



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.

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 EPBC Ref: 2021/8902

No Proceed to Part 2

List the controlling provisions identified in the notification of the controlled action decision.

Listed threatened species and communities (sections 18 & 18A)

The proposed action is likely to have a significant impact on matters of national environmental significance relating to Western Ringtail Possum (*Pseudocheirus occidentalis*). The proposed action involves clearing up to 1.59 ha of primary corridor and/or supporting habitat for this species, with additional potential impacts to the local population occurring indirectly and by inhibiting the dispersal of Western Ringtail Possums.

See DAWE attachments:
2021-8902-Referral-Att B1 signed
2021-8902-Referral-Att A signed

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.

The proposed clearing is located in the suburb of Davenport in the City of Bunbury. The property on which the proposed clearing is located is part of Lot 1050 (Local Planning Scheme 6) South Western Highway. The proposed clearing area is zoned general industry under the Greater Bunbury Regional Scheme (GBRS). The proposed clearing area falls within a Special Control Area (Bushland Areas) included as part of Reserve 670 under the City of Bunbury Local Planning Scheme No 8.

V & V Walsh (Walsh) is seeking the amalgamation of portion Lot 1050 South Western Highway Davenport with adjoining Lot 5 Rawling Road Davenport under section 87 *Land Administration Act 1997 (LA Act)*. Walsh's run an existing facility located on the adjacent Lot 5. The City of Bunbury council has resolved to relinquish the management of the clearing area to Walsh to allow acquisition of the land from the Crown for the proposed project.

Part 2: Land details		
FILE REFERENCE	Street address	Lot 1050 South Western Highway Davenport with plan to amalgamate with adjoining Lot 5 Rawling Road Davenport
	Local government area	City of Bunbury
	Land zoning, e.g. rural, residential, industrial	Industrial, General Industry, SCA (Special Control Area) Bushland Areas

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:</p> <p>Name/s</p>
	<p>OR</p> <p>A body corporate or other entity formed at law (include ACN) Rawling Road Pty Ltd (V & V Walsh) ACN: 073 911 118</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) Rawling Road Pty Ltd (V & V Walsh)</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 type="checkbox"/> the owner of the land.</p>
	<p><input 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. <i>[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.]</i></p>
	<p><input checked="" 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 signed 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 <ul style="list-style-type: none"> • 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> 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Pastoral lease. <i>[Attach a copy of the lease and all associated encumbrances]</i> 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Mining lease. 	
	<ul style="list-style-type: none"> <input type="checkbox"/> Public authority that has care, control, or management of the land. 	
	Other form of lease, land tenure, or specific arrangement. <input checked="" type="checkbox"/> Please state: Walsh intend on purchasing the land from the Crown and amalgamating with the existing adjacent Lot 5, currently owned by Walsh. The purchase of the land is conditional on environmental approvals and approval of Department of Planning Lands and Heritage. See attachment "VV Walsh letter to DPLH_05.01.2021" for detailed description and separate correspondence from DPLH.	
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) As per applicant contact details	
	Company name (if applicable)	
	Postal / business address	
	<table border="1"> <tr> <td>Phone (fixed line)</td> <td>Phone (mobile)</td> </tr> </table>	Phone (fixed line)
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"> • Geometry type: Polygon shape • Coordinate system: GDA 1994 (Geographic latitude/longitude) 	Total area of clearing proposed (hectares) 3.87 ha- see attached spatial files and map
	and/or number of individual trees to be removed
	Proposed method of clearing Directional mechanical clearing
	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 July 2021 to July 2022
	Purpose of clearing Clearing to allow for the construction of cold storage and distribution centre facilities.

Part 4: Proposed clearing	
<ul style="list-style-type: none"> Datum: GDA 1994 (Geocentric Datum of Australia 1994). <p>An ESRI shapefile must be provided if the application requires an assessment under an EPBC Act accredited process.</p>	<p>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"]:</p> <p>Final land use will be a cold storage and distribution centre and related infrastructure.</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> <p>A total project area of 5.28 ha was considered in the initial stages of the proposal and was subject to biological surveys. Following determination of key environmental values of the project area and in consultation with the City of Bunbury it was determined that a vegetation buffer would be retained running along the west edge of the project area. This buffer will comprise a portion of the project area zoned environmental conservation reserve under the Greater Bunbury Regional Scheme (GBRS) and areas of high value fauna habitat. The buffer will be preserved for environmental conservation purposes. The buffer has been designed to reduce clearing of primary habitat for Western Ringtail Possum, where dreys and an individual were observed. The buffer also preserves potential Black Cockatoo nesting habitat and a section of High value foraging habitat. The north south running corridor will maintain a connectivity of habitat for a range of species, linking vegetation to the north and south of the project area. The vegetation to the north and south of the project area is preserved as regional open space. The extent of this retained vegetation buffer is 1.14 ha, reducing the potential clearing footprint to 3.87 ha.</p> <p>Following these avoidance measures Western Ringtail Possum primary habitat potential clearing was reduced from 0.75 ha to 0.35 ha, with the area where dreys were recorded avoided. High value Black Cockatoo foraging habitat clearing is reduced from 0.62 ha to potential clearing of up to 0.46 ha. Potential breeding tree habitat clearing was reduced from 63 trees to 47 trees, none of which contain suitable hollows for nesting.</p> <p>Other minimisation and mitigation strategies to be applied to clearing include:</p> <ul style="list-style-type: none"> Construction of a Western Ringtail Possum connective structure linking the southern end of the retained vegetation buffer with the larger section of habitat to the south of the project area. This structure may also be utilised by other arboreal species. The termination of this connective structure will be located within land managed by the City. As such consultation with and approval from the City will be required for the final design. Revegetation work in the retained vegetation buffer to improve habitat quality for Western Ringtail Possum, Black Cockatoos and other fauna through the planting of additional Peppermint and Marri trees adjacent to existing habitat. An area of 0.10 ha of currently cleared land is available adjacent to the area of habitat where dreys were observed. The retained vegetation buffer will be located within land managed by the City. As such consultation with and approval from the City will be required Utilise staged directional clearing in an east to west direction, to direct displaced fauna towards the retained vegetation buffer. The fauna may then disperse north and south to surrounding vegetation which is protected as regional open space. Undertake pre-clearing inspections of habitat for Western Ringtail Possum in the disturbance footprint to check for the presence of newly constructed dreys prior to clearing. At the time of the biological surveys no dreys were recorded within the disturbance footprint. If new dreys are identified, directional clearing will be undertaken up to the drey and paused for one night to allow the possum to self-relocate away from the disturbance before recommencing clearing works.

Part 4: Proposed clearing	
	<ul style="list-style-type: none"> Construction and clearing impacts mitigated through the preparation of a Construction Environment Management Plan (CEMP). The CEMP will describe in detail the directional clearing plan, clearing staging and controls and fauna spotting procedures.
<p>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.</p>	<p>Do you want to submit a clearing permit offset proposal with your application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If yes, provide details, and complete and attach Appendix A of the <i>Clearing of native vegetation offsets procedure guideline</i>.</p>

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 both Sections A and B. 	
Section A: Environmental Impact Assessment	
Environmental Impact Assessment (Part IV of the EP Act)	
<p>Has this clearing application or any related matter been referred to the EPA?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>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.</p>	<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	
<p>Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?</p>	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes – provide details: []
Works approval / licence / registration (Part V Division 3 of the EP Act)	
<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? 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 <u>Procedure: Prescribed premises works approvals and licences</u> and <u>Guideline: Industry Regulation Guide to Licensing</u>.</p>	<input checked="" 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: [] <input type="checkbox"/> No – not required
Water licences and permits (<i>Rights in Water and Irrigation Act 1914</i>)	

Part 5: Other DWER approvals				
<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> <p>For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i>, refer to the <u>Procedure: Water licences and permits</u>.</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 <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 (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.</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 <u>Index of Biodiversity Surveys for Assessment</u> available at <u>ibsasubmissions.dwer.wa.gov.au</u></p>		<p>Yes</p> <p><input checked="" type="checkbox"/></p>	
	<p>Submission number(s) (e.g. IBSASUB-20200101-12345A6D) IBSASUB-20210218-97FB7675</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet.</p>			
		<p>IBSA number(s) (e.g. IBSA-2020-0123)</p> <p>Please list all numbers. If space is inadequate, list on a separate sheet. IBSA-2021-0067</p>		
<p>Marine 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 Marine Surveys for Assessments (IMSA)</u>. 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 <u>Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments (IMSA)</u>.</p>		<p>Yes</p> <p><input type="checkbox"/></p>	
			<p>N/A</p> <p><input checked="" type="checkbox"/></p>	