GOVERNMENT OF WESTERN AUSTRALIA

Department of **Water and Environmental Regulation**

Department of **Energy, 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 (maps etc.). The Department of Water and Environmental Regulation (DWER) or Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) 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

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| Select your form type.<br><br>**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)<br><br>☒ Application for an area permit (section 51E of the EP Act)<br><br>☐ Application for a purpose permit (section 51E of the EP Act) |

| | |
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| Which department are you submitting this form to?<br><br>If the clearing is for mineral and petroleum activities authorised under the *Mining Act 1978*, the various petroleum Acts, and/or a State Agreement with areas covered by either mineral or petroleum tenure granted under one of the abovementioned Acts, select 'Department of Energy, Mines, Industry Regulation and Safety'.<br><br>For all other clearing activities, select 'Department of Water and Environmental Regulation'. | ☐ Department of Energy, Mines, Industry Regulation and Safety<br><br>☒ Department of Water and Environmental Regulation |

## 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:

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

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

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| Name | |
| Australian Company Number (ACN) | |

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

| | |
|---|---|
| Name | Shire of Capel |

### 2.2 Applicant contact details

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

[redacted]

### 2.3 Applicant contact postal details

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

[redacted]

[redacted]

### 2.4 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.

[redacted]

### 2.5 Electronic correspondence consent

DWER/DEMIRS 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.

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

### 2.6 Contact details for enquiries

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

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| Same as applicant's contact details | ☐ Yes ☒ No |

If 'No' – complete the following:

[redacted]



## Part 3 – Land details

- You must accurately describe the location of the land where your clearing is proposed.
- Provide copies of associated documents registered against the Certificate of Title (limitations, interests, encumbrances or notifications) where the clearing may impact them (i.e. caveats within freehold Lots).
- If you have a large number of properties, please provide the relevant details for each property in a separately attached supporting document.

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| 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:

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| **Land description**<br>Provide the following details, as applicable, for all properties:<br>– volume and folio number<br>– lot or location number(s)<br>– crown lease or reserve number<br>– pastoral lease number<br>– mining tenement number | Gavins Road (0.5 to 7.5 SLK), Capel | | |
| Street address – Line 1 | Gavins Road | | |
| Street address – Line 2 | | | |
| Suburb | Capel | | |
| State | WA | Postcode | 6271 |
| Local government area(s) | Shire of Capel | | |
| Land zoning | Road Reserve | | |

## 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
- 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**<br>**(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<br>☒ Attach a letter, in which the landowner authorises you to act on their behalf and acknowledge they will be jointly responsible for the clearing permit |
| ☐ I am likely to become the landowner | ☐ Attach evidence of the pending transfer of ownership, including details of current proprietor on certificate of title, 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<br>☐ Attach a letter, in which the landowner authorises you to access and clear native vegetation within the property(ies) as detailed in section 3.1 (if the applicant is not the landowner) |
| ☐ I am a person with multiple land parcels within which clearing is proposed | ☐ Attach proof of ownership and/or<br>☐ Attach letters, in which the landowner authorises you to access and clear native vegetation within the properties as detailed in section 3.1 (if the applicant is not the landowner) |
| ☐ I will undertake the clearing activities through the exercise of power conferred by different legislation (e.g. the *Energy Operators (Powers) Act 1979*) | ☐ Provide relevant legislative details: |

## Part 5 – Proposed clearing

### 5.1 Maps and/or spatial data

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| Select which map type(s) you will attach with your form.<br><br>Note: DWER/DEMIRS will decline/return forms (as applicable) if you do not provide sufficient information for this question. | ☒ An ESRI shapefile with the following properties (preferred)<br>• Geometry type: polygon shape<br>• Coordinate system: Geocentric Datum of Australia (GDA) 2020 (geographic latitude/longitude)<br>• Datum: GDA 2020<br>☒ An aerial photograph or map with a north arrow, clearly marking the proposed clearing area<br>Note:<br>• An ESRI shapefile must use one of the following filename extensions: .shp, .shx, .dbf, and/or .prj<br>• 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(es) of vegetation, enter a hectare value for the total size of the area (mark number of trees as zero). For example, "clearing of 5 hectares".
- If you propose to clear only individual trees (i.e. the shrubs, grasses, groundcover plants will remain intact), provide the number of trees. For example, "clearing of 10 trees". If any shrubs, grasses, and/or groundcover plants **may** be damaged in the clearing process, enter the total area only.
- If you propose to clear an area of native 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 **only 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:

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| 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 |

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| Total area of clearing proposed (hectares) | **0.15 ha** Revised to 0.14 hectares |
| Footprint of clearing (hectares) (purpose permit only) | |
| Number of individual trees to be cleared | **Circa 25** |

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

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| Provide the reason for proposed clearing (e.g. road construction, grazing and pasture, hazard reduction, horticulture, timber harvesting etc.).<br><br>If applicable, provide any additional project overview or explain in detail the activities on the property (e.g. provide context of work proposed and describe how clearing will contribute to overall work activities onsite etc.). | For road widening and maintenance to improve the safety and function of the road |
| Specify what the final land use will be after clearing | Local road |

### 5.4 Method

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

### 5.5 Timeframe

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| Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024) | Start date: ASAP<br><br>End date: ASAP plus 2 years |

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

### 5.6 Pre-application scoping

Historic clearing of native vegetation in the Swan Coastal Plain and Avon Wheatbelt Interim Biogeographic Regionalisation for Australia (IBRA) bioregions has been extensive. DWER/DEMIRS strongly recommends a pre-application meeting if you propose to clear native vegetation within these bioregions.

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| Do you propose to clear native vegetation within the Swan Coastal Plain or Avon Wheatbelt bioregions? | ☒ Yes – complete section below<br><br>☐ I have had a pre-application meeting with DWER/DEMIRS<br><br>Insert date of meeting and officer name(s): [ ]<br><br>☐ I have contacted DWER/DEMIRS in relation to a pre-application meeting and been advised that a meeting is unnecessary in this case.<br><br>Insert date of conversation and officer name(s): [ ] |

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| | ☒ I have not had a pre-application meeting with DWER/DEMIRS. I understand that this may increase the likelihood of requests for further information and/or delays in assessment.<br><br>☐ No – proceed to next question. |

## Part 6 – Mitigation hierarchy

### 6.1 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? (Attach design drawings where applicable)
- 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, DWER/DEMIRS will ask you to do so during the validation of this application. Offsets will only be considered by DWER/DEMIRS as a last resort, once avoidance and minimisation measures have been clearly demonstrated.

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| Provide the avoidance details (e.g. retention of vegetation on property) | The Shire of Capel based the final clearing footprint on the results of the flora and fauna surveys, progressing the project design with an emphasis on avoiding and/or minimising impacts to native vegetation. The following measures have been used to avoid impacts:<br>• Results of the ecological surveys used to guide design and avoid environmental assets.<br>• Current footprint minimises significant trees (DBH >50cm) and targets disturbed areas, with a preference for retaining more intact vegetation.<br>• Additional trees will be retained wherever possible, with consideration of the installation of barriers or altering the slope of the batter, to reduce the width of clearing required.<br>• Reduction from over 200 trees to be cleared to approximately 25 |
| Provide the mitigation details (e.g. management of weed spread, rehabilitation) | The following measures have been used to avoid impacts:<br>• The Shire has an ongoing annual weed management program that targets roadside weeds<br>• Revegetation, including infill planting of native local provenance species from the existing species list, will be planted within the degraded areas to increase habitat, biodiversity and ecosystem function values. |

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| | • Contractors will ensure their equipment is clean before entering the site and wash down stations will be provided if required to minimize the introduction or spread of dieback. The Shire has previously developed guidelines for working in dieback infected/uninfected areas and these will be provided to the contractor.<br>• All cleared vegetation will be stockpiled and managed to avoid any risk of weed or dieback contamination.<br>• Reduced clearing footprint from 2.8m to 2.3m. |

### 6.2 Offsets

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| 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)

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| 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/DEMIRS will 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/DEMIRS. Please note DWER/DEMIRS will suspend the assessment timeframes for your application until you provide the IBSA number(s).

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| Have you submitted all the biodiversity surveys that support this form to the Index of Biodiversity Surveys for Assessment? | ☒ Yes<br>☐ Not applicable |
| Provide an IBSA number (preferred) or a submission number(s) | Flora - IBSASUB-20250312-A3E82B2E<br>Fauna - IBSASUB-20250718-60B240E1 |

### 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/DEMIRS will decline/return your form.

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| 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<br>☒ 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. DWER/DEMIRS will decline to deal with your application without the proposed clearing first being deemed a controlled action.

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

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| Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process, such as the assessment bilateral agreement or accredited assessment? | ☐ Yes<br>☒ No – skip to Part 9 |
| Is your proposed clearing a controlled action?<br>If 'Yes', please make sure you have entered all the mandatory details in the Annex C7 form | ☐ Yes<br>EPBC number:<br>☐ Annex C7 form attached<br>☐ No (DWER/DEMIRS cannot assess the application under an EPBC Act Accredited Process) |
| List the controlling provisions identified in the notification of the controlled action decision | |

## Part 9 – Other approvals

### 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/DEMIRS) 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 under Part IV, if such a referral has not already been made.

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| Has the proposed clearing or any related matter been referred to the EPA? | ☐ Yes<br>Enter details: [ ]<br>☒ 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')<br>☐ Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement)<br>☐ No – a current valid Ministerial Statement applies<br>Enter Ministerial Statement number: [ ]<br>☒ No – not a significant proposal |

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

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| 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. For further guidance, see DWER's *Procedure: Prescribed premises works approvals and licences* and *Guideline: Industry regulation guide to licensing*. | ☐ Yes<br>Application reference: [ ]<br>☐ No – a valid works approval applies<br>☐ No – a valid licence applies<br>☐ No – a valid registration applies<br>☒ No – not required |

### 9.3 Water licences and permits (*Rights in Water and Irrigation Act 1914*)

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| Have you applied or do you intend to apply for:<br>• a licence or amendment to a licence to take water (surface water or groundwater)<br>• a licence or amendment to a licence to construct wells (including bores and soaks), or<br>• 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*, see DWER's *Procedure: Water licences and permits*. | ☐ Yes<br>☐ No – a current valid licence applies<br>Licence number: [ ]<br>☒ Not applicable |

### 9.4 Planning and other approvals

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| Has the proposal obtained all relevant planning approvals and/or have you applied for all relevant planning approvals (e.g. Development Approval, Extractive Industry Licence, etc.)? | ☐ Yes<br>Enter details:<br>☐ No – planning approval is not required<br>Enter details:<br>☒ Not applicable |

