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 (s.51DA of the EP Act) ☒ Application for an area permit (s.51E of the EP Act) ☐ Application for a purpose permit (s.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	Shire of Toodyay
Australian Company Number (ACN)	97 352 024 603

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

Name	Shire of Toodyay

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			
Position (if applicable)			
Company name (if applicable)			
Contact phone number (1)		Phone number (2)	
Business or postal address line 1			
Business or postal address line 2			
Suburb			
State		Postcode	
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:

Land description 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	Land ID Numbers (Landgate) 3783699 3783697 3783695 3783694 3783693 3783692 3431742 3783606 3431743 3529601 3529600 3529599 3783961		
Street address – Line 1	Bindi Bindi Toodyay Road		
Street address – Line 2			
Suburb	Bejoording		
State	WA	Postcode	6566
Local government area(s)	Toodyay LGA		
Land zoning	Rural		

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

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) 2020 (geographic latitude / longitude) • Datum: GDA 2020 ☒ 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.

5.1 Maps and/or spatial data

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)	-
Footprint of clearing (hectares) (purpose permit only)	-
Number of individual trees to be removed	42

Note: Proposed number of trees to be cleared = 44

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.)	For the purpose of re-aligning the intersection and sealing works for safety improvements
Specify what the final land use will be after clearing	Public Road

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Mechanical

5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: 01/06/2023 End date: 30/06/2024

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	Bindi Bindi Toodyay Road between straight line kilometer 20.35 – 25.74 is a sealed section of road in the Bejoording locality. This section of road is used by heavy trucks as a haulage route for freight and agricultural purposes. The designated speed limit is 90km per hour through the Bejoording townsite and then increasing to 110km per hour. The proposed section of road has been surveyed, and thorough consideration has been given to the horizontal and vertical design. All consideration has been

	made to avoid and mitigate native vegetation clearing. The trees that have been identified for clearing are mostly located very close to the road's edges (less than 1 meter) and in stormwater drainage areas which may contribute to road surface damages in the long term. These trees also affect line of sight which causes significant risks to all road users and. The shire is currently engaging a qualified person to conduct a Flora & Fauna survey which will be provided to the department once received.

Part 6 – Offset

Do you want to submit a clearing offset proposal with your form? For more information on environmental offsets, refer to DWER's website and *Fact Sheet 11: Environmental offsets for native vegetation clearing permits*.	☐ 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. For further information on IBSA, refer to DWER's website.

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 IBSA portal, via 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. For more information on IMSA, refer to DWER's website.

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 s.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 s.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.