



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: 2017-8085

No Proceed to Part 2

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

See the attached Approval.
Contact is Max Stratton (02 6275 9973)
Post Approvals Section
Environmental Approvals Division – CCEEW
Max.stratton@dcceew.gov.au
Or
Robin Nielsen
Robin.Nielsen@dcceew.gov.au

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 7943/1

Permit holder's name (as it appears on the existing clearing permit) B & J Catalano Pty Ltd

FILE REFERENCE

Permit expiry date: 3 January 2034

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>	<p>Are you applying as an individual, a company or incorporated body? Enter details for one only.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">An individual</td> <td style="width: 15%;">Title</td> <td style="width: 10%;">Mr</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 10%;">Mrs</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%;">Ms</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%;">Other:</td> <td style="width: 10%;"></td> </tr> <tr> <td colspan="2">Name/s</td> <td colspan="8"></td> </tr> </table> <p>OR</p> <p>A body corporate or other entity formed at law (include ACN)</p> <p style="margin-left: 20px;">B & J Catalano Pty Ltd ACN 008961975</p>	An individual	Title	Mr	<input checked="" type="checkbox"/>	Mrs	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other:		Name/s									
An individual	Title	Mr	<input checked="" type="checkbox"/>	Mrs	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other:													
Name/s																					
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. 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>	<p>Provide contact details for the above individual or body corporate.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Contact person (and position, if applicable)</td> <td rowspan="5" style="background-color: black;"></td> </tr> <tr> <td>Company name (if applicable)</td> </tr> <tr> <td>Postal / business address</td> </tr> <tr> <td>Phone (fixed line):</td> </tr> <tr> <td>Email address</td> </tr> </table> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <tr> <td style="width: 80%;"><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></td> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;">No</td> </tr> <tr> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	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	No		<input checked="" type="checkbox"/>	<input type="checkbox"/>								
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	<input checked="" type="checkbox"/>	<input 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>	<p>Where contact details differ to those of the applicant, complete the below section:</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Contact person (and position, if applicable)</td> <td rowspan="5" style="background-color: black;"></td> </tr> <tr> <td>Company name (if applicable)</td> </tr> <tr> <td>Postal / business address</td> </tr> <tr> <td>Phone (fixed line)</td> </tr> <tr> <td>Email address</td> </tr> </table>	Contact person (and position, if applicable)		Company name (if applicable)	Postal / business address	Phone (fixed line)	Email address														
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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, <i>and</i> • 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); <i>and</i> • 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" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50px; text-align: center;"><input checked="" type="checkbox"/></td> <td>Extend the duration of the clearing permit.</td> </tr> <tr> <td style="text-align: center;"><input 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;"><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;"><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;"><input type="checkbox"/></td> <td>Make a correction to the clearing permit.</td> </tr> <tr> <td style="text-align: center;"><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>AREA SWAP</p> <p>The proposed change is a swap in the trees to be cleared to ensure no additional area of trees, just alternative locations.</p> <p>The change is currently being considered by the Commonwealth and is varied to enable the same conditions of approval under the EPBC to be maintained, but rationalising the pit to make it safer and remove a dangerous rock outcrop.</p> <p>That is there is no change in the approved area of clearing of 1.2 hectares within an amended footprint of 7.328 hectares. That 7.328 hectares is still located within the original Permit area approved by DWER but subsequently modified to bring it into line with the wishes of the Commonwealth.</p> <p>The types of trees to be retained and removed has been assessed and is provided in the attached notes (Figure 5) that summarises the clearing history and environmental status. The attached information has been supplied to the Commonwealth and is the basis for the amendment to EPBC Approval 2017-8085.</p> <p>TIME EXTENSION</p> <p>The Clearing Permit is requested to be extended for a period of 10 years of active clearing time, to enable the clearing to be progressive through the life of the pit, rather than clearing all vegetation within a short time frame. That will provide a better environmental outcome.</p> <p>OFFSET PLANTING</p> <p>The offset planting time frame for Condition 9 (1.2 hectares) could be brought forward from the end of the clearing permit to a defined time such as 2028, which again will provide a better environmental outcome and ensure the tree plantings are growing well by the time the clearing permit ends in 2034.</p>	<input checked="" type="checkbox"/>	Extend the duration of the clearing permit.	<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.	<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"/>	Make a correction to the clearing permit.												
<input type="checkbox"/>	Other.												
<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. <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>Lot 501 is held by the Directors of B & J Catalano who have signed the application form.</p>												
<p>Provide additional property details if required – if applying to extend</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>												

Part 4: Proposed amendments			
the size of the area to be cleared into another land parcel.	Lot 501 Coalfields Highway on Plan 26892, Volume 2530, Folio 854.		
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 checked="" type="checkbox"/>	Yes <input type="checkbox"/> No
	If yes, provide details: The area applied for had been reduced but that reduction has led to the section of quarry being unsafe as there is insufficient room for the quarry faces to be actively mined, closed and revegetated.		
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> . It is proposed to offer conservation covenant on one patch of Jarrah Marri forest, totalling 6.47 hectares as a conservation covenant in addition to the existing provisions of CPS 7943. See the attached documentation.		

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	
Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes – provide details: [] Discussions were previously held. There have been discussions with the Commonwealth. EPBC 2017/8085
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	<input type="checkbox"/> Yes – application reference (if known): []
	<input type="checkbox"/> No – a valid works approval applies: []
	<input checked="" type="checkbox"/> No – a valid licence applies: [L 9113/2018/1]

Part 5: Other DWER approvals	
Schedule 1 of the <i>Environmental Protection Regulations 1987</i> , unless that action is done in accordance with a works approval, licence, or registration.	<input type="checkbox"/> No – a valid registration applies: []
For further guidance, refer to Guideline: Decision making and Guideline: Industry Regulation Guide to Licensing .	<input type="checkbox"/> No – not required
Water licences and permits (<i>Rights in Water and Irrigation Act 1914</i>)	
Have you applied or do you intend to apply for:	<input type="checkbox"/> Yes –application reference (if known): []
1. a licence or amendment to a licence to take water (surface water or groundwater); or	<input type="checkbox"/> No – a current valid licence applies: []
2. a licence or amendment to a licence to construct wells (including bores and soaks); or	<input checked="" type="checkbox"/> N/A
3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?	
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 .	

Part 6: Surveys for Assessments (IBSA and IMSA)				
Do you wish to submit marine or biodiversity surveys in support of your application?	<input type="checkbox"/> Yes			
	<input checked="" type="checkbox"/> No – skip to Part 7(<i>previously submitted</i>)			
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. Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided. 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 a survey has been accepted. Once an IBSA number is issued, please notify DWER / DMIRS (as applicable). Please note the assessment timeframes for your application will be suspended until the IBSA number(s) is provided to DWER / DMIRS (as applicable).	All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at: ibsasubmissions.dwer.wa.gov.au	Yes		
	Submission number(s) (e.g. <i>IBSASUB-20200101-12345A6D</i>) Please list all numbers. If space is inadequate, list on a separate sheet.	No	<input type="checkbox"/>	
	IBSA number(s) (e.g. <i>IBSA-2020-0123</i>) Please list all numbers. If space is inadequate, list on a separate sheet.	No	CPS 7943 was submitted prior to IBSA submissions being required	
7943/17943/1 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.	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) .	Yes	N/A	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Part 7: Records kept under the existing clearing permit's conditions		
Most clearing permits include one or more conditions requiring that the permit holder keep certain records relating to the actions	The required records are attached.	Yes
		<input checked="" type="checkbox"/>
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.		

Part 7: Records kept under the existing clearing permit's conditions		
undertaken in accordance with the clearing permit. DWER / DMIRS (as applicable) requires that these records are provided to support the assessment of this application. Records provided should cover: <ul style="list-style-type: none"> • the full period of the permit; <li style="padding-left: 20px;"><i>or</i> • the past five years (if the existing permit's duration is greater than five years and it was amended within the past five years). 	<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 checked="" type="checkbox"/>	Actions taken to avoid or minimise the impact and extent of clearing.
	<input checked="" type="checkbox"/>	Actions taken in relation to flora and/or fauna management.
	<input checked="" type="checkbox"/>	Actions taken to revegetate or rehabilitate the areas cleared under the permit.
	<input checked="" 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.
<input type="checkbox"/>	<i>Summarise other records:</i>	