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| --- | --- | --- | --- | --- | --- |
| **Part 1: Application type** | | | | | |
| **Instructions:**   * **Completion of this application form is a statutory requirement under s.64 of the *Environmental Protection Act 1986* (EP Act) to transfer a works approval or licence.** * **When a person becomes an occupier of a prescribed premises with a current works approval or licence, they must apply to have the relevant authorisation transferred within 30 days of the date of occupation, in accordance with s.61(3) of the EP Act.** * **The instructions set out in this application form are general in nature.** * **A reference to ‘you’ in these instructions is a reference to the applicant.** * **The information provided to you by the Department of Water and Environmental Regulation (DWER) in relation to making applications does not constitute legal advice. DWER recommends that you obtain independent legal advice.** * **This application form can also be used to notify the Chief Executive Officer of DWER (CEO) within 30 days of becoming the occupier of a registered premises, as required under r.5B(4) of the *Environmental Protection Regulations 1987* (EP Regulations).** * **This application form must be completed with all relevant information attached. Attachments can be combined and submitted as one or more consolidated documents if desired, provided it is clear which section of the application form the information / attachments relate to. Where attachments are submitted separately, avoid duplicating information. Ensure that any cross-references between the application form and the supporting document(s) are accurate.** * **If there is insufficient space on any part of this form, please continue on a separate sheet of paper and attach to this form.** * **If an application form is submitted which is incomplete or materially incorrect, the application will be returned.** * **Applicants seeking further information relating to requirements under the EP Act and/or EP Regulations are directed to the Parliamentary Counsel’s Office website (**[**www.legislation.wa.gov.au**](http://www.legislation.wa.gov.au)**). Schedule 1 of the EP Regulations contains the categories of prescribed premises.** | | | | | |
| 1.1 | **This is an application for:** *[select one option only]*  under Part V Division 3 of the EP Act.  Please see the:   * [*Guideline: Industry Regulation Guide to Licensing*](https://www.der.wa.gov.au/our-work/licences-and-works-approvals/540-guideline-industry-regulation-guide-to-licensing); and * [*Procedure: Prescribed premises works approvals and licences*](https://dwer.wa.gov.au/procedure/prescribed-premises-work-approvals-licences)   for more information to assist in understanding DWER’s regulatory regime for prescribed premises. |  | Application to transfer a works approval | | |
|  | Application to transfer a licence | | |
|  | Notification of having become the occupier of a registered premises | | |
| Instrument number | |  | |
| Instrument expiry date | |  | |
| 1.2 | **For a works approval or licence transfer application, are there less than 90 business days until the expiry of the existing works approval or licence (if applicable)?**  Only active works approvals and licences can be transferred. Applications to transfer a works approval or licence must be made more than 90 business days prior to the existing works approval or licence expiring to ensure there is adequate time to assess the application. | | | | **Yes** |
|  |

| **Part 2: Applicant details** | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **INSTRUCTIONS:**   * **An application for the transfer of a works approval or licence must be made by the person who (if the transfer is granted) would become the holder of the works approval or licence.** * **A person who becomes the occupier of a registered premises must notify the CEO of DWER.** * **The applicant must be an individual(s), a company, body corporate, or public authority, but not a partnership, trust, or joint venture name. Applications made by or on behalf of business names or unincorporated associations will not be accepted.** * **If applying as an individual, your full legal name must be provided.** * **If applying as a company, body corporate, or public authority, the full legal entity name must be inserted.** * **Australian Company Numbers (ACN) must be provided for all companies or body corporates.** * **DWER prefers to send all correspondence electronically via email. We request that you consent to receiving all correspondence relating to instruments and notices under Part V of the EP Act (“Part V documents”) electronically via email, by indicating your consent in Section 2.3.** * **Details for a contact person must be provided for DWER inquiries in relation to your application. This contact person can be a consultant if authorised to represent the applicant. Written evidence of this authorisation must be provided.** * **Companies or body corporates making an application must nominate an authorised representative from within their organisation. If you are applying as an individual, you are the representative.** * **Details of the occupier of the premises must be provided. One of the options must be selected and if you have been asked to specify, please provide details. For example, if “lease holder” has been selected, please specify the type of lease (for example, pastoral lease, mining lease or general lease) and provide a copy of the lease document(s). Note that contracts for sale of land will not be sufficient evidence of occupancy status.** | | | | | | | |
| 2.1 | **Applicant name  (full legal name/s):**  The proposed holder of the works approval, licence or registration. |  | | | | | |
| **ACN (if applicable):** |  | | | | | |
| 2.2 | **Trading as (if applicable):** |  | | | | | |
| 2.3 | **Authorised representative details:**  The person authorised to receive correspondence and Part V Documents on behalf of the applicant under the EP Act.  Where ‘yes’ is selected, all correspondence will be sent to you via email, to the email address provided in this section.  Where ‘no’ has been selected, Part V documents will be posted to you in hard copy to the postal / business address specified in Section 2.4, below. Other general correspondence may still be sent to you via email. | Name |  | | | | |
| Position |  | | | | |
| Telephone |  | | | | |
| Email |  | | | | |
| *I consent to all written correspondence between myself (the applicant) and DWER, regarding the subject of this application, being exclusively via email, using the email address I have provided above.* | | **Yes** | | **No** | |
|  | |  | |
| 2.4 | **Registered office address, as registered with the Australian Securities and Investments Commission (ASIC):**  This must be a physical address to which a Part V document may be delivered. |  | | | | | |
| 2.5 | **Postal address for all other correspondence:**  If different from Section 2.4. |  | | | | | |
| 2.6 | **Contact person details for DWER inquiries relating to the application (if different from the authorised representative):**  For example, could be a consultant or a site-based employee. | Name |  | | | | |
| Position |  | | | | |
| Organisation (if different to applicant) |  | | | | |
| Address (if different from above) |  | | | | |
| Telephone |  | | | | |
| Email |  | | | | |
| 2.7 | **Occupier status**  Occupier is defined in Section 3 of the EP Act and includes a person in occupation or control of the premises, or occupying a different part of the premises whether or not that person is the owner.  Note: if a lease holder, the applicant must be the holder of an executed lease, not just an agreement to lease. | Registered proprietor on certificate of title | | | | |  |
| Lease holder (please specify, including date of expiry of lease) | | | | |  |
|  | | | | | |
| Public authority that has care, control or management of the land | | | | |  |
| Other (please specify – for example, joint venture operating entity, contract, letter of operational control, or other legal document). | | | | |  |
|  | | | | | |
| **Attachments** | | | | | **N/A** | | **Yes** |
| **2.8** | **Attachment 1A: Proof of occupier status** | Copies of certificate of title, lease or other instruments evidencing proof of occupier status, including the expiry date or confirmation that there is no expiry date, have been provided and labelled as Attachment 1A. | | |  | |  |
| 2.9 | **Attachment 1B: ASIC current company information extract** | A current company information extract (not the company information summary) purchased from the ASIC website(s) has been provided and labelled as Attachment 1B. | | |  | |  |

| Part 3: Other DWER approvals | | |
| --- | --- | --- |
| **INSTRUCTIONS:**   * **If you have applied, or intend to apply, for other approvals within DWER that may be relevant to this application, you must provide relevant details.** * **If you have referred, or intend to refer, your proposal to the Environmental Protection Authority (EPA), you must provide details.** | | |
| **Pre-application scoping** | | |
| 3.1 | **Have you had any pre-application / pre-referral / scoping meetings with DWER regarding any planned applications?** | No  Yes – provide details: [     ] |
| **Environmental impact assessment (Part IV of the EP Act)** | | |
| 3.2 | **Have you referred or do you intend to refer the proposal to the EPA?**  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 DWER considers that the proposal in this application is likely to constitute a ‘significant proposal’, DWER is required under s.38(5) of the EP Act to refer the proposal to the EPA for assessment under Part IV, if such a referral has not already been made.  If a relevant Ministerial Statement already exists, please provide the MS number in the space provided. | Yes (referred) – reference (if known): [     ]  Yes – (intend to refer) proposal is a ‘strategic proposal’ under s.37B(2)  Yes – (intend to refer) proposal will require a s.45C amendment to the current Ministerial Statement: [     ]  No – a valid Ministerial Statement applies: [     ]  No – not a ‘significant proposal’ |
| **Clearing of native vegetation (Part V Division 2 of the EP Act and *Country Area Water Supply Act 1947*)** | | |
| 3.3 | **Have you applied or do you intend to apply for a native vegetation clearing permit?**  In accordance with the [*Guideline: Industry Regulation Guide to Licensing*](https://www.der.wa.gov.au/our-work/licences-and-works-approvals/540-guideline-industry-regulation-guide-to-licensing)and [*Procedure: Native vegetation clearing permits*](https://dwer.wa.gov.au/procedure/native-vegetation-clearing-permit)*,* where clearing of native vegetation:   * is exempt under Schedule 6 of the EP Act or the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (WA) (refer to [*A guide to the exemptions and regulations for clearing native vegetation*](https://www.dwer.wa.gov.au/regulatory-documents)) * is being assessed by a relevant authority which would lead to an exemption under Schedule 6 of the EP Act, or * has been referred under s.51DA of the EP Act and a determination made that a clearing permit is not required (refer to the [*Guideline: Native vegetation clearing referrals*](https://www.wa.gov.au/service/environment/environment-information-services/guideline-native-vegetation-clearing-referrals)),   the clearing will not be reassessed by DWER or be subject to any additional controls by DWER.  If the proposed clearing action is to be assessed in accordance with, or under, an *Environment Protection and Biodiversity Conservation Act* (Cth) (EPBC Act) accredited process, such as the assessment bilateral agreement, the clearing permit application [*Form Annex C7 – Assessment bilateral agreement*](https://www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms) must be completed and attached to your clearing permit application. | Yes – clearing application reference (if known): CPS [     ]  No – a valid EP Act clearing permit applies: CPS [     ]  No – permit not required (no clearing of native vegetation)  No – permit not required (clearing referral decision): CPS [     ]  No – an exemption applies (explain why):   |  | | --- | |  | |
| 3.4 | **Have you applied or do you intend to apply for a *Country Area Water Supply Act 1947* licence?**  If a clearing exemption applies in a *Country Area Water Supply Act 1947* (CAWS Act) controlled catchment, or if compensation has previously been paid to retain the subject vegetation, a CAWS Act clearing licence is required.  If yes, contact the relevant DWER regional office for a Form 1 *Application for licence*.  [Map of CAWS Act controlled catchments](http://water.wa.gov.au/PublicationStore/90483.pdf) | Yes –application reference (if known): [     ]  No – a valid permit applies: [     ]  No – licence not required |
| **Water licences and permits (*Rights in Water and Irrigation Act 1914*)** | | |
| 3.5 | **Have you applied, or do you intend to apply for:**   1. **a licence or amendment to a licence to take water (surface water or groundwater); or** 2. **a licence to construct wells (including bores and soaks); or** 3. **a permit or amendment to a permit to interfere with the bed and banks of a watercourse?**   For further guidance on water licences and permits under the *Rights in Water and Irrigation Act 1914*, refer to the [*Procedure: Water licences and permits*](https://dwer.wa.gov.au/procedure/water-licences-permits)*.* | Yes –application reference (if known): [     ]  No – a valid licence applies: [     ]  N/A |

| Part 4: Applicant history | | | | |
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| **INSTRUCTIONS:**   * **This section is only to be completed for applications to transfer a works approval or licence.** * **If you wish to provide additional information to DWER in relation to the below matters, you may provide that information as a separate attachment*.*** | | | | |
|  | | **N/A** | **No** | **Yes** |
| 4.1 | If the applicant is an individual, has the applicant ever held a licence or works approval under Part V of the EP Act? |  |  |  |
| 4.2 | If the applicant is a corporation, has any director of that corporation ever held a licence or works approval under Part V of the EP Act? |  |  |  |
| 4.3 | If yes to 4.1 or 4.2 above, specify the name of company and/or the licence or works approval number: | | | |
|  |  | | | |
| 4.4 | If the applicant is an individual, has the applicant ever been convicted, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation or similar environmental protection legislation in Australia? |  |  |  |
| 4.5 | If the applicant is a corporation, has any director of that corporation ever been convicted, or paid a penalty, for an offence under a provision of the EP Act, its subsidiary legislation or similar environmental protection legislation in Australia? |  |  |  |
| 4.6 | If the applicant is a corporation, has any person concerned in the management of the corporation, as referred to in s.118 of the EP Act, ever been convicted of, or paid a penalty for, an offence under a provision of the EP Act, its subsidiary legislation or similar environmental protection legislation in Australia? |  |  |  |
| 4.7 | If the applicant is a corporation, has any director of that corporation ever been a director of another corporation that has been convicted, or paid a penalty for, an offence under a provision of the EP Act, its subsidiary legislation or similar environmental protection legislation in Australia? |  |  |  |
| 4.8 | Has the applicant had a licence or other authority suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection legislation in Australia? |  |  |  |
| 4.9 | If the applicant is a corporation, has any director of that corporation ever had a licence or other authority suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection legislation in Australia? |  |  |  |
| 4.10 | If the applicant is a corporation, has any director of that corporation ever been a director of another corporation that has ever had a licence or other authority suspended or revoked due to a breach of conditions or an offence under the EP Act or similar environmental protection legislation in Australia? |  |  |  |
| 4.11 | If yes to any of 4.4 to 4.10 above, you must provide details of any convictions or penalties paid for an offence, and details of any licences or other authorisations suspended or revoked: | | | |
|  |  | | | |

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| Part 5: Submission of prescribed fees | |
| **INSTRUCTIONS:**   * **Once DWER has confirmed that the application submitted meets the relevant requirements of the EP Act, you will be issued an invoice with instructions for paying your application fee.** | |
| Under regulation 5C of the EP Regulations, the prescribed fee for an application to transfer a licence or works approval is $71.20.  Under regulation 5B(4)(b), the prescribed fee for submitting a notification of change of occupier for a registered premises, is two (2) fee units.  A fee unit has the monetary value as prescribed under regulation 4(5) of the EP Regulations. | (Tick to acknowledge) |

| Part 6: Commercially sensitive or confidential information | |
| --- | --- |
| **NOTE:**  **Information submitted as part of this application will be made publicly available. If you wish to submit commercially sensitive or confidential information, please identify the information in Attachment 2, and include a written statement of reasons why you request each item of information be kept confidential.**  **Information submitted later in the application process may also be made publicly available at DWER’s discretion. For any commercially sensitive or confidential information, please follow the same process as described above.**  **DWER will take reasonable steps to protect genuinely confidential or commercially sensitive information. However, please note that DWER cannot commit to redacting all personal information from all supporting documents. You are advised to ensure that all personal information, including signatures, are removed from supporting documents prior to submitting them to the department. Please note that all submitted information may be the subject of an application for release under the *Freedom of Information Act 1992*.** | |
| All information which you would propose to be exempt from public disclosure has been separately placed in a redacted version of the application form and its supporting documentation. Note that this is in addition to the unredacted version(s) provided to DWER for its assessment. Grounds for claiming exemption in accordance with Schedule 1 to the *Freedom of Information Act 1992* must be specified in **Attachment 2** (located at the end of this form). |  |

| **Part 7: Submission of application** | |
| --- | --- |
| **Check one of the boxes below to nominate how you will submit your application.**  **Files larger than 50MB cannot be received via email by DWER. Files larger than 50MB can be sent via File Transfer. Alternatively, email DWER to make other arrangements.** | |
| A full, signed, electronic copy of the application form including all attachments has been submitted via email to [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au);  ***OR*** |  |
| A signed, electronic copy of the application form has been submitted via email to [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au) and attachments have been submitted via File Transfer, or electronically by other means as arranged with DWER;  ***OR*** |  |
| A full, signed hard copy has been sent to:  APPLICATION SUBMISSIONS Department of Water and Environmental Regulation Locked Bag 10  Joondalup DC WA 6919 |  |

| Part 8: Declaration and signature |
| --- |
| **Current holder of the works approval or licence (if an application to transfer)** |
| **General**  I / We confirm that:   * I / We do not object to the works approval or licence (as applicable) being transferred to the applicant, in the event of the transfer application being granted; and * I / We have legal authority to sign on behalf of the current holder of the works approval or licence. |
| |  |  |  | | --- | --- | --- | |  |  |  | | Signature |  | Date | |  |  |  | | Name |  |  | |  |  |  | | Position |  |  |  |  |  |  | | --- | --- | --- | |  |  |  | | Signature |  | Date | |  |  |  | | Name |  |  | |  |  |  | | Position |  |  | |
| **Applicant** |
| **General**  I / We confirm and acknowledge that:   * the information contained in this application is true and correct; * I / We have legal authority to sign on behalf of the applicant (where authorisation provided); * I / We have not altered the requirements and instructions set out in this application form; * I / We have provided a valid email address in Section 2.3 for receipt of correspondence electronically via email from DWER in relation to this application; * I / We acknowledge that successful delivery to my / our server constitutes receipt of correspondence sent electronically via email from DWER in relation to this application; * I / We have provided a valid postal and/or business address in Section 2.4 for the service of all Part V documents * that knowingly providing information which is false or misleading in a material particular commits an offence under s.112 of the *Environmental Protection Act 1986* and may incur a penalty of up to $100,000.   **Publication**  I / We confirm and acknowledge:   * this application (including all attachments apart from the sections identified in Attachment 2) is a public document and may be published; * all necessary consent for the publication of information have been obtained from third parties; * information considered exempt from public disclosure has been noted by redaction of a separately provided copy of the completed application form and its supporting documentation (in accordance with Part 5), with reasons as to why the information should be exempt in accordance with the grounds specified in Schedule 1 to the *Freedom of Information Act 1992* (WA) being provided in Attachment 2*;* * subsequent information provided in relation to this application will be a public document and may be published unless written notice has been given to DWER by the applicant, at the time the information is provided, claiming that the information is considered exempt from public disclosure; and * the decision to not publish information will be at the discretion of the CEO of DWER and will be made consistently with the provisions of the *Freedom of Information Act 1992* (WA). |
| |  |  |  | | --- | --- | --- | |  |  |  | | Signature |  | Date | |  |  |  | | Name |  |  | |  |  |  | | Position |  |  | |  |  |  | | Signature |  | Date | |  |  |  | | Name |  |  | |  |  |  | | Position |  |  | |

**Note: This form may be signed:**

* **if the applicant is an individual, by the individual;**
* **if the applicant is a corporation, by:**
* **the common seal being affixed in accordance with the *Corporations Act 2001* (Cth); or**
* **two directors; or**
* **a director and a company secretary; or**
* **if a proprietary company has a sole director who is also the sole company secretary, by that director; and**
* **by a person with legal authority to sign on behalf of the applicant.**

**ATTACHMENT 2 – Confidential or commercially sensitive information**

| Request for exemption from publication | | | |
| --- | --- | --- | --- |
| Information which you consider should not be published, on the grounds of a relevant exemption found in Schedule 1 to the *Freedom of Information Act 1992* (WA), must be specified in this Attachment. Add additional rows as required. | | | |
| **NOT FOR PUBLICATION IF GROUNDS FOR EXEMPTION ARE DETERMINED TO BE ACCEPTABLE** | | | |
| Section of this form: |  | Grounds for claiming exemption: |  |
| Section of this form: |  | Grounds for claiming exemption: |  |
| Section of this form: |  | Grounds for claiming exemption: |  |
| \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Full Name  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature Date | | | |