

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 (including maps etc.). We 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

<p>Select your <u>form type</u>.</p> <p>NOTE: Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer' respectively.</p>	<p><input type="checkbox"/> Referral of proposed clearing (section 51DA of the EP Act)</p> <p><input type="checkbox"/> Application for an area permit (section 51E of the EP Act)</p> <p><input checked="" type="checkbox"/> Application for a purpose permit (section 51E of the EP Act)</p>
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Part 2 – Applicant details

2.1 Applicant name

<p>For area permits:</p> <p>If granted, the name(s) of (all) landowner(s) will be listed as 'permit holders' on the permit.</p> <p>For purpose permits:</p> <p>If granted, the name(s) of (all) applicant(s) will go on the permit.</p>	<input type="checkbox"/> Applying as an individual – complete the following:	
	Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:
	Name(s)	
	<input type="checkbox"/> Applying as a body corporate or other entity formed at law – complete the following:	
	Name	
	Australian Company Number (ACN)	
<input checked="" type="checkbox"/> Applying as a government entity (e.g. government department, local government authority, or other statutory body)		
Name	City of Busselton	

2.2 Applicant contact details

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

Title	
First name	
Last name	
Position	
Company name	
Contact phone number (1)	
Email address	

2.2 Applicant contact postal details

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

Address line 1	
Address line 2	
Suburb	
State	

2.3 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	
Address line 2	
Suburb	
State	
Contact phone number (1)	

2.4 Electronic correspondence consent

Both the Department of Water and Environmental Regulation (DWER) and Department of Mines, Industry Regulation and Safety (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 via email. Please indicate your consent in this section of the form.

I consent that all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable) about the subject of this form will be exclusively via email, using the email address provided above.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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2.5 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 (e.g. a consultant).

Same as applicant's contact details	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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If 'No' – complete the following:

Contact name	
Position (if applicable)	
Company name (if applicable)	
Contact phone number (1)	
Business or postal address line 1	
Business or postal address line 2	
Suburb	
State	
Email address	

Part 3 – Land details

- You must accurately describe the location of the land where your clearing is proposed.
- If you have a large number of properties, please provide the relevant details for each property in a separately attached supporting document.

3.1 Property details

I have a large number of properties and have given the relevant details in an attached supporting document.	<input type="checkbox"/> Yes – skip to Part 4 <input checked="" type="checkbox"/> No
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If 'No' – complete the following:

<u>Land description</u> Provide the following details, as applicable, for all properties: <ul style="list-style-type: none">– volume and folio number– lot or location number(s)– crown lease or reserve number– pastoral lease number– mining tenement number	North Jindong Road (SLK 0.41 to 2.10), North Jindong PIN 11471104		
Street address – Line 1	North Jindong Road		
Street address – Line 2			
Suburb	North Jindong		
State	WA	Postcode	6280
Local government area(s)	City of Busselton		
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 (that is less than 6 months old)
- 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
<input checked="" type="checkbox"/> I am the landowner	<input type="checkbox"/> Attach <u>proof of ownership</u>
<input type="checkbox"/> I am lodging a form on behalf of the landowner (e.g. a consultant)	<input type="checkbox"/> Attach <u>proof of ownership</u>
<input type="checkbox"/> I am acting on the landowner's behalf and will be jointly responsible for the clearing permit (i.e. joint form)	<input type="checkbox"/> Attach <u>proof of ownership</u> <input type="checkbox"/> Complete and attach an ' <u>Acting on behalf and jointly responsible</u> ' letter
<input type="checkbox"/> I am likely to become the landowner	<input type="checkbox"/> Attach the Certificate of Title <input type="checkbox"/> Attach evidence of the pending transfer of ownership and/or contract of sale ('offer and acceptance')
<input checked="" type="checkbox"/> I will undertake the clearing activities with the landowner's authority and will be the permit holder	<input type="checkbox"/> Attach <u>proof of ownership</u> <input type="checkbox"/> Complete and attach an ' <u>Authority to access and clear native vegetation</u> ' letter (if the applicant is not the landowner)
<input type="checkbox"/> A person with multiple land parcels	<input type="checkbox"/> Attach <u>proof of ownership</u> <input type="checkbox"/> Complete and attach ' <u>Authority to access and clear native vegetation</u> ' letter (if the applicant is not the landowner)

Part 5 – Proposed clearing

5.1 Maps and/or spatial data

<p>Select which map type(s) you will attach with your form.</p> <p>Note: We will decline / return forms (as applicable) if you do not provide sufficient information for this question.</p>	<p><input type="checkbox"/> An ESRI shapefile with the following properties (<i>preferred</i>)</p> <ul style="list-style-type: none"> • Geometry type: polygon shape • Coordinate system: Geocentric Datum of Australia (GDA) 1994/2020 (geographic latitude / longitude) • Datum: GDA 1994 / GDA 2020 (please specify which was provided) <p><input checked="" type="checkbox"/> An aerial photograph or map with a north arrow, clearly marking the proposed clearing area</p> <p>Note:</p> <ul style="list-style-type: none"> • 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act) accredited process. See Part 8 of this form for more information.
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5.2 Size

- If you propose to clear a patch(s) of vegetation, enter a hectare value for the total size of the area (mark number of trees as zero).
- If you propose to remove only individual trees from the area(s) (i.e. the shrubs, grasses, groundcover plants will remain intact), provide the number of trees (and mark total area as estimated hectares).
Note: If any shrubs, grasses, and/or groundcover plants MAY be damaged in the clearing process, add this to the total area.
- If you propose to clear an area of 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 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)	
Footprint of clearing (hectares) (purpose permit only)	0.17ha
Number of individual trees to be removed	35 + 4 grass trees

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.)	For road widening and maintenance work to improve the safety and function of the road
Specify what the final land use will be after clearing	Local Road

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Mechanical and arborists as required
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5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: April 2023 End date: July 2027
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Note: The clearing referral process is not suitable for any clearing that is expected to take longer than two years.

5.6 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?
- 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, we will ask you to do so during the validation of this form.

Provide the avoidance and mitigation details	<p>The City has progressed the project design with an emphasis on avoiding and or minimising impacts to native vegetation. Where impacts cannot be directly avoided, they will be minimised and mitigated through design measures. Potential impacts will be managed prior to and during construction through the implementation of a construction management plan.</p> <p>Due to the nature of the constraints associated with native vegetation along North Jindong Road the design process included the following measures to directly avoid or minimise impacts on roadside native vegetation:</p>
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- Commissioned a Flora and Fauna Survey North Jindong Road (SLK 0.41-6.10) (Ecosystem Solutions 2021) to identify environmental constraints and guide the project design.
- The site was walked with ecologists from Ecosystem Solutions to develop most effective route to minimise ecological impacts.
- The upgrade to North Jindong Road will include:
 - The majority of the roadway will be widened to the east to limit clearing to one side of the road and avoid disturbance where possible to the existing vegetation on the western road verge.
 - The design level of the road is approximately 250mm above the existing level to minimise clearing required.
 - The design pavement width has been reduced from the typical 8.2m width to 8.0m including sealed.
- A commitment to mitigation planting of 50 trees within the North Jindong Road reserve.

Preliminary assessment of clearing impacts against the 10 clearing principles.

To determine whether the proposed clearing is likely to have a significant environmental impact, an assessment against the ten clearing principles (*Environmental Protection Act 1986* (WA), Schedule 5) is provided.

Principles

Native vegetation should not be cleared if –

(a) *It comprises a high level of biodiversity.*

The proposed clearing is to be concentrated on the western side of the road, with existing vegetation recorded as being in Degraded or Completely Degraded condition. The area includes only low number of naturally occurring flora and fauna species and does not represent high levels of biodiversity.

The proposal is not likely to be at variance with this clearing principle.

(b) *It comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna*

The database search identified five threatened and three priority listed fauna species that have previously been recorded within the local area. The applicant provided a fauna survey, which was undertaken by Ecosystem Solutions in 2021. The survey was undertaken using appropriate methodology conducted using an experienced ecologist. Noting the habitat requirements of these species, and the type and condition of the vegetation within the application area, *Pseudocheirus occidentalis* (Western Ringtail Possum), *Phascogale tapoatafa* subsp. *wambenger* (South-western Brush-tailed Phascogale) and the three Black Cockatoo species, *Calyptorhynchus banksii naso* (Forest Red-tailed Black Cockatoo), *Calyptorhynchus baudinii*

(Baudin's Cockatoo) and *Calyptorhynchus latirostris* (Carnaby's Cockatoo) are likely to utilise the area.

Two *Calyptorhynchus banksii naso* and 12 Western Ringtail Possums were observed within the application area during the entire roadway survey. No WRP were found in the proposed clearing area, although one drey was observed. 504 trees with a DBH > 500mm were measured within the clearing area, four of these had observable hollows and 7 had potential hollows, however no fauna activity was observed during the survey in these trees. Of the 504 trees >500mm within the proposed area, all but 35 are being retained with those targeted being individually selected for minimal disturbance of the ecological function of the roadside vegetation. The presence of suitable hollows, even in breeding areas, does not necessarily make them available for breeding, as hollows must be spatially, structurally, and temporally correct (Johnstone and Johnston, 2004). The listing of potential nesting hollows is therefore likely to be an over estimation of those suitable. With only 35 individual trees being proposed to be removed it is not likely to comprise significant habitat loss for conservation significant fauna.

Due to the narrow nature of the proposed clearing, focused on the western side of the road, it is unlikely that the with retention of vegetation along both sides of the road, impacts to threatened fauna habitat is low. This area of clearing was chosen after field consultation with ecologists from Ecosystem Solutions to ensure the least impact possible. There is a potential for direct impacts to fauna during the clearing works, with a licenced fauna spotter to be present prior to and during clearing to ensure protection of any threatened fauna within the trees to be cleared.

Due to the narrow nature of the proposed clearing, retention of adjacent roadside vegetation and use of a licenced fauna handler prior to and during clearing, the proposal is not likely to be at variance with this clearing principle.

(c) It includes, or is necessary for the continued existence of, threatened flora.

The results of the databases searches identified 14 threatened and 30 priority flora species that occur within the local area (10km radius). The applicant has provided a flora survey, undertaken by Ecosystem Solutions in 2021. The survey was completed using appropriate methodology, with a targeted survey in September and October 2021, during Spring, the recommended time for flora surveys in the south west. The survey was undertaken by ecologists with over 10 years' experience surveying for flora and fauna in south west Western Australia. No threatened flora species recorded during the field surveys.

Five *Loxocarya* sp. within the Site are likely to be *L. magna* (Priority 3), however there is difficulty in identifying this species from the more common *L. cinerea*. Both the WA Herbarium (M. Hislop, pers comm 20/10/2021) and the DBCA Southwest Regional Botanist (A. Webb, pers comm 26/10/2021)

agree specimens and photographs provided are 'most likely' *L. magna* and disturbance of this species will be minimized wherever possible.

As no threatened flora was recorded during the field survey, the proposal is not likely to be at variance with this clearing principle.

(d) It comprises the whole or a part of, or is necessary for the maintenance of, a threatened ecological community

The database search identified six Threatened Ecological Communities that have been recorded within the local area. It is likely that portions of the vegetation within the Site represent Threatened Ecological Community (Vulnerable, WA) SCP1b, *Corymbia calophylla* woodlands on heavy soils of the Swan Coastal Plain (SCP1b), however due to the degraded nature of the vegetation it has not been possible to confirm the presence or extent of this TEC. Occurrences of this TEC are known from within 1 km of the Site, in intact condition and with greater extent.

Due to the degraded nature of the vegetation along the road verge and narrow nature of the proposed clearing, it is not considered that the proposed clearing is at variance with this clearing principle.

(e) It is significant as a remnant of native vegetation in an area that has been extensively cleared

The national objectives and targets for biodiversity conservation in Australia have targets to prevent clearance of ecological communities with an extent below 30 per cent of that present pre-1750, below which species loss appears to accelerate exponentially at an ecosystem level (Commonwealth of Australia, 2001). The Abba complex retains approximately only 3,326.20ha (6.5%) of its pre-European extent of native vegetation.

Due to the narrow extent of the proposed clearing, the degraded nature of vegetation targeted for removal and retention of higher quality vegetation along road verges, it is not considered that the proposed clearing is at variance with this clearing principle.

(f) It is growing in, or in association with, an environment associated with a watercourse or wetland

According to available databases, there are no watercourses or wetlands within the application area. The closest watercourse is the Carburnup River, located approximately 190 meters west, at its closest point to North Jindong Road. The coastline is located approximately 10 kilometres north of the application area.

The proposal is not at variance with this clearing principle.

	<p>(g) <i>The clearing of the vegetation is likely to cause appreciable land degradation</i></p> <p>Noting the small size of the application area and retention of vegetation along both road verges, the proposed clearing is not considered likely to cause appreciable land degradation.</p> <p>The proposal is not likely to be at variance with this clearing principle.</p>
	<p>(h) <i>The clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area</i></p> <p>According to available databases, the nearest conservation area is Yelverton National Park, located approximately 9.5 kilometres west of the application area. The clearing will not have an impact on this or any other nearby conservation areas.</p> <p>The proposal is not at variance with this clearing principle.</p>
	<p>(i) <i>The clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water</i></p> <p>Noting the small size of the application area and retention of vegetation along both road verges, the proposed clearing is not considered likely to cause deterioration in the quality of surface or underground water.</p> <p>The proposal is not likely to be at variance with this clearing principle.</p>
	<p>(j) <i>The clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding</i></p> <p>Noting the small size of the application area, proposed retention of vegetation along both road verges and absence of any water course within the proposed area of clearing, the proposed clearing is not likely to cause or exacerbate the incidence or intensity of flooding.</p> <p>Given the above, the proposed clearing is not likely to be at variance with the clearing principles.</p>

Part 6 – Offset

Do you want to submit a clearing offset proposal with your form?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If 'Yes' – please complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure</i> guideline as a	<input type="checkbox"/> Appendix A attached

supporting document for your form.	
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Part 7 – Surveys for assessments (IBSA and IMSA)

Do you want to submit marine or biodiversity surveys in support of your form?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No – skip to Part 8
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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/DMIRS (as applicable) may 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/DMIRS (as applicable). Please note DWER / DMIRS will suspend the assessment timeframes for your form until you provide the IBSA number(s).

Have you submitted all the biodiversity surveys that support this form to the Index of Biodiversity Surveys for Assessment, available at ibsasubmissions.dwer.wa.gov.au ?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Not applicable
Provide an IBSA number (preferred) or a submission number(s)	IBSA-2022-0215

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 may decline/return your form.

Have you prepared all the marine surveys that support this form in accordance with the EPA's <u>Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments</u> ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
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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.

For further information, see [DWER's website guidance on the assessment bilateral agreement](#).

Is your proposed clearing a controlled action?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – skip to Part 9
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If 'Yes' – complete the following:

Please make sure you have entered all the mandatory details in the <u>Annex C7 form</u>	<input type="checkbox"/> <i>Annex C7 form attached</i>
List the controlling provisions identified in the notification of the controlled action decision	

Part 9 – Other approvals

<p>Which department are you submitting this form to?</p> <p>If the clearing is for mineral and petroleum activities authorised under the <i>Mining Act 1978</i>, the various Petroleum Acts, and/or a State Agreement Act, select 'Department of Mines, Industry Regulation and Safety'.</p> <p>For all other clearing activities, select 'Department of Water and Environmental Regulation'.</p>	<p><input type="checkbox"/> Department of Mines, Industry Regulation and Safety</p> <p><input checked="" type="checkbox"/> Department of Water and Environmental Regulation</p>
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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 or DMIRS) 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 or for assessment under Part IV, if such a referral has not already been made.

<p>Has the proposed clearing or any related matter been referred to the EPA?</p>	<p><input type="checkbox"/> Yes</p> <p>Enter details: <input type="text"/></p> <p><input checked="" type="checkbox"/> No – complete question below.</p>
<p>If 'No' – do you intend to refer the proposal to the EPA?</p>	<p><input type="checkbox"/> Yes – intend to refer (proposal is a 'significant proposal')</p> <p><input type="checkbox"/> Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement)</p> <p><input type="checkbox"/> No – a current valid Ministerial Statement applies</p> <p>Enter Ministerial Statement number: <input type="text"/></p> <p><input checked="" type="checkbox"/> No – not a significant proposal</p>

9.2 Other approvals – pre-application scoping (DWER forms only)

<p>Have you had any pre-application/ pre-referral/ scoping meetings with DWER about any planned applications?</p>	<p><input type="checkbox"/> Yes</p> <p>Enter details: <input type="text"/></p> <p><input checked="" type="checkbox"/> No</p>
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9.3 Other approvals – works approval, licence or registration (Part V Division 3 of the EP Act)

<p>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?</p> <p>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 <u>Procedure: Prescribed premises works approvals and licences</u> and <u>Guideline: Industry regulation guide to licensing</u>.</p>	<p><input type="checkbox"/> Yes</p> <p>Application reference: <input type="text"/></p> <p><input type="checkbox"/> No – a valid works approval applies</p> <p><input type="checkbox"/> No – a valid licence applies</p> <p><input type="checkbox"/> No – a valid registration applies</p> <p><input checked="" type="checkbox"/> No – not required</p>
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