GOVERNMENT OF WESTERN AUSTRALIA

Department of Water and Environmental Regulation (DWER)
Department of Mines, Petroleum and Exploration (DMPE)

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 Native vegetation clearing permits | Western Australian Government

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

Permit number for existing clearing permit	CPS 10655/1
Permit holder's name (as it appears on the existing clearing permit)	Fenix Ruvidini Pty Ltd
Permit expiry date:	7 November 2034
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)	Fenix Ruvidini Pty Ltd ACN 668 900 472

Applicant contact details

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

DWER and DMPE 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 ("Part V documents") via email by indicating your consent in this section of the application form.

Where 'yes' is selected, all correspondence from DWER or DMPE (as applicable) will be sent to you via email, to the email address provided in this section.

Where 'no' has been selected, Part V documents will be posted to you in hard copy to the postal/business address you have provided in this section. Other general correspondence may still be sent to you via email.

Provide contact details for the above individual or body corporate.

Contact person (and position, if applicable)	[redacted]
Company name (if applicable)	
Postal / business address	
Phone (fixed line):	
Email address	

	Yes	No
I consent to all written correspondence between myself (the applicant) and DWER/DMPE (as applicable), regarding the premises which is the subject of this application, being exclusively via email, using the email address I have provided above.	☒	☐

Contact details for enquiries

If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMPE should liaise with concerning this clearing application.

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

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

Part 4: Proposed amendments

Additional information to support the assessment of your application to amend may be attached.

Please ensure you have included the following as part of your application:

- a photocopy of the granted clearing permit, with proposed changes highlighted,

  and

- payment of the prescribed fee.

When providing details of the proposed change(s), if any additional clearing is proposed, include details of:

- the proposed method of the clearing;
- the purpose of the clearing;
- the period within which the clearing is proposed to be undertaken (taking note of the published minimum assessment timeframes for DWER / DMPE, as applicable);

  and

- the final land use.

Indicate the types of proposed change(s) to your clearing permit by selecting the relevant box(es):

☐	Extend the duration of the clearing permit.
☒	Vary / add / remove a permit condition relating to a matter other than the size or boundary of the area to be cleared.
☐	Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit.
☐	Redescribe the boundary of the area authorised to be cleared *[for an area permit only]*
☐	Make a correction to the clearing permit.
☐	Other.

Provide details of the proposed change(s), and the rationale(s) for it / them.

An area of 0.69 ha was designated as an offset on Lot 500 to be rehabilitated and covered by a covenant to prevent any future disturbance.

This area is a former gravel pit and has had most of the topsoil, sub-soil and gravel removed, with caprock and compacted sub-surface material remaining. It is not conducive to plant growth without substantial earthworks and import of growth media from elsewhere. Additionally, the area may still provide a source of gravel that can be used for the planned rail siding operation. The former gravel pit will be rehabilitated (re-profiled, contour ripped etc) when no longer required for the planned project.

Fenix proposes to move the designated rehabilitation offset area to an alternate location on Lot 500 that is more conducive to plant growth and further from the operation. The proposed alternate offset location will be 0.85 ha, larger than the 0.69 ha required under existing permit 10655/1 and located on land previously cleared for cropping and grazing.

As per Condition 8 of CPS 10655/1, the area will be rehabilitated by planting and seeding with a selection of native tree and shrub species

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.
[Attach evidence of authority. Note that a letter of authority must explicitly state the applicant has authority to clear on the land.]

No change. The offset area is still located on Lot 500, as per the existing Condition.

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.

Lot 500 on Deposited Plan 52402

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

If yes, provide details:

N/A

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

If yes, provide details, and complete and attach Appendix A of the *Clearing of native vegetation offsets procedure* guideline.

Part 4: Proposed amendments	
Offsets Policy and Guidelines on the EPA website for further information.	This amendment is in relation to an existing offset and proposes to move the designated rehabilitation offset area to an alternate location on Lot 500 that is more conducive to plant growth and further from the operation.

Part 5: Other DWER approvals

Instructions:

- **If your application is to be submitted to DMPE, complete Section A and then skip to Part 6 of this form.**
- **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? 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 DMPE) 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. 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) MS [ ] ☐ No – a current valid Ministerial Statement applies: 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: [ ]

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? 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, refer to *Guideline: Decision making* and *Guideline: Industry Regulation Guide to Licensing*.	☐ Yes – application reference (if known): [ ] ☐ No – a valid works approval applies: [ ] ☐ 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: **1. a licence or amendment to a licence to take water (surface water or groundwater); or** **2. a licence or amendment to a licence to construct wells (including bores and soaks); or** **3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?** 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*.	☐ Yes –application reference (if known): [ ] ☐ No – a current valid licence applies: [ ] ☒ N/A

Part 6: Surveys for Assessments (ISA)		
Do you wish to submit marine or biodiversity surveys in support of your application?	☐ Yes	
	☒ No – skip to Part 7	
Biodiversity and marine surveys submitted to support this application must be submitted via Environment Online and follow the Procedure – Preparing Data Packages for the - Index of Surveys for Assessments (ISA) at https://environmentonline.dwer.wa.gov.au/article/?code=KA-00081#/ and https://environmentonline.dwer.wa.gov.au/article/?code=KA-00098 If these requirements are not met, DWER / DMPE (as applicable) may decline to deal with the application. Please provide the ISA number(s) and/or any relevant existing IBSA/IMSA numbers in the space provided. Please note DWER/DMPE will suspend the assessment timeframes for your application until the biodiversity surveys are accepted by ISA.	All biodiversity and marine surveys that support this application have been submitted to ISA via Environment Online	**Yes** ☐
	ISA number(s) (e.g. *ISA-0001234*) **IBSA/IMSA number(s)** (e.g. *IBSA-2020-0123 or IMSA-2020-0123*) Please list all numbers. If space is inadequate, list on a separate sheet.	

Part 7: Records kept under the existing clearing permit's conditions		
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. DWER / DMPE (as applicable) requires that these records are provided to support the assessment of this application. Records provided should cover: • the full period of the permit; *or* • the past five years (if the existing permit's duration is greater than five years and it was amended within the past five years).	The required records are attached.	**Yes** ☒
	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.	
	☐ 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:*	Not relevant at this time. These details will be provided in the Annual Report, to be submitted prior to 30 June 2026.