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

Select your <u>form type</u> .	□ Referral of proposed clearing (section 51DA of the EP Act)
Note : Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer' respectively.	 ☑ 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 <i>Mining Act 1978</i> , 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'. For all other clearing activities, select 'Department of Water and Environmental Regulation'.	 Department of Energy, Mines, Industry Regulation and Safety Department of Water and Environmental
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Part 2 – Applicant details

2.1 Applicant name

For area permits:	[□ Applying as an individual – complete the following:			
If granted, the		Title	□ Mr □ Mrs □ Ms	□ Other:	
name(s) of (all) landowner(s) will be listed as		Name(s)			
'permit holders' on the permit.	Applying as a body corporate or other entity formed at law – complete the following:				
For purpose permits:		Name			
If granted, the name(s) of (all) applicant(s) will go on the permit.		Australian Com	pany Number (ACN)		
			government entity (e. nority, or other statutor		department, local
		Name	Shire of Merredin		

2.2 Applicant contact details

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

Title		
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	
Address line 2	

Suburb	
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		
Address line 2		
Suburb		
State		
Phone number		

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.

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
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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).

Same as applicant's contact details	⊠ Ye	s 🗆 No
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If 'No' – complete the following:

Title	□ Mr □ Mrs □ Ms □] Other:	
Contact name			
Position (if applicable)			
Company name (if applicable)			
Phone number		Mobile	

Email address		
Business or postal address line 1		
Business or postal address line 2		
Suburb		
State	Postcode	

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	□ Yes – skip to Part 4	□ No
relevant details in an attached supporting document.		

If 'No' – complete the following:

Land description	Bailey Rd – Road Reserve		
 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 	Start Merredin-Nungarin Rd Latitude: -31.427755 Longitude: 118.260498 Finish Latitude: -31.427750 Longitude: 118.284203		
Street address – Line 1	Bailey Road Reserve		
Street address – Line 2			
Suburb	Merredin		
State	Western Australia	Postcode	6415
Local government area(s)	Shire of Merredin		
Land zoning	Bailey 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 (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 <i>Energy</i> <i>Operators (Powers) Act 1979</i>)	□ 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.	 An ESRI shapefile with the following properties (preferred) Geometry type: polygon shape 	
Note: DWER/DEMIRS will decline/return forms (as applicable)	 Coordinate system: Geocentric Datum of Australia (GDA) 2020 (geographic latitude/longitude) Datum: GDA 2020 	
if you do not provide sufficient information for this question.	□ 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 <i>Environment Protection and Biodiversity Conservation Act 1999</i> (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)	0.4643 ha changed to 0.453 ha during validation
Footprint of clearing (hectares) (purpose permit only)	
Number of individual trees to be cleared	

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.). Bailey Rd - Opening Section between Merredin-Nungarin Rd & Chandler-Merredin Rd

The proposed clearing along Bailey Road is for road construction to enable a direct access route for a local farmer, Mr. Paul Madaffari, between his properties on either side of Merredin-Nungarin Road and Chandler-Merredin Road. This road will help reduce the number of heavy machinery movements on public roads, thereby improving road safety.

Primary Purpose: Road Construction and Safety Improvement

- Safety Concern: Mr. Madaffari's farming operations involve moving oversize machinery between properties. Currently, the machinery is transported on public roads, which are shared with interstate trucks, CBH bin transfer vehicles, and school buses. This creates a significant safety risk due to the presence of large, slow-moving vehicles on busy roads.
- Reduced Risk of Accidents: By creating a direct route via Bailey Rd, heavy machinery will be diverted from Merredin-Nungarin Rd, reducing the likelihood of accidents involving other road users, including school buses.

Efficiency and Functionality

• Traffic Reduction: The opening of Bailey Rd will remove the need for heavy farm equipment to use Merredin-Nungarin Rd, which will also improve the efficiency of traffic flow on that main road.

Rehabilitation and Environmental Management:

• Revegetation Efforts: As part of the mitigation measures, a revegetation plan will be implemented to offset the environmental impact of the clearing. Native vegetation will be planted within the Road Reserve to restore the habitat and support local wildlife. This effort will help to balance the necessary road improvements with environmental conservation.

Compliance with Guidelines:

• Austroads Guidelines: The road widening and tree removal will be carried out in accordance with Austroads Guidelines to ensure that all safety and environmental standards are met. The project will be conducted with consideration for both the safety of road users and the preservation of the natural environment.

Project Overview and Activities The project will involve the construction of a 2.2 km section of Bailey Rd, including the removal of trees that are currently in the planned road alignment; these to be replaced on the road reserve in the vicinity of the proposed alignment. This will help to offset the environmental impact of the

	project.	
	Attachments:	
	Attachment 01	Clearing and Revegetation Areas
	Attachment 02	Bailey Rd – Offset Calculations
	Attachment 03a	Vegetation Rehabilitation
	Attachment 03b	Vegetation Removed
	Attachment 04	Location Photos
	Attachment 05	Bailey Rd – Clearing Permit Fee Calculator
Specify what the final land use will be after clearing	Transport Corridor	

5.4 Method

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

, I I 5	Start date: 01/2025
(e.g. 1/7/2022 to 30/8/2024)	End date: 03/2025

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 <u>Interim</u> <u>Biogeographic Regionalisation for Australia</u> (IBRA) bioregions has been extensive. DWER/DEMIRS strongly recommends a pre-application meeting if you propose to clear native vegetation within these bioregions.

	Yes – completeI have had a	section below pre-application meeting with DWER/DEMIRS
Do you propose to clear native vegetation within	Insert date of meeting and officer name(s):	
the Swan Coastal Plain or Avon Wheatbelt bioregions?		cted DWER/DEMIRS in relation to a pre-application en advised that a meeting is unnecessary in this
	Insert date of conversation and officer name(s):	

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.
☑ 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.

Provide the avoidance details (e.g. retention of vegetation on property)	Efforts to Minimize Vegetation Clearing:	
	(e.g. retention of	The Shire of Merredin has selected an alignment with minimal environmental disturbance while maintaining the road's functionality for both farming operations and public use.
		Tree Removal Considerations
		An on-site inspection of trees along Bailey Road was conducted by shire staff to minimise environmental impact while ensuring road safety and functionality. Criteria for tree removal included:
		• Tree Density and Environmental Impact: The selected road alignment was carefully chosen to avoid areas with higher densities of trees and native flora, aiming to preserve as much existing vegetation as possible. This approach helps reduce habitat disturbance and maintains local biodiversity.
		 Maintenance and Operational Costs: Trees with root systems that could intrude on the road surface or drainage structures were identified for removal. Where feasible, the road was also positioned further from these potential root ingress trees to avoid future maintenance issues. This selection process helps reduce long-term operational costs and ensures the road remains safe and functional

	with minimal upkeep.
	Stakeholder Considerations: In consideration of public safety, the decision to open this section of Bailey Rd was made with a focus on reducing potential road hazards from large agricultural machinery. The avoidance of extending the road past Old Nukarni Rd will further limit the extent of vegetation clearing.
	After thorough consideration of both safety needs and environmental impacts, the Shire of Merredin believes that the removal of the identified trees is necessary to provide a safer road for the community and industry. This project aims to enhance road safety, align with Austroads Guidelines, and support the regional freight network.
Provide the	Mitigation Strategy:
mitigation details (e.g. management of weed spread, rehabilitation)	To address the environmental impact of the proposed road construction along Bailey Road and ensure effective mitigation, the Shire of Merredin has developed a comprehensive strategy focused on vegetation management, rehabilitation, and long-term ecosystem support. Key mitigation measures include:
	Minimising Vegetation Clearing: The Shire of Merredin has carefully assessed the proposed route to minimise the extent of vegetation clearing needed for this project. By prioritizing areas with lower tree density, we aim to preserve as much of the natural flora as possible while meeting project requirements.
	Offsetting Through Revegetation: To compensate for any cleared vegetation, a revegetation program will be implemented along the road reserve, covering at least 1.550 hectares as required through the offset calculator (see attachment 02). 1.656 hectares will be available for revegetation (see attachment 03). This offset strategy aligns with conservation guidelines and helps restore the local ecosystem.
	Revegetation Strategy:
	• Native Vegetation: The Shire will utilise native plant species that are ecologically appropriate and representative of the Avon Wheatbelt – Muntadgin 1023 vegetation association, ensuring the revegetation effort supports local biodiversity.
	 Black Cockatoo Foraging: Selected vegetation will include species suitable for black cockatoo foraging, contributing to local wildlife conservation and ecosystem diversity.
	Revegetation Location and Area: The revegetation will take place along the same stretch of Bailey Road where the environmental impact occurs. The designated area for revegetation is approximately 1.550 hectares, providing a sufficient offset for the project.
	Weed Management: To prevent the spread of invasive species during and after construction, a weed management plan will be in place, including:
	 Monitoring and Maintenance: Ongoing monitoring of the revegetation area to manage and control emerging weed species.
	 Preventative Measures: Implementing measures to prevent the introduction of weed seeds through machinery and construction activities.

abilitation and Long-Term Maintenance:	
Monitoring and Evaluation: The Shire will monitor the revegetation site over a two-year period to assess plant establishment and growth. The management plan will be adjusted as necessary to support successful plant growth and establishment.	
Maintenance Activities: Routine maintenance, mulching, and additional planting if required, will be conducted to ensure the success of revegetation efforts.	
By implementing these mitigation measures, the Shire of Merredin is committed to managing the environmental impact of the Bailey Road construction project, supporting local wildlife, and restoring the natural habitat in the affected areas.	
chments:	
. Clearing and Revegetation Areas (Attachment 01)	
. Bailey Rd – Offset Calculations (Attachment 02)	
. Bailey Road – Shape Files file (Attachment 3a & 3b)	
. Location Photos (Attachment 04)	

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 <u>Clearing</u> <u>of native vegetation offsets procedure</u> guideline as a supporting document for your form.	□ Appendix A attached

Part 7 – Surveys for assessments (IBSA and IMSA)

Do you want to submit marine or biodiversity surveys in support of your form?	☐ Yes ⊠ 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) <u>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments</u> (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).

Have you submitted all the biodiversity surveys that support this form to the Index of Biodiversity Surveys for Assessment?	☐ Yes⊠ Not applicable
Provide an IBSA number (preferred) or a submission number(s)	

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.

Have you prepared all the marine surveys that support this form in	□ Yes
accordance with the EPA's Instructions for the preparation of data	
packages for the Index of Marine Surveys for Assessments?	☑ 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.

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 <u>Annex C7 form</u>	 Yes EPBC number: Annex C7 form attached 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.

Has the proposed clearing or any	□ Yes	
related matter been referred to	Enter details:	
the EPA?	\boxtimes 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') Yes – intend to refer (proposal will require a section 45C amendment to 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	□ Yes
amendment to any of the above, under Part V Division 3 of the EP Act?	Application reference:
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	No – a valid works approval applies
Environmental Protection Regulations 1987, unless that action is done in accordance with a	No – a valid licence applies
works approval, licence or registration. For further guidance, see DWER's <i>Procedure: Prescribed</i>	No – a valid registration applies
premises works approvals and licences and Guideline: Industry regulation guide to licensing.	☑ 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:	□ Yes
 a licence or amendment to a licence to take water (surface water or groundwater) 	□ No – a current valid licence applies
 a licence or amendment to a licence to construct wells (including bores and soaks), or 	Licence number:
 a permit or amendment to a permit to interfere with the bed and banks of a watercourse? 	⊠ Not applicable
For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i> , see DWER's <u><i>Procedure: Water Uicences and permits</i></u> .	

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	
	Enter details:	
	⊠ Not applicabl	e