



CORPORATE GUIDELINE NO. 41

SCIENTIFIC STUDIES: APPLYING REGULATION 16C OF THE SWAN AND CANNING RIVERS MANAGEMENT REGULATIONS 2007

November 2020

1. OBJECTIVES

These guidelines have been developed to provide guidance for potential applicants and to assist officers of the Department of Biodiversity, Conservation and Attractions (the department) in the administration and assessment of proposals for scientific studies under the Swan and Canning Rivers Management Regulations 2007.

2. SCOPE

These guidelines apply where a person is considering carrying out a scientific study within the Riverpark or Swan Canning Development Control Area (DCA).

The guidelines provide clarification to ensure the application of regulation 16C is consistent with its purpose. This includes outlining the types of activities which may be considered under a 'scientific study' permit and what types of activities can be carried out without a permit.

3. CONTEXT

Regulation 16C of the Swan and Canning Rivers Management Regulations 2007 (SCRM Regulations) requires a permit for carrying out scientific studies in the Riverpark or DCA.

Assessment of an application under 16C will involve consideration of the potential impact on the riverine environment including public access, use and amenity, impacts to water quality, flora and fauna, including cumulative impacts, to ensure the proposal is consistent with department policies.

A permit under regulation 16C may include approval for minor works, acts and activities required for the purposes of scientific research and investigation.

This can include:

- taking samples of soil, sediments, water, invertebrates, fauna or flora, and
- installing devices for monitoring of waves, water quality, soil characteristics, sediment or groundwater characteristics,

but does not include the permanent placement of devices or structures in the River reserve.

4. LEGISLATION

Swan and Canning Rivers Management Act 2006
Swan and Canning Rivers Management Regulations 2007

5. DEFINITIONS / GLOSSARY / ACRONYMS

department means the Department of Biodiversity, Conservation and Attractions

Development Control Area means the waters of the Swan and Canning rivers and adjoining Parks and Recreation reservations. A map of the Development Control Area is available at: <https://www.dpaw.wa.gov.au/management/swan-canning-riverpark/planning-development-and-permits/development-control-area>.

fish means 'fish' as defined in the *Fish Resources Management Act 1994*

Regulations means the Swan and Canning Rivers Management Regulations 2007

Riverpark means the waters of the Swan and Canning rivers and adjoining publicly owned and managed land

River reserve means the land and waters of the Swan and Canning rivers as defined in Schedule 4 of the *Swan and Canning Rivers Management Act 2006*.

6. PROCEDURES

Activities that do not require a permit

6.1 The department considers that in the following circumstances, risks to the riverine environment are likely to be insignificant, and therefore a permit is not required:

- Where equipment or structures are installed in the River reserve for less than 14 days and any necessary authority has been obtained from the Department of Transport to indicate that such structures are not a hazard to navigation.
- Where foreign materials are introduced to the river system, they are benign and break down to inert harmless substances within 24 hours.
- Where fish are collected or sampled, the quantity taken, and methods comply with recreational fishing limits and requirements.
- Where riverbed sediments are collected by core sampling, less than 10 litres is removed in total.
- Where the study does not involve digging in the riverbed.
- Where river water is collected, less than 200 litres is removed in total.
- Where scientific studies are being undertaken on land within the DCA (for example geotechnical investigations) the study (including the use of any machinery) will not:
 - cause any damage to vegetation;
 - bring about the collapse or movement of the riverbank;
 - involve any refuelling within the DCA; or

- be undertaken until all other necessary approvals have been obtained including the consent from the owner/manager of the land.
- 6.2 Provided the criteria listed above are met, other activities that are likely to have a negligible impact on the riverine environment and visitor enjoyment and therefore do not require a permit under regulation 16C include:
- scientific training and educational activities that do not prevent access to, or use of, Riverpark facilities by other members of the public;
 - soil penetrometer tests;
 - surface water monitoring, or groundwater monitoring from existing bores;
 - observations, measurements, surveys, or census 'in situ' that do not involve capture, handling, manipulation or disturbance of flora or fauna; and
 - photography (excluding repeated flash photography).
- 6.3 Where a scientific study involves impact to flora or fauna, and an approval has been obtained from the department pursuant to the Biodiversity Conservation Regulations 2018, and/or the Conservation and Land Management Regulations 2002, a permit under the SCRM Regulations will not be required for the same proposed study. Rivers and Estuaries Science will be consulted for advice as part of that process.
- 6.4 Where it has been determined through the consideration of these guidelines, that a permit is not required under regulation 16C, it is essential to inform the department prior to activities being undertaken. To notify the department contact the Rivers and Estuaries Principal Scientist via REScience@dbca.wa.gov.au with the subject line 'Notification – scientific study not requiring permit'.

Scientific studies undertaken by the department

- 6.5 The requirement to obtain a permit for scientific studies does not apply to the department. The department is empowered under the *Swan and Canning Rivers Management Act 2006* to conduct works and activities required to carry out its functions.
- 6.6 In situations where the department has engaged a contractor or other organisation to undertake a study on its behalf and the department is actively managing a contract to undertake the activities, it is not necessary for a permit to be obtained. This can include scientific studies funded by the department if it is aware of and able to control the manner in which the activities are being undertaken (for example, by providing a sampling and analysis plan which is required to be adhered to during activities). This does not exempt the department from obtaining necessary approvals from other relevant authorities such as the Department of Transport under the Navigable Waters Regulations 1958, the Department of Planning, Lands and Heritage in accordance with the *Aboriginal Heritage Act 1972* or the Department of Primary Industries and Regional Development under the *Fish Resources Management Act 1994*.

- 6.7 Where the department is providing funding (for example, through a grant) and activities are managed autonomously by an external party, a permit should be obtained where necessary, to ensure the activities are carried out in a manner that protects Riverpark values and is consistent with department policies.

Other approvals

- 6.8 Approval of a scientific study under regulation 16C does not exempt the activity from requiring any necessary approvals by other relevant authorities such as the Department of Transport under the Navigable Waters Regulations 1958, the Department of Planning, Lands and Heritage in accordance with the *Aboriginal Heritage Act 1972* or the Department of Primary Industries and Regional Development under the *Fish Resources Management Act 1994*.

Information to include with application for approval

- 6.9 To assist in the efficient assessment of applications for permits to carry out scientific studies, the following information should be included:

- completed application form, including written consent of the landowner(s);
- detailed written description of the proposal including, where relevant: purpose of study, methodology, number of participants, quantity of materials handled, materials storage, equipment used and waste management;
- location details (address, lot number, nearest bridge or street intersection, name of locality etc.);
- map of the subject area clearly indicating the location, access points and any proposed signage or safety markings;
- details and proposed use of any equipment or machinery; and
- proposed study time period (dates, frequency and duration).

Where an applicant has already completed a form for approval from the Department of Primary Industries and Regional Development for the same study, and the form contains the information required as listed above, the applicant is welcome to include the completed form as an attachment to the department's application form to reduce the time taken to complete the application process.

Outcomes of scientific studies

- 6.10 The department works with its partners to ensure that science informs the protection and management of the river system. Outcomes (for example, reports, scientific papers or data) from scientific studies undertaken within the Riverpark or the DCA should be provided to the department for its information.

- 6.11 The department expects that approved scientific studies will apply FAIR (findable, accessible, interoperable and reusable) principles to management of data associated with approved studies. The deposition of data into online storage archives (for example Australian Data Archive) is encouraged. A permit may include a condition of approval requiring the applicant submit a summary report and metadata statement at the conclusion of the study. Such conditions may need to be satisfied before further permit applications under regulation 16C will be approved by the department.

- 6.12 The department may use the results of scientific studies undertaken in the river to inform management but will not make this information public or publish it without the consent of the researchers or funding bodies responsible for the study.

Advice from other agencies

- 6.13 As part of the consideration of any application, the department may seek advice from any agency or organisation which it considers has a legitimate interest in the application.
- 6.14 Where the proposed study involves ‘fish’ or ‘fish habitat protection areas’ (as defined by the *Fish Resources Management Act 1994*) the department is likely to seek advice from the Department of Primary Industries and Regional Development to ensure that biodiversity values are protected.
- 6.15 Applicants may wish to expedite the referral process by providing copies of other relevant approvals with their permit application.

7. CUSTODIAN

Executive Director, Conservation and Ecosystem Management.

8. REVIEW

This guideline will be reviewed no later than January 2025.

9. DIRECTOR GENERAL APPROVAL

Approved by



Mark Webb
DIRECTOR GENERAL

Effective date: 11 November 2020