

Fence Line Clearing Information

Shire of Donnybrook Balingup Last updated January 2025



Regulation 5, Item 11, of the *Environmental (Clearing of Native Vegetation) Regulations 1997* provides an exemption for the clearing native vegetation between private property and Crown land (e.g. a road reserve), provided the following criteria are met:

1. The vegetation is within crown land and along a fence line; and
2. The purpose of clearing is to provide access to construct or maintain a fence between private property and crown land; and
3. The clearing is no more than 1.5m from the fence line; and
4. The clearing does not exceed five hectares within that financial year; and
5. The clearing is not within an environmentally sensitive area.

An exemption does *not* apply if the above conditions are not met, and a clearing permit from Department of Water & Environmental Regulation (DWER) is required.

The exemption does not authorise the wholesale clearing of all native vegetation on Crown land within 1.5m of the fence line. It only authorises the clearing of as much vegetation as is necessary to provide access to construct or maintain a fence. Any clearing undertaken must be done in such a way to limit damage to neighbouring vegetation.

Written approval from the Shire of Donnybrook Balingup must be obtained prior to undertaking any clearing. A Fence Line Clearing Permit Application form is available on the Shire website.

Assessing the Requirement to Clear

Once a Fence Line Clearing Permit Application form has been submitted, the Shire's Environmental Officer will attend the property to provide advice on whether an exemption under the *Environmental Protection (Clearing of Native Vegetation) Act 1986* (the EP Act) may apply.

Please allow up to 4 weeks for your application to be assessed. During the assessment, please note:

- A **maximum** of 1.5m width of native vegetation will be considered for approval for clearing along the fence line.
- Significant trees may not obtain permission to clear without further advice from DWER.
- **Clearing will only be undertaken as is necessary to construct the fence**, and not due to perceived risk of damage to the fence. Trees considered a risk are to be assessed by the Shire under the Tree Risk Assessment process.

It is the responsibility of the landowner (or person acting under the authority of the landowner) to ensure the works are undertaken in line with the EP Act, regardless of any advice given by the Shire.

Clearing native vegetation in WA without authorisation is an offence under the EP Act, and unlawful clearing by individuals can result in fines of up to \$250,000. Guidelines on clearing permits are available on the DWER website: www.dwer.wa.gov.au



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Examples



- ✓ The tree is within Cown Land and is along a fence line.
- ✓ The tree prevents the owner from being able to construct or maintain a fence.
- ✓ The tree is less than 1.5m from the fence line.

The clearing would be considered **exempt** from needing a Fence Line Clearing Permit if:

- The clearing is not within an Environmentally Sensitive Area,
- The clearing does not exceed five hectares of clearing for that landowner for the financial year, and
- The Tree is not considered significant from an environmental or cultural perspective.



- ✓ The tree is within Cown Land and is along a fence line.
- ✗ The tree prevents the owner from being able to construct or maintain a fence.
- ✓ The tree is less than 1.5m from the fence line.

The clearing is **not exempt** from needing a Fence Line Clearing Permit, as the fence can be accessed.

