

ENVIRONMENT — CLEARING PERMITS

2422. Hon Diane Evers to the Minister for Environment:

- (1) How many Clearing Permit applications to construct, widen or clear roadsides were granted in 2016–2018?
- (2) How many Clearing Permit applications to construct, widen or clear roadsides were not granted in 2016–2018?
- (3) How many detailed enquiries or discussions about Clearing Permit applications to construct, widen or clear roadsides did not result in a Clearing Permit application being received in 2016–2018?
- (4) How many complaints or reports of alleged unlawful clearing of roadsides were received in 2016–2018, and how many investigations of these complaints or reports were undertaken?
- (5) From what local government areas were there complaints or reports of alleged unlawful clearing of roadsides received in 2016–2018, and from which local government areas were the most complaints or reports received?
- (6) How many instances of alleged unlawful clearing of roadsides received in 2016–2018 were found to indeed be unlawful, and from which local government areas were these?
- (7) For what reasons were instances of alleged unlawful clearing of roadsides received in 2016–2018 not found to be unlawful?
- (8) Of those instances of alleged unlawful clearing of roadsides received in 2016–2018 that were found to be unlawful, how many of the parties who undertook the clearing were prosecuted or fined or made to restore the cleared vegetation?
- (9) For those instances of alleged unlawful clearing of roadsides received in 2016–2018 that were found to be unlawful where the parties were not prosecuted or fined or made to restore the cleared vegetation, why were they not prosecuted or fined or made to restore the cleared vegetation?
- (10) For those instances of alleged unlawful clearing of roadsides received in 2016–2018 that were found to be unlawful where the parties were not prosecuted or fined or made to restore the cleared vegetation, what actions were taken?
- (11) What actions are being taken to reduce instances of unlawful clearing of roadsides?
- (12) How are local governments being made aware of their obligations with respect to the clearing regulations and clearing of roadsides?
- (13) What actions are being taken to encourage local governments to take better care of, retain and look after, the native vegetation in their roadsides.?

Hon Stephen Dawson replied:

- (1) 231
- (2) 3
- (3) The Department of Water and Environmental Regulation (DWER) does not maintain the information requested.
- (4) 106. DWER has commenced investigations for all complaints and reports received.
- (5) From 2016 to 2018 DWER has received complaints or reports of unlawful clearing of roadside within the following local government areas:

Local Government Areas	Number of Reports received
Albany	3
Augusta–Margaret River	2
Bassendean	1
Beverley	2
Boddington	1
Boyup Brook	1
Bridgetown–Greenbushes	1
Broome	2
Carnamah	2

Extract from *Hansard*
[COUNCIL — Tuesday, 15 October 2019]
p7589b-7592a
Hon Diane Evers; Hon Stephen Dawson

Chittering	2
Collie	2
Coorow	4
Cranbrook	2
Cuballing	2
Dandaragan	2
Derby–West Kimberley	2
Dowerin	1
Dumbleyung	2
East Pilbara	2
Esperance	7
Gingin	4
Gnowangerup	1
Gosnells	1
Greater Geraldton	2
Harvey	1
Irwin	1
Jerramungup	4
Kalamunda	1
Kojonup	1
Kondinin	1
Kulin	2
Lake Grace	1
Laverton	1
Manjimup	3
Meekathara	1
Menzies	2
Merredin	1
Moora	4
Mundaring	1
Narrogin	3
Northam	3
Northampton	1
Nungarin	1
Pingelly	3
Plantagenet	1
Rockingham	1
Shark Bay	1
Southern Cross	1
Swan	4
Victoria Plains	3
Wagin	1
Woodanilling	3

Yilgarn	1
York	3

Although the number of complaints within each local government area did not vary to a large degree, Esperance had the highest number of alleged clearing reports received by DWER.

- (6) From 2016 to 2018 DWER has determined that unlawful clearing of roadside has occurred on a total of 67 occasions within the following local government areas:

Local Government Areas	Number of Confirmed Reports
Albany	1
Beverley	1
Boddington	1
Boyup Brook	1
Broome	2
Carnamah	1
Chittering	2
Collie	2
Coorow	1
Cranbrook	2
Cuballing	1
Dandaragan	1
Derby–West Kimberley	2
Dowerin	1
Dumbleyung	1
East Pilbara	2
Esperance	5
Gingin	2
Gnowangerup	1
Gosnells	1
Greater Geraldton	1
Irwin	1
Jerramungup	4
Kalamunda	1
Kojonup	1
Kulin	2
Lake Grace	1
Manjimup	1
Meekathara	1
Menzies	2
Merredin	1
Moora	1
Narrogin	3
Northam	2
Northampton	1
Nungarin	1

Pingelly	2
Plantagenet	1
Shark Bay	1
Southern Cross	1
Victoria Plains	3
Wagin	1
Woodanilling	2
York	1

- (7) DWER's investigations have determined that the alleged clearing was not unlawful for the following reasons:
- Seven reports of alleged clearing were authorised by a clearing permit issued under the *Environmental Protection Act 1986* (EP Act);
 - Sixteen reports of alleged clearing were authorised by an exemption under the EP Act;
 - Three reports of alleged clearing determined that no offence had occurred;
 - Two reports of alleged clearing determined that the vegetation was not defined as 'native'; and
 - One report of alleged clearing was determined to have occurred as a result of a traffic accident.
- DWER is continuing to investigate the remaining ten reports of unlawful clearing of roadsides for 2016–2018 period.
- (8) None.
- (9) DWER determines enforcement action in accordance with its Compliance and Enforcement Policy. None of the investigations for 2016–2018 period resulted in a prosecution which is the only means of fines being imposed under the EP Act.
- (10) DWER issued non-statutory warning/caution letters or educational advice for 42 of the reports. Three of the reports were referred to an external agency and there was insufficient evidence to identify an offender for one report. The remaining 21 reports resulted in no action being taken by the Department due to the low level of environmental impact.
- (11)–(13) DWER undertakes educational strategies directly with local governments and the public, directly and in conjunction with the Roadside Conservation Committee. This includes face-to-face meetings and organised seminars. The Department also provides educational materials in the form of Guidelines and Fact Sheets that are published on its website.
- In August 2019, DWER convened the first meeting of the newly formed Local Government Roadside Clearing Regulation Working Group (LGRCR Working Group). The purpose of the LGRCR Working Group is to provide technical advice and leadership about the regulation of roadside native vegetation specifically for local governments. The LGRCR Working Group has representatives from DWER, Department of Biodiversity, Conservation and Attractions, Western Australian Local Government Association and a number of local government authorities.