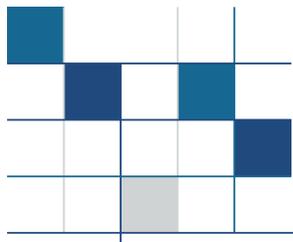


Consultation summary report

Guideline: Clearing permit application fee refunds,
waivers and reductions

March 2022





1. Background

The Department of Water and Environmental Regulation has developed the *Guideline: Clearing permit application fee refunds, waivers and reductions* (guideline) to clarify the circumstances under which we may approve a fee reduction, waiver or refund request.

The draft guideline was released on 4 March 2020 for public consultation, with the four-week consultation period closing on 1 April 2020.

This document summarises the submissions received, the key issues raised, and our responses to those issues.

2. Submissions received

Thank you to all those who submitted comments on the draft guideline during the consultation period.

We received 14 submissions via email or through our online Consultation Hub. Of these, four submissions supported the guideline's content and the remaining 10 suggested changes to the document.

See Appendix A for a list of the respondents.

3. Key issues and responses

The key issues raised, and our responses are outlined below. We considered all submissions in the preparation of this summary.

3.1 Fee refunds

Key points related to:

- how much of an application fee would be refunded following an applicant's written request to withdraw their application, and
- the cut-off point after which refunds would not be provided.

An example comment was:

"If a Clearing Permit has been received and withdrawn before little work had been completed on it by DWER or DMIRS then I think it reasonable that a portion of the fees become refundable, say 50%. Finding a cut off time might be difficult for the 50%."

The [Procedure: Native vegetation clearing permits](#) provides an overview of the different stages that an application goes through and the work required to complete each of those stages, along with the timeframes associated with each stage.



The work required to validate an application and finalise the assessment will vary significantly depending on the unique characteristics of an individual application.

Aside from the decision during validation to accept or decline to deal with an application, there are no clear milestones during the assessment process that we could consistently and fairly apply across all applications to determine a cut-off point for refunds. However, even during validation, the amount of work required can vary considerably; for example, where we need to follow-up on an incomplete application by requesting further information from the applicant.

As such, we will consider and determine each refund request individually and based on their respective merits.

Outcome:

We have updated the guideline to specify that we will make decisions on application fee refund requests and amounts on a case-by-case basis.

3.2 Fee waivers or reductions for key stakeholder groups

Clearing by local governments

Three submissions – including two from local government authorities (LGAs) – suggested that fee waivers or reductions should apply for clearing by LGAs, particularly where the clearing is for public works or other necessary operations on LGA-managed land.

An example comment was:

“Consideration should be given for local government or service providers when the clearing permit is for public works.”

Submissions from four out of six local government authorities either supported the guideline in its current form or otherwise did not comment on the criteria for fee waivers and reductions.

Clearing for agricultural and silvicultural purposes

Three submissions suggested that fees for clearing permit applications for silvicultural purposes should be waived or significantly reduced.

An example comment was:

“In my view forest owners wishing to carry out sustainable forest management are in a completely different category to other clearing applicants. The object of the activity is to maintain and enhance native vegetation, not remove it. Since they are assisting the DWER to achieve its aims of protecting native vegetation, they should be encouraged, not discouraged by additional costs.”



The guideline provides examples of circumstances where we may consider a fee waiver or reduction. We make such decisions at our discretion and base them on the unique circumstances of each request. We do not base them on the stakeholder groups that are applying for permits.

Certain local government clearing activities are exempt from requiring a clearing permit, depending on the location and purpose of the clearing. These include new exemptions introduced by amendments to the *Environmental Protection Act 1986* in November 2020. We are in the process of updating our guidance on clearing permit exemptions to reflect these legislative changes.

Outcome:

In the guideline we have clarified that we will consider fee reductions and waivers in exceptional circumstances.

3.3 Out of scope matters

Some respondents raised matters in their submissions that were outside the scope of this guideline, including:

- the need for specific departmental guidance regarding clearing for silvicultural purposes
- suggested legislative amendments
- suggested changes to the department's processes and procedures
- clearing permit exemptions.

While we have not specifically addressed these matters in this report, we have noted the comments to help inform our future regulatory and legislative reform programs.



Appendix A

List of consultation respondents

Government agencies
Department of Mines, Industry Regulation and Safety
Local government authorities
City of Albany
City of Belmont
City of Kalamunda
City of Swan
Shire of Donnybrook Balingup
Shire of Murray
Other
Forestry Industry Federation of Western Australia
Jack Bradshaw
JC Forestry
Kay Micke
Keith Lindbeck
Lindsay Stephens
MBS Environmental



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