

Clearing Native Vegetation: A guide for landholders in the SEAVROC Shires

Beverley Brookton Cunderdin Quairading York

Do I need a clearing permit?

Before you fill out an application form for a clearing permit, consider whether the clearing could be carried out under an exemption within the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. Exemptions from requiring a clearing permit apply for everyday activities, e.g. clearing along a fence line, fire hazard reduction, firewood, isolated trees and infrastructure maintenance.

These exemptions do not apply in environmentally sensitive areas (ESAs).

Some of these exemptions are limited to a collective total of 1 hectare area cleared per financial year. If you have already cleared 1 hectare this financial year on your property under the exemptions, you may need to apply for a clearing permit.

What if I clear without a permit?

The clearing of native vegetation in Western Australia without a permit is an offence under the *Environmental Protection Act 1986*.

Unlawful clearing from individuals can result in fines of up to \$250,000.

SEAVROC employs two Environmental Officers, based at the Shire of Quairading, who are able to assist landholders with native vegetation clearing enquiries.

If you need help with an application, are unsure about whether your clearing activity is exempt from the regulations or have any general enquiries, please contact us:

Jen Vincent
Environmental Project Officer
9645 0016 / 0447 898 995
qshireepo@westnet.com.au

Emma Wilson
Environment Officer
9645 0236 / 0427 450 236
qshireclc@westnet.com.au

Alternatively contact the Department of Environment and Conservation:
Native Vegetation Conservation Branch
Ph. (08) 9219 8744
www.dec.wa.gov.au/nvp

How do I apply for a clearing permit?

Applications for clearing permits are available on the DEC website www.dec.wa.gov.au/nvp.

It is recommended that you contact the SEAVROC Environmental Team or DEC for advice before you submit an application.

There are two types of clearing permits - an Area Permit and a Purpose Permit. In most private landholder cases, you will need to apply for an Area Permit.

Applications require detailed property information of the proposed clearing site including a map and fees do apply.

It may take a number of weeks for a decision to be made on your application, depending on the nature and scale of your proposed clearing.

Once received, your application will go through a number of steps before a decision is made whether to grant or refuse a clearing permit.

Your application will be assessed for impacts on a wide range of environmental issues including biodiversity, land degradation and water quality.

Can I clear along my fence line?

If you are the owner of the property, you may clear along a fence line to the width necessary to provide access to construct or maintain a fence, provided that the clearing, combined with other limited exempt clearing (under the EP Act) on the property, does not exceed 1 hectare in the financial year in which the clearing takes place.

An exemption exists for clearing between private property and Crown land (e.g. a road reserve), provided that the clearing on the Crown land is no more than 1.5 metres from the fence. This exemption applies to the owner of the land on which the clearing is to take place, therefore in the case of a road reserve, **written approval from your local Shire must be obtained prior to undertaking the clearing.** This exemption does not apply in ESAs.

Clearing Permit Process

Step 1.

Initial inquiry to DEC or the SEAVROC Environmental Team for proposed clearing.



Step 2.

Complete relevant application form and submit to DEC.



Step 3.

Application assessment, advertisement for public comment and possible site visit by DEC.



Step 4.

Decision – permit granted or refused.



Step 5.

Landholders can appeal the decision within 28 days.

Glossary of terms

Clearing:

Clearing is the killing or destruction of, the removal of, the severing or ringbarking of trunks or stems of, or the doing of any other substantial damage to some, or all of the native vegetation in an area. This includes the draining or flooding of land, the burning of vegetation, the grazing of stock, weed control using herbicides or any other action that causes substantial damage to some or all of the native vegetation in an area. (As defined by section 51A of the *Environmental Protection Act 1986* (EP Act)).

Environmentally sensitive areas (ESAs):

There are a number of areas throughout Western Australia with priority environmental significance. For these areas exemptions for Clearing of Native Vegetation may not apply. The areas are referred to as environmentally sensitive areas (ESAs), and are declared under section 51B of the EP Act and described in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005.

Landholder:

The holder or proprietor of the land.

Native Vegetation:

Native vegetation is indigenous aquatic and terrestrial vegetation, including dead vegetation, and intentionally planted vegetation where established as a requirement of this or any other law or declared by regulation to be native vegetation. Native vegetation also includes intentionally planted vegetation established (wholly or partly) with funding by a third party for the purpose of biodiversity or land conservation and intentionally planted vegetation protected by a covenant or other binding agreement to establish and/or maintain the vegetation. It does not include intentionally planted vegetation established as a plantation for commercial harvest (as defined by sections 3(1) and 51A of the EP Act).

Property:

An area of land that is managed as a single property whether or not it is made up of a number of properties held under separate titles.

SEAVROC:

South East Avon Voluntary Organisation of Councils (Shires of Beverley, Brookton, Cunderdin, Quairading and York)

References

Department of Environment and Conservation Western Australia, 2005, *A Guide to Clearing Permits Under the Environmental Protection Act 1986*, viewed 31/3/2010 www.dec.wa.gov.au/nvp

Department of environment and Conservation Western Australia, 2005, *A Guide for Local Government - Clearing Permits Under the Environmental Protection Act 1986*, viewed 31/3/2010 www.dec.wa.gov.au/nvp

Further reading

A number of useful fact sheets and guidelines on native vegetation clearing legislation, biodiversity, management and protection are available from www.dec.wa.gov.au/nvp. For more detailed clearing guidelines please see *Native Vegetation Clearing Guidelines for SEAVROC Landholders* available at your Shire.

This document is provided for guidance only. It should not be relied upon to address every aspect of the relevant legislation.