
ENVIRONMENT

EV301*

Environmental Protection Act 1986

**Environmental Protection (Clearing of
Native Vegetation) Amendment
Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 2) 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 9 June 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 100.]

3. Regulation 5 amended

Regulation 5(1) is amended in the Table to the subsection as follows:

- (a) in item 3 paragraph (c)(i) by deleting “12 months” and inserting instead —
“ 3 years ”;
- (b) by deleting item 11 and inserting the following item instead —

“

11 Clearing along a fence line — Crown land

Clearing of Crown land along a fence line to provide access to construct or maintain a fence —

The owner of the land on which the clearing is to take place.

- (a) between alienated land and Crown land — if the clearing is no more than 1.5 m from the fence line; or
- (b) between Crown land and Crown land — if the clearing is no more than 5 m from the fence line on one side and no more than 1.5 m from the fence line on the other side.

”

- (c) in item 13 after paragraph (a) by inserting —
“ and ”;
- (d) in item 13 after paragraph (b) by deleting “; and” and inserting a full stop;
- (e) in item 13 by deleting paragraph (c);
- (f) by deleting item 15 and inserting the following item instead —

“

15 **Clearing to maintain existing cleared areas around infrastructure etc.**

Clearing of land that was lawfully cleared within the 10 years prior to the clearing for one of the following purposes —

The owner or occupier of the land on which the clearing is to take place.

- (a) around a building or structure for the use of the building or structure;
- (b) for a fire risk reduction area for a building;
- (c) to maintain an area along a fence line to provide access to construct or maintain the fence;
- (d) to maintain a vehicular or walking track,

to the extent of the prior clearing.

Clearing of land that was previously lawfully cleared for one of the following purposes if the clearing does not exceed the extent specified for the purpose —

- (a) around a building or structure for the use of the building or structure — 20 m from the building or structure;
- (b) for a fire risk reduction area for a building — 20 m from the building;
- (c) to maintain an area along a fence line to provide access to construct or maintain the fence — 5 m from the fence line;
- (d) to maintain a vehicular or walking track — 5 m wide.

”;

- (g) in item 20, in the heading, by inserting after “low impact” —
“ or other ”;
- (h) in item 20 by inserting after “low impact” —
“ or other ”;

- (i) in items 24 and 25 by deleting “within 12 months after Part 9 of the *Environmental Protection Amendment Act 2003* comes into operation” and inserting instead —
“ before 8 January 2006 ”.

4. Regulation 8 amended

- (1) Regulation 8(2)(a) is amended by inserting after “applicant” —
“ and the period for which the permit is sought ”.
- (2) Regulation 8(3) is amended as follows:
 - (a) in paragraph (a) by deleting “and” and inserting instead —
“ or ”;
 - (b) in paragraph (b) by inserting before “on” —
“ in a newspaper circulating daily in the State or ”.

5. Schedule 1 amended

- (1) The heading to Schedule 1 is amended by inserting after “Low impact” —
“ **or other** ”.
- (2) Schedule 1 clause 2 is amended as follows:
 - (a) by inserting before “The following” the subclause designation “(1)”;
 - (b) by inserting after “low impact mineral and petroleum activities” —
“ for the purposes of item 20 ”;
 - (c) in paragraph (c)(ii) by inserting after “grid pattern and” —
“ the ”.
- (3) At the end of clause 2 the following subclauses are inserted —
“
 - (2) The following activity is a mineral or petroleum activity for the purposes of item 20, to the extent to which it is 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* — clearing in an authority area for any purpose, being clearing which does not, together with all other clearing carried out under this subclause in the area in the financial year in which the clearing takes place, exceed 10 ha.
 - (3) In subclause (2) —
“**authority area**” means the area in which the holder of one of the following authorities may carry out the activity or activities authorised by that authority —
 - (a) a mining tenement as defined in the *Mining Act 1978*;”.

- (b) a permit, drilling reservation, lease, licence, special prospecting authority or access authority, as defined in the *Petroleum Act 1967*;
- (c) a licence as defined in the *Petroleum Pipelines Act 1969*;
- (d) a permit, lease, licence, pipeline licence, special prospecting licence or access authority, as defined in the *Petroleum (Submerged Lands) Act 1982*, or a consent of the Minister under section 60 of that Act.

”.

6. Schedule 2 amended

Schedule 2 clause 3(a) is deleted.

7. Schedule 3 amended

Schedule 3 clause 2(a) is deleted.

By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.