



Native vegetation clearing legislation in Western Australia

Environmental Protection Act 1986

Purpose

This fact sheet provides information on native vegetation clearing legislation in Western Australia (WA). It provides details on the clearing provisions under the *Environmental Protection Act 1986* (EP Act) and *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* (Regulations) as well as information on clearing processes under the assessment bilateral agreement under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Introduction

The native vegetation clearing provisions of the EP Act and Regulations commenced on 8 July 2004 and replaced the repealed Notification of Intent to Clear under the *Soil and Land Conservation Regulations 1992*.

Under the EP Act it is an offence to clear native vegetation unless the clearing is done in accordance with a clearing permit, or an exemption applies. Under this legislation, clearing is not generally permitted where the biodiversity values, land conservation and water protection roles of native vegetation would be significantly adversely impacted.

If a clearing permit is required under the EP Act and the proposed clearing will have or is likely to have an impact on a matter of national environmental significance (matter of NES) identified under the EPBC Act, the clearing application may be assessed under the assessment bilateral agreement under the EPBC Act.

The Department of Environment Regulation (DER) is responsible for administering the native vegetation clearing provisions. The Department of Mines and Petroleum (DMP) has delegated authority under s 20 of the EP Act to administer the clearing provisions for mining and petroleum activities regulated under the *Mining Act 1978*, various petroleum laws and activities under state agreements.

'Native vegetation' as defined in ss 3(1) and 51A of the EP Act and Regulations:

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.

Native vegetation has the meaning given by s 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.

Principles for clearing native vegetation
under Schedule 5 of the EP Act:

More information

For information on native vegetation clearing and related matters, contact DER on +61 8 6467 5000.

For applications related to mines and petroleum activities, under delegation, contact DMP on +61 8 9222 3333.

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

Related documents

More guidelines and fact sheets on native vegetation clearing processes are available from [DER's website](#).

Legislation

Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the [SLP website](#).

Disclaimer

The information contained in this document is provided by DER in good faith as a public service. However, DER does not guarantee the accuracy of the information contained in this document and it is the responsibility of recipients to make their own enquiries as to its accuracy, currency and relevance. The State of Western Australia, DER and their servants and agents express disclaim liability, in negligence or otherwise, for any act or omission occurring in reliance on the information contained in this document or for any consequence of such an act or omission.

What if I clear without a permit?

Refer to DER's [Fact sheet 2 — Clearing offences and penalties](#) and [Fact sheet 3 Compliance inspections and clearing laws](#) for information about penalties and inspections.

- (c) it includes, or is necessary for the continued existence of, rare flora; or
- (d) it comprises the whole or a part of, or is necessary for the maintenance of a threatened ecological community; or
- (e) it is significant as a remnant of native vegetation in an area that has been extensively cleared;
- (f) it is growing in, or in association with, a watercourse or wetland; or