



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

Application for an amendment to a clearing 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.

CPS No.

Date stamp

Part 1: Assessment bilateral agreement

If the amendment of a clearing permit will or is likely to impact on a matter of national environmental significance identified under the *Environment Protection and Biodiversity Conservation Act 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.

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/our-work/clearing-permits.

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:

☒ No Proceed to Part 2

List the controlling provisions identified in the notification of the controlled action decision.

☐ *Form Annex C7* is complete and the required supporting information is attached.

Part 2: Clearing permit details

Amendments can only be made to active clearing permits.

Applications must be made more than 90 working days prior to the existing permit expiring to ensure there is adequate time to assess the amendment.

Permit number for existing clearing permit CPS 4935/1

Permit holder's name (as it appears on the existing clearing permit) Hanson Construction Materials Pty Ltd

FILE REFERENCE

Permit expiry date: 07 August 2034

Mark this box if there are less than 90 working days until the expiry of the existing permit.

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| Part 4: Proposed amendments | |
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| <p>Additional information to support the assessment of your application to amend may be attached.</p> <p>Please ensure you have included the following as part of your application:</p> <ul style="list-style-type: none"> • a photocopy of the granted clearing permit, with proposed changes highlighted, and • payment of the prescribed fee. | <p>Indicate the proposed change/s to your clearing permit by selecting the relevant box/es:</p> <p><input type="checkbox"/> Extend the duration of the clearing permit.</p> <p><input checked="" type="checkbox"/> Vary / add / remove a permit condition relating to a matter other than the size or boundary of the area to be cleared.</p> <p><input type="checkbox"/> Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit.</p> <p><input type="checkbox"/> Redescribe the boundary of the area authorised to be cleared <i>[for an area permit only]</i></p> <p><input type="checkbox"/> Make a correction to the clearing permit.</p> <p><input type="checkbox"/> Other.</p> <p>Provide details of the proposed change(s), and the rationale for it / them.</p> <p>Condition 11 of CPS 4935/1 currently specifies a time for securing a conservation covenant, being prior to 8 July 2017. The applicant is seeking to amend the timing of condition 11 to "prior to undertaking clearing".</p> <p>Condition 11 of CPS 4935/1 should be amended for the following reasons:</p> <ul style="list-style-type: none"> • the current wording of condition 11 is clearly unworkable. The corresponding EPBC Act approval requires the same conservation covenant prior to undertaking clearing; • delays in obtaining other statutory approvals/clearance of approval conditions as a precondition to commencement of vegetation clearing, meant that securing an irrevocable covenant prior to 8 July 2017 was impracticable; • the applicant had commenced the process for securing the conservation covenant; • the amended condition will be tied to the actual need for a covenant (meaning that the proposed amendment will better address the environmental need for the condition); and • the applicant has not yet cleared any native vegetation, and will not clear until the conservation covenant has been secured. As such, there is no environmental impact arising from delaying the securing of the conservation covenant until prior to commencement of clearing. |
| <p>For an application to amend the size of the area permitted to be cleared, or add a land parcel to the clearing permit, you must have the authority of the landowner to access the land and undertake the clearing.</p> <p>Evidence of authority can include, for example, a copy of the certificate of title or a letter of authority from the land owner.</p> <p>Note: the letter of authority must explicitly state the applicant has authority to clear on the land.</p> | <p>State the nature of the applicant's authority to access the land to be cleared.</p> <p><i>[Attach evidence of authority]</i></p> <p>The applicant is the permit holder and the registered proprietor of Lot 6 On Diagram 47557.</p> <p>The applicant has entered into two Deeds for Extraction of Sand (Deeds) with each of the registered proprietors of Lot 300 on Diagram 75682 and Lot 301 On Diagram 75682, both dated 27 June 2008 and novated on 29 January 2016. The Deeds provide the permit holder with a licence to access Lots 300 and 301 for the purpose of clearing. Hanson understands that it has previously provided a copy of the Deeds to the Department of Water and Environmental Regulation (refer also to p. 10 of the Clearing Permit Decision Report for CPS 4935/1).</p> |
| <p>Provide additional property details if required – if applying to extend the size of the area to be cleared into another land parcel.</p> | <p>Land description: volume and folio number, lot or location number(s), Crown lease or reserve number, pastoral lease number or mining tenement number of all properties.</p> <ul style="list-style-type: none"> • Lot 6 On Diagram 47557; • Lot 300 On Diagram 75682; and • Lot 301 On Diagram 75682. |