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25 September 2024

Attention: Native Vegetation Clearing Referral  
Department of Water and Environmental Regulation  
8 Davidson Terrace, Joondalup WA 6027

Dear Sir/Madam

## **NATIVE VEGETATION CLEARING REFERRAL FOR PART LOT 3000 ON DEPOSITED PLAN 44066 AND LOT 15447 ON DEPOSITED PLAN 40340.**

Peet Funds Management Limited have engaged Emurge Associates (Emurge) to provide environmental consultancy services to support the development of Burns Beach Estate within the City of Joondalup. Development of the Burns Beach Estate has progressed over several years, with the final stages of subdivision requiring clearing works within part of Lot 3000 on Deposited Plan 44066 and Lot 15447 on Deposited Plan 40340 to support construction of a boardwalk within the foreshore reserve associated with development approval WAPC 34-50131-8.

The proposed clearing corresponds to the footprint required to construct the boardwalk, with an additional 0.5 m either side of the proposed boardwalk to facilitate incidental clearing that may occur during construction activities. The proposed clearing extends over 0.13 ha and is herein referred to as the 'referral area'.

On this basis the proponent refers the proposed native vegetation clearing to the Department of Water and Environmental Regulation (DWER) under Section 51DA of the amended *Environmental Protection Act 1986* (EP Act) to determine whether a clearing permit is required. This letter provides summary information on environmental and approvals context conditions and an assessment of the proposed clearing against the criteria listed in Section 51DA(4) of the EP Act.

From the assessment against the relevant criteria, it appears there are reasonable grounds to conclude the clearing would result in a very low environmental impact and accordingly a clearing permit might not be required.

### **1 INTRODUCTION AND BACKGROUND**

The referral area is located approximately 29 km north-west of the Perth Central Business District within the City of Joondalup, and is bound by remnant vegetation to the north and south, Burns Beach Estate to the east and the Indian Ocean to the west as shown in **Figure 1**. The referral area supports remnant vegetation, with some historic disturbance associated with unauthorised informal beach access tracks (WALIA 2024).

The proposed construction of the boardwalk was originally prepared for the approved *Foreshore Management Plan Burns Beach* (FMP) (Cardno BSD 2006), with the alignment of the boardwalk largely following the original design, with the intention to minimise impact to vegetation by utilising existing cleared tracks. However, in the intervening period since the FMP approval lapsed, some of

the tracks have regrown with native vegetation, and otherwise, based on engineering, wayfaring and disability access requirements agreed with the City of Joondalup are no longer considered to represent viable options for the alignment of the boardwalk. Hence there is a requirement for small amount of clearing to occur to constructed the boardwalks as per approved plans. This clearing of native vegetation is nonetheless anticipated to result in a very low environmental impact.

Please refer to a signed 'New Permit of Referral to Clear Native Vegetation Form' provided as **Attachment 1** and signed 'Letter of Authority for Peet Burns Beach Boardwalk' for clearing to occur within Lot 15447 on Deposited Plan 40340 (City of Joondalup managed land) provided as **Attachment 2**.

## 2 ENVIRONMENTAL CONTEXT

Vegetation mapping by Heddle *et al.* (1980) indicates the referral area lies within the 'Quindalup complex' which is described as supporting two alliances: 'the strand and fore dune alliance and the mobile and stable dune alliance. Local variations include the low closed forest of *Melaleuca lanceolata* - *Callitris preissii* and the closed scrub of *Acacia rostellifera*' (Heddle *et al.* 1980). The Quindalup complex was determined in 2019 to have 60.49% of its pre-European extent remaining, of which 9.84% is protected for conservation purposes (Government of Western Australia 2019).

Limited recent survey information is available on vegetation within the referral area. The most detailed information available is provided in the *Foreshore Management Plan Burns Beach* (Cardno BSD 2006). One of the four plant communities identified by Cardno BSD (2006), 'OaSc' (*Olearia axillaris/Scaevola crassifolia* low to open heath) best describes vegetation in the referral area.

Vegetation mapping was updated to support the preparation of the *Foreshore Works Revegetation Plan – Burns Beach Foreshore Reserve Stage 3* (Emerge Associates 2021). At this time the condition of vegetation within the referral area was classified as 'very good' according to the Keighery (1994) vegetation condition scale.

A key environmental value of the referral area is that it occurs within Bush Forever Site 322.

## 3 APPROVALS CONTEXT

Certificate of Title for Lot 3000 is provided as **Attachment 3**.

As previously outlined, the clearing relates to the boardwalk component of development approval WAPC 34-50131-8.

A condition of development approval WAPC 34-50131-8 required that Peet Limited prepare and submit a landscape management plan to the satisfaction of the City of Joondalup and Western Australian Planning Commission (WAPC). The approved landscape management plan is provided as **Attachment 4**.

## 4 RESPONSE TO THE CLEARING REFERRAL CRITERIA

Under Section 51C of the EP Act, clearing of native vegetation is an offence unless a clearing permit has been obtained, or unless:

- an exemption applies
- the proposed clearing was referred to DWER who determined that a permit is not required because the clearing is exempt, or the clearing satisfies all the referral criteria.

DWER's referrals process supports a risk-based approach to assessing native vegetation clearing proposals by establishing a pathway to assess very low impact clearing activities that are deemed not to require a permit. When assessing the clearing referral, DWER have regard to the referral criteria listed in Section 51DA(4) of the EP Act. A clearing permit is required if the referral does not meet all of the criteria.

In support of this clearing referral, the four referral criteria highlighted in the EP Act have been considered and responded to in **Table 1** below.

**Table 1: EP Act clearing referral criteria**

EP Act Section 51DA(4) Criteria	Response to the EP Act Clearing Referral Criteria
<p><i>Criterion 1: The area proposed to be cleared is small relative to the total remaining vegetation</i></p> <ul style="list-style-type: none"> <li>• Relative to the total remaining vegetation in the region where the proposed clearing is located, and</li> <li>• Relative to the total remaining vegetation of the ecological community that the vegetation proposed to be cleared forms a part of</li> </ul>	<p>Very low risk. The clearing is not considered to be at variance with this criterion as the area proposed to be cleared is small relative compared to the total remaining extent of Quindalup complex vegetation.</p>
<p><i>Criterion 2: There are no known or likely significant environmental values within the area</i></p> <ul style="list-style-type: none"> <li>• Biological values (e.g. flora, fauna, ecological communities)</li> <li>• Conservation values (e.g. impact to ecological linkages, conservation areas and heritage values)</li> <li>• Land and water resource values (e.g. wetlands and watercourses, water resources, land and soil quality)</li> </ul>	<p>Low risk. The proposed clearing is considered to be somewhat at variance with this criterion as the area proposed to be cleared is within Bush Forever Site 322.</p>
<p><i>Criterion 3: The state of scientific knowledge of native vegetation within the region is adequate</i></p>	<p>Very low risk. Adequate information is available from database searches, previous surveys and literature references to characterise the impact of the proposed clearing as very low.</p>
<p><i>Criterion 4: Conditions will not be required to environmental impacts</i></p>	<p>Very low risk. Emerge suggests that conditions would not be required as the impact of the proposed clearing is very low.</p>

## Summary and closing

The referral area contains 0.13 ha of native Quindalup complex vegetation in very good condition that is proposed to be cleared to allow for the construction of a boardwalk allowing access to the coast from nearby Burns Beach Estate.

Emerge on behalf of the proponent Peet Limited seeks confirmation from DWER that, given the very low impact of the clearing, it would be assessed as a referral and a clearing permit would not be required.

Should you have any questions regarding the content of this letter please do not hesitate to contact **Sean Moylan** or the undersigned.

Yours sincerely  
Emerge Associates

cc:

Encl: Figure 1: Clearing Permit Referral Area  
**Attachment 1** - Signed 'New Permit of Referral to Clear Native Vegetation Form'  
**Attachment 2** - Signed 'Letter of Authority for Peet Burns Beach Boardwalk'  
**Attachment 3** - Certificate of Title for Lot 3000  
**Attachment 4** - Certificate of Title for Lot 15447  
**Attachment 5** - Foreshore Landscape Masterplan Report Burns Beach, WA

## General References

Cardno BSD 2006, *Foreshore Management Plan Burns Beach*, V01011--KAF40048, Rev 6a.

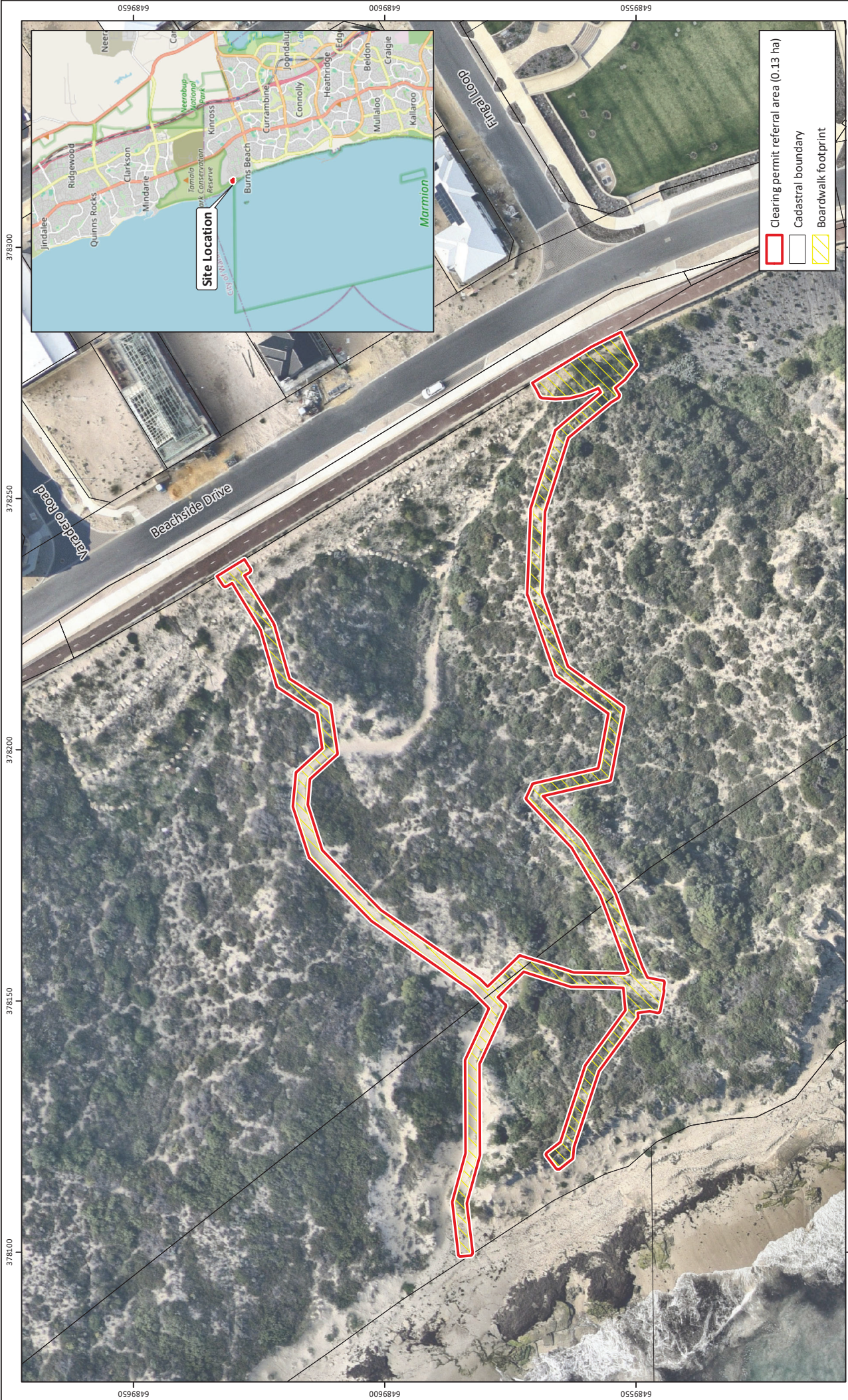
Emerge Associates 2021, *Foreshore Works Revegetation Plan: Burns Beach Foreshore Reserve Stage 3*, EP15-020(15)--023A SCM, A.

Government of Western Australia 2019, *2018 South West Vegetation Complex Statistics. Current as of March 2019*, WA Department of Biodiversity, Conservation and Attractions, Perth.

Hedde, E. M., Loneragan, O. W. and Havel, J. J. 1980, 'Vegetation Complexes of the Darling System Western Australia', in Department of Conservation and Environment (ed.), *Atlas of Natural Resources Darling System Western Australia*, Perth.

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

Western Australian Land Information Authority (WALIA) 2024, *Landgate Map Viewer Plus*, <<https://map-viewer-plus.app.landgate.wa.gov.au/index.html>>.



Clearing permit referral area (0.13 ha)  
 Cadastral boundary  
 Boardwalk footprint



0 10 20 30  
 Metres  
 Scale: 1:1,000@A4  
 GDA 2020 MGA Zone 50



**Plan Number:** EP15-020(20)-F74  
**Drawn:** GAR  
**Date:** 06/09/2024  
**Checked:** TAA  
**Approved:** TAA  
**Date:** 25/09/2024

**Figure 1: Clearing Permit Referral Area**

**Project:** Native Vegetation Clearing Referral  
 Burns Beach  
**Client:** Peet

While Emmerge Associates makes every attempt to ensure the accuracy and completeness of data, Emmerge accepts no responsibility for externally sourced data used ©Landgate (2024), Nearmap Imagery date: 15/06/2024

