

Department of Water and Environmental Regulation Department of Mines, Industry Regulation and Safety

Application for new permit or referral to clear native vegetation

This is the form to submit a referral of proposed clearing or apply for a clearing permit under Part V of the *Environmental Protection Act 1986* (EP Act).

Before you submit this form, please check you have completed all the fields for the form type and fully prepared any required supporting documents (including maps etc.). We will return / decline any forms that are not correctly completed.

To find out more about the stages of assessment for clearing permit forms, see the *Procedure: Native vegetation clearing permits*.

Part 1 - Form type

Select your <u>form type</u> .	□ Referral of proposed clearing (section 51DA of the EP Act)
NOTE: Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer' respectively.	 Application for an area permit (section 51E of the EP Act) Application for a purpose permit (section 51E of the EP Act)

Part 2 – Applicant details

2.1 Applicant name

For area	□ Applying as an individual – complete the following:		
If granted, the	Title	□ Mr □ Mrs □ Ms □ Other:	
landowner(s) will be listed as	Name(s)		
'permit holders' on the permit.	□ Applying as a following:	body corporate or other entity formed at law – complete the	
For purpose	Name		
If granted, the	Australian Com	pany Number (ACN)	
applicant(s) will go on the	☑ Applying as a government auth	government entity (e.g. government department, local nority, or other statutory body)	
pormit.	Name	Shire of Augusta Margaret River	

2.2 Applicant contact details

Provide the contact details for the above (primary contact).

Title	
First name	
Last name	
Position	
Company name	
Contact phone number (1)	
Email address	

2.2 Applicant contact postal details

Provide the postal address for the above individual, body corporate or local government authority (primary contact).

Address line 1		
Address line 2		
Suburb		
State		

2.3 Applicant contact – registered business address

If applying as a company, incorporated body, local government authority or public authority, please also supply the registered business office address.

Address line 1		
Address line 2		
Suburb		
State		
Contact phone number (1)		

2.4 Electronic correspondence consent

Both the Department of Water and Environmental Regulation (DWER) and Department of Mines, Industry Regulation and Safety (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 via email. Please indicate your consent in this section of the form.

I consent that all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable) about the subject of this form will be exclusively via email, using the email address provided above.	⊠ Yes	□ No
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2.5 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 (e.g. a consultant).

Same as applicant's contact details	□ Yes	🛛 No

If 'No' – complete the following:

Contact name	
Position (if applicable)	
Company name (if applicable)	
Contact phone number (1)	
Business or postal address line 1	
Business or postal address line 2	
Suburb	
State	
Email address	

Part 3 - Land details

- You must accurately describe the location of the land where your clearing is proposed.
- If you have a large number of properties, please provide the relevant details for each property in a separately attached supporting document.

3.1 Property details

I have a large number of properties and have given the	□ Yes – skip to Part 4	🛛 No
relevant details in an attached supporting document.		

If 'No' – complete the following:

Land description Provide the following details, as applicable, for all properties:			
 volume and folio number lot or location number(s) crown lease or reserve number pastoral lease number mining tenement number 	Warner Glen Road, Forest Grove (SLK 16.05 to 18.24)		
Street address – Line 1	Warner Glen Road		
Street address – Line 2			
Suburb	Forest Grove		
State	WA	Postcode	6286
Local government area(s)	Shire of Augusta Margaret River		
Land zoning	Road Reserve		

Part 4 - Relationship to landowner

Tell us which of the following options best describes you as the person completing and submitting this form. If you are filling out this form on behalf of the applicant, answer this question as though you are the applicant.

Proof of ownership may include:

- a certificate of title (that is less than 6 months old)
- a pastoral or mining lease
- public authority that has care, control or management of the land
- other form of lease, land tenure or specific arrangement.

Relationship to landowner (select one of the following options)	Complete the following
⊠ I am the landowner	⊠ Attach <u>proof of ownership</u>
□ I am lodging a form on behalf of the landowner (e.g. a consultant)	□ Attach <i>proof of ownership</i>
□ I am acting on the landowner's behalf and will be jointly responsible for the clearing permit (i.e. joint form)	 Attach <u>proof of ownership</u> Complete and attach an '<u>Acting on behalf and jointly</u> <u>responsible</u>' letter
□ I am likely to become the landowner	 Attach the Certificate of Title Attach evidence of the pending transfer of ownership and/or contract of sale ('offer and acceptance')
□ I will undertake the clearing activities with the landowner's authority and will be the permit holder	 Attach <u>proof of ownership</u> Complete and attach an '<u>Authority to access and clear</u> <u>native vegetation</u>' letter (if the applicant is not the landowner)
□ A person with multiple land parcels	 Attach <u>proof of ownership</u> Complete and attach '<u>Authority to access and clear native</u> <u>vegetation</u>' letter (if the applicant is not the landowner)

Part 5 – Proposed clearing

5.1 Maps and/or spatial data

Select which map	An ESRI shapefile with the following properties (preferred)
type(s) you will attach with your form.	Geometry type: polygon shape
Note: We will decline / return forms (as applicable) if you do not provide sufficient	 Coordinate system: Geocentric Datum of Australia (GDA) 1994/2020 (geographic latitude / longitude)
	 Datum: GDA 1994 / GDA 2020 (please specify which was provided)
question.	☑ An aerial photograph or map with a north arrow, clearly marking the proposed clearing area
	Note:
	 An ESRI shapefile must use one of the following filename extensions: .shp, .shx, .dbf, and/or .prj
	• You must provide an ESRI shapefile if the form requires an assessment under an <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (EPBC Act) accredited process. See Part 8 of this form for more information.

5.2 Size

- If you propose to clear a patch(s) of vegetation, enter a hectare value for the total size of the area (mark number of trees as zero).
- If you propose to remove only individual trees from the area(s) (i.e. the shrubs, grasses, groundcover plants will remain intact), provide the number of trees (and mark total area as estimated hectares).
 Note: If any shrubs, grasses, and/or groundcover plants MAY be damaged in the clearing

process, add this to the total area.

- If you propose to clear an area of vegetation within a larger footprint, enter the hectare value for the total size of the area to be cleared (mark number of trees as zero) and the size of the footprint. For example, 5 hectares of clearing within a 10 hectare footprint. This option is only available for <u>purpose permit</u> applications.
- Enter values for BOTH number of trees and the size of the area if you are clearing individual trees in one area AND a patch of vegetation in a different area.
- Please note the following area conversions/calculations:

1 hectare = 10,000 m ²	Area of circle = 3.14 x radius ²
1 acre = 0.4 hectares / $4,000 \text{ m}^2$	Area of a rectangle = length x width
1 tree = 0.01 hectares / 100 m^2	Area of a triangle = $\frac{1}{2}$ length x perpendicular height

Total area of clearing proposed (hectares)	0.47
Footprint of clearing (hectares) (purpose permit only)	
Number of individual trees to be removed	0

Note: Calculate the area of a tree based on the area encompassed by the tree's drip line; that being the outermost circumference of the tree's canopy.

5.3 Purpose

Provide the reason for proposed clearing (e.g. road construction, grazing and pasture, hazard reduction, horticulture, timber harvesting etc.)	Road widening and reconstruction to improve road visibility and safety
Specify what the final land use will be after clearing	Road

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Mechanical clearing

5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: 1 September 2022	
	End date: 30 June 2024	

Note: The clearing referral process is not suitable for any clearing that is expected to take longer than two years.

5.6 Avoidance and mitigation

Explain how you have, or will, put avoidance and mitigation measures in place to eliminate, reduce, or otherwise mitigate the need for and scale of the proposed clearing of native vegetation.

Attach supporting documents to substantiate your explanation.

Your explanation should demonstrate you have planned the project so that the least clearing possible is to be undertaken. The following questions may help you frame your explanation:

- Why did you select this location and amount of clearing?
- What alternatives to clearing e.g. engineering solutions did you consider?
- What changes, if any, did you make to the location or amount of clearing to reduce the impacts of the clearing?

Note: If you do not demonstrate adequate efforts to avoid and mitigate clearing, we will ask you to do so during the validation of this form.

Provide the avoidance and mitigation details	The proposed reconstruction of a 2.2 km section of Warner Glen Road has been designed to minimise impacts to native vegetation where possible. Spring flora and fauna surveys have been undertaken along the road reserve (Stream Environment Water, 2021; SW Environmental 2021), and the resulting data on flora, vegetation and fauna habitat has been incorporated into the planning and design process in order to ensure that clearing will be minimized, that that impacts to biodiversity values will be avoided or otherwise adequately mitigated. Further detail on these avoidance, minimization and mitigation measures are below.
	Flora and Vegetation
	The clearing of up to 0.47 ha of vegetation along this section of Warner Glen Road Reserve is unlikely to impact any significant flora or vegetation values. There are no known records of any threatened or priority flora or ecological communities

within the purpose permit that will be impacted by the proposed clearing. The vegetation is predominantly Jarrah-Marri forest, with the following vegetation units occurring within this section of the road reserve: EmCcBI – Open forest of Corymbia calophylla and Eucalyptus marginata over sparse shrubland of Bossiaea linophylla over shrubland of Hibbertia hypericoides, Morelotia octandra and Macrozamia riedlei (95% of purpose permit area) CcEmAs - Open forest of Corymbia calophylla and Eucalyptus marginata over open shrubland of Anarthria scabra, Bossiaea linophylla and Podocarpus drouynianus over shrubland of Hibbertia hypericoides and Morelotia octandra (5% of purpose permit area) At the regional scale, two vegetation complex types within the permit area, Cowaramup C1, and Wilyabrup W1, which have over 34% and 54% of the pre-European extent remaining respectively. The vegetation within the road reserve is predominately in very good or excellent condition. The large tract of good guality, intact native vegetation within adjoining and nearby national parks provides far greater biodiversity and habitat connectivity values at the regional scale. It is therefore not expected that the clearing of up to 0.47 ha of vegetation along the existing cleared road verge will have a significant impact on flora or vegetation. Weeds occur in some sections of the road reserve, with the particularly invasive environmental weed Watsonia meriana subsp. bulbillifera, recorded at several locations. Best practice weed hygiene measures will be implemented during clearing and road construction activities to avoid the introduction and spread of weeds. There are no significant water courses or waterways intercepted by the road reserve. Part of the road upgrade involves building and/or replacing culverts, which will improve surface drainage, and will not alter surface flows or increase sediment movement into the environment. The Shire of Augusta Margaret River has intentionally designed the road reconstruction to minimize clearing of native vegetation as much as reasonably practicable. Diversion of the existing alignment slightly to the north is a critical design issue required to meet safety standards, and is a condition of the Shire's funding for the road. The slight diversion of the road to the north will result in shifting the road away from the national park to the south, and therefore reduce the risk of edge effects and other long-term impacts to the national park. Revegetation of 0.47 ha of disturbed land within the Warner Glen Road Reserve is proposed as strategy for mitigating the impacts of clearing (see further detail in next section). This revegetation area could potentially focus on the south side of the road where the road has diverted to the north, in order to reinstate habitat and biodiversity values in this area where it adjoins the national park. Fauna One broad fauna habitat type was recorded within the purpose permit area -Jarrah Marri Forest with areas of Karri over Peppermint, which was in good condition. Evidence of conservation significant black cockatoos (feeding residue from all 3 species) and western ringtail possum (scats) was observed within the

road reserve.

The tree hollow assessment by SW Environmental found that 18 potential habitat trees (≥50cm DBH) comprising marri, jarrah and blackbutt, occurred within the 2.2km section of road that will be part of the reconstruction project. Of the 18 DBH trees, one tree could potentially be impacted by the proposed clearing. This is a dead marri tree, of 50-75cm DBH in size, and was assessed as being a tree with suitable DBH, but without hollows. This tree is located on the northern edge of the current road where the road realignment will continue towards the north due to road safety design requirements.

All efforts will be made to retain this tree, however if this is not possible due to its location, the Shire will engage a black cockatoo specialist to re-inspect the tree prior to clearing to determine whether there is evidence of any new usage by black cockatoo species. Should there be any <u>evidence of current use</u> of hollows for breeding/nesting by black cockatoo species, the Shire will not remove the tree or branches until usage of the hollow is complete.

All other trees identified ≥50cm DBH will not be removed as part of this clearing permit.

In order to help mitigate the loss of one DBH tree, the Shire will install one artificial black cockatoo nesting tube at a suitable location nearby. This could be either on a Shire-managed reserve (e.g. Wadandi Trail Reserve No. 47049), within the road reserve, or potentially within the adjoining national park, subject to consultation with and the approval of DBCA.

The installation of an artificial black cockatoo nest will be undertaken in accordance with DBCA guidelines.

As mentioned above, impacts to local foraging habitat for black cockatoo species are expected to be minimal, due to the large intact tracts of native vegetation contained in conservation reserves within a 12 km radius of the site. These areas would provide abundant and good quality feed resources locally for black cockatoos, and the removal of up to 0.47 ha along the existing road edge is unlikely to affect the available foraging habitat.

Nevertheless, the Shire will further mitigate impacts along the Warner Glen Road reserve through revegetation with species that will provide future nesting/breeding and foraging habitat for black cockatoo species and western ringtail possum. The Shire will revegetate 0.47 ha of disturbed land within the road reserve, with the aim of enhancing biodiversity and reinstating fauna habitat. Species will include a mix of marri, jarrah and peppermint tree, as well as local understorey species.

The revegetation site/s could potentially focus on the south side of the road reserve where the road is diverted to the north, in order to reinstate habitat and biodiversity values in this area where it adjoins the national park.

With regard to mitigation of potential impacts to other significant species such as western ringtail possum, the Shire will engage a qualified fauna spotter/handler to inspect vegetation prior to and during clearing, and to move any displaced animals to nearby habitat in accordance with DBCA's *Procedures to Minimise the Risk to Western Ringtail Possums during Vegetation Clearing and Building Demolition* (2015).

CONCLUSION AND MANAGEMENT RECOMMENDATIONS

The clearing of 0.47 ha of roadside vegetation within the Warner Glen Road

Reserve to allow for road reconstruction and widening is not considered to be at variance with the 10 clearing principles. The Shire of Augusta Margaret River will implement the following measures to avoid, minimize or mitigate the impacts of clearing up to 0.47 ha of native vegetation along the Warner Glen Road Reserve. The road reconstruction has been designed to minimise disturbance to native vegetation where possible through the project planning process. Retrenchment pruning will be implemented as an alternative to tree removal where possible, where branches pose a safety hazard. The location of habitat trees (≥50cm DBH) will be incorporated into the road design and alignment, and the removal of trees ≥50cm DBH will be avoided. The Shire will engage a black cockatoo specialist to re-inspect one DBH tree that could potentially be impacted (dead marri, no hollows) prior to clearing to determine whether there is evidence of usage by black cockatoo species for breeding/nesting. Should there be any evidence of current use of breeding/nesting by black cockatoo species, the Shire will not remove the tree or branches until usage of the tree is complete. The Shire will install one artificial black cockatoo nesting tube at a suitable site nearby, in accordance with DBCA guidelines. The site will be determined in consultation with and to the approval of DBCA and DWER. To help to mitigate the loss of vegetation, the Shire will revegetate 0.47 ha of • disturbed land within the road reserve, with the aim of enhancing biodiversity and reinstating fauna habitat. Species will include a mix of marri, jarrah and peppermint tree, as well as local understorey species. Clearing will be implemented in strict accordance with DBCA's Procedures to Minimise the Risk to Western Ringtail Possums during Vegetation Clearing and Building Demolition (DBCA, 2015), including the presence of a fauna spotter and handler on site prior to and during construction in order to inspect trees and manage any disturbed animals. Existing surface drainage patterns will be maintained during road reconstruction, with no changes to surface hydrology or movement of sediment into the surrounding environment. Best practice weed and dieback hygiene measures will be implemented during clearing and construction (clean vehicles and machinery prior to entering the site). The Shire will consult with the local Parks and Wildlife Service office prior to road works to notify them of the works adjacent to Forest Grove National Park, and to discuss any on-ground issues. REFERENCES Department of Biodiversity Conservation and Attractions (2015). Procedures to Minimise the Risk to Western Ringtail Possums during Vegetation Clearing and Building Demolition. Stream Environment and Water (2022). Flora and Vegetation Survey of Warner Glen Road. Unpublished report prepared for the Shire of Augusta Margaret River. SW Environmental (2021). Basic and Targeted Fauna Survey. Warner Glen Road, Warner Glen. Unpublished report prepared for the Shire of Augusta Margaret

River.

Part 6 - Offset

Do you want to submit a clearing offset proposal with your form?	🗆 Yes 🖾 No
If 'Yes' – please complete and attach Appendix A of the <u>Clearing of native vegetation offsets procedure</u> guideline as a supporting document for your form.	Appendix A attached

Part 7 – Surveys for assessments (IBSA and IMSA)

Do you want to submit marine or biodiversity surveys in support of your form?	Yes □ No - skip to Part 8
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7.1 Biodiversity surveys

If you want to submit any biodiversity surveys to support this form, you must follow the Environmental Protection Authority's (EPA) <u>Instructions for the preparation of data packages for</u> <u>the Index of Biodiversity Surveys for Assessments</u> (IBSA). If you do not meet the IBSA requirements, DWER/DMIRS (as applicable) may decline/return your form.

Please provide the IBSA number(s) – or submission number(s) if the IBSA number has not yet been issued – in the space provided. Note that a submission number is not confirmation that a biodiversity survey has been accepted 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 DWER / DMIRS will suspend the assessment timeframes for your form until you provide the IBSA number(s).

Have you submitted all the biodiversity surveys that support this form to the Index of Biodiversity Surveys for Assessment, available at <u>ibsasubmissions.dwer.wa.gov.au</u> ?	☑ Yes☑ Not applicable
Provide an IBSA number (preferred) or a submission number(s)	IBSA-2022-0222

7.2 Marine surveys

If you want to submit any marine surveys to support this form, you must follow the EPA's <u>Instructions for the preparation of data packages for the Index of Marine Surveys for</u> <u>Assessments</u> (IMSA). If you do not meet the IMSA requirements, DWER may decline/return your form.

Have you prepared all the marine surveys that support this form in accordance with the EPA's *Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments?*

□ Yes

☑ Not applicable

Part 8 - Assessment Bilateral Agreement

The native vegetation clearing processes under Part V of the EP Act have been accredited by the Commonwealth of Australia under the EPBC Act and so can be assessed under an assessment bilateral agreement.

To be assessed this way, the proposed clearing action must have been referred to the Commonwealth under the EPBC Act and deemed a '**controlled action**' before you submit this form.

For further information, see DWER's website guidance on the assessment bilateral agreement.

Is your proposed clearing a controlled action?	□ Yes	🛛 No – skip to Part 9
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If 'Yes' - complete the following:

Please make sure you have entered all the mandatory details in the <u>Annex C7 form</u>	□ Annex C7 form attached
List the controlling provisions identified in the notification of the controlled action decision	

Part 9 – Other approvals

Which department are you submitting this form to?	
If the clearing is for mineral and petroleum activities authorised under the <i>Mining Act 1978</i> , the various Petroleum Acts, and/or a State Agreement Act, select 'Department of Mines, Industry Regulation and Safety'. For all other clearing activities, select 'Department of Water and Environmental Regulation'.	 Department of Mines, Industry Regulation and Safety Department of Water and Environmental Regulation

9.1 Environmental impact assessment (Part IV of the EP Act)

Clearing may be referred to the EPA if it is considered to be part of a 'significant proposal', as defined by section 37B(1) of the EP Act, or will likely to be part of a larger development. An example is when the clearing is for a road to a future mine.

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 the proposal in this form is likely to constitute a 'significant proposal', under section 38(5) of the EP Act they must refer the proposal to the EPA or for assessment under Part IV, if such a referral has not already been made.

Has the proposed clearing or any related matter been referred to the EPA?	□ Yes	
	Enter details:	
	☑ No – complete question below.	
If 'No' – do you intend to refer the proposal to the EPA?	 Yes – intend to refer (proposal is a 'significant proposal') Yes – intend to refer (proposal will require a section 45C amendment to the current Ministerial Statement) 	
	Enter Ministerial Statement number:	
	⊠ No – not a significant proposal	

9.2 Other approvals – pre-application scoping (DWER forms only)

Have you had any pre-application/ pre-referral/ scoping meetings with DWER about any planned applications?	□ Yes
	Enter details:
	⊠ No

9.3 Other approvals – works approval, licence or registration (Part V Division 3 of the EP Act)

Have you applied or do you intend to apply for a works approval, licence, registration or an	□ Yes	
amendment to any of the above, under Part V Division 3 of the EP Act?	Application reference:	
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	□ No – a valid works approval applies	
Environmental Protection Regulations 1987, unless that action is done in accordance with a	□ No – a valid licence applies	
works approval, licence or registration. For further guidance, see DWER's <i>Procedure: Prescribed</i>	□ No – a valid registration applies	
premises works approvals and licences and Guideline: Industry regulation guide to licensing.	⊠ No – not required	