

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

Note: Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer'	<ul> <li>□ Referral of proposed clearing (section 51DA of the EP Act)</li> <li>□ Application for an area permit (section 51E of the EP Act)</li> <li>☑ Application for a purpose permit (section 51E of the EP Act)</li> </ul>		
respectively.			
Which department are you submitti	ng this form to?		
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'.		<ul> <li>□ Department of Energy, Mines, Industry Regulation and Safety</li> <li>□ Department of Water and Environmental Regulation</li> </ul>	

# 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	Australian Company Number (ACN)		
go on the permit.	☑ Applying as a government entity (e.g. government department, local government authority, or other statutory body)		
	Name Department of Defence		

# 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	⊠ Yes	□ No

#### 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.

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	The area is a parcel of land, consisting of mostly Unallocated Crown Land within Laverton Shire. The area coincides with the following folios:  Reserve 24980 being Lot 351 on DP 220213 (Vol LR3022 Folio 941)  Reserve 36271 being Lot 1 on DP 91310 (Vol LR3018 Folio 911)  Reserve 34720 being Lot 900 on DP 91137 (Vol LR3168 Folio 866)  Unallocated Crown Land (UCL) PIN 11796049  A tenure map depicting the area and is attached to this application (Attachment A).		
Street address – Line 1			
Street address – Line 2	Great Central Road		
Suburb	Neale		
State	WA	Postcode	6440
Local government area(s)	Shire of Laverton		
Land zoning			

# 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)- Indigenous Land Use Agreement (ILUA) is at Attachment B.
☐ 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) – Shapefile provided at Attachment C.

- 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 – Attachment D.2.1 depicts the proposed clearing area and vegetation in the vicinity.

#### 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 =  $3.14 \text{ x radius}^2$ 1 acre = 0.4 hectares/ $4,000 \text{ m}^2$  Area of a rectangle = length x width

1 tree = 0.01 hectares/100  $m^2$  Area of a triangle =  $\frac{1}{2}$  length x perpendicular height

Total area of clearing proposed (hectares)	Defence proposes to clear no more than <b>49 ha</b> within the Defence Area.	
Footprint of clearing (hectares) (purpose permit only)	The Defence Area is approximately ~1,270,000 ha 877.73 ha footprint (changed during valida	ntion)

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.).

The Department of Defence is establishing a new temporary Defence Area (DA) in Laverton council, Western Australia. An Indigenous Land Use Agreement (ILUA) is to be been signed between the Commonwealth and the Barra Parrapi Aboriginal Corporation (BPAC) to provide the Commonwealth with exclusive use for temporary periods (see attachment B). The Commonwealth will activate the DA during specific periods of limited duration.

The proposed Defence activities within the Defence area do not include the construction of any permanent buildings or infrastructure.

The proposed clearing is to:

- Establish and maintain three Working Sites to house temporary accommodation and offices, messing and recreational facilities, ablutions, workshops, stores, and various equipment.
- Establish and maintain Impact Sites to safely contain the impacts of the Defence activities. A single Impact Site is planned, but Defence has planned and environmental assessments have been conducted for up to five Impact Sites.
- Establish and maintain access tracks to connect the test sites and working sites to the Great Central Road.
- Recover the remnants of the Defence activities and remediate the land.

Specify what the final land use will be after clearing

Once initial establishment of the sites and tracks is completed, they will be regularly re-cleared and maintained to facilitate the Defence activities within the DA.

The ILUA will expire on 31 Dec 2028. Defence and BPAC may negotiate an extension beyond that.

#### 5.4 Method

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

Mechanical clearing of working sites and access tracks.

Small-scale cool burns within Impact Sites to reduce bushfire risk as a result of Defence activities.

#### 5.5 Timeframe

Period within which you propose to do the clearing	Start date: 1 February 2026
(e.g. 1/7/2022 to 30/8/2024)	End date: 31 December 2028

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

	T		
Do you propose to clear native vegetation within the Swan Coastal Plain or Avon Wheatbelt bioregions?	<ul> <li>☐ Yes – complete section below</li> <li>☐ I have had a pre-application meeting with DWER/DEMIRS</li> </ul>		
	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):		
	☐ 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)

The Defence Area (DA) was selected to avoid population centres/settlements and provide a large safety buffer around Defence activities. The proposed clearance areas within the DA were developed with consideration for ensuring effective use and minimizing the environmental impact by remaining clear of sensitive environmental areas within the DA. A number of options for tracks and working sites were subject to an environmental assessment, and the selected areas were chosen with consideration for the environmental impact posed.

Defence will limit all disturbance to the (49ha) area as surveyed and detailed in the environmental report (Attachment D), and will minimize clearance to only what is required for operational use. Defence plans to clear less than 30ha initially. A single Impact Site is required at this stage, but Defence has conducted planning and environmental assessments have been conducted for up to five Impact Sites.

Controls have been proposed through the environmental risk assessment process (see Attachment D), and will be implemented by Defence personnel and contractors within the DA. Implementation of these controls is assured through a robust policy framework, and is managed by the Defence Directorate of Environmental Planning, Assessment and Compliance. Controls in relation to avoidance and minimization of disturbance to vegetation include:

- Vehicles will be kept on defined roads/tracks unless required for clearing or remediation.
- Application of micro-siting within working accommodation and impact sites to avoid large trees and sensitive habitats.
- Utilization of micro-siting when clearing at Working and Impact Sites to minimize clearance of large trees within those sites.
- Remediation of contamination at the completion of the proposed action in line with requirements under the WA Contaminated Sites Act 2003 and Contaminated Sites Regulation 2006.
- Bushfire management planning.

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

Defence will take all reasonable steps to remediate the impacts of the Defence activities within the DA. The ILUA allows the Traditional Owners to relieve Defence of the obligation to remediate parts of the DA so they can continue to make use of the cleared tracks and sites after Defence use of the land has concluded.

Through the environmental risk assessment process, controls and mitigations have been proposed and will be implemented by Defence personnel and contractors within the DA. This includes the following

measures to mitigate and remediate the disturbance to vegetation: Deep ripping/tillage of compacted areas to break up compaction improve water penetration and roughen the surface to promote retention of organic matter and seeds on site. Conduct of pre-mobilisation clean-down/inspection of all plant. vehicles and equipment to remove soil/vegetative matter before site entry. Stockpiling of topsoil and cleared vegetation to be used in remediation at the conclusion of Defence activities. In remediation, reshaping of disturbed areas to blend with the surrounding topography and reinstate surface water (sheet) flow to avoid ponding and waterlogging of soils. Once other earthworks activities are complete, stockpiled topsoil will be respread to promote natural regeneration. Following topsoil respreading, stockpiled vegetation will be redistributed across the cleared areas. 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 Clearing ☐ Appendix A attached of native vegetation offsets procedure guideline as a supporting document for your form. Part 7 – Surveys for assessments (IBSA and IMSA) Do you want to submit marine or biodiversity surveys in ☐ Yes ☒ No – skip to Part 8 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) 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/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 ☐ Yes form to the Index of Biodiversity Surveys for Assessment? 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 accordance with the EPA's <i>Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments?</i> ☐ Yes ☐ Yes ☐ Not application							
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 <b>–</b> 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 application under an EPBC Ac						

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 the EPA?	Enter details:				
the EPA?	No − complete question be     No − complete question be	elow.			
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 prop	oosal			
9.2 Other approvals – works approval, licence or registration (Part V Division 3 of the EP Act)					
	do you intend to apply for a	□ Yes			
works approval, licence, registration or an 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 <u>Procedure: Prescribed premises works approvals and licences</u> and <u>Guideline: Industry regulation guide to licensing</u> .		<ul> <li>□ No – a valid works approval applies</li> <li>□ No – a valid licence applies</li> <li>□ No – a valid registration applies</li> </ul>			
		⋈ No – not required			

#### 9.3 Water licences and permits (Rights in Water and Irrigation Act 1914)

<ul> <li>Have you applied or do you intend to apply for:</li> <li>a licence or amendment to a licence to take water (surface water or groundwater)</li> <li>a licence or amendment to a licence to construct wells (including bores and soaks), or</li> <li>a permit or amendment to a permit to interfere with the bed and banks of a watercourse?</li> <li>For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i>, see DWER's <i>Procedure: Water licences and permits</i>.</li> </ul>		<ul> <li>☐ Yes</li> <li>☐ No – a current valid licence applies</li> <li>☐ Licence number:</li> <li>☑ Not applicable</li> </ul>	
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:	approval is not required	