



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

Application to amend a clearing permit

Environmental Protection Act 1986, section 51KA

FORM C4

The clearing of native vegetation is prohibited in Western Australia unless a clearing permit has been granted for the clearing or where a permit is not required (either due to a referral determination that one is not needed or because 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), see the [Procedure: Native vegetation clearing permits](#) on DWER's website.

CPS No.

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.

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.

A referral to the Department of Agriculture, Water and the Environment (DAWE) was made by the City of Cockburn in May 2020 (EPBC referral 2020/8642). On 15 June 2020, DAWE determined the proposal to be not a controlled action.

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 8983/1

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

FILE REFERENCE

Permit expiry date: 26 November 2022

Mark this box if there are less than 90 working days until the expiry of the existing permit.

Part 3: Applicant																			
Applicant details																			
<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> </tr> <tr> <td colspan="2">Name/s</td> <td colspan="7"></td> </tr> </table>	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																		
OR																			
	<p>A body corporate or other entity formed at law (include ACN)</p> <p>City of Cockburn (LGA)</p>																		
Applicant contact details																			
<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 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") 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>																		
	<p>Contact person (and position, if applicable)</p> <p>██</p>																		
	<p>Company name (if applicable)</p> <p>██</p>																		
	<p>Postal / business address</p> <p>██</p>																		
	<p>Phone (fixed line):</p> <p>██</p>	<p>Phone (mobile):</p> <p>██</p>																	
	<p>Email address</p> <p>██</p>																		
	<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: 70%;"></td> <td style="width: 15%; text-align: center;">Yes</td> <td style="width: 15%; text-align: center;">No</td> </tr> <tr> <td></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>			Yes	No		<input checked="" type="checkbox"/>	<input type="checkbox"/>											
	Yes	No																	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>																	
Contact details for enquiries																			
<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>																		
	<p>Contact person (and position, if applicable)</p> <p>██</p>																		
	<p>Company name (if applicable)</p> <p>██</p>																		
	<p>Postal / business address</p> <p>██</p>																		
	<p>Phone (fixed line)</p> <p>██</p>	<p>Phone (mobile)</p> <p>██</p>																	
	<p>Email address</p> <p>██</p>																		

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"> a photocopy of the granted clearing permit, with proposed changes highlighted, and payment of the prescribed fee. <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"> the proposed method of the clearing; the purpose of the clearing; the period within which the clearing is proposed to be undertaken (taking note of the published minimum assessment timeframes for DWER / DMIRS, as applicable); and the final land use. 	<p>Indicate the types of proposed change(s) to your clearing permit by selecting the relevant box(es):</p> <p><input checked="" type="checkbox"/> Extend the duration of the clearing permit.</p> <p><input 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 checked="" 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(s) for it / them.</p> <ol style="list-style-type: none"> Extend the duration of the permit for an additional two years. The duration of the permit is proposed to be amended to authorise clearing from 26 January 2022 to 26 January 2024. Amend the size of the area permitted to be cleared under the permit. The size of the area to be cleared is proposed to be increased from 0.89 ha to 1.01 ha. The proposed area of clearing is herein referred to as 'the amendment area'. The amendment area incorporates portions of the approved clearing permit boundary (0.35 ha) subject to translocation of plants only ('translocation only'). The remaining 0.66 ha reflects the extent of the development footprint required to facilitate the construction of the Centre. The area subject to clearing for the Centre is less than that previously requested, however as translocation has already been undertaken, the translocation area also needs to be included in the permit boundary. Redescribe the boundary of the area authorised to be cleared. The proposed amended clearing boundary reflects the realignment of the Aboriginal Cultural and Visitor Centre, in addition to the 'translocation only' areas described above and shown in Attachment 1 – Figure 1 and Figure 2.
<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>Public Authority that has care, control or management of the land.</p>
<p>Provide additional property details if required – if applying to extend the size of the area to be cleared into another land parcel.</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>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> <ul style="list-style-type: none"> Modifying the design of the carpark to fit within the existing cleared areas parallel to Progress Drive. Overall, the amount of clearing required to construct the Centre and associated infrastructure is less than the previously approved clearing area. Further rotating the building design to ensure that the majority of the building footprint was located within cleared areas/lower quality vegetation.

Part 4: Proposed amendments	
	<ul style="list-style-type: none"> Locating buildings and infrastructure so that nine of the ten black cockatoo habitat trees can be retained, including two identified as containing potentially suitable hollows. This has increased the retention of black cockatoo trees by an additional two. Whilst the amendment area applies to the entire 1.01 ha, a large proportion of this will not require wholesale clearing. 0.35 ha of this comprises areas that have already been subject to the removal of selected plants for translocation purposes only (as supported by the existing permit). Where possible vegetation, particularly trees within the asset protection zone will be retained. Translocated individuals will be reintroduced to garden areas as part of implementing landscaped areas.
Refer to DWER's Clearing of native vegetation offsets procedure guideline available on the DWER website, and the EPA's WA Environmental Offsets Policy and Guidelines 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
	<p>If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i>.</p> <p>An Offset Proposal has been prepared by Emerge Associates (2020) to counterbalance the significant residual impacts of the clearing and has been approved by the DWER. Under Conditions 6 and 7 of the CPS 8983/1, the permit holder is required to protect and manage 2.17 ha of vegetation in at least 'Very Good' condition within Rose Shanks Reserve (Lot 500 on Plan 413034 - Crown Reserve R 1820) through the changing of the purpose of Rose Shanks Reserve from 'Recreation' to 'Conservation'. This offset requirement has been determined in consultation with DPLH who have provided in principle support (Emerge Associates 2020). The permit holder proposes to retain the same offset commitments as outlined within the approved permit.</p>

Part 5: Other DWER approvals

Instructions:

- 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 both Sections 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 type="checkbox"/> Yes – provide details []
	<input checked="" 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 checked="" type="checkbox"/> No.
	<input type="checkbox"/> Yes – provide details: []

Works approval / Licence / Registration (Part V Division 3 of the EP Act)

<input type="checkbox"/> Yes – application reference (if known): []

Part 5: Other DWER approvals	
<p>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?</p> <p>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.</p> <p>For further guidance, refer to Guideline: Decision making and Guideline: Industry Regulation Guide to Licensing.</p>	<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 checked="" type="checkbox"/> No – not required
Water licences and permits (<i>Rights in Water and Irrigation Act 1914</i>)	
<p>Have you applied or do you intend to apply for:</p> <ol style="list-style-type: none"> a licence or amendment to a licence to take water (surface water or groundwater); or a licence or amendment to a licence to construct wells (including bores and soaks); or a permit or amendment to a permit to interfere with the bed and banks of a watercourse? <p>For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i>, refer to the Procedure: Water licences and permits.</p>	<input type="checkbox"/> Yes –application reference (if known): []
	<input type="checkbox"/> No – a current valid licence applies: []
	<input checked="" type="checkbox"/> N/A

Part 6: Surveys for Assessments (IBSA and IMSA)			
<p>Do you wish to submit marine or biodiversity surveys in support of your application?</p>	<input checked="" type="checkbox"/> Yes		
	<input type="checkbox"/> No – skip to Part 7		
<p>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). If these requirements are not met, DWER / DMIRS (as applicable) may decline to deal with the application.</p> <p>Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided.</p> <p>Note that a submission number is not confirmation of acceptance of a biodiversity survey and is not the same as an IBSA number. IBSA numbers are only issued once a survey has been accepted. Once an IBSA number is issued, please notify DWER / DMIRS (as applicable).</p> <p>Please note the assessment timeframes for your application will be suspended until the IBSA number(s) is provided to DWER / DMIRS (as applicable).</p>	<p>All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at: ibsubmissions.dwer.wa.gov.au</p>	Yes	
	<p>Submission number(s) (e.g. <i>IBSASUB-20200101-12345A6D</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p>	<input checked="" type="checkbox"/>	
	<p>IBSA number(s) (e.g. <i>IBSA-2020-0123</i>)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p>	<p>IBSA-2020-0307 IBSA-2020-0308 IBSA-2020-0309</p>	
<p>Marine 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 Marine Surveys for Assessments (IMSA). If these requirements are not met, DWER will decline to deal with the application.</p>	<p>All marine surveys submitted with this application meet the requirements of the EPA's Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA).</p>	Yes	N/A
		<input type="checkbox"/>	<input checked="" type="checkbox"/>

Part 7: Records kept under the existing clearing permit's conditions		
	The required records are attached.	Yes