



Assessment of Aboriginal heritage values for native vegetation clearing applications

Environmental Protection Act 1986

Purpose

This fact sheet provides information on the Department of Environment Regulation's (DER) approach to assessing Aboriginal heritage values in applications to clear native vegetation.

Introduction

The *Environmental Protection Act 1986* (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 permit is required, the assessment of the application area may include identification of Aboriginal heritage values.

If Aboriginal heritage values are identified, this fact sheet provides information on DER's assessment approach and procedural requirements.

What is an Aboriginal heritage value?

For the purposes of the assessment of native vegetation clearing applications, an Aboriginal heritage value includes:

“physical and cultural aspects and relates to the importance and significance of places and objects to Aboriginal persons in accordance with their practices, observances, customs, traditions, beliefs or history.”

Who is contacted?

When assessing an application to clear native vegetation, Aboriginal heritage values may be identified as part of the consultation process.

Specifically, under section 51E(4)(b) of the EP Act, the CEO shall invite any public authority or person which or who has, in the opinion of the CEO, a direct interest in the subject matter of the application, to comment on it; and under section 51E(4)(c), the CEO shall advertise the application in the prescribed manner, inviting any person who wishes to comment on it to do so.

The advertisement of the applications to clear can be viewed online from DER's website.

How are Aboriginal heritage values assessed?

Under section 51O of the EP Act, the CEO must have regard for any planning instrument, or other matter, that the CEO considers relevant in the grant of a clearing permit. This includes having regard for Aboriginal heritage values identified during the consultation process or during the assessment of an application.

Tools used to identify Aboriginal heritage values and native title requirements include databases, maps, plans, surveys and reports provided by the applicant or available on other local, state or commonwealth government agency websites.

What if my clearing permit application area contains Aboriginal heritage values?

If Aboriginal heritage values have been identified within a clearing permit application area, it is the applicants' responsibility to ensure that their obligations under the *Aboriginal Heritage Act 1972* are met.

If the Aboriginal heritage values are related to native vegetation, the decision on whether to grant a clearing permit will have regard to the significance of the impacts.

More information

For further information on Aboriginal heritage values please contact the Department of Aboriginal Affairs on 1300 651 077.

For further information on native vegetation please contact DER on 6467 5020.

For applications related to mineral and petroleum activities please contact the Department of Mines and Petroleum on 9222 3333.

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

Related documents

More information about the assessment of native vegetation clearing applications and the exemptions from requiring a clearing permit is available online from DER at

www.der.wa.gov.au/nvp –

- Guide 1 – Exemptions and regulations for clearing native vegetation
- Guide 2 – A guide to the assessment of applications to clear native vegetation

Legislation

Please refer to State Law Publisher (SLP) for copies of the relevant legislation. Free electronic copies are available from the SLP website www.slp.wa.gov.au.

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