GOVERNMENT OF WESTERN AUSTRALIA

**Department of Water and Environmental Regulation (DWER)**
**Department of Mines, Industry Regulation and Safety (DMIRS)**

# Application to amend a clearing permit

*Environmental Protection Act 1986*, section 51KA

# FORM C4

The clearing of native vegetation is prohibited in Western Australia unless a clearing permit has been granted for the clearing or where a permit is not required (either due to a referral determination that one is not needed or because an exemption applies). A person who causes or allows unauthorised clearing commits an offence.

For further information on the stages of assessment for clearing permit applications (including amendments to existing permits), see the *Procedure: Native vegetation clearing permits* on DWER's website.

| CPS No. |
|---|
| Date stamp |

## Part 1: Assessment bilateral agreement

If the amendment of a clearing permit will or is likely to impact on a matter of national environmental significance identified under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) the original application must have been assessed in accordance with the bilateral assessment, and a variation under the EPBC Act is required prior to submitting this amendment application form.

To be assessed in this manner, the proposed clearing action must be referred to the Commonwealth under the EPBC Act and deemed a 'controlled action' prior to submitting this application form.

Further information is located in *Form Annex C7* and *A guide to native vegetation clearing processes under the Assessment bilateral agreement* available at www.der.wa.gov.au/our-work/clearing-permits.

Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?

☐ Yes EPBC number:

☒ No Proceed to Part 2

List the controlling provisions identified in the notification of the controlled action decision.

☐ *Form Annex C7* is complete and the required supporting information is attached.

## Part 2: Clearing permit details

Amendments can only be made to active clearing permits.

Applications must be made more than 90 working days prior to the existing permit expiring to ensure there is adequate time to assess the amendment.

FILE REFERENCE

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| Permit number for existing clearing permit | CPS 10428/1 |
| Permit holder's name (as it appears on the existing clearing permit) | Fulton Hogan Construction Pty Ltd |
| Permit expiry date: | 11 January 2030 |
| Mark this box if there are less than 90 working days until the expiry of the existing permit. | ☐ |

## Part 3: Applicant

### Applicant details

To apply for an amendment to a permit you must be the current holder of the existing permit.

Include Australian Company Number (ACN) if the proposed permit holder is a body corporate or other entity formed at law.

Are you applying as an individual, a company or incorporated body? Enter details for one only.

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| An individual | Title | Mr | ☐ | Mrs | ☐ | Ms | ☐ | Other: |
| | Name/s | | | | | | | |

**OR**

| | |
|---|---|
| A body corporate or other entity formed at law (include ACN) | Fulton Hogan Construction Pty Ltd<br>46010240758 |

### Applicant contact details

[redacted]

### 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 concerning this clearing application.

Where contact details differ to those of the applicant, complete the below section:

| | | | |
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| Contact person (and position, if applicable) | | | |
| Company name (if applicable) | | | |
| Postal / business address | | | |
| Phone (fixed line) | | Phone (mobile) | |
| Email address | | | |

| **Part 4: Proposed amendments** | |
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| Additional information to support the assessment of your application to amend may be attached.<br><br>Please ensure you have included the following as part of your application:<br>• a photocopy of the granted clearing permit, with proposed changes highlighted,<br>*and*<br>• payment of the prescribed fee.<br><br>When providing details of the proposed change(s), if any additional clearing is proposed, include details of:<br>• the proposed method of the clearing;<br>• the purpose of the clearing;<br>• the period within which the clearing is proposed to be undertaken (taking note of the published minimum assessment timeframes for DWER / DMIRS, as applicable);<br>*and*<br>• the final land use. | Indicate the types of proposed change(s) to your clearing permit by selecting the relevant box(es):<br>☐ Extend the duration of the clearing permit.<br>☐ Vary / add / remove a permit condition relating to a matter other than the size or boundary of the area to be cleared.<br>☒ Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit.<br>☐ Redescribe the boundary of the area authorised to be cleared *[for an area permit only]*<br>☐ Make a correction to the clearing permit.<br>☐ Other.<br><br>Provide details of the proposed change(s), and the rationale(s) for it / them.<br>CPS 10428-1 application made 23/11/2023 and granted on 20/12/2024.<br>Areas that were marked as cleared at the time of application had minor regrowth of native vegetation between application date and approval date.<br>An additional 1.48Ha clearing area is requested. Of this, a small area of shoreline vegetation ( 277m$^2$) which was not present at the time of initial application, and additional vegetation within the same land parcel (193m$^2$) is requested. All other additional clearing area remain within the same footprint as the original application. |
| For an application to amend the size of the area permitted to be cleared, or add a land parcel to the clearing permit, you must have the authority of the landowner to access the land and undertake the clearing. | State the nature of the applicant's authority to access the land to be cleared. Evidence of authority can include e.g. a copy of the certificate of title or a letter of authority signed by the landowner or other person with authority to give legal land access permission.<br>*[Attach evidence of authority. Note that a letter of authority must explicitly state the applicant has authority to clear on the land.]*<br><br>Refer to original application documentation. |
| Provide additional property details if required – if applying to extend the size of the area to be cleared into another land parcel. | Land description: volume and folio number, lot or location number(s), Crown lease or reserve number, pastoral lease number, or mining tenement number of all properties.<br><br>N/A – Same land parcels. Additional approval from the Shire of Cocos Keeling Islands is currently being sought for the 193m$^2$ that is outside of the existing lease and will be provided in due course. No other variations to existing MOUs or land use agreements are required. |
| You must provide evidence that avoidance and mitigation options have been pursued to eliminate, reduce or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation. | Have alternatives that would avoid or minimise the need for clearing been considered and applied? ☒ Yes ☐ No<br><br>If yes, provide details:<br><br>No variations to the original application with respect to land parcels or clearing avoidance measures. Alternative options were considered to minimise clearing in consultation with the local Shire and land holders. |
| Refer to DWER's *Clearing of native vegetation offsets procedure* guideline available on the DWER website, and the EPA's *WA Environmental* | Do you want to submit a clearing permit offset proposal with your application? ☐ Yes ☒ No<br><br>If yes, provide details, and complete and attach Appendix A of the *Clearing of native vegetation offsets procedure* guideline. |

| Part 4: Proposed amendments | |
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| *Offsets Policy and Guidelines* on the EPA website for further information. | |

| Part 5: Other DWER approvals | | |
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| **Instructions:**<br>• **If your application is to be submitted to DMIRS, complete Section A and then skip to Part 6 of this form.**<br>• **If your application is to be submitted to DWER, complete both Sections A and B.** | | |
| **Section A: Environmental Impact Assessment** | | |
| **Environmental Impact Assessment (Part IV of the EP Act)** | | |
| **Has this clearing application or any related matter been referred to the Environmental Protection Authority?** | ☐ | Yes – provide details [ ] |
| | ☒ | No |
| **Do you intend to refer the proposal to the Environmental Protection Authority?**<br>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"*.<br>If a decision-making authority (e.g. DWER or DMIRS) considers that the proposal in this application is likely to constitute a 'significant proposal', they are required under section 38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made.<br>If a relevant Ministerial Statement already exists, please provide the MS number in the space provided. | ☐ | 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)<br>MS [ ] |
| | ☐ | No – a current valid Ministerial Statement applies:<br>MS [ ] |
| | ☒ | No – not a 'significant proposal' |
| **Section B: Other approvals** | | |
| **Pre-application scoping** | | |
| **Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?** | ☐ | No |
| | ☒ | Yes – provide details: A meeting was held with Tim Francis on 20th January 2025 to discuss this amendment application and Project Works Approvals, and a further meeting was held with Ray Carvalho on the 21st January 2025 to discuss this amendment application.<br><br>Refer to original application for previous engagement with the Department. |
| **Works approval / Licence / 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?**<br>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.<br>For further guidance, refer to *Guideline: Decision making* and *Guideline: Industry Regulation Guide to Licensing*. | ☐ | Yes – application reference (if known): [ ] |
| | ☒ | No – a valid works approval applies: [W6943] |
| | ☐ | No – a valid licence applies: [ ] |
| | ☐ | No – a valid registration applies: [ ] |
| | ☐ | No – not required |
| **Water licences and permits (*Rights in Water and Irrigation Act 1914*)** | | |
| **Have you applied or do you intend to apply for:**<br>**1. a licence or amendment to a licence to take water (surface water or groundwater); or** | ☐ | Yes –application reference (if known): [ ] |
| | ☐ | No – a current valid licence applies: [ ] |

| Part 5: Other DWER approvals | |
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| **2. a licence or amendment to a licence to construct wells (including bores and soaks); or**<br>**3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?**<br>For further guidance on water licences and permits under the *Rights in Water and Irrigation Act 1914*, refer to the *Procedure: Water licences and permits*. | ☒ N/A |

| Part 6: Surveys for Assessments (IBSA and IMSA) | | | |
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| **Do you wish to submit marine or biodiversity surveys in support of your application?** | ☐ Yes<br>☒ No – skip to Part 7 | | |
| Biodiversity surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*. If these requirements are not met, DWER / DMIRS (as applicable) may decline to deal with the application.<br>Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided.<br>Note that a submission number is not confirmation of acceptance of a biodiversity survey 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).<br>Please note the assessment timeframes for your application will be suspended until the IBSA number(s) is provided to DWER / DMIRS (as applicable). | All biodiversity surveys that support this application have been submitted to the *Index of Biodiversity Surveys for Assessment* available at: ibsasubmissions.dwer.wa.gov.au | **Yes**<br>☐ | |
| | **Submission number(s)**<br>(e.g. *IBSASUB-20200101-12345A6D*)<br>Please list all numbers. If space is inadequate, list on a separate sheet. | | |
| | **IBSA number(s)**<br>(e.g. *IBSA-2020-0123*)<br>Please list all numbers. If space is inadequate, list on a separate sheet. | | |
| Marine surveys submitted to support this application must meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)*. If these requirements are not met, DWER will decline to deal with the application. | All marine surveys submitted with this application meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)*. | **Yes**<br>☐ | **N/A**<br>☐ |

| Part 7: Records kept under the existing clearing permit's conditions | | |
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| Most clearing permits include one or more conditions requiring that the permit holder keep certain records relating to the actions undertaken in accordance with the clearing permit.<br>DWER / DMIRS (as applicable) requires that these records are provided to support the assessment of this application.<br>Records provided should cover:<br>• the full period of the permit; | The required records are attached. | **Yes**<br>☒ |
| | Please select the relevant records included with the report. Only records required to be kept by the conditions of the existing clearing permit need to be provided. | |
| | ☒ | The total amount, location(s), and date(s) of clearing done under the permit (or within the past five years). |
| | ☒ | Actions taken to avoid or minimise the impact and extent of clearing. |
| | ☒ | Actions taken in relation to flora and/or fauna management. |

| Part 7: Records kept under the existing clearing permit's conditions | | | |
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| *or*<br>• the past five years (if the existing permit's duration is greater than five years and it was amended within the past five years). | ☐ | Actions taken to revegetate or rehabilitate the areas cleared under the permit. | |
| | ☐ | Records pertaining to any onsite or offsite environmental offsets. | |
| | ☒ | Any other relevant records required to be kept by the conditions of the permit. | |
| | | *Summarise other records:* | Ecologist records, original application documentation, supporting information letter |