



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.

Department of Mines and Petroleum
CPS No. 8008/1
8008/2
- 4 JAN 2018
Native Vegetation
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 here is adequate time to assess the amendment.

Permit number for existing clearing permit CPS 8008/1

Permit holder's name (as it appears on the existing clearing permit) BHP Billiton Nickel West Pty Ltd

FILE REFERENCE Permit expiry date: 12 May 2023

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> <p>An individual Title Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:</p> <p>Name/s</p> <p>OR</p> <p>A body corporate or other entity formed at law (include ACN) BHP Billiton Nickel West Pty Ltd ACN 004 184 598</p>							
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 electronically via email.</p> <p>We request that you consent to receiving all correspondence relating to instruments and notices under Part V of the EP Act ("Part V documents") electronically 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>	<p>Provide contact details for the above individual or body corporate.</p> <p>Contact person (and position, if applicable)</p> <p>Company name (if applicable)</p> <p>Postal / business address</p> <p>Phone (fixed line):</p> <p>Email address</p>							
	<table border="1" style="width: 100%;"> <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 style="text-align: right;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td></td> </tr> </table>		<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"/>	
<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"/>							
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> <p>Contact person (and position, if applicable)</p> <p>Company name (if applicable)</p> <p>Postal / business address</p> <p>Phone (fixed line)</p> <p>Email address</p>							

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> <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 checked="" type="checkbox"/> Other.</p>
	<p>Provide details of the proposed change(s), and the rationale for it / them.</p> <p>This application is to amend the purpose of the permit (Permit Condition 2) to include:</p> <ul style="list-style-type: none"> • mineral production and all associated activities; • mineral exploration and all associated activities; and • construction and maintenance of infrastructure and all associated activities. <p>The expected typical activities to be undertaken within the permit area shown on Plan 8008/1. Under the three general purposes listed above, the approved activities are likely to include (but are not be limited to):</p> <ul style="list-style-type: none"> • mineral production and all associated activities; • mineral exploration and all associated activities; • construction and maintenance of access roads; • ore transportation infrastructure, • ore processing infrastructure; • ore stockpiles and topsoil stockpiles; • expansion and maintenance of infrastructure, services corridors and associated infrastructure; • ongoing maintenance; • geotechnical investigations and associated activities; • construction and maintenance of laydown areas, assembly areas, water bores and culverts; and • construction and maintenance of ancillary infrastructure and associated activities. <p>This application is also to increase the area to be cleared under permit 8008/1 from 315 ha to 458 ha (an increase of 143 ha) within the existing boundary shown on Plan 8008/1 (i.e. no change to the 1778.2 ha area within the existing permit boundary) (Permit Condition 3). Nickel West has the requirement to expand its current tailings storage</p>

Part 4: Proposed amendments	
	facilities (TSF) and associated infrastructure to allow for the continuation of existing and future mining operations. These specific works will include, but not be limited, construction of a new TSF cell, groundwater monitoring and recovery bores, services corridors, topsoil stockpiles and access roads. A mining proposal, along with all other required statutory approvals, will be submitted for these works.
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. Evidence of authority can include, for example, a copy of the certificate of title or a letter of authority from the land owner. Note: the letter of authority must explicitly state the applicant has authority to clear on the land.	State the nature of the applicant's authority to access the land to be cleared. <i>[Attach evidence of authority]</i> Mining tenement summary reports for: ML 36/87 ML 36/102 ML 36/103 ML 36/131 ML 36/439
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. Clearing of land for mining related purposes on tenements: ML 36/87 ML 36/102 ML 36/103 ML 36/131 ML 36/439
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 footprint of the proposed tailings facility and associated works has been constrained to that which is required to execute mining operations. All site works will undergo an internal Environment and Heritage Impact Assessment (EHIA) process prior to clearing of vegetation to ensure that all clearing is minimised and avoided where practical.
Refer to DWER's <u>Clearing of native vegetation offsets procedure guideline</u> available on the DWER website, and the EPA's <u>WA Environmental Offsets Policy and Guidelines</u> 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 <u>Clearing of native vegetation offsets procedure guideline</u> . NA
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 Section A and B. 	
Section A: Environmental Impact Assessment	
Environmental Impact Assessment (Part IV of the EP Act)	
	<input type="checkbox"/> Yes – provide details []

Part 5: Other DWER approvals	
Has this clearing application or any related matter been referred to the Environmental Protection Authority?	<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 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?	<input type="checkbox"/> Yes – application reference (if known): []
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 Guidance Statement: Decision Making .	<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 type="checkbox"/> No – not required
	<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 2. a licence or amendment to a licence to construct wells (including bores and soaks); or 3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?	<input type="checkbox"/> No – a current valid licence applies: []
	<input type="checkbox"/> N/A
Part 6: Index of Biodiversity Surveys for Assessments (IBSA)	
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 will return the application.	<input type="checkbox"/> All biodiversity surveys submitted with this application meet the requirements of the EPA's <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</i> .
Part 7: Prescribed fee	
Make cheques or money orders payable to:	Please indicate the clearing permit application fee that you are paying: AREA PERMIT

Part 7: Prescribed fee		
<p>Department of Water and Environmental Regulation for all clearing purposes other than mining and petroleum activities or Department of Mines, Industry Regulation and Safety for mineral and petroleum clearing activities under the <i>Mining Act 1978</i>, various Petroleum Acts, or State Agreement Acts.</p> <p>For credit card payments to:</p> <ul style="list-style-type: none"> • DWER, pay via BPoint, accessible online at: https://dwer.wa.gov.au/make-a-payment • DMIRS, complete <i>Form C3</i> and attach it to this form. <p>Do not send cash in the mail.</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> <hr/> <p><input type="checkbox"/> \$100 to increase the area covered by an area permit by between one hectare and 10 hectares.</p> <hr/> <p><input type="checkbox"/> \$200 to increase the area covered by an area permit by more than 10 hectares.</p> <hr/> <p>PURPOSE PERMIT</p> <p><input checked="" type="checkbox"/> \$200 to alter any requirement of a purpose permit.</p> <hr/> <p>Payment method (mark applicable box):</p> <p><input type="checkbox"/> Cheque / Money Order</p> <hr/> <p><input type="checkbox"/> (DWER) Secure EFT payment (see https://dwer.wa.gov.au/make-a-payment for payment details)</p> <hr/> <p><input type="checkbox"/> (DWER) Secure credit card payment through BPoint</p> <p>Receipt number: <input style="width: 150px; height: 20px;" type="text"/></p> <p>Date of payment: <input style="width: 150px; height: 20px;" type="text"/></p> <hr/> <p><input checked="" type="checkbox"/> (DMIRS) Credit card –complete and attach <i>Form C3</i></p>	<p>OFFICE USE ONLY</p>

Part 8: Application checklist	
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.	Please ensure you have included the following as part of your application:
	REQUIRED
	<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.
	AS REQUIRED
	<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 checked="" type="checkbox"/> <i>Form C3 – Credit card payment for DMIRS clearing applications</i> , if the fee is to be paid to DMIRS by credit card.
	<input type="checkbox"/> <i>Form Annex C7 – Assessment bilateral agreement</i> 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.
	ADDITIONAL SUPPORTING INFORMATION
<input type="checkbox"/> Photos of application area	
<input type="checkbox"/> Biodiversity surveys, submitted in accordance with the requirements of the EPA's <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</i> .	

Part 9: Commercially sensitive or confidential information		
<p>Information submitted as part of this application will be made publicly available. If you wish to submit commercially sensitive or confidential information, please identify the information in Attachment 1, and include a written statement of reasons why you request each item of information be kept confidential.</p> <p>Information submitted later in the application process may also be made publicly available at the discretion of the relevant Department. For any commercially sensitive or confidential information, please follow the same process as described above. DWER and DMIRS 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>		
All information which you would propose to be exempt from public disclosure has been separately placed in Attachment 1 (located at the end of this form). Grounds for claiming exemption in accordance with Schedule 1 to the <i>Freedom of Information Act 1992</i> must be specified.	Attached	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part 10: Submission of application	
<p>Check one of the boxes below to nominate how you will submit your application.</p> <p>Files larger than 50MB cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. Larger files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) to make other arrangements.</p> <p>If you have any enquiries regarding the provision of relevant information as part of this application, contact either DWER or DMIRS (as applicable), on the details below.</p>	
<p>A signed, electronic copy of the application form, including all attachments, has been submitted via the applicable email address specified below;</p> <p>OR</p>	<input checked="" type="checkbox"/>
<p>A signed, electronic copy of the application form has been submitted via the applicable email address specified below, and attachments have been submitted via File Transfer, or electronically by other means as arranged with the relevant Department;</p> <p>OR</p>	<input type="checkbox"/>
<p>A full, signed hard copy has been sent to the applicable postal address specified below.</p>	
<p>Email or post applications to amend clearing permits granted by DWER, or the former Department of Environment Regulation or former Department of Environment and Conservation to:</p> <p>Email: info@dwere.wa.gov.au</p> <p>Department of Water and Environmental Regulation Locked Bag 33 CLOISTERS SQUARE PERTH WA 6850</p> <p>Telephone: 6364 7000</p> <p>For more information: www.dwer.wa.gov.au</p>	<p>Email or post applications to amend clearing permits granted by the DMIRS, or the former Department of Mines and Petroleum (under delegation) to:</p> <p>Email: nvab@dmirs.wa.gov.au</p> <p>Department of Mines, Industry Regulation and Safety Resource and Environmental Compliance Division Mineral House 100 Plain St EAST PERTH WA 6004</p> <p>Telephone: 9222 3333</p> <p>For more information: www.dmirs.wa.gov.au</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 11: 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 correspondence electronically via email from DWER or DMIRS (as applicable) in relation to this application;
- I/We acknowledge that successful delivery to my/our server constitutes receipt of correspondence sent electronically via email from DWER or DMIRS (as applicable) in relation to this application; and
- I/We have provided a valid postal and/or business address in Part 3 for the service of all Part V documents.

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;
- biodiversity surveys provided in accordance with Part 6 will be published and used, for the purposes of the IBSA project, in accordance with your declaration made in the *Metadata and Licensing Statement*;
- 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 DWER or DMIRS (as applicable) 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 DWER or DMIRS (as applicable) 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:

An individual. If an individual landowner is applying, all landowners must sign this form.

A company. Company name: **BHP Billiton Nickel West Pty Ltd** ACN: **004 184 598**
 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 ACN. Please note an Australian Business Number is not sufficient.

Other entity formed at law. Provide details:



24/12/2018
Date

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.	
NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED	
Specify section:	Ground for claiming exemption:
Specify section:	Ground for claiming exemption: