

Environmentally sensitive areas

What is an environmentally sensitive area?

Environmentally sensitive areas (ESAs) are classes or areas of native vegetation where the exemptions for clearing vegetation under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations) do not apply. ESAs ensure that clearing within these areas is assessed under the clearing permit process.

The [current list of ESAs](#) was gazetted on 8 April 2005.

Is approval required to clear within an ESA?

A clearing permit is required to clear native vegetation unless an exemption applies. There are two types of exemptions:

- Schedule 6 exemptions: for clearing assessed and authorised under other statutory processes set out in Schedule 6 of the *Environmental Protection Act 1986* (EP Act)
- Clearing Regulations exemptions: for generally low-impact and routine maintenance clearing activities listed in regulation 5 of the Clearing Regulations.

The exemptions under the Clearing Regulations do not apply within ESAs, so a clearing permit is required.

A clearing permit is not required for clearing under the Schedule 6 exemptions, even if it is within an ESA.

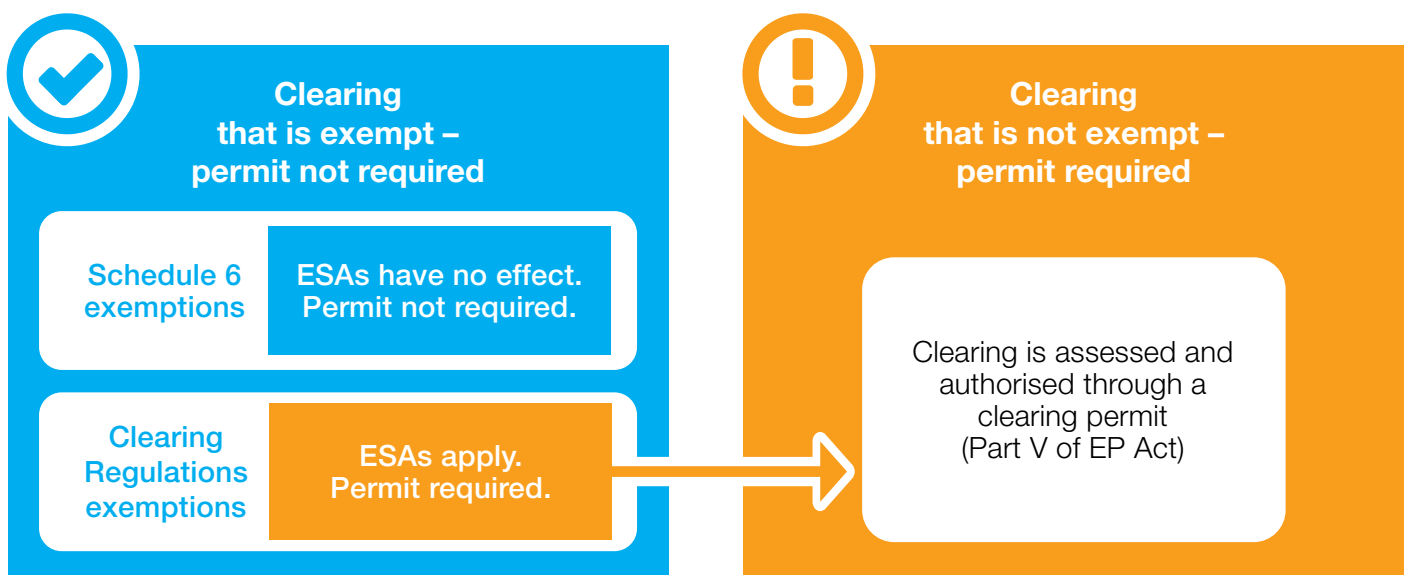


Figure 1: ESAs only apply to exemptions under the Clearing Regulations, not to Schedule 6 exemptions.

Do I have an ESA on my property?

There are several ways to find out if you have an ESA on your property:

- use the [clearing permit system map](#) to locate your property and see if there is an ESA mapped over it
- use a GIS system and download the ESA spatial dataset via the [data WA website](#) (reference code: DWER-046)
- order a Property Interest Report from the [Landgate website](#) for a fee
- contact the Department of Water and Environmental Regulation's Native Vegetation Regulation branch by phone on (08) 6364 7098 or via email to info@dwer.wa.gov.au.

I have an ESA on my property, how will this impact me?

If you have no intention of [clearing](#) native vegetation on your property, then the presence of an ESA will have no impact on you under the EP Act, but there may be separate obligations under other legislation. Further information on the ESA classes or areas can be found on our [website](#).

If you plan to clear native vegetation within an ESA, you will need to apply for a clearing permit unless the clearing falls under a Schedule 6 exemption. For more information see:

- [How to apply for a permit to clear](#)
- [Guide to exemptions for clearing](#)

I think an ESA has been incorrectly mapped over my property, what can I do?

The ESA mapping tool only provides an indication where ESAs are and is not able to show their location precisely.

The ESA map is based on data from a range of sources. As with all data, there are limitations – for example, the source data may not be up to date across the state; a buffer may be applied to the source data; or there may be minor errors in mapping the spatial location of features.

To confirm whether there is an ESA on your property and whether a clearing permit is required, contact the Department of Water and Environmental Regulation's Native Vegetation Regulation branch by phone (08) 6364 7098 or email info@dwer.wa.gov.au.

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 at www.legislation.wa.gov.au

Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online at www.dwer.wa.gov.au or can be requested by phoning 6364 7000.

Compliance advice

For advice on compliance with clearing laws and clearing permits, or any other related matter, please contact the Department of Water and Environmental Regulation on 6364 7000. For applications related to mineral and petroleum clearing activities contact the Department of Mines, Industry Regulation and Safety on 9222 3333.

October 2021