



## **GUIDELINE SRT/A2**

### **SCIENTIFIC STUDIES: APPLYING REGULATION 16C**

#### **BACKGROUND**

The *Swan and Canning Rivers Management Amendment Regulations 2012* came into effect on 23 November 2012, updating the *Swan and Canning Rivers Management Regulations 2007*. The amended regulations include a new regulation (16C) that requires scientific studies in the Swan River Trust's Riverpark or Development Control Area (DCA) to be approved by the Trust through the permit process.

The wording of regulation 16C leaves the term 'scientific studies' open to interpretation. It is the Trust's view that some activities that are commonly proposed present an insignificant risk to the riverine environment or visitor use and enjoyment, and therefore do not require a permit application to be made. These guidelines have been developed to set out how regulation 16C will be administered and to ensure that it is used for its intended purpose.

#### **OBJECTIVES**

The objectives of this guideline are to establish:

- a practice for applying regulation 16C that reflects its purpose; and
- the Trust's expectations regarding 'scientific studies' requiring permit approval.

#### **GUIDANCE**

##### **SRT/A2.1 Purpose of regulation 16C**

The purpose of regulation 16C is to provide an appropriate pathway for scientific studies to be approved and a framework for the impact of these activities on Riverpark values to be assessed. Under regulation 16C, a permit from the Trust is required to undertake scientific studies in the Riverpark or DCA. The administration of regulation 16C will be based on the broad objectives of the *Swan and Canning Rivers Management Regulations 2007* to control and limit impacts of various activities on the Riverpark or DCA.

##### **SRT/A2.2 Activities that do not require a permit**

The Trust considers that because the risk of detrimental impacts to the riverine environment and visitor use is insignificant, a permit is not required in the following circumstances:

- Equipment or structures are installed for less than 24 hours and are not a hazard to navigation.
- Where foreign materials are introduced to the 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 are within recreational fishing limits and requirements.
- Where sediments are collected by core sampling, less than 10 litres are removed in total.
- The sampling or collection methodology does not include digging.

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;
- 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).

Even where a permit is not required under regulation 16C, the Trust would appreciate being informed prior to activities being undertaken for scientific purposes in the Riverpark or Development Control Area. To notify the Trust of such an activity, please contact the Trust's Principal Scientist via [info@swanrivertrust.wa.gov.au](mailto:info@swanrivertrust.wa.gov.au).

### **SRT/A2.3 Scientific studies undertaken on behalf of the Trust**

The requirement to obtain a permit does not apply to the Trust. The Trust is empowered under the *Swan and Canning Rivers Management Act 2006* to carry out works and activities as per its functions.

Therefore, in situations where the Trust has engaged a contractor or other organisation to undertake works on its behalf and the Trust 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 Trust if it is aware of and able to control the manner in which the activities are being undertaken (for example, by approving a sampling and analysis plan).

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

### **SRT/A2.4 Other approvals**

Approval of a scientific study by the Trust under regulation 16C does not exempt the activity from requiring approval by other relevant authorities such as the Department of Transport under the *Navigable Waters Act 1958*; the Department of Indigenous Affairs in accordance with the *Aboriginal Heritage Act 1972*; or the Department of Environment and Conservation for studies in marine reserves under the *Conservation and Land Management Act 1984*. Unless specified, approvals granted by other agencies and under other legislation do not exempt persons from the requirement to obtain a permit from the Trust under regulation 16C.

### **SRT/A2.5 Information to include**

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 (i.e. address, lot number, nearest bridge or street intersection, name of locality etc.);

- Map of the subject area clearly indicating the location, access points and nature of the proposal;
- Proposed study time period (dates, frequency and duration); and
- Where the study involves fish, flora or fauna, copies of relevant approvals from the Department of Fisheries and/or the Department of Environment and Conservation should be provided if available.

#### **SRT/A2.5 Outcomes of scientific studies**

The Trust 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 Trust’s DCA should be provided to the Trust for its information. A condition for this purpose is likely to be applied to permits for scientific studies issued under regulation 16C. The Trust 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. Data collected as part of scientific studies undertaken in the Riverpark or DCA should be lodged with an iVEC facility (see [www.ivec.org](http://www.ivec.org) for more information) and a metadata statement provided to the Trust.

#### **SRT/A2.6 Advice from other agencies**

As part of its consideration of any application, the Trust may seek advice from any agency or organisation which it considers has a legitimate interest in the application. In particular, where the proposed study involves fish, flora or fauna, the Trust is likely to seek advice from the Department of Fisheries and/or the Department of Environment and Conservation, to ensure that biodiversity values are protected. Applicants may wish to expedite the referral process by providing copies of relevant approvals with their permit application.

#### **RELATED DOCUMENTS**

- *Form 7 – Application for Permit* and related information is available from [www.swanrivertrust.wa.gov.au](http://www.swanrivertrust.wa.gov.au)

#### **ADOPTION AND REVIEW DATES**

<b>Final Adoption Date</b>	<b>Review Date</b>
15 March 2013	March 2018