GOVERNMENT OF WESTERN AUSTRALIA

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

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 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 3891/5
Permit holder's name (as it appears on the existing clearing permit)	Australian Garnet Pty Ltd
Permit expiry date:	31 December 2025
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)		Australian Garnet Pty Ltd ACN: 646 741 157						

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 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 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.

[redacted]

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.

[redacted]

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(s) for it / them.

The purpose of this NVCP amendment is to extend the duration of the permit by 5 years, in order to support ongoing mining activities, to a revised expiry date of 31 December 2030.

The Lucky Bay Project has an approximate Life of Mine of 15 years from the Menari deposit. Mining of this deposit is approved via a Mining Proposal granted under the *Mining Act 1978* (RegID 102866). Mining to date has been focused on the southern portion of the Menari deposit, which is largely addressed under the NVCP CPS 9057, and is yet to substantially progress into the northern portion of the deposit, which is addressed under NVCP CPS 3891. Mining is anticipated to continue in a northerly direction over the next 5 years, therefore an extension to CPS 3891 is required to enable mining to continue.

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.]

The clearing permit applies to Mining Lease 70/1280 and L70/134, both owned by Australian Garnet Pty Ltd.

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.

M70/1280 owned by Australian Garnet
L70/134 owned by Australian Garnet

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:

Alternative parcels of land were investigated that were pasture, not native veg. Investigation showed them to be financially unviable.

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.