



## Complying with your permit to clear native vegetation

Under Part V of the *Environmental Protection Act 1986* (EP ACT)

A clearing permit allows you to legally clear native vegetation.

As the holder of a clearing permit, you are responsible for ensuring the requirements of the clearing permit are followed. This fact sheet is to assist you to understand your clearing permit.

Keep your clearing permit in a secure place where you can access it if you need to check the details.

If there are any particulars of the clearing permit that you do not fully understand please contact the Department of Environment and Conservation (DEC) Native Vegetation Conservation Branch (NVCB) on 9219 8744. If the clearing permit is for a mining or petroleum project please contact the Department of Mines and Petroleum (DMP) Native Vegetation Assessment Branch (NVAB) on 9222 3333.

### Types of clearing permits

Your clearing permit will either allow you to clear a specific area (area permit) or for a specific purpose (purpose permit).

#### Area permits

An area permit will inform you how and where to undertake your clearing.

**Land on which clearing is to be done:** describes the land covered by the clearing permit. The clearing permit plan will show where on this land you are allowed to clear.

**Authorised activity:** describes how the clearing is to be carried out.

#### Purpose permits

Conditions set within the clearing permit will describe for what purpose you are allowed to clear and the areas in which you can clear.

### Clearing permits may contain conditions

Area permits and purpose permits may be subject to conditions. The types of conditions that are placed on a clearing permit depend on the outcome of the environmental impact assessment. Conditions are used to prevent, control, abate or mitigate environmental harm or to offset the loss of the cleared vegetation.

Conditions may relate to record keeping, reporting, revegetating or other actions.

- **Record keeping and submitting reports:** If your clearing permit requires you to keep records or submit reports, ensure they are submitted by the due date or notify DEC or DMP if there is some reason why this is not possible.
- **Revegetating:** Some clearing permits require land to be revegetated. A range of companies and organisations provide advice and services to achieve this.

Some clearing permits will have no conditions attached.

**Definitions:** of terms specific to the conditions may be included to clarify what is required. Additional terms may be defined separately in the *Environmental Protection Act 1986*.

Contact DEC or DMP if you would like more information about terms used in your clearing permit.

### When can you start clearing?

Check the commencement date on the clearing permit. Generally the start date is set a month after you have received your permit.

If your clearing permit is subject to an appeal, you will be notified by the Appeals Convenor and clearing must not commence until you are provided with notice of the outcome.

Clearing permits will expire—be aware of the entire **duration of the clearing permit** and plan your clearing to be completed within this period.

If you need further time:

- seek an extension of the clearing permit before it expires; or
- apply for a new clearing permit if your clearing permit has expired.



### Are clearing permits publically available?

The *Environmental Protection Act 1986* clearing provisions require that the details of clearing permits are published. Anyone can obtain a copy of your clearing permit and the decision report.

### Ensuring compliance

**Monitoring of compliance:** a range of technologies exist to monitor changes in vegetation. This information is cross analysed with clearing permits.

**Compliance inspections:** may be conducted to audit your clearing permit (refer **Fact Sheet 3**).

### What if you breach the requirements or conditions of your clearing permit or clear an area or in a way not permitted?

You should:

1. Correct the breach as soon as possible to minimise the level of environmental harm
2. Notify DEC / DMP
3. Review your operating procedures to ensure that the breach does not occur again.

### Expeditious notification will be considered as a mitigating factor if enforcement action is taken.

Refer to DEC's Enforcement and Prosecution Policy (2008) for further information about voluntary disclosure.

### Will the clearing permit be affected by a breach?

If enforcement action is taken your clearing permit may be suspended or revoked. A Vegetation Conservation Notice may be given to the responsible person (such as the permit holder or land owner). The notice may specify measures to be undertaken to rectify the breach.

### Can clearing permits be amended, transferred or surrendered during the duration of the clearing permit?

Clearing permits can be amended to correct issues such as clerical mistakes, administrative changes, the size of the areas to be cleared, and dates to comply with permit conditions. Applications (Form C4) for an amendment will need to be assessed.

The clearing permit holder, or any person, may appeal to the Minister for Environment against an amendment. The appeal must be lodged within 21 days of the clearing permit holder being notified of the amendment. Information on the appeal process and how to lodge an appeal can be found on the Office of the Appeals Convenor's website at <[www.appealsconvenor.wa.gov.au](http://www.appealsconvenor.wa.gov.au)>.

Area permits may be transferred to a new property owner by submitting a 'Notification of Change of Land Ownership' (Form C5). The clearing permit will not be valid until this transfer is completed.

If you no longer wish to clear or have completed clearing before the end of the permitted period an 'Application to surrender a clearing permit' (Form C6) may be submitted to end the clearing permit and any conditional requirements.

### On completion of clearing or expiry of the clearing permit ensure all required records have been submitted.

### More information

DEC provides a range of information at <[www.dec.wa.gov/nvp](http://www.dec.wa.gov/nvp)>

**Fact sheets** provide basic information to cover the most common questions DEC receives about the EP Act clearing provisions

**Application forms** include guidance on what information is required to complete the form

**Guides** provide additional detail to what is covered in the facts sheets or forms

**Environmentally sensitive areas** can be viewed from the Native Vegetation Map Viewer at <[www.dec.wa.gov.au/nvp](http://www.dec.wa.gov.au/nvp)> in the 'Data' section

**Be clear before you clear** – if you require assistance please contact DEC's Native Vegetation Conservation Branch on 9219 8744 or email <[nvp@dec.wa.gov.au](mailto:nvp@dec.wa.gov.au)>

If your clearing relates to **mining or petroleum project** please contact **Department of Mines and Petroleum (DMP)** Native Vegetation Assessment Branch for assistance on 9222 3333 or visit: <[www.dmp.wa.gov.au/nvabinfo](http://www.dmp.wa.gov.au/nvabinfo)>

### Please note.....

*The above information provides a general guide to the clearing provisions of the Environmental Protection Act 1986 (available at <[www.slp.wa.gov.au](http://www.slp.wa.gov.au)>). DEC has endeavored 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.*