



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.  
8008/3

20/09/2019

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](http://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.

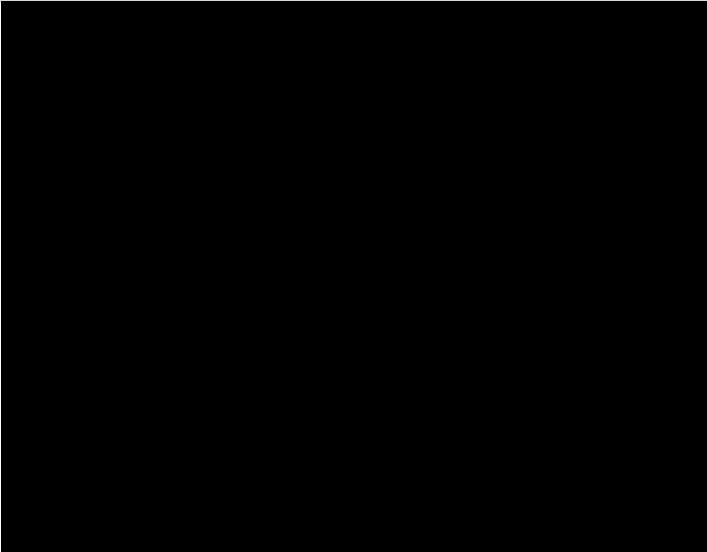
Permit number for existing clearing permit CPS 8008/2

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				
<b>Applicant details</b>				
<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</p>	<p>Title</p> <p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="checkbox"/></p>	<p>Name/s</p>	
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law (include ACN)</p> <p>BHP Billiton Nickel West Pty Ltd ACN 004 184 598</p>			
<b>Applicant contact details</b>				
<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>			
	Contact person (and position, if applicable)			
	Company name (if applicable)			
	Postal / business address			
	Phone (fixed line):			
	Email address			
	<p><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></p>			
<b>Contact details for enquiries</b>				
<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>			
	Contact person (and position, if applicable)			
	Company name (if applicable)			
	Postal / business address			
	Phone (fixed line)		Phone (mobile)	
	Email address			

<b>Part 4: Proposed amendments</b>													
<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, <i>and</i></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> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40px; text-align: center;"><input type="checkbox"/></td> <td>Extend the duration of the clearing permit.</td> </tr> <tr> <td style="text-align: center;"><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;"><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 for it / them.</p> <p>Proposed Change is to</p> <ol style="list-style-type: none"> <li>1. Increase area to be cleared by 44 ha under Purpose Permit 8008/2. This will take the total area approved for clearing from 458 ha (8008/2) to 502 ha (this application);</li> <li>2. Alter the boundary of the approved area to be cleared within M36/439; and</li> <li>3. Include pending general purpose leases G36/50 and G36/50 under Part I – Clearing Authorised, condition 1 of CPS 8008/2.</li> </ol> <p>BHP Billiton Nickel West Pty Ltd (NiW) is proposing to construct and operate a new tailings storage facility cell, TSF 3F as part of their Leinster Operations. The purpose of the clearing is to provide for a topsoil storage area for the topsoil from the TSF 3F Project. Topsoil will be stored at this location pending future rehabilitation activities.</p> <p>In addition, the TSF 3F Project and associated infrastructure falls within State Agreement Tenure (ML255 SA) and existing mining lease tenements, the State has required new tenure, under the State Agreement, for areas of the project not currently on ML255 SA. As such, NiW has applied for two general purpose leases (GPLs):</p> <ul style="list-style-type: none"> <li>• G36/50 – Northern portion of TSF 3F which partially overlaps M36/439; and</li> <li>• G36/51 – Topsoil storage area and haul road which partially overlaps M36/439.</li> </ul> <p>Refer Figure CPS 8008/2 Amendment for further details.</p> <p>The surface rights with respect to those portions of the mining leases, which overlap the GPLs (being M36/439), will be conditionally surrendered upon grant of the GPLs. The new GPL's will overlap portions of the existing tenement M36/439 which are covered under CPS8008/2. Thus NiW request that G36/50 and G36/51 be included in the tenements referenced under CPS 8008/2 Part I – Clearing Authorised, condition 1.</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.
<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.												
<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>Mining Lease Holder</p> <p>M36/87 - BHP Billiton Nickel West Pty Ltd  M36/102 - BHP Billiton Nickel West Pty Ltd  M36/103 - BHP Billiton Nickel West Pty Ltd  M36/131 – BHP Billiton Nickel West Pty Ltd  M36/439 - BHP Billiton Nickel West Pty Ltd  G36/50 (pending) - BHP Billiton Nickel West Pty Ltd  G36/51 (pending) - BHP Billiton Nickel West Pty Ltd</p>												

Part 4: Proposed amendments	
	Refer to attached Mining Tenement Summary Reports
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. Inclusion of G36/50 and G36/51 (pending)
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: Footprint constrained to that which is required to execute Mining and associated downstream operations.
Refer to DWER's <a href="#">Clearing of native vegetation offsets procedure guideline</a> available on the DWER website, and the EPA's <a href="#">WA Environmental Offsets Policy and Guidelines</a> 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, complete Section A and then skip to Part 6 of this form.</li> <li>• If your application is to be submitted to DWER, complete Section A and B.</li> </ul>	
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
<b>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 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)	
	<input checked="" type="checkbox"/> Yes – application reference (if known): [W6280/2019/1]