



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.

A referral to the federal Minister for the Environment (via the Department of Agriculture, Water and the Environment (DAWE)) was made by the proponent in December 2020 (EPBC referral 2020/8866). On 8 February 2021, the delegate determined the proposal to be a controlled action. On the 17 February the delegate indicated that the proposal would be assessed via 'preliminary documentation'. Further direction from the delegate/DAWE regarding the further information and controlling provisions is still to be provided.

*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.

Lot 32 (No. 325) Tom Cullity Drive  
Wilyabrup 6280  
Western Australia

FILE REFERENCE

Street address Lot 32 (No.325) Tom Cullity Drive, Wilyabrup

Local government area City of Busselton

Land zoning, e.g. rural, residential, industrial 'Viticulture and tourism' under the City of Busselton Local Planning Scheme (LPS) No.21

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="checkbox"/></p>	<p>Name/s</p>	
	<p><b>OR</b></p> <p>A body corporate or other entity formed at law (include ACN)</p>			<p>Montague VY No.1 Pty Ltd ATF Montague Trust</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>[Redacted]</p>		
	<p>Company name (if applicable)</p>	<p>Montague VY No.1 Pty Ltd</p>		
	<p>Postal / business address</p>	<p>[Redacted]</p>		
	<p>Phone (fixed line)</p>	<p>[Redacted]</p>	<p>Phone (mobile)</p>	<p>[Redacted]</p>
	<p>Email address</p>	<p>[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>Yes <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 checked="" type="checkbox"/></p>	<p>the owner of the land.</p>		
	<p><input type="checkbox"/></p>	<p>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 type="checkbox"/></p>	<p>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"> <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:

**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)	[Redacted]	
	Company name (if applicable)	[Redacted]	
	Postal / business address	[Redacted]	
	Phone (fixed line)	[Redacted]	Phone (mobile)
Email address	[Redacted]		

**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)	5.47		
	and/or			
	number of individual <b>trees</b> to be removed			
	Proposed method of clearing			
	Mechanical			
	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	June 2021	to	June 2022
	Purpose of clearing			
	To install vineyards as part of an existing winery expansion			
	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"]:			
Operational vineyard				

Part 4: Proposed clearing	
<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>The location of the proposed vineyard has been considered in detail, with the key constraining factors for the layout being the requirement for the vineyards to be located in an area with appropriate soil type and condition, as well as minimising impacts on the better quality remnant vegetation within the site. The vineyard is to be located within vegetation that is in 'good' condition and has been historically used for grazing purposes, and as a result has limited to no understorey. The remainder of the area proposed for the installation of the vineyards includes non-native grasses and weeds, with scattered paddock trees. In addition, the vineyard area was going to be larger, encompassing all native vegetation within the eastern portion of the site as well as a small area in the western portion of the site, however the extent of proposed clearing was reduced to minimise potential impacts on vegetation and fauna habitat values.</p> <p>In addition to avoiding clearing through redesign of the vineyard expansion, mitigation is proposed through the revegetation of a 20 m wide environmental corridor (approximately 0.65 ha in size), which connects to retained vegetation in the north-east corner of the site and nearby landholdings, and installation of at least eight artificial hollows within existing trees within the areas of retained remnant native vegetation within the site. Clearing activities will also be managed to minimise any potential impacts on nearby areas and fauna species, including clearly defining the extent of the clearing area, fauna inspections by a qualified zoologist prior to and during clearing activities, clearing in one direction towards retained vegetation, and managing site works to prevent the spread of weeds and dieback into areas of retained vegetation.</p>
<p>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.</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	
<p><b>INSTRUCTIONS:</b></p> <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>	
<p><b>Section A: Environmental Impact Assessment</b></p>	
<p><b>Environmental Impact Assessment (Part IV of the EP Act)</b></p>	
<p>Has this clearing application or any related matter been referred to the EPA?</p>	<p><input type="checkbox"/> Yes – provide details [       ]</p> <p><input checked="" type="checkbox"/> No</p>
<p>Do you intend to refer the proposal to the EPA?</p> <p>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".</p> <p>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.</p> <p>If a relevant Ministerial Statement already exists, please provide the MS number in the space provided.</p>	<p><input type="checkbox"/> Yes – intend to refer (proposal is a 'significant proposal')</p> <p><input type="checkbox"/> Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement): MS [       ]</p> <p><input type="checkbox"/> No – a current valid Ministerial Statement applies: MS [       ]</p> <p><input checked="" type="checkbox"/> No – not a 'significant proposal'</p>