

Department of Water and Environmental Regulation Department of Mines, Industry Regulation and Safety

# Application for an amendment to a clearing NO permit

Environmental Protection Act 1986, section 51M

## FORM C4

Clearing of native vegetation is prohibited in Western Australia except where a clearing permit has been granted or an exemption applies. A person who causes or allows unauthorised clearing commits an offence.

Department of Mines and Petroleum CPS No. 2837/2 2837 (3

Native Vegetation

Date stamp

Part 1: Assessment bilateral agre	ementement
If the amendment of a clearing permit will or is likely to impact on a matter of national environmental significance identified under the	Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?  — Yes EPBC number:
Environment Protection and Biodiversity Conservation Act	No Proceed to Part 2
1999 (Cth) (EPBC Act) the original application must have been assessed in accordance with the bilateral assessment, and a variation under the EPBC Act is required prior to submitting this amendment application form.	List the controlling provisions identified in the notification of the controlled action decision.
Further information is located in Form Annex C7 and A guide to native vegetation clearing processes under the Assessment bilateral agreement available at www.der.wa.gov.au/ourwork/clearing-permits.	☐ Form Annex C7 is complete and the required supporting information is attached.

Part 2: Clearing permit details			And the last		
Amendments can only be made to active clearing permits.  Applications must be made more	Permit number for existing clearing permit	LPS /83/1/			
than 90 working days prior to the existing permit expiring to ensure there is adequate time to assess the amendment.	Permit holder's name (as it appears on the existing clearing permit)	BHP Billiton Nickel West Pty Ltd			
FILE REFERENCE	Permit expiry date:	28 February 2019			
	Mark this box if there are less the existing permit.	s than 90 working days until the expiry of	$\boxtimes$		

Part 3: Applicant	THE REPORT OF THE PERSON NAMED IN COLUMN TWO IS NOT THE PERSON NAMED IN COLUMN TO THE PERSON NAM	作品,这一种企业,但是自己的企业,但是自己的企业。				
Applicant details		THE PROPERTY OF THE PARTY OF TH				
To apply for an amendment to a permit you must be the current holder of the existing permit.  Include Australian Company	Are you applying as an individual, a company or incorporated body? Enter details for one only.					
	An Title	☐ Mr ☐ Mrs ☐ Ms ☐ Other:				
Number (ACN) if the proposed permit holder is a body corporate	individual Name/s					
or other entity formed at law.	OR					
	A body corporate or other entity formed at law (include ACN)  BHP Billiton Nickel West Pty Ltd  ACN 004 184 598					
Applicant contact details						
If applying as a company or incorporated body, please also supply the registered business office address.	Contact person (and	for the above individual or body corporate.				
All written correspondence from	position, if applicable,					
the Department of Water and Environmental Regulation (DWER) or Department of Mines, Industry Regulation and Safety	Company name (if applicable)	BHP Billiton Nickel West Pty Ltd				
(DMIRS) regarding your application will be made via email. You must provide a valid email address through which you agree to accept all electronic	Postal / business address					
correspondence. The postal/business address supplied must be a physical	Phone (fixed line):	Phone (mobile):				
address to which a statutory notice under the EP Act may be delivered. <sup>1</sup>	Email address					
Contact details for enquiries						
If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMIRS should liaise	Where contact details differ to those of the applicant, complete the below section:  Contact person (and position, if applicab.,					
with concerning this clearing application.	Company name (if applicable)					
	Postal / business address					
	Phone (fixed line)	Phone (mobile)				
	Email address					

<sup>&</sup>lt;sup>1</sup> The provision of a postal/business address is required as any statutory notices or directions under the relevant legislation are required to be served by post or personally [sections 75 and 76 *Interpretation Act 1984* (WA)].

Part 4: Proposed amendments	
Additional information to support the assessment of your application to amend may be	Indicate the proposed change/s to your clearing permit by selecting the relevant box/es:  Extend the duration of the clearing permit.
attached.  Please ensure you have included the following as part of your	☐ Vary / add / remove a permit condition relating to a matter other than the size or boundary of the area to be cleared.
<ul> <li>application:</li> <li>a photocopy of the granted clearing permit, with proposed</li> </ul>	Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit.
<ul><li>changes highlighted,</li><li>and</li><li>payment of the prescribed fee.</li></ul>	Redescribe the boundary of the area authorised to be cleared [for an area permit only]
	Make a correction to the clearing permit.
	Other.
	Provide details of the proposed change(s), and the rationale for it / them.
	This application is to extend the duration of CPS 2837/2 to 28 February 2029. Current permit approves the clearing of up to 118 ha. Currently only 14 ha has been cleared under this permit. BHP Billiton Nickel West Pty Ltd require an extension to this permit to allow for the continuation of mining operations.
	This application is also to amend the purpose of the permit to include:
	<ul> <li>mineral production and all associated activities;</li> </ul>
	<ul> <li>mineral exploration and all associated activities; and</li> <li>construction and maintenance of infrastructure and all associated activities.</li> </ul>
	The expected typical activities to be undertaken within the Application Area, under the
	three general approved activities are likely to include (but are not be limited to):
	<ul> <li>mineral production and all associated activities;</li> <li>mineral exploration and all associated activities;</li> </ul>
	<ul> <li>construction and maintenance of access roads;</li> </ul>
	ore transportation infrastructure,     ore pressering infrastructure.
	<ul> <li>ore processing infrastructure;</li> <li>ore stockpiles and topsoil stockpiles;</li> </ul>
	expansion and maintenance of infrastructure, services corridors and associated     infrastructure.
	infrastructure;  ongoing maintenance;
	<ul> <li>geotechnical investigations and associated activities;</li> </ul>
	<ul> <li>construction and maintenance of laydown areas, assembly areas, water bores and culverts; and</li> </ul>
11	<ul> <li>construction and maintenance of ancillary infrastructure and associated activities.</li> </ul>
	No changes to the clearing permit boundaries are proposed.
For an application to amend the	State the nature of the applicant's authority to access the land to be cleared.
size of the area permitted to be cleared, or add a land parcel to	[Attach evidence of authority]
the clearing permit, you must	Mining Tenement Summary Reports for:
have the authority of the land	ML 53/56
and undertake the clearing.	ML 53/57
Evidence of authority can include,	ML 53/165
for example, a copy of the certificate of title or a letter of	ML 53/166
authority from the land owner.	ML 53/218

Part 4: Proposed amendments							
Note: the letter of authority must explicitly state the applicant has authority to clear on the land.	ML 53/489						
Provide additional property details if required – if applying to extend the size of the area to be cleared into another land parcel.	reserve number, pasto	oral leas	I folio number, lot or location neen number or mining tenement lated purposes on tenements:	numbe			
You must provide evidence that avoidance and mitigation options have been pursued to	Have alternatives that for clearing been con-		avoid or minimise the need and applied?	$\boxtimes$	Yes		No
eliminate, reduce or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation.		o an inte	ernal EHIA process prior to cle and avoided where practical.	aring of	vegetati	on to e	nsure
Refer to DWER's <u>Clearing of</u> native vegetation offsets	Do you want to submit a clearing permit offset proposal with your application?						
procedure guideline available on the DWER website, and the EPA's WA Environmental Offsets Policy and Guidelines on the EPA website for further information.	If yes, provide details vegetation offsets pro NA		omplete and attach Appendix Aguideline.	A of the (	Clearing	of nati	ve
Part 5: Other DWER approvals Instructions: If your application is to be subm				is form.			
Section A: Environmental Impact	Assessment				tiens.		
Environmental Impact Assessme	nt (Part IV of the EP A	ct)					
Has this clearing application or any related matter been referred to the Environmental Protection			Yes – provide details [	]			
Authority?	KINDATT OF THE RESERVE	$\boxtimes$	No				
Do you intend to refer the propos Environmental Protection Author			Yes – intend to refer (propos	sal is a 's	significar	nt prop	osal')
Section 37B(1) of the EP Act defines a "a proposal likely, if implemented, to have the environment".  If a decision-making authority (e.g. DWI)	ve a significant effect on		Yes – intend to refer (propos amendment to the current M MS [ ]				45C
that the proposal in this application is lik 'significant proposal', they are required the EP Act to refer the proposal to the E under Part IV, if such a referral has not	ely to constitute a under section 38(5) of PA for assessment	×	No – a current valid Minister MS [415]	ial State	ment ap	plies:	
If a relevant Ministerial Statement alread the MS number in the space provided.			No – not a 'significant propo	sal'			
Section B: Other approvals				1875			

Part 5: Other DWER approvals					
Pre-application scoping					
Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned		×	No		
applications?				Yes – provide details: [ ]	
Works Approval / Licence / Regi	stration	(Part V Divisio	n 3 of	the EP Act)	
Have you applied or do you interworks approval, licence, registra				Yes – application reference (if known	n): [ ]
amendment to any of the above, Division 3 of the EP Act?	under l	Part V		No – a valid works approval applies:	[ ]
It is an offense to perform any action the premises to become a prescribed premischedule 1 of the Environmental Protection.	ises of a ction Reg	type listed in ulations 1987,	×	No – a valid licence applies: [L6453/1	1990/12]
unless that action is done in accordanc licence, or registration. For further guidance, please refer to the				No – a valid registration applies: [	]
Decision Making (February 2017).	e <u>Guluari</u>	Ce Statement.		No - not required	
Water Licences and Permits (Rig	ghts in V	Vater and Irriga	tion A	ct 1914)	
Have you applied or do you inter 1. a licence or amendment to a l				Yes –application reference (if known	):[ ]
(surface water or groundwate	r); or		No – a current valid licence applies: [GWL60382(5)]		
2. a licence or amendment to a licence to construct wells (including bores and soaks); or			N/A		
a permit or amendment to a p     with the bed and banks of a w					
Part 6: Index of Biodiversity Surv	veys for	Assessments	(IBSA)		
Biodiversity surveys submitted to somust meet the requirements of the the preparation of data packages for Biodiversity Surveys for Assessment 2018). If these requirements are no may decline to deal with the applications.	EPA's <u>II</u> or the Ind nts (IBS) ot met, D	nstructions for dex of A) (April		All biodiversity surveys submitted with meet the requirements of the EPA's In preparation of data packages for the Surveys for Assessments (IBSA).	nstructions for the
Part 7: Prescribed fee					
Make cheques or money orders	Please	indicate the ele	oring r	permit application fee that you are payir	
payable to:	100000	PERMIT	aring p	emit application lee that you are payir	ıg.
all clearing purposes other than increase the			ea cov	ements of an area permit, or to ered by an area permit by less	DFFICE USE ONLY
or  Department of Mines,				area covered by an area	
Industry Regulation and Safety for mineral and		\$200 to increas			
petroleum clearing activities under the <i>Mining Act 1978</i> ,	permit by more than 10 hectares.				
various Petroleum Acts, or State Agreement Acts.					
For credit card payments to:  • DWER, pay via BPoint,	Paym	ent method (mai	rk appli	cable box):	
accessible online at: https://dwer.wa.gov.au/mak		Cheque / Mone	y Orde	r	
e-a-payment		(DWER) Secure	e EFT	payment	

Part 7: Prescribed fee						
DMIRS, complete Form C3 and attach it to this form.		(see <u>https:</u> payment de		wa.gov.au/make-a-payment for		
Do not send cash in the mail.		(DWER) Se Receipt nu Date of pay	mber:	redit card payment through BPoint		
		(DMIRS) C	redit ca	ard –complete and attach Form C3		
this application – e.g. reports on salinity, fauna, or flora studies,	KEQU	kallyn ter sh		An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or		
in the assessment of your proposal may be attached to		REQUIRED		included the following as part of your application:  Payment.		
salinity, fauna, or flora studies, or other environmental reports conducted for the site could be				identifying the areas of vegetation proposed to be cleared of ESRI shapefile.		
included in electronic format and submitted on a suitable		OUUDED	$\boxtimes$	An index of all documentation attached to this application.		
portable digital storage device.	AS REQUIRED			A copy of the written authorisation permitting the applicant act on behalf of the current clearing permit holder.		
				Written authority from the landowner to access the land and conduct the clearing.		
				Form C3 – Credit card payment for DMIRS clearing applications, if the fee is to be paid to DMIRS by credit card		
				Form Annex C7 – Assessment bilateral agreement if the clearing is also to be assessed under an EPBC Act accredited process.		
				Appendix A of the Clearing of native vegetation offsets procedure guideline if the application includes a proposal for clearing permit offsets.		
	THE RESIDENCE OF THE PARTY OF T	DDITIONAL		Photos of application area		
	THE RESERVE OF THE PARTY OF THE PARTY.	SUPPORTING INFORMATION		Biodiversity surveys, submitted in accordance with the		

### Part 9: Submission of application

### Confidential or commercially sensitive information

Information submitted as part of this application will be made publicly available. If you wish to submit information that you believe to be commercially sensitive or otherwise confidential, then you should submit that information in an appendix to this application (Attachment 1), with a written statement of reasons why you request that each item of information be kept confidential.

Assessments (IBSA).

data packages for the Index of Biodiversity Surveys for

DWER and DMIRS will take reasonable steps to protect confidential or commercially sensitive information. Please note in particular that all submitted information may be the subject of an application for release under the *Freedom of Information Act* 1992 (WA).

If you have any enquiries regarding the provision of relevant information as part of this application contact either DWER or DMIRS, on the details below.

Files that are greater than 10MB in size cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. These large files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) and you will be provided with a link to submit these files.

All information which you would propose to be exempt from public disclosure has been separately placed in **Attachment 1** (located at the end of this form). Grounds for claiming exemption in accordance with Schedule 1 to the *Freedom of Information Act 1992* must be specified.

A signed, electronic copy of the application form, including all email address specified below.	attachments, has been submitted via the appropriate	$\boxtimes$
A signed, electronic copy of the application form has been sub below, and attachments have been submitted via File Transfe		$\boxtimes$
A full, signed hard copy has been sent to the appropriate posts	al address specified below.	$\boxtimes$
Email or post applications to amend clearing permits granted by the Department of Water and Environmental Regulation, or the former Department of Environment Regulation or former Department of Environment and Conservation to:  Email: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a> Department of Water and Environmental Regulation	Email or post applications to amend clearing permits go by the Department of Mines, Industry Regulation and Sor the former Department of Mines and Petroleum (undelegation) to:  Email: <a href="mailto:nvab@dmirs.wa.gov.au">nvab@dmirs.wa.gov.au</a> Department of Mines, Industry Regulation and Safe	Safety der
Locked Bag 33 CLOISTERS SQUARE PERTH WA 6850	Resource and Environmental Compliance Division Mineral House 100 Plain St EAST PERTH WA 6004	
Telephone: 6364 7000	Telephone: 9222 3333	
For more information: <u>www.dwer.wa.gov.au</u>	For more information: www.dmirs.wa.gov.au	
Please retain a copy of t Incomplete applicat	his form for your records. ions will be returned.	

## Part 10: Declaration and signature

#### General

I/We confirm and acknowledge that:

- The information contained in this application is true and correct and I/we acknowledge that knowingly providing information which is false or misleading in a material particular constitutes an offence under section 112 of the Environmental Protection Act 1986 (WA) and may incur a penalty of up to \$50,000;
- I/We have legal authority to sign on behalf of the applicant (where authorisation provided);
- I/We have not altered the requirements and instructions set out in this application form;
- I/We have provided a valid email address in Part 3 for receipt of all written correspondence from DWER (or DMIRS, as applicable) in relation to this application. I/ We acknowledge that successful delivery to my/our server constitutes receipt of correspondence for the purposes of the Environmental Protection Act 1986 (WA); and
- I/We have provided a valid postal and /or business address in Part 3 for the service of all notices under the relevant legislation.

#### **Publication**

I/We confirm and acknowledge:

- this application (including all attachments apart from the sections identified in Attachment 1) is a public document and may be published;
- biodiversity surveys provided in accordance with Part 6 will be published and used, for the purposes of the IBSA project, in accordance with your declaration made in the Metadata and Licensing Statement;
- all necessary consents for the publication of information have been obtained from third parties;
- information considered exempt from public disclosure has been placed in Attachment 1 with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the Freedom of Information Act 1992 (WA);
- subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to the Department by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and
- the decision to not publish information will be at the discretion of the CEO of the Department of

	consistently with the provisions of the Freed		parment and will be made
Please i	indicate if you are signing as an individu	ual or a company:	
	An individual. If an individual landowner	r is applying, <b>all landowners</b> must sign	this form.
$\boxtimes$	A company. Company name:	BHP Billiton Nickel West Pty Ltd	ACN: 004 184 598
	A person expressly authorised or authori company must be a legal entity and prov	sed to execute on behalf of a body corpide an ACN. Please note an Australian	oorate must sign this form. A Business Number is not sufficient.
	Other entity formed at law.	Provide details:	
 Signat  Name	turr	Date	11/2018
i			
Posit:5	al		
Signati	ure	Date	
Name			

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety

ATTACHMENT 1 – Confidential or Commercially Sensitive Information  Request for Exemption from Publication						
						Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the <i>Freedom of Information Act 1992</i> (WA), must be specified in this Attachment.
NOT FOR PUBLICATION IF GROUNDS	FOR EXEMPTION ARE DETERMINED					
Specify section:	Ground for claiming exemption:					
Specify section:	Ground for claiming exemption:					

Department of Water and Environmental Regulation – Department of Mines, Industry Regulation and Safety