GOVERNMENT OF WESTERN AUSTRALIA

Department of Water and Environmental Regulation
Department of Mines, Industry Regulation and Safety

Application for new permit or referral to clear native vegetation

This is the form to submit a referral of proposed clearing or apply for a clearing permit under Part V of the *Environmental Protection Act 1986* (EP Act).

Before you submit this form, please check you have completed all the fields for the form type and fully prepared any required supporting documents (including maps etc.). We will return / decline any forms that are not correctly completed.

To find out more about the stages of assessment for clearing permit forms, see the *Procedure: Native vegetation clearing permits*.

Part 1 – Form type

Select your form type. NOTE: Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer' respectively.	☐ **Referral of proposed** clearing (section 51DA of the EP Act) ☐ Application for **an area permit (section 51E of the EP Act)** ☒ **Application for a purpose permit** (section 51E of the EP Act)

Part 2 – Applicant details

2.1 Applicant name

For area permits:

If granted, the name(s) of (all) landowner(s) will be listed as 'permit holders' on the permit.

For purpose permits:

If granted, the name(s) of (all) applicant(s) will go on the permit.

☐ Applying as an individual – complete the following:

Title	☐ Mr ☐ Mrs ☐ Ms ☐ Other:	
Name(s)		

☐ Applying as a body corporate or other entity formed at law – complete the following:

Name	
Australian Company Number (ACN)	

☒ Applying as a government entity (e.g. government department, local government authority, or other statutory body)

Name	Mid West Ports Authority

2.2 Applicant contact details

Provide the contact details for the above (primary contact).

Title	[redacted]
First name	
Last name	
Position	
Company name	
Contact phone number (1)	
Email address	

2.2 Applicant contact postal details

Provide the postal address for the above individual, body corporate or local government authority (primary contact).

Address line 1	[redacted]
Address line 2	
Suburb	
State	

2.3 Applicant contact – registered business address

If applying as a company, incorporated body, local government authority or public authority, please also supply the registered business office address.

Address line 1	[redacted]
Address line 2	
Suburb	
State	
Contact phone number (1)	

2.4 Electronic correspondence consent

Both the Department of Water and Environmental Regulation (DWER) and Department of Mines, Industry Regulation and Safety (DMIRS) prefer to send all correspondence via email. We request that you consent to receiving all correspondence relating to instruments and notices under Part V of the EP Act via email. Please indicate your consent in this section of the form.

I consent that all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable) about the subject of this form will be exclusively via email, using the email address provided above.	☒ Yes ☐ No

2.5 Contact details for enquiries

If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMIRS should liaise with (e.g. a consultant).

Same as applicant's contact details	☒ Yes ☐ No

If 'No' – complete the following:

Contact name	[redacted]
Position (if applicable)	
Company name (if applicable)	
Contact phone number (1)	
Business or postal address line 1	
Business or postal address line 2	
Suburb	
State	
Email address	

Part 3 – Land details

- You must accurately describe the location of the land where your clearing is proposed.
- If you have a large number of properties, please provide the relevant details for each property in a separately attached supporting document.

3.1 Property details

I have a large number of properties and have given the relevant details in an attached supporting document.	☐ Yes – skip to Part 4 ☒ No

If 'No' – complete the following:

<u>Land description</u> Provide the following details, as applicable, for all properties: – volume and folio number – lot or location number(s) – crown lease or reserve number – pastoral lease number – mining tenement number	Part of Lot 503 on Deposited Plan 57801 Within Reserve 25300, Deposited Plan 410027 Gazetted for 'Harbour Purposes' in 1959 Vested under management order N436224 to Mid West Ports Authority. Declared under the *Port Authorities Act 1999* Depicted within the Landgate Port Authorities data layer (LGATE-243)		
Street address – Line 1	Lot 503 Marine Terrace		
Street address – Line 2			
Suburb	GERALDTON		
State	WA	Postcode	6530
Local government area(s)	CITY OF GREATER GERALDTON		
Land zoning	Class C Reserve – Port Waters		

Part 4 – Relationship to landowner

Tell us which of the following options best describes you as the person completing and submitting this form. If you are filling out this form on behalf of the applicant, answer this question as though you are the applicant.

Proof of ownership may include:

- a certificate of title (that is less than 6 months old)
- a pastoral or mining lease
- public authority that has care, control or management of the land
- other form of lease, land tenure or specific arrangement.

Relationship to landowner ***(select one of the following options)***	**Complete the following**
☒ I am the landowner	☒ Attach *proof of ownership*
☐ I am lodging a form on behalf of the landowner (e.g. a consultant)	☐ Attach *proof of ownership*
☐ I am acting on the landowner's behalf and will be jointly responsible for the clearing permit (i.e. joint form)	☐ Attach *proof of ownership* ☐ Complete and attach an '*Acting on behalf and jointly responsible'* letter
☐ I am likely to become the landowner	☐ Attach the Certificate of Title ☐ Attach evidence of the pending transfer of ownership and/or contract of sale ('offer and acceptance')
☐ I will undertake the clearing activities with the landowner's authority and will be the permit holder	☐ Attach *proof of ownership* ☐ Complete and attach an '*Authority to access and clear native vegetation'* letter (if the applicant is not the landowner)
☐ A person with multiple land parcels	☐ Attach *proof of ownership* ☐ Complete and attach '*Authority to access and clear native vegetation'* letter (if the applicant is not the landowner)

Part 5 – Proposed clearing

5.1 Maps and/or spatial data

Select which map type(s) you will attach with your form. Note: We will decline / return forms (as applicable) if you do not provide sufficient information for this question.	☒ An ESRI shapefile with the following properties *(preferred)* • Geometry type: polygon shape • Coordinate system: Geocentric Datum of Australia (GDA) 1994/2020 (geographic latitude / longitude) • Datum: GDA 2020 [DisturbanceFootprint_GDA2020Z50.shp] ☐ An aerial photograph or map with a north arrow, clearly marking the proposed clearing area Note: • An ESRI shapefile must use one of the following filename extensions: .shp, .shx, .dbf, and/or .prj • You must provide an ESRI shapefile if the form requires an assessment under an *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) accredited process. See Part 8 of this form for more information.

5.2 Size

- If you propose to clear a patch(s) of vegetation, enter a hectare value for the total size of the area (mark number of trees as zero).
- If you propose to remove only individual trees from the area(s) (i.e. the shrubs, grasses, groundcover plants will remain intact), provide the number of trees (and mark total area as estimated hectares).
  Note: If any shrubs, grasses, and/or groundcover plants MAY be damaged in the clearing process, add this to the total area.
- If you propose to clear an area of vegetation within a larger footprint, enter the hectare value for the total size of the area to be cleared (mark number of trees as zero) and the size of the footprint. For example, 5 hectares of clearing within a 10 hectare footprint. This option is only available for *purpose permit* applications.
- Enter values for BOTH number of trees and the size of the area if you are clearing individual trees in one area AND a patch of vegetation in a different area.
- Please note the following area conversions/calculations:

  1 hectare = 10,000 m^2 — Area of circle = 3.14 x $radius^2$
  1 acre = 0.4 hectares / 4,000 m^2 — Area of a rectangle = length x width
  1 tree = 0.01 hectares / 100 m^2 — Area of a triangle = ½ length x perpendicular height

Total area of clearing proposed (hectares)	**0.62ha**
Footprint of clearing (hectares) (purpose permit only)	**2.39ha**
Number of individual trees to be removed	**Not applicable.**

Note: Calculate the area of a tree based on the area encompassed by the tree's drip line; that being the outermost circumference of the tree's canopy.

5.3 Purpose

Provide the reason for proposed clearing (e.g. road construction, grazing and pasture, hazard reduction, horticulture, timber harvesting etc.)	In early 2021, the Minister for Transport appointed the Mid West Ports Authority as the lead agency responsible for the construction of a tourism jetty at The Esplanade on the Geraldton foreshore. The need for a tourism jetty was first identified in the Mid West Tourism Strategy, prepared in July 2014 by the City of Greater Geraldton (CGG) and the Mid West Development Commission (MWDC). Tourism in the Mid-West region has been identified as a key opportunity to enable continued sustainable economic growth. The strategy recognised key opportunities for the region with the first being Abrolhos Islands maritime history and nature-based experiences. As the infrastructure on the Abrolhos Islands is minimal and there are no overnight accommodations available, the strategy identified a growing demand for vessel-based tourism departing from Geraldton. During the detailed design phase of the project, it was determined that a dedicated maritime approach channel would be required to ensure safe navigation could be maintained to the jetty on all tidal ranges. The permanent modification of the seabed will be required to facilitate the creation of the channel, including removal of seagrass and benthic habitats within the channel footprint.
Specify what the final land use will be after clearing	Declared maritime navigation channel. To be formally identified within the Department for Planning and Infrastructure (DPI) Chart WA939 for Geraldton and the Geraldton Harbour.

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Seagrasses will be removed via seabed leveling. Seabed levelling is a hydrodynamic dredging technique that mobilises material underwater, levelling high spots by relocating accreted deposits into nearby deeper areas. A plough or sweep bar is mounted on a large steel A-frame then suspended below a seagoing tug or barge that can raise or lower

	the plough to the required depth. Ploughing and bed levelling is carried out with a high degree of accuracy using an on-board GPS enabled system. The operations are supported by a hydrographic survey vessel to ensure; required depths are achieved, new high points are not created, and the operations remain within the designated footprint to minimise environmental impacts. Once initial seabed levelling has been conducted and high points reduced to safe navigable limits, it is anticipated that ongoing maintenance seabed leveling operations will be required to maintain the swing basin and navigation channel to a minimum depth of 3 m LAT within the inner section of the channel.

5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date:1/4/2023 End date: 12/12/2023

Note: The clearing referral process is not suitable for any clearing that is expected to take longer than two years.

5.6 Avoidance and mitigation

Explain how you have, or will, put avoidance and mitigation measures in place to eliminate, reduce, or otherwise mitigate the need for and scale of the proposed clearing of native vegetation.

Attach supporting documents to substantiate your explanation.

Your explanation should demonstrate you have planned the project so that the least clearing possible is to be undertaken. The following questions may help you frame your explanation:

- Why did you select this location and amount of clearing?
- What alternatives to clearing – e.g. engineering solutions – did you consider?
- What changes, if any, did you make to the location or amount of clearing to reduce the impacts of the clearing?

Note: If you do not demonstrate adequate efforts to avoid and mitigate clearing, we will ask you to do so during the validation of this form.

Provide the avoidance and mitigation details	**Site Selection** In 2020, a site selection study was commissioned by the City of Greater Geraldton (CGG) in consultation with Department of Transport (DoT), the Midwest Development Commission, and Mid West Ports Authority (MWPA). It was determined the most suitable location for the larger vessels likely to service Abrolhos Islands tourism was the Geraldton Eastern Breakwater, also known as The Esplanade. During the options analysis Batavia Coast Marina (BCM) and Fishing Boat Harbour (FBH) were ruled out for the following reasons:

- The BCM could not accommodate vessels over 25m likely to be used to access the Abrolhos Islands, and
- The FBH, being a light industrial area, did not provide suitable access to make the operation tourism friendly (e.g. no nearby parking, disabled access or suitable staging area).

During the project definition phase MWPA consulted with CGG, DoT and other users of the adjacent Town Beach area providing three possible options for the Tourism Jetty construction along the Esplanade. Via this consultation the final location was chosen as it would minimise interactions with the existing public boat ramp, avoid conflicts with existing infrastructure along the Esplanade and minimise potential interactions with sea lions known to use the waters and rock groin north of the Esplanade.

Design Optimization

The channel design has been optimized, in terms of its size and location, to reduce the amount of disturbance to benthic habitats and provide a sufficient buffer to the nearby shipping channel and sea lion haul out area known locally as "Seal Rocks".

The channel location and size were optimized during the detailed design and operability studies. Using bathymetric surveys, the channel location targeted the deepest water available to minimise the amount of seabed disturbance during the drag plough operations. Benthic habitat mapping assisted to identify and minimise seagrass losses by modifying the channel's angle of approach.

As a result of this optimization work, the channel width was reduced allowing only one vessel to approach or exit the jetty at any time and only the inner most section of the channel required deepening to facilitate safe access on all tidal ranges.

Clearing Method

Geotechnical studies were undertaken to identify options for establishing the approach channel for the new jetty. It was determined the depths and seabed leveling required could be achieved via drag plough operations as opposed to conventional dredging, minimising dredge related impacts such as turbidity and the need for dredge material disposal.

Drag plough operations allow sediments to be retained within the local coastal processes unit where they can continue to provide benefit to the environment and support natural sediment cycles.

Benthic Community and Habitat Cumulative Loss Assessment

A detailed benthic habitat investigation and assessment was completed in alignment with the EPA (2016) *Technical Guidance: Protection of Benthic Communities and Habitats.* O2 Marine was commissioned to develop a report on the *Benthic Communities and Habitat Cumulative Loss Assessment* (CLA) for the MWPA Tourist Jetty. The CLA report assisted MWPA to determine how significant the planned benthic habitat disturbance associated with establishing the approach channel would be. The CLA report also addresses the native vegetation clearing principles defined in the DER *(2014) Guide to the assessment of applicants to clear native vegetation.*

MWPA believes the proposal meets all relevant clearing principles and has provided the CLA Report and associate IMSA data package to assist DWER in its assessment.

	Environmental Impact Assessment MWPA completed a project risk assessment including the evaluation of potential environmental impacts associated with the construction of a tourism jetty along the Geraldton Esplanade. The fixed pile jetty design involving precast plank and beam construction will result in minimal disturbance to the existing breakwater and seabed. MWPA consulted with the Environmental Protection Authority in 2019 and deem the proposal for the construction of a tourism jetty did not require referral for assessment by the EPA. All potential impacts will be controlled via a construction specific Environmental Management Plan. A detailed Environmental Impact Assessment (EIA) for the Geraldton Tourism Jetty and its associated channel has been commissioned, via O2 Marine, to capture the operation and ongoing maintenance post construction. The EIA includes an assessment of drag plough operations as an ongoing channel maintenance activity. The EIA identifies long term benthic habitat and marine quality monitoring requirements to assess the ongoing influence of the jetty's operation on environmental values. Specific monitoring objectives and management targets will be incorporated into the MWPA Marine Environmental Monitoring and Management Plan to allow MWPA to evaluate the environmental performance of these operations long term. **Consultation with local and government agencies** The project has had extensive consultation with key industry representatives, community groups and local agencies during the MWDC concept studies, CGG option analysis and MWPA detail design and operability studies. All MWPA led consultation has been detailed within the CLA report.

Part 6 – Offset

Do you want to submit a clearing offset proposal with your form?	☐ Yes ☒ No
If 'Yes' – please complete and attach Appendix A of the *Clearing of native vegetation offsets procedure* guideline as a supporting document for your form.	☐ Appendix A attached

Part 7 – Surveys for assessments (IBSA and IMSA)

Do you want to submit marine or biodiversity surveys in support of your form?	☒ Yes ☐ No – skip to Part 8

7.1 Biodiversity surveys

If you want to submit any biodiversity surveys to support this form, you must follow the Environmental Protection Authority's (EPA) *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments* (IBSA). If you do not meet the IBSA requirements, DWER/DMIRS (as applicable) may decline/return your form.

Please provide the IBSA number(s) – or submission number(s) if the IBSA number has not yet been issued – in the space provided. Note that a submission number is not confirmation that a biodiversity survey has been accepted and is not the same as an IBSA number. IBSA numbers are only issued once a survey has been accepted. Once an IBSA number is issued, please notify DWER/DMIRS (as applicable). Please note DWER / DMIRS will suspend the assessment timeframes for your form until you provide the IBSA number(s).

Have you submitted all the biodiversity surveys that support this form to the Index of Biodiversity Surveys for Assessment, available at ibsasubmissions.dwer.wa.gov.au?	☐ Yes ☒ Not applicable
Provide an IBSA number (preferred) or a submission number(s)	

7.2 Marine surveys

If you want to submit any marine surveys to support this form, you must follow the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments* (IMSA). If you do not meet the IMSA requirements, DWER may decline/return your form.

Have you prepared all the marine surveys that support this form in accordance with the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments*?	☒ Yes ☐ Not applicable

Part 8 – Assessment Bilateral Agreement

The native vegetation clearing processes under Part V of the EP Act have been accredited by the Commonwealth of Australia under the EPBC Act and so can be assessed under an assessment bilateral agreement.

To be assessed this way, the proposed clearing action must have been referred to the Commonwealth under the EPBC Act and deemed a **'controlled action'** before you submit this form.

For further information, see DWER's website guidance on the assessment bilateral agreement.

Is your proposed clearing a controlled action?	☐ Yes ☒ No – skip to Part 9

If 'Yes' – complete the following:

Please make sure you have entered all the mandatory details in the *Annex C7 form*	☐ *Annex C7 form* attached
List the controlling provisions identified in the notification of the controlled action decision	

Part 9 – Other approvals

Which department are you submitting this form to? If the clearing is for mineral and petroleum activities authorised under the *Mining Act 1978*, the various Petroleum Acts, and/or a State Agreement Act, select 'Department of Mines, Industry Regulation and Safety'. For all other clearing activities, select 'Department of Water and Environmental Regulation'.	☐ Department of Mines, Industry Regulation and Safety ☒ Department of Water and Environmental Regulation

9.1 Environmental impact assessment (Part IV of the EP Act)

Clearing may be referred to the EPA if it is considered to be part of a 'significant proposal', as defined by section 37B(1) of the EP Act, or will likely to be part of a larger development. An example is when the clearing is for a road to a future mine.

Section 37B(1) of the EP Act defines a 'significant proposal' as "a proposal likely, if implemented, to have a significant effect on the environment". If a decision-making authority (e.g. DWER or DMIRS) considers the proposal in this form is likely to constitute a 'significant proposal', under section 38(5) of the EP Act they must refer the proposal to the EPA or for assessment under Part IV, if such a referral has not already been made.

Has the proposed clearing or any related matter been referred to the EPA?	☐ Yes Enter details: [ ] ☒ No – complete question below.
If 'No' – do you intend to refer the proposal to the EPA?	☐ Yes – intend to refer (proposal is a 'significant proposal') ☐ Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement) ☐ No – a current valid Ministerial Statement applies Enter Ministerial Statement number: [ ] ☒ No – not a significant proposal

9.2 Other approvals – pre-application scoping (DWER forms only)

Have you had any pre-application/ pre-referral/ scoping meetings with DWER about any planned applications?	☒ Yes Enter details: MWPA held a pre submission meeting with representatives of DWER's Native Vegetation Regulation validation team on Tuesday the 8th of November, 2022. ☐ No

9.3 Other approvals – works approval, licence or registration (Part V Division 3 of the EP Act)

Have you applied or do you intend to apply for a works approval, licence, registration or an amendment to any of the above, under Part V Division 3 of the EP Act? It is an offence to perform any action that would cause a premises to become a prescribed premises of a type listed in Schedule 1 of the Environmental Protection Regulations 1987, unless that action is done in accordance with a works approval, licence or registration. For further guidance, see DWER's *Procedure: Prescribed premises works approvals and licences* and *Guideline: Industry regulation guide to licensing*.	☐ Yes Application reference: [ ] ☐ No – a valid works approval applies ☐ No – a valid licence applies ☐ No – a valid registration applies ☒ No – not required