



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.

Date stamp

#### Part 1: Assessment bilateral agreement

The native vegetation clearing processes under Part V of the *Environmental Protection Act 1986* (WA) (EP Act) have been accredited by the Commonwealth of Australia under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (EPBC Act) and can be assessed under an assessment bilateral agreement.

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.

For further information see *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: Land details

The location of the land where clearing is proposed must be accurately described.

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.

Surrendered section of relinquished, former mine lease "ML 101" now called Field "17T". Relinquishment occurred in late May 2019.

Latitude and longitude of centroid for this field (decimal degrees) is:  
 10°31'11" S; 105°39'42" E

FILE REFERENCE

Street address

Go along North-South Baseline 2.1 km south of the intersection with East West Baseline, and head 1.0 km east

Local government area

Christmas Island Vacant Crown Land

Part 3: Applicant details		
<b>Applicant details</b>		
<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: _____</p> <p>Name(s) _____</p>	
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law (include ACN)      <b>Parks Australia, Christmas Island National Park.</b> Parks Australia is managed by the Director of National Parks (DNP) – and is a Statutory Body. It is a Division of the Commonwealth Department of Environment and Energy.</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>	
<b>Applicant contact details</b>		
<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.<sup>1</sup></p>	<p>Provide contact details for the above individual or body corporate.</p>	
	Contact person (and position, if applicable)	[REDACTED]
	Company name (if applicable)	
	Postal / business address	
	Phone (fixed line)	
Email address		

<sup>1</sup> 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)													
<b>Authority to access land</b>													
<p>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.</p> <p>Evidence of authority can include, for example, a copy of the certificate of title or a letter of authority from the landowner.</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>The parcel of land at site '17T' is Vacant Crown Land (VCL). It was surrendered from Mine Lease in May 2019. Control of the land rests with the Department of Infrastructure, Transport, Cities and Regional Development (DITCRD), Commonwealth Government. Please see attached letter of authority from the General Manager, Indian Ocean Territories Branch, DITCRD (Attachment 1).</p> <p>Parks Australia/The Director of National Parks (DNP) is required under a Memorandum of Understanding (MoU) with DITCRD to carry out ecological restoration works of relinquished mine lease land, running the Christmas Island Minesite to Forest Rehabilitation (CIMFR) program.</p> <p>The polygon shape of this parcel of land abuts with National Park across ~80% of its boundary. The Christmas Island National Park Management Plan 2014-2024, section 4.2.1, it states that the DNP/Parks Australia may take actions to clear vegetation including plants listed under Part 13 of the EPBC Act (if necessary), for (b) protecting, conserving, restoring and managing biodiversity and heritage, including implementing the CIMFR program. With this provision, and a DNP assessment, we may also remove degraded vegetation, ferns and weeds in this area on the National Park side of the boundary.</p>												
<b>Landowner's ownership of land</b>													
<p>A landowner can be:</p> <ul style="list-style-type: none"> <li>• a person who holds the certificate of title;</li> <li>• a person who is the lessee of Crown land;</li> </ul> <p style="text-align: center;"><i>or</i></p> <ul style="list-style-type: none"> <li>• a public authority that is responsible for care of the land.</li> </ul>	<p>The landowner's form of ownership is:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40px; text-align: center;"><input type="checkbox"/></td> <td>Certificate of title <i>[Attach a copy of the certificate and all associated encumbrances with the application – available from Landgate].</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Pastoral lease <i>[Attach a copy of the lease and all associated encumbrances].</i></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Mining lease.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Public authority that has care, control or management of the land.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Other form of lease, land tenure or specific arrangement.</td> </tr> <tr> <td colspan="2">Please state: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span></td> </tr> </table>	<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 type="checkbox"/>	Mining lease.	<input checked="" 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: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span>	
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Please state: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 15px; vertical-align: middle;"></span>													
<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 style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border: 1px solid black;">Contact person (and position, if applicable)</td> <td rowspan="5" style="background-color: black; width: 70%;"></td> </tr> <tr> <td style="border: 1px solid black;">Company name (if applicable)</td> </tr> <tr> <td style="border: 1px solid black;">Postal / business address</td> </tr> <tr> <td style="border: 1px solid black;">Phone (fixed line)</td> </tr> <tr> <td style="border: 1px solid black;">Email address</td> </tr> </table>	Contact person (and position, if applicable)		Company name (if applicable)	Postal / business address	Phone (fixed line)	Email address						
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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>	Total <b>area</b> of clearing proposed (hectares)
	2.9 Hectares of VCL
	<i>and/or</i>
	number of individual <b>trees</b> to be removed
	Proposed method of clearing:
	<p>Primarily mechanical removal - Existing vegetation (weeds, ferns and regrowth) will be mulched in-situ to provide organic matter for establishing native tree plantings. Some weeds (e.g. <i>Leucaena leucocephala</i>) may require poisoning (e.g. with herbicide, Glyphosate) in addition to mechanical removal to ensure they do not resprout or lead to further germination in the field. Sub-surface soil to be ripped using a bulldozer and topsoil distributed by dump truck and excavator/loader.</p>
	Purpose of clearing:
	<p>The purpose of clearing at this site is to remove weedy/degraded vegetation and recover soil to allow redistribution to more useful areas and create habitat corridors connecting forest patches. Once soil is redistributed, it will be replanted with a biodiverse mix of native tree species.</p> <p>100% of this area has been previously cleared for mining. It was most recently recleared by Christmas Island Phosphate mine in 2017/18 under clearing permit CPS3472 (valid until 2025).</p> <p>As illustrated by a series of 24 photographs around the site (Attachments 3,4,5), the area is 60% bare ground and the remainder is almost entirely covered by weeds such as False Coffee Bush (<i>Leucaena leucocephala</i>), Jamaican Cherry (<i>Muntingia calabura</i>), 'Gotcha' sensitive weed (<i>Mimosa diplotricha</i>), snakeweed (<i>Stachytarpheta cayennensis</i>), and others. Clumps of swordfern (<i>Nephrolepis biserrata</i>) are also establishing. Less than 5% of the area displays scattered native plants that have come up since previous clearing finished, and these are only common species (e.g. <i>Macaranga tanarius</i>, <i>Dysoxylum gaudichaudianum</i>). A comprehensive search determined there are no threatened or rare native plants in area.</p> <p>Whilst we seek a permit for the area identified, in reality we will keep native plants where possible as they can be important sources of seed and therefore improve rehabilitation outcomes. With this in mind, we will aim to selectively manoeuvre around these to remove introduced weeds and retain native species wherever possible.</p> <p>The total parcel size of VCL is actually 3.13 Ha, but there is a thin sliver of native vegetation on the western margin which we intend to keep so has been excluded from the permit area. As a result, the total area of VCL we wish to clear and revegetate is 2.9 Ha.</p> <p>It should be noted that the handful of common native plants that will be removed to access soil for rehabilitation purposes will be replaced with more than 10,000 native trees sourced from the Christmas Island National Park nursery.</p> <p>The clearing and rehabilitation works proposed here will provide an overwhelmingly positive improvement on the site and ecosystem function of the area. It will replace bare open ground with a vegetated corridor and facilitate the safe passage of endemic red crabs from forest in the west to the east for their annual breeding migration towards the coast. With red crab densities around 1,500 per hectare and a migration catchment of approximately 75 hectares (possibly more) adjacent to this particular parcel, it is estimated that around 110,000 crabs will be able to utilise and benefit from this corridor once restored. In the absence of such a corridor, migrating crabs that attempt to cross the open field may die from heat exposure if their attempt happens when the sun comes out from behind the clouds. Crabs can die crossing distances of as little as 20m in the heat of the day; the bare ground of this field is over 70m from east to west (the direction of migration).</p> <p>Given the reasons outlined above, and environmental imperative to carry out earthworks as soon as possible so completion can be achieved prior to the next crab migration (likely to start in October or November, depending on the rains) we would like to think if there was ever any grounds to seek dispensation or a fast-tracked process, this would be it.</p>

Part 4: Proposed clearing	
	Period within which clearing is proposed to be undertaken, e.g. May 2018 – June 2018 from <input type="text" value="September 2019"/> to <input type="text" value="November 2019, or November 2020 if the commencement date is later than September 2019."/>
	Final land use: <input type="text" value="Rehabilitated Forest"/>
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: 100% of this area has been previously cleared for mining. As mentioned above, approximately 60% of the site is bare ground, and the remainder is largely weed infested with only a scattering of common native plants that have recruited since previous clearing finished. Wherever possible, native trees will be retained as they can be important sources of seed, benefiting rehabilitation outcomes. Replanting the entire area with native trees will provide a net benefit to conservation values, with respect to red land crabs, forest birds, and hopefully nearby nesting Abbott's booby.
Refer to DWER's <a href="#">Clearing of native vegetation offsets procedure guideline</a> available on the DWER website, and the Environmental Protection Authority's (EPA) <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. <input checked="" type="checkbox"/></li> </ul>	
Section A: Environmental Impact Assessment	
Environmental Impact Assessment (Part IV of the EP Act)	
<b>Has this clearing application or any related matter been referred to the Environmental Protection Authority?</b>	<input type="checkbox"/> Yes – provide details [ <input type="text"/> ] <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="text"/> ] <input type="checkbox"/> No – a current valid Ministerial Statement applies: MS [ <input type="text"/> ] <input checked="" type="checkbox"/> No – not a 'significant proposal'
Section B: Other approvals	
Pre-application scoping	

Part 5: Other DWER approvals	
<b>Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?</b>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – provide details: [     ]
Works Approval / Licence / Registration (Part V Division 3 of the EP Act)	
<b>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?</b>	<input type="checkbox"/> Yes – application reference (if known): [     ]
<b>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.</b>	<input type="checkbox"/> No – a valid works approval applies: [     ]
<b>For further guidance, please refer to the <a href="#">Guidance Statement: Decision Making</a> (February 2017).</b>	<input type="checkbox"/> No – a valid licence applies: [     ]
	<input type="checkbox"/> No – a valid registration applies: [     ]
	<input checked="" type="checkbox"/> No – not required
Water Licences and Permits ( <i>Rights in Water and Irrigation Act 1914</i> )	
<b>Have you applied or do you intend to apply for:</b>	<input type="checkbox"/> Yes – application reference (if known): [     ]
<b>1. a licence or amendment to a licence to take water (surface water or groundwater); or</b>	<input type="checkbox"/> No – a current valid licence applies: [     ]
<b>2. a licence or amendment to a licence to construct wells (including bores and soaks); or</b>	
<b>3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?</b>	<input checked="" 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 <a href="#">Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments (IBSA)</a> (April 2018). If these requirements are not met, DWER / DMIRS may decline to deal with 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> . <span style="color: red;"><i>Happy to provide if required (?)</i></span>

Part 7: Prescribed fee	
Make cheques or money orders payable to: <b>Department of Water and Environmental Regulation</b> for all clearing purposes other than mining and petroleum activities or <b>Department of Mines, Industry Regulation and Safety</b> for mineral and petroleum clearing activities under the <i>Mining Act 1978</i> , various Petroleum Acts, or State Agreement Acts. For credit card payments to: <ul style="list-style-type: none"> <li>DWER, pay via BPoint, accessible online at: <a href="https://dwer.wa.gov.au/mak-e-a-payment">https://dwer.wa.gov.au/mak-e-a-payment</a></li> <li>DMIRS, complete <i>Form C3</i> and attach it to this form.</li> </ul>	