



Department of Water and Environmental Regulation
 Department of Mines, Industry Regulation and Safety

Application for a clearing permit (purpose permit)

Environmental Protection Act 1986, section 51E

FORM C2

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.
8141/1

19 JUL 2018

Native Vegetation

Date stamp

Part 1: Assessment bilateral agreement

<p>The native vegetation clearing processes under Part V of the <i>Environmental Protection Act 1986 (WA)</i> (EP Act) have been accredited by the Commonwealth of Australia under the <i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i> (EPBC Act) and can be assessed under an assessment bilateral agreement.</p> <p>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.</p> <p>For further information see <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>	<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?</p> <p><input checked="" type="checkbox"/> Yes EPBC Number: 2017/7913</p> <p><input type="checkbox"/> No Proceed to Part 2</p> <p>List the controlling provisions identified in the notification of the controlled action decision.</p> <p><input type="checkbox"/> <i>Form Annex C7</i> is complete and the required supporting information is attached.</p>
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Part 2: Land details

<p>The location of the land where clearing is proposed must be accurately described.</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>Mining Tenements M59/425, M59/387 and M59/386</p>
FILE REFERENCE	Street address
	Local government area Perenjori Shire

Part 3: Applicant details	
Applicant details	
<p>Note: if granted, the applicant will be considered the holder of the permit.</p> <p>Include the 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 an incorporated body? Enter details for one only.</p> <p>An individual Title <input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="text"/></p> <p>Name(s) <input type="text"/></p> <p>OR</p> <p>A body corporate or other entity formed at law (include ACN)</p> <p>Company: <input type="text"/></p> <p>Mid-West Tungsten Pty Ltd</p> <p>Physical Address: <input type="text"/></p> <p>Postal Address: <input type="text"/></p>
	<p>"I am..." (mark applicable box or boxes)</p> <p><input type="checkbox"/> the owner of the land.</p>
	<p><input checked="" type="checkbox"/> acting on behalf of the owner and have attached an agent's authority, expressly authorising me to act on behalf of the landowner. <i>[Attach a copy of the authorisation]</i></p>
	<p><input type="checkbox"/> likely to become the owner of the land. <i>[Attach evidence of the pending transfer of ownership, contract of sale ('offer and acceptance') or letter from current landowner.]</i></p>
	<p><input type="checkbox"/> the person doing the clearing.</p>
	<p><input type="checkbox"/> the person on whose behalf the clearing is being done.</p>
Applicant contact details	
<p>If applying as a company or incorporated body, please also supply the registered business office address.</p> <p>All written correspondence from the Department of Water and Environmental Regulation (DWER) or Department of Mines, Industry Regulation and Safety (DMIRS) regarding your application will be made via email. You must provide a valid email address through which you agree to accept all electronic correspondence.</p> <p>The postal/business address supplied must be a physical address to which a statutory notice under the EP Act may be delivered.¹</p>	<p>Provide contact details for the above individual or body corporate.</p> <p>Contact person (and position, if applicable) <input type="text"/></p> <p>Company name (if applicable) <input type="text"/></p> <p>Postal / business address <input type="text"/></p> <p>Phone (fixed line) <input type="text"/></p> <p>Email address <input type="text"/></p>

¹ The provision of a postal/business address is required as any statutory notices or directions under the relevant legislation are required to be served by post or personally [sections 75 and 76 *Interpretation Act 1984* (WA)].

Part 3: Applicant details (continued)

Authority to access land

To apply for a permit you must be the landowner, or 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 landowner.

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.
[Attach evidence of authority]

Minjar Gold Pty Ltd is the registered holder of Tenements M59/387, M59/425 and M59/386.

Mid-West Tungsten Pty Ltd, a wholly owned subsidiary of Tungsten Mining NL, holds the rights to all tungsten and molybdenum minerals on the tenements.

A letter of authority from Minjar Gold Pty Ltd is provided as Appendix 1 of the NVCP Application Support Document.

Landowner's ownership of land

A landowner can be:

- a person who holds the certificate of title;
- a person who is the lessee of Crown land;
- or
- a public authority that is responsible for care of the land.

The landowner's form of ownership is:

Certificate of title *[Attach a copy of the certificate and all associated encumbrances with the application – available from Landgate].*

Pastoral lease *[Attach a copy of the lease and all associated encumbrances].*

Mining lease.

Public authority that has care, control or management of the land.

Other form of lease, land tenure or specific arrangement.

Please state:

Contact details for enquiries

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.

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 clearing	
<p>An aerial photograph and/or map with a north arrow must be attached, clearly marking the area proposed to be cleared</p> <p>or</p> <p>if you have the facilities, a digital map on a suitable portable digital storage device of the area to clear as an ESRI shapefile with the following properties:</p> <p>Geometry type: Polygon shape Coordinate system: GDA 1994 (Geographic latitude/longitude) Datum: GDA 1994 (Geocentric Datum of Australia 1994).</p> <p>An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.</p>	<p>Total area of clearing proposed (hectares) 201.8 ha</p>
	<p><i>and/or</i></p> <p>number of individual trees to be removed</p>
	<p>Proposed method of clearing:</p> <p>Bulldozer with a raised blade and digger.</p>
	<p>Purpose of clearing:</p> <p>Mining and related activities.</p>
	<p>Period within which clearing is proposed to be undertaken, e.g. May 2018 – June 2018</p> <p>from <input type="text" value="October 2018"/> to <input type="text" value="October 2023"/></p>
	<p>Final land use:</p> <p>It is the intention of Mid-West Tungsten Pty Ltd (MWTPL) to re-establish pastoralism as the post mining land use within the Application area on M59/387 and the areas of M59/425 where the underlying tenure is Pastoral Lease (PL N049416 - Wanarra).</p> <p>Within the remainder of the Application area on M59/386 and the majority of M59/425 the underlying tenure is Conservation Pastoral Lease (CPL 0000046 – Warriedar). It is the intention of MWTPL to re-establish the post mining land use as conservation in these locations.</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>Areas that have already been cleared will be utilised as much as possible to avoid clearing native vegetation.</p> <p>Existing roads will be utilised where possible to reduce the amount of clearing required.</p> <p>Where possible, activities will be undertaken in previously disturbed areas to reduce the amount of clearing required.</p> <p>Please refer to attached reports and maps of the Project area for a further description of the proposed project layout and minimisation strategies.</p>
<p>Refer to DWER's Clearing of native vegetation offsets procedure guideline available on the DWER website, and the Environmental Protection Authority's (EPA) WA Environmental Offsets Policy and Guidelines on the EPA website for further information.</p>	<p>Do you want to submit a clearing permit offset proposal with your application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
	<p>If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i>.</p>

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)	
Has this clearing application or any related matter been referred to the Environmental Protection Authority?	<input checked="" type="checkbox"/> Yes – provide details [Mt Mulgine Project – CMS17039 24 July 2017 – “No formal assessment under Part IV of the EP Act”.] <input 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: [Liason with Robert Hughes RE disturbance footprint alterations, whom advised it was not a significant change and did not require re-referral. And meeting to discuss local populations of A. sulcaticaulis by which a targeted survey has been considered by the proponent.]
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 (February 2017).	<input checked="" 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 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: 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	<input type="checkbox"/> Yes –application reference (if known): [] <input checked="" type="checkbox"/> No – a current valid licence applies: [GWL169526(6): Licence to take 2,800 ML/year of groundwater within the Gascoyne Groundwater Management Area.]

Part 5: Other DWER approvals

3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?

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 \(IBSA\)](#) (April 2018). If these requirements are not met, DWER / DMIRS may decline to deal with the application.

All biodiversity surveys submitted with this application meet the requirements of the EPA's *Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)*.

Part 7: Prescribed fee

Make cheques or money orders payable to:

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 *Mining Act 1978*, various Petroleum Acts, or State Agreement Acts.

For credit card payments to:

- DWER, pay via BPoint, accessible online at: <https://dwer.wa.gov.au/make-a-payment>
- DMIRS, complete *Form C3* and attach it to this form.

Do not send cash in the mail.

Please indicate the clearing permit application fee that you are paying:

\$200 for a purpose permit

Payment method (tick applicable box):

Cheque / Money Order

(DWER) Secure EFT payment
(see <https://dwer.wa.gov.au/make-a-payment> for payment details)

(DWER) Secure credit card payment through BPoint

Receipt number:

Date of payment:

(DMIRS) Credit card – complete and attach *Form C3*

OFFICE USE ONLY

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 suitable portable digital storage device.

Please ensure you have included the following as part of your application:

REQUIRED

Payment.

An aerial photograph or map with a north arrow clearly identifying the areas of vegetation proposed to be cleared or ESRI shapefile.

Copy of the certificate of title or pastoral lease.

An index of all documentation attached to this application.

AS REQUIRED

Copy of written authority to act on behalf of the landowner.

Written authority from the landowner to access the land and conduct the clearing.

Evidence of the pending transfer of land ownership, such as the offer and acceptance letter, or written notice from the current landowner.

Form C3 – Credit card payment for DMIRS clearing applications, if the fee is to be paid to DMIRS by credit card.

Part 8: Application checklist	
	<input type="checkbox"/> Form Annex C7 – Assessment bilateral agreement, 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: Submission of application

Confidential or commercially sensitive information

Information submitted as part of this application will be made publicly available. If you wish to submit information that you believe to be commercially sensitive or otherwise confidential, then you should submit that information in an appendix to this application (Attachment 1), with a written statement of reasons why you request that each item of information be kept confidential.

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 *Freedom of Information Act 1992 (WA)*.

If you have any enquiries regarding the provision of relevant information as part of this application contact either DWER or DMIRS, on the details below.

Files that are greater than 10MB in size cannot be received via email by DWER. Files larger than 45MB cannot be received via email by DMIRS. These large files can be sent via File Transfer. Alternatively, email DWER or DMIRS (as applicable) and you will be provided with a link to submit these files.

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 *Freedom of Information Act 1992* must be specified.

A signed, electronic copy of the application form, including all attachments, has been submitted via the appropriate email address specified below.

A signed, electronic copy of the application form has been submitted via the appropriate email address specified below, and attachments have been submitted via File Transfer, or via the link supplied by the relevant Department.

A full, signed hard copy has been sent to the appropriate postal address specified below.

Email or post applications for all clearing purposes (other than mining and petroleum activities) to:

Email: info@dwer.wa.gov.au

Department of Water and Environmental Regulation
 Locked Bag 33
 CLOISTERS SQUARE
 PERTH WA 6850

Telephone: 6364 7000

For more information: www.dwer.wa.gov.au

Email or post applications related to mining and petroleum clearing activities (under delegation) to:

Email: nvab@dmirs.wa.gov.au

Department of Mines, Industry Regulation and Safety
 Resource and Environmental Compliance Division
 Mineral House
 100 Plain St
 EAST PERTH WA 6004

Telephone: 9222 3333

For more information: www.dmirs.wa.gov.au

Please retain a copy of this form for your records.

Incomplete applications will be declined in accordance with section 51E(3) of the *Environmental Protection Act 1986*.

If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form

Part 10: 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 all written correspondence 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 for the purposes of the *Environmental Protection Act 1986 (WA)*; and
- I/We have provided a valid postal and /or business address in Part 3 for the service of all statutory notices under the relevant legislation.

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 the Department 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 the Department 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:** _____ **ACN:** 609 574 503
 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: _____

 Signature 19/07/18

 Date

 Name

 Position

Tungsten Mining NL

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: