

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 <u>Procedure: Native vegetation clearing permits</u>.

Part 1 - Form type

<u> </u>	v	
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 <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 Regulation

Part 2 – Applicant details

2.1 Applicant name

Z. i Applicant nan			
For area	☐ Applying as	an individual – complet	e the following:
permits: 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.		a body corporate or oth	her entity formed at law – complete the
For purpose permits:	Name	Stockland LLC No 2	Pty Limited
If granted, the name(s) of (all) applicant(s) will	Australian Co	ompany Number (ACN)	651 781 556
go on the permit.		a government entity (e. uthority, or other statuto	g. government department, local ry body)
	Name		, and the second
Title First name			
1903			
Last name			
Position			
Company name			
Phone number			
Email address			
2.3 Applicant con Provide the postal ac authority (primary co	address for the a		orporate or local government
Address line 1			
Address line 2			

			i i
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	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.			
	espondence between myself (the applicant) and ble) about the subject of this form will be exclusively dress provided above.	⊠ Yes	□ No
2.6 Contact details for en	quiries		
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 ☐ Yes ☑ N		⊠ No	
If 'No' – complete the following:			
Title			
Contact name			
Position (if applicable)			
Company name (if applicable	e)		
Phone number			

Email address		
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.

relevant details in an attached supporting document.
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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	Lot 31 Rendezvous Deposited plan 423	10	034 and Folio 721
Street address – Line 1	59 Cockatoo Loop		
Street address – Line 2			
Suburb	Vasse		
State	WA	Postcode	6280
Local government area(s)	City of Busselton		
Land zoning	Urban development		

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') See 'Landowner Information (EP23-093(10)—019 DRL)'
☐ 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/DEMIRS 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 = $10,000 \text{ m}^2$ Area of circle = 3.14 x radius^2 1 acre = $0.4 \text{ hectares/4,000 m}^2$ Area of a rectangle = length x width

1 tree = 0.01 hectares/100 m² Area of a triangle = ½ length x perpendicular height

Total area of clearing proposed (hectares)	0.86 ha
Footprint of clearing (hectares) (purpose permit only)	Not applicable
Number of individual trees to be cleared	0

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.). The clearing is associated with implementing an approved development application to develop the site as a lifestyle village for over 55's.

The development has been subject to full consideration by the state government through the Regional Development Assessment Panel, with input/review by the City of Busselton, Department of Water and Environmental Regulation (DWER) and Department of Biodiversity, Conservation and Attractions (DBCA) as part of the process. Development approval was received 12 March 2025.

There are a number of conditions controlling development (to be approved by the City of Busselton on advice of DWER and DBCA) within the site in accordance with the approval that are relevant to the proposed clearing activities and include:

- Protection of vegetation in accordance with the plan of development.
- Provision and maintenance of vegetation buffer planting within the site and along Rendezvous Road
- Preparation and implementation of Landscape Plans, which detail location, number and size of existing and proposed trees and shrubs, proposed planting within buffer areas, verge treatments and integration of mosquito management measures.
- Preparation and implementation of Construction Environmental Management Plan, and includes addressing how construction of the site will retain and enhance the existing ecological corridors/linkages and any clearing modifications.
- Preparation and implementation of a revised Water Management Plan
- Preparation and implementation of a Construction Management Plan, addressing activities such as stormwater and sediment control.

noise and vibration and dust

 Preparation and implementation of a Tree Protection Plan.

The site is approximately 14 ha in size. Native vegetation (2.75 ha) is mostly trees over paddock grasses, with vegetation in degraded to completely degraded condition. The proposal includes the clearing of 0.86 ha of riparian vegetation (mostly Melaleuca rhaphiophylla and some Eucalyptus rudis, with minor areas of Agonis flexuosa (likely planted) and Corymbia calophylla). The flora and vegetation survey indicates the areas of clearing are mostly Corymbia calophylla and Eucalyptus rudis, however are mostly *Melaleuca rhaphiophylla*. As the vegetation being cleared fits the definition for 'riparian', the clearing does not clearly fit under the Environmental Protection (Clearing of Native Vegetation) 2004 exemptions (Regulation 5, Item 1) or Schedule 6 exemptions pursuant to the Environmental Protection Act 1986. Exemptions do not appear to apply, but clearing is considered low impact (less than 1 ha), particularly in the context of the detailed conditions of approval controlling activities in the site and the extensive planting to be introduced to the site. Initial discussions with DWER indicated that this application may not be suitable for a referral pathway but that consideration of this, in light of all information, would be further provided as part of the application process.

The site will be subject to significant filling (up to 2 m of sand material) to accommodate drainage storage and groundwater separation, as well as addressing sewer requirements. However, significant design effort has been undertaken to **protect 1.89 ha** (approximately 70%) of the existing (2.75 ha) native vegetation within the site, including maintaining a north-south corridor of vegetation. In addition to the retention, 4.6 ha (inclusive of the retained areas, with supplementary planting under the trees) of planting is required to be implemented as part of the development approval (mix of landscape buffer planting and open space areas), as well as 350 trees to be planted in streetscapes. Overall, there will be a net gain within the site in terms of area that will be vegetated, a mix of more natural and also

	formal type-landscaping.
	Clearing will be undertaken using mechanical means with an arborist to be involved where applicable (likely where selective clearing is occurring in proximity to other trees, where root zones could be impacted). Clearing/removal will be managed in accordance with the Tree Protection Plan, a condition of the development approval.
Specify what the final land use will be after clearing	Lifestyle village (residential development), with land management to be the proponent's responsibility.

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Mechanical clearing/bulldozing, with assistance of an arborist 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: As soon as possible reflecting Development Approval in
	place. Regional DAP, DWER, DBCA and City of Busselton have all contributed to the approval conditions and are satisfied with the proposal.
	Resolution of the clearing permit (area remains below 1 ha threshold limit for referral) is a critical path component, and needs to be resolved by end July 2025 in order to address contract of sale requirements, which is time critical to August 2025.
	End date: Within three month of starting bulk earthworks proposed from September – November 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 Interimgogeographic Regionalisation for Australia (IBRA) bioregions has been extensive.

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

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	 ⊠ Yes – complete section below ⊠ I have had a pre-application meeting with DWER/DEMIRS 		
Do you propose to clear native vegetation within the Swan Coastal Plain or Avon Wheatbelt bioregions?	Insert date of meeting and officer name(s):	Mat Gannaway – phone and email discussion, 27 March 2025, 14 April 2025, 24 April 2025, 01 May 2025	
	☐ I have contacted DWER/DEMIRS 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/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

See attached supporting information for more details.

A total of 2.75 ha of native vegetation is present within the site (trees over paddock grasses in degraded to completely degraded condition). The proponent is <u>retaining 1.89 ha</u> (nearly 70%) in open space areas that will

property)

remain under their ownership and protected in perpetuity. The retention of vegetation is a commitment of, and requirement of, the development approval.

From the beginning of the project, the existing vegetation within the site was identified as a key asset for retention and protection, and the design team has worked diligently to balance size and location of lifestyle community development requirements, fill needs (for sewer, drainage and groundwater separation) and bushfire, in order to retain as much vegetation as possible.

Since the development approval was granted, the proponent has also redesigned the project to retain additional vegetation within the south-eastern portion of the site, which has not original proposed for retention due to likely impacts from fill. Detailed design has worked through this further and been able to support retention.

Provide the mitigation details (e.g. management of weed spread, rehabilitation)

See attached supporting information for more details.

The proposed development will have mitigation measures in place both during clearing and construction, and post development as part of ongoing operation of the lifestyle village. These mitigation measures are already captured through the requirements of the development approval for the proposal (which requires conditions to be approved by City of Busselton, on advice of DWER and DBCA). This will include:

- The road network has been located to minimise clearing of trees. Through the central portion of the site, the road traverses the stand of vegetation at an existing cleared point, with tree canopy over the road to be maintained. Therefore while it appears that the road network intersects vegetation, the vegetation has been avoided. Habitat trees at the entry for Cockatoo Loop have also been avoided through the strategic placement of the road.
- Planting of an extensive front verge and shared landscaping (1.17 ha) and street tree (at least 350 trees) network across the site. The proponent will be responsible for ongoing management of these assets.
- Landscape buffer planting along Rendezvous Road (0.43 ha). The proponent will be responsible for maintaining this planting in perpetuity.
- Low threat planting around the perimeter of the site (1.02 ha), which will include native groundcovers and trees. The proponent will be responsible for maintaining this planting in perpetuity.
- Native vegetation planting associated with drainage areas (0.48 ha).
 This will include retention of existing vegetation, plus planting with native sedges, shrubs and trees, with trees species reflected those that need to be removed.
- Weed control and understorey planting associated with the retained vegetation through the central portion of the site (1.5 ha).
- Implementation of a Construction Environmental Management Plan and Construction Management Plan, as per the conditions of the development approval. This includes protection of vegetation, protection of fauna and managing works to
- Implementation of a Construction Management Plan, addressing

sediment control, stormwater, dust and noise.

- Implementation of the Water Management Plan, approved by DWER and the City of Busselton.
- Implementation of a Tree Protection Plan, as per the conditions of the development approval. This is to ensure protection and appropriate management of all the trees identified for retention as part of the development application and approval.
- Ongoing weed control within all open space areas as part of maintaining the development to the standard expected by residents. This will include landscape buffer planting and areas of retained vegetation.
- A fauna spotter will be present during clearing activities, in accordance with requirements of the *Biodiversity Conservation Act* 2016 and its associated regulations.

As per the landscape concept plan proposed and provided through the development application and progression of detailed design, a total of 4.6 ha of planted open space areas (not including gardens within individual lots) will be implemented within the site in accordance with the development approval. This includes a mix of retained vegetation (1.89 ha of overstorey vegetation), revegetation planting within landscape buffer areas along Rendezvous Road and low fuel managed areas around the perimeter and throughout the site.

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> of native vegetation offsets procedure 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?

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).

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Have you submitted all the biodiversity sur form to the <u>Index of Biodiversity Surveys formation</u>		17 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m 1 m	s t applicable	
Provide an IBSA number (preferred) or a submission number(s)			IBSASUB-20250513- 6D2A6E6A	
		IBSAS 55676	SUB-20250513- B88	
7.2 Marine surveys			a a	
If you want to submit any marine surveys to Instructions for the preparation of data pack Assessments (IMSA). If you do not meet the decline/return your form.	ages for the Index of	of Marine Surv	eys for	
Have you prepared all the marine surveys that support this form in accordance with the EPA's Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments?			□ Yes	
		data	⊠ 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 <u>quidance on the assessment bilateral agreement</u> .				
Do you want your proposed clearing action assessed in accordance with, or	□ Yes			
under, an EPBC Act Accredited Process, such as the assessment bilateral agreement or accredited assessment?	⊠ No – skip to Part 9			
Is your proposed clearing a controlled action?	□ Yes			
If 'Yes', please make sure you have entered all the mandatory details in the	EPBC number:			
Annex C7 form	☐ Annex C7 form attached			

☐ No (DWER/DEMIRS cannot assess the application under an EPBC Act Accredited Process)

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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?	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 Environmental Protection Regulations 1987, unless that action is done in accordance with a works approval, licence or registration. For further guidance, see DWER's Prescribed premises works approvals and licences and	 □ No – a valid works approval applies □ No – a valid licence applies □ No – a valid registration applies ☑ No – not required 		