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.

Department of Mines and Petroleum
25 FEB 2019
3547/4
Native Vegetation

CPS No.
3547/3
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.

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

Permit number for existing clearing permit	CPS 3547/3
Permit holder's name (as it appears on the existing clearing permit)	BHP Billiton Iron Ore Pty Ltd
Permit expiry date:	30 November 2026
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): BHP Billiton Iron Ore Pty Ltd. ACN: 008 700 981

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)	
Company name (if applicable)	BHP Billiton Iron Ore Pty Ltd
Postal / business address	
Phone (fixed line):	Phone (mobile):
Email address	

	Yes	No
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.	☒	☐

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)	
Company name (if applicable)	
Postal / business address	
Phone (fixed line)	Phone (mobile)
Email address	

Part 4: Proposed amendments	
on the EPA website for further information.	

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 Section 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: [ ]

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, please refer to the *Guidance Statement: Decision Making*.	☐ Yes – application reference (if known): [ ] ☐ No – a valid works approval applies: [ ] ☒ No – a valid licence applies: [L5415/1988/9] ☐ 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?**	☐ Yes –application reference (if known): [ ] ☐ No – a current valid licence applies: [ ] ☒ N/A

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.	Indicate the 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. BHP has identified a number of locations for new injection bores between the Orebody 18 mining operations and Warrawandu Village. BHP is therefore seeking to amend CPS 3547/3 to include these additional areas. No additional clearing allocation is required.
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. Evidence of authority can include, for example, a copy of the certificate of title or a letter of authority from the land owner. Note: the letter of authority must explicitly state the applicant has authority to clear on the land.	State the nature of the applicant's authority to access the land to be cleared. *[Attach evidence of authority]* Owner
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. Iron Ore (McCamey's Monster) Agreement Authorisation Act 1972; Special Lease for Mining Operations, I126948, Lot 32 on Deposited Plan 217524, Lot 39 on Deposited Plan 194318; Iron Ore (Mount Newman) Agreement Act 1964; Mineral Lease 244 SA; Miscellaneous Licence 52/108; Miscellaneous Licence 52/109
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: Boundary kept as small as practicable. Drill pads are designed to make pads as small as practicable
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*	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 6: Index of Biodiversity Surveys for Assessments (IBSA)

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 will return the application.	☒ All biodiversity surveys submitted with this application meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*.

Part 7: Prescribed fee

Make cheques or money orders payable to:

Department of Water and Environmental Regulation for all clearing purposes other than mining and petroleum activities

or

Department of Mines, Industry Regulation and Safety for mineral and petroleum clearing activities under the *Mining Act 1978*, various Petroleum Acts, or State Agreement Acts.

For credit card payments to:

- DWER, pay via BPoint, accessible online at: https://dwer.wa.gov.au/make-a-payment
- DMIRS, complete *Form C3* and attach it to this form.

Do not send cash in the mail.

Please indicate the clearing permit application fee that you are paying:

AREA PERMIT

- ☐ **$50** to alter the requirements of an area permit, or to increase the area covered by an area permit by less than one hectare.
- ☐ **$100** to increase the area covered by an area permit by between one hectare and 10 hectares.
- ☐ **$200** to increase the area covered by an area permit by more than 10 hectares.

PURPOSE PERMIT

- ☒ **$200** to alter any requirement of a purpose permit.

Payment method (mark applicable box):

- ☐ Cheque / Money Order
- ☐ *(DWER)* Secure EFT payment *(see https://dwer.wa.gov.au/make-a-payment for payment details)*
- ☐ *(DWER)* Secure credit card payment through BPoint

  Receipt number:

  Date of payment:
- ☒ *(DMIRS)* Credit card –complete and attach *Form C3*

OFFICE USE ONLY

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.
	☒	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	☐	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 C3 – Credit card payment for DMIRS clearing applications*, if the fee is to be paid to DMIRS by credit card.
	☐	*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.
ADDITIONAL SUPPORTING INFORMATION	☐	Photos of application area
	☒	Biodiversity surveys, submitted in accordance with the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA).*

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 **Attachment 1** (located at the end of this form). Grounds for claiming exemption in accordance with Schedule 1 to the *Freedom of Information Act 1992* must be specified.	**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 33 CLOISTERS SQUARE PERTH WA 6850 Telephone: 6364 7000 For more information: www.dwer.wa.gov.au	Email or post applications to amend clearing permits granted by the 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 Mineral House 100 Plain St EAST PERTH WA 6004 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	

Part 11: Declaration and signature

General

I/We confirm and acknowledge that:

- The information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the *Environmental Protection Act 1986* (WA) and may incur a penalty of up to $50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
- I/We have provided a valid email address in Part 3 for receipt of correspondence electronically via email from DWER or DMIRS (as applicable) in relation to this application;
- I/We acknowledge that successful delivery to my/our server constitutes receipt of correspondence sent electronically via email from DWER or DMIRS (as applicable) in relation to this application; and
- I/We have provided a valid postal and/or business address in Part 3 for the service of all Part V documents.

Publication

I/We confirm and acknowledge:

- this application (including all attachments apart from the sections identified in Attachment 1) is a public document and may be published;
- biodiversity surveys provided in accordance with Part 6 will be published and used, for the purposes of the IBSA project, in accordance with your declaration made in the *Metadata and Licensing Statement*;
- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been placed in Attachment 1 with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992* (WA);
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to DWER or DMIRS (as applicable) by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of DWER or DMIRS (as applicable) and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA).

Please indicate if you are signing as an individual or a company:

☐	**An individual.** If an individual landowner is applying, **all landowners** must sign this form.				
☒	**A company.**	**Company name:**	**BHP Billiton Iron Ore Pty Ltd.**	**ACN:**	**008 700 981**
	A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an ACN. Please note an Australian Business Number is not sufficient.				
☐	**Other entity formed at law.**	Provide details:			

Signature	25 February 2019 Date
Name	
Position	
Signature	Date
Name	
Position	

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), must be specified in this Attachment.	
NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED	
Specify section:	Ground for claiming exemption:
Specify section:	Ground for claiming exemption: