



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

Application for a clearing permit (area permit)
Environmental Protection Act 1986, section 51E
FORM C1

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.
8348/1

9 JAN 2019

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 type="checkbox"/> Yes EPBC Number</p> <p><input checked="" 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>

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 M53/489, M36/9, M36/294, M53/218, M53/217 and M53/166</p>
<p>FILE REFERENCE</p>	<p>Street address</p>
	<p>Local government area Shire of Wiluna / Shire of Leonora</p>
	<p>Land zoning, e.g. rural, residential, industrial Rural</p>

Part 3: Applicant details		
Applicant details		
<p>If granted, the permit will be granted in the name(s) of (all) landowner(s). 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 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: _____ 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. DWER and DMIRS prefer to send all correspondence electronically 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") electronically via email by indicating your consent in this section of the application form. 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> <p>Contact person and position (if applicable) [Redacted]</p> <p>Company name (if applicable) [Redacted]</p> <p>Postal / business address [Redacted]</p> <p>Phone (fixed line) [Redacted] Phone (mobile) [Redacted]</p> <p>Email address [Redacted]</p>	
	<p><i>I consent to all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable) regarding the subject of this application being exclusively via email, using the email address I have provided above.</i></p> <p style="text-align: right;">Yes No</p> <p style="text-align: right;"><input checked="" type="checkbox"/> <input type="checkbox"/></p>	
	Relationship to landowner	
	<p>To apply for an area permit you must either be:</p> <ul style="list-style-type: none"> • the landowner; • acting on the landowner's behalf; or • likely to become the landowner. 	<p>"I am..." (mark the applicable box)</p> <p><input checked="" type="checkbox"/> the owner of the land.</p>
		<p><input 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. (If granted, the clearing permit will only be issued once the applicant becomes the land owner). <i>[Attach evidence of the pending transfer of ownership, contract of sale ('offer and acceptance'), or letter from current landowner.]</i></p>

Part 3: Applicant details		
Ownership of land		
A landowner can be: <ul style="list-style-type: none"> • 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. 	Form of ownership: <ul style="list-style-type: none"> <input type="checkbox"/> Certificate of title. <i>[Attach a copy of the certificate and all associated encumbrances with the application – available from Landgate]</i> <input type="checkbox"/> Pastoral lease. <i>[Attach a copy of the lease and all associated encumbrances]</i> <input checked="" type="checkbox"/> Mining lease. <input type="checkbox"/> Public authority that has care, control, or management of the land. <input type="checkbox"/> 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) Phone (mobile)		
Email address		

Part 4: Proposed clearing	
An aerial photograph or map with a north arrow must be attached, clearly marking the area proposed to be cleared or 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: Geometry type: Polygon shape Coordinate system: GDA 1994 (Geographic latitude/longitude) Datum: GDA 1994 (Geocentric Datum of Australia 1994). An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.	Total area of clearing proposed (hectares) 55.6 hectares
	and/or number of individual trees to be removed
	Proposed method of clearing Bulldozer
	Period within which clearing is proposed to be undertaken, e.g. May 2018 – June 2018 From April 2019 to July 2020
	Purpose of clearing Construction of a Haul Road
	Final land use: Haul Road

Part 4: Proposed clearing	
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 haul road has been constrained to that which is required. 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 Environmental Protection Authority's (EPA) <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> .

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 EPA?	<input type="checkbox"/> Yes – provide details [] <input checked="" type="checkbox"/> No
Do you intend to refer the proposal to the EPA? 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? 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> .	<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: []

Part 5: Other DWER approvals

<p>unless that action is done in accordance with a works approval, licence, or registration.</p> <p>For further guidance, refer to <u>Guidance Statement: Decision Making</u>.</p>	<input type="checkbox"/> No – not required
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Water licences and permits (Rights in Water and Irrigation Act 1914)

<p>Have you applied or do you intend to apply for:</p> <p>1. a licence or amendment to a licence to take water (surface water or groundwater); or</p> <p>2. a licence or amendment to a licence to construct wells (including bores and soaks); or</p> <p>3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?</p>	<input type="checkbox"/> Yes – application reference (if known): []
	<input type="checkbox"/> No – a current valid licence applies: []
	<input type="checkbox"/> N/A

Part 6: Index of Biodiversity Surveys for Assessments (IBSA)

<p>Biodiversity surveys submitted to support this application must meet the requirements of the EPA's <u>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</u>. If these requirements are not met, DWER / DMIRS will decline to deal with the application.</p>	<input checked="" type="checkbox"/> All biodiversity surveys submitted with this application meet the requirements of the EPA's <u>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</u> .
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Part 7: Prescribed fee

<p>Make cheques or money orders payable to:</p> <p>Department of Water and Environmental Regulation for all clearing purposes other than mineral and petroleum activities</p> <p>or</p> <p>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>Please indicate the clearing permit application fee that you are paying:</p> <p><input type="checkbox"/> \$50 for an area of less than one hectare</p> <p><input type="checkbox"/> \$100 for an area between one hectare and 10 hectares</p> <p><input checked="" type="checkbox"/> \$200 for an area of more than 10 hectares</p>	<p>OFFICE USE ONLY</p>
	<p>Payment method (mark the applicable box):</p> <p><input type="checkbox"/> Cheque / Money Order</p> <p><input type="checkbox"/> (DWER) Secure EFT payment (see https://dwer.wa.gov.au/make-a-payment-for-payment-details)</p> <p><input type="checkbox"/> (DWER) Secure credit card payment through BPoint</p> <p>Receipt number: <input style="width: 150px;" type="text"/></p> <p>Date of payment: <input style="width: 150px;" type="text"/></p> <p><input checked="" type="checkbox"/> (DMIRS) Credit card – complete and attach <i>Form C3</i></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 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"/> Copy of the certificate of title or pastoral lease.
	<input checked="" type="checkbox"/> An index of all documentation attached to this application.
	AS REQUIRED
	<input type="checkbox"/> Copy of written authority to act on behalf of the landowner.
	<input type="checkbox"/> Evidence of the pending transfer of land ownership, such as the offer and acceptance, or written notice from the current landowner.
	<input checked="" type="checkbox"/> <i>Form C3 – Credit card payment for DMIRS clearing applications, if the fee is to be paid to DMIRS by credit card.</i>
	<input type="checkbox"/> <i>Form Annex C7 – Assessment bilateral agreement, if the clearing is also to be assessed under an EPBC Act accredited process.</i>
	<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 checked="" type="checkbox"/> Photos of the application area.	
<input checked="" 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.</p> <p>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

Check one of the boxes below to nominate how you will submit your application.
 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.
 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.

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

OR

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;

OR

A full, signed hard copy has been sent to the applicable 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 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:** 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.

 Name

 Position

 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:

