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SOIL AND LAND CONSERVATION ACT 1945

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**SOIL AND LAND  
CONSERVATION  
REGULATIONS 1992**



WESTERN AUSTRALIA

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**SOIL AND LAND CONSERVATION  
REGULATIONS 1992**

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SCHEDULE 3

CONTROLLED LAND



**SOIL AND LAND CONSERVATION ACT 1945****SOIL AND LAND CONSERVATION REGULATIONS 1992**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Soil and Land Conservation Regulations 1992*.

**Interpretation**

2. In these regulations, unless the contrary intention appears—

“the Act” means the *Soil and Land Conservation Act 1945*;

“to clear”, in relation to any land means to cut down, destroy or otherwise damage trees, shrubs, grass or other plants on that land but does not include the cutting of trees for firewood, posts or timber.

**Form of authority**

3. The form of the authority card referred to in section 21 (2) of the Act shall be that which is set out in Schedule 1.

**Notice of clearing**

4. (1) Subject to subregulation (3), the owner or occupier of any land in the State which it is proposed to clear shall, where that clearing will result in a change in the use of that land, at least 90 days before the commencement of the clearing, give notice to the Commissioner of his intention in that behalf.

Penalty: \$2 000.

(2) The notice referred to in subregulations (1) and (4) shall be in writing in the manner set forth in Form 1 in Schedule 2 and shall be accompanied by a map with a north point, identifying the land to be cleared, detailing the location numbers of that land and any adjacent land, and showing any public roads adjacent to that land.

(3) Subregulation (1) does not apply to the proposed clearing of land—

(a) which has an area of one hectare or less; or

(b) which is “controlled land” within the meaning of that term set forth in section 12AA of the *Country Areas Water Supply Act 1947* and which is specified in Schedule 3.

(4) An owner or occupier who gives notice to the Commissioner in accordance with subregulation (1), but fails to commence clearing within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to clear the land, to give notice in accordance with subregulation (2) to the Commissioner for reassessment.

(5) Subregulation (4) does not apply to a notice given to the Commissioner before 29 November 1991.

**Notice of intention to drain or pump water**

5. (1) When an owner or occupier of land proposes to drain or pump water from under the land surface because of the salinity of the land or the water and to discharge that water onto other land, into other water or into a watercourse, the owner or occupier shall, at least 90 days before the draining or pumping commences, notify the Commissioner in writing in the manner set forth in Form 2 in Schedule 2.

(2) An owner or occupier of land who gives notice to the Commissioner in accordance with subregulation (1) but fails to commence draining or pumping water within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to drain or pump water, to give notice, in accordance with subregulation (1), to the Commissioner for reassessment.

(3) An owner or occupier who discharges water without having notified the Commissioner in accordance with subregulations (1) or (2) commits an offence.

Penalty: \$2 000.

(4) On receiving a notice under subregulation (1), the Commissioner shall send a copy of the notice to any Public Authority or district committee that is or may be concerned with the salinity of that other land or water.

#### **Notice of intention to drain or pump water in the Peel-Harvey Catchment Area**

6. (1) When an owner or occupier of land situated in the area set out in Figure 1 of Appendix 1 to the Statement of Planning Policy No. 2\* known as the Peel-Harvey Catchment Area proposes to drain or pump water from, on or under the land and to discharge that water onto other land, into other water or into a watercourse, whether within the area or outside the area, the owner or occupier shall, at least 90 days before draining or pumping commences, notify the Commissioner in writing in the manner set forth in Form 3 in Schedule 2.

(2) An owner or occupier of land who gives notice to the Commissioner in accordance with subregulation (1) but fails to commence draining or pumping water within the period of 2 years from the date of the notice, is required, at least 90 days before he or she proposes to drain or pump water, to give notice, in accordance with subregulation (1), to the Commissioner for reassessment.

(3) An owner or occupier who discharges water without having notified the Commissioner in accordance with subregulations (1) or (2) commits an offence.

Penalty: \$2 000.

(4) On receiving a notice under subregulation (1), the Commissioner shall send a copy of the notice to any Public Authority or district committee that is or may be concerned with the condition of that other land or water.

*[\*Prepared under section 5AA of the Town Planning and Development Act 1928 and published in the Gazette of 21 February 1992 at pp. 947-955.]*

#### **Repeal**

7. The *Soil and Land Conservation Regulations 1984* are repealed.

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SCHEDULE 1

[Reg. 3]

SOIL AND LAND CONSERVATION ACT 1945  
SOIL AND LAND CONSERVATION REGULATIONS 1992  
CERTIFICATE OF AUTHORITY

This is to certify that .....  
.....  
is authorized, generally, under section 21 of the *Soil and Land Conservation Act 1945* to enter on any land, in relation to the power conferred by the Act, and make such surveys, place such marks and carry out such investigations thereon as he may deem necessary.

.....  
Specimen signature  
of holder

.....  
Minister for Agriculture

Date .....

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SCHEDULE 2  
FORM 1

[Reg. 4 (2) and (4)]

SOIL AND LAND CONSERVATION ACT 1945  
SOIL AND LAND CONSERVATION REGULATIONS 1992  
NOTICE OF INTENTION TO CLEAR LAND

To: Commissioner of Soil Conservation  
Department of Agriculture  
Baron-Hay Court  
South Perth 6151

I .....  
(full name, block letters)

of .....  
(postal address)

intend to clear ..... hectares of land in the  
Shire, ..... as shown on the attached map, being the whole/part  
of \* .....  
(district and location number),

and being ..... km ..... of .....  
(north, south, east, west) (siding or townsite)

The clearing is intended to commence on or about .....  
(date)

I am the ..... of the land to be cleared.  
(owner \*, occupier \*, owner and occupier \*)

I propose to use the cleared land for .....  
.....  
.....

I propose to dispose of the timber from the clearing by .....  
.....  
.....

My Land Conservation District is .....  
..... (if applicable).

Signed ..... Date .....

Telephone numbers BH (.....) ..... AH (.....) .....

\* Delete as appropriate.

Please Note Each Notice must be accompanied by a map with a north point,  
identifying the land to be cleared, detailing the location numbers of that  
land and any adjacent land, and showing any public roads adjacent to  
that land.

Application No. \*\*

Head Office File No. \*\*

\*\* not required to be completed by person giving notice.



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FORM 2

[Reg. 5]

SOIL AND LAND CONSERVATION ACT 1945  
SOIL AND LAND CONSERVATION REGULATIONS 1992  
NOTICE OF INTENTION TO DRAIN OR PUMP WATER FROM LAND  
UNDER REGULATION 5

To: The Commissioner of Soil and Land Conservation  
Department of Agriculture  
Baron-Hay Court  
South Perth WA 6151

I .....  
(full name, block letters)

of .....  
(postal address)

propose to drain/pump \* water from about ..... hectares  
of land in the municipality of .....  
being .....

(the land's title description)  
and being ..... km ..... of .....  
(north, south, east, west) (siding or townsite)

and to discharge the water .....  
(describe land, water, watercourse or lake onto or into which the water is to be  
discharged)  
as indicated on the plan below.

The draining/pumping \* will commence on or about .....  
and will continue for .....  
(period)

I am the ..... of this land.  
(owner \*, occupier \*, owner and occupier \*)

Signed ..... Date .....

\* Delete as appropriate.

Plan

(Show the direction of north, the land to be drained, the title description of the  
land and adjoining locations, any adjacent public roads and where the water is  
to be discharged.)

(SPACE FOR PLAN)

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FORM 3

[Reg. 6]

SOIL AND LAND CONSERVATION ACT 1945  
SOIL AND LAND CONSERVATION REGULATIONS 1992  
NOTICE OF INTENTION TO DRAIN OR PUMP WATER FROM LAND  
WITHIN THE PEEL-HARVEY CATCHMENT AREA

To: The Commissioner of Soil and Land Conservation  
Department of Agriculture  
Baron-Hay Court  
South Perth WA 6151

I .....  
(full name, block letters)

of .....  
(postal address)

propose to drain/pump \* water from about ..... hectares  
of land in the municipality of .....  
being .....

(the land's title description)  
and being ..... km ..... of .....  
(north, south, east, west) (siding or townsite)

and to discharge the water .....  
.....  
(describe land, water, watercourse or lake onto or into which the water is to be  
discharged)

as indicated on the plan below.

The draining/pumping \* will commence on or about .....  
and will continue for .....  
(period)

I am the ..... of this land.  
(owner \*, occupier \*, owner and occupier \*)

Signed ..... Date .....

\* Delete as appropriate.

Plan

(Show the direction of north, the land to be drained, the title description of the  
land and adjoining locations, any adjacent public roads and where the water is  
to be discharged.)

(SPACE FOR PLAN)

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## SCHEDULE 3

[Reg. 4 (3)]

## CONTROLLED LAND

The land comprised within the boundaries of—

- (a) the Wellington Dam Catchment Area;
- (b) the Mundaring Weir Catchment Area;
- (c) the Denmark River Catchment Area;
- (d) the Kent River Water Reserve;
- (e) the Warren River Water Reserve.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.

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