



Department of Water and Environmental Regulation (DWER)
Department of Mines, Industry Regulation and Safety (DMIRS)

Application to amend a clearing permit

Environmental Protection Act 1986, section 51KA

FORM C4

The clearing of native vegetation is prohibited in Western Australia unless a clearing permit has been granted for the clearing or where a permit is not required (either due to a referral determination that one is not needed or because an exemption applies). A person who causes or allows unauthorised clearing commits an offence.

For further information on the stages of assessment for clearing permit applications (including amendments to existing permits), see the [Procedure: Native vegetation clearing permits](#) on DWER's website.

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.

To be assessed in this manner, the proposed clearing action must be referred to the Commonwealth under the EPBC Act and deemed a '[controlled action](#)' prior to submitting this 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 7270/1

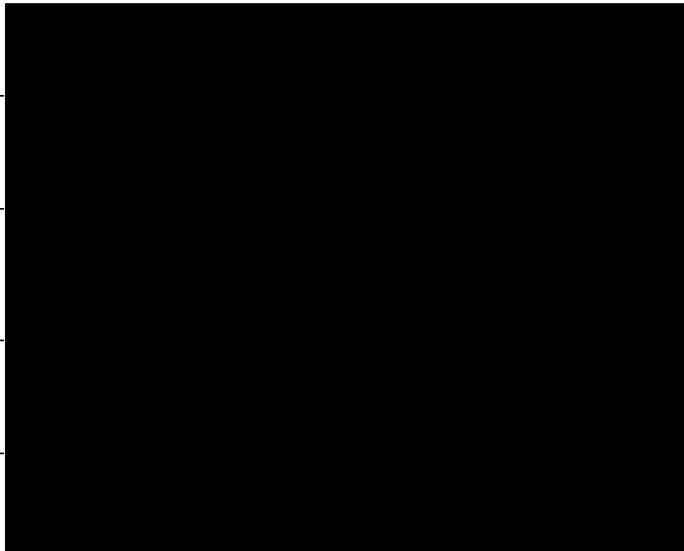
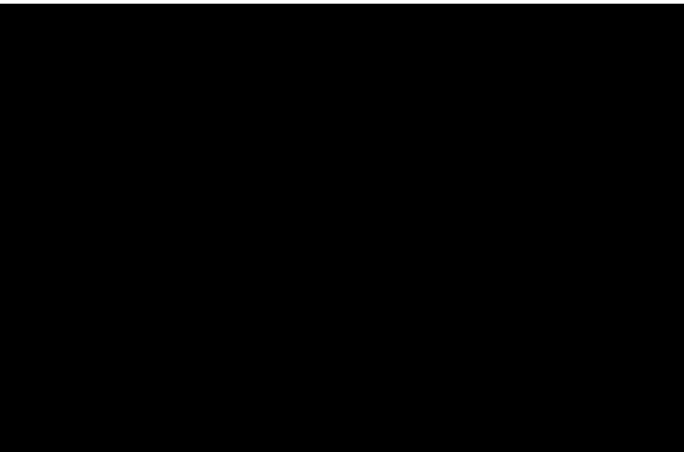
Permit holder's name (as it appears on the existing clearing permit) Anna Plains Cattle Co Pty Ltd

FILE REFERENCE

Permit expiry date: 12 December 2022

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



| 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>Include Australian Company Number (ACN) if the proposed permit holder is a body corporate or other entity formed at law.</p> | Are you applying as an individual, a company or incorporated body? Enter details for one only. | | |
| | An individual | Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="text"/> |
| | | Name/s | |
| | OR | | |
| | A body corporate or other entity formed at law (include ACN) | Anna Plains Cattle Co Pty Ltd ACN: 063229327 | |
| Applicant contact details | | | |
| <p>If applying as a company or incorporated body, please also supply the registered business office address.</p> <p>DWER and DMIRS 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 ("Part V documents") via email by indicating your consent in this section of the application form.</p> <p>Where 'yes' is selected, all correspondence from DWER or DMIRS (as applicable) will be sent to you via email, to the email address provided in this section.</p> <p>Where 'no' has been selected, Part V documents will be posted to you in hard copy to the postal/business address you have provided in this section. Other general correspondence may still be sent to you via email.</p> | Provide contact details for the above individual or body corporate. | | |
| | Contact person (and position, if applicable) |  | |
| | Company name (if applicable) | | |
| | Postal / business address | | |
| | Phone (fixed line): | | |
| | Email address | | |
| | <i>I consent to all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable), regarding the premises which is the subject of this application, being exclusively via email, using the email address I have provided above.</i> | | Yes <input checked="" type="checkbox"/> |
| Contact details for enquiries | | | |
| <p>If different from the applicant's contact details, enter the contact details of a person with whom DWER or DMIRS should liaise with concerning this clearing application.</p> | Where contact details differ to those of the applicant, complete the below section: | | |
| | Contact person (and position, if applicable) |  | |
| | Company name (if applicable) | | |
| | Postal / business address | | |
| | Phone (fixed line) | | |
| | Email address | | |

| 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"> a photocopy of the granted clearing permit, with proposed changes highlighted, and payment of the prescribed fee. <p>When providing details of the proposed change(s), if any additional clearing is proposed, include details of:</p> <ul style="list-style-type: none"> the proposed method of the clearing; the purpose of the clearing; the period within which the clearing is proposed to be undertaken (taking note of the published minimum assessment timeframes for DWER / DMIRS, as applicable); and the final land use. | <p>Indicate the types of proposed change(s) to your clearing permit by selecting the relevant box(es):</p> <table border="1"> <tr> <td><input checked="" type="checkbox"/></td> <td>Extend the duration of the clearing permit.</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Vary / add / remove a permit condition relating to a matter other than the size or boundary of the area to be cleared.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Redescribe the boundary of the area authorised to be cleared [for an area permit only]</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Make a correction to the clearing permit.</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Other.</td> </tr> </table> <p>Provide details of the proposed change(s), and the rationale(s) for it / them.</p> <p>Permit Duration Extension</p> <p>Anna Plains Cattle Co Pty Ltd (Anna Plains) request the permit expiry date is extended from 12 December 2022 to 12 December 2027.</p> <p>The existing approved purpose permit is for clearing for the purpose of irrigated fodder production. The proposed vegetation clearing is 120 hectares within a 200-hectare footprint. To date no land clearing has occurred under this purpose permit.</p> <p>Anna Plains plan to develop the irrigated fodder project in a staged manner, progressively land clearing for each stage. Each stage will be cleared, irrigated, and planted before moving the next stage. Irrigation will be sourced from groundwater bores.</p> <p>Given this is the first time Anna Plains have attempted an irrigated fodder project and coordination of four separate external parties is required for each stage within each dry season, there is uncertainty around timeframes required to complete each stage.</p> <p>Availability and coordination of outsourced separate labour and equipment required for pre land clearing fauna surveys (permit condition 8 (a) and (b)), land clearing, irrigation installation and then crop planting have been considered. Essentially these are four separate, external specialist labour and equipment arrangements for each component of land development in preparation for growing fodder. To coordinate external parties for four portions of work during the dry season will be challenging due to the location of Anna Plains and their distance to towns (250 km south of Broome and 370 km north of Port Hedland), regional capacity (i.e. availability of equipment and labour) and coordinating outsourced labour and equipment between their own client commitments and the pre clearing surveys, clearing, irrigation installation and planting.</p> <p>Additionally, Anna Plains have been cautious of land clearing prior to the granting of requested groundwater allocation license amendments being granted, without groundwater, the irrigated fodder project is not viable. After some delays Anna Plains have recently recommenced engagement with the Department of Water Environment and Regulation (DWER) regarding the amendment of groundwater license GWL160619.</p> <p>For these reasons an extension of the permit period by five years is requested to provide adequate time to finalise the increased groundwater allocation approvals and then fully develop each stage of the project.</p> | <input checked="" type="checkbox"/> | Extend the duration of the clearing permit. | <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. | <input type="checkbox"/> | Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit. | <input type="checkbox"/> | Redescribe the boundary of the area authorised to be cleared [for an area permit only] | <input type="checkbox"/> | Make a correction to the clearing permit. | <input type="checkbox"/> | Other. |
| <input checked="" type="checkbox"/> | Extend the duration of the clearing permit. | | | | | | | | | | | | |
| <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. | | | | | | | | | | | | |
| <input type="checkbox"/> | Amend the size of the area permitted to be cleared, or add / remove a land parcel on the clearing permit. | | | | | | | | | | | | |
| <input type="checkbox"/> | Redescribe the boundary of the area authorised to be cleared [for an area permit only] | | | | | | | | | | | | |
| <input type="checkbox"/> | Make a correction to the clearing permit. | | | | | | | | | | | | |
| <input type="checkbox"/> | Other. | | | | | | | | | | | | |

| Part 4: Proposed amendments | |
|---|--|
| | <p>Removal of Condition 7</p> <p>Anna Plains request Condition 7 is removed from the permit.</p> <p>Condition 7 requires crops species are planted within three months of the authorised clearing being undertaken. To avoid non-compliance with the CPS7270/1 Anna Plains have avoided land clearing until groundwater license amendments are finalised.</p> <p>To coordinate a staged approach for external parties to complete preclearing surveys, clearing, irrigation installation and planting within a three-month window will be challenging due to the location of Anna Plains and the distance to towns (250 km south of Broome and 370 km north of Port Hedland) and regional capacity (i.e. availability of equipment and labour).</p> <p>The planned staged approach will require specialists and equipment to mobilise and demobilise at least four times during the project implementation phase.</p> <p>No land clearing has occurred under the approved permit because Anna Plains have avoided unnecessarily clearing prior to DWER granting groundwater license amendment approvals. Anna Plains have recently recommenced engagement with the Department of Water Environment and Regulation (DWER) regarding the increased allocation amendment of groundwater license GWL160619.</p> <p>Amendment to Condition 8(a) Fauna Management</p> <p>It is proposed that Condition 8(a) is amended to remove the requirement to ‘engage a fauna specialist’ to undertake clearance surveys’...</p> <p>Anna Plains propose Condition 8 (a) requires a ‘suitably experienced person’ undertakes clearance surveys prior to land clearing. It is proposed the ‘suitably experienced person’ does not require a valid fauna license or a tertiary qualification to complete a pre-clearance fauna search which will provide the opportunity for Traditional Owners and local Kimberley residents who have Bilby experience, to undertake pre-clearance surveys.</p> <p>In the unlikely event that relocation of fauna is required, condition 8(b) will require a ‘fauna specialist’ as currently defined in the permit.</p> <p>It should be noted that the Bamford Consulting Ecologist targeted Bilby survey completed in August 2017 ‘concluded that Bilbies are not currently present within the development envelope and no signs of recent activity could be found’. Bilbies are highly mobile, so it should not be assumed that because they weren’t found during a targeted fauna search in 2017, they may not move in and out of the polygon.</p> <p>To understand the current risk of Bilby presence in the polygon, a drone mission was flown approximately 35 m above ground level with transects spaced at 150 m within the approved clearing polygon on 28 and 29 October 2022. The drone missions were to confirm if the vegetation type was suitable to identify Bilby burrowing activity from above, and if so, use the drone mission to identify locations where possible Bilby burrowing activity was occurring within the polygon, where follow up investigation on foot could confirm any activity. Examples of photos from the drone mission are attached.</p> <p>Upon examination of drone footage on a large monitor, no evidence of bilby burrowing activity was found, however it was noted in the field that future drone missions could be set to a lower flying altitude due to the vegetation present consisting ‘of tall and medium height shrubs 1-3 metres high over a ground layer dominated by grasses and soft perennial sub-shrubs’ (Enviroworks, 2017).</p> <p>IF evidence of Bilby activity was found, the locations would have been recorded so in future, the area could be ground truthed on foot and monitored to understand Bilby activity in preparation for land clearing, and the assess the potential for relocating individuals.</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>State the nature of the applicant’s authority to access the land to be cleared. Evidence of authority can include e.g. a copy of the certificate of title or a letter of authority signed by the landowner or other person with authority to give legal land access permission.</p> <p><i>[Attach evidence of authority. Note that a letter of authority must explicitly state the applicant has authority to clear on the land.]</i></p> <p>Not applicable.</p> |

| Part 4: Proposed amendments | | | | |
|---|---|--------------------------|-----|--|
| Provide additional property details if required – if applying to extend the size of the area to be cleared into another land parcel. | 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. Not applicable. | | | |
| You must provide evidence that avoidance and mitigation options have been pursued to eliminate, reduce or otherwise mitigate the need for, and scale of, the proposed clearing of native vegetation. | Have alternatives that would avoid or minimise the need for clearing been considered and applied? | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> No |
| | If yes, provide details: | | | |
| Refer to DWER's Clearing of native vegetation offsets procedure guideline available on the DWER website, and the EPA's WA Environmental Offsets Policy and Guidelines 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> . | | | |
| | Not applicable. | | | |

| Part 5: Other DWER approvals | |
|--|---|
| Instructions: <ul style="list-style-type: none"> If your application is to be submitted to DMIRS, complete Section A and then skip to Part 6 of this form. If your application is to be submitted to DWER, complete both Sections A and B. | |
| Section A: Environmental Impact Assessment | |
| Environmental Impact Assessment (Part IV of the EP Act) | |
| Has this clearing application or any related matter been referred to the Environmental Protection Authority? | <input type="checkbox"/> Yes – provide details [] <input checked="" type="checkbox"/> No |
| Do you intend to refer the proposal to the Environmental Protection Authority? 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 or DMIRS) considers that the proposal in this application is likely to constitute a 'significant proposal', they are 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. If a relevant Ministerial Statement already exists, please provide the MS number in the space provided. | <input type="checkbox"/> Yes – intend to refer (proposal is a 'significant proposal') <input type="checkbox"/> Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement) MS [] <input type="checkbox"/> No – a current valid Ministerial Statement applies: MS [] <input checked="" type="checkbox"/> No – not a 'significant proposal' |
| Section B: Other approvals | |
| Pre-application scoping | |
| | <input type="checkbox"/> No |

| Part 5: Other DWER approvals | |
|---|--|
| <p>Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?</p> | <p><input checked="" type="checkbox"/> Yes – provide details: [Phone call discussion with [REDACTED] on Monday 12 September. Advised Anna Plains would like to extend the duration of the permit, consider amendment of Condition 7 and raised an issue with Plan 7270/1 spatial data.</p> <p>Email follow up to [REDACTED] on 14 September providing some background information on Anna Plains, requesting copies of the original submission and approvals, noting the Plan 7270/1 spatial data issue and amendment of Condition 7.]</p> <p>Phone call with [REDACTED] on 27 October to confirm contents of Form C4 prior to submission.</p> |
| Works approval / Licence / Registration (Part V Division 3 of the EP Act) | |
| <p>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?</p> <p>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 <i>Environmental Protection Regulations 1987</i>, unless that action is done in accordance with a works approval, licence, or registration.</p> <p>For further guidance, refer to Guideline: Decision making and Guideline: Industry Regulation Guide to Licensing.</p> | <p><input type="checkbox"/> Yes – application reference (if known): []</p> <p><input type="checkbox"/> No – a valid works approval applies: []</p> <p><input type="checkbox"/> No – a valid licence applies: []</p> <p><input type="checkbox"/> No – a valid registration applies: []</p> <p><input checked="" type="checkbox"/> No – not required</p> |
| Water licences and permits (<i>Rights in Water and Irrigation Act 1914</i>) | |
| <p>Have you applied or do you intend to apply for:</p> <ol style="list-style-type: none"> a licence or amendment to a licence to take water (surface water or groundwater); or a licence or amendment to a licence to construct wells (including bores and soaks); or a permit or amendment to a permit to interfere with the bed and banks of a watercourse? <p>For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i>, refer to the Procedure: Water licences and permits.</p> | <p><input checked="" type="checkbox"/> Yes – application reference (if known): [GWL160619]</p> <p><input type="checkbox"/> No – a current valid licence applies: []</p> <p><input type="checkbox"/> N/A</p> |

| Part 6: Surveys for Assessments (IBSA and IMSA) | | | | | |
|---|--|---|--|---|---|
| <p>Do you wish to submit marine or biodiversity surveys in support of your application?</p> | <p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No – skip to Part 7</p> | | | | |
| <p>Biodiversity surveys submitted to support this application must meet the requirements of the EPA's Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA). If these requirements are not met, DWER / DMIRS (as applicable) may decline to deal with the application.</p> <p>Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided.</p> <p>Note that a submission number is not confirmation of acceptance of a biodiversity survey and is not the same as an IBSA number. IBSA numbers are only issued once</p> | <table border="1"> <thead> <tr> <th colspan="2">All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at: ibsubmissions.dwer.wa.gov.au</th> </tr> </thead> <tbody> <tr> <td> <p>Submission number(s)</p> <p>(e.g. <i>IBSASUB-20200101-12345A6D</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p> </td><td> <p>Yes</p> <p><input type="checkbox"/></p> </td></tr> </tbody> </table> | All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at: ibsubmissions.dwer.wa.gov.au | | <p>Submission number(s)</p> <p>(e.g. <i>IBSASUB-20200101-12345A6D</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p> | <p>Yes</p> <p><input type="checkbox"/></p> |
| All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at: ibsubmissions.dwer.wa.gov.au | | | | | |
| <p>Submission number(s)</p> <p>(e.g. <i>IBSASUB-20200101-12345A6D</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p> | <p>Yes</p> <p><input type="checkbox"/></p> | | | | |

| Part 6: Surveys for Assessments (IBSA and IMSA) | | | |
|--|--|---|---|
| <p>a survey has been accepted. Once an IBSA number is issued, please notify DWER / DMIRS (as applicable).</p> <p>Please note the assessment timeframes for your application will be suspended until the IBSA number(s) is provided to DWER / DMIRS (as applicable).</p> | <p>IBSA number(s) (e.g. <i>IBSA-2020-0123</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p> | | |
| <p>Marine surveys submitted to support this application must meet the requirements of the EPA's Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA). If these requirements are not met, DWER will decline to deal with the application.</p> | <p>All marine surveys submitted with this application meet the requirements of the EPA's Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA).</p> | <p>Yes</p> <p><input type="checkbox"/></p> | <p>N/A</p> <p><input type="checkbox"/></p> |

| Part 7: Records kept under the existing clearing permit's conditions | | | |
|--|---|---|--|
| <p>Most clearing permits include one or more conditions requiring that the permit holder keep certain records relating to the actions undertaken in accordance with the clearing permit.</p> <p>DWER / DMIRS (as applicable) requires that these records are provided to support the assessment of this application.</p> <p>Records provided should cover:</p> <ul style="list-style-type: none"> the full period of the permit; or the past five years (if the existing permit's duration is greater than five years and it was amended within the past five years). | <p>The required records are attached.</p> | | <p>Yes</p> <p><input checked="" type="checkbox"/></p> |
| | <p>Please select the relevant records included with the report. Only records required to be kept by the conditions of the existing clearing permit need to be provided.</p> | | |
| | <input checked="" type="checkbox"/> | The total amount, location(s), and date(s) of clearing done under the permit (or within the past five years). | |
| | <input type="checkbox"/> | Actions taken to avoid or minimise the impact and extent of clearing. | |
| | <input type="checkbox"/> | Actions taken in relation to flora and/or fauna management. | |
| | <input type="checkbox"/> | Actions taken to revegetate or rehabilitate the areas cleared under the permit. | |
| | <input type="checkbox"/> | Records pertaining to any onsite or offsite environmental offsets. | |
| <input type="checkbox"/> | Any other relevant records required to be kept by the conditions of the permit. | | |
| | <p>Summarise other records:</p> | | |