context of the broader estuarine system.

According to available databases, a number of records of threatened and priority fauna occur within the local area (DBCA, 2007- ). The majority of these records are terrestrial or marine species and are unlikely to occur within the application area. However, there are several records of migratory waterbirds, which utilise the Peel-Harvey Estuary, Peel Inlet Waterbody and Peel-Yalgorup System wetland. Avoiding the disposal of dredging material 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 Peel-Harvey Estuary, Peel Inlet Waterbody and Peel-Yalgorup System wetland. Due to the size of the application area in relation to the broader estuarine system and its historic use as a disposal area in the 2004 Murray and Serpentine dredging campaign (BMT, 2019), it is unlikely that the vegetation within the application area comprises the whole of, or is necessary for the maintenance of, a significant habitat for fauna.

According to available databases, one Priority 3 priority ecological community (PEC), 'Subtropical and Temperate Coastal Saltmarsh', occurs within the local area and is present around the perimeter of the Peel Harvey Estuarine System. The nearest occurrence is approximately 850 metres east of the application area. Given that this PEC is a terrestrial community, the application area is not likely to represent this PEC.

Noting the absence of conservation significant flora species or ecological communities within the application area, the proposed clearing is not likely to impact on threatened or priority flora, priority or threatened ecological communities. The vegetation proposed to be cleared is not likely to be classified significant as a remnant of native vegetation in an area that has been extensively cleared due to the size of the application area in relation to the Peel-Harvey Estuarine System.

The vegetation proposed to be cleared is considered to be growing in an environment associated with a wetland, therefore the proposed clearing is at variance with clearing principle (f). Noting that the application area is located within an estuary and 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 groundwater (noting the short term impacts to surrounding waters outlined above), and is not likely to cause, or exacerbate, the incidence or intensity of flooding. Due to the extent of the proposed clearing, it is not likely to have an impact on the environmental values of any adjacent or nearby conservation area.

The proposed clearing is at variance with clearing principle (f), and is not likely to be at variance with the remaining clearing principles.

## Planning instruments and other relevant matters

Clearing impacts affecting the water column are managed through the *Waterways Conservation Act 1976* and the application to obtain a Licence to Carry Out Dredging and/or Reclamation works, under this Act. It is noted that approval for a dredging licence for the proposed activity has been approved by the Department of Water and Environmental Regulation (DWER). The letter of authority provided by DWER (managing authority for the Peel Inlet Management Area) in support of the Native Vegetation Clearing Permit (NVCP) application included a condition stating that no works under the NVCP may be undertaken without an accompanying DWER Licence to Carry out Dredging and/or Reclamation (Department of Transport, 2019).

While the application was under assessment, the applicant was asked to consider reducing the proposed amount of clearing. Due to the water depths within the Peel-Harvey Estuary, a larger surface is required for the disposal area to enable the dredge material to be disposed uniformly in shallow waters (BMT, 2019). A reduction in the application area would result in material being concentrated in a confined area which could lead to the creation of land and impact on navigational safety. Staged clearing would also be difficult to implement due to the nature of in-estuarine disposal. Dredged material will be discharged via the disposal pipe in a controlled but unconfined manner, to be entrained within the local current/wave processes prior to settling on the seabed (BMT, 2019). Additionally, the application area was selected as it was historically utilised as a disposal area in previous dredging campaigns, and therefore has been exposed to pre-existing disturbance (BMT, 2019).

A review of available databases determined the application area is situated within the registered Serpentine River Aboriginal Heritage site, known for its value as a ceremonial and mythological site. The application area is also located within the boundaries of Native Title claimant Gnaala Karla Booja's (GKB) area of interest, and as such the Native Title representative body, South West Aboriginal Land and Sea Council (SWALSC), was notified in accordance with section 24HA of the *Native Title Act 1993* (Cth). Correspondence from SWALSC informed the GKB Working Party who reviewed the matter and was of the view that a Heritage survey is required before proposed activities are undertaken (SWALSC, 2019).

The applicant is advised to consult with the Department of Planning, Lands and Heritage to ensure their obligations under the *Aboriginal Heritage Act 1972* are met prior to undertaking the proposed clearing. It is the applicant's responsibility to obtain any other licences or approvals that may be required for the proposed works.

The clearing permit application was advertised on the DWER website on 5 July 2019 with a 14 day submission period. No public submissions have been received in relation to this application.

## 4. References

BMT Western Australia Pty Ltd (BMT) (2019) Correspondence in relation to size of application area enquiry (DWER ref. A1823036).

Department of Biodiversity, Conservation and Attractions (DBCA) (2007-) NatureMap: Mapping Western Australia's Biodiversity. Department of Environment and Conservation. URL: <http://naturemap.dec.wa.gov.au/> (accessed September 2019).

Department of Transport (2019) Clearing Permit Application CPS 8572/1 (DWER ref. DWERDT172043).

South West Aboriginal Land and Sea Council (SWALSC) (2019) Correspondence in relation to Clearing Permit Application CPS 8572/1 (DWER ref. A1824147).

### GIS Databases:

- Aboriginal Sites of Significance
- Directory of Important Wetlands in Australia
- Geomorphic Wetlands – Swan Coastal Plain
- Ramsar Sites
- SAC bio datasets
- TPFL data
- WA Herb data
- WA TEC PEC boundaries