

5617/4



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. 5617/3

Department of Mines and Petroleum

- 3 MAY 2018

Native Vegetation

Date stamp

**Part 1: Assessment bilateral agreement**

<p>If the amendment of a clearing permit will or is likely to impact on a matter of national environmental significance identified under the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (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.</p> <p>Further information is located in <i>Annex C7</i> and <i>A guide to native vegetation clearing processes under the Assessment bilateral agreement</i> available at <a href="http://www.der.wa.gov.au/our-work/clearing-permits">www.der.wa.gov.au/our-work/clearing-permits</a>.</p>	<p>Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process such as the assessment bilateral agreement?</p> <p><input type="checkbox"/> Yes EPBC number: _____</p> <p><input checked="" type="checkbox"/> No Proceed to Part 2</p>
	<p>List the controlling provisions identified in the notification of the controlled action decision.</p> <div style="border: 1px solid black; height: 100px; width: 100%;"></div>
	<p><input type="checkbox"/> Annex C7 is complete and the required supporting information is attached.</p>

**Part 2: Clearing permit details**

<p>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.</p>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px solid black; padding: 2px;">Permit number for existing clearing permit</td> <td style="padding: 2px;">CPS 5617/3</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Permit holder's name (as it appears on the existing clearing permit)</td> <td style="padding: 2px;">BHP Billiton Iron Ore Pty Ltd</td> </tr> </table>	Permit number for existing clearing permit	CPS 5617/3	Permit holder's name (as it appears on the existing clearing permit)	BHP Billiton Iron Ore Pty Ltd
Permit number for existing clearing permit	CPS 5617/3				
Permit holder's name (as it appears on the existing clearing permit)	BHP Billiton Iron Ore Pty Ltd				
FILE REFERENCE	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%; border-right: 1px solid black; padding: 2px;">Permit expiry date:</td> <td style="padding: 2px;">30 November 2030</td> </tr> </table>	Permit expiry date:	30 November 2030		
Permit expiry date:	30 November 2030				
	<p>Mark this box if there are less than 90 working days until the expiry of the existing permit. <input type="checkbox"/></p>				

Part 3: Applicant	
Applicant details	
<p>To apply for an amendment to a permit you must be the current holder of the existing permit.</p>	<p>Are you applying as an individual, a company or an incorporated body? Enter details for one only.</p> <p>An individual applicant      Title      <input type="checkbox"/> Mr    <input type="checkbox"/> Mrs    <input type="checkbox"/> Ms  <input type="checkbox"/> Other</p> <p>Name(s)</p>
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law (include Australian Company Number)</p>
	<p>A body corporate or other entity formed at law BHP Billiton Iron Ore Pty Ltd.</p>
	<p><b>Applicant contact details</b></p>
	<p>If applying as a company or incorporated body, please also supply the registered business office address.</p> <p>All written correspondence from the Department of Water and Environmental Regulation (DWER) regarding your application will be made via email; you must provide a valid email address through which you agree to accept all electronic correspondence.</p> <p>The postal/business address supplied must be a physical address to which a statutory notice under the EP Act may be delivered.<sup>1</sup></p>
<p>Provide the contact details for the above individual or body corporate.</p> <p>Postal / business address</p> <p>Phone (fixed line):      Phone (mobile):</p> <p>Email address</p>	
Contact details for enquiries	
<p>If different from the applicant's contact details, enter the contact details of a person with whom DWER or the Department of Mines, Industry Regulation and Safety (DMIRS) should liaise with concerning this clearing application.</p>	<p>Where contact details differ to those of the land holder, complete the below section:</p> <p>An individual applicant      Title      <input type="checkbox"/> Mr    <input type="checkbox"/> Mrs    <input type="checkbox"/> Ms  <input type="checkbox"/> Other</p> <p>Name(s)</p>
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law</p>
	<p>Postal / business address:</p>
	<p>Phone (fixed line):      Phone (mobile):</p>
	<p>Email address</p>

<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	
<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"> <li>• a photocopy of the granted clearing permit, with proposed changes highlighted, and</li> <li>• payment of the prescribed fee.</li> </ul>	<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 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 checked="" 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 [for an area permit only]</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>Inclusion of a 10 hectare area to the north of Yarnima Power Station to enable clearing to construct transmission lines. See supporting document for full details.</p>
<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>[Attach evidence of authority]</p> <p>Owner</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"> <li>• Mineral Lease AML244SA;</li> <li>• Mining Lease 266SA;</li> <li>• Miscellaneous Licences: L47/92, L52/99;</li> <li>• General Purpose Lease: G52/19 to 274, G52/276, G52/277, G52/279;</li> <li>• Miscellaneous Licence L47/92 and L52/99;</li> <li>• I154279 (Newman Rail Lease);</li> <li>• K529955 (Newman Light Industrial Lease); and</li> <li>• K858923 (Newman Town Common Lease).</li> </ul>
<p>You must provide evidence that avoidance and mitigation options have been pursued to eliminate, reduce or otherwise</p>	<p>Have alternatives that would avoid or minimise the need for clearing been considered and applied? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If yes, provide details:</p>

Part 4: Proposed amendments	
mitigate the need for, and scale of, the proposed clearing of native vegetation.	The additional area included in the permit will allow for an optimal line route that should reduce overall clearing for the project.
Refer to DWER's <a href="#">Clearing of native vegetation offsets procedure guideline</a> available on the DWER website, and the EPA's <i>WA Environmental Offsets Guidelines</i> on the EPA website for further information.	Do you want to submit a clearing permit offset proposal with your application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
	If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i> .

Part 5: Other DWER approvals	
<b>Instructions:</b> <ul style="list-style-type: none"> <li>If your application is to be submitted to DMIRS skip to Part 6 of this form.</li> <li>If you have applied, or intend to apply, for other approvals within DWER you must provide the details.</li> <li>If you have referred, or intend to refer, your proposal to the Environmental Protection Authority (EPA) you must provide the details.</li> </ul>	
<b>Pre-application scoping</b>	
<b>Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – provide details: [       ]
<b>Environmental Impact Assessment (Part IV of the EP Act)</b>	
<b>Have you referred or do you intend to refer the proposal to the Environmental Protection Authority?</b> 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 DWER considers that the proposal in this application is likely to constitute a 'significant proposal', DWER is required under section 38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made.	<input type="checkbox"/> Yes (referred) – reference (if known): [       ] <input type="checkbox"/> Yes – (intend to refer) proposal is a 'strategic proposal' under section 37B(2) <input type="checkbox"/> Yes – (intend to refer) proposal will require a section 45C amendment to the current Ministerial Statement: [       ] <input type="checkbox"/> No – a current valid Ministerial Statement applies: [       ] <input checked="" type="checkbox"/> No – not a 'significant proposal'
<b>Works Approval / Licence / Registration (Part V Division 3 of the EP Act)</b>	
<b>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?</b> It is an offense to perform any action that would cause a premises to become a prescribed premises of a type listed in Schedule 1 of the <i>Environmental Protection Regulations 1987</i> , unless that action is done in accordance with a works approval, licence, or registration. For further guidance, please refer to the <a href="#">Guidance Statement: Decision Making</a> (February 2017).	<input type="checkbox"/> Yes – application reference (if known): [       ] <input type="checkbox"/> No – a valid works approval applies: [       ] <input type="checkbox"/> No – a valid licence applies: [       ] <input type="checkbox"/> No – a valid registration applies: [       ] <input checked="" type="checkbox"/> No – not required
<b>Water Licences and Permits (<i>Rights in Water and Irrigation Act 1914</i>)</b>	
<b>Have you applied or do you intend to apply for:</b> <ol style="list-style-type: none"> <li>a licence or amendment to a licence to take water (surface water or groundwater); or</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> </ol>	<input type="checkbox"/> Yes –application reference (if known): [       ] <input type="checkbox"/> No – a current valid licence applies: [       ] <input checked="" type="checkbox"/> N/A

Part 6: Prescribed fee	
<p>Make cheques or money orders payable to:</p> <p><b>Department of Water and Environmental Regulation</b> for all clearing purposes other than mining and petroleum activities</p> <p>or</p> <p><b>Department of Mines, Industry Regulation and Safety</b> for mineral and petroleum clearing activities under the Mining Act, various Petroleum Acts or State Agreement Acts.</p> <p>For credit card payments to:</p> <ul style="list-style-type: none"> <li>DWER, pay via BPoint, accessible online at: <a href="https://dwer.wa.gov.au/mak-e-a-payment">https://dwer.wa.gov.au/mak-e-a-payment</a></li> <li>DMIRS, complete Form C3 and attach it to this form.</li> </ul> <p>Do not send cash in the mail.</p>	<p>Please indicate the clearing permit application fee that you are paying:</p> <p><b>AREA PERMIT</b></p> <p><input type="checkbox"/> \$50 to alter the requirements of an area permit, or to increase the area covered by an area permit by less than one hectare.</p> <p><input type="checkbox"/> \$100 to increase the area covered by an area permit by between one hectare and 10 hectares.</p> <p><input type="checkbox"/> \$200 to increase the area covered by an area permit by more than 10 hectares.</p> <p><b>PURPOSE PERMIT</b></p> <p><input checked="" type="checkbox"/> \$200 to alter any requirement of a purpose permit.</p> <p>Payment method (mark applicable box):</p> <p><input type="checkbox"/> Cheque / Money Order</p> <p><input type="checkbox"/> (DWER) Secure credit card or EFT payment through BPoint</p> <p>Receipt number: <input type="text"/></p> <p>Date of payment: <input type="text"/></p> <p><input checked="" type="checkbox"/> (DMIRS) Credit card –complete and attach Form C3</p>

OFFICE USE ONLY

Part 7: Application checklist																
<p>Additional information to assist in the assessment of your proposal may be attached to this application – e.g. reports on salinity, fauna, or flora studies, or other environmental reports conducted for the site could be included in electronic format and submitted on a suitable portable digital storage device.</p>	<p>Please ensure you have included the following as part of your application:</p> <table border="1"> <tr> <td rowspan="4"><b>REQUIRED</b></td> <td><input checked="" type="checkbox"/> A completed application form that is signed and dated by the current holder of the clearing permit or their authorised representative</td> </tr> <tr> <td><input checked="" type="checkbox"/> Payment</td> </tr> <tr> <td><input checked="" type="checkbox"/> An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile</td> </tr> <tr> <td><input checked="" type="checkbox"/> An index of all documentation attached to this application</td> </tr> <tr> <td rowspan="6"><b>AS REQUIRED</b></td> <td><input type="checkbox"/> A copy of the written authorisation permitting the applicant to act on behalf of the current clearing permit holder</td> </tr> <tr> <td><input type="checkbox"/> Written authority from the landowner to access the land and conduct the clearing</td> </tr> <tr> <td><input type="checkbox"/> Attachment 1: Confidential or commercially sensitive information</td> </tr> <tr> <td><input checked="" type="checkbox"/> Form C3 – Credit card payment for clearing applications, if the fee is to be paid to DMIRS by credit card</td> </tr> <tr> <td><input type="checkbox"/> Form Annex C7 - Assessment bilateral agreement if the clearing is also to be assessed under an EPBC Act Accredited Process</td> </tr> <tr> <td><input type="checkbox"/> Appendix A of the <i>Clearing of native vegetation offsets procedure</i> guideline if the application includes a proposal for clearing permit offsets</td> </tr> <tr> <td rowspan="2"><b>ADDITIONAL SUPPORTING INFORMATION</b></td> <td><input type="checkbox"/> Photos of application area</td> </tr> <tr> <td><input checked="" type="checkbox"/> Environmental surveys</td> </tr> </table>	<b>REQUIRED</b>	<input checked="" type="checkbox"/> A completed application form that is signed and dated by the current holder of the clearing permit or their authorised representative	<input checked="" type="checkbox"/> Payment	<input checked="" type="checkbox"/> An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile	<input checked="" type="checkbox"/> An index of all documentation attached to this application	<b>AS REQUIRED</b>	<input type="checkbox"/> A copy of the written authorisation permitting the applicant to act on behalf of the current clearing permit holder	<input type="checkbox"/> Written authority from the landowner to access the land and conduct the clearing	<input type="checkbox"/> Attachment 1: Confidential or commercially sensitive information	<input checked="" type="checkbox"/> Form C3 – Credit card payment for clearing applications, if the fee is to be paid to DMIRS by credit card	<input type="checkbox"/> Form Annex C7 - Assessment bilateral agreement if the clearing is also to be assessed under an EPBC Act Accredited Process	<input type="checkbox"/> Appendix A of the <i>Clearing of native vegetation offsets procedure</i> guideline if the application includes a proposal for clearing permit offsets	<b>ADDITIONAL SUPPORTING INFORMATION</b>	<input type="checkbox"/> Photos of application area	<input checked="" type="checkbox"/> Environmental surveys
<b>REQUIRED</b>	<input checked="" type="checkbox"/> A completed application form that is signed and dated by the current holder of the clearing permit or their authorised representative															
	<input checked="" type="checkbox"/> Payment															
	<input checked="" type="checkbox"/> An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile															
	<input checked="" type="checkbox"/> An index of all documentation attached to this application															
<b>AS REQUIRED</b>	<input type="checkbox"/> A copy of the written authorisation permitting the applicant to act on behalf of the current clearing permit holder															
	<input type="checkbox"/> Written authority from the landowner to access the land and conduct the clearing															
	<input type="checkbox"/> Attachment 1: Confidential or commercially sensitive information															
	<input checked="" type="checkbox"/> Form C3 – Credit card payment for clearing applications, if the fee is to be paid to DMIRS by credit card															
	<input type="checkbox"/> Form Annex C7 - Assessment bilateral agreement if the clearing is also to be assessed under an EPBC Act Accredited Process															
	<input type="checkbox"/> Appendix A of the <i>Clearing of native vegetation offsets procedure</i> guideline if the application includes a proposal for clearing permit offsets															
<b>ADDITIONAL SUPPORTING INFORMATION</b>	<input type="checkbox"/> Photos of application area															
	<input checked="" type="checkbox"/> Environmental surveys															

<b>Part 7: Application checklist</b>	
<b>Part 8: Submission of application</b>	
<p><b>Confidential or commercially sensitive information</b></p> <p>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.</p> <p>DWER 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 <i>Freedom of Information Act 1992 (WA)</i>.</p> <p>If you have any enquiries regarding the provision of relevant information as part of this application contact either DWER or DMIRS.</p>	
<p>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:</p> <p>Email: <a href="mailto:info@dwer.wa.gov.au">info@dwer.wa.gov.au</a></p> <p><b>Department of Water and Environmental Regulation</b>                  Locked Bag 33                  CLOISTERS SQUARE                  PERTH WA 6850</p> <p>Telephone: 6364 7000</p> <p>For more information: <a href="http://www.dwer.wa.gov.au">www.dwer.wa.gov.au</a></p>	<p>Post applications to amend clearing permits granted by the Department of Mines, Industry Regulation and Safety, or the former Department of Mines and Petroleum (under delegation) to:</p> <p><b>Department of Mines, Industry Regulation and Safety</b>                  Environment Division                  Mineral House                  100 Plain St EAST PERTH WA 6004</p> <p>Telephone: 9222 3333</p> <p>For more information: <a href="http://www.dmirs.wa.gov.au">www.dmirs.wa.gov.au</a></p>
<p>Please retain a copy of this form for your records.                  Incomplete applications will be returned.</p>	
<p>If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form</p>	

**Part 9: 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 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;
- 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 and will be made consistently with the provisions of the *Freedom of Information Act 1992 (WA)*.

**Please indicate if you are signing as an individual or a company:**

<input type="checkbox"/>	<b>An individual.</b> If an individual landowner is applying, <b>all landowners</b> must sign this form.
<input checked="" type="checkbox"/>	<b>A company.</b> <b>ACN: 008 700 981</b> A person expressly authorised or authorised to execute on behalf of a body corporate must sign this form. A company must be a legal entity and provide an Australian Company Number (ACN). Please note Australian Business Number (ABN) is not sufficient.
<input type="checkbox"/>	<b>Other entity formed at law.</b> Provide details:

_____ Signature	_____ Date
_____ Name	
_____ Position	
_____ Signature	_____ Date
_____ Name	
_____ Position	



**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 (WA)</i> , must be specified in this Attachment.	
<b>NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED</b>	
Specify section:	Ground for claiming exemption:
Specify section:	Ground for claiming exemption: