



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.

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

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.

Kimberley Ports Authority (KPA) require to clear vegetation within the Port Management Area (PMA) within an area of Lot 652 on Deposited Plan 70861 (Minyirr 6725)  
The application is vested with KPA subject to the provisions of the *Port Authorities Act 1999*

FILE REFERENCE

Street address

Lot 652 Kabbarli Road, Broome, 6725

Local government area

Shire of Broome

Land zoning, e.g. rural, residential, industrial

Port

Part 3: Applicant details				
<b>Applicant details</b>				
<p>If granted, the permit will be granted in the name(s) of (all) landowner(s).</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 incorporated body? Enter details for one only.</p>			
	<p>An individual</p>	<p>Title</p> <p>Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other: <input type="text"/></p> <p>Name/s</p>		
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law (include ACN)</p> <p>Kimberly Ports Authority ABN: 56 780 427 150</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>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>			
	<p>Contact person and position (if applicable)</p> <p><input type="text"/></p>			
	<p>Company name (if applicable)</p> <p><input type="text"/></p>			
	<p>Postal / business address</p> <p><input type="text"/></p>			
	<p>Phone (fixed line)</p> <p><input type="text"/></p>		<p>Phone (mobile)</p> <p><input type="text"/></p>	
	<p>Email address</p> <p><input type="text"/></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><b>Yes</b></p> <p><input checked="" type="checkbox"/></p>
<b>Relationship to landowner</b>				
<p>To apply for an area permit you must either be:</p> <ul style="list-style-type: none"> <li>the landowner;</li> <li>acting on the landowner's behalf;</li> <li>or</li> <li>likely to become the landowner.</li> </ul>	<p>"I am..." (mark the applicable box)</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 a signed letter of agent's authority, expressly authorising me to act on behalf of the landowner. [Attach a copy of the authorisation. Note that a letter of authority must explicitly state that the applicant has authority to clear on the land and must be signed by a person with authority to give land access permission.]</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). [Attach evidence of the pending transfer of ownership, contract of sale ('offer and acceptance'), or signed letter from current landowner.]</p>				

Part 3: Applicant details			
<b>Ownership of land</b>			
A landowner can be: <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> or <ul style="list-style-type: none"> <li>• a public authority that is responsible for care of the land.</li> </ul>	Form of ownership:		
	<input checked="" 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 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:	
<b>Contact details for enquiries</b>			
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: <ul style="list-style-type: none"> <li>• Geometry type: Polygon shape</li> <li>• Coordinate system: GDA 1994 (Geographic latitude/longitude)</li> <li>• Datum: GDA 1994 (Geocentric Datum of Australia 1994).</li> </ul> An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.	Total <b>area</b> of clearing proposed (hectares)	0.17 ha		
	and/or			
	number of individual <b>trees</b> to be removed			
	Proposed method of clearing			
	Mechanical removal			
	Period within which clearing is proposed to be undertaken, e.g. May 2020 to June 2020 (taking note of the published assessment timeframes for DWER / DMIRS, as applicable)			
	From	May 2021	to	May 2022
	Purpose of clearing			
	Development of the area for the proposed Kimberley Marine Offloading Facility			
	Final land use [e.g. "the area will be revegetated to reflect pre-clearing conditions after extraction is complete", or "the area will be a public road"]:			
A marine offloading facility to improve the use of the Port				

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 type="checkbox"/>	Yes <input checked="" type="checkbox"/> No
	If yes, provide details:		
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 both Sections A and B.</li> </ul>	
<b>Section A: Environmental Impact Assessment</b>	
<b>Environmental Impact Assessment (Part IV of the EP Act)</b>	
<b>Has this clearing application or any related matter been referred to the EPA?</b>	<input type="checkbox"/> Yes – provide details [      ]
	<input checked="" type="checkbox"/> No
<b>Do you intend to refer the proposal to the EPA?</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'
<b>Section B: Other approvals</b>	
<b>Pre-application scoping</b>	
<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: [      ]
<b>Works approval / licence / registration (Part V Division 3 of the EP Act)</b>	
<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> 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, refer to the <a href="#">Procedure: Prescribed premises works approvals and licences</a> and <a href="#">Guideline: Industry Regulation Guide to Licensing</a> .	<input type="checkbox"/> Yes – application reference (if known): A works approval will be applied for
	<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

Part 5: Other DWER approvals			
<b>Water licences and permits (<i>Rights in Water and Irrigation Act 1914</i>)</b>			
<b>Have you applied or do you intend to apply for:</b> 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 3. a permit or amendment to a permit to interfere with the bed and banks of a watercourse?  For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i> , refer to the <a href="#">Procedure: Water licences and permits</a> .	<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)			
<b>Do you wish to submit marine or biodiversity surveys in support of your application?</b>	<input checked="" type="checkbox"/> Yes		
	<input type="checkbox"/> No – skip to Part 7		
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> . If these requirements are not met, DWER / DMIRS (as applicable) may decline to deal with the application.  Please provide the IBSA number(s) (or submission number(s) if IBSA number has not yet been issued) in the space provided.  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).  Please note the assessment timeframes for your application will be suspended until the IBSA number(s) is provided to DWER / DMIRS (as applicable).	All biodiversity surveys that support this application have been submitted to the <i>Index of Biodiversity Surveys for Assessment</i> available at <a href="https://ibsasubmissions.dwer.wa.gov.au">ibsasubmissions.dwer.wa.gov.au</a>		<b>Yes</b>
			<input checked="" type="checkbox"/>