



Environmental offsets for native vegetation clearing permits

Environmental Protection Act 1986

Purpose

This fact sheet provides information on the Department of Environment Regulation's (DER) approach to identifying and assessing environmental offsets required under a native vegetation clearing permit.

Introduction

The *Environmental Protection Act 1986* (EP Act) makes it an offence to clear native vegetation unless the clearing is done in accordance with a clearing permit, or an exemption applies.

These laws apply to private and public lands throughout Western Australia.

If a clearing permit is required it may be subject to conditions which can include environmental offsets.

What is an environmental offset?

Environmental offsets are actions that provide environmental benefits which counterbalance the significant residual environmental impacts or risks of a project or activity.

An environmental offset may be required where significant residual impacts remain after the mitigation hierarchy has been applied.

The mitigation hierarchy requires applicants to avoid, minimise and rehabilitate environmental impacts prior to the consideration of offsets.

Clearing permit conditions and offsets

Section 51I(2)(b) of the EP Act provides that conditions of a clearing permit may require the holder to

establish and maintain vegetation on land other than land cleared under the permit in order to offset the loss of the cleared vegetation, or make monetary contributions to a fund maintained for the purpose of establishing or maintaining vegetation.

Under section 51I(2)(c) a permit holder may be required to

give a conservation covenant or agreement to reserve under section 30B of the *Soil and Land Conservation Act 1945*, or some other form of binding undertaking to establish and maintain vegetation, in relation to land other than land cleared under the permit.

Determining offsets

The offset should be proportionate to the level of impact and significance of the environmental value being impacted. A suitable offset must be designed to counterbalance the impact and take account of any risk of failure in implementing the offset.

When identifying an appropriate offset, the following values should be favoured:

- it provides better condition / less disturbance compared with the impacted environmental value;
- it contains habitat structure as similar as possible to undisturbed examples of the vegetation type to be impacted;
- it has a better area-to-perimeter ratio than the impacted site;
- it contains additional numbers of rare or otherwise significant species and threatened ecological communities compared with the impact site;
- it is contiguous with an existing conservation area;
- it enhances biological corridors or ecological linkages between conservation areas;
- it includes actions to address threatening processes; and/or
- it allows for secure management arrangements in place that will provide for long term conservation.

Types of offsets

Environmental offset conditions attached to a clearing permit must be for the purpose of establishing or maintaining vegetation or be a monetary contribution for that purpose. Establishing or maintaining vegetation includes acquiring land for conservation and on-ground management.

Acquiring land for conservation

Land acquisition includes vesting Crown land with a purpose or purposes including conservation or entering into a legally binding undertaking (for example a conservation covenant) that applies to

the land in perpetuity. Land acquisition is a suitable offset where the site is subject to threatening processes which security of tenure and management in perpetuity would resolve.

On-ground management

Rehabilitation: has the goal of improving and re-instating some of the functions of an impacted ecosystem. Examples may include increasing native vegetation, weed or feral animal eradication, and/or establishing buffers. Rehabilitation of an existing ecosystem to produce an environmental benefit must outweigh the loss of the impacted ecosystem.

Revegetation: has the goal of re-establishing native vegetation in degraded areas. For example, forming a corridor between two important ecosystems, or re-establishing vegetation in areas of low representation.

On-ground management must occur on land other than the land cleared under the permit to be considered an offset. Post-project rehabilitation of the area cleared under the permit is considered under the mitigation hierarchy.

Offsets Register

The Environmental Offsets Register provides a consolidated record of the state's environmental offsets under WA legislation or agreements, and meets government, community and industry expectations for transparency and accountability. The register is available at www.offsetsregister.wa.gov.au.

More information

For further advice on native vegetation clearing applications, assessments and complying with your permit contact DER on 6467 5000.

For applications related to clearing for mining and petroleum related activities under delegation, please contact the Department of Mines and Petroleum on 9222 3333.

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

Related documents

Additional publications relating to offsets are available online from www.der.wa.gov.au

- WA Government Environmental Offsets Policy
- WA Environmental Offsets Guidelines
- Clearing of Native Vegetation Offsets Procedure

or can be requested by phoning 6467 5000.

Legislation

Please refer to the EP Act and the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, available from the State Law Publisher. Free electronic copies are available from www.slp.wa.gov.au

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