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 Mines, Petroleum and Exploration (DMPE) 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 (section 51DA of the EP Act) ☐ Application for an area permit (section 51E of the EP Act) ☒ Application for a purpose permit (section 51E of the EP Act)

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 with areas covered by either mineral or petroleum tenure granted under one of the abovementioned Acts, select 'Department of Mines, Petroleum and Exploration'. For all other clearing activities, select 'Department of Water and Environmental Regulation'.	☐ Department of Mines, Petroleum and Exploration ☒ 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:

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

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

Name	
Australian Company Number (ACN)	

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

Name	Shire of Wyndham-East Kimberley

2.2 Applicant contact details

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

Title	[redacted]
First name	
Last name	
Position	
Company name	
Phone number	
Email address	

2.3 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	[redacted]
State	

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.

Address line 1	[redacted]
Address line 2	
Suburb	
State	
Phone number	

2.5 Electronic correspondence consent

DWER/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 via email. Please indicate your consent in this section of the form.

I consent that all written correspondence between myself (the applicant) and DWER/DMPE (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/DMPE should liaise with (e.g. a consultant).

Same as applicant's contact details	☐ Yes ☒ No

If 'No' – complete the following:

Title	[redacted]
Contact name	
Position (if applicable)	
Company name (if applicable)	
Phone number	

Email address	[redacted]
Business or postal address line 1	
Business or postal address line 2	
Suburb	
State	

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.

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	The Permit Area will be located along Barytes Road, which is a public road in Wyndham, Western Australia and is entirely within the Shire of Wyndam-East Kimberley (SWEK) Government Area. There are three underlying land owners and consents from all three have been provided as Attachment 1.		
Street address – Line 1	Barytes Road		
Street address – Line 2			
Suburb	Wyndham		
State	WA	Postcode	6740
Local government area(s)	Shire of Wyndham-East Kimberley		
Land zoning	General Industry and Road		

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 **(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 ☐ 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 ☒ 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 ☐ 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

Select which map type(s) you will attach with your form. Note: DWER/DMPE 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.

5.2 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:

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)	**10**
Footprint of clearing (hectares) (purpose permit only)	~~**24.6**~~ Revised to 24.4 in validation
Number of individual trees to be cleared	**N/A**

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.). 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.).	SWEK is planning for a road realignment and upgrade of a 3 km section of Barytes Road in Wyndham, approximately 100 km from Kununurra (Project). The Project is intended to separate port operations from general public traffic and improve safety for all road users. The Project will also improve access for haulage vehicles which are currently restricted by the tight turning radius and steep grades at the existing access.
Specify what the final land use will be after clearing	Road

5.4 Method

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

5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: 1/06/2027 End date: 1/06/2029

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/DMPE strongly recommends a pre-application meeting if you propose to clear native vegetation within these bioregions.

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

	Insert date of conversation and officer name(s):	

☐ I have not had a pre-application meeting with DWER/DMPE. I understand that this may increase the likelihood of requests for further information and/or delays in assessment.

☒ 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/DMPE will ask you to do so during the validation of this application. Offsets will only be considered by DWER/DMPE as a last resort, once avoidance and minimisation measures have been clearly demonstrated.

Provide the avoidance details (e.g. retention of vegetation on property)	SWEK is committed to avoiding the majority of significant flora records with the exception of one record of *Goodenia byrnesii* (Priority 3). All other records will be avoided.

Provide the mitigation details (e.g. management of weed spread, rehabilitation)	To minimise the impact of clearing on the environment, SWEK proposes the following control measures:
	• All clearing will be managed under a Ground Disturbance Permit process;
	• The total extent of vegetation clearing is limited to 10 ha which includes the following sub-limits:
	  ○ 0.08 ha of Mangrove habitat; and
	  ○ One record of *Goodenia byrnesii* (Priority 3);

	• Clearing areas will be identified prior using GPS coordinates, and boundaries visually identified with pegs; • All clearing restricted to only what is required for each activity within the proposed Permit Area and undertaken only when required; and • All vegetation clearing and earth moving equipment will be inspected and cleaned prior to conducting clearing activities, vehicles will be inspected as cleaned as required to prevent the incidental spread of weeds.

6.2 Offsets

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 (ISA)

Do you want to submit marine or biodiversity surveys in support of your form?	☒ Yes ☐ No – skip to Part 8

7.1 Biodiversity and Marine surveys

If you want to submit any biodiversity or marine surveys to support this form, you must submit them 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 you do not meet the ISA requirements, DWER/DMPE will decline/return your form.

Please provide the ISA number(s) in the space provided. Please note DWER/DMPE will suspend the assessment timeframes for your application until the biodiversity or marine surveys are accepted by ISA.

Have you submitted all the biodiversity surveys that support this form to the Index of Surveys for Assessment via Environment Online?	☒ Yes ☐ Not applicable
If 'Yes' – please provide the ISA number(s)and/or any relevant existing IBSA/IMSA numbers	**ISA-0001652**

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/DMPE 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.

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 ☒ No – skip to Part 9
Is your proposed clearing a controlled action? If 'Yes', please make sure you have entered all the mandatory details in the Annex C7 form	☐ Yes EPBC number: ☐ Annex C7 form attached ☐ No (DWER/DMPE 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/DMPE) 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.

Has the proposed clearing or any related matter been referred to the EPA?	☐ Yes Enter details: ☒ No – complete question below.
If 'No' – do you intend to refer the proposal to the	☐ Yes – intend to refer (proposal is a 'significant proposal') ☐ Yes – intend to refer (proposal will require a section 45C amendment to

EPA?	the current Ministerial Statement) ☐ No – a current valid Ministerial Statement applies Enter Ministerial Statement number: [ ] ☒ No – not a significant proposal

9.2 Other approvals – works approval, licence or 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, see DWER's *Procedure: Prescribed premises works approvals and licences* and *Guideline: Industry regulation guide to licensing*.	☐ Yes Application reference: [ ] ☐ No – a valid works approval applies ☐ No – a valid licence applies ☐ No – a valid registration applies ☒ No – not required

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

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

9.4 Planning and other approvals

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 Enter details: [ ] ☒ No – planning approval is not required