

PUBLIC LAND

Green field and urban in-fill proposals should identify vegetation of significance to be retained at the earliest possible planning stage, and plan to retain it within areas of public open space.

Where vegetation removal causes conflict with the landscape or environmental objectives of other state planning policies or a local planning framework, the redesign of a development, structure plan or subdivision, including a reduction in lot yield, is preferred.

Management of these areas can also consider careful plant selection as outlined in the APZ explanatory notes in the [Guidelines for Bushy Areas](#).

Where public open space is maintained to a parkland standard, as per the low threat vegetation exclusions in cl.2.2.3.2 of AS 3959, it may be able to be classified as low threat vegetation in a BMP. Written evidence should be provided that the future land manager (for example, the local government or State Government department) agrees to maintain the public open space in a low threat state, in perpetuity.

Land managers are encouraged to consider the bush fire risk of reserves adjacent to development as part of any vegetation management plans or strategies. There may be opportunities to consider the bush fire risk of degraded reserves that are adjacent to existing development, where vegetation management techniques can have a dual purpose of mitigating bush fire risk and improving the quality of native vegetation. For example, the removal of weeds and invasive species and careful revegetation strategies can potentially reduce the bush fire fuel load.

ENVIRONMENTAL APPROVALS AND EXEMPTIONS

It is important to understand the environmental approval requirements for a site before clearing vegetation or identifying vegetation to be modified or removed within a BMP. At both the Commonwealth and State level, modifying or removing vegetation to reduce bush fire risk is subject to approval processes and/or exemptions under various legislation across both jurisdictions.

It should be assumed that vegetation modification or removal will require additional approval.

Proponents, bush fire planning practitioners and decision-makers should clarify approval requirements with the Department of Water and Environmental Regulation (DWER), the Department of Biodiversity Conservation and Attractions (DBCA), an environmental consultant or the relevant local government.

ENVIRONMENTAL LEGISLATION (WESTERN AUSTRALIA)

'Clearing' of vegetation is defined under the [Environmental Protection Act 1986](#) (EP Act) as causing substantial damage to some or all of the native vegetation in an area, including through:

- the killing or destruction of native vegetation
- removal of native vegetation
- the severing or ringbarking of trunks or stems
- the draining or flooding of land
- the burning of vegetation
- the grazing of stock, or
- any other activity that kills or damages native vegetation.

Therefore, both 'clearing' and 'modification' of vegetation to reduce bush fire risk is considered 'clearing' under the EP Act, and requires a clearing permit under the [Environmental Protection Act 1986](#) (EP Act) and the [Clearing Regulations 2004](#) (Clearing Regulations) unless considered exempt, as explained below.

DWER is responsible for issuing clearing permits and the [Clearing Regulations 2004](#) (Clearing Regulations) apply to the clearing of native vegetation.

EXEMPTIONS

- where earthworks such as filling or draining the land are required
- clearing within any building envelope described in the approved plan or diagram
- clearing associated with an APZ, identified within a BMP, linked to development or subdivision approval, through a condition of approval.

If an APZ is not identified within a BMP, with evidence that it can be implemented through a local government's rebreak notice and tied to a subdivision or development approval by an approval condition, then any proposed clearing associated with an APZ may not be exempt from the State clearing permit requirements.

Schedule 6 also provides local governments with an exemption from the requirement for a permit to clear vegetation within reserves and road reserves, provided the reserves are vested with the local government and the clearing is to prevent the occurrence or spread of bushfire. This exemption has limitations, and excessive clearing beyond that deemed necessary for bushfire mitigation purposes will require a permit, for which approval is not guaranteed.

OTHER LEGISLATIVE AND STATUTORY PLANNING REQUIREMENTS

EXEMPTIONS FOR PRESCRIBED CLEARING UNDER THE CLEARING REGULATIONS NOTED ABOVE, DO NOT APPLY IN

the following areas:

BUSH FOREVER AREAS

Relevant local planning schemes and the *Bush Forever Act 2016* identify Bush Forever areas and other locally significant conservation areas. There may also be instances where particular species are identified for protection in local planning frameworks such as a local planning policy or local biodiversity strategy, due to their conservation or heritage values.

DECLARED WATER CATCHMENT AREAS

Clearing of vegetation within land covered by the *Country Areas Water Supply Act 1947*, which applies to certain declared water catchment areas, is not exempt from the requirement to obtain a clearing permit. If clearing is proposed within a *Country Areas Water Supply Act 1947*-controlled catchment, or if compensation has previously been paid to retain the subject vegetation, a *Country Areas Water Supply Act 1947* clearing licence is required to be obtained from the Department of Water and Environmental Regulation.

More information: DWER [FCI](#) [Controlled Catchment](#) to search the location and extent of controlled catchment areas.

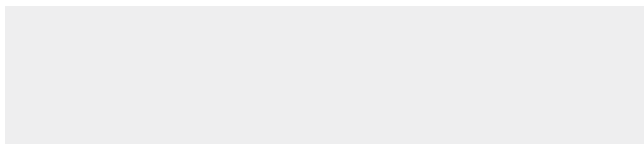
OTHER ACTS

Approvals under other legislation may also be required depending on the type of flora or fauna present on the subject land.

An environmental survey will determine the presence of any threatened species, threatened ecological communities, environmentally sensitive areas or matters of national environmental significance (MNES) on the land.

Additional authorisation to modify threatened ecological communities is required under the *Biodiversity Conservation Act 2016* and the *Biodiversity Conservation Act 2018*, which are administered by the Department of Biodiversity, Conservation and Attractions.

Approval to develop land and impact on MNES pursuant to Environment Protection and *Biodiversity Conservation Act 1999* may also be required. The Act is administered by the Commonwealth Department of Agriculture, Water and the Environment and includes *Environment Protection and Biodiversity Conservation Act 1999*.



Further state planning policies and publications that may need to be considered when vegetation management or clearing is proposed or when designing an APZ, include:

- § 2 E i m t t t t t
- § 2.6 § t t C t t t t
- § 2.8 B t t t t t t t t

