



Environmentally sensitive areas

Environmental Protection Act 1986

Purpose

This fact sheet provides information on the declaration of environmentally sensitive areas (ESAs), how to view the location of ESAs and how ESAs affect when a clearing permit is required.

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.

Exemptions for clearing that is a requirement of a written law, or authorised under certain statutory processes, are contained in Schedule 6 of the EP Act. These exemptions **do** apply in ESAs.

Exemptions for low-impact routine land management practices are prescribed in the Environmental Protection (Clearing of Native Vegetation) Regulations 2004. These exemptions **do not** apply in ESAs and a clearing permit is required.

Declaration of environmentally sensitive areas

Under section 51B of the EP Act the Minister for Environment may declare by notice either a specified area of the state or a class of areas of the state to be an ESA.

ESAs are declared in the *Environmental Protection (Environmentally Sensitive Areas) Notice 2005*, which was gazetted on 8 April 2005.

Declared environmentally sensitive areas

The following areas are declared to be ESAs:

- A declared World Heritage property as defined in section 13 of the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.
- An area that is included on the Register of the National Estate, because of its natural heritage value, under the *Australian Heritage Council Act 2003* of the Commonwealth.
- A defined wetland and the area within 50 m of the wetland. Defined wetlands include Ramsar wetlands, conservation category wetlands and nationally important wetlands.
- The area covered by vegetation within 50 m of rare (threatened) flora, to the extent to which the vegetation is continuous with the vegetation in which the rare (threatened) flora is located
- The area covered by a threatened ecological community.
- A Bush Forever site listed in *Bush Forever* volumes 1 and 2 (2000), published by the Western Australia Planning Commission, except to the extent to which the site is approved to be developed by the Western Australia Planning Commission.

- The areas covered by the *Environmental Protection (Gnangara Mound Crown Land) Policy 1992*.
- The areas covered by the *Environmental Protection (Western Swamp Tortoise Habitat) Policy 2002*.
- The areas covered by the lakes to which the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* applies.
- Protected wetlands as defined in the *Environmental Protection (South West Agricultural Zone Wetlands) Policy 1998*.

Viewing environmentally sensitive areas

The department's online [Clearing Permit System – Map](#) can assist those intending to clear native vegetation to determine whether an area is within an ESA. Alternatively, a Property Interest Report will also provide this information and can be ordered from the [Landgate website](#) for a fee.

A spatial dataset providing the location of ESAs is available online via the [Data WA website \(reference code: DWER-046\)](#).

More information

If you are uncertain whether your proposed clearing is within an ESA or whether a clearing permit is required, you are encouraged to contact the Department of Water and Environmental Regulation's (the department) Native Vegetation Regulation Branch by phone on (08) 6364 7098 or via email to info@dwer.wa.gov.au.

For applications for clearing related to mining and petroleum activities under delegation, please contact the Department of Mines, Safety and Industry Regulation on (08) 9222 3333.

Related documents

More information about the assessment of native vegetation clearing applications and the exemptions from the requirement for a clearing permit is available online from the department at <https://dwer.wa.gov.au/regulatory-documents>.

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

Legislation

Please refer to the Parliamentary Counsel's Office (PCO) for copies of the relevant legislation, available electronically from the PCO website at www.legislation.wa.gov.au.

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