



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 form type . NOTE: Where appropriate in this form, and unless stated otherwise, the terms ‘application’ and ‘applicant’ also mean ‘referral’ and ‘referrer’ respectively.	<input checked="" type="checkbox"/> Referral of proposed clearing (section 51DA of the EP Act) <input type="checkbox"/> Application for an area permit (section 51E of the EP Act) <input type="checkbox"/> Application for a purpose permit (section 51E of the EP Act)
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Part 2 – Applicant details

2.1 Applicant name

For area permits: If granted, the name(s) of (all) landowner(s) will be listed as ‘permit holders’ on the permit.	<input checked="" type="checkbox"/> Applying as an individual – complete the following:	
	Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:
Name(s)	Mr Duncan Coutts	
For purpose permits: If granted, the name(s) of (all) applicant(s) will go on the permit.	<input type="checkbox"/> Applying as a body corporate or other entity formed at law – complete the following:	
	Name	
	Australian Company Number (ACN)	
	<input type="checkbox"/> 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	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other:			
First name	[REDACTED]			
Last name	[REDACTED]			
Position	[REDACTED]			
Company name	na			
Contact phone number (1)	[REDACTED]	Phone number (2)	[REDACTED]	
Email address	[REDACTED]			

Applicant contact postal details

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

Address line 1	[REDACTED]		
Address line 2			
Suburb	[REDACTED]		
State	[REDACTED]	Postcode	[REDACTED]

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	n/a		
Address line 2			
Suburb			
State		Postcode	
Contact phone number (1)		Phone number (2)	

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
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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	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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If 'No' – complete the following:

Contact name			
Position (if applicable)			
Company name (if applicable)			
Contact phone number (1)		Phone number (2)	
Business or postal address line 1			
Business or postal address line 2			
Suburb			
State		Postcode	
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	<input type="checkbox"/> Yes – skip to Part 4 <input checked="" type="checkbox"/> No
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relevant details in an attached supporting document.	
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If 'No' – complete the following:

<u>Land description</u> 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	Volume No. 2532 Folio Number: 910 Deposited Plan/Diagram: DP33791 Location: LOT 323 MINILYA-EXMOUTH RD, EXMOUTH, WA, 6707 Lot: 323		
Street address – Line 1	Lot 323 Minilya-Exmouth Road		
Street address – Line 2			
Suburb	North West Cape (Exmouth)		
State	WA	Postcode	6707
Local government area(s)	Shire of Exmouth		
Land zoning	Special Use Zone 9 (SU9)		

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 (Attached as Appendix H)
<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>	<input type="checkbox"/> An ESRI shapefile <input checked="" type="checkbox"/> An aerial photograph or map (pdf copy attached as Appendix F, .dxf copy attached as appendix I) with a north arrow, clearly marking the proposed clearing area
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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 m² Area of circle = 3.14 x radius²

1 acre = 0.4 hectares / 4,000 m² Area of a rectangle = length x width
 1 tree = 0.01 hectares / 100 m² Area of a triangle = ½ length x perpendicular height

Total area of clearing proposed (hectares)	0.56 Ha (4,000m² building envelope and access road)
Footprint of clearing (hectares) (purpose permit only)	
Number of individual trees to be removed	0 (nil)

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.)	Construction of private single dwelling, an outbuilding (shed), a driveway/access track to dwelling, turning area for bushfire vehicles.
Specify what the final land use will be after clearing	Private single dwelling, an outbuilding (shed), a driveway/access track to dwelling, turning area for bushfire vehicles

5.4 Method

Proposed method of clearing (i.e. burning, cutting, draining, flooding, grazing, mechanical clearing/bulldozing or other – specify)	Mechanical clearing utilising grader, bobcat and truck, completed in accordance with criteria prescribed within the Shire of Exmouth Development Approval DA113/21 for the private dwelling, outhouse and driveway/access road.
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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: 15 March 2022 End date: 29 February 204
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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>1) Area for clearing building envelop was determined to comply with Shire of Exmouth The Cape Wilderness criteria and BAL criteria, namely;</p> <p>a) Maximum of 4,000m² clearing for dwellings (not including access roads/driveways)</p> <p>b) Building envelop must be a minimum of 20m offset from any right of way, in our case the eastern boundary and public right of way, and hence building envelop is 20m from eastern right of way.</p> <p>c) Clearing around dwelling musy be in accordance with a BAL assessment, which for Lot 323 is 8m, hence we have 8m clearing from the eastern edge of the 4,000m² building envelop.</p> <p>d) Access/driveway must be a minimum of 4m wide and must access only from the specified location for each lot, which in our case is the combined access for Lots 321, 322 and 323.</p> <p>e) Located on land above 3m datum, for cyclone flood protection</p> <p>f) Within the prescribed building envelop areas, which for us is the eastern 1/3 of Lot 323</p> <p>(refer: Cape Wilderness Foreshore Management Plan, Shire Special use Zone 9 conditions attached as Appendix A, D and E, and BAL Assessment attached as Appendix J)</p> <p>2) Clearing boundary will be pegged by a licensed surveyor in accordance with site layout plans approved by the Shire of Exmouth in the approved DEVELOPMENT APPROVAL (DA113/21), approved 9 February 2022 (Refer Appendix G_Development Approval, including Page 14 of 17 DWER Consultation with Shire of Exmouth for Development Approval DA113.21).</p> <p>3) Survey control for the clearing pegs has been established using the sub-division boundary datum points and other Landgate control datums points.</p> <p>4) Clearing activities will be supervised by the Registered Builder constructing the Private Dwelling, Outhouse and Driveway/Access Road, who has constructed 6 of the swellings on The Cape Wilderness Estate.</p> <p>5) Driveway/access road has been designed to avoid where possible all shrubs, resulting in clearing of grass areas only. There are NO TREES along the driveway/access road route.</p> <p>6) Clearing will be completed in accordance with criteria outlined in Shire of Exmouth in the approved DEVELOPMENT APPROVAL (DA113/21)</p>
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Part 6 – Offset

Do you want to submit a clearing offset proposal with your form?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If 'Yes' – please complete and attach Appendix A of the Clearing of native vegetation offsets procedure guideline as a supporting document for your form.	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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) [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.

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 ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not 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> ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
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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
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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</i> 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’.	<input type="checkbox"/> Department of Mines, Industry Regulation and Safety <input checked="" type="checkbox"/> Department of Water and Environmental Regulation
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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.

<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 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 section 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 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 checked="" type="checkbox"/> Yes</p> <p>Enter details:</p> <p>1. Shire of Exmouth consulted with DWER during the Shire's assessment of the Lot 323 Development Application and Approval process.</p> <p>Shire of Exmouth – Taylor Gunn - Snr Town Planning Officer</p> <p>DWER – Yolande (Landy) Jones (NRMO Planning Advice South West Region), and Andre Schmitz (Environmental Officer Native Vegetation Regulation)</p> <p>A copy of the record of consultation between Shire of Exmouth and DWER is attached to this referral (refer page 14 of 17 of Appendix G) and outlines the DWER recommended approach to submit an Application for a Referral on the basis as outlined follows:</p> <p><i>Please note that a new referral system under the Environmental Protection Amendment Act 2020 commenced on 22 October 2021.</i></p> <p><i>Under the referral system, the Department will determine whether very minor clearing proposals require a clearing permit.</i></p> <p>and</p> <p><i>It is anticipated that native vegetation clearing of very low environmental risk that does not fit an exemption, will proceed through the referral process and not require a clearing permit.</i></p> <p><i>It appears that the referrals process may be applicable</i></p>
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