



How to Apply for a Permit to Clear

Environmental Protection Act 1986

Purpose

This fact sheet provides information on how to apply for a permit to clear native vegetation under the *Environmental Protection Act 1986* (EP Act). It also includes information on how to apply for a clearing permit to be considered under the assessment bilateral agreement under the Commonwealth of Australia's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Introduction

The EP Act makes it an offence to clear native vegetation unless the clearing is done in accordance with a clearing permit, or an exemption applies. These laws apply to private and public lands throughout Western Australia.

If a clearing permit is required under the EP Act and the clearing will have or is likely to have an impact on a matter of national environmental significance (matter of NES) identified under the EPBC Act, the clearing application may be assessed under the assessment bilateral agreement.

How Do I Apply for a Permit to Clear Native Vegetation

Figure 1 shows the steps involved in applying for a permit to clear native vegetation under the EP Act and subject to the assessment bilateral agreement. It includes the steps to sending clearing applications to the Department of Environment Regulation (DER) or, for mining and petroleum activities under delegation, the Department of Mines and Petroleum (DMP).

For more information on the assessment bilateral agreement refer to DER's [Guide 6 – A guide to native vegetation clearing processes under the assessment bilateral agreement](#).

To avoid delays in the acceptance and assessment of your application, the application should be submitted to the correct agency early in the process and be accompanied by all of the required information specified in the application forms.

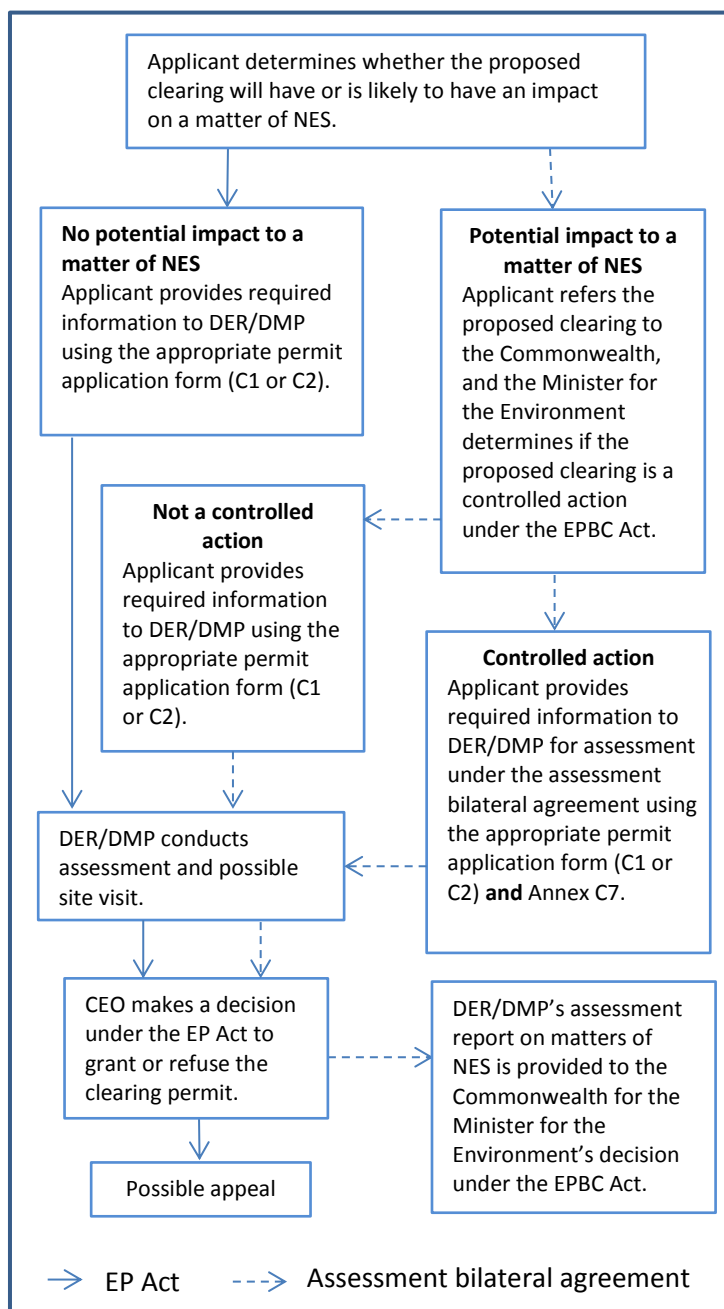


Figure 1: The clearing permit application and assessment process.

Application Forms

There are two types of clearing permits under the EP Act, area permits and purpose permits. Separate application forms are available for each of these types of permits:

- Form C1 – application for an area permit.
- Form C2 – application for a purpose permit.

Area Permit

If you are the owner of the land, or have the written authority to clear on behalf of the landowner, apply for an area permit using Form C1. Examples of clearing applications suitable for an area permit include:

- clearing to establish a market garden on land that you own;
- clearing for a paddock on land that you own; and
- clearing for a gravel pit on land that you own.

Purpose Permit

If you are not the owner of the land but have some form of permission or legal access to the land under a written law and would like to clear for a specific purpose – including clearing from time to time for that specific purpose on more than one land title – apply for a purpose permit using Form C2. Examples of clearing applications suitable for a purpose permit include:

- clearing for drainage works on Crown land;
- clearing for the installation of utility services on Crown land or private property; and
- clearing for a gravel pit on land that you do not own.

Assessment Bilateral Agreement

Where the proposed clearing has been determined by the Commonwealth Minister for the Environment to be a controlled action under the EPBC Act, it may be assessed under the assessment bilateral agreement. In these instances, if you wish to take advantage of the accredited process under the assessment bilateral agreement, you are required to complete and submit Annex C7 as well as Form C1 or Form C2.

All application forms and the checklist of application requirements are available from [DER's website](#).

Who is Considered the Landowner?

For the purpose of applying for an area permit a landowner is:

- a person who holds the Certificate of Title to the land;
- a person who has a legal agreement to own the land, but the title has not yet been updated (this agreement might be a contract of sale);
- the lessee of a Crown lease; or
- a government agency with land vested in it.

I Am Not the Landowner but Would Like to Clear Land that I Intend to Purchase

If you are not the current landowner but intend to purchase the land and clear native vegetation you should complete Form C1. Your application will be accepted for processing if the Chief Executive Officer (CEO) is satisfied that you are likely to become the landowner. Where a clearing permit would have been granted, the CEO will give an 'undertaking'.

An undertaking is a notice to the applicant that the CEO has decided to grant a clearing permit once ownership of the land can be demonstrated.

Fees and Submitting the Application

An application must be submitted with the correct fee paid by cheque, money order or credit card. The fee will depend on the area of land to be cleared and the type of clearing permit applied for. Table 1 shows the fee structure.

Table 1. Clearing Permit Application Fees

Type of Application	Fee (\$)
Area permit for an area of less than 1 hectare	50
Area permit for an area between 1–10 hectares	100
Area permit for an area of more than 10 hectares	200
Purpose permit	200

The completed application form and supporting documentation should be submitted to DER using the contact details outlined in the forms.

For clearing related to mining and petroleum activities under delegation, send the application form and supporting documentation to DMP.

How Will I Know if My Application has Been Accepted?

You will be notified if your application has been accepted.

Accepted applications are advertised each Monday in public notices in The West Australian newspaper. A copy of the front page of an accepted application, together with an aerial photograph highlighting the area applied to be cleared and any reports submitted, are also made publicly available on DER's website, www.der.wa.gov.au.

Some of the most common reasons an application may be declined include:

- incomplete application form or required documentation;
- unpaid application fee;
- applicant is unable to demonstrate ownership or legal access to the land; or
- missing signature(s) of one or more landowners on the application form.

How Will My Application Be Assessed?

Accepted clearing permit applications are assessed using the methodology outlined in DER's [Guide 2 – A guide to the assessment of applications to clear native vegetation](#).

After the application has been accepted, DER/DMP may request more information to support the application, such as an environmental survey. If you are asked to provide additional information, the assessment process stops until the information is received.

A site visit may also be required. DER/DMP may contact you to arrange a site visit that may include other relevant officers (for example from the Department of Agriculture and Food, Western Australia or Department of Water).

How Long Will it Take for a Decision to be Made?

The CEO (or delegate) will decide to either grant the permit or refuse the permit. The permit may be subject to conditions.

The target timeframe for decisions is 60 working days for 80 per cent of applications.

The timeframe commences from the date an application is received and ends on the day a decision is made, excluding the time taken by the applicant to provide further information, if required.

Possible Appeal

The applicant or a third party can appeal the decision or conditions of the permit. Appeals on a decision to grant or refuse a permit, or appeals on a condition of a permit, are made to the Minister for Environment through the Office of the Appeals Convenor. More information is available from the [Office of the Appeals Convenor's website](#).

More Information

For advice on the Regulations, or related matters, please contact DER on 6467 5000.

This document is available in alternative formats and other languages on request.

Related Documents

Additional publications about Clearing Regulation are available online from www.der.wa.gov.au/our-work/clearing-permits, or can be requested by phoning 6467 5000.

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 State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the SLP website at www.slp.wa.gov.au.

Document Versions

- December 2016 (supersedes below)
- February 2015

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Legal Advice

The information provided to you by DER in relation to this matter does not constitute legal advice. Due to the range of legal issues potentially involved in this matter, DER recommends that you obtain independent legal advice.