



# Complying with your permit to clear native vegetation

*Environmental Protection Act 1986*

## Purpose

This fact sheet provides information about clearing permits granted under the *Environmental Protection Act 1986* (EP Act).

## Clearing permits

A clearing permit allows for legal clearing of native vegetation.

Clearing permit holders are responsible for ensuring the requirements of the clearing permit are followed.

Clearing permits should be stored in a secure place which can be accessed if details need to be checked.

If there are any particulars of the clearing permit that are unclear, please contact the Department of Environment Regulation (DER) on +61 8 6467 5000. If the clearing permit is for a mining or petroleum project please contact the Department of Mines and Petroleum (DMP) on +61 8 9222 3333.

## Types of clearing permits

Clearing permits either allow the clearing of a specific area (area permit) or for a specific purpose (purpose permit):

### Area permits

An area permit specifies how and where the clearing will be undertaken.

- **Land on which clearing is to be done—** describes the land covered by the clearing permit. The clearing permit plan will show where on this land clearing is allowed.

- **Authorised activity:** Describes how the clearing is to be carried out.

### Purpose permits

Conditions set within the clearing permit will describe for what purpose and areas where clearing is allowed.

## Clearing permits may contain conditions

Area permits and purpose permits may be subject to conditions. The types of conditions that are placed on a clearing permit depend on the outcome of the environmental impact assessment. Conditions are used to prevent, control, abate or mitigate environmental harm or to offset the loss of the cleared vegetation.

Conditions may relate to record keeping, reporting, revegetating or other actions.

- **Record keeping and submitting reports:** If the clearing permit requires the holder to keep records or submit reports, they must be submitted by the due date. If this is not possible DER or DMP should be notified.
- **Revegetating:** Some clearing permits require land to be revegetated. A range of companies and organisations provide advice and services to achieve this.

Some clearing permits will have no conditions attached.

Definitions of terms specific to the conditions may be included to clarify what is required. Additional terms may be defined separately in the EP Act.

DER or DMP can be contacted for more information about the terms used in clearing permits.

## When can you start clearing?

Check the commencement date on the clearing permit. Generally the start date is set a month after the permit is issued.

Holders with clearing permits subject to an appeal will be notified by the Appeals Convenor. Clearing must not commence until notice of the outcome is provided.

Clearing permits have an expiry date and clearing must not continue past the expire date.

If additional time is needed:

- apply to amend the clearing permit before it expires; or
- apply for a new clearing permit if your clearing permit has expired.

## Are clearing permits publically available?

The EP Act clearing provisions require that the details of clearing permits are published on [DER's website](#). Copies of clearing permits and the decision report can be requested by the public.

## Ensuring compliance

**Monitoring compliance**—a range of technologies exist to monitor changes in vegetation. This information is cross analysed with clearing permits.

**Compliance inspections**—may be conducted to audit clearing permits (fact sheet, [Compliance inspections and clearing laws](#)).

## Breach of requirements or conditions of clearing permits (or clearing an area or in a way not permitted)

If a breach has occurred, permit holders should:

- correct the breach as soon as possible to minimise the level of environmental harm;
- notify DER/DMP immediately; and
- review operating procedures to ensure that the breach does not occur again.

Prompt notification will be considered as a mitigating factor if enforcement action is taken. Refer to [DER's Enforcement and Prosecution Policy \(2013\)](#) for further information about voluntary disclosure.

## Will the clearing permit be affected by a breach?

Enforcement action may lead to clearing permits being suspended or revoked. A vegetation conservation notice may be given to the responsible person (such as the permit holder or land owner). The notice may specify measures to be undertaken to rectify the environmental impact caused by the breach.

## Can clearing permits be amended, transferred or surrendered during the duration of the clearing permit?

Clearing permits can be amended to correct issues such as clerical mistakes, administrative changes, the size of the areas to be cleared, and dates to comply with permit conditions. Applications ([Form C4](#)) for an amendment are assessed.

The clearing permit holder, or any person, may appeal to the Minister for Environment against an amendment. The appeal must be lodged within 21 days of the clearing permit holder being notified of the amendment. Information on the appeal process and how to

lodge an appeal can be found on the [Office of the Appeals Convenor's website](#).

Area permits may be transferred to a new property owner by submitting a 'Notification of change of land ownership' ([Form C5](#)). The clearing permit will not be valid until this transfer is completed.

Permit holders who no longer wish to clear or have completed clearing before the end of the permitted period may submit an 'Application to surrender a clearing permit' ([Form C6](#)) to end the clearing permit and any conditional requirements.

On completion of clearing or expiry of the clearing permit, ensure all required records have been submitted.

### More information

For advice on native vegetation clearing, or related matters, please contact DER on +61 8 6467 5000 and for State Agreements, mining or petroleum contact DMP on +61 8 9222 3333.

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

### Related documents

More guidelines and fact sheets on native vegetation clearing processes are available from [DER's website](#).

### 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](#).

### Disclaimer

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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.