



# Risk-based assessment of clearing permit applications

## *Environmental Protection Act 1986*

This fact sheet provides information about the application of risk-based assessment to clearing permit applications under the Environmental Protection Act 1986 (EP Act).

### **What is risk-based assessment?**

Under the EP Act, statutory requirements apply to clearing permit applications, including advertising, seeking public submissions, assessment against a set of clearing principles contained in Schedule 5 of the EP Act, and having regard to planning instruments and other relevant matters. The decisions on applications are also subject to appeal.

Consistent with this statutory framework, the Department of Environment and Conservation (DEC) assesses applications according to the environmental risk. 'Risk-based assessment' in the context of clearing permit applications encompasses proportionality — that is ensuring that the level of assessment is commensurate with the likelihood of an impact occurring and the magnitude of the impact.

This approach appropriately manages environmental risk consistent with the legislative framework to achieve a timely outcome. DEC's timeframes specifically recognise a risk-based approach by providing that 80 per cent of applications should be decided within 60 calendar days of receipt, with a decision on the remaining 20 per cent within 90 calendar days.

DEC's performance in meeting timeframes for decisions on clearing permit applications is published quarterly on its website [www.dec.wa.gov.au/nvc](http://www.dec.wa.gov.au/nvc).

### **What information is considered in determining the assessment approach?**

DEC's risk-based assessment approach sets timeframes and priorities based on:

- the size of the area to be cleared
- location of the area to be cleared

- sensitivity of the environment and the environmental values that occur within the area under application
- purpose of clearing and urgency of the application
- public interest in the application.

### **How is risk-based assessment conducted?**

DEC conducts a desktop review of the information provided by the applicant and sets a timeframe for a decision and an assessment approach based on consideration of the factors listed above.

A simple application form and a map showing the area applied to be cleared are the only legal requirements for a valid clearing permit application.

While DEC encourages applicants to provide additional supporting information with the application form, it does not require additional information unless its desktop review indicates that there is a real risk of a significant environmental value being impacted.

In such cases, DEC's CEO can require additional relevant information from the applicant in writing. The basis of a requirement by the CEO for additional information is always provided to the applicant.

DEC's practice of only requiring additional information in cases where there is a demonstrable environmental risk recognises that this requirement may increase the cost and complexity of the process to the applicant.

Further information on DEC's assessment is available in the Guide to assessment of applications to clear native vegetation.

In accordance with section 51E(4)(c) of the EP Act, each application is advertised seeking public comments for such period as is specified in the advertisement. A shorter advertising/public comment period (usually seven days) is provided for simple, low-risk applications.



A simpler assessment also applies for those applications that have minimal impact, as many of the clearing principles may not be relevant.

Section 51O of the EP Act gives the CEO discretion in determining the extent to which he has regard to the clearing principles in making a decision on a clearing permit application.

Appeal rights apply to all clearing application decisions.

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

Information about penalties and 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 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 Mine and Petroleum on 9222 3570.