

Department of Water and Environmental Regulation

Department of Energy, 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 (maps etc.). The Department of Water and Environmental Regulation (DWER) or Department of Energy, Mines, Industry Regulation and Safety (DEMIRS) 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 form type. Note: Where appropriate in this form, and unless stated otherwise, the terms 'application' and 'applicant' also mean 'referral' and 'referrer' respectively.	 ☑ 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) 	
Which department are you submitting of the clearing is for mineral and perauthorised under the <i>Mining Act</i> 19 petroleum Acts, and/or a State Agrareas covered by either mineral or tenure granted under one of the ab Acts, select 'Department of Energy Regulation and Safety'. For all other clearing activities, select of Water and Environmental Regulation	troleum activities 978, the various eement with petroleum ovementioned , Mines, Industry	 □ Department of Energy, Mines, Industry Regulation and Safety ☑ Department of Water and Environmental Regulation

Part 2 - Applicant details

2.1 Applicant name

For area	☐ Applying as an individual – complete the following:			
permits: If granted, the	Title	☐ Mr ☐ Mrs ☐ Ms	□ Other:	
name(s) of (all) landowner(s) will be listed as	Name(s)			
'permit holders' on the permit.				
For purpose permits:	Name Wallcliffe House Pty Ltd			
If granted, the name(s) of (all)	Australian Company Number (ACN) 611 627 340			
applicant(s) will go on the permit.	☐ Applying as a government entity (e.g. government department, local government authority, or other statutory body)			
	Name			

2.2 Applicant contact details

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

Title	
First name	
Last name	
Position	
Company name	
Phone number	
Email address	

2.3 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	F	Postcode	

2.4 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	
Phone number	

2.5 Electronic correspondence consent

DWER/DEMIRS 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/DEMIRS (as applicable) about the subject of this form will be exclusively via email, using the email address provided above.	□ No
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2.6 Contact details for enquiries

If different from the applicant's contact details, enter the contact details of a person with whom DWER/DEMIRS should liaise with (e.g. a consultant).

Same as applicant's contact details	□ Yes	⊠ No

If 'No' - complete the following:

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

Part 3 - Land details

- You must accurately describe the location of the land where your clearing is proposed.
- Provide copies of associated documents registered against the Certificate of Title (limitations, interests, encumbrances or notifications) where the clearing may impact them (i.e. caveats within freehold Lots).
- If you have a large number of properties, please provide the relevant details for each property in a separately attached supporting document.

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

The proposed clearing lies within a small portion of the following four land parcels comprised of:

- Wallcliffe Road reserve (P Road, ID 3632512)
- Lot 102 on Deposited Plan 049026
- Unnamed road reserve (P Road, ID 3632510)
- Lot 4623 on Deposited Plan 186913 (Reserve 33435)

Current purpose: Road and residential/holiday home.

It is noted that the activities extend into Lot 101

	Wallcliffe Road (on Deposited Plan 049026) however clearing in this landholding and a new cross-over is exempt pursuant to Regulation 5, Item 1 as part of the approved planning (development) approval, reference P223766, associated with the construction of the road cross-over and approved associated infrastructure and upgrades internally. Clearing in Lot 4862 on Deposited Plan 091785 (Reserve 41545) has already been completed by Western Power (for pole maintenance).		new cross-over is, Item 1 as part of the c) approval, reference astruction of the road ced infrastructure and ot 4862 on Deposited already been
Street address – Line 1	Wallcliffe Ro No. 750 Wal Lot 4862 (Re		ffe Road
Street address – Line 2			
Suburb	Margaret Riv	<i>v</i> er	
State	WA	Postcode	6285
Local government area(s)	Shire of Augusta Margaret River		
Land zoning	'Chalet and Camping' and 'Road' under the Shire of Augusta-Margaret River Local Planning Scheme No. 1.		

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
- 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 proof of ownership
□ 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	☐ Attach proof of ownership

responsible for the clearing permit (i.e. joint form)	☐ Attach a letter, in which the landowner authorises you to act on their behalf and acknowledge they will be jointly responsible for the clearing permit
☐ I am likely to become the landowner	☐ Attach evidence of the pending transfer of ownership, including details of current proprietor on certificate of title, 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 proof of ownership ☐ Attach a letter, in which the landowner authorises you to access and clear native vegetation within the property(ies) as detailed in section 3.1 (if the applicant is not the landowner)
☐ I am a person with multiple land parcels within which clearing is proposed	☐ Attach proof of ownership and/or ☐ Attach letters, in which the landowner authorises you to access and clear native vegetation within the properties as detailed in section 3.1 (if the applicant is not the landowner)
☐ I will undertake the clearing activities through the exercise of power conferred by different legislation (e.g. the <i>Energy Operators (Powers) Act 1979</i>)	☐ Provide relevant legislative details:

Part 5 - Proposed clearing

5.1 Maps and/or spatial data

Select which map type(s) you will attach with your form.

Note: DWER/DEMIRS 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) 2020 (geographic latitude/longitude)
 - Datum: GDA 2020

oximes 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.

5.2 Size

- If you propose to clear a patch(es) of vegetation, enter a hectare value for the total size of the area (mark number of trees as zero). For example, "clearing of 5 hectares".
- If you propose to clear only individual trees (i.e. the shrubs, grasses, groundcover plants will remain intact), provide the number of trees. For example, "clearing of 10 trees". If any shrubs, grasses, and/or groundcover plants **may** be damaged in the clearing process, enter the total area only.
- If you propose to clear an area of native 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 **only 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 = $0.4 \text{ hectares/}4,000 \text{ m}^2$ Area of a rectangle = length x width 1 tree = $0.01 \text{ hectares/}100 \text{ m}^2$ Area of a triangle = $\frac{1}{2} \text{ length x perpendicular height}$

Total area of clearing proposed (hectares)	0.047 hectares
Footprint of clearing (hectares) (purpose permit only)	0
Number of individual trees to be cleared	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.).

If applicable, provide any additional project overview or explain in detail the activities on the property (e.g. provide context of work proposed and describe how clearing will contribute to overall work activities onsite etc.).

Six (6) overhead powerlines will be removed and/or relocated as part of converting approximately a 320 m extent of overhead powerlines to an underground arrangement, required as part of implementing the approved boutique hotel within Lot 101 Wallcliffe Road, Margaret River.

The powerline upgrade is generally between the current driveway access for Lot 101 and Lot 102 Wallcliffe Road (via an unnamed road reserve) to near the lookout on Wallcliffe Road (as general landmarks). This will involve the physical removal of the poles, stabilising cables (stays) and overhead cables, then installation of new poles (at either end) including stabilising cables, and horizontal boring of the underground cable. A safe work space is required around each pole for a cherry picker and crane to be located in close proximity to the poles, as both are required to remove the poles.

Wallcliffe House Pty Ltd will be undertaking the mechanical vegetation clearing, which will involve use of an arborist, on behalf of Western Power, with

Western Power completing the pole and overhead cable removal and installation of the new underground cable and poles with stabilising cables. The specific alignment for the underground cable is still to be confirmed through detailed design. Emerge Associates have met with a Western Power representative on site to discuss requirements and understand the extent of clearing. As part of this, it was discussed: Safe access for vehicles/machinery means the clearing area is different to the current design drawing and the clearing areas identified on that plan (which was completed by Western Power and is only based on desktop information). Individual trees along Wallcliffe Road will be avoided and therefore are not required to be included in the clearing permit. Clearing within the areas of vegetation in the Wallcliffe Road reserve will be minimal (less than that contemplated in this clearing permit application), as only small (3 m X 3 m usually) 'shot' locations (where the bore starts/stops) will be required to be disturbed, but the specific location cannot be determined until the alignment is confirmed. Following the onsite meeting, the vehicle and machinery/equipment access to the poles has ended up similar to that previously required for the installation of the poles, with poles most recently replaced in 2007/2008 (and cleared areas are visible on publicly accessible historic aerial photography, viewable via Landgate MapViewer).

5.4 Method

clearing

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

Specify what the final land use will be after

Mechanical/manual clearing with support of an arborist.

Existing land uses will continue, namely road reserve,

and native vegetation cleared will be able to regrow (similar to the previous circumstances when the poles

where replaced in 2007/2008). Weeds will be

removed.

5.5 Timeframe

Period within which you propose to do the clearing (e.g. 1/7/2022 to 30/8/2024)

Start date: 3 February 2025

End date: 28 February 2025

The timing is important, as works are intended to be well underway ahead of the Margaret River Surf Pro in 2025 and the removal of the poles is required to occur before the new driveway cross-over is constructed in March, to minimise disruption to local residents and the international event.

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

5.6 Pre-application scoping

Historic clearing of native vegetation in the Swan Coastal Plain and Avon Wheatbelt Interim Biogeographic Regionalisation for Australia (IBRA) bioregions has been extensive.

DWER/DEMIRS strongly recommends a pre-application meeting if you propose to clear native vegetation within these bioregions.

	☑ I have had a pre-application meeting with DWER/DEMIRS		
Do you propose to clear native vegetation within the Swan Coastal Plain or Avon Wheatbelt bioregions?	Insert date of meeting and officer name(s):	6 December 2024 and follow-up email 10 December 2024, with Mat Gannaway, A/Senior Manager. Discussion was regarding suitability of referral pathway.	
	☐ I have contacted DWER/DEMIRS in relation to a pre-application meeting and been advised that a meeting is unnecessary in this case.		
	Insert date of conversation and officer name(s):		
	understand that information and	ad a pre-application meeting with DWER/DEMIRS. I t this may increase the likelihood of requests for furthe l/or delays in assessment. o next question.	

Part 6 - Mitigation hierarchy

6.1 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? (Attach design drawings where applicable)
- 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, DWER/DEMIRS will ask you to do so during the validation of this application. Offsets will only be considered by DWER/DEMIRS as a last resort, once avoidance and minimisation measures have been clearly demonstrated.

Provide the avoidance details (e.g. retention of vegetation on property)

The supporting information should be referred to for more information.

A meeting with Western Power has been undertaken on site 13 September 2024 to understand the specific access requirements, with the clearing extent modified and reduced compared to the preliminary design drawing provided by Western Power. The clearing requirements discussed on site with Western Power are reflected in the attached plans and the clearing area provided as part of this application (and is different to the preliminary design drawing and identified works areas).

Horizonal boring will be utilised to install the underground powerline. The bore shots (start/end locations) will be located to reduce the extent of areas disturbed, enabling trees to be avoided and only small areas will need to be disturbed. The bore shots will be preferentially located in completely degraded areas. The specific location of the bore shots will not be known until detailed design is finalised, and therefore the clearing within Area 1 is an overestimation of impact. None of the individual peppermint trees in the Wallcliffe Road reserve will need to be removed for the removal/relocation of the powerlines and installation of the underground cable.

Clearing will largely align with areas previously disturbed to install the overhead powerlines. Therefore, while native vegetation is present, it is largely regrowth that has occurred since 2007/2008.

Provide the mitigation details (e.g. management of weed spread, rehabilitation)

Measures that will be implemented to minimise the duration, intensity and extent of impacts from the clearing of native vegetation include:

- Adaptive implementation of works, with the vehicle access and bore shot locations to respond to site conditions, and modified to avoid vegetation where possible, or to be located in areas of poorer quality. Ongoing consultation with Western Power and the Shire will be undertaken to inform the clearing works and ensure it responds to works areas. The clearing permit considers a larger area than will be

impacted. Clearly demarcate the extent of native vegetation clearing permitted, using flagging tape and/or fencing, in addition to being detailed on the works drawings. Manage clearing and relocation works to prevent the potential spread of weeds and dieback, including ensuring all machinery, vehicles, tools and footwear is cleaned down of soil material before entering the works area and minimising activities (where possible) during wet conditions. Conducting clearing in a progressive manner towards surrounding remnant vegetation to the south or north (depending upon area), to allow fauna to escape the clearing area. An arborist will assist with the clearing, given the small area of impact and proximity to other vegetation not proposed to be removed. Trees will not be fully removed, but instead lopped to the base. Ensuring a suitably qualified fauna specialist undertakes an inspection of the vegetation ahead of clearing, and to be present during clearing activities to assist with fauna management/relocation to adjacent areas where fauna is identified. Limit vehicle speeds within/around the works area to reduce the chance of fauna vehicle strike. Maintaining works in a clean and tidy manner, to prevent fauna from entering the works area. Following the completion of the power pole removal/relocation activities,

6.2 Offsets

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</u> of native vegetation offsets procedure guideline as a supporting document for your form.	☐ Appendix A attached

areas of cleared vegetation within the application area will regenerate

Part 7 – Surveys for assessments (IBSA and IMSA)

naturally.

Do you want to submit marine or biodiversity surveys in support of your form?	☑ Yes □ 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) <u>Instructions for the preparation of data packages for the Index of Biodiversity Surveys for Assessments</u> (IBSA). If you do not meet the IBSA requirements, DWER/DEMIRS will 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/DEMIRS. Please note DWER/DEMIRS will suspend the assessment timeframes for your application until you provide the IBSA number(s).

form to the Index of Biodiversity Surveys for Assessment?	Yes Not applicable
IB:	SA-2024-0426 SA-2024-0423 SA-2024-0422

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/DEMIRS will 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</i>	□ Yes
packages for the Index of Marine Surveys for Assessments?	⋈ 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. DWER/DEMIRS will decline to deal with your application without the proposed clearing first being deemed a controlled action.

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

Do you want your proposed clearing action assessed in accordance with, or under, an EPBC Act Accredited Process, such as the assessment bilateral agreement or accredited assessment?	☐ Yes ☑ No – skip to Part 9
Is your proposed clearing a controlled action?	□ Yes
If 'Yes', please make sure you have entered all the mandatory details in the Annex C7 form	EPBC number:
	☐ Annex C7 form attached

	☐ No (DWER/DEMIRS cannot assess the application under an EPBC Act Accredited Process)
List the controlling provisions identified in the notification of the controlled action decision	

Part 9 - Other approvals

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/DEMIRS) 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 under Part IV, if such a referral has not already been made.

Has the proposed clearing or any	⊠ Yes	
related matter been referred to the EPA?	Enter details:	It is noted that the development within Lot 101 Wallcliffe Road was considered by the EPA through the formal scheme amendment (Section 48A of the Environmental Protection Act 1986) process to amend the land uses permitted under the 'Tourism' zoning for the landholding in 2019. The scheme amendment was not assessed, public advice given.
	□ No – comple	ete question below.
If 'No' – do you intend to refer the	☐ Yes – intend to refer (proposal is a 'significant proposal')	
proposal to the EPA?	 ☐ Yes – intend to refer (proposal will require a section 45C amendment the current Ministerial Statement) ☐ No – a current valid Ministerial Statement applies 	
	Enter Ministerial Statement number:	
	⊠ No – not a s	ignificant proposal

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

works approval, licence, regist amendment to any of the above Division 3 of the EP Act? It is an offence to perform any cause a premises to become a premises of a type listed in Sci Environmental Protection Regulates that action is done in act works approval, licence or reginguidance, see DWER's <u>Proceed premises works approvals and Guideline: Industry regulation of the action is action.</u>	e, under Part V action that would prescribed nedule 1 of the ulations 1987, cordance with a stration. For furthedure: Prescribed licences and	Application reference: □ No – a valid works approval applies □ No – a valid licence applies □ No – a valid registration applies □ No – not required
Have you applied or do you into a licence or amendment to water (surface water or grow a licence or amendment to construct wells (including be or a permit or amendment to a interfere with the bed and b watercourse? For further guidance on water I permits under the Rights in Water 1914, see DWER's Proceedicences and permits.	end to apply for: a licence to take undwater) a licence to bres and soaks), a permit to anks of a icences and ater and Irrigation ure: Water	Water and Irrigation Act 1914) ☐ Yes ☐ No — a current valid licence applies Licence number: ☒ Not applicable
Has the proposal obtained all relevant planning approvals and/or have you applied for all relevant planning approvals (e.g. Development Approval, Extractive Industry Licence, etc.)?		P223766, associated with redevelopment of Lot 101 Wallcliffe Road, Margaret River. Not required for the power pole removal and undergrounding, but relevant for the exemptions applied. g approval is not required