

Clearing previously cleared land, grazing on and management of pastoral leases and Pastoral Lands Board requirements

Environmental Protection Act 1986

When do I require a permit?

The *Environmental Protection Act 1986* (EP Act) requires that any person clearing native vegetation must hold a permit, unless the clearing is for an exempt purpose. These laws apply to private and public lands throughout Western Australia.

How can I check if my activity is exempt?

This fact sheet discusses exemptions from the requirement for clearing permits that apply for clearing previously cleared land for pasture, cultivation, forestry, and pastoral requirements.

Fact Sheets 5, 6, and 9 discuss exemptions for the purposes of mining and petroleum activities, fire, firewood, wildflowers, seed and timber, and day-to-day activities.

For details on all of the exemptions, a publication 'A guideline to the exemptions and Regulations for Clearing of Native Vegetation' is available at: www.dec.wa.gov.au/nvc or contact the Department of Environment and Conservation's (DEC's) Native Vegetation Conservation Branch on 9219 8744.

Pastoral diversification permits

Clearing which requires a pastoral diversification permit from the Pastoral Lands Board will also require a clearing permit. The *Land Administration Act 1997* (LA Act) requires that the clearing permit process be completed before the Pastoral Lands Board can make a decision on a pastoral diversification permit application.

For information contact the Pastoral Lands Board at the Department of Regional Development and Lands: www.lands.rdl.wa.gov.au/pastoral/1598.asp.

Management / improvement of pastoral leases

Where you are required to clear under another written law, exemptions exist under the EP Act. This includes clearing in accordance with the LA Act where completed to the satisfaction of the Pastoral Lands Board:

- clearing to give effect to the Pastoral Lands Board's requirement that a lessee must make improvements to a pastoral lease in accordance with a development
- clearing to maintain or reconstruct existing fences (and other lawful improvements)

or

- clearing to manage and work the land to its best advantage as a pastoral property.

This is subject to the pastoral lease adopting best pastoral and environmental management practices and maintaining the indigenous pasture and vegetation on the pastoral lease.

Grazing on pastoral leases

Clearing caused by the grazing of stock on land under a pastoral lease is exempt, provided that the grazing is not in breach of the *Land Administration Act 1997* (LA Act), the pastoral lease, or any relevant condition set or determination made by the Pastoral Lands Board.

Pastoral grazing that does not comply with these requirements is not exempt and requires a clearing permit.

Clearing previously cleared areas for pasture, cultivation or forestry

Clearing of land that was lawfully cleared within the 10 years prior is exempt, provided that the land has been used as pasture or for cultivation or forestry within those 10 years, and that the clearing is only to the extent necessary to which it was previously lawfully cleared.



This exemption does not apply within environmentally sensitive areas (ESAs) described in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 (refer Fact Sheet 1). DEC has an online 'Native Vegetation Map Viewer' at www.dec.wa.gov.au/nvc in the 'data' tab to assist landholders in determining the location of ESAs.

Clearing for pasture, cultivation or forestry that does not comply with these requirements is not exempt and requires a clearing permit.

What if I clear without a permit?

Information about penalties and compliance inspections is available in Fact Sheets 2 and 3.

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 EP Act and Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations), available from the State Law Publisher. Free electronic copies are available from www.slp.wa.gov.au.

Legislation concerning exemptions from the requirement for clearing permits can be found in:

- Schedule 6 of the EP Act for clearing under other laws
- Regulation 5 of the Clearing Regulations for general day-to-day activities that have a low environmental impact.

Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online from www.dec.wa.gov.au/nvc or can be requested from DEC's Native Vegetation Conservation Branch by phoning 9219 8744.

Compliance advice

For advice on compliance with clearing laws and clearing permits, or any other related matter, please contact DEC's Native Vegetation Conservation Branch on 9219 8744.

For applications related to mineral and petroleum activities contact the Department of Mines and Petroleum's Native Vegetation Assessment Branch on 9222 3570.