



# Clearing previously cleared land, grazing on and management of pastoral leases and Pastoral Lands Board requirements

*Environmental Protection Act 1986*

## When do I require a permit?

The *Environmental Protection Act 1986* (EP Act) requires that any person clearing native vegetation must hold a permit, unless the clearing is for an exempt purpose. These laws apply to private and public lands throughout Western Australia.



## How can I check if my activity is exempt?

This fact sheet discusses exemptions from the requirement for clearing permits that apply for clearing previously cleared land for pasture, cultivation, forestry and pastoral requirements.

Fact sheets 5, 6, and 9 discuss exemptions for the purposes of mining and petroleum activities, fire, firewood, wildflowers, seed and timber, and day-to-day activities.

For details on all of the exemptions, see [A guide to the exemptions and regulations for clearing of native vegetation](#), or contact the Department of Water and Environment Regulation on 6364 7000.

## Pastoral diversification permits and other permits

Clearing which requires a pastoral diversification permit, permit to clear or other permit from the Pastoral Lands Board will also require an EP Act clearing permit. The *Land Administration Act 1997* (LA Act) requires that the EP Act clearing permit process be completed before the Pastoral Lands Board can make a decision on an application for a pastoral diversification permit or other permit.

For information contact the Pastoral Lands Board at the Department of Planning, Lands and Heritage: <https://www.dplh.wa.gov.au/plb>.

## Specific requirements to clear

Where you are specifically required to clear under another written law, exemptions exist under the EP Act. This may include clearing that is required to:

- give effect to the Pastoral Lands Board's requirement that a lessee make specific improvements to a pastoral lease in accordance with a development plan
- maintain in good condition lawful improvements to the pastoral lease.

## Grazing on pastoral leases

Clearing caused by the grazing of stock on land under a pastoral lease is exempt, provided that the grazing is not in breach of the LA Act, the pastoral lease or any relevant condition set or determination made by the Pastoral Lands Board.

Pastoral grazing that does not comply with these requirements is not exempt and requires a clearing permit.

## Clearing previously cleared areas for pasture, cultivation or forestry

Clearing of land that was lawfully cleared within the 20 years prior is exempt, provided that the land has been used as pasture or for cultivation or forestry within those 20 years, and that the clearing is only to the extent necessary to which it was previously lawfully cleared.

This exemption does not apply within environmentally sensitive areas (ESAs) described in the Environmental Protection (Environmentally Sensitive Areas) Notice 2005 (refer to fact sheet 24). The Department of Water and Environmental Regulation has the [Clearing Permit System map viewer](#) to assist landholders in determining the location of ESAs.

Clearing for pasture, cultivation or forestry that does not comply with these requirements is not exempt and requires a clearing permit.

## What if I clear without a permit?

Fact sheet 2, *Clearing offences and penalties*, and fact sheet 3, *Compliance inspections and clearing laws*, provide information about penalties and inspections.



## 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 <https://www.legislation.wa.gov.au>.

- Legislation concerning exemptions from the requirement for clearing permits can be found in: Schedule 6 of the EP Act for clearing under other laws
- Regulation 5 of the Clearing Regulations for general day-to-day activities that have a low environmental impact.

### Compliance assistance documents

Additional publications relating to clearing laws, clearing permits, and application forms are available online from <https://www.der.wa.gov.au/our-work/clearing-permits> 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.

August 2019