



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

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	
<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>Form Annex C7</i> and <i>A guide to native vegetation clearing processes under the Assessment bilateral agreement</i> available at www.der.wa.gov.au/our-work/clearing-permits.</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?
	<input type="checkbox"/> Yes EPBC number: <input style="width: 100px;" type="text"/>
	<input checked="" type="checkbox"/> No Proceed to Part 2
	List the controlling provisions identified in the notification of the controlled action decision.
	<input type="checkbox"/> <i>Form Annex C7</i> is complete and the required supporting information is attached.

Part 2: Clearing permit details		
<p>Amendments can only be made to active clearing permits.</p> <p>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>	Permit number for existing clearing permit	CPS 7559/1
	Permit holder's name (as it appears on the existing clearing permit)	Shawmac Pty Ltd
FILE REFERENCE	Permit expiry date:	31 March 2023
	Mark this box if there are less than 90 working days until the expiry of the existing permit.	<input type="checkbox"/>

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>Indicate the proposed change/s to your clearing permit by selecting the relevant box/es:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40px; text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td>Extend the duration of the clearing permit.</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;"><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 style="text-align: center; vertical-align: middle;"><input checked="" 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 style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td>Redescribe the boundary of the area authorised to be cleared <i>[for an area permit only]</i></td> </tr> <tr> <td style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td>Make a correction to the clearing permit.</td> </tr> <tr> <td style="text-align: center; vertical-align: middle;"><input type="checkbox"/></td> <td>Other.</td> </tr> </table> <p>Provide details of the proposed change(s), and the rationale for it / them.</p> <p><u>Change to the area of the clearing permit</u></p> <p>It is requested that the NVCP be amended to reflect the area of clearing to be 0.303 ha. Attachment 1 provides the location of the 0.303 ha clearing area.</p> <p>The original area to which the NVCP application applied was 2.3 ha of native vegetation. As a result of additional clearing minimisation measures being applied in consultation with the DWER during the NVCP application assessment process, the proposed clearing area was reduced at this time to 1.9 ha. The NVCP for the clearing of 1.9 ha was granted, and two appeals were then lodged against the granting of the NVCP. Whilst progressing through the appeals process, it was determined that an exemption to the requirement for a NVCP was applicable to a portion of the proposed clearing area (under Clause 1 (a) of Schedule 6 of the <i>Environmental Protection Act 1986</i> (EP Act)). The exemption was considered relevant as it covers clearing previously assessed under Section 40 as part of a proposal referred under Section 38 of Part IV of the EP Act (for the Boonanarring Minerals Sand Mine project (Image Resources); Ministerial Statement 981). The exemption was further validated by Mark Rust of the DWER Compliance Branch (Attachment 2). As a result of the exemption, the remaining clearing area subject to the requirement of a NVCP is 0.303 ha.</p> <p><u>Change to the Condition 7 of the NVCP</u></p> <p>As a result of the reduction in the clearing area proposed due to exemption under Clause 1 (a) of Schedule 6 of the EP Act, it is proposed that the offset amount originally calculated be reduced to be proportionate to the revised clearing area. At the granting of the NVCP, the clearing area was determined to be 1.9 ha, of which 1.9 ha was considered to be representative of Carnaby's black cockatoo habitat, and 1.6 ha considered representative of the Banksia Woodlands TEC. Using these relevant value areas, an minimum offset area of 10.1 ha was calculated, equating to \$50,500 to be contributed to the DWER offset fund (based on DWER's requirement of \$5,000 / ha average offset land rate).</p> <p>Applying the revised clearing area of 0.303 ha to the EPBC Act offsets calculator (assuming the 0.303 ha is entirely representative of Carnaby's black cockatoo habitat and Banksia Woodland TEC), it was calculated that the minimum offset area required would be 1.6 ha (see offset calculations in Attachment 3). Using the DWER's land rate, this equates to \$8,000 in monetary contribution to the DWER's offset fund. These funds should be used to purchase at least 1.6 ha of native vegetation for conservation that contain vegetation representative of Banksia Woodlands TEC and Carnaby's black cockatoo habitat.</p> <p>It is noted that a request to reduce the offset contribution value to be proportionate to the area of clearing was presented in Coterra Environment's Response to the Appeals</p>	<input 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 checked="" 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 <i>[for an area permit only]</i>	<input type="checkbox"/>	Make a correction to the clearing permit.	<input type="checkbox"/>	Other.
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<input type="checkbox"/>	Other.												

Part 4: Proposed amendments	
	<p>Convenor (Rev 0, 15 June 2018), which was not addressed further by the Office of the Appeals Convenor or the DWER. It is also understood that steps were taken to request an invoice for the offset amount by the DWER in February 2018, prior to clearing under the NVCP was undertaken, however an invoice was not received from the DWER as indicated (Attachment 4). Clearing was undertaken in September 2018 with Image Resources understanding that this administrative process had previously been completed (i.e. when the invoice had been requested in February 2018).</p> <p>On this basis, it is requested that Condition 7 of CPS 7559/1 be modified to state: <i>The Permit Holder shall provide funding of \$8,000 to the Department of Water and Environmental Regulation for the purpose of establishing or maintaining native vegetation within four weeks of receiving this Permit.</i></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. <i>[Attach evidence of authority]</i></p> <p>Refer to email correspondence from Main Roads (WA) and Shire of Gingin (Attachment 5).</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> <p>Lot 14249 on Plan 27729 (Brand Highway), Boonanarring, WA.</p>
<p>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.</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> <p>The clearing was proposed in order to widen the existing road (Brand Hwy) in the vicinity of the Boonanarring Minerals Sand Mine project, to ensure that the Wannamal Road and Brand Highway intersection can safely allow for heavy vehicle turning access and uninterrupted visual line of sight to oncoming traffic. The clearing was required due to the narrow width of the existing seal. The upgrade has been designed in a manner to minimise the impacts to roadside vegetation and utilised previously cleared areas within the road reserve where possible.</p> <p>Given its location on a regional road the project is being undertaken under Main Roads specifications, which include the following:</p> <ul style="list-style-type: none"> - Engineering design should be subject to a minimum 3 m contingency buffer - The use of roadside barriers is not supported in this location, as this may introduce a hazard - Main Roads would not generally support the use of speed reduction around the entry point to Wannamal Road as an alternative to creating a slip lane <p>As an avoidance measure, the original allowance of a 5 m contingency buffer was reduced to a 3 m buffer. Other incorporated measures to avoid and minimise clearing include:</p> <ul style="list-style-type: none"> - Demarcation of the clearing area prior to the commencement of the clearing of native vegetation and other project activities (retained for the duration of road works).

Part 4: Proposed amendments	
	- The site office, storage areas and construction vehicles / machinery are located on previously disturbed or cleared areas to avoid any additional clearing or disturbance.
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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i> .
	See Part 4 for details regarding the offset proposal. Clearing Permit Offset Proposal Form attached (Attachment 6).

Part 5: Other DWER approvals
<p>Instructions:</p> <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 Section 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

Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?	<input checked="" type="checkbox"/> No
	<input type="checkbox"/> Yes – provide details: []

Works approval / Licence / Registration (Part V Division 3 of the EP Act)

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? 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. For further guidance, please refer to the Guidance Statement: Decision Making .	<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

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

Have you applied or do you intend to apply for:	<input type="checkbox"/> Yes –application reference (if known): []
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