



# Guideline

<b>Title:</b>	Reduction, waiver or refund of native vegetation clearing permit application fees
<b>Sub title:</b>	Activities regulated under the: <i>Environmental Protection Act 1986</i> and Environmental Protection (Clearing of Native Vegetation) Regulations 2004
<b>Published:</b>	DRAFT February 2020

## 1. Purpose

This guideline provides information regarding the Department of Water and Environmental Regulation's approach to considering requests for fee reductions, waivers and refunds for clearing permit application fees.

## 2. Context

Part V of the *Environmental Protection Act 1986* (EP Act) requires the clearing of native vegetation to be authorised by a clearing permit, unless the clearing is subject to an exemption. These laws apply to private and public lands throughout Western Australia.

Clearing permit applications are assessed and determined by the department or, for the purpose of mineral and petroleum activities, by the Department of Mines, Industry Regulation and Safety.

All applications for native vegetation clearing permits must be accompanied by the appropriate fee(s) to be considered valid for assessment. This applies unless the Department has determined to partially or wholly reduce or waive the fee.

## 3. Legislation

Under section 51C of the EP Act, the clearing of native vegetation is an offence unless it is done under the authority of a clearing permit or an exemption applies.

Regulation 7 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (the Clearing Regulations) establishes the fees for clearing permits.

Under Regulation 7(4) of the Clearing Regulations, the CEO or their delegate may reduce, waive or refund, in whole or part, any fee relating to clearing permit applications.



## 4. Fee refunds

An application for a clearing permit can be withdrawn at any time during the assessment process. A withdrawal request must be made in writing.

A refund will only be available in cases where the application is withdrawn prior to it being formally accepted (in writing) by the department.

### 4.1 Refund amount

Where the application is withdrawn prior to the department completing validation and formally accepting the clearing permit application, a full refund will be available to the applicant. Further information on the stages of assessment for clearing permit applications is provided within the department's *Procedure: Native vegetation clearing permits*.

Clearing permit application fees recover only a portion of the department's costs incurred through the processing and assessment of the application. The department will generally not refund any fee after the application has been validated and accepted, as substantial costs have been incurred by this stage in the process.

## 5. Fee reductions or waivers

The CEO retains the discretion to consider specific circumstances for fee reductions, waivers and refunds for clearing permit application fees under regulation 7(4) of the Clearing Regulations. The reduction or waiving of a clearing permit application fee does not grant an exemption from the other requirements of a clearing permit.

Examples of where a fee waiver or reduction may be considered include:

- where the applicant demonstrates that they are experiencing extreme financial hardship
- an application to clear a dangerous tree in an environmentally sensitive area
- where the department decides to assess clearing applied for through a works approval or licence application as a standalone clearing permit
- where the requirement for a permit application is a direct result of an administrative error by the department.



## Document implementation

This guideline comes into effect on the day it is published.

Fee refunds, waivers and reductions will only be considered on request by the applicant. Requests for fee refunds, waivers or reductions must be made in writing and specify the details and justification for the request. Requests must be submitted to the email address below which is relevant to the department to which the clearing permit application has been submitted:

The Department of Water and Environmental Regulation: [info@dwer.wa.gov.au](mailto:info@dwer.wa.gov.au)

The Department of Mines, Industry Regulation and Safety: [nvab@dmirs.wa.gov.au](mailto:nvab@dmirs.wa.gov.au)

## Related documents

Non department documents	
Author	Title
WA State Parliament	<i>Environmental Protection Act 1986</i>
WA State Parliament	Environmental Protection (Clearing of Native Vegetation) Regulations 2004

Department documents	
Author	Title
Native Vegetation Regulation	<a href="#">A guide to the exemptions and regulations for clearing native vegetation</a>
Native Vegetation Regulation	<a href="#">Procedure: Native vegetation clearing permits</a>



## Glossary

Term	Definition
<b>CEO</b>	Chief Executive Officer of the department that administers Part V Division 2 of the EP Act.
<b>Clearing</b>	<p>means</p> <ul style="list-style-type: none"> <li>(a) the killing or destruction of;</li> <li>(b) the removal of;</li> <li>(c) the severing or ringbarking of trunks or stems of; or</li> <li>(d) the doing of any other substantial damage to, some or all of the native vegetation in an area;</li> </ul> <p>and includes the draining or flooding of land, the burning of vegetation, the grazing of stock, or any other act or activity that causes</p> <ul style="list-style-type: none"> <li>(e) the killing or destruction of;</li> <li>(f) the severing of trunks or stems of; or</li> <li>(g) any other substantial damage to, some or all of the native vegetation in the area</li> </ul>
<b>Licence</b>	A licence granted and in force under Part V Division 3 of the EP Act
<b>Permit</b>	A clearing permit issued under Part V Division 2 of the EP Act
<b>Works approval</b>	A works approval granted and in force under Part V Division 3 of the EP Act



## Enquiries

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