

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.

☑ Referral of proposed clearing (section 51DA of the EP Act)

☐ Application for an area permit (section 51E of the EP Act)

☐ Application for a purpose permit (section 51E of the EP Act)

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 form type.

form, and unless stated

applicant(s)

permit.

will go on the

Name

and 'applicant' also mean

NOTE: Where appropriate in this

otherwise, the terms 'application'

'referral' and 'referespectively.	errer'		
Part 2 – Appli	cant details		
2.1 Applicant n	ame		
For area	□ Applying as an individual – complete the following:		
permits: If granted, the name(s) of (all)	Title	⊠ Mr □ Mrs □ Ms □ Other:	
landowner(s) will be listed as	Name(s)	Phillip Synnerdahl	
'permit holders' on the permit.	☐ Applying as a body corporate or other entity formed at law – complete the following:		
For purpose permits:	Name		
If granted, the name(s) of (all)	Australian Com	pany Number (ACN)	

☐ Applying as a government entity (e.g. government department, local

government authority, or other statutory body)

2.2 Applicant contact details

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

Title	⊠ Mr □ Mrs □ Ms □ Other:		
First name	Phillip		
Last name	Synnerdahl		
Position	Land owner and Nursery proponent		
Company name			
Contact phone number (1)	0400 406 355 Phone number (2)		
Email address	psynnerd@bigpond.net.au		

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.

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

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.	□ Yes – skip to Part 4	⊠ No

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	Lot 250 P 65046		
Street address – Line 1	1 Acourt Road		
Street address – Line 2			
Suburb	Canning Vale		
State	Western Australia	Postcode	6155
Local government area(s)	City of Canning		
Land zoning	Rural — water protection and Rural under the Metropolitan Region Scheme Rural under the City of Canning's Local Planning Scheme (LPS) No. 42		

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 proof of ownership
☐ 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 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 type(s) you will attach with your form.

Note: We will decline / return forms (as applicable) if you do not provide sufficient information for this question.

□ An ESRI shapefile with the following properties (preferred)

- Geometry type: polygon shape
- Coordinate system: Geocentric Datum of Australia (GDA) 1994/2020 (geographic latitude / longitude)
- Datum: GDA 2020

☑ 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 Environment Protection and Biodiversity Conservation Act 1999 (Cth) (EPBC Act) accredited process. See Part 8 of this form for more information.

52 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 = $10,000 \text{ m}^2$ 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)	0.057 ha	Proposed clearing area amended to 0.05 ha
Footprint of clearing (hectares) (purpose permit only)		during validation
Number of individual trees to be removed	24 trees	Applicant advised 24 trees

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.)	To facilitate Nursery development
Specify what the final land use will be after clearing	Nursery

5.4 Method

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

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)	Start date: 01/01/2025
(e.g. 1/1/2022 to 30/6/2024)	End date: 31/12/2027

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

Lot 250 has been subject to historic disturbance, including the total clearing of its original native vegetation assemblage and agricultural land uses. A site visit was undertaken 20 April 2022 by environmental consultant (RPS) to identify the trees proposed to be cleared to facilitate the nursery development. The trees proposed to be cleared for this referral is comprised entirely of regenerating Melaleuca trees over bare sand / annual weeds (See Figure A and Plates 1 to 13).

Due to the limited remaining biological values within the lot, the focus for the nursery development is premised on maintaining and protecting the higher order wetland and ecological values within the adjacent Jandakot regional park (See Figure A). This outcome has been achieved through:

- Using existing site infrastructure (i.e. existing shed)
- Minimising proposed incursion / clearing within the mapped Core Conservation

wetland (CCW). Three regenerating *Melaleuca* trees within the mapped CCW, which are directly adjacent to the existing shed, are proposed to be cleared (Plate 7). The canopy of the three regenerating *Melaleuca* trees represents an area of approximately 50 m² (Figure A - Site 3). This is likely to be an overestimation of actual canopy size of the three trees due the overlapping canopies of other proximate *Melaleuca* trees. The environmental values of the regenerating *Melaleuca* trees within the mapped CCW are the same as those elsewhere within the lot (i.e. regenerating trees in a parkland cleared environment) and, as such, are not considered representative of the wetland layer mapping.

- Situating new infrastructure within areas absent of native vegetation (i.e. areas of bare sand / annual weeds) and avoiding existing trees (wherever possible).
- Situating new infrastructure which present a low risk to the existing site values and those of the Jandakot regional park (e.g. car park and propagation area) more proximate to the Jandakot regional park
- Situating new infrastructure which present a slightly higher risk to the adjacent Jandakot regional park values (e.g. native nursery, seedling area, bulk storage and truck/loader parking area) more proximate to Acourt Road.

The nursery design has sought to maintain as much of the existing vegetation to the north as possible (i.e. adjacent to the Jandakot regional park (See Plate 14)) to provide an appropriate separation distance ($^{\sim}$ 35 metres), vegetated buffer and minimise visual intrusion to the Jandakot regional park.

A water management plan was prepared for home business and nursery land uses, in consultation with the DCBA, to demonstrate how stormwater will be managed onsite to ensure there is no detrimental impact to the mapped CCW or Jandakot regional park. The water management plan was endorsed by the City of Canning as part of approval for an interim Home Business – Rural and Associated Storage Development Application (15/19931.2) on 13 April 2022(See Notice of Determination on Application for Development Approval).

On this basis, a clearing referral (9780/1) was granted by DWER for the removal of 0.057 ha of native vegetation / 24 trees on 13 July 2022 (See DWER approval).

An application to the City of Canning to change the approved Home Business land use for the site to be Garden Centre and Signage (i.e. nursery) was subsequently made on 20 June 2023. The application was referred to the Western Australian Planning Commission (WAPC) for determination by the City of Canning. The WAPC refused the proposal for the following reasons:

- 1. The proposal is inconsistent with the purpose of the Rural Water Protection zone under the Metropolitan Region Scheme which seeks to minimise the risk of contamination of water resources
- 2. The proposal is inconstant with State Planning Policy 2.3 Jandakot Groundwater Protection which stipulates that land uses in Priority 2 areas are to be guided by principles of risk minimisation. The proposed scale of the Garden Centre will increase the risk of pollution of water resources.

The WAPC's decision was appealed and the matter was progressed by the State Administrative Tribunal (SAT) through mediation. On 04 November 2024, Development Approval was provided by the WAPC (see WAPC approval).

Due to the lengthy delays caused by the SAT mediation, the clearing referral which was valid for two years, expired as of 13 July 2024 (see DWER approval). This application is to removal the same vegetation extent (i.e. 0.057 ha of native vegetation / 24 trees) as was previously approved by DWER in 2022.

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.	☐ Appendi	x 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 ⊠ N	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) <i>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments</i> (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 ibsasubmissions.dwer.wa.gov.au ?		es et applicable			
Provide an IBSA number (preferred) or a submission number(s)					
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.					
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>		□ 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 <u>DWER's website guidance on the assessment bilateral agreement</u>.

Is your proposed clearing a cont	□ Yes	⊠ No – skip to Part 9				
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 subm						
If the clearing is for mineral and authorised under the <i>Mining Act</i> Petroleum Acts, and/or a State A Department of Mines, Industry F	 □ Department of Mines, Industry Regulation and Safety □ Department of Water and Environmental Regulation 					
For all other clearing activities, s Water and Environmental Regul						

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	⊠ Yes			
clearing or any related matter been referred to the EPA?	Enter details: An amendment to the City of Canning's LPS No. 42 for the proposed nursery (Amendment 7) was referred to the EPA on 25/02/2022. Amendment 7 proposed to modify the Zoning Table permissibility of 'Garden Centre' in the 'Rural' zone. On 10 March 2022, the Chairman of the EPA determined Amendment 7 as 'Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of EP Act. No Advice Given. (Not Appealable)'. An interim land use of Home Business – Rural and Associated Storage was recently approved by City of Canning by way of Development Application (15/19931.2) on 13 April 2022 (See Notice of Determination on Application for Development Approval). On 04 November 2024, Development Approval for the nursery land use was provided by the WAPC (see WAPC approval).			
	□ 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) ☐ No – a current valid Ministerial Statement applies 			
	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/	⊠ Yes	
pre-referral/ scoping meetings with DWER about any planned applications?	Enter details:	Advice was sought by environmental consultant (RPS) from DWER's native vegetation branch in August 2021 as to the applicability of two potential exemptions to support the nursery development within Lot 250:
		1) Clearing to construct a building (Regulation 5, Item 1). DWER confirmed that this exemption appeared to be applicable for the portion of Lot 250 outside of the CCW buffer / Environmentally Sensitive Area (ESA) subject to the nursery development (post approval of a future Development Application).
		Assessment by the Environmental Protection Authority (Schedule 6, Clause No. 2). DWER confirmed that this exemption would only be valid

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if the scheme amendment is assessed by the EPA. Amendment 7 to the City of Canning's LPS No. 42 was not assessed by the EPA, hence this exemption is not applicable. Therefore only clearing within Lot 250 in the portion of the site subject to the CCW buffer / ESA mapping has been referred to DWER. An application (046707) to amend the existing Groundwater License (GWL206518(1)) for Lot 250 has also been progressed with DWER. An additional information request (DWERVT8635) was provided on 10 February 2022 seeking the following information: 1) Confirm the water requirements including areas of irrigation, crop types, irrigation rates and total volume requested 2) Demonstration of local government planning approval for the proposed development 3) Demonstration of a clearing permit or exemption from the department's Native Vegetation Protection section An update on progress made with addressing the above items was provided to DWER on 11 May 2022. This clearing referral addresses item 3. □ 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 ☐ Yes works approval, licence, registration or an amendment to any of the above, under Part V Application Division 3 of the EP Act? reference: It is an offence to perform any action that would cause a premises to become a prescribed ☐ No – a valid works approval applies premises of a type listed in Schedule 1 of the Environmental Protection Regulations 1987, □ No – a valid licence applies unless that action is done in accordance with a works approval, licence or registration. For further □ No – a valid registration applies guidance, see DWER's Procedure: Prescribed premises works approvals and licences and No − not required Guideline: Industry regulation guide to licensing.

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

Have you applied or do you intend to apply for:	⊠ Yes	
a licence or amendment to a licence to take water (surface water or groundwater)	☐ No – a current valid licence applies	
a licence or amendment to a licence to construct wells (including bores and soaks), or	Licence number: GWL206518(1)	
 a permit or amendment to a permit to interfere with the bed and banks of a watercourse? 	□ Not applicable	
For further guidance on water licences and permits under the <i>Rights in Water and Irrigation Act 1914</i> , see DWER's <i>Procedure: Water licences and permits</i> .		