GOVERNMENT OF WESTERN AUSTRALIA

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

Application for an amendment to a clearing permit

Environmental Protection Act 1986, section 51M

FORM C4

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or 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), refer to 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.

The proposed action associated with the implementation of the Banksia Hill NYDF was referred under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) on the basis that the implementation of the proposal within the Development Envelope had the potential to impact MNES.

A referral decision was issued on 5 February 2025, determining the proposal to be '**not a controlled action**' (EPBC 2024/10040).

☐ *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 11152/1
Permit holder's name (as it appears on the existing clearing permit)	Department of Housing and Works
Permit expiry date:	2 February 2036
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)	Department of Housing and Works						
Applicant contact details								
If applying as a company or incorporated body, please also supply the registered business office address. DWER and DMIRS prefer to send all correspondence electronically 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") electronically via email by indicating your consent in this section of the application form. Where 'yes' is selected, all correspondence from DWER or DMIRS (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							
	I consent to all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable), regarding the premises which is the subject of this application, being exclusively via email, using the email address I have provided above.						**Yes** ☒	**No** ☐
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:							
	Contact person (and position, if applicable)	[redacted]						
	Company name (if applicable)							
	Postal / business address							
	Phone (fixed line)							
	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 / DMIRS, 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 for it / them. The proposed amendment to Clearing Permit CPS 11152/1 seeks to modify the Approved Clearing Permit Boundary to incorporate an additional area within a portion of the western side of the Nicholson Road road reserve, as illustrated in **Figure 1** of the Supporting Letter. The additional area subject to this amendment is required to facilitate construction of a new access road connecting the Banksia Hill NYDF to Nicholson Road and providing dual-directional access to the facility. While the proposed amendment does not seek to otherwise alter the conditions of Clearing Permit CPS 11152/1, incorporation of the Amended Clearing Area will result in a minor increase in the overall area of native vegetation authorised for clearing and associated impacts to environmental values. Specifically, the proposed amendment will result in: • An increase of **0.05 ha** in the total area of native vegetation authorised for clearing, from **2.77 ha to 2.82 ha** • Clearing of an additional **0.02 ha** of vegetation representative of the Banksia Woodlands of the Swan Coastal Plain TEC/PEC • An increase of **0.2 ha** in the area of potential black cockatoo foraging habitat proposed to be cleared. The proposed amendment is therefore limited to the incorporation of the Amended Clearing Area required to facilitate the revised access road design, with the existing conditions and authorised clearing area under CPS 11152/1 otherwise remaining unchanged.
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.]*
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. Nicholson Road reserve (PIN 11363210, Canning Vale
You must provide evidence that avoidance and mitigation	Have alternatives that would avoid or minimise the need for clearing been considered and applied? ☒ Yes ☐ No

Part 4: Proposed amendments	
options have been pursued to eliminate, reduce or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation.	If yes, provide details: During the initial planning and development of the Banksia Hill NYDF, the Applicant considered a range of options for accommodating the expanded facility requirements within the existing Banksia Hill grounds. This process included consideration of the environmental conditions and characteristics of the site and surrounding areas, with a focus on avoiding and minimising impacts to native vegetation and environmental values where practicable. The project design was subject to multiple iterations to balance the operational requirements of the new facility with the environmental constraints of the site. This process resulted in substantial avoidance of environmental values and ultimately informed the assessment and issue of Clearing Permit CPS 11152/1. The avoidance measures achieved through the project design resulted in the avoidance of the following native vegetation and environmental values within the broader Project Area: • Approximately 2.32 ha of high-quality native foraging habitat for all three species of black cockatoo (CBC, BBC and FRTBC) • Approximately 2.32 ha of Banksia Woodlands TEC/PEC • Approximately 751 individuals of *Poranthera moorokatta* (P2) • No clearing of potential habitat for *Leioproctus douglasiellus* • No clearing of potential habitat for *Neopasiphae simplicior* • No clearing of potential habitat for *Idiosoma sigillatum* • No clearing of potential habitat for *Synemon gratiosa* • No clearing of potential habitat for *Caladenia hugelii*. The avoidance outcomes described above were achieved through consideration of multiple project design iterations and careful consideration of the operational requirements of the Banksia Hill NYDF, together with the environmental constraints and values identified within the broader Project Area. The proposed amendment relates specifically to the finalised design of the new access road connecting the Banksia Hill NYDF to Nicholson Road. The revised access arrangement is required to meet the operational and access requirements of the new facility, including the provision of dual access to the Banksia Hill NYDF. Given these operational requirements and the associated design constraints, further modification of the access road alignment was not considered practicable without compromising the required functionality and operation of the facility. As a result, no further avoidance of native vegetation within the Amended Clearing Area could be achieved through modification of the proposed access road design. Importantly, the amendment does not propose any change to the existing Approved Clearing Permit Boundary, rather the addition of the Amended Clearing Area required for the establishment of the new access road. The avoidance measures previously achieved through the design and assessment of the area authorised under CPS 11152/1 will remain in place. The proposed amendment does not propose to alter the avoidance outcomes established through the original clearing permit assessment but is limited to incorporating the additional area of native vegetation required to facilitate the establishment of the new access road.
Refer to DWER's *Clearing of native vegetation offsets procedure* guideline available on the DWER website, and the EPA's *WA Environmental Offsets Policy and Guidelines* on the EPA website for further information.	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 5: Other DWER approvals	
Instructions: • **If your application is to be submitted to DMIRS, 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 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. 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: Pre-application meeting with Matt Gannaway on Wednesday 23 September 2026
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 offense 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 (IBSA and IMSA)			
Do you wish to submit marine or biodiversity surveys in support of your application?	☐ Yes ☒ 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. Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided. 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). 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** ☐	
	Submission number(s) (e.g. *IBSASUB-20200101-12345A6D*) Please list all numbers. If space is inadequate, list on a separate sheet.		
	IBSA number(s) (e.g. *IBSA-2020-0123*) 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** ☐	**N/A** ☒

[redacted]



Part 8: Application checklist			
Additional information to assist in the assessment of your proposal may be attached to this application – e.g. reports on salinity, fauna, or flora studies, or other environmental reports conducted for the site could be included in electronic format and submitted on a suitable portable digital storage device.	Please ensure you have included the following as part of your application:		
	REQUIRED	☒	Payment of the prescribed fee.
		☒	An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile.
		☒	An index of all documentation attached to this application.
	AS REQUIRED	☐	Copy of the certificate of title or pastoral lease.
		☐	A copy of the written authorisation permitting the applicant to act on behalf of the current clearing permit holder.
		☒	Written authority from the landowner to access the land and conduct the clearing.
		☐	*Form Annex C7 – Assessment bilateral agreement* if the clearing is also to be assessed under an EPBC Act accredited process.
		☐	Appendix A of the *Clearing of native vegetation offsets procedure* guideline if the application includes a proposal for clearing permit offsets.
		☐	IBSA number has been provided in Part 6.
	ADDITIONAL SUPPORTING INFORMATION	☐	Photos of application area
		☐	Marine surveys, submitted in accordance with the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)*.

Part 9: Commercially sensitive or confidential information		
Information submitted as part of this application will be made publicly available. If you wish to submit commercially sensitive or confidential information, please identify the information in Attachment 1, and include a written statement of reasons why you request each item of information be kept confidential. Information submitted later in the application process may also be made publicly available at the discretion of the relevant Department. For any commercially sensitive or confidential information, please follow the same process as described above. DWER and DMIRS will take reasonable steps to protect confidential or commercially sensitive information. Please note in particular that all submitted information may be the subject of an application for release under the *Freedom of Information Act 1992* (WA).		
All information which you would propose to be exempt from public disclosure has been separately placed in a redacted version of the application form and its supporting documentation. Note that this is in addition to the unredacted version(s) provided to DWER / DMIRS (as applicable) for its assessment. Grounds for claiming exemption in accordance with Schedule 1 to the *Freedom of Information Act 1992* must be specified in **Attachment 1** (located at the end of this form).	**Attached**	**N/A**
	☐	☒

Part 10: Submission of application	
Check one of the boxes below to nominate how you will submit your application. Files larger than 50MB cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. Larger files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) to make other arrangements. If you have any enquiries regarding the provision of relevant information as part of this application, contact either DWER or DMIRS (as applicable), on the details below.	
A signed, electronic copy of the application form, including all attachments, has been submitted via the applicable email address specified below; **OR**	☐
A signed, electronic copy of the application form has been submitted via the applicable email address specified below, and attachments have been submitted via File Transfer, or electronically by other means as arranged with the relevant Department; **OR**	☒
A full, signed hard copy has been sent to the applicable postal address specified below.	☐

Email or post applications to amend clearing permits granted by DWER, or the former Department of Environment Regulation or former Department of Environment and Conservation to: Email: info@dwer.wa.gov.au **Department of Water and Environmental Regulation** Locked Bag 10 Joondalup DC WA 6919 Telephone: 6364 7000 For more information: www.dwer.wa.gov.au	Email or post applications to amend clearing permits granted by DMIRS, or the former Department of Mines and Petroleum (under delegation) to: Email: nvab@dmirs.wa.gov.au **Department of Mines, Industry Regulation and Safety** Resource and Environmental Compliance Division Locked Bag 100 EAST PERTH WA 6892 Telephone: 9222 3333 For more information: www.dmirs.wa.gov.au
Please retain a copy of this form for your records. Incomplete applications will be returned.	
If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form	

ATTACHMENT 1 – Confidential or Commercially Sensitive Information

Request for exemption from publication			
Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the *Freedom of Information Act 1992 (WA)*, available here, must be specified in this Attachment. Add additional rows as required.			
NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED TO BE ACCEPTABLE			
Section of this form:		Grounds for claiming exemption:	
Section of this form:		Grounds for claiming exemption:	
Section of this form:		Grounds for claiming exemption:	

_____

Full Name

_____ _____

Signature Date