



## Native vegetation regulation fact sheet

# Native vegetation clearing - FAQs

### 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 at [www.legislation.wa.gov.au](http://www.legislation.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 or the department has advised that a [clearing permit is not required](#).

### 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 *A guide to exemptions and regulations for clearing native vegetation*, available via our [Clearing permits webpage](#).

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](#).



## 7. How can I obtain a clearing permit?

To apply for a clearing permit you must complete the application form and submit it to us. 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 the fact sheet *How to apply for a permit to clear*, available via our [Clearing permits webpage](#).

## 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. We aim 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?

We maintain a list of new applications being assessed as well as active and expired permits, and refused and withdrawn applications on our [Clearing permits webpage](#).

## 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 the fact sheets *Clearing offences and penalties* and *Compliance inspections and clearing laws* for information about compliance inspections and penalties, available via our [Clearing permits webpage](#).

## 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, phone [1300 784 782](tel:1300784782) or email [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au). To assist in investigating your complaint, you should note:

- the location, including lot number and road name
- the date and time the clearing was observed
- the area of vegetation cleared
- the type of vegetation cleared
- a 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, Industry Regulation and Safety's Native Vegetation Assessment Branch for assistance on 08 9222 3333 or visit [www.dmirs.wa.gov.au](http://www.dmirs.wa.gov.au).

## 13. Where can I obtain more information?

For further information, please contact our Native Vegetation Conservation Branch on 08 6364 7000 or visit our [Clearing permits webpage](#) for a range of information including:

- fact sheets, which provide basic information to cover the most common questions we receive 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.



## Contact us

For information on native vegetation clearing and related matters, phone us on 08 6364 7000.

For applications related to mines and petroleum activities, under delegation, contact the Department of Mines, Industry Regulation and Safety on 08 9222 3333.

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

## Related documents

Additional publications about native vegetation clearing processes are available online at our [Clearing permits webpage](#) or can be requested by phoning 08 6364 7000.

## 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 [www.legislation.wa.gov.au](http://www.legislation.wa.gov.au) for copies of the relevant legislation.

## Document versions

- May 2023 (supersedes below)
- November 2016
- 13 August 2013

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## Legal advice

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