



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

CPS No. 8400/1

## 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.

For further information on the stages of assessment for clearing permit applications (including amendments to existing permits), refer to the [Procedure: Native vegetation clearing permits](#) on DWER's website.

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](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 8400/1

Permit holder's name (as it appears on the existing clearing permit) Shire of Esperance

FILE REFERENCE

Permit expiry date: 22/07/2025

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> <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%;"><input type="checkbox"/></td> <td style="width: 10%;">Mrs</td> <td style="width: 10%;"><input type="checkbox"/></td> <td style="width: 10%;">Ms</td> <td style="width: 10%;"><input type="checkbox"/></td> <td style="width: 10%;">Other:</td> <td style="width: 10%;"></td> </tr> <tr> <td colspan="10">Name/s</td> </tr> </table> <p><b>OR</b></p> <p>A body corporate or other entity formed at law (include ACN)</p> <p style="text-align: center;">Shire of Esperance</p>	An individual	Title	Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other:		Name/s													
An individual	Title	Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Other:																	
Name/s																									
<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> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Contact person (and position, if applicable)</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Company name (if applicable)</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Postal / business address</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Phone (fixed line):</td> <td style="background-color: black; color: black;">[REDACTED]</td> <td>Phone (mobile):</td> <td style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Email address</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td colspan="3"> <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> </td> <td style="text-align: center;"> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>Yes</b></td> <td style="width: 50%; text-align: center;"><b>No</b></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table> </td> </tr> </table>	Contact person (and position, if applicable)	[REDACTED]		Company name (if applicable)	[REDACTED]		Postal / business address	[REDACTED]		Phone (fixed line):	[REDACTED]	Phone (mobile):	[REDACTED]	Email address	[REDACTED]		<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>			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;"><b>Yes</b></td> <td style="width: 50%; text-align: center;"><b>No</b></td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<b>Yes</b>	<b>No</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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<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> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Contact person (and position, if applicable)</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Company name (if applicable)</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Postal / business address</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Phone (fixed line)</td> <td style="background-color: black; color: black;">[REDACTED]</td> <td>Phone (mobile)</td> <td style="background-color: black; color: black;">[REDACTED]</td> </tr> <tr> <td>Email address</td> <td colspan="2" style="background-color: black; color: black;">[REDACTED]</td> </tr> </table>	Contact person (and position, if applicable)	[REDACTED]		Company name (if applicable)	[REDACTED]		Postal / business address	[REDACTED]		Phone (fixed line)	[REDACTED]	Phone (mobile)	[REDACTED]	Email address	[REDACTED]									
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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"> <li>a photocopy of the granted clearing permit, with proposed changes highlighted,</li> <li>and</li> <li>payment of the prescribed fee.</li> </ul> <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"> <li>the proposed method of the clearing;</li> <li>the purpose of the clearing;</li> <li>the period within which the clearing is proposed to be undertaken (taking note of the published minimum assessment timeframes for DWER / DMIRS, as applicable);</li> <li>and</li> <li>the final land use.</li> </ul>	<p>Indicate the types of 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 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.</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 <i>[for an area permit only]</i></p>
	<p><input type="checkbox"/> Make a correction to the clearing permit.</p>
	<p><input type="checkbox"/> Other.</p>
	<p>Provide details of the proposed change(s), and the rationale for it / them.</p> <p>Permit was approved with proposed road realignments to avoid the Priority One species, <i>Leucopogon</i> sp. Cascade, subject to condition 8(a) that an additional survey occur within the proposed realignments to ensure that no <i>L. sp. Cascade</i> plants were present. Please refers to maps CPS 8400/1c, CPS 8400/1g and CPS 8400/1e in the CPS 8400/1 permit. No plants were present in the road alignment area in CPS 8400/1c and the realignment will continue to be implemented. At CPS 8400/1g, a single plant was found in the proposed realignment area, which is less than the three plants in the area included in the original alignment. Therefore, the it is proposed the realignment continue, as this is the option with the least amount of impact. At CPS 8400/1e three plants were found within the proposed realignment area, which is more than the single plant in the area if the road reconstruction continued on the roads current alignment. Therefore, it is proposed to not continue with this road realignment, being the option with the least amount of impact.</p> <p>Due to the extremely narrow width of Neds Corner Rd and nature of it being a heavy haulage route during harvest, a minimum of 28 m is required to complete the road reconstruction. Therefore the Shire wishes to continue working towards approval for 28 m width road footprint, whilst mitigating impact as much as feasible.</p> <p>In summary, there are multiple amendments needing to the permit. These are outlined below:</p> <ul style="list-style-type: none"> <li>the physical area of the permit is amended to remove one of the road realignments, as this is the pathway with the least amount of impact. A shapefile is attached with the new amended area.</li> <li>The total permitted clearing is amended from 5.56 ha within a 15.34 ha area, to 5.53 ha within a 15.31 ha area.</li> <li>Approval to take an additional two plants (one plant present in the current road footprint at CPS 8400/1e and the one plant in the proposed realignment area at CPS 8400/1g). Please see attached report for more detail.</li> <li>Remove Condition 8(a) and (b) as these surveys have been completed.</li> </ul>
<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.</p> <p><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>Shire of Esperance managed road reserve</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.	
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:  Negotiations and discussions with DWER have been regular and continuous during the application process for CPS 8400/1 to avoid and mitigate clearing in general and specifically <i>Leucopogon</i> sp. Cascade. This amendment could only have included additional approval to take the plants present within the realignment areas. However, proposing to re-divert back to the roads original alignment mitigates the most amount of impact and avoids.
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 both Sections 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 type="checkbox"/> No <input checked="" 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): [     ]
	<input checked="" type="checkbox"/> No – a valid works approval applies: [     ]