

# ENVIRONMENTAL PROTECTION AMENDMENT (Clearing for Fire Risk Reduction) BILL 2017

## EXPLANATORY MEMORANDUM

### OVERVIEW OF THE BILL

The purpose of this Bill is to remove the requirement for a landowner to seek a clearing permit to clear native vegetation within twenty five metres of a private dwelling-house for the purpose of fire risk reduction.

Clearing of native vegetation in Western Australia is regulated under Division 2 of the *Environmental Protection Act 1986* (henceforth referred to as “the Act”), specifically under Section 51 of the Act.

Section 51C of the Act regulates the clearing of native vegetation by requiring landowners to apply for a permit to clear unless it is of a kind set out in Schedule 6 of the Act, or is of a kind prescribed for the purposes of that section and is not done in an environmentally sensitive area. It is set out in the Act as -

*51C. Unauthorised clearing of native vegetation*

*A person who causes or allows clearing commits an offence unless the clearing —*

*(a) is done in accordance with a clearing permit; or*

*(b) is of a kind set out in Schedule 6; or*

*(c) is of a kind prescribed for the purposes of this section and is not done in an environmentally sensitive area.*

*[Section 51C inserted by No. 54 of 2003 s. 110(1).]*

Schedule 6 of the Act – **Clearing for which a permit is not required** - outlines the circumstances in which the landowner may clear without a permit. However the fourteen existing clauses of this schedule contain no specific exemption for clearing to protect residential dwellings from fire.

This shortcoming of the means that landowners who do not meet the existing clearing exemption categories are required to go through the process of applying for a clearing permit to protect their homes and families from fire emergencies.

A number of large scale fire events in Western Australia and worldwide in recent years has identified that homes without an adequate fire break are far more likely to be damaged or destroyed in a major fire event. People sheltering in these houses are of significant risk of injury or death. The need for the law to provide a simple and straightforward mechanism to protect residential dwellings from fire is paramount. The urgent need to protect lives and homes should not be impinged by legislation that prevents clearing of native vegetation.

The amendment proposed in the Bill would apply to residential dwellings only, allowing land owners the full and unfettered capacity to clear the immediate vicinity around their homes for fire risk reduction.

## **CLAUSE NOTES**

Outlined below is a brief description of each clause of the *Environmental Protection Amendment (Clearing for Fire Risk Reduction) Bill 2017*

### **Clause 1 Short title**

Clause 1 cites the short title of the Act.

### **Clause 2 Commencement**

This Clause is a standard commencement provision. Sections 1 and 2 will commence on the day on which the Amendment Act receives the Royal Assent. The rest of the Act will commence on the day after that day.

### **Clause 3 Act amended**

This states that the amendments in the Bill are to the *Environmental Protection Act 1986*.

### **Clause 4 Schedule 6 amended**

Clause 4 amends Schedule 6 of the Act to add a new Clause 15 which will provide for an additional exemption to the need to obtain a permit for the clearing of native vegetation. The new Clause 15 will allow clearing within 25 metres of a private dwelling-house without the landowner being required to apply for a clearing permit.