



Risk-based assessment of clearing permit applications

Environmental Protection Act 1986

Purpose

This fact sheet provides information about the application of risk-based assessment to clearing permit applications under the *Environmental Protection Act 1986* (EP Act), as well as applications assessed under the assessment bilateral agreement under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

Introduction to risk-based assessments

Under the EP Act, statutory requirements apply to clearing permit applications, including advertising, seeking public submissions, assessment against a set of clearing principles contained in Schedule 5 of the EP Act, and having regard to planning instruments and other relevant matters. The decisions on applications are also subject to appeal.

Under the assessment bilateral agreement, requirements also apply to clearing permit applications and the assessment approach.

Consistent with this statutory framework, clearing permit applications are assessed according to the environmental risk. Risk-based assessment in the context of clearing permit applications encompasses proportionality — that is, ensuring that the level of assessment is commensurate with the likelihood of an impact occurring and the magnitude of the impact.

This approach appropriately manages environmental risk consistent with the legislative framework to achieve a timely outcome. The Department of Environment Regulation's (DER) time frames specifically recognise a risk-based approach by aiming to provide a decision on 80 per cent of applications within 60 calendar days of receipt, and on the remaining 20 per cent within 90 calendar days.

DER's performance in meeting time frames for decisions on clearing permit applications is published quarterly [on DER's website](#).

What information is considered in determining the assessment approach?

The risk-based assessment approach for clearing permit applications sets timeframes and priorities based on:

- the size of the area to be cleared;
- location of the area to be cleared;
- sensitivity of the environment and the environmental values that occur within or adjacent to the area under application;
- purpose of clearing and urgency of the application; and
- public interest in the application.

How is risk-based assessment conducted?

DER conducts a desktop review of the application and information provided by the applicant and sets an assessment approach and time frame for a decision based on consideration of the factors listed above.

A completed clearing permit application form (C1 or C2) and a map showing the area applied to be cleared are required for a valid clearing application under the EP Act. For an application to be assessed under the assessment bilateral agreement, the information outlined in Annex C7 is also required.

While DER encourages applicants to provide additional supporting information with the application form, it does not require additional information unless it is specified on the application form or a desktop review indicates that there is a real risk of a significant environmental value being impacted.

In such cases, the Chief Executive Officer (CEO) can require additional relevant information from the applicant in writing. The basis of a requirement by the CEO for additional information is always provided to the applicant.

DER's practice of requiring additional information in cases only where there is a demonstrable environmental risk recognises that this requirement may increase the cost and complexity of the process to the applicant.

Further information on the assessment of applications is available in [Guide 2 — A guide to assessment of applications to clear native vegetation](#).

In accordance with s 51E(4)(c) of the EP Act,

each application is advertised seeking public comments for such period as is specified in the advertisement. A shorter advertising/public comment period (usually seven days) is provided for simple, low risk applications.

A simpler assessment also applies for those applications that have minimal impact, as many of the clearing principles may not be relevant.

Section 51O of the EP Act gives the CEO discretion in determining the extent to which he has regard to the clearing principles in making a decision on a clearing permit application.

Appeal rights apply to all clearing application decisions.

More information

For further information on native vegetation clearing processes or related matters, contact DER on +61 8 6467 5000.

For applications related to mines and petroleum activities under delegation, contact the Department of Mines and Petroleum on +61 8 9222 3333.

This document is available in alternative formats and other languages on request.

Related documents

More guidelines and fact sheets on native vegetation clearing processes are available from [DER's website](#).

Legislation

Please refer to the State Law Publisher (SLP) for copies of the relevant legislation, available electronically from the [SLP website](#).

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