

# WAGGRAKINE RURAL-RESIDENTIAL STRUCTURE PLAN

June 2011 (final)

Adopted by Council on 21 December 2010



City of  
**Geraldton-Greenough**  
Climate of Opportunity



A vision by and for the community of  
Greater Geraldton City Region

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## WAGGRAKINE RURAL-RESIDENTIAL STRUCTURE PLAN

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## 1.0 INTRODUCTION

The Waggrakine rural area has over the years experienced increasing pressure for subdivision due to the following factors:

- The proximity of the land to the Geraldton city centre and areas of employment;
- The coastal views afforded by parts of the area;
- The unsuitability of the area for bona fide farming activities; and
- The existing fragmented lot sizes and smaller lots to the north, south-east and west.

The Waggrakine Rural-Residential Structure Plan responds to findings of a recently undertaken regional vegetation survey and has been prepared to improve environmental outcomes through appropriate subdivision design and management of remnant vegetation.

The purpose of the Structure Plan is to facilitate the orderly and proper planning of the subject land in a manner consistent with modern planning and sustainability principles, having regard for the City's adopted 'Towards Sustainability Policy Framework'. The objectives are to:

- Ensure that land use planning is more responsive and effective as a tool for supporting natural resource management in the area.
- Provide a flexible planning tool to guide future subdivision and development.
- Identify areas of native vegetation worthy of conservation and protection and achieve a positive biodiversity outcome for such areas.
- Support the development of rural residential areas with appropriate lot sizes that promote revegetation and the retention of significant remnant vegetation.
- Provide for alternative residential lifestyles whilst preserving the landscape amenity of the area and controlling land use impacts.
- Give conservation, landscape and biodiversity values an economic worth by providing for limited subdivision in exchange for protecting and enhancing remnant vegetation.

This document forms part of the Structure Plan for the Waggrakine Rural-Residential area.

## 2.0 REGIONALLY SIGNIFICANT VEGETATION

The Western Australian Planning Commission (WAPC) produced the Geraldton Regional Plan in 1999 to provide a regional framework for planning decisions. It was acknowledged by the Environmental Protection Authority (EPA) in its comments on the plan, that a regional native vegetation survey was required for the Geraldton region to provide a regional context for decisions on development proposals that have the potential to impact on remnant vegetation.

The EPA also made specific comment to the WAPC on the Waggrakine area, stating that prior to rezoning for rural-residential development, further studies would need to be completed to ensure remnant vegetation is not affected.

The WAPC in partnership with relevant State government agencies and local government, has produced the Geraldton Regional Flora and Vegetation Survey (GRFVS) to meet the EPA's expectation on regional flora and vegetation information in the Geraldton region and has mapped and described vegetation types occurring in the Geraldton region, focusing on areas where significant land use change or development is proposed.

A survey of vegetation condition was undertaken specifically for the Glenfield and Waggrakine structure plan areas, which identified relatively extensive areas of native vegetation in very good and excellent condition (refer to Appendix A).

The vegetation has been described as plant community 13 Sandplain: *Banksia prionotes* / *Acacia rostellifera*, which has conservation significance because it represents a type of vegetation that was originally widespread in the Geraldton region (Beard vegetation association 359 Shrublands; Acacia and Banksia scrub), but now are largely degraded or threatened and the best examples of this vegetation type occur only in the Glenfield / Waggrakine area.

The Environmental Protection Authority in May 2010 (refer to Appendix B) endorsed the GRFVS as a key information source to help minimise the environmental impact of future development in the Geraldton region.

The EPA notes (inter alia):

- Biodiversity conservation is a significant issue in the region.
- The primary protection of remnant native vegetation is best achieved by developing cleared areas in preference to uncleared lands.
- The survey provides important guidance in planning first to avoid, and then minimise the impacts of development on flora and vegetation.

### **3.0 DESIGN PHILOSOPHY**

The underlying philosophy behind the Structure Plan design is to facilitate landowners' intentions to subdivide in a relatively simple manner whilst ensuring there is no nett loss or degradation of regionally significant vegetation. In fact, an increase in the quality and extent of vegetation is desirable.

Given the fragmented nature of the area, and the multiple ownership of land, it is unrealistic to expect that all landowners will group together to coordinate subdivision, especially where such subdivision would likely involve significant financial costs for additional infrastructure such as new roads, and the extension of services such as water and underground power.

It is more realistic that the majority of land owners will simply wish to subdivide their landholding utilising existing infrastructure and services such as roads, water and power.

However the Structure Plan is flexible to accommodate further subdivision in the Development Investigation Area where there is a coordinated approach from landowners and there is no significant impact on remnant vegetation.

Whilst some of the lots shown are not the traditional rectangular shape, it is accepted that in order to achieve the objectives of the Structure Plan some irregular shaped lots may be warranted (refer to Figure 1).

A zoning anomaly is evident within the Structure Plan area where Lots 75, 78, 100 & 101 at the end of Cooper Street are zoned "Rural" under the Local Planning Scheme No. 5 (Greenough). The size and location of the lots justify their inclusion in the Structure Plan and rezoning of the lots to the "Rural Residential" zone should be undertaken prior to subdivision.

#### **3.1 Innovative Strata**

The location and shape of Lot 75 Cooper Street presents a challenge in terms of traditional subdivision design. There is an opportunity for some form of innovative strata development that achieves a positive biodiversity conservation outcome. The design should consider cluster housing in the cleared areas whilst achieving a development yield equivalent to one dwelling per 2 hectares. The vegetated areas could then form part of the common property with the owner's collectively responsible for the management.

### **3.2 Possible Land Exchanges**

Lots 27 & 28 David Road North and Lots 55, 56 & 59 Sutcliffe Road contain substantial amounts of 'regionally significant' native vegetation in excellent condition. There is the opportunity for owners of these lots to enter into negotiations with both the local government and relevant State department regarding the possibility of land exchanges. This could entail the potential swapping of existing local government Reserve land in order to secure land for a conservation reserve purpose.

It is important to note that the land exchange process is complex and there are financial issues to consider when converting crown (Reserve) land into freehold land. Land exchange would be entirely at the owner's discretion to initiate and should in no way be construed that the local government will compulsorily acquire the land. It should also be noted that any land exchange(s) is also purely at the discretion of the responsible Minister who is under no obligation to agree to an exchange.

## **4.0 SUBDIVISION REQUIREMENTS**

The Structure Plan shows the general subdivision of the land based on the broad scale information available at the time and is generally intended to facilitate one lot being subdivided into 2 lots. Minor variations may be supported to accommodate specific on-ground conditions and improvements.

Lots 75, 78, 100 & 101 at the end of Cooper Street are currently zoned “Rural” under the Local Planning Scheme No. 5 (Greenough). The rezoning of the lots to the “Rural Residential” zone shall be undertaken prior to subdivision.

### **4.1 Land Outside the Development Investigation Area**

Land outside the Development Investigation Area is generally located on the dune ridge that sits in front of the Moresby Range. The vegetation in this area is helping preserve the ‘green and natural’ appearance of the Range. The area is generally of high visibility from the main parts of the City.

Subdivision and development within this area should avoid any degradation or loss of remnant vegetation and be supported by relevant evidence that demonstrates this. Examples of measures to achieve this may include common access arrangements, modified fencing locations, irregular lot configuration, reduced setbacks, building envelopes/building exclusion areas, common firebreaks etc (refer to Figure 2).

The minimum lot size shall be 2 hectares for land outside the Development Investigation Area. It is acknowledged that there are a number of lots within this area that are slightly below 4 hectares (refer to Figure 3) and the minimum lot size may be reduced to 1.5 hectares for those lots to allow for subdivision into no more than 2 lots.

In addition the City may support up to a 10% variation to the minimum lot size where the proponent can demonstrate that the subdivision will achieve a positive biodiversity conservation outcome.

### **4.2 Development Investigation Area**

#### **4.2.1 Purpose**

Whilst the underlying design philosophy (refer to Section 3.0) for land within the Development Investigation Area remains (ie. to facilitate landowners’ intentions to subdivide in a relatively simple manner whilst ensuring there is no nett loss or degradation of regionally significant vegetation), within the Development Investigation Area there are substantial areas that are cleared. The EPA notes the primary protection of remnant native vegetation is best achieved by developing cleared areas in preference to uncleared lands. Therefore there is an opportunity to maximise the use of this land and provide flexibility to support the potential expansion of Geraldton’s northern growth corridor.

#### 4.2.2 Simple Subdivision

The minimum lot size of 2 hectares is still applicable for land within the Development Investigation Area. It is acknowledged that there are a number of lots within this area that are slightly below 4 hectares (refer to Figure 3) and the minimum lot size may be reduced to 1.5 hectares for those lots to allow for subdivision into no more than 2 lots.

In addition the City may support up to a 10% variation to the minimum lot size where the proponent can demonstrate that the subdivision will achieve a positive biodiversity conservation outcome.

#### 4.2.3 Detailed Subdivision

Within the Development Investigation Area there are substantial cleared areas which allow greater opportunity for landowners to maximise the use of the land and the minimum lot size may be reduced to 1 hectare. Subdivisions of this nature will need to demonstrate that it does not prejudice or preclude surrounding lots from further subdivision potential and that the subdivision will minimise any degradation or loss of remnant vegetation.

In these instances, to ensure that subdivision/development proceeds in an orderly and proper manner, and to avoid ad-hoc subdivisional approvals, it is a requirement that a Subdivision Guide Plan be prepared to show how an individuals' lot design is part of an overall plan for an area (with all landowners being party to the process).

These Subdivision Guide Plans shall be approved by the local government (either separate or concurrent with a subdivision application) and the Structure Plan will be updated accordingly for WA Planning Commission endorsement.

Subdivision Guide Plans shall incorporate, where relevant, the following information:

- Road reserves, widths and upgrades (if required);
- Drainage and other servicing requirements;
- Indicative staging (if known);
- Location of remnant vegetation;
- Building envelopes and/or building exclusion areas;
- Vehicle accessways existing and proposed;
- Areas for stocking (if any); and
- Revegetation/rehabilitation areas.

All landowners should then be party to subsequent subdivision application(s). This does not imply that all lots must be created at the one time but does allow (at a minimum) that all proposed road reserves are ceded so that individuals can proceed with subdivision at their leisure (refer to Figures 4a & 4b).

Variations of up to 20% to the 1 hectare minimum lot size may be supported by the City in order to facilitate the orderly and proper planning of roads, essential services, public open space and/or achieve a positive biodiversity conservation outcome.

#### 4.2.4 Future Urban

The current northern urban corridor of Geraldton at present only extends around 2 kilometres from the Indian Ocean (Glenfield) to the North West Coastal Highway. With the City of Geraldton-Greenough advocating the ability to sustain a population of 100,000, there is the opportunity to expand the corridor into the Waggrakine area east of the North West Coastal Highway and within the Development Investigation Area.

Whilst the current zoning of “Rural Residential” would not allow for this full urban development it is considered appropriate in the interests of the orderly and proper planning of the locality that the future urbanisation of portion of the area not be dismissed. To this end the City may support urban rezoning for substantial portions of land where it can be demonstrated that it would result in the orderly and proper planning and not be considered ad-hoc subdivision.

There is a general presumption against rezoning large areas of land for 2,000m<sup>2</sup> lots (in order to develop without sewer as it would represent an inefficient use of land and infrastructure, which (in the long term) is intended to accommodate substantial growth in the northern urban corridor.

Structure planning will need to be undertaken in accordance with the provisions of the Scheme and this may identify areas for low density residential which could act as a transition to the land outside the Development Investigation Area.

### **4.3 Land with Substantial Regionally Significant Vegetation**

Given the scale of vegetation mapping and the district level of this Structure Plan, no indicative subdivision has been shown for the following land parcels:

- Lot 9658 Albert Road;
- Lot 99 Beattie Road;
- Lots 25, 27, 28, 31, 32 & 33 David Road North;
- Lot 148 Hall Road;
- Lots 47, 48, 50, 51, 55, 56, 59, 60, 61, 64 & 65 Sutcliffe Road; and
- Lot 23 Tramway Road.

However this does not preclude subdivision from being supported but will require the proponent to provide information to demonstrate that the subdivision and development will avoid any degradation or loss of remnant vegetation.

Examples of the information that may support subdivision include detailed vegetation and topographical surveys that can identify the amount (if any) and type of vegetation that will be affected, details of alternatives to firebreaks or alternatives to clearing for fence lines.

#### **4.4 Battleaxe Lots**

Although there is a general presumption against battleaxe lots, in order to achieve the objectives of the Structure Plan and based on existing on-ground improvements, some battleaxe lots have been incorporated. It is preferable that the access leg be jointly used where possible to reduce the number of vehicle crossovers (refer to Figure 5).

Further creation of battleaxe lots is not generally supported unless there is no alternative in order to achieve a positive biodiversity conservation outcome. The onus is on the proponent to demonstrate this.

The use of battleaxe lots to gain further subdivision potential (in accordance with clause 4.2.3) is not supported as it is considered that proliferation of battleaxe lots (that do not achieve a positive biodiversity outcome) do not represent coordinated subdivision and has the potential to create an ad-hoc cadastral pattern that could prejudice or preclude surrounding lots from further subdivision.

## **5.0 DETAILED AREA PLANS & LAND MANAGEMENT**

A Detailed Area Plan shall be prepared and implemented as a condition of subdivision or development approval. The Plan is intended to identify measures and actions that will promote vegetation retention, regeneration, rehabilitation of degraded vegetation and revegetation in cleared areas.

The Plan should address the following:

- Location and condition of remnant vegetation;
- Revegetation areas, species and management actions;
- Bushfire hazard assessment and mitigation actions (eg. firebreaks);
- Location of fencing and vehicle accessways;
- Proposed areas for stocking; and
- Building envelopes and/or building exclusion areas.

### **5.1 Building Envelopes and/or Building Exclusion Areas**

All development is to be either contained within a building envelope or not be located in a building exclusion area.

A building envelope is to be shown where the amount of remnant vegetation restricts the location of development, whereas a building exclusion area is to be used when a lot has some areas of remnant vegetation that should be protected and the remaining land is unencumbered in terms of development location.

Building envelopes should be located in cleared areas and close to lot boundaries, or where this is not possible located so as to maximise remnant vegetation preservation.

A building envelope should be a maximum of 2,000m<sup>2</sup>. Larger envelopes may be permitted to accommodate an existing dwelling and outbuilding(s) and alternatively smaller envelopes may be required in order to minimise clearing of remnant vegetation.

### **5.2 Revegetation Guidelines**

For land within the Rural-Residential zone, the Local Planning Scheme (clause 5.14.4) requires the planting and maintenance of at least 20 native or locally acceptable trees as a possible requirement for development. Within the Waggrakine area there is the opportunity for revegetation and rehabilitation to:

- Rehabilitate and expand existing areas of regionally significant vegetation;
- Rehabilitate and regenerate areas of degraded vegetation;
- Add to the high social and ecological values of the landscape;
- Establish ecological linkages across the area;
- Create habitat for native fauna; and
- An opportunity for an increase in the quality and extent of vegetation.

As a condition of subdivision, the local government will require revegetation or regeneration measures as follows:

- A minimum of 1% of the lot area revegetated with a combination of trees, shrubs and ground covers consistent with the indigenous plant communities of the GRFVS (this is in addition to existing vegetation) in areas that are mapped as having 'good', 'very good' or 'excellent' vegetation condition from the GRFVS (refer to Appendix A);
- A minimum of 2% of the lot area revegetated with a combination of trees, shrubs and ground covers consistent with the indigenous plant communities of the GRFVS (this is in addition to existing vegetation) in areas that are mapped as having 'degraded' or 'completely degraded' vegetation condition from the GRFVS (refer to Appendix A); and
- A minimum of 3% of the lot area revegetated with a combination of trees, shrubs and ground covers consistent with the indigenous plant communities of the GRFVS (this is in addition to existing vegetation) in all other areas.

In some areas, the intended biodiversity outcomes may be better achieved through weed management and regeneration, or planting other forms of vegetation (shrubs or groundcovers) consistent with the indigenous plant communities of the GRFVS.

Revegetation and rehabilitation should be prioritised in locations within the lot:

- To establish linkages with neighbouring areas of remnant vegetation, or a buffer around the perimeter of remnant vegetation;
- To regenerate or rehabilitate degraded vegetation to a higher quality; or
- To provide screening of development.

### **5.3 Cash-in-Lieu of Revegetation**

It is acknowledged that there may be landowners more committed, skilled and resourced to undertake revegetation and rehabilitation and management. There also may be instances where more positive biodiversity outcomes can be achieved through revegetation and rehabilitation of selective areas.

In these instances the City may accept a cash contribution in lieu of revegetation. The Local Government Biodiversity Guidelines for the Perth Metropolitan Region (June 2004) provided estimates of the costs associated with undertaking certain management activities. To reconstruct, 'upland' areas (including weed control, seedling establishment, plant guards, watering in and replacement plantings over a 5 year period) is estimated to cost \$10.50/m<sup>2</sup>. This is the figure used for calculating the cash-in-lieu contribution and may be revised from time to time by the City.

Monies collected will be held in trust for use in achieving biodiversity outcomes within the Waggrakine area.

#### **5.4 Clearing**

In 2004, amendments to the *Environmental Protection Act 1986* introduced provisions for regulating the clearing of native vegetation.

Under this legislation, clearing is not generally permitted where the biodiversity values, land conservation and water protection roles of native vegetation would be significantly affected.

If you intend to clear native vegetation, you will either need to apply for a permit from the Department of Environment and Conservation, or an exemption must apply.

The Department of Environment and Conservation have produced a fact sheet on native vegetation and a guide to the exemptions and regulations for clearing native vegetation (refer to Appendix C).

#### **5.5 Bush Fire Protection**

Bush fire hazard can be mitigated by:

- Reducing fuel loads in bush areas (eg. by modifying fuel zones, lessening scrub and leaf litter by chemical or mechanical means, or using controlled burns); and
- Maintaining fire breaks;
- Providing adequate separation distances between buildings and bush fire fuel areas; and
- Ensuring that new buildings in bush fire prone areas are built to Australian Standard 3959 Construction of Buildings in Bushfire-Prone Areas (AS 3959).

For new buildings, the City's assessment of bush fire hazard and whether mitigation solutions meet performance criteria will be guided by the WA Planning Commissions 'Planning for Bushfire Protection Guidelines' (2010).

The City issues annual bush fire hazard reduction notices which outline criteria for hazard mitigation and guidance on preferred solutions that meet those criteria. At any time a local government may issue a notice under section 33 of the *Bush Fires Act 1954* requiring an owner or occupier of land in its boundaries to mitigate bush fire hazard. When assessing solutions in Waggrakine, the City will prefer measures that preserve the quality and extent remnant vegetation eg. lessening weeds and leaf litter rather than slashing the property.

Clearing approved or required by the relevant authority such as the Minister for Fire and Emergency Services, Fire and Emergency Services Authority (FESA), or local government (eg. when a firebreak is the only acceptable mitigation measure) does not require a clearing permit.

The Department of Environment and Conservation have produced a fact sheet on fire prevention and control (refer to Appendix D).

## 6.0 PLANNING APPROVAL

The planning approval of the local government is required for all development. The only exception to this is where a Detailed Area Plan has been prepared and approved by the local government, in which case planning approval is not required for the following:

- Extension to an existing single house;
- Outbuilding;
- The clearing of vegetation for approved fencing, firebreaks and/or vehicle accessways.

The above development must be located within the approved building envelope (or outside of a building exclusion area) and must also fully comply with the requirements of the Local Planning Scheme and/or local planning policies.

## 7.0 INFORMATION ON LOCAL PLANNING SCHEME PROVISIONS

There are specific provisions in Schedule 11 – RR4 of the Local Planning Scheme No. 5 (Greenough) that are applicable to the Waggrakine Rural-Residential area. Some of these provisions require further clarification as follows:

- (b) *Within this locality the keeping of stock is permitted where a pasture land management plan has been provided to the local government’s satisfaction, subject to the following restrictions:*

*Comment: Stocking should be restricted to cleared areas and the pasture land management plan is the same as the Detailed Area Plan referred to in clause 5.0 of this report.*

- (e) *New outbuildings should, where possible be clustered with the residence and conform to the local authority’s local planning policies.*

*Comment: Outbuildings should be either located within a building envelope or outside of a building exclusion area referred to in clause 5.1 of this report.*

- (g) *No person shall clear any vegetation outside the “building envelope”, strategic firebreak and vehicle accessway as shown on the approved Detailed Area Plan.*

*Comment: Clearing is permitted without the approval of the local government in accordance with the Environmental Protection Act 1986 referred to in clause 5.4 of this report.*

## 8.0 GLOSSARY OF KEY TERMS

### **Biodiversity**

Biodiversity can be defined as: *'The variety of life forms – the different plants, animals and micro-organisms, the genes they contain, and the ecosystems they form'*. In this case, the aim is to conserve the variety of species and vegetation communities in the area (eg. GRFVS community 13 Sandplain: *Banksia prionotes* / *Acacia rostellifera*).

### **Ecological Linkages**

Ecological linkages are connected areas of ecosystems (eg. bushland) that enable movement of animals, exchange of genetic material between plants and ensure ecosystems are more resilient in the face of change.

### **Natural Resource Management**

Natural Resource Management (NRM) is concerned with the management and protection of all natural resources with values or uses important for healthy ecosystems and human services. In this case, the natural resources of most interest are the remnant vegetation and specific areas of bushland and particular species.

### **Regeneration**

Restoration of natural ecosystems through cyclic processes of renewal and self maintenance of species and their populations. Emphasis is more on removing threats (such as weeds and rabbits) than intensive revegetation.

### **Rehabilitation**

Attempt to restore elements of ecological structure or function without necessarily attempting complete restoration to any specific prior condition.

### **Revegetation**

Replanting vegetation (may be part of a rehabilitation or complete restoration project).

### **Sustainability**

Sustainability is defined here as per the City of Geraldton-Greenough's adopted 'Towards Sustainability Policy Framework'. Sustainability is the ability of our city-region's environment, social, governance, economic and cultural systems to maintain their health and resilience in perpetuity. Sustainable development is *'development that meets the needs of present generations without compromising the ability of future generations to meet their own needs'*. For the full articulation of the framework, including principles for decision-making, please refer to the City's website.

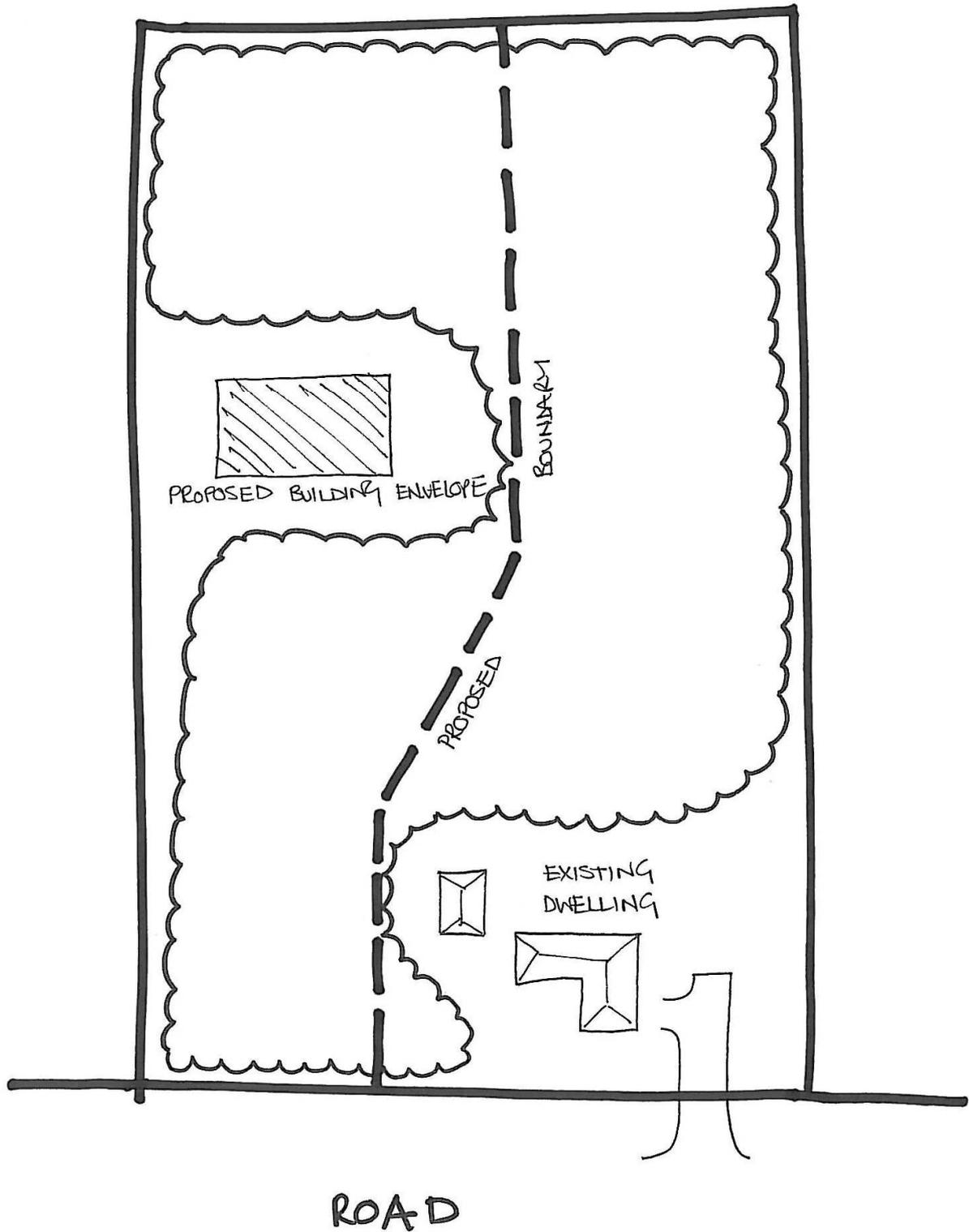


Figure 1 – Irregular shaped lots to maximise development within cleared areas.

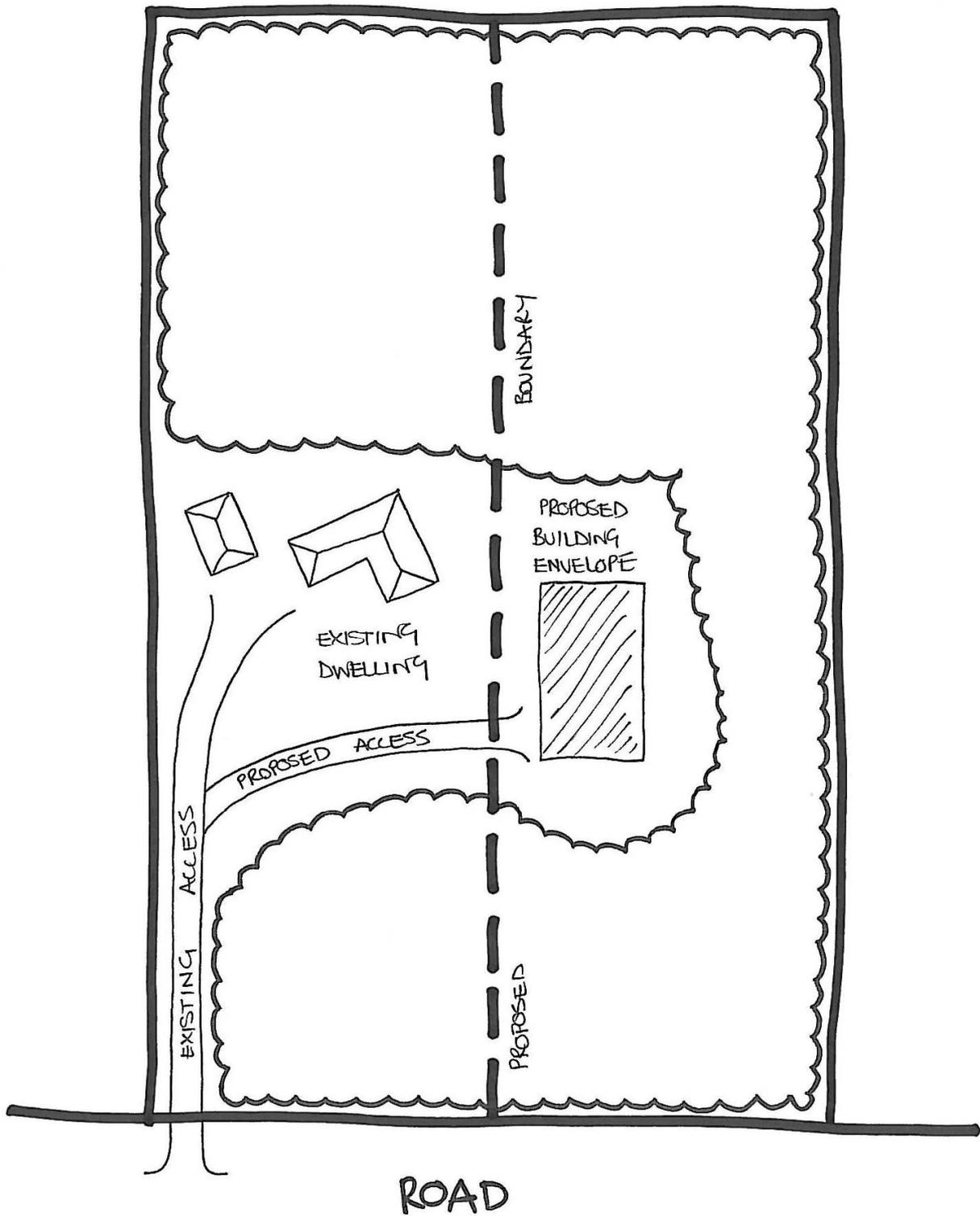
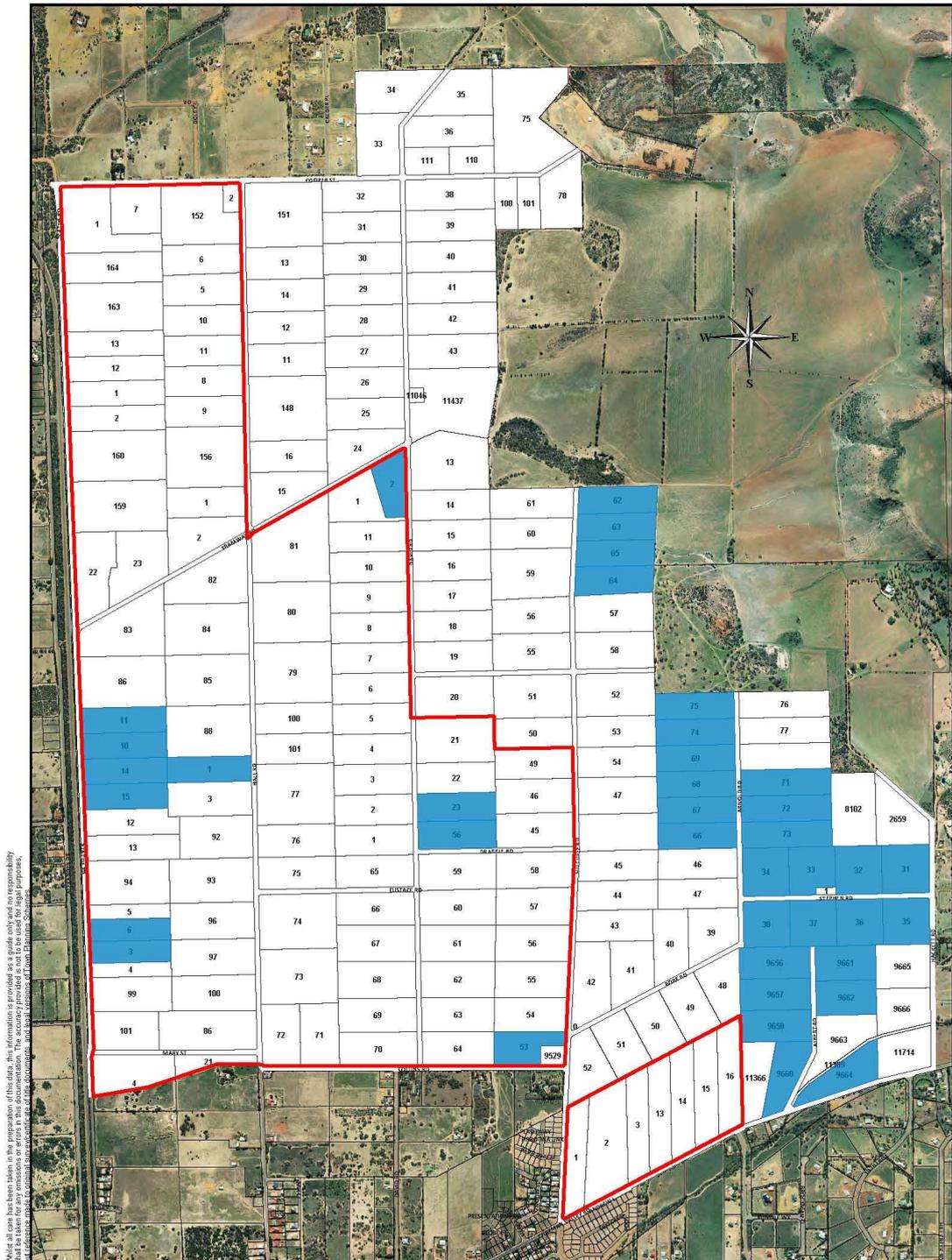


Figure 2 – Common access arrangement in order to minimise further clearing.



While all care has been taken in the preparation of this data, this information is provided as a guide only and no responsibility shall be taken for any omissions or errors in this document. The accuracy provided is not to be used for legal purposes.

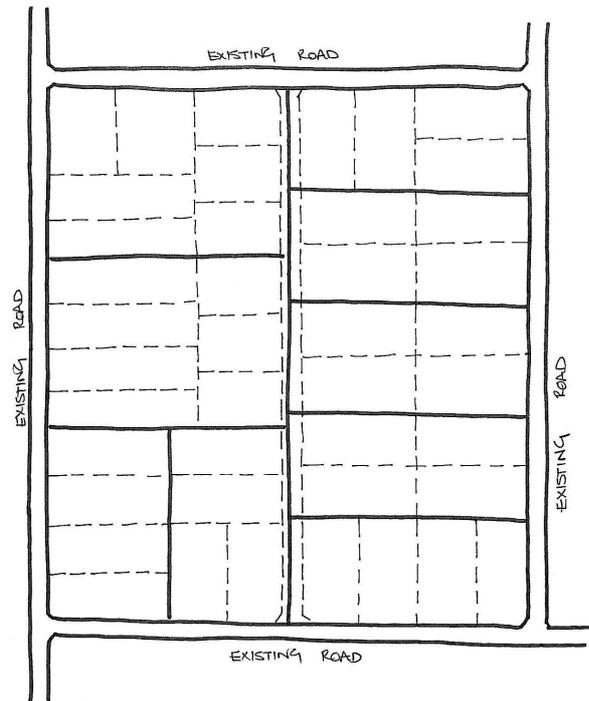


**LEGEND**

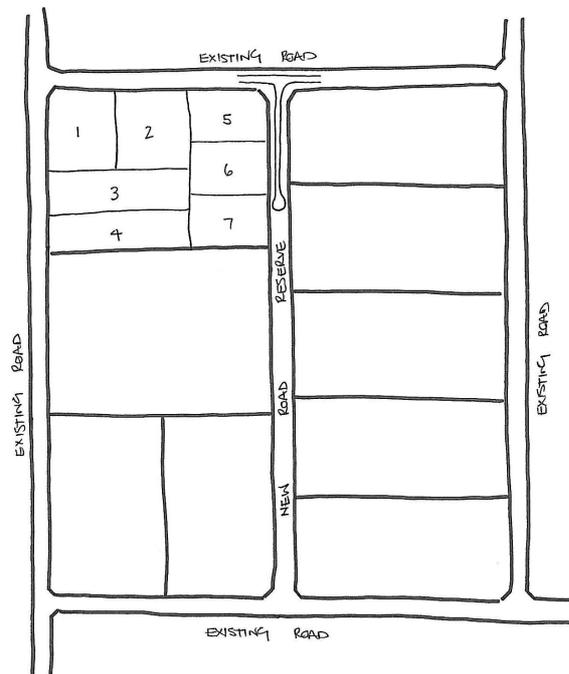
- Minimum lot size may be reduced to 1.5 hectares
- Development Investigation Area

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Date: 21/06/11	Scale: 1:15000

Figure 3 – Lots where minimum lot size may be reduced to 1.5 hectares.

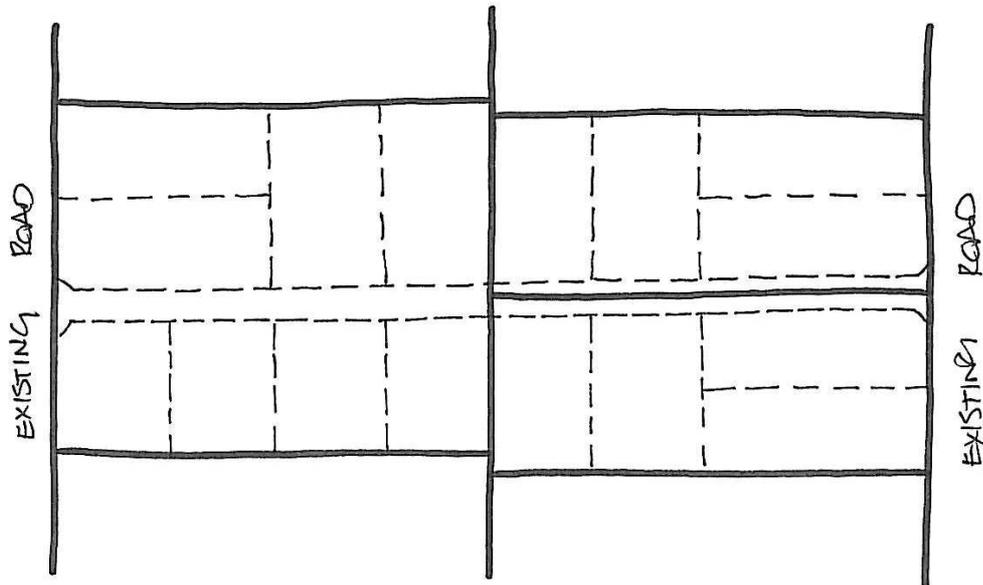


Proposed subdivision plan of 9 existing lots being subdivided into lots of around 1 hectare with a central new road.

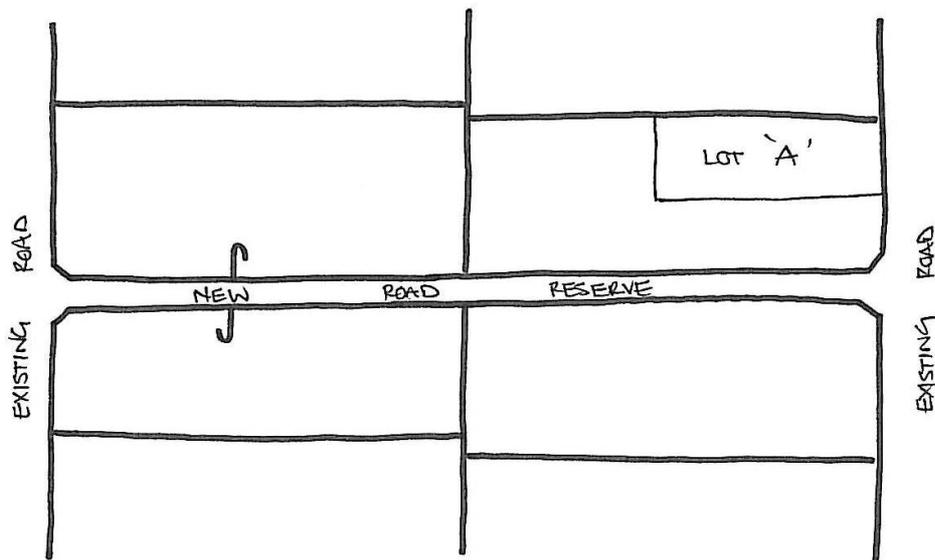


Stage 1 of subdivision showing one existing lot subdivided into 7 lots of around 1 hectare. Small length of road carriageway built with temporary cul-de-sac to service lots 6 and 7. Entire road reserve created so that remaining lots can subdivide without relying on others to give legal road access.

**Figure 4a** – Example of overall plan for coordinated subdivision.



Proposed subdivision plan of 3 existing lots being subdivided into lots of around 1 hectare with a central new road.



Stage 1 of subdivision showing Lot A (of around 1 hectare) with the entire road reserve created so that remaining lots can subdivide without relying on others to give legal road access.

**Figure 4b** – Example of overall plan for coordinated subdivision.

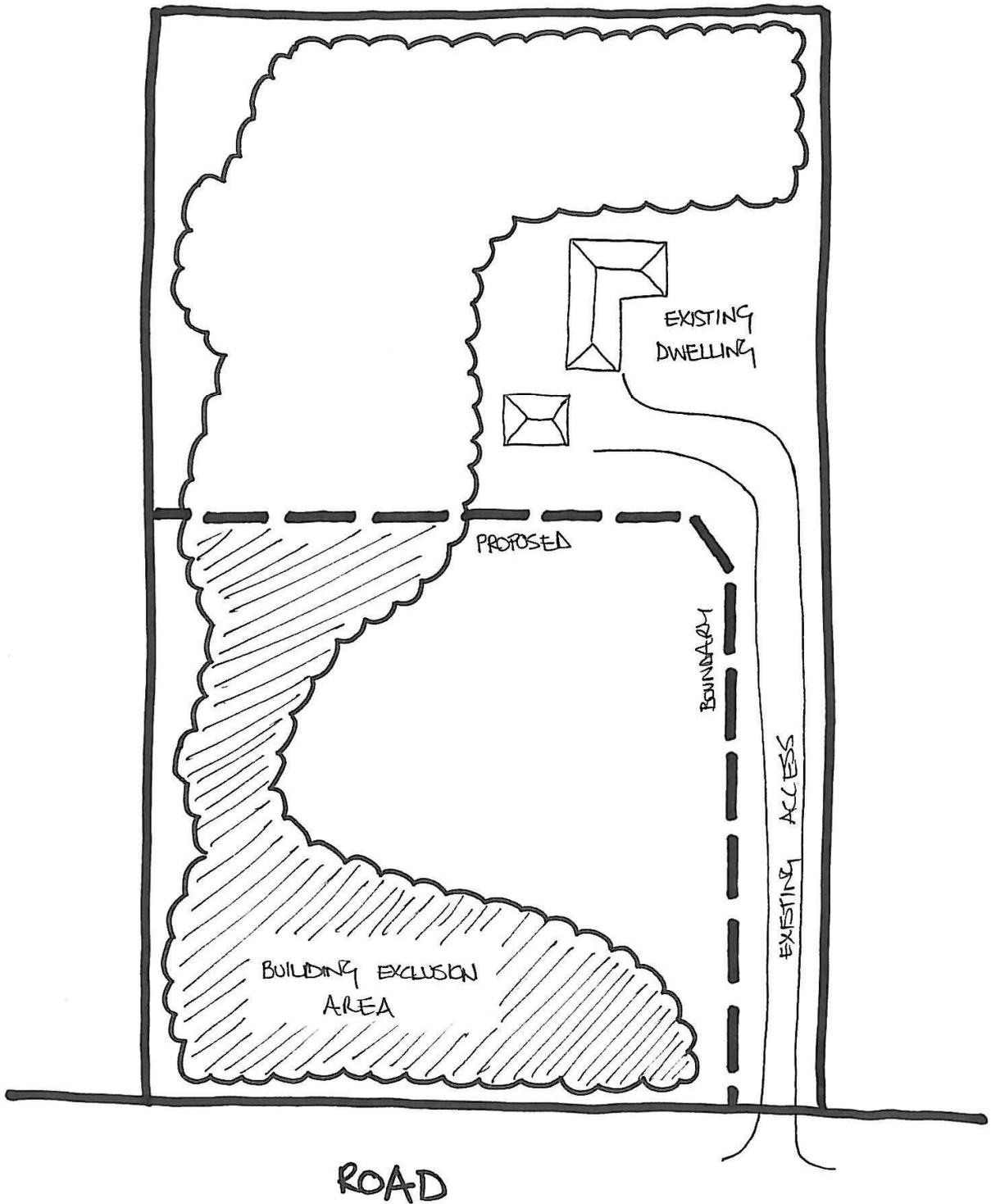
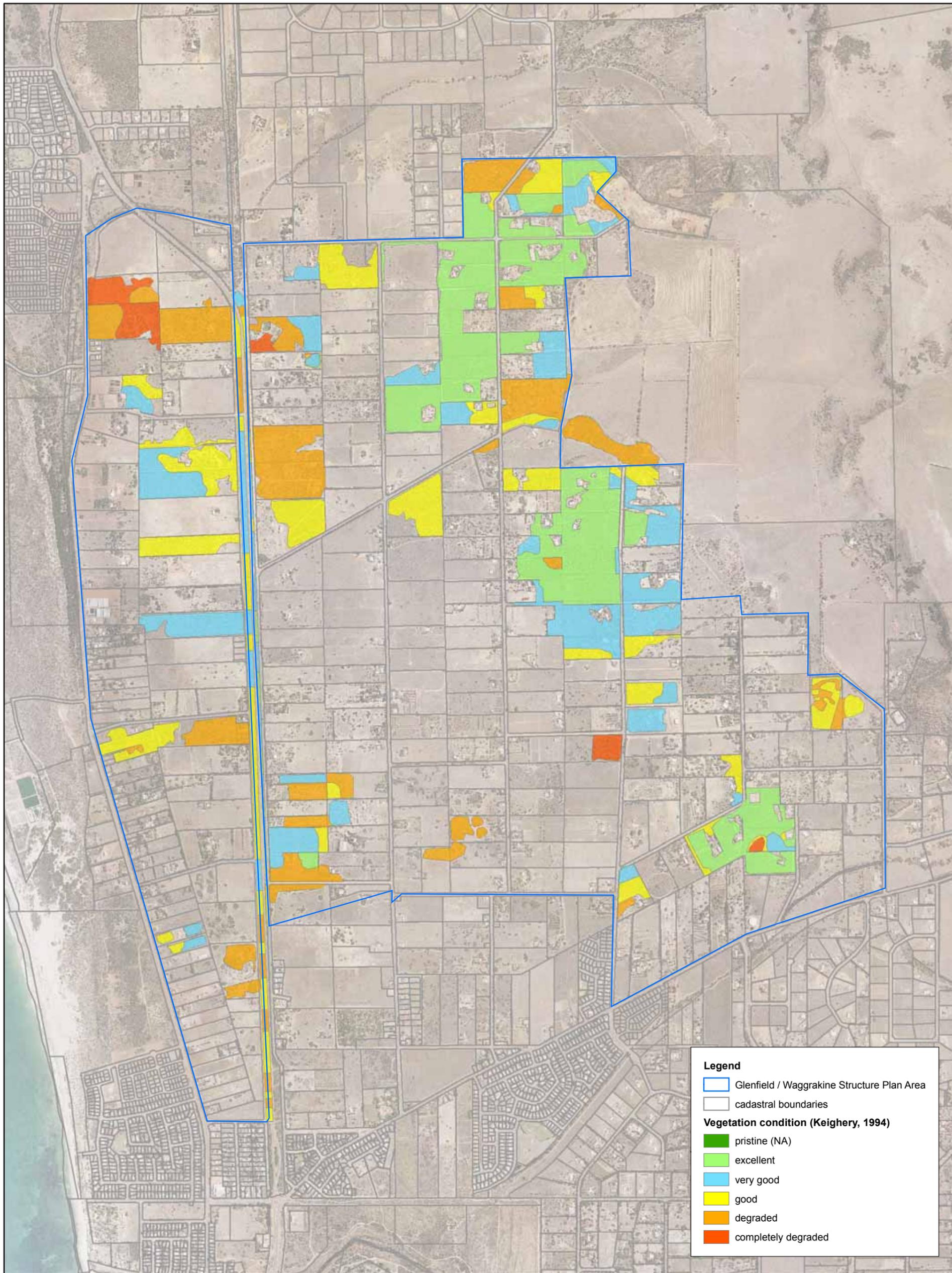


Figure 5 – Battleaxe lot with potential for shared access.



**Legend**

- Glenfield / Waggrakine Structure Plan Area
- cadastral boundaries

**Vegetation condition (Keighery, 1994)**

- pristine (NA)
- excellent
- very good
- good
- degraded
- completely degraded

**Map 1**

**Geraldton Regional Flora and Vegetation Survey  
Vegetation Condition - Glenfield / Waggrakine Structure Plan**

Oct 2008

prepared for DEPARTMENT OF PLANNING AND INFRASTRUCTURE



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Meters  
1:20,000 @ A3  
Project No. 1962-07





May 2010

## **Environmental Protection Bulletin No. 10**

### **Geraldton Regional Flora and Vegetation Survey**

The Environmental Protection Authority (EPA) has endorsed the Geraldton Regional Flora and Vegetation Survey (GRFVS) as a key information source to help minimise the environmental impact of future development in the Geraldton region.

The survey, produced by the Western Australian Planning Commission (WAPC), covers an area of more than 40,700 hectares in the City of Geraldton-Greenough and the Shire of Chapman Valley.

The EPA notes that:

- **biodiversity conservation is a significant issue in the region, due to extensive clearing of native vegetation, the high level of fragmentation, and the very low (2%) protection of remaining vegetation in conservation reserves;**
- **the primary protection of remnant native vegetation is best achieved by developing cleared areas in preference to uncleared lands;**
- **the survey provides important guidance to State and local government authorities, Government agencies, industry and developers in planning to firstly avoid, and then minimise the impacts of development proposals and planning schemes on flora and vegetation;**
- **the information contained in the survey will be used by the EPA to assess the impact of proposals on regionally significant flora and vegetation; and**
- **the use of the GRFVS information to assist strategic regional and conservation planning, and the extension of the survey methodology to other areas is supported.**

#### **Background**

In 1999, the WAPC produced the Geraldton Region Plan to provide a framework for planning decisions in the region. At that time, the EPA identified the need for a native vegetation survey in the Geraldton region, to provide a regional context for decisions relating to development proposals that have potential to impact on native vegetation.

The WAPC has produced the GRFVS to meet the EPA's expectation on regional flora and vegetation information in the Geraldton region. The survey was undertaken through the EnviroPlanning project, with the support of the Department of Planning, the Department of Environment and Conservation, Office of the EPA, LandCorp, the City of Geraldton-Greenough, the Shire of Chapman Valley, and the Department of Agriculture and Food.

#### **Location of the Geraldton Regional Flora and Vegetation Survey**

The survey was undertaken for the area generally covered by the Greater Geraldton District Structure Plan, which includes parts of the City of Geraldton-Greenough and the Shire of Chapman Valley that are experiencing the most development pressure in the Geraldton region .



The survey area (Figure 1) is between Coronation Beach Road (north of Geraldton), Devlin Pool Road (south of Greenough River), and the foothills of the Moresby Range (east of Geraldton). The Moresby Range was not included in the survey area as it has recognised conservation values which are being addressed through other planning exercises. The effectiveness of these plans is important in addressing regional biodiversity protection issues.

### EPA Policy Context

The survey area is located within the agricultural area identified in EPA Position Statement No. 2 – *Environmental Protection of Native Vegetation in Western Australia* (EPA 2000). The EPA released this Position Statement due to the high level of clearing in the agricultural area. This statement also outlined the EPA’s expectations in relation to biodiversity conservation, which are consistent with the National Objectives and Targets for Biodiversity Conservation 2001-2005 (Commonwealth of Australia 2001).

EPA Guidance Statement 33 - *Environmental Guidance for Planning and Development* (EPA 2008) advises that native vegetation should be assessed at international, national, regional and local levels. Regional information such as Beard vegetation association mapping (Shepherd *et al.* 2002) and this survey should be used to determine the regional significance of vegetation to support studies undertaken at a local scale.

### Findings of the Geraldton Regional Flora and Vegetation Survey

The survey aims to describe and map the vegetation of the survey area, to provide a regional context for conservation-based planning decisions in the Geraldton region.

The major findings of the survey (WAPC 2010) were:

- The long history of human settlement in the area has resulted in extensive clearing of native vegetation. About 15% (6,112 hectares) of the original extent of vegetation remains in the survey area, which is only half the national target of 30% retention to achieve biodiversity conservation outcomes.
- The remaining vegetation is highly fragmented with 625 separate patches mapped in the region.
- Of the nine Beard vegetation associations mapped as occurring in the survey area, two Beard vegetation associations (35 Shrublands; jam scrub with scattered York gum and 371 Low forest; *Acacia rostellifera*) occurring in the survey area have approximately 10% remaining throughout their range in Western Australia, the level at which a vegetation association is regarded as ‘Endangered’.
- Three Beard vegetation associations (371 Low forest; *Acacia rostellifera*, 387 Shrublands; *Melaleuca cardiophylla* thicket and 675 Shrublands; *Melaleuca* and *Hakea* mixed thicket) have less than 10% remaining in the survey area (Figure 2).
- The survey identified 17 plant communities (Figure 3). Two plant communities (4 Swale: *Ficinia nodosa* and 5 Swale: *Frankenia pauciflora*), were identified from a single occurrence and are considered to be the most restricted of the plant communities.
- Five plant communities (1 Estuarine: *Casuarina obesa* / *Tecticornia* / *Sarcocornia*, 6 Coastal: *Thryptomene baeckeacea*, 7 Coastal: *Melaleuca cardiophylla*, 9 Coastal: *Acacia rostellifera* / *Eucalyptus* spp., 11 Limestone Ridge: *Melaleuca cardiophylla* / *Eucalyptus* spp. and 14 Chapman River Reserve: *Acacia rostellifera* / *Melaleuca* spp.) also have a



restricted extent within the GRFVS area, each representing 1% or less of the remaining native vegetation.

- Other plant communities (such as 13 Sandplain: *Banksia prionotes* / *Acacia rostellifera* and 15 Thicket: *Melaleuca* spp. / mixed spp.) have conservation significance as areas representative of communities which were formally widespread that are now largely degraded or threatened.
- Less than 2% of the remaining native vegetation in the survey area (representing only two of the 17 mapped plant communities), is currently protected in Department of Environment and Conservation reserves.
- Ten flora species of conservation significance were recorded from the survey, including two Declared Rare Flora (R), seven Priority Flora species and three species recorded at or beyond the extent of their known range.
- The majority of remnant vegetation in the survey area is threatened by development, weed invasion, grazing, fire, or recreational use; therefore, it is likely that much of the vegetation in good or better condition in the survey area will be considered important for conservation.

### **EPA Assessment of Proposals within the survey area**

The EPA provides the following comments in relation to the assessments of proposals within the survey area:

- The survey does not replace the need for site specific flora and vegetation surveys.
- The EPA expects that Beard vegetation associations mapped in the area should be presented as the best available regional information that allows comparison of the pre-European and current extent of regional vegetation association values.
- There remains a need for proponents to undertake fauna surveys.

### **References**

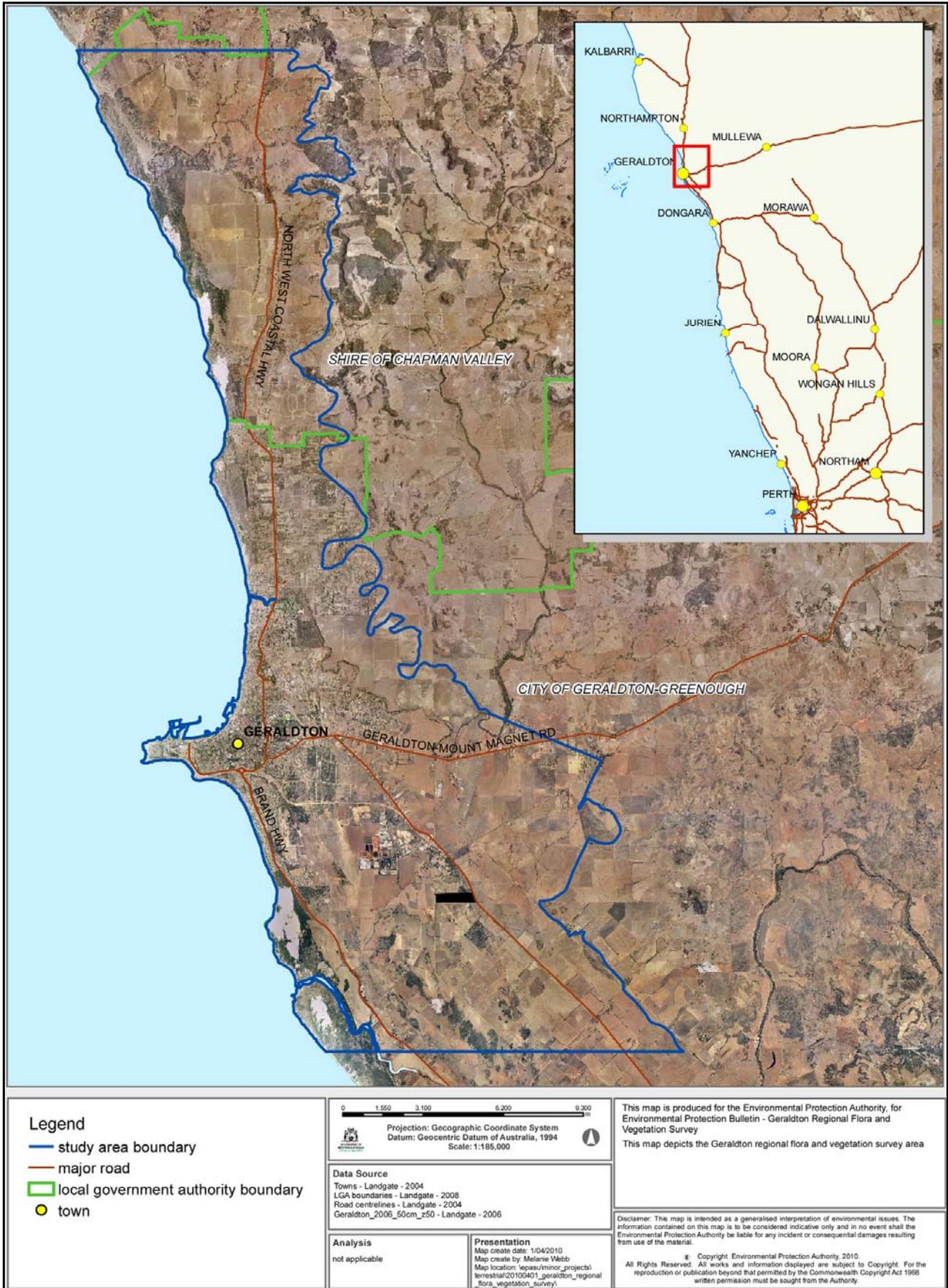
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Shepherd, D.P., Beeston, G.R. and Hopkins, A.J.M. (2002). *Native Vegetation in Western Australia: Extent, types and status*. Department of Agriculture, Western Australia.

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**Figure 1: Geraldton Regional Flora And Vegetation Survey Area**

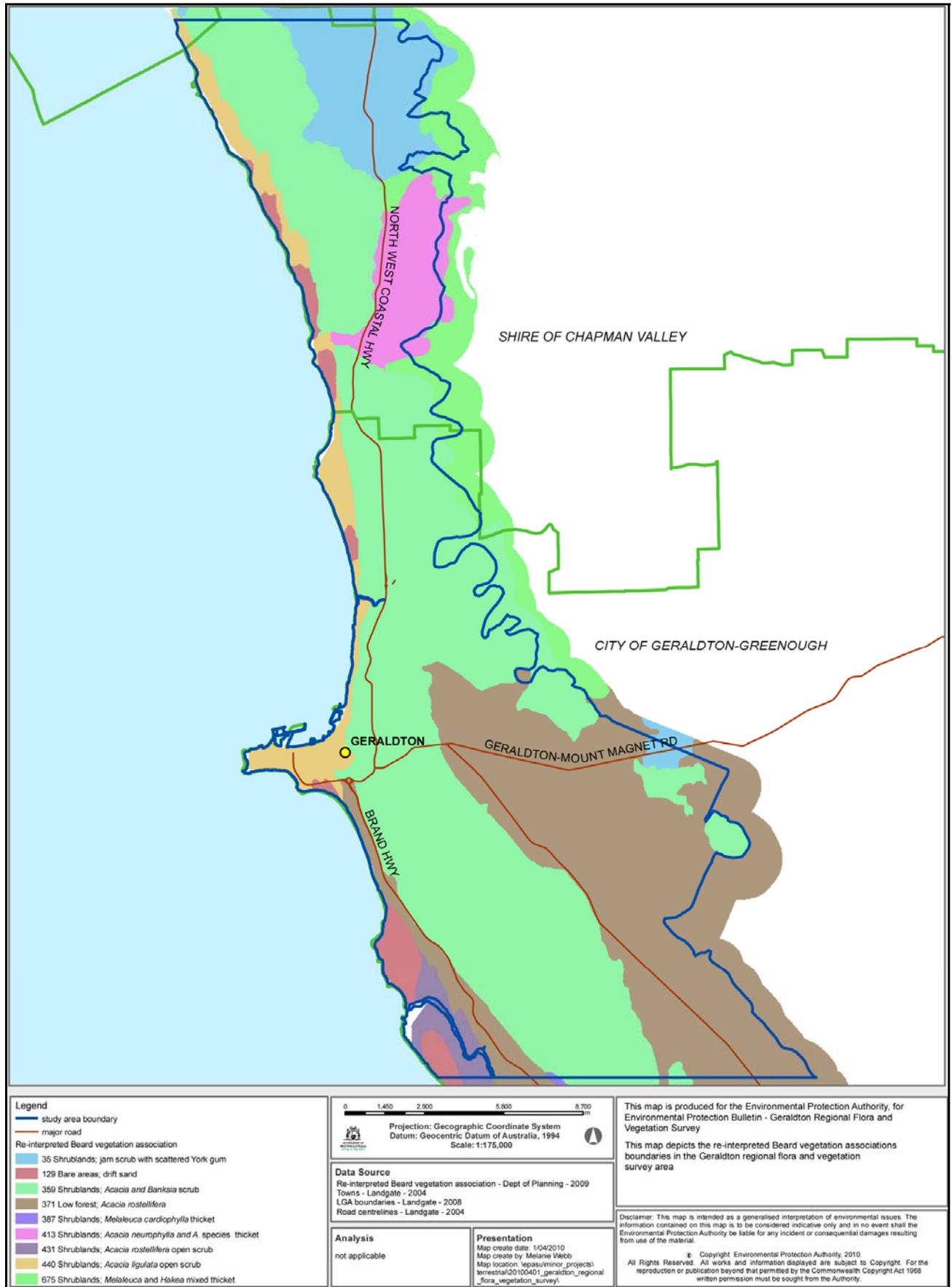


Figure 2: Re-Interpreted Beard Vegetation Association

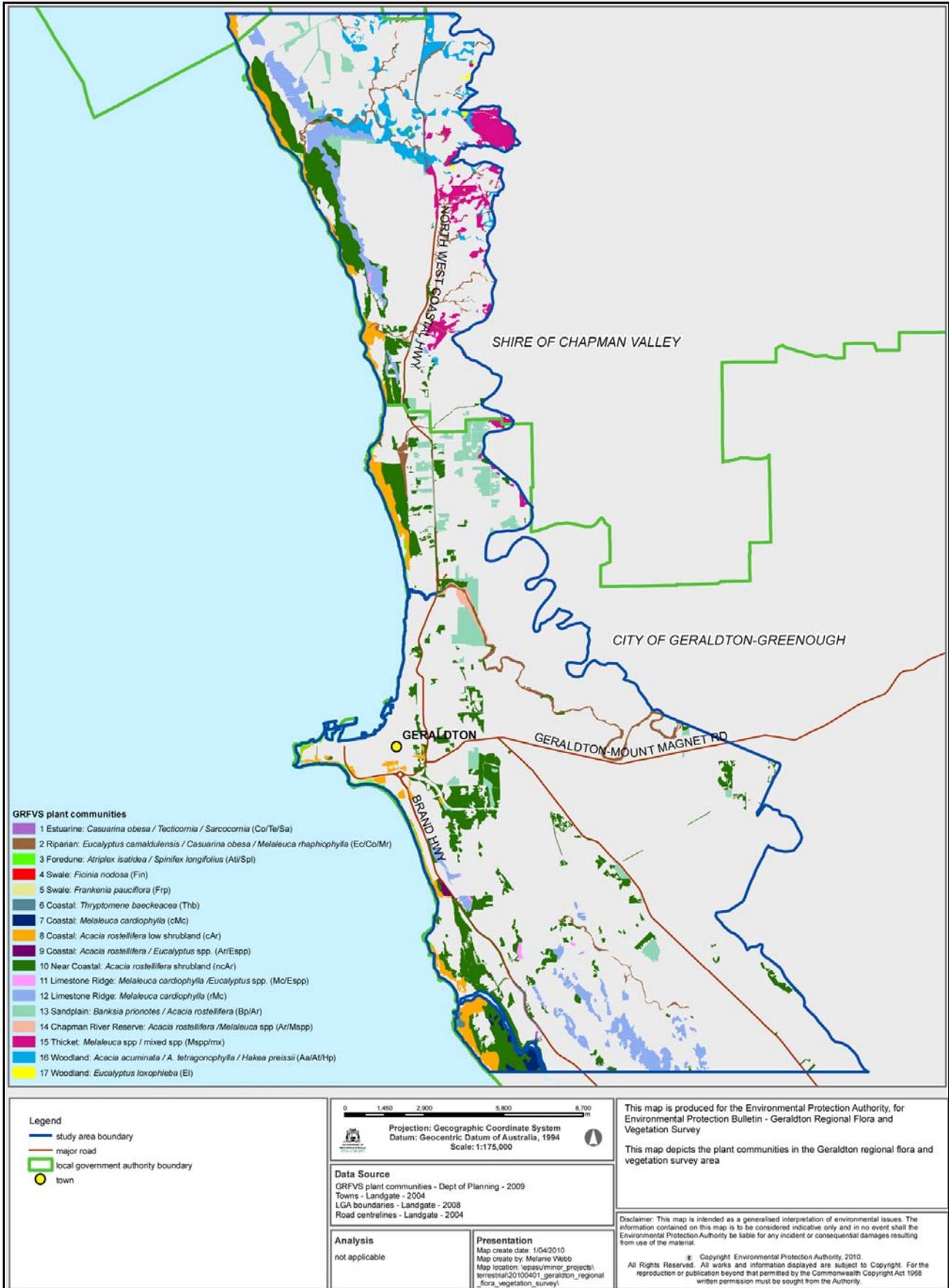


Figure 3: Geraldton Regional Flora And Vegetation Survey Plant Communities



# Native vegetation clearing legislation in Western Australia

*Environmental Protection Act 1986*

## Some facts from the State of the Environment report Western Australia draft 2006 (adapted from pp151-156, Environmental Protection Authority, Government of Western Australia):

\* *Broadscale clearing of native vegetation, both historic and current is a major threatening process affecting biodiversity in Western Australia.*

\* *The Wheatbelt region as a whole retains only 7% of its native vegetated area on average (in some areas remaining native vegetation was estimated to be as low as 1.8% in 2004).*

\* *The urban area of Perth has doubled since the 1970s and this has resulted in the clearing of large areas of native vegetation and fragmentation of that remaining.*

\* *Presently the main drivers of native vegetation clearing in WA are population and urban expansion in the South West, and expansion of the mining sector in the rest of the State.*

### Summary of current responses

*As well as regulating the clearing of native vegetation, other responses are also recommended including; an action plan (with the Commonwealth government), revegetation groups, regional natural resource management strategies, off-reserve conservation*

*(e.g. Bush Forever, the Roadside Conservation Committee, Land for Wildlife and Conservation Covenant programs), land use planning policy and local government (partnership projects and strategies).*

### Implications

*Native vegetation has already been cleared below safe ecological limits on some areas, especially the Wheatbelt and parts of the Swan Coastal Plain and South Coast; the salinity problem in the Wheatbelt and South West is one direct result. Further fragmentation, decline of condition and extinction is likely if clearing continues. Expansion of Perth suburbs and other towns all over the State will continue to drive clearing of native ecosystems. Clearing also negatively impacts on remnant vegetation by increasing edge effects, reducing the ability of animals to move between patches of suitable habitat, reducing colonisation ability of remaining plants, and increasing susceptibility to weed and Phytophthora dieback infestations. All community members benefit when native ecosystems are retained, as these ecosystems underpin the economy and society. Consequently all people have a role in preventing further clearing and protecting existing areas of native vegetation, not just landholders.*

## Native vegetation legislation

Regulation 4 of the *Soil and Land Conservation Regulations 1992* was repealed and replaced by amendments to the *Environmental Protection Act 1986* (EP Act) in 2004. Under this legislation, clearing is not generally permitted where the biodiversity values, land conservation and water protection roles of native vegetation would be significantly affected.

## 'Native vegetation' as defined in the EP Act and Regulations

'Native vegetation' means indigenous aquatic or terrestrial vegetation, and includes dead vegetation unless that dead vegetation is of a class declared by regulation to be excluded from this definition but does not include vegetation in a plantation (Environmental Protection (Clearing of Native Vegetation) Regulations 2004, section 3(1));



'Native vegetation' has the meaning given by section 3(1) but does not include vegetation that was intentionally sown, planted or propagated unless:

- (a) that vegetation was sown, planted or propagated as required under this Act or another written law; or
- (b) that vegetation is of a class declared by regulation to be included in this definition (EP Act Section 51A)

### **'Clearing' as defined in the EP Act**

Clearing means;

- (a) the killing or destruction of;
- (b) the removal of;
- (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:
- (e) the killing or destruction of;
- (f) the severing of trunks or stems of; or
- (g) any other substantial damage to, some or all of the native vegetation in an area;

### **What are Environmentally Sensitive Areas?**

There are a number of Environmentally Sensitive Areas (ESAs) within Western Australia where exemptions in regulations do not apply. Section 51B of the EP Act allows the Minister to declare ESAs. To view ESAs visit the 'Native Vegetation Map Viewer' accessible at: [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc) within the 'data' tab. If you want to clear native vegetation in an ESA, you should contact your local Native Vegetation Officer who will help you determine if you are exempt.

### **What is riparian vegetation?**

'Riparian vegetation' means the distinctive vegetation associated with a wetland or watercourse.

### **When do I require a permit?**

All clearing of native vegetation requires a permit unless it is exempt. There are exemptions for day-to-day activities that have a low environmental impact (refer to Fact Sheets 5, 6, 7 and 9). Exemptions do not apply in ESAs (refer above).

### **What are the 10 clearing principles?**

Under section 51O of the EP Act, the CEO must have regard to 10 clearing principles when deciding to grant, or refuse, a permit. The CEO must also have regard to planning instruments (such as town planning schemes) and other relevant matters. The 10 Principles, as specified in Schedule 5 of the EP Act, are listed below:

- (a) Native vegetation should not be cleared if it comprises a high level of biological diversity.
- (b) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of, a significant habitat for fauna indigenous to Western Australia.
- (c) Native vegetation should not be cleared if it includes, or is necessary for the continued existence of, rare flora.
- (d) Native vegetation should not be cleared if it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community.
- (e) Native vegetation should not be cleared if it is significant as a remnant of native vegetation in an area that has been extensively cleared.
- (f) Native vegetation should not be cleared if it is growing in, or in association with, an environment associated with a watercourse or wetland.
- (g) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause appreciable land degradation.
- (h) Native vegetation should not be cleared if the clearing of the vegetation is likely to have an impact on the environmental values of any adjacent or nearby conservation area.
- (i) Native vegetation should not be cleared if the clearing of the vegetation is likely to cause deterioration in the quality of surface or underground water.
- (j) Native vegetation should not be cleared the clearing of the vegetation is likely to cause, or exacerbate, the incidence or intensity of flooding.

### **What if I clear without a permit?**

Refer to Fact Sheet 2 'Clearing Offences and Penalties' and Fact Sheet 3 'Compliance Inspections and Clearing Laws' for information about penalties and inspections.

## More information

**Fact Sheet 2: Clearing Offences and Penalties**

**Fact Sheet 3: Compliance Inspections and Clearing Laws**

**Fact Sheet 4: Complying with your Clearing Permit**

**Fact Sheet 5: Mining and petroleum activities**

**Fact Sheet 6: Fire prevention and control, collection of firewood and harvesting of wildflowers, seeds, sandalwood and timber**

**Fact Sheet 7: Clearing previously cleared land, grazing on and management of pastoral leases and Pastoral Lands Board requirements**

**Fact Sheet 8: Clearing in specific existing or potential Water Supply Catchments**

**Fact Sheet 9: When do I require a permit?**

**Fact Sheet 10: How do I apply for a clearing permit?**

## 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 *Environmental Protection Act 1986* and 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](http://www.slp.wa.gov.au)

## Compliance assistance documents

Additional publications relating to clearing laws, clearing permits and application forms are available online from [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc) or can be requested by phoning 9219 8744.

## Compliance advice

For advice on complying with your permit, or any other related matter, please contact DEC's Native Vegetation Conservation Branch on 9219 8744.

For permits related to mineral and petroleum activities contact Department of Mines and petroleum on 9222 3570.



# A guide to the exemptions and regulations for clearing **native vegetation**

under Part V of the *Environmental Protection Act 1986*

In 2004, amendments to the *Environmental Protection Act 1986* (EP Act) introduced provisions for regulating the clearing of native vegetation.

If you intend to clear native vegetation, you will either need to apply for a permit from the Department of Environment and Conservation (DEC), or an exemption must apply. It is an offence to clear native vegetation without the authority of a permit or an exemption.

An exemption is a kind of clearing activity that does not require a permit. There are two types of exemptions.

The first type is found in Schedule 6 of the EP Act. These exemptions may be referred to as the **Schedule 6 exemptions**.

The second type is found in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (regulations). These may be referred to as **exemptions under Regulations**.

The exemptions under Regulations do not apply in **environmentally sensitive areas** (ESAs) declared under section 51B of the EP Act.

This guide explains what the exemptions are, who they apply to and what is defined as intentionally planted vegetation.

***Please note that while your clearing might be lawfully exempt from the requirement for a clearing permit under the EP Act, requirements contained in other legislation could apply.***



## How to use this guide

The first section of this guide explains how the Schedule 6 exemptions work. The second section of the guide explains how the exemptions under the Regulations work.

If you are looking for a particular clearing activity or topic that might be exempt, you can refer to the *Index* on pages one and two, which lists items by their topic (e.g. clearing for roads, clearing for fence lines etc.).

## Further information

If you have any questions about this guide or are not sure if you can clear under an exemption, you should phone the Native Vegetation Conservation Branch on 9219 8744.

More general information about clearing native vegetation can be found at [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc).

### **Please note.....**

*The information provided in this document is current as at **October 2009** and outlines some of the laws for regulating clearing native vegetation introduced under the Environmental Protection Act 1986. Persons who intend to undertake activities that may involve clearing are advised to consult the actual legislation and seek advice, including legal advice, where necessary. While the Department has endeavoured to ensure the accuracy of the contents of this document, it accepts no responsibility for any inaccuracies and persons relying on this document do so at their own risk.*

## Index of Themes

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Fence line - alienated land (Clearing of)	Regulation 5, Item 10	<b>18</b>
Fence line - Crown land (Clearing of)	Regulation 5, Item 11	<b>19</b>
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<i>Fire Brigades Act 1942</i> (Clearing under the)	Schedule 6, Clause 11	<b>9</b>
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Fire prevention or control on Crown land (Clearing for)	Schedule 6, Clause 12	<b>9</b>
Firewood (Clearing for)	Regulation 5, Item 5	<b>15</b>
<i>Fish Resources Management Act 1994</i> (Clearing under the)	Schedule 6, Clause 14	<b>10</b>
<i>Forest Products Act 2000</i> (Clearing under the)	Schedule 6, Clause 8	<b>8</b>
Forest Products Commission (Clearing by)	Schedule 6, Clauses 7 and 8	<b>8</b>
Formal assessment by the Environmental Protection Authority	Schedule 6, Clause 2	<b>6</b>

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Licensed surveyors (Clearing by)	Regulation 5, Item 9	<b>18</b>
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## Section 1 – Schedule 6 Exemptions

This table lists the exemptions that can be found in Schedule 6 of the *Environmental Protection Act 1986*. These exemptions mainly refer to clearing that is required under other laws.

- The first column refers to the clause in the Act.
- The second column shows the legal wording of the exemption.
- The third column uses simpler language to explain how the exemption works.

Clause no.	Wording of exemption	Comment / explanation
1. Clearing that is required under other laws	Clearing that is done in order to give effect to a requirement to clear under a written law.	<p>This exemption allows clearing that is a duty or obligation under another law. This exemption does not allow clearing that is merely permitted or approved but refers to clearing that is actually required by a written law. It is necessary that the requirement under the written law can be characterised as a "requirement to clear" not just a requirement for which clearing may be incidentally connected.</p> <p><b>Example 1</b> Section 54 of the <i>Energy Operators (Powers) Act 1979</i> <i>It is the duty of the occupier of any land over which vegetation is growing to clear as much of the vegetation as is necessary to prevent it interfering or obstructing the construction, maintenance or safe use of any supply system. Where this is not carried out, the energy operator may enter upon the land without notice to clear the vegetation.</i></p> <p><b>Example 2</b> Section 33 of the <i>Bush Fires Act 1954</i> <i>A local government at any time may require an owner or occupier of land in its boundaries to clear fire-breaks in such a manner... as the local government may determine and to maintain the fire-breaks clear of inflammable matter.</i></p> <p><b>Example 3</b> <i>Land Administration Act 1997</i> Clearing to maintain or reconstruct existing fences (and other pastoral improvements) is a requirement of section 107(3). Other clearing to "manage and work the land under the lease to its best advantage as a pastoral property" as required under section 108(1) would similarly be a requirement. Under section 108(1), the management and work would generally need to be completed to the satisfaction of the Pastoral Lands Board and so the Board's policies and directives may be decisive in determining what constitutes exempt activity.</p>

Clause no.	Wording of exemption	Comment / explanation
		<p>In addition, lessees are required under section 108(2) to adopt best pastoral and environmental management practices and are required under section 108(4) to maintain indigenous pasture and vegetation to the satisfaction of the Board.</p> <p>The Pastoral Lands Board is the judge of satisfactory compliance with section 108. This is subject to a requirement to adopt best pastoral and environmental management practices and to the maintenance of indigenous pasture and vegetation.</p> <p>For more information, contact the Pastoral Lands Board.</p> <p>Under section 107 (1) and (2), where the Pastoral Lands Board believes that an improvement is necessary, it may require a pastoral lessee to prepare a development plan detailing the achievement of the improvement to a specified timetable. Compliance with the development plan is a requirement and is therefore also exempt.</p>
2. Assessment by the Environmental Protection Authority	<p>Clearing that is done –</p> <p>(a) in the implementation of a proposal in accordance with an implementation agreement or decision;</p> <p>(b) in the case of a proposal that –</p> <p>(i) was made under an assessed scheme; and</p> <p>(ii) because of section 48I(2), was not referred to the Authority,</p> <p>in the implementation of the proposal in accordance with a subdivision approval, a development approval or a planning approval given by the responsible authority;</p> <p>(c) in accordance with –</p> <p>(i) a prescribed standard;</p> <p>(ii) a works approval;</p> <p>(iii) a licence;</p> <p>(iv) a requirement contained in a closure notice, an environmental protection notice or a prevention notice;</p> <p>(v) an approved policy;</p>	<p>(a) This exemption applies to clearing assessed under section 40 as part of a proposal referred under section 38 of Part IV of the <i>Environmental Protection Act 1986</i>. The clearing must be in accordance with the implementation agreement or decision. Implementation agreement or decision is defined in section 3 of the EP Act.</p> <p>This exemption does not apply to proposals which the EPA has decided not to formally assess, whether or not the EPA provides advice to the proponent or decision making authorities. It also does not apply to expansions or works not covered by the conditions of the original proposal unless done in accordance with the implementation agreement or decision.</p> <p>(b) This exemption applies to assessed schemes implemented in accordance with a subdivision approval, development approval or planning approval where the clearing of native vegetation was assessed. Assessed scheme is defined in section 3 of the EP Act.</p> <p>If a decision-making authority is uncertain whether clearing of native vegetation has been considered as part of an assessed scheme, the Environmental Protection Authority should be contacted for advice.</p> <p>(c) This exemption allows clearing in accordance with the items listed.</p> <p>"In accordance with" means as dictated by the works approval, licence or other instrument.</p> <p>Clearing native vegetation is not usually assessed as part of an application for a works approval or licence. This means a clearing permit is still required unless a works approval or licence is issued with specific approvals relating to clearing native vegetation.</p>

Clause no.	Wording of exemption	Comment / explanation
	(vi) a declaration under section 6; (vii) an exemption under section 75; or (viii) a licence, permit, approval or exemption granted, issued or given under the regulations; or (d) in the exercise of any power conferred under this Act.	(d) This exemption allows clearing that is done in the exercise of any power given under the <i>Environmental Protection Act 1986</i> .
3. Clearing carried out by the Department of Environment and Conservation	Clearing by the Department, within the meaning of the <i>Conservation and Land Management Act 1984</i> , in the performance of its function under section 33(1)(a) of that Act of managing land, but, in the case of land referred to in section 33(1)(a)(i), only if the management is carried out in accordance with section 33(3).	This exemption refers to clearing done by the Department of Environment and Conservation as part of its role as the manager of lands. Lands include State forest; timber reserves; national parks; conservation parks; nature reserves; marine nature reserves; marine parks; marine management areas and other lands and waters vested or managed by the Conservation Commission or the Marine Authority. The clearing must: <ol style="list-style-type: none"> <li>1) be in accordance with a management plan where there is a management plan;</li> <li>2) where there is no such plan –               <ol style="list-style-type: none"> <li>(i) in the case of nature reserves and marine nature reserves, only operations necessary for the preservation or protection of persons, property, land, waters, flora or fauna, or for the preparation of a management plan; or</li> <li>(ii) in the case of national parks, conservation parks, marine parks and marine management areas, either necessary operations as for (i) or compatible operations approved by the Minister as being compatible with the purposes of the park or management area;</li> <li>(iii) in the case of other land to achieve the purpose for which the land was vested or managed (as described in section 56 of the <i>Conservation and Land Management Act 1984</i>).</li> </ol> </li> </ol>
4. Clearing under the <i>Sandalwood Act 1929</i>	Clearing authorised under a licence – (a) referred to in paragraph (a); or (b) granted under paragraph (b), of section 3(1) of the <i>Sandalwood Act 1929</i> .	This exemption allows a person licensed under the <i>Sandalwood Act 1929</i> to take sandalwood in accordance with the terms and conditions of the licence.

Clause no.	Wording of exemption	Comment / explanation
5. Taking flora under the <i>Wildlife Conservation Act 1950</i>	Clearing consisting of the taking of flora – (a) as authorised under a licence under section 23C of the <i>Wildlife Conservation Act 1950</i> ; or (b) as consented to under section 23F of the <i>Wildlife Conservation Act 1950</i> by the Minister administering that Act.	This exemption allows a person holding a commercial purposes licence under section 23C of the <i>Wildlife Conservation Act 1950</i> to take protected flora for sale in accordance with the terms and conditions of the licence.  This exemption also allows a person who has obtained the consent of the Minister under section 23F of the <i>Wildlife Conservation Act 1950</i> to take flora declared as rare.
6. Taking flora under the <i>Wildlife Conservation Act 1950</i>	Clearing consisting of the taking of flora by a person authorised – (a) by subsection (1)(a); or (b) under subsection (1)(b), of section 23D of the <i>Wildlife Conservation Act 1950</i> for the purposes of sale under a licence issued under that section.	This exemption allows a person holding a Commercial Producer's licence under section 23D of the <i>Wildlife Conservation Act 1950</i> to take protected flora for sale in accordance with the terms and conditions of the licence.  Note that section 23D of the <i>Wildlife Conservation Act 1950</i> , requires the Minister to consider the clearing principles set out in Schedule 5 of the <i>Environmental Protection Act 1986</i> . The Minister shall not issue a licence under the <i>Wildlife Conservation Act 1950</i> if the taking of protected flora would be seriously at variance with those principles.
7. Clearing by the Forest Products Commission	Clearing under the <i>Forest Products Act 2000</i> , of vegetation maintained, or established and maintained, under section 10(1)(g) of that Act.	This exemption allows clearing by the Forest Products Commission of forest products in plantations, plant nurseries, or seed or propagation orchards which are maintained, or established and maintained, by the Forest Products Commission.  Forest products means trees or parts of trees: timber, sawdust or chips, charcoal, gum, kino, resin or sap, and firewood located on public land or share-farmed land.
8. Specific clearing under the <i>Forest Products Act 2000</i>	Clearing under a production contract or road contract entered into and having effect under the <i>Forest Products Act 2000</i> .	This exemption allows clearing of forest products by the Forest Products Commission or its contractors in accordance with a production contract provided that: <ul style="list-style-type: none"> <li>the quantities and kinds of forest products and the location of the forest products to be managed, harvested, or sold are in accordance the relevant management plan.</li> </ul> A production contract has no effect after the relevant management plan has expired. This exemption allows for clearing in accordance with a road contract for the construction or maintenance of roads for the purposes of managing or harvesting forest products. Production and road contracts may only be made in relation to land managed by the Department of Environment and Conservation if the management plan allows for the management or harvesting of forest products.
9. Clearing under the <i>Planning and Development Act</i>	Clearing in accordance with a subdivision approval given by the responsible authority under the <i>Planning and Development Act</i>	This exemption allows clearing in accordance with a subdivision deemed approved by the responsible authority under the <i>Planning and Development Act 2005</i> .  This may include clearing native vegetation for the purposes of:

Clause no.	Wording of exemption	Comment / explanation
2005	2005, including – (a) clearing for the purposes of any development that is deemed by section 157 of that Act to have been approved by the responsible authority; and (b) clearing in any building envelope described in the approved plan or diagram.	<ul style="list-style-type: none"> <li>• constructing roads to provide access to or within the subdivision;</li> <li>• providing water services to the satisfaction of the Water Corporation;</li> <li>• filling or draining the land in accordance with the specifications of the approval and;</li> <li>• clearing within any building envelope described in the approved plan or diagram.</li> </ul> <p>Most subdivision approvals do not explicitly authorise the clearing of native vegetation other than for the purposes outlined above.</p>
10. Clearing under the <i>Bush Fires Act 1954</i>	Clearing that is done – (a) as permitted under section 17(5); (b) in accordance with a permit obtained under section 18; (c) in accordance with permission granted under section 21(2); (d) under section 22(2), 23, 26A, 39(1)(d) or 44(1)(c); or (e) as authorised by a proclamation under section 26, of the <i>Bush Fires Act 1954</i> .	<p>This exemption allows clearing under the <i>Bush Fires Act 1954</i> for:</p> <ul style="list-style-type: none"> <li>• burning during a restricted time if a permit is obtained from a bush fire control officer;</li> <li>• burning if the Minister for Fire and Emergency Services or a person acting on the Minister’s authority grants permission during a declared bush fire emergency period;</li> <li>• burning during prohibited times if a burning permit is obtained from a bush fire control officer to burn bush on land to protect a dwelling, building, haystack or crop, or to control certain weeds; or</li> <li>• clearing by a bush fire control officer to construct fire breaks or clear land to control or prevent the spreading of a fire.</li> </ul> <p>Bush fire control officers are appointed under section 38 of the <i>Bush Fires Act 1954</i>.</p>
11. Clearing under the <i>Fire Brigades Act 1942</i>	Clearing that is done under section 34(a), (c) or (h) of the <i>Fire Brigades Act 1942</i> .	Under the <i>Fire Brigades Act 1942</i> the Director of Operations or the officer or member of the Brigade in charge at a fire may take and direct any clearing which appears necessary to protect life and property, or to control and extinguish the fire.
12. Clearing for fire prevention or control on Crown land	Clearing that is done for fire prevention or control purposes or other fire management works on Crown land, within the meaning of the <i>Land Administration Act 1997</i> , by the Fire and Emergency Services Authority of Western Australia established under the <i>Fire and Emergency Services Authority of Western Australia Act 1998</i> .	This exemption allows clearing by the Fire and Emergency Services Authority for fire prevention or control purposes or for other fire management works on Crown land.
13. Clearing under the <i>Land Administration Act 1997</i>	Clearing caused by the grazing of stock on land under a pastoral lease within the meaning of the <i>Land Administration Act 1997</i> as long as that grazing is not in breach of –	This exemption allows a pastoral lessee to graze stock on a pastoral lease in accordance with the <i>Land Administration Act 1997</i> , the terms and conditions of the pastoral lease and any relevant condition or determination by the Pastoral Lands Board.

Clause no.	Wording of exemption	Comment / explanation
	(a) that Act; (b) the pastoral lease; or (c) any relevant condition set or determination made by the Pastoral Board under Part 7 of that Act.	
14. Clearing under the <i>Fish Resources Management Act 1994</i>	Clearing of aquatic vegetation that occurs under the authority of a licence or permit within the meaning of the <i>Fish Resources Management Act 1994</i> .	This exemption allows the clearing of aquatic vegetation that is authorised by a licence or permit issued under the <i>Fish Resources Management Act 1994</i> . For example, this may include the incidental clearing caused by the ordinary and otherwise lawful use of rock lobster pots in accordance with a licence to take rock lobster.

## Section 2 – Regulations

The *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* address a number of matters related to clearing of native vegetation, such as:

- When intentionally planted vegetation is defined as native vegetation and therefore the rules for clearing of native vegetation will apply.
- Fees to lodge an application to clear native vegetation.
- The information that DEC must keep about applications to clear.
- The information that DEC must publish about applications to clear and decisions on clearing of native vegetation.
- Clearing activities that do not require a permit if carried out outside of an environmentally sensitive area declared under section 51B of the EP Act.

Please note that the following section is not the official version of the Regulations, but a guide that explains to you how the exemptions under the Regulations work. The explanations do not address Regulations 7 (fees) and 8 (records to be kept by the CEO). For information on these exemptions, refer to the official version of the Regulations.

The official version can be obtained by contacting the State Law Publisher (08) 9321 7688 or visit [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

### Regulations 1, 2 and 3

Regulation 1 states the official name of these Regulations, which is the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

Regulation 2 states the day the Regulations came into operation. This was 8 July 2004.

Regulation 3 lists some definitions of particular terms used in the Regulations. In this guide, these definitions have been included with the exemption to which they relate.

### Regulation 4 - Intentionally sown, planted or propagated vegetation

#### Plantations

The clearing laws only apply to “native vegetation”. The definition of “native vegetation” in the EP Act does not include native species in a plantation. A plantation is defined in section 3 of the EP Act as “one or more groups of trees, shrubs or plants intentionally sown, planted or propagated with a view to commercial exploitation”.

#### Other Intentionally Planted Vegetation

Under section 51A of the EP Act “native vegetation” does not include vegetation that is intentionally sown, planted or propagated unless:

- the vegetation was sown, planted or propagated as required under the EP Act or another written law; or
- it is declared to be native vegetation under the regulations.

Vegetation that is required to be sown, planted or propagated under a written law will often be as a result of conditions of an authorisation or lease.

#### *Intentionally planted vegetation that is declared to be native vegetation*

Regulation 4 prescribes the kinds of intentionally planted indigenous vegetation that are “native vegetation” and which therefore require a clearing permit or exemption to clear and includes:

- (a) Planting that was funded (wholly or partly):
  - (i) by a person who was not the owner of the land; and
  - (ii) for the purpose of biodiversity conservation or land conservation.

OR

- (b) Intentionally planted vegetation that has one of the following:
- (i) a conservation covenant or agreement to reserve under section 30B of the *Soil and Land Conservation Act 1945*;
  - (ii) a covenant to conserve under section 21A of the *National Trust of Australia (WA) Act 1964*;
  - (iii) a restrictive covenant to conserve under section 129B of the *Transfer of Land Act 1983*;
  - (iv) some other form of binding undertaking to establish and maintain, or maintain, the vegetation.

For the purposes of regulation 4, biodiversity conservation includes conservation of species diversity, genetic diversity or ecosystem diversity and land conservation includes management of salinity, erosion, soil acidity or waterlogging. Planting includes to sow and to propagate.

## Regulation 5 - Prescribed Clearing

This Regulation includes a table of exemptions, referred to as “items”. Each exemption listed in the table only applies if the clearing is either done by the person specified in the table, or with that person’s prior authority.

If you clear using one of the exemptions in the table below, you must make sure you clear in a way that limits damage to neighbouring vegetation.

Clearing under exemptions set out in Regulation 5 must also fit within the description set out in the Table to Regulation 5.

### One Hectare Limit

Certain items under the Regulations only exempt clearing to the extent that the total combined clearing under any of these exemptions does not exceed one hectare in any financial year.

This means that if you clear under one or more of the following items, the total area cleared for all of these purposes may not add up to more than one hectare in a financial year.

- Clearing to construct a building (Regulation 5, Item 1)
- Clearing to collect firewood (Regulation 5, Item 5)
- Clearing to obtain fencing or farming materials (Regulation 5, Item 6)
- Clearing for woodwork (Regulation 5, Item 7)
- Clearing for fence lines (Regulation 5, Items 10 & 11)
- Clearing for vehicular tracks (Regulation 5, Item 12)
- Clearing for walking tracks (Regulation 5, Item 13)
- Clearing isolated trees (Regulation 5, Item 19)

### Environmentally Sensitive Areas

There are a number of areas where the exemptions under the Regulations do not apply. These areas are environmentally sensitive areas (ESAs) declared by the Minister under section 51B of the EP Act. If you want to clear native vegetation in an environmentally sensitive area for one of the purposes in the Table, you will need to apply for a clearing permit.

The current ESAs are contained in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 published in the *Western Australian Government Gazette*, Friday 8 April 2005, No 55. For a copy of the Gazette, contact the State Law Publisher on (08) 9321 7688 or visit [www.slp.wa.gov.au](http://www.slp.wa.gov.au).

A web viewer can assist you in locating some of the environmentally sensitive areas. Users are advised that the map is not the legal list. To use the viewer visit the DEC web site at [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc).

This table lists the exemptions that can be found in Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

- The first column refers to the Item number in Regulation 5.
- The second column shows the legal wording of the exemption.
- The third column uses simpler language to explain how the exemption works.

Item no.	Wording of exemption	Comment / explanation
<p>Regulation 5, Item 1 Clearing to construct a building</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the property on which the clearing is to take place.</p>	<p>Clearing of a site for the lawful construction of a building or other structure on a property, being clearing which does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 1 ha, if –</p> <p>(a) the clearing is to the extent necessary; and</p> <p>(b) the vegetation is not riparian vegetation.</p>	<p>Clearing of native vegetation for the lawful construction of a building or other structure is exempt as long as other relevant approvals have been obtained, including any planning approvals and building licence.</p> <p>“Building” means a roofed building or other roofed structure that is permanently fixed to the ground, and includes a transportable building that is:</p> <p>(a) connected to a sewerage system or septic tank; or</p> <p>(b) intended to be used as a permanent building.</p> <p>Clearing may also be carried out for the construction of other structures.</p> <p>Clearing must only be to the extent necessary for the building or other structure. For example, this exemption does not allow you to clear a large area to simply install a 2m x 3m garden shed.</p> <p>This exemption does not allow clearing of riparian vegetation.</p> <p>“Riparian vegetation” means the distinctive vegetation associated with a wetland or watercourse.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing for a building, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing may not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> </ul>

		<ul style="list-style-type: none"> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 2</p> <p>Clearing resulting from accidents or to reduce danger</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the land on which the clearing is to take place; or</p> <p>A person responsible for the safety or welfare of the persons who are likely to be in danger or for the portion of the environment.</p>	<p>Clearing –</p> <p>(a) for the purposes of preventing imminent danger to human life or health or irreversible damage to a significant portion of the environment; or</p> <p>(b) as a result of an accident caused otherwise than by the negligence of the person clearing or the person who authorised the clearing.</p>	<p>The exemption is largely consistent with the section 74 defence to environmental harm in the <i>Environmental Protection Act 1986</i>.</p> <p>The danger or risk to the environment must be present, immediate or imminent, and not remote either as to likelihood or as to time of occurrence.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 3</p> <p>Clearing for fire hazard reduction</p> <p><b>Clearing must be done by or with the authority of:</b></p> <p>The owner of the land on which the clearing is to take place.</p>	<p>Clearing that is fire hazard reduction burning if the clearing is –</p> <p>(a) to occur outside the prohibited or restricted burning times declared under the <i>Bush Fires Act 1954</i> for the zone in which the clearing is to take place; and</p> <p>(b) done in such a way as to minimise long term damage to the environmental values of the vegetation.</p>	<p>This exemption allows for fire hazard reduction burning outside of the prohibited or restricted periods.</p> <p>“Fire hazard reduction burning” means burning or partial burning of vegetation to reduce the risk of injury or damage to persons and property from an uncontrolled fire in vegetation.</p> <p>The clearing must be done in a way that minimises long term damage to the environmental values of the vegetation. Environmental value is defined in section 3 of the EP Act and means a beneficial use; or an ecosystem health condition. Both beneficial use and ecosystem health condition are also defined in section 3.</p> <p>Whilst having regard to safety issues, care should be taken not to carry out fire hazard reduction burning so frequently that it will reduce or prevent the ability of the vegetation to recover. Care should also be taken, for example, to prevent burning from spreading to a neighbouring property. DEC has prepared a guideline to assist in understanding requirements to prevent long term damage to vegetation which is available at DEC’s</p>

		<p>website (<a href="http://www.dec.wa.gov.au">http://www.dec.wa.gov.au</a>).</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 4 Clearing in accordance with a code of practice <b>Clearing must be done by or with the prior authority of:</b> A person to whom the code applies.</p>	<p>Clearing in accordance with a code of practice issued by the CEO under section 122A of the Act.</p>	<p>In its current form, this item does not provide for any exemptions as it does not adopt a code of practice made under section 122A. That is because Item 4 refers to all codes of practice made under section 122A, rather than a specific code or codes. The power of the Governor to make regulations under section 123 to “adopt...either specifically or by reference, any...codes” is confined to codes that are capable of being specifically identified in the regulation.</p>
<p>Regulation 5, Item 5 Clearing for firewood <b>Clearing must be done by or with the prior authority of:</b> The owner or occupier.</p>	<p>Clearing to provide firewood use by the owner or occupier of the property on which the vegetation is located for domestic heating or cooking, being clearing which –</p> <p>(a) does not kill any live vegetation and does not prevent regrowth of the vegetation;</p> <p>(b) is carried out to provide firewood to the extent to which firewood could not be obtained from vegetation already cleared for another purpose; and</p> <p>(c) does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 1 ha.</p>	<p>This exemption allows the owner or occupier of the land to clear native vegetation for firewood for domestic use only.</p> <p>Under the <i>Wildlife Conservation Act 1950</i>, vegetation cleared under this exemption cannot be sold but may be given away. Advice should be obtained from the Department of Environment and Conservation (Manager, Species and Communities Branch) on what “sell” means, as it may include such things as raffling or bartering.</p> <p>Firewood must first be collected from clearing undertaken for another purpose. If no such cleared vegetation exists, it may either be of dead vegetation, or if from live trees such that it does not kill the tree or prevent its regrowth. This would allow taking of branches, or of resprouting species such as mallees.</p> <p>This exemption therefore allows a landholder to continue with traditional practices of gathering firewood from vegetation on the property, while placing some reasonable limits on those practices.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing for firewood, combined with other exempt clearing activities on the property, may not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> </ul>

		<ul style="list-style-type: none"> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 6 Clearing to provide fencing and farm materials</p> <p><b>Clearing must be done by or with the prior authority of:</b> The owner or occupier.</p>	<p>Clearing to provide material for use by the owner or occupier of the property on which the vegetation is located for constructing and maintaining fences, buildings and other structures on land in the possession of the owner or occupier, being clearing which –</p> <p>(a) does not kill any live vegetation and does not prevent regrowth of the vegetation;</p> <p>(b) is carried out to provide material to the extent to which the material could not be obtained from vegetation already cleared for another purpose; and</p> <p>(c) does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 1 ha.</p>	<p>Both parts of this exemption must be satisfied before it applies. It allows the owner or occupier of the land to clear native vegetation for fence posts and other materials <i>for the owner or occupier's personal use on the land in question</i>. Vegetation cleared under this exemption cannot be sold, given away or used off-site.</p> <p>Fencing and farm materials must first be collected from clearing undertaken for another purpose. If no such cleared vegetation exists, it may either be of dead vegetation, or if of live trees such that it does not kill the tree or prevent its regrowth. This would allow taking of branches, or of resprouting species such as mallees.</p> <p>This exemption therefore allows a landholder to continue with traditional practices of gathering fencing and farm materials from vegetation on the property, while placing some reasonable limits on those practices.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing for fences and farm materials, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul>

		This exemption does not apply in an environmentally sensitive area.
<p>Regulation 5, Item 7 Clearing for woodwork</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner or occupier.</p>	<p>Clearing to provide timber for use by the owner or occupier of the property on which the vegetation is located for non-commercial woodwork (in the nature of furniture-making, wood turning or carving), being clearing which –</p> <p>(a) does not kill any live vegetation and does not prevent regrowth of the vegetation;</p> <p>(b) is carried out to provide timber to the extent to which the timber could not be obtained from vegetation already cleared for another purpose; and</p> <p>(c) does not, together with all other limited clearing on the property in the financial year in which the clearing takes place, exceed 1 ha.</p>	<p>This exemption allows the owner or occupier of the land to clear native vegetation for woodwork for domestic use.</p> <p>Under the <i>Wildlife Conservation Act 1950</i>, vegetation cleared under this exemption cannot be sold but may be given away. Advice should be obtained from the Department of Environment and Conservation (Manager, Species and Communities Branch) on what “sell” means, as it may include such things as raffling or bartering.</p> <p>Timber for woodwork must first be sourced from clearing for another purpose. If no such cleared vegetation exists, it may either be of dead vegetation or if of live trees such that it does not kill the tree or prevent its regrowth. This would allow taking of branches, or of resprouting species such as mallees.</p> <p>This exemption therefore allows a landholder to continue with traditional practices of gathering woodwork from vegetation on the property, while placing some reasonable limits on those practices.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing for woodwork, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
Regulation 5, Item 8	Clearing for the cultural or spiritual, but not	This exemption allows clearing of native vegetation for traditional purposes by an

<p>Clearing for cultural purposes of an Aboriginal person</p> <p><b>Clearing must be done by:</b></p> <p>The Aboriginal person.</p>	<p>commercial, purposes of an Aboriginal person on land to which the person has a cultural or spiritual connection and a right of access.</p>	<p>Aboriginal person, provided that the Aboriginal person has a spiritual or cultural connection and has a right to access the land in question.</p> <p>An Aboriginal person's cultural or spiritual connection to particular land is determined in accordance with the body of traditions, observances and customs of the particular community or communities to which the Aboriginal person belongs or with which the person identifies.</p> <p>An "Aboriginal person" means a person who is a descendant of one or more of the Aboriginal peoples of Australia, who claims to be an Aboriginal person and who is accepted as such in the community in which he or she lives.</p> <p>This exemption does not allow for commercial use of the native vegetation.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 9</p> <p>Clearing by licensed surveyors</p> <p><b>Clearing must be done by:</b></p> <p>The authorised land officer or licensed surveyor.</p>	<p>Clearing by –</p> <p>(a) an authorised land officer or surveyor (as defined in the <i>Standard Survey Marks Act 1924</i>) in the exercise of powers under that Act; or</p> <p>(b) a licensed surveyor (as defined in the <i>Licensed Surveyors Act 1909</i>) in the course of making an authorised survey.</p>	<p>This exemption allows clearing by licensed surveyors and authorised land officers who in the course of their professional duties exercise any power under the <i>Standard Survey Marks Act 1924</i> or <i>Licensed Surveyors Act 1909</i>. This ensures that licensed surveyors and authorised land officers are able to continue to exercise their powers under these Acts.</p> <p>Standard survey marks are geodetic stations which establish a framework from which other surveying can be done.</p> <p>Authorised surveys relate to the creation of lots.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 10</p> <p>Clearing along a fence line- alienated land</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the property on which the clearing is to take place.</p>	<p>Clearing of alienated land along a fence line of, or within, a property to the width necessary to provide access to construct or maintain a fence, being clearing which does not, together with all other limited clearing carried out on the property in the financial year in which the clearing takes place, exceed 1 ha.</p>	<p>This exemption allows an owner to clear a strip of native vegetation on either side of a fence line on private property to provide access for fence maintenance or construction.</p> <p>"Fence" means a structure that is permanently fixed to the ground for controlling movement of persons and/or animals.</p> <p>"Property" means 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.</p> <p>Under this item you should note that clearing along a fence line, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p>

		<ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 11 Clearing along a fence line- Crown land</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the land on which the clearing is to take place.</p>	<p>Clearing of Crown land along a fence line to provide access to construct or maintain a fence –</p> <p>(a) between alienated land and Crown land - if the clearing is no more than 1.5 m from the fence line; or</p> <p>(b) between Crown land and Crown land - if the clearing is no more than 5 m from the fence line on one side and no more than 1.5 m from the fence line on the other side.</p>	<p>This exemption allows the government agency which has the care, control or management of the land, or a lessee under a lease lawfully granted by the Crown (such as a pastoral lease), to clear to provide access for fence maintenance or construction:</p> <p>(a) between alienated land and Crown land, a strip of native vegetation up to 1.5 metres wide on the Crown land along the fence line (this Item does not deal with clearing for a fence line on alienated land – see Item 10); or</p> <p>(b) between Crown land and Crown land a strip of native vegetation up to 5 metres on one side and 1.5 metres on the other side.</p> <p>“Fence” means a structure that is permanently fixed to the ground for controlling movement of persons and/or animals.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 12 Clearing for vehicular tracks</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the property on which the clearing is to take place.</p>	<p>Clearing to construct a vehicular track on a property, being clearing which does not, together with all other limited clearing carried out on the property in the financial year in which the clearing takes place, exceed 1 ha, if –</p> <p>(a) the clearing for the track is no wider than necessary;</p> <p>(b) there is at least 100 m between that track and any other cleared land that can be used for the purpose for which the</p>	<p>This exemption allows for clearing of a strip of native vegetation to the extent necessary for an access track. For example, this may be for general access to a property or to farm infrastructure such as a hay shed.</p> <p>There must be at least 100m between the track and any other cleared land that can be used for the purpose intended for that track. This may include other cleared areas.</p> <p>Construction of vehicle tracks within riparian vegetation is generally not allowed, but where there is no reasonable alternative route, and the track is necessary for the commercial activities of the property, it may pass through riparian vegetation.</p> <p>“Riparian vegetation” means the distinctive vegetation associated with a wetland or watercourse.</p>

	<p>particular track is intended;</p> <p>(c) the vegetation is not in a road reserve; and</p> <p>(d) the vegetation is not riparian vegetation (unless there is no reasonable alternative route and the track is necessary for the commercial activities carried out on the property).</p>	<p>“Property” means 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.</p> <p>Under this item you should note that clearing for a vehicle track, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 13 Clearing for walking tracks</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner of the property on which the clearing is to take place.</p>	<p>Clearing to construct a walking track on a property, being clearing which does not, together with all other limited clearing carried out on the property in the financial year in which the clearing takes place, exceed 1 ha, if –</p> <p>(a) the clearing for the track is no wider than necessary;</p> <p>(b) the track is used by pedestrians or there is a reasonable expectation that it will be used by pedestrians.</p>	<p>This exemption allows clearing for the installation of walking tracks for use by pedestrians.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing for a walking track, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> </ul>

		<ul style="list-style-type: none"> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 14 Clearing to maintain existing cleared areas for pasture, cultivation or forestry</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The owner or occupier of the land on which the clearing is to take place.</p>	<p>Clearing of land that was lawfully cleared within the 10 years prior to the clearing if –</p> <p>(a) the land has been used as pasture or for cultivation or forestry within those 10 years; and</p> <p>(b) the clearing is only to the extent necessary to enable the land to be used to the maximum extent to which it was used in those 10 years.</p>	<p>This exemption is largely about allowing clearing of native vegetation that has regrown on land that has been used for cultivation, pasture or forestry over the previous ten years. For the exemption to apply, the following requirements must all be met:</p> <ol style="list-style-type: none"> <li>1. The land must have been lawfully cleared within the ten years prior to clearing.</li> <li>2. The land must have been used as pasture or for cultivation or forestry within those ten years.</li> <li>3. The clearing is only to the extent necessary to enable the land to be used to the maximum extent to which it was used in those ten years. It does not allow for a greater area of clearing, or for more intensive clearing.</li> </ol> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 15 Clearing to maintain existing cleared areas around infrastructure etc.</p> <p><b>Clearing must be done by or with the authority of:</b></p> <p>The owner or occupier of the land on which the clearing is to take place.</p>	<p>Clearing of land that was lawfully cleared within the 10 years prior to the clearing, for one of the following purposes –</p> <p>(a) around a building or structure for the use of the building or structure;</p> <p>(b) for a fire risk reduction area for a building;</p> <p>(c) to maintain an area along a fence line to provide access to construct or maintain the fence; or</p> <p>(d) to maintain a vehicular or walking track, to the extent of the prior clearing.</p> <p>Clearing of land that was previously lawfully cleared for one of the following purposes if the clearing does not exceed the extent specified for the purpose –</p> <p>(a) around a building or structure for the use of the building or structure - 20 m from the building or structure;</p> <p>(b) for a fire risk reduction area for a building</p>	<p>This exemption allows for clearing for maintenance of areas previously cleared for buildings or structures, for fence lines, for fire risk reduction or for vehicular or walking tracks within ten years to the maximum extent of the previous clearing.</p> <p>The second clause provides for situations where clearing for the above purposes may have taken place more than ten years previously, or where it is unclear how much vegetation was cleared previously. This clause allows clearing up to the amount specified for each activity.</p> <p>“Building” means a roofed building or other roofed structure that is permanently fixed to the ground, and includes a transportable building that is:</p> <ol style="list-style-type: none"> <li>(a) connected to a sewerage system or septic tank; or</li> <li>(b) intended to be used as a permanent building.</li> </ol> <p>“Fence” means a structure that is permanently fixed to the ground for controlling movement of persons and/or animals.</p> <p>“Fire risk reduction area”, in relation to a building, means a low fuel area (building protection zone) designed to minimise the likelihood of flames contacting the building.</p> <p><b>Note:</b> this exemption only applies if the original clearing was lawful – in other words it will not authorise the maintenance of areas that were cleared unlawfully.</p>

	<p>- 20 m from the building;</p> <p>(c) to maintain an area along a fence line to provide access to construct or maintain the fence - 5 m from the fence line;</p> <p>(d) to maintain a vehicular or walking track - 5 m wide.</p>	<p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 16 Clearing under the <i>Rights in Water and Irrigation Act 1914</i></p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The person to whom the permit is granted or other approval is given.</p>	<p>Clearing that is the result of carrying out works under a permit or other approval under, or referred to in, section 11, 16, 17 or 21A of the <i>Rights in Water and Irrigation Act 1914</i>.</p>	<p>A clearing permit is not required where approvals have been granted under the <i>Rights in Water and Irrigation Act 1914</i> to carry out works to take water or to interfere with the bed and banks of a watercourse and clearing is conducted in accordance with the approval.</p> <p>This item does not exempt clearing relating to a section 5C licence to take surface water or groundwater.</p> <p>Impacts on native vegetation as a result of these approvals are considered as part of the permit application under the <i>Rights in Water and Irrigation Act 1914</i>.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 17 Clearing under the <i>Country Areas Water Supply Act 1947</i></p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The person to whom the licence is granted.</p>	<p>Clearing in accordance with a clearing licence granted under section 12C of the <i>Country Areas Water Supply Act 1947</i> if –</p> <p>(a) the licence is granted before Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation; and</p> <p>(b) the clearing takes place within 2 years after Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation.</p>	<p>This exemption has now expired.</p>
<p>Regulation 5, Item 18 Clearing under the <i>Swan River Trust Act 1988</i></p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>In the case of</p>	<p>Clearing –</p> <p>(a) in accordance with an approval under Part 5 of the <i>Swan River Trust Act 1988</i>; or</p> <p>(b) as described in regulation 6(2) of the <i>Swan River Trust Regulations 1989</i>.</p>	<p>This exemption applies to:</p> <ul style="list-style-type: none"> <li>the person to whom the approval is granted under Part 5 of the <i>Swan River Trust Act 1988</i>; or</li> <li>the person carrying out the clearing described in regulation 6(2) of the <i>Swan River Trust Regulations 1989</i>.</li> </ul> <p>This exemption ensures that multiple approvals are not required from the Department of Environment and Conservation in respect to approvals issued under the <i>Swan River Trust Act 1988</i>.</p>

<p>paragraph (a), the person to whom the approval is granted, in the case of paragraph (b), a person.</p>		<p>Impacts on native vegetation are considered as part of the application assessment under the <i>Swan River Trust Act 1988</i>.</p> <p>This exemption does not apply in an <i>environmentally sensitive area</i>.</p>
<p>Regulation 5, Item 19 Clearing of isolated trees</p> <p><b>Clearing must be done with the prior authority of:</b></p> <p>The <b>owner</b> of the <b>property</b> on which the tree is located.</p>	<p>Clearing of a tree on a property that is in an otherwise cleared area on the property and is more than 50 m from any other native vegetation, being vegetation which does not, together with all other limited clearing carried out on the property in the financial year in which the clearing takes place, exceed 1 ha.</p>	<p>This exemption allows for the removal of a tree that is more than fifty metres from any other native vegetation.</p> <p>“Property” means 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.</p> <p>Under this item you should note that clearing an isolated tree, combined with other exempt clearing activities on the property, must not exceed 1 hectare in a financial year. The area of a tree is calculated by the using the drip line of the tree.</p> <p>This means that if you clear for any of the following purposes, the clearing must not add up to more than 1 hectare in a financial year.</p> <ul style="list-style-type: none"> <li>• Clearing to construct a building (Item 1)</li> <li>• Clearing to collect firewood (Item 5)</li> <li>• Clearing to obtain fencing or farming materials (Item 6)</li> <li>• Clearing for woodwork (Item 7)</li> <li>• Clearing for fence lines (Items 10 &amp; 11)</li> <li>• Clearing for vehicular tracks (Item 12)</li> <li>• Clearing for walking tracks (Item 13)</li> <li>• Clearing isolated trees (Item 19)</li> </ul> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 20 Clearing resulting from low impact or other mineral or petroleum activities</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The person granted the authority to carry</p>	<p>Clearing that is, or is the result of carrying out, a low impact or other mineral or petroleum activity described in Schedule 1 if the activity is carried out –</p> <p>(a) in accordance with Schedule 1; and</p> <p>(b) in an area of the State other than a non-permitted area specified in Schedule 1.</p>	<p>This exemption allows clearing for low impact or other mineral or petroleum activities provided they occur outside of those non-permitted areas specified in Schedule 1 of the Regulations.</p> <p>Clearing activities that have been identified as “low impact” are those that have a minimal or low impact on native vegetation and may be regulated under processes administered by the Department of Mines and Petroleum. Examples include some clearing for temporary tracks, groundwater drilling, clearing for campsites, anchoring vessels and removing marine growth from certain structures. <b>Please check Schedule 1 to determine whether or not this exemption applies to you.</b></p> <p>There is a requirement that all cleared areas are progressively rehabilitated.</p>

<p>out the activity.</p>		<p>An exemption for other mineral or petroleum activities is defined in clause 2(2) of Schedule 1 and allows clearing of up to 10 hectares per financial year for clearing authorised under the <i>Mining Act 1978</i> and the various Petroleum Acts in an authority area.</p> <p>The term “authority area” is defined in Schedule 1.</p> <p>Non-permitted areas for the purpose of this exemption are also defined in Schedule 1; DEC’s map viewer (<a href="http://www.dec.wa.gov.au/nvc">http://www.dec.wa.gov.au/nvc</a>) assists in locating these areas.</p> <p>These exemptions do not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 21 Clearing for a temporary bypass road</p> <p><b>Clearing must be done by or with the authority of:</b></p> <p>The Commissioner of Main Roads, the Public Transport Authority, the local government, the person or the entity responsible for the stretch of road.</p>	<p>Clearing that is the result of the construction of a temporary vehicular track that is necessary to bypass a stretch of road (whether public or private) that is impassable due to unforeseen damage to part of that stretch of road.</p>	<p>This exemption allows for the creation of temporary emergency diversion access tracks following damage of a road by events such as flooding.</p> <p>This exemption is available only to road managers.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 21A Clearing for a crossover</p> <p><b>Clearing must be done by or with the authority of:</b></p> <p>The person with the authority to construct the crossover.</p>	<p>Clearing that is the result of constructing a crossover from a road to a property adjacent to the road, and any associated sight line areas, if the construction is within the scope of the authority to construct the crossover.</p>	<p>This exemption allows for the creation of a crossover between a road and a property, to enable access to that property through the road reserve.</p> <p>“Property” means 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.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>

<p>Regulation 5, Item 22- Clearing in existing transport corridors</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The Commissioner of Main Roads, the Public Transport Authority, the local government, the person or the entity responsible for the stretch of road or railway.</p>	<p>Clearing in relation to a stretch of road or railway if the clearing is –</p> <ul style="list-style-type: none"> <li>(a) in an area or for a purpose specified in Schedule 2;</li> <li>(b) to the extent specified for that area or purpose in Schedule 2; and</li> <li>(c) in accordance with Schedule 2.</li> </ul>	<p>This exemption allows for maintenance of road and railway verges in accordance with Schedule 2 of the regulations.</p> <p>Schedule 2 defines:</p> <ul style="list-style-type: none"> <li>• the area or purpose for which clearing may be allowed;</li> <li>• the extent of the clearing that is permissible and;</li> <li>• how the clearing is to be carried out.</li> </ul> <p>While this exemption does not apply in an environmentally sensitive area, an area that would otherwise be an environmentally sensitive area is not an environmentally sensitive area to the extent it is in a maintenance area of a road or railway. A maintenance area is an area that has been lawfully cleared..</p> <p>You should note that the taking of flora declared as rare under the <i>Wildlife Conservation Act 1950</i> still requires consent, even if the flora are not within an environmentally sensitive area.</p> <p>For an official version of Schedule 2, please refer to the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i>.</p>
<p>Regulation 5, Item 23</p> <p>Clearing resulting from infrastructure maintenance activities</p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The utility or local government responsible for the infrastructure.</p>	<p>Clearing that is the result of carrying out an infrastructure maintenance activity described in Schedule 3 if the activity is carried out in accordance with Schedule 3 and within –</p> <ul style="list-style-type: none"> <li>(a) in the case of an activity referred to in Schedule 3 clause 1(a), (b) or (c) – 12 months after Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation; or</li> <li>(b) in the case of an activity referred to in Schedule 3 clause 1(d) – 18 months after Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation.</li> </ul>	<p>This exemption was transitional and has now expired.</p>
<p>Regulation 5, Item 24- Clearing under a Petroleum Act</p> <p><b>Clearing must be done by or with the prior authority of:</b></p>	<p>Clearing that is the result of carrying out exploration under an authority under the <i>Petroleum and Geothermal Energy Resources Act 1967</i>, the <i>Petroleum Pipelines Act 1969</i>, or the <i>Petroleum (Submerged Lands) Act 1982</i>.</p>	<p>This exemption allows clearing for exploration approved under various Petroleum Acts.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>

<p>A person covered by the authority to carry out the exploration.</p>		
<p>Regulation 5, Item 25- Clearing under the <i>Mining Act 1978</i></p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The person granted the authority to carry out the prospecting or exploration.</p>	<p>Clearing that is the result of carrying out prospecting or exploration under an authority granted under the <i>Mining Act 1978</i>.</p>	<p>This exemption allows clearing for prospecting or exploration activities approved under the <i>Mining Act 1978</i>.</p> <p>Pre-1899 'minerals to owner' Crown grants refer to freehold areas of land principally in the south-west of the state. The <i>Mining Act 1978</i> does not apply to this land and therefore this exemption will not apply. One example of this land is Hampton Locations.</p> <p>This exemption does not apply in an environmentally sensitive area.</p>
<p>Regulation 5, Item 26</p> <p>Clearing in accordance with a notice of intention under the <i>Soil and Land Conservation Regulations 1992</i></p> <p><b>Clearing must be done by or with the prior authority of:</b></p> <p>The person who gave the notice of intention.</p>	<p>Clearing that is the result of carrying out an activity –</p> <ul style="list-style-type: none"> <li>(a) in respect of which notice of intention was given under regulation 5 or 6 of the <i>Soil and Land Conservation Regulations 1992</i> before Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation and at least 90 days before the activity was commenced;</li> <li>(b) which is commenced not more than 2 years after the giving of the notice of intention and is completed not more than 2 years after Part 9 of the <i>Environmental Protection Amendment Act 2003</i> comes into operation;</li> <li>(c) which was not referred to the Authority as a proposal under Part IV of the Act, or was so referred and not accepted by the Authority; and</li> <li>(d) in respect of which a soil conservation notice, within the meaning of Part V of the <i>Soil and Land Conservation Act 1945</i>, has not been served.</li> </ul>	<p>This exemption was transitional and has now expired.</p>

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## Fire prevention and control, collection of firewood and harvesting of wildflowers, seeds, sandalwood and timber

### Fire prevention and control

Clearing approved or required by the relevant authority such as the Minister for Fire and Emergency Services, Fire and Emergency Services Authority (FESA), or local government does not require a clearing permit.

At any time a local government may issue an annual notice under section 33 of the *Bush Fires Act 1954* requiring an owner or occupier of land in its boundaries to clear fire-breaks. The local government determines what will be cleared and how it should be maintained to ensure fire-breaks are clear of flammable matter.

A Bush Fire Control Officer or Fire Brigade may construct fire-breaks or clear land to control or prevent a fire from spreading. FESA may clear for fire prevention or control purposes or for other fire management works.

Bush can be burnt during a restricted time if a permit is obtained from a bush fire control officer under the *Bush Fires Act 1954*.

A land owner may burn native vegetation to reduce the risk of injury or damage to persons and property from an uncontrolled fire outside of the restricted period, provided this is done in such a way as to minimise long term damage to the environmental values of native vegetation. This would generally mean not burning very frequently, and ensuring that the native vegetation is allowed to recover by not grazing or ploughing it. This exemption is due to expire on 7 July 2008.

### Collection of firewood from Crown lands

The harvesting of timber for firewood or other forest products (for domestic use or sale) from Crown lands is regulated by the Department of Environment and Conservation (DEC).

### Collection of firewood from private property for domestic use

An exemption from the requirement for a clearing permit applies for taking firewood for domestic use from private property. The following restrictions apply:

- Firewood collection must preferentially be from clearing undertaken for another exempt purpose (such as building a shed or constructing a fence).
- If no such clearing exists firewood may either be dead vegetation or live trees as long as it does not kill the tree or prevent its regrowth. This allows for the taking of branches or of resprouting species such as mallees.
- The wood collected for domestic purposes cannot be sold, but can be given away.
- There is a limit of one hectare per financial year for all limited clearing allowed under regulations (including for such purposes as fence lines, vehicle tracks and walking tracks). The collection of firewood is included as limited clearing.

### Collection of firewood from private property to sell

Where the firewood is to be sold, and it is taken from private property from live trees, a Commercial Producer's licence under the *Wildlife Conservation Act 1950* is required from DEC. In the case of commercial harvesting from dead trees, if it is not undertaken from material salvaged from another exempt purpose (such as a building or firebreak), a clearing permit is required.



## Wildflower and seed harvesting

The taking of flora, including seeds, flowers, stems and all other parts of native plants, is regulated under the *Wildlife Conservation Act 1950*. On Crown land, taking of flora for any purpose requires a licence. On private property, the taking of flora for sale similarly requires a licence. For further information on flora licences, contact DEC. Clearing that is done in accordance with a licence issued by DEC under the *Wildlife Conservation Act 1950* does not require a clearing permit.

## Sandalwood harvesting

Harvesting of sandalwood is regulated under the *Sandalwood Act 1929*. A licence is required to harvest sandalwood on both Crown land and private property. On Crown land, there is a system of quotas for harvesting. Allocations are by tender through the Forest Products Commission. For further information, please contact DEC. Harvesting of sandalwood that is done in accordance with a licence issued by DEC under the *Sandalwood Act 1929* does not require a clearing permit.

## Timber harvesting

If you intend to sell any timber harvested from private property you will need to obtain a Commercial Producer's Licence from DEC. The Commercial Producer's Licence includes those clearing activities directly associated with the commercial harvesting, such as the actual harvesting, necessary road access and burning to provide access or to reduce fire hazard after harvest. It does not cover the removal of trees that are not being sold (such as in non-commercial thinning). A separate clearing permit is required for those activities.

A licence from the Soil and Land Conservation Commissioner is required to sell any wood products to be used for wood chipping. A copy of a Commercial Producer's Licence or a clearing permit must accompany the application. Each local government has its own policy with regard to tree removal. You should be aware of the requirements before preparing your management plan or clearing application.

## More information

### 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 *Environmental Protection Act 1986* and 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](http://www.slp.wa.gov.au)

### Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online from [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc) or can be requested by phoning **9334 0333**.

### Compliance advice

For advice on complying with your permit contact your nearest DEC Office:

Albany	9842 4500
Bunbury	9725 4300
Geraldton	9964 5978
Karratha	9182 2000
Kununurra	9168 4200
Kwinana	9411 1777
Perth	6250 8000