

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 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) 	
'referral' and 'referrer'		 □ Department of Energy, Mines, Industry Regulation and Safety ☑ Department of Water and Environmental Regulation

Part 2 – Applicant details

2.1 Applicant name

2.1 Applicant name		
For area permits:	□ Applying as an individual – complete the following:	
If granted, the name(s) of (all)	Title	□ Mr □ Mrs □ Ms □ Other:
landowner(s) will be listed as	Name(s)	
'permit holders' on the permit.	☐ Applying as a following:	a body corporate or other entity formed at law – complete the
For purpose permits:	Name	
If granted, the name(s) of (all) applicant(s) will	Australian Cor	mpany Number (ACN)
go on the permit.		a government entity (e.g. government department, local thority, or other statutory body)
	Name	Department of Housing & Works
Title		
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					
If applying as a company, inc	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.				
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		□ 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.

I have a large number of properties and have given the relevant details in an attached supporting document.	☐ Yes – skip to Part 4	⊠ No
Tolovant dotalio in an attachod supporting document.		

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 500 on Deposited Plan 69593. The primary site is Crown Reserve 35153, for the purpose of 'Detention Centre'. A Management Order for the Crown Reserve is held by the WA Minister for Corrective Services, with the WA Department of Justice as the Responsible Agency. Lot 483 on Deposited Plan 10151 (Water Corporation). Public Road, Land ID Number 3906358 (City of Gosnells).
Street address – Line 1	 1001 Warton Road, Canning Vale, WA, 6155 (Department of Justice). Lot 483 Nicholson Road, Canning Vale, WA, 6155 (Water Corporation). Nicholason Road road reserve (City of Gosnells).
Street address – Line 2	

Suburb	Canning Vale		
State	WA	Postcode	6155
Local government area(s)	City of Gosnells		
Land zoning	Public Purposes - Prison		

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>	☐ Provide relevant legislative details:
ı	Operators (Powers) Act 1979)	

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 m² Area of circle = 3.14 x radius²
1 acre = 0.4 hectares/4,000 m² 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)	2.77 ha
Footprint of clearing (hectares) (purpose permit only)	2.77 ha
Number of individual trees to be cleared	N/A

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 purpose of the proposed clearing is to progress development of the New Youth Detention Facility, which involves the expansion of the existing Banksia Hill facilities. The additional development includes a new secure 30-bed facility, spatially connected to the existing Banksia Hill Detention Centre. Clearing is proposed for the construction of buildings and other works associated with the construction of the New Youth Detention Facility buildings (e.g. perimeter fencing and a sterile zone, ancillary buildings and other infrastructure).
Specify what the final land use will be after clearing	The final land use will be a new secure 30-bed facility for housing highly disruptive youth detainees at the Banksia Hill Juvenile Detention Centre.

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

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: 1/10/2025
	End date: 1/10/2026

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 Interim Biogeographic 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.

	 ⊠ 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):		
	☐ 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):		
	-		

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) Through refined design, the Application Area as presented in the clearing permit application has avoided impacts within the Project Area as delineated by the Avoidance Area, but also specifically with a number of alternate expansion options.

During the initial proposal development process for the New Youth Detention Facility, the applicant has considered a number of options for how the facility needs could be accommodated at the existing Banksia Hill site. This process also considered the environmental conditions and characteristics of the areas surrounding the Banksia Hill site and the need to avoid significant clearing impacts when selecting the preferred option.

The options considered included development adjacent to the east and north of the current facility, and within the sterile zone. These options accommodated the preferred operational requirements for the facility but would have involved more clearing and more substantial impacts on vegetation values, as outlined further below.

Option 2: Adjacent East Development Footprint:

This proposed development footprint would have involved clearing of 2.17 ha of native vegetation in 'Excellent' condition, fully within the boundary of Bush Forever Site 472.

This native vegetation was 'high quality native black cockatoo foraging habitat' and representative of the Banksia Woodlands of the Swan Coastal Plain – Priority Ecological Community (Banksia woodlands PEC). Option 2 also involved impact to potential habitat for *Caladenia hugelii*, *Leioproctus douglasiellus* and *Neopasiphae simplicior* (short-tongued native bees), *Idiosoma sigillatum* (Swan Coastal Plain shield-backed trapdoor spider) and *Synemon gratiosa* (Graceful sun-moth), none of which occur within the Application Area.

Option 3: Adjacent North Development Footprint:

This proposed development footprint would have involved clearing of 2.32 ha of native vegetation in 'Good' condition, fully within the boundary of Bush Forever Site 472.

The native vegetation was 'high quality native black cockatoo foraging habitat' and Banksia woodlands TEC. Option 3 also involved impact to potential habitat for *Caladenia hugelii*, *Leioproctus douglasiellus* and *Neopasiphae simplicior* (short-tongued native bees), *Idiosoma sigillatum* (Swan Coastal Plain shield-backed trapdoor spider) and *Synemon gratiosa* (Graceful sun-moth), none of which occur within the Application Area.

Option 3 would have involved impact to a known population of Priority 2 listed flora species (*Poranthera moorokatta*), potentially impacting up to approximately 750 individuals, which does not occur within the Application Area.

Option 4: Internal Expansion Development Footprint:

This proposed development footprint would have involved clearing of 1.35 ha of native vegetation in 'Good' to 'Very good' condition.

The native vegetation was 'high quality native black cockatoo foraging habitat' and Banksia woodlands TEC. Option 4 also involved impact to potential habitat for *Leioproctus douglasiellus* and *Neopasiphae simplicior* (short-tongued native bees), *Idiosoma sigillatum* (Swan Coastal Plain shield-backed trapdoor spider) and *Synemon gratiosa* (Graceful sun-moth), none

of which occur within the Application Area.

This area is also an important area for detainees as it is used for cultural programs to enable connection to Country.

Summary of Avoidance Outcome

Noting that Option 2 and Option 3 were preferred by the Applicant from a purely operational viewpoint, the Application Area would involve the clearing of 2.24 ha of native vegetation in 'Good' condition and 0.36 ha of native vegetation in 'Very Good' condition, 2.01 ha of which falls within native vegetation of Bush Forever Site 472, with 0.55 ha considered 'high quality native CBC foraging habitat. Alternatively, there is no proposed clearing of the Banksia woodland PEC, no proposed clearing of naturally occurring Tuart woodland PEC, no clearing of potential *Caladenia hugelii* habitat and no clearing of potential short-tongued native bee, shield-backed trapdoor spider, or graceful sun moth habitat.

Given the substantial avoidance of native vegetation clearing and associated impacts to native vegetation values that would be achieved through the consideration of the above options, while still accommodating the operational needs for the facility, there is no further opportunity to reduce impacts.

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

Clearing activities will be managed in accordance with an Environmental Management Plan (EMP) and Wetland Management Plan (WMP) prepared and implemented by the proponent to minimise potential impacts to fauna and vegetation. The EMP and WMP will require the following procedures:

- Clearly defining the extent of the clearing area before any clearing activities commence, to limit this to the Application Area.
- A pre-clearing fauna inspection to identify potential fauna interactions, including an inspection of trees for hollows and signs of use 1-2 days before clearing.
- A fauna spotter to be present during clearing to direct and manage works to avoid impacts to fauna wherever possible and a trapping program to capture and translocate small to medium sized (translocatable) native fauna, if such fauna is present and translocation is practical.
- Implementation of hygiene protocols during the clearing and construction process to appropriately manage construction to prevent potential spread of weeds, dieback and feral animals into areas of avoided vegetation. This will include:
 - Vehicles, machinery, and personnel to be free of mud/soil and plant material upon entering the site. Inspections to be completed prior to works commencing.
 - Minimising clearing and earthworks during wet conditions.
 - Using native landscaping species not identified as potentially invasive.
- Ensuring the project is maintained in a clean and tidy manner to ensure feral and other species are not attracted to the site.
 Waste material is to be disposed of appropriately through waste services and/or to licenced landfill during construction and as

	OFFICIAL		
	part of ongoing operation.		
	 Undertaking monitoring and week (i.e. retained) native vegetation a construction activities. 		-
6.2 Offsets			
Do you want to subm	nit a clearing offset proposal with your form?	⊠ Yes	□ No
If 'Yes' – please complete and attach Appendix A of the <u>Clearing</u> Appendix A attached <u>of native vegetation offsets procedure</u> guideline as a supporting document for your form.			ndix A attached
Part 7 – Surveys	for assessments (IBSA and IMSA)		
Do you want to subm support of your form?	nit marine or biodiversity surveys in	⊠ Yes □	No – skip to Part 8
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 <u>Index of Biodiversity Surveys for Assessment</u> ?		⊠ Ye	s t applicable
Provide an IBSA number (preferred) or a submission number(s) IBSASUB-20250710- CD11D53E IBSASUB-20250710- B55BBC30			D53E SUB-20250710-
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			
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 Annex C7 form	☐ 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	A referral action pursuant to the EPBC Act determined the proposal to be 'not a controlled action' (EPBC 2024/10040) on the 5 th February 2025.	

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		
related matter been referred to the EPA?	Enter details:	
	No − complete question I	below.
If 'No' – do you intend to refer the proposal to the EPA? □ Yes – intend to refer (proposal is a 'significant proposal to refer (proposal will require a section the current Ministerial Statement)		posal will require a section 45C amendment to
	☐ No – a current valid Minis	sterial Statement applies
	Enter Ministerial Statement	number:
	No − not a significant pro	pposal
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 amendment to any of the above, under Part V Division 3 of the EP Act? 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> .		☐ Yes Application reference:
		 □ No – a valid works approval applies □ No – a valid licence applies □ No – a valid registration applies ☑ No – not required
9.3 Water licences and permits (Rights in Water and Irrigation Act 1914)		
a licence or amer	do you intend to apply for: ndment to a licence to take ater or groundwater)	☐ Yes☐ No – a current valid licence applies
a licence or amer construct wells (ir or a permit or amender)	ndment to a licence to ncluding bores and soaks), dment to a permit to bed and banks of a	Licence number: ☑ Not applicable
permits under the Rig	on water licences and ights in Water and Irrigation R's <u>Procedure: Water</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:	The applicant is seeking planning approval that will enable the development for which the native vegetation clearing is associated with. This will be run in parallel with this clearing permit application.
	□ No – plannin	g approval is not required
	Enter details:	
	□ Not applicab	le