

EV301*

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 4) 2006

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations (No. 4) 2006*.

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 23 June 2006 see Western Australian Legislation Information Tables for 2005, Table 4, p. 108-9, and Gazette 6 January and 31 March 2006.]

3. Regulation 3 amended

Regulation 3 is amended as follows:

- (a) in the definition of “limited clearing” by deleting “section” and inserting instead —
“ regulation ”;
- (b) by inserting in the appropriate alphabetical position —
“
“**sight line area**” means an area between the edge of a stretch of road or railway and a line of sight necessary for the safe use of the stretch of road or railway;

”.

4. Regulation 5 amended

- (1) Regulation 5(1) is amended in item 21 of the Table to the subregulation by inserting after “road” in the first place where it occurs —

“ (whether public or private) ”.

- (2) Regulation 5(1) is amended in the Table to the subregulation by inserting after item 21 the following item —

“

21A **Clearing for a crossover**

<p>Clearing that is the result of constructing a crossover from a road to a property adjacent to the road, and any associated sight line areas, if the construction is within the scope of the authority to construct the crossover.</p>	<p>The person with the authority to construct the crossover.</p>
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- (3) Regulation 5(1) is amended in item 22 of the Table to the subregulation as follows:

- (a) in the heading to the item by inserting after “Clearing” —
“ **for maintenance** ”;
- (b) in column 2 by inserting after “road” —
“ (whether public or private) ”;
- (c) by inserting after “clearing is” —
“ carried out ”;
- (d) after each of paragraphs (a) and (b) by inserting —
“ and ”;
- (e) at the end of paragraph (c) by deleting “; and” and inserting a full stop instead;
- (f) by deleting paragraph (d).

5. Schedule 2 amended

- (1) The heading to Schedule 2 is amended by inserting after “Clearing” —

“ **for maintenance** ”.

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

- (a) by inserting in the appropriate alphabetical positions —

“

“**crossover area**” means the area occupied by a crossover from a road to a property adjacent to the road and any associated sight line areas;

“**previously cleared**” has a meaning that is affected by clause 2(2);

”;

- (b) in the definition of “public roadside facility” by inserting after “parking areas” —
“ or a footpath or cycle track in the road reserve ”;
- (c) in the definition of “transport corridor infrastructure” by inserting before “includes” —
“ , in relation to a stretch of road or railway, ”;
- (d) in the definition of “transport corridor infrastructure” by deleting “works;” and inserting instead —
“ works. ”;
- (e) by deleting the definition of “sight line area”.
- (3) Schedule 2 clause 2 is amended as follows:
- (a) by inserting before “For” the subclause designation “(1)”;
- (b) by inserting after “item 22 are” —
“ , subject to subclause (2), ”;
- (c) by deleting “clause” and inserting instead —
“ subclause ”;
- (d) in the Table to the clause by inserting before the item relating to lateral clearance areas the following item —
“
crossover area clearing to the extent previously
cleared for the area.
”;
- (e) in the Table to the clause, in the item relating to maintenance and protection of transport corridor infrastructure, by inserting after “efficacy” —
“ and safety ”;
- (f) at the end of the clause the following subclause is inserted —
“
(2) An extent of clearing that is specified in the Table to subclause (1) by reference to previous clearing is so specified if and only if —
(a) the previous clearing took place within the 10 years immediately prior to the proposed clearing; and
(b) either —
(i) the previous clearing was lawful; or
(ii) the person clearing does not know, and cannot reasonably be expected to know, whether the previous clearing was lawful.
”.
- (4) Schedule 2 clause 3(b) is amended by deleting “21” and inserting instead —
“ 90 ”.

By Command of the Governor,

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