



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

<p>Select your form type.</p> <p>NOTE: Where appropriate in this form, and unless stated otherwise, the terms ‘application’ and ‘applicant’ also mean ‘referral’ and ‘referrer’ respectively.</p>	<p><input checked="" type="checkbox"/> Referral of proposed clearing (s.51DA of the EP Act)</p> <p><input type="checkbox"/> Application for an area permit (s.51E of the EP Act)</p> <p><input type="checkbox"/> Application for a purpose permit (s.51E of the EP Act)</p>
---	---

Part 2 – Applicant details

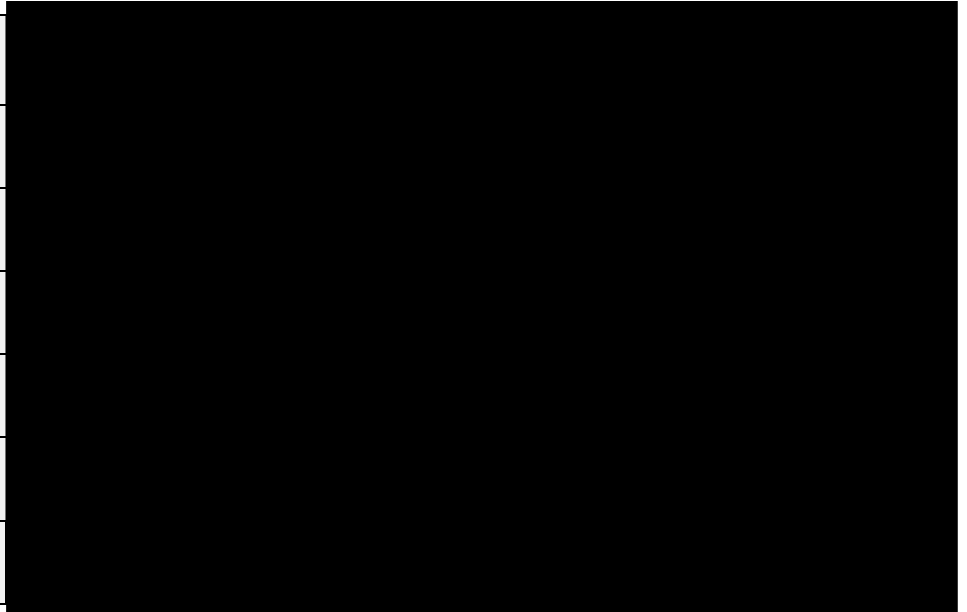
2.1 Applicant name

<p>For area permits:</p> <p>If granted, the name(s) of (all) landowner(s) will be listed as ‘permit holders’ on the permit.</p>	<input type="checkbox"/> Applying as an individual – complete the following:	
	Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:
Name(s)		
<p>For purpose permits:</p> <p>If granted, the name(s) of (all) applicant(s) will go on the permit.</p>	<input type="checkbox"/> Applying as a body corporate or other entity formed at law – complete the following:	
	Name	
	Australian Company Number (ACN)	
<input checked="" type="checkbox"/> Applying as a government entity (e.g. government department, local government authority, or other statutory body)		
Name	Kimberley Ports Authority	

2.2 Applicant contact details

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

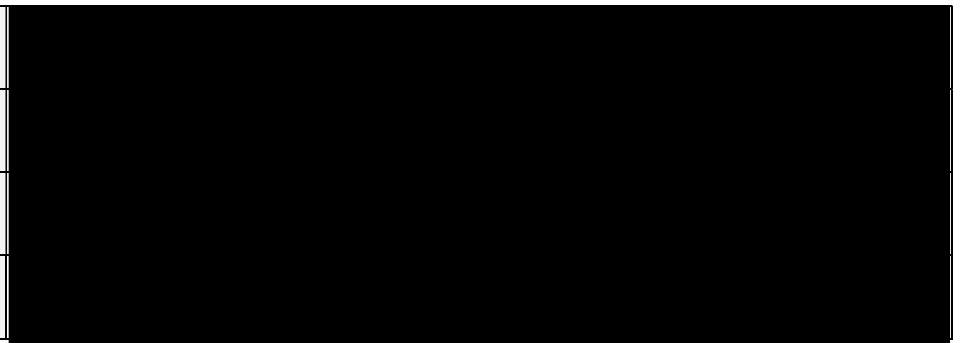
Title
First name
Last name
Position
Company name
Contact phone number (1)
Email address



2.2 Applicant contact postal details

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

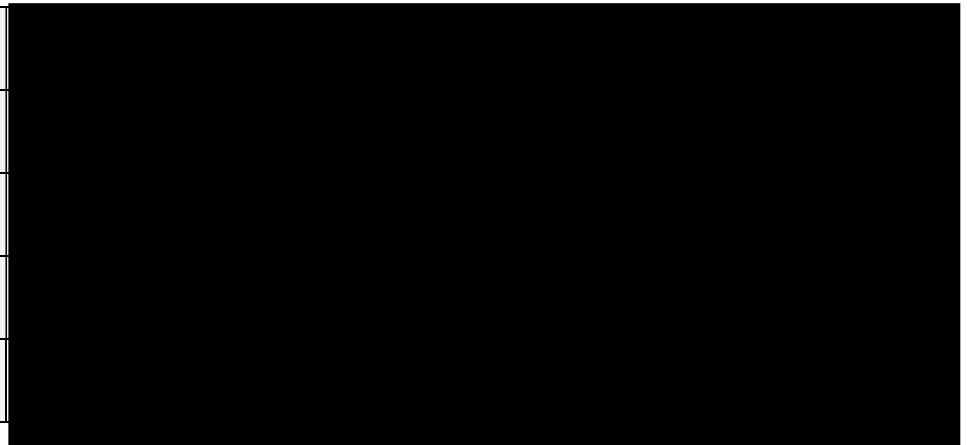
Address line 1
Address line 2
Suburb
State



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.

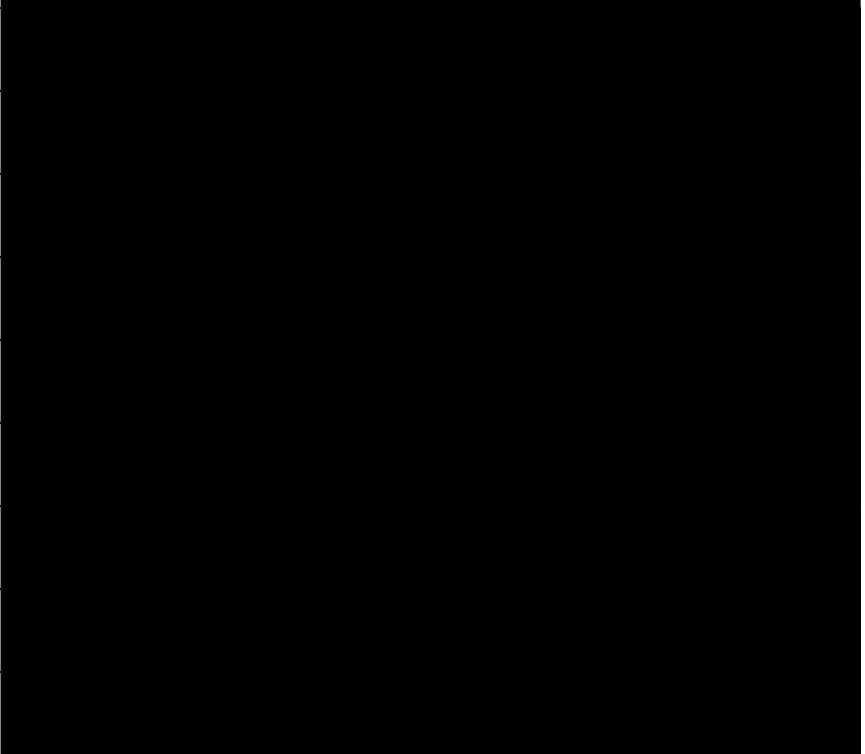
I consent that all written correspondence between myself (the applicant) and DWER/DMIRS (as applicable) about the subject of this form will be exclusively via email, using the email address provided above.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
---	---

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	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 relevant details in an attached supporting document.	<input type="checkbox"/> Yes – skip to Part 4 <input checked="" type="checkbox"/> No
---	--

If 'No' – complete the following:

<p><u>Land description</u></p> <p>Provide the following details, as applicable, for all properties:</p> <ul style="list-style-type: none"> – volume and folio number – lot or location number(s) – crown lease or reserve number – pastoral lease number – mining tenement number 	<p>Refer to Attachment 1</p> <p>Parcel Identifiers:</p> <ul style="list-style-type: none"> • Lot 600 on Deposited Plan 207828, Volume LR 3142, Folio 902 • Lot 719 on Deposited Plan 172093, Volume LR 3142, Folio 904 • Lot 896 on Deposited Plan 208779, Volume LR 3142, Folio 905 • Lot 1272 on Deposited Plan 172093, Volume LR 3142, Folio 908 • Lot 1737 on Deposited Plan 216431, Volume LR 3142, Folio 912 <p>Being part of Lease Parcel ID 492 on Reserve 24041, vested to KPA under Schedule 1 of the <i>Port Authorities Act 1999</i> (refer to Attachment 4, Sheet 2)</p>		
Street address – Line 1	Harbour Road		
Street address – Line 2			
Suburb	Wyndham		
State	WA	Postcode	6740
Local government area(s)	Shire of Wyndham-East Kimberly		
Land zoning	Harbour purposes		

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

Part 5 – Proposed clearing

5.1 Maps and/or spatial data

<p>Select which map type(s) you will attach with your form.</p> <p>Note: We will decline / return forms (as applicable) if you do not provide sufficient information for this question.</p>	<p><input checked="" type="checkbox"/> An ESRI shapefile with the following properties (<i>preferred</i>) – see Attachment 2</p> <ul style="list-style-type: none"> • Geometry type: polygon shape • Coordinate system: Geocentric Datum of Australia (GDA) 2020 (geographic latitude / longitude) • Datum: GDA 2020 <p><input checked="" type="checkbox"/> An aerial photograph or map with a north arrow, clearly marking the proposed clearing area</p> <p>Note:</p> <ul style="list-style-type: none"> • 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 **purpose permit** 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 m ²	Area of a rectangle = length x width
1 tree = 0.01 hectares / 100 m ²	Area of a triangle = ½ length x perpendicular height

Total area of clearing proposed (hectares)	2.28 ha
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

<p>Provide the reason for proposed clearing (e.g. road construction, grazing and pasture, hazard reduction, horticulture, timber harvesting etc.)</p>	<p>The Port of Wyndham (hereafter; the Port) is located in the Kimberley region of Western Australia and is the only deep-water port between Broome and Darwin. The Port operations and management are undertaken by Cambridge Gulf Limited, however; the facility is owned by the Kimberley Ports Authority (KPA).</p> <p>The Port is a vital link within Northern Australia's primary and secondary industries' supply chains. Exports include live cattle, raw mined products from across Northern Australia and produce from the Ord River irrigation area. Imports include diesel and ammonium nitrate for the mining industry.</p> <p>KPA is required to undertake ongoing maintenance dredging at the Port to maintain safe navigable depths for vessel access. Dredged material is excavated from the berth face via a mounted grab to a crane and disposed onshore to a historical disposal area within the Port. A Native Vegetation Clearing Permit was previously approved in February 2018 (CPS 7774/1) to facilitate ongoing long-term planning for the continued onshore disposal of dredged material within the Port until February 2023. Future maintenance dredging campaigns require the continued permitted vegetation clearance within the existing onshore disposal area.</p> <p>All clearing is occurring on land owned by or vested to KPA under Schedule 1 of the <i>Port Authorities Act 1999</i> (Refer to Attachments 1 and 4).</p>
<p>Specify what the final land use will be after clearing</p>	<p>Onshore disposal area for maintenance dredging of the Port required for the life of the Port.</p>

5.4 Method

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

5.5 Timeframe

<p>Period within which you propose to do the clearing</p>	<p>Start date: 30/03/2024</p>
---	-------------------------------

(e.g. 1/7/2022 to 30/8/2024)	End date: 30/03/2026
------------------------------	----------------------

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	<p>The vegetation proposed for clearance in this Native Vegetation Clearing Referral is ~2.28 ha and is predominantly mangal habitat (sparse <i>Avicennia marina</i> mangrove stands), with remaining areas represented by unvegetated mudflats or intermittent salt marsh. Mangroves are not classified as marine plants under the <i>Environmental Protection Act 1986</i>, and there is no requirement for clearing of marine vegetation.</p> <p>The area is located in an active Port that is zoned for light industrial use and considered a disturbed system with limited ecological value from historical Port operations and land development on the tidal flats (Martinick McNulty Pty Ltd, 1998). The proposed clearing is considered low risk and is required for the ongoing disposal of dredged material to maintain safe navigability. The previous permit (CPS 7774/1) for ~2.06 ha was granted in February 2018 and valid until February 2023 with the following conditions for weed management:</p> <ul style="list-style-type: none"> • Clean earth-moving machinery of soil and vegetation prior to entering and leaving the area to be cleared, • Ensure that no weed-affected soil, mulch, fill, or other material is brought into the area to be cleared, • Restrict the movement of machines and other vehicles to the limits of the areas to be cleared. <p>Previous management and mitigation measures included avoidance of vegetated areas during disposal, avoidance of intertidal areas, only clearance of vegetation when required with disposal of material on bare mudflats or sparser vegetated areas, where possible.</p> <p>Refer to Attachment 3 including drone images of the existing onshore disposal area.</p>
--	--

Part 6 – Offset

<p>Do you want to submit a clearing offset proposal with your form? For more information on environmental offsets, refer to DWER's website and Fact Sheet 11: Environmental offsets for native vegetation clearing permits.</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>If 'Yes' – please complete and attach Appendix A of the Clearing of native vegetation offsets procedure guideline as a supporting document for your form.</p>	<input type="checkbox"/> Appendix A attached

Part 7 – Surveys for assessments (IBSA and IMSA)

<p>Do you want to submit marine or biodiversity surveys in support of your form?</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – skip to Part 8
--	--

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) [Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments](#) (IBSA). If you do not meet the IBSA requirements, DWER/DMIRS (as applicable) may decline/return your form. For further information on IBSA, refer to [DWER's website](#).

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).

<p>Have you submitted all the biodiversity surveys that support this form to the IBSA portal, via ibsasubmissions.dwer.wa.gov.au?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> Not applicable
<p>Provide an IBSA number (preferred) or a submission number(s)</p>	

7.2 Marine surveys

If you want to submit any marine surveys to support this form, you must follow the EPA's [Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments](#) (IMSA). If you do not meet the IMSA requirements, DWER may decline / return your form. For more information on IMSA, refer to [DWER's website](#).

<p>Have you prepared all the marine surveys that support this form in accordance with the EPA's <i>Instructions for the preparation of data packages for the Index of Marine Surveys for Assessments</i>?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No – skip to Part 9
--	--

If ‘Yes’ – complete the following:

Please make sure you have entered all the mandatory details in the Annex C7 form	<input type="checkbox"/> <i>Annex C7 form attached</i>
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’.	<input type="checkbox"/> Department of Mines, Industry Regulation and Safety <input checked="" type="checkbox"/> 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 s.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 s.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.

<p>Has the proposed clearing or any related matter been referred to the EPA?</p>	<p><input type="checkbox"/> Yes</p> <p>Enter details: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input checked="" type="checkbox"/> No – complete question below.</p>
<p>If 'No' – do you intend to refer the proposal to the EPA?</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 s.45C amendment to the current Ministerial Statement)</p> <p><input type="checkbox"/> No – a current valid Ministerial Statement applies</p> <p>Enter Ministerial Statement number: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input checked="" type="checkbox"/> No – not a significant proposal</p>

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

<p>Have you had any pre-application/ pre-referral/ scoping meetings with DWER about any planned applications?</p>	<p><input type="checkbox"/> Yes</p> <p>Enter details: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input checked="" type="checkbox"/> No</p>
---	--

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

<p>Have you applied for or do you intend to apply for a Part V Division 3 works approval, licence or registration, or the amendment or renewal of any of the above, under the EP Act or Environmental Protection Regulations 1987 (EP Regulations)?</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 EP Regulations, unless that action is done in accordance with a works approval, licence, or registration.</p> <p>For further guidance, see DWER's Procedure: Prescribed premises works approvals and licences and Guideline: Industry Regulation Guide to Licensing.</p>	<p><input type="checkbox"/> Yes</p> <p>Application reference: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input type="checkbox"/> No – a valid works approval or licence applies</p> <p>Works approval or licence number: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input type="checkbox"/> No – a valid registration applies</p> <p>Registration number: <input style="width: 500px; height: 20px;" type="text"/></p> <p><input checked="" type="checkbox"/> No – not required</p>
--	---

9.4 Water licences and permits (*Rights in Water and Irrigation Act 1914*)

<p>Have you applied or do you intend to apply for:</p> <ul style="list-style-type: none"> • a licence or amendment to a licence to take water (surface water or groundwater) • 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>, see DWER's Procedure: Water licences and permits.</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No – a current valid licence or permit applies</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Licence or permit number:</td> <td></td> </tr> </table> <p><input type="checkbox"/> No – an exemption applies</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 20%;">Enter details:</td> <td></td> </tr> </table> <p><input checked="" type="checkbox"/> Not applicable</p>	Licence or permit number:		Enter details:	
Licence or permit number:					
Enter details:					

Part 10 – Prescribed fee

10.1 Referral or application?

<p>There are no prescribed fees for referrals.</p> <p>Is this form a referral of proposed clearing or an application for a new permit?</p>	<p><input checked="" type="checkbox"/> Referral – skip to Part 11</p> <p><input type="checkbox"/> Application – continue and complete Part 10</p>
--	---

10.2 Calculating the application fees

You must pay the prescribed fee at the time you submit the application form.

Please calculate the prescribed fee using the online [clearing permit fee calculator tool](#).

For further guidance, see DWER's online [clearing fees frequently asked questions](#).

Calculated fee:	
-----------------	--

10.3 Payment method

Fees are payable to:

- **DWER** for all clearing purposes other than mineral and petroleum activities
- OR
- **DMIRS** for mineral and petroleum clearing activities under the *Mining Act 1978*, various Petroleum Acts, or State Agreement Acts.