

Western Australia

**Country Areas Water Supply (Clearing Licence)
Regulations 1981**

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Western Australia

Country Areas Water Supply (Clearing Licence) Regulations 1981

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Country Areas Water Supply (Clearing Licence) Regulations 1981

1. Citation

These regulations may be cited as the *Country Areas Water Supply (Clearing Licence) Regulations 1981*¹.

[2. *Omitted under the Reprints Act 1984 s. 7(4)(f).*]

3. Application

These regulations apply to and in relation to controlled land as defined in section 12AA of the Act.

[*Regulation 3 amended in Gazette 23 Aug 1985 p. 3019.*]

4. Interpretation

In these regulations unless the contrary intention appears —

licence means a clearing licence issued under section 12C;

section means a section of the Act;

the Act means the *Country Areas Water Supply Act 1947*.

[*Regulation 4 amended in Gazette 23 Aug 1985 p. 3019.*]

5. Application for a licence

An application for a licence shall be in the form of Form 1.

6. Form of licence

A licence shall be in the form of Form 2.

7. Application for transfer of a licence

An application for the transfer of a licence shall be in the form of Form 3.

8. Form of compensation claim

A claim for compensation under section 12E shall be in the form of Form 4.

9. Form of memorial — unlawful cleaning

A memorial relating to unlawful clearing delivered pursuant to section 12BA(1) and (2) shall be in the form of Form 5.

10. Form of memorial — restoration order

A memorial relating to a restoration order delivered pursuant to section 12BB(1) shall be in the form of Form 6.

11. Form of memorial — injurious affection

A memorial relating to compensation paid for injurious affection delivered pursuant to section 12EA(1) shall be in the form of Form 7.

[12. Deleted in Gazette 30 Dec 2004 p. 6999.]

13. When a clearing licence is not required (section 12C)

In accordance with section 12C(1)(d), a clearing licence is not required —

- (a) where the land in question has an area of less than 0.2 hectare;
- (b) for the removal of suckers or regrowth less than 3 years old where the land in question was cleared of indigenous

trees and vegetation as verified by Western Australian Land Information Authority photography —

- (i) in the case of the Wellington Dam Catchment Area and the Harris River Catchment Area, by the date of the proclamation of the *Country Areas Water Supply Act Amendment Act 1976* (i.e. 15 November 1976); or
- (ii) in the case of the Mundaring Weir Catchment Area, Denmark River Catchment Area, Kent River Water Reserve and Warren River Water Reserve by the date of the proclamation of the *Country Areas Water Supply Act Amendment Act 1978* (i.e. 15 December 1978),

or has subsequently been cleared as a result of a licence being issued;

- (c) for the removal of individual trees suitable for cutting for fencing and farm materials if used for maintaining existing improvements on the holding, where —
 - (i) those trees are cut from bush areas in random manner with not more than 2 trees removed per hectare; and
 - (ii) no action is taken that would be deleterious to the regrowth of stumps;
- (d) for the removal of regrowth and suckers not more than 10 metres beyond either side of existing fencelines;
- (e) for the removal or destruction of poison plants included in the toxic species of the genera *Gastrolobium* and *Oxylobium*;
- (f) for the clearing of an area of land under a clearing permit granted under the *Environmental Protection Act 1986* if compensation has not been provided under Part IIA of the Act in respect of the area.

[Regulation 13 amended in Gazette 29 Dec 1995 p. 6295;
30 Jun 2004 p. 2584; 22 Dec 2006 p. 5802.]

Schedule

Schedule

Form 1

COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
REGULATIONS 1981

APPLICATION FOR
LICENCE

Catchment area/
Water Reserve.

ZONE

1. Name and Address of Applicant
(PLEASE PRINT)
(Applicant to be owner/occupier or
Statutory Authority —
Delete whichever does not apply)

SURNAME

OTHER NAMES

NAME OF STATUTORY
AUTHORITY

(if applicable)

ADDRESS

TELEPHONE NO. 09..... /

2. Ownership, Occupancy and details of Holding

(i) FULL NAME AND ADDRESS OF OWNER(S) and/or
OCCUPIER(S) (IF COMPANY OR FIRM GIVE DETAILS)

.....
.....
.....

(ii) LOCATION NUMBER(S) AND/OR LOT NUMBER(S)

.....
.....

(iii) CERTIFICATE OF TITLE NUMBER(S)

OR

LEASE NUMBER(S)

(iv) TOTAL AREA OF HOLDING HECTARES

(v) TOTAL AREA ALREADY CLEARED HECTARES

(vi) AREA OF BUSH SUITABLE FOR AGRICULTURE

..... HECTARES

3. Land on which clearing is required (Subject Land)
- (i) AREA OF CLEARING PROPOSED
..... HECTARES
 - (ii) POSITION OF CLEARING PROPOSED LOC/LOT
(as shown coloured on accompanying sketch)
 - (iii) PURPOSE FOR WHICH CLEARING IS REQUIRED.
CROP REGROWTH NEW FENCELINE
PASTURE BUILDINGS OTHER
.....
- Please place ✓ where relevant.
- (iv) PERIOD LICENCE IS REQUIRED, FROMTO

4. General Details
- (i) Area of holding estimated
to be unable to support crop
or pasture because of salt
seeps (if any) hectares
 - (ii) Additional information in support of application and extent
of injurious affection if this licence is refused.
.....
.....
.....
.....
.....

.....
Signed by Applicant*

DATE

*Application to be signed by applicant personally or by applicant's authorised attorney or agent. Any power of attorney or other authority must be forwarded with the application for sighting and return.

An application by a company must be made under the company's common seal.

[Form 1 amended in Gazette 23 Aug 1985 p. 3020.]

Schedule

Form 2

COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCES)
REGULATIONS 1981

LICENCE TO CLEAR

..... CATCHMENT AREA/WATER RESERVE, ZONE

This is to certify that is the holder of a licence number granted under Part IIA of the *Country Areas Water Supply Act 1947* to on the following land, namely

(Description of Land)

to the extent of

(area of land that may be cleared)

as shown on the plan annexed to this licence subject to the * following conditions/* the conditions set out in the annexure of this licence.

.....
.....
.....
.....
.....

DATED this day of 20.....

.....
AUTHORISED OFFICER

*Delete which does not apply.

[Form 2 amended in Gazette 23 Aug 1985 p. 3020.]

Form 3

COUNTRY AREAS WATER SUPPLY ACT 1947
COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
REGULATIONS 1981

APPLICATION TO TRANSFER LICENCE NO.

ISSUED IN THE NAME OF

FOR THE CATCHMENT AREA/WATER RESERVE, ZONE

1. I,

(Name) Please Print

of 09 /

(address)

(Telephone No.)

being

(state the nature of interest of applicant, e.g. purchaser of land in respect of which a licence has been granted or a lessee, etc.)

hereby apply for the transfer of the licence issued in respect of

.....

.....

describe land by reference to location, certificate of title, lease, etc.).

2. The transfer of the licence is necessary for the following reasons

.....

.....

3. If the transfer of the licence is refused the land will be injuriously

affected in the following manner

.....

.....

Signed by Applicant*

DATE

*Application must be signed by the applicant personally or by the applicant's authorised attorney or agent. Any power of attorney or other authority must be forwarded with the application for sighting and return.

An application by a company must be made under the company's common seal.

Schedule

Form 4

COUNTRY AREAS WATER SUPPLY ACT 1947
 COUNTRY AREAS WATER SUPPLY (CLEARING LICENCE)
 REGULATIONS 1981

CLAIM FOR COMPENSATION

1. I,
 (Full Name/s — Please Print)
- of
 (address)
- Being the (owner) of
 (occupier)
 (owner and (give full land description of holding).
 occupier)
- (Delete whichever does not apply)
-
 whose application to clear hectares or to
 transfer licence No. was refused/granted in part/granted
 subject to conditions/ under Part IIA of the *Country Areas Water Supply
 Act 1947* on (state date) hereby claim the sum of \$.....
 as compensation for injurious affection in respect of

 (description of all land included in claim).
2. The amount claimed is made up as follows: *
- | | | | |
|--|---------------------|--------|---------------|
| (a) Area for which clearing has been refused |ha @ | per ha | \$ |
| (b) Any loss of value of other areas included in claim | Land.....ha @ | per ha | \$ |
| | Buildings | | \$ |
| | Fencing | | \$ |
| | Water Supply | | \$ |
| | Other | | \$ |
| (c) Any additional items | | | \$ |
| | | | TOTAL\$ |

3. Nature of Interest in Lands of Claimant**

State in full the nature of Interest (as for example, owner in fee simple, mortgagee, lessee, or occupier), and if the lands are leased or encumbered, or are subject to any easement, give particulars of such lease, encumbrance, or easements, etc.

.....
.....
.....

4. Where Claimant is not both the owner and occupier state the name and address of the owner or occupier (as the case may be)

.....
.....
.....

DATED this day of 20.....

.....

Signed by the Claimant.‡

*Item 2 is not compulsory; complete it to the best of your ability.

**If your interest in the land is not registered, you must provide documentary evidence (e.g. contract of sale, lease, partnership agreement) to support your right to claim.

‡Claim must be signed by the claimant personally or by the claimant's authorised attorney or agent. Any power of attorney or other authority must be forwarded with the claim for sighting and return.

A claim by a company must be made under the company's common seal.

Schedule

Form 5

WESTERN AUSTRALIA

No.

MEMORIAL

WATER AND RIVERS COMMISSION File No.

COUNTRY AREAS WATER SUPPLY ACT 1947

NOTICE OF UNLAWFUL CLEARING

THE MINISTER FOR WATER RESOURCES HEREBY GIVES NOTICE THAT HE ALLEGES THAT UNLAWFUL CLEARING HAS BEEN CARRIED OUT WITH RESPECT TO THE UNDERMENTIONED LANDS CONTRARY TO SECTION 12BA OF THE *COUNTRY AREAS WATER SUPPLY ACT 1947* AND THAT THE LAND MAY BECOME THE SUBJECT OF A RESTORATION ORDER UNDER SECTION 12B(2) OF THAT ACT.

SCHEDULE

LAND DESCRIPTION Location, Lot, Certificate of Title, Crown Lease (State whether whole or part of land in C of T or C.L.)	REGISTERED PROPRIETOR Name, Address, Occupation

Dated this day of 20

.....
Witness FOR AND ON BEHALF OF THE MINISTER
FOR WATER RESOURCES.

[Form 5 amended in Gazette 23 Aug 1985 p. 3020; 29 Dec 1995 p. 6295.]

Schedule

Form 7

WESTERN AUSTRALIA

No.

MEMORIAL

WATER AND RIVERS COMMISSION File No.

COUNTRY AREAS WATER SUPPLY ACT 1947

**NOTICE OF PAYMENT OF COMPENSATION FOR INJURIOUS
AFFECTION**

THE MINISTER FOR WATER RESOURCES HEREBY GIVES NOTICE
THAT COMPENSATION FOR INJURIOUS AFFECTION HAS BEEN PAID
ON 20 WITH RESPECT TO THE UNDERMENTIONED
LANDS PURSUANT TO SECTION 12EA OF THE ABOVE ACT.

SCHEDULE

LAND DESCRIPTION: Location, Lot, Certificate of Title, Crown Lease. (State whether whole or part of land in C of T or C.L.)	REGISTERED PROPRIETOR: Name, Address, Occupation	TO WHOM PAYMENT MADE AND THEIR ESTATE OR INTEREST IN THE LAND

Dated this day of 20 .

.....
(Witness) FOR AND ON BEHALF OF THE MINISTER
FOR WATER RESOURCES.

[Form 7 amended in Gazette 23 Aug 1985 p. 3020; 29 Dec 1995 p. 6296.]

[Schedule amended in Gazette 23 Aug 1985 p. 3020; 29 Dec 1995 p. 6295-6.]

Notes

- ¹ This is a compilation of the *Country Areas Water Supply (Clearing Licence) Regulations 1981* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Country Areas Water Supply (Clearing Licence) Regulations 1981</i>	22 May 1981 p. 1570-5	22 May 1981
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 1985</i>	23 Aug 1985 p. 3019-20	23 Aug 1985
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 1988</i>	29 Jun 1988 p. 2110	29 Jun 1988
<i>Water Agencies (Amendment and Repeal) Regulations 1995 Pt. 2</i>	29 Dec 1995 p. 6295-302	1 Jan 1996 (see r. 2 and <i>Gazette</i> 29 Dec 1995 p. 6291)
Reprint 1: The Country Areas Water Supply (Clearing Licence) Regulations 1981 as at 23 May 2003 (includes amendments listed above)		
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 2004</i>	30 Jun 2004 p. 2583-4	8 Jul 2004 (see r. 2 and <i>Gazette</i> 30 Jun 2004 p. 2581)
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations (No. 2) 2004</i>	30 Dec 2004 p. 6999	1 Jan 2005 (see r. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Country Areas Water Supply (Clearing Licence) Amendment Regulations 2006</i>	22 Dec 2006 p. 5802	1 Jan 2007 (see r. 2 and <i>Gazette</i> 8 Dec 2006 p. 5369)