



Native Vegetation Clearing

Frequently Asked Questions

1. How is Native Vegetation Regulated in the State?

In Western Australia, the *Environmental Protection Act 1986* (EP Act) and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (clearing regulations) regulate the clearing of native vegetation.

Electronic copies of this legislation are available for free on the State Law Publisher website: www.slp.wa.gov.au.

2. What is Native Vegetation?

Native vegetation is defined in the EP Act as:

indigenous aquatic or terrestrial vegetation, including dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition, but not including vegetation in a plantation.

This does not include native vegetation that was intentionally sown, planted or propagated, unless this was undertaken as a requirement under the EP Act or other written law (such as a condition of lease) or was funded by a third party for either biodiversity or land conservation.

3. What is Clearing?

Clearing is defined in the EP Act as:

- a) the killing or destruction of; or
- b) the removal of; or
- c) the severing or ringbarking of trunks or stems of; or
- d) the doing of any other substantial damage to, some or all of the native vegetation in an area, and includes the draining or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity, that causes —
 - a) the killing or destruction of; or
 - b) the severing of trunks or stems of; or
 - c) any other substantial damage to, some or all of the native vegetation in an area.

4. Do I Need a Clearing Permit?

Under the EP Act and clearing regulations, native vegetation can only be cleared with a clearing permit unless exempt.

5. What is an Exemption?

There are a number of exemptions that allow clearing to occur without a clearing permit.

The first type of exemption is found in Schedule 6 of the EP Act and mainly refers to clearing that is required under other laws.

The second type of exemption is found in the clearing regulations and mainly refers to clearing for routine low impact land management practices. These exemptions do not apply in environmentally sensitive areas.

Exemptions, and their limitations, are explained in detail in Guide One, 'A guide to exemptions and regulations for clearing native vegetation' available at

www.der.wa.gov.au/nvp > Guidelines.

It is your responsibility to determine if an exemption applies to your activity.

6. What is an Environmentally Sensitive Area and How Can I Find Out if My Property Contains One?

Under Section 51B of the EP Act, the Minister for Environment may, by notice, declare either a specified area of the State or a class of areas of the State to be an environmentally sensitive area (ESA).

Exemptions available under the clearing regulations do not apply in ESAs.

ESAs are mapped in the Native Vegetation Map Viewer, which can be accessed at www.der.wa.gov.au/nvp.

7. How Can I Obtain a Clearing Permit?

To apply for a clearing permit you must complete the application form on the website and submit it to DER. Two types of clearing permits are available: an area permit; and a purpose permit.

Further information on the correct forms to complete is detailed in [Fact Sheet 10 'How to apply for a permit to clear'](#).

The clearing permit application forms are available at www.der.wa.gov.au/our-work/clearing-permits/46-clearing-permit-application-forms.

8. How Long Does it Take to Receive a Clearing Permit?

Timeframes for the assessment of applications for clearing permits depend on the complexity of the application and the native vegetation proposed to be cleared.

DER aims to complete all assessments within 90 working days and to complete 80 per cent of clearing permit assessments within 60 working days.

You will be notified of the decision after the clearing assessment has been completed and the Chief Executive Officer, or a delegate, has made a decision to either grant the permit, refuse the application or grant the permit subject to conditions.

9. How Can I Find Out the Status of My Clearing Permit Application?

DER maintains a list of new applications being assessed as well as active and expired permits and refused and withdrawn applications on its website at www.der.wa.gov.au/nvp.

10. What Happens if I Clear Without a Clearing Permit?

It is an offence to clear native vegetation without a permit unless for exempt purposes.

Refer to Fact Sheet 2 'Clearing offences and penalties' and Fact Sheet 3 'Compliance inspections and clearing laws' for information about compliance inspections and penalties, at: www.der.wa.gov.au/nvp > Fact sheets.

11. What Happens if I See Clearing of Native Vegetation that I Believe is Unauthorised?

If you wish to report an incident of clearing that you believe to be unauthorised, telephone or email DER. To assist in investigating your complaint, the following information should be noted:

- location, including lot number and road name;
- date and time the clearing was observed;
- area of vegetation cleared;

- type of vegetation cleared; and
- description of the person and vehicle conducting the work.

If you wish, you may remain anonymous when you report a clearing incident.

12. What if My Proposed Clearing Relates to a Mining or Petroleum Project?

If your clearing proposal relates to a mining or petroleum project, please contact the Department of Mines and Petroleum's Native Vegetation Assessment Branch for assistance on (08) 9222 3333 or visit www.dmp.wa.gov.au.

13. Where Can I Obtain More Information?

For further information, please contact DER's Native Vegetation Conservation Branch on (08) 6467 5020 or visit the website: www.der.wa.gov.au/nvp for a range of information including:

- Fact sheets, which provide basic information to cover the most common questions DER receives about the EP Act clearing provisions.
- Application forms, which include guidance on what information is required to complete the form.
- Guides, which provide additional detail to what is covered in the facts sheets or forms.

More Information

For information on native vegetation clearing and related matters, contact DER on +61 8 6467 5000.

For applications related to mines and petroleum activities, under delegation, contact DMP on +61 8 9222 3333.

This document is available in alternative formats and other languages on request.

Related Documents

Additional publications about on native vegetation clearing processes are available online at www.der.wa.gov.au/nvp, or can be requested by phoning 6467 5000.

Legislation

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation. Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at www.slp.wa.gov.au.

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Legal Advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.