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**ENVIRONMENT**

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EV301\*

Environmental Protection Act 1986

**Environmental Protection (Clearing of Native Vegetation) Amendment Regulations  
(No. 3) 2005**

Made by the Lieutenant-Governor and Administrator in Executive Council.

**1. Citation**

These regulations are the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 3) 2005*.

**2. The regulations amended**

The amendments in these regulations are to the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*\*.

[\* *Published in Gazette 30 June 2004, p. 2587-623.*

*For amendments to 6 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 100, and Gazette 24 June 2005.]*

**3. Regulation 5 amended**

Regulation 5(1) is amended in item 20 of the Table to the subregulation as follows:

- (a) in the heading to the item, by deleting “Clearing resulting from” and inserting instead —  
“ **Clearing:** ”;
- (b) by deleting “, carrying out” and inserting instead —  
“ carrying out, ”;
- (c) in paragraph (b), by deleting “in a permitted area” and inserting instead —  
“ in an area of the State other than a non-permitted area ”.

**4. Schedule 1 amended**

- (1) The heading to Schedule 1 is amended by deleting “and” and inserting instead —  
“ **or** ”.

- (2) Schedule 1 clause 1 is amended in the definition of “compressed air drilling” by deleting “and rotary blast drilling) without any” and inserting instead —

“  
 , rotary air blast, reverse circulation and vacuum  
 drilling) with or without  
 ”.

- (3) Schedule 1 clause 2(1) is amended as follows:

- (a) by deleting “mineral and petroleum” and inserting instead —

“ mineral or petroleum ”;

- (b) by deleting paragraph (c) and inserting instead —

“  
 (c) auger or compressed air drilling if —  
 (i) the drilling is along lines that are in a grid pattern (the density of which is no greater than 100 m x 100 m) or along lines that, although not in a grid pattern, are at least 100 m apart at their closest point; and  
 (ii) in respect of compressed air drilling — any drilling fluids used or groundwater released is retained in a sump;  
 ”;

- (c) in paragraph (d) by inserting before “compressed” —  
 “ auger or ”;

- (d) in paragraph (d) by deleting “100 m x 100 m” and inserting instead —

“ 1 ha ”;

- (e) after paragraph (d)(i) by deleting “and”;

- (f) after paragraph (d)(ii) by inserting —

“  
 and  
 (iii) in respect of compressed air drilling — any drilling fluids used or groundwater released is retained in a sump;  
 ”;

- (g) in paragraph (i) by deleting “clause” and inserting instead —

“ subclause ”.

- (4) After Schedule 1 clause 2(1) the following subclause is inserted —

“  
 (1a) An activity authorised by a licence granted, after this subclause comes into operation, under section 5C or 26D of the *Rights in Water and Irrigation Act 1914* is a low impact mineral or petroleum activity for the purposes of item 20, to the extent to which it is carried out for the purposes of an

activity carried out under an authority granted under the *Mining Act 1978*, the *Petroleum Act 1967*, the *Petroleum Pipelines Act 1969* or the *Petroleum (Submerged Lands) Act 1982*.

”.

- (5) Schedule 1 clause 4(1) is amended as follows:
- (a) by deleting “permitted area if it is not” and inserting instead —  
“ non-permitted area if it is ”;
  - (b) in paragraph (k)(iv) by deleting “Principals” and inserting instead —  
“ Principles ”.

Note: The heading to Schedule 1 clause 4 will be altered by deleting “Permitted” and inserting instead “**Non-permitted**”.

By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.