

FENCE LINE CLEARING

Can I Clear Native Vegetation Along My Fence Line?

If you are the owner of the property, you may clear a strip along a fence line **within your property** to the width necessary to provide **access** to construct or maintain a fence, provided that the clearing, combined with other limited exempt clearing (under the Regulations) on the property, does not exceed five hectares in the financial year in which the clearing takes place.

A separate exemption exists for clearing between private property and Crown land (e.g. a road reserve), provided that the clearing on the Crown land is no more than 1.5 metres from the fence and is required to enable **access** to construct or maintain a fence. This exemption applies to the owner of the land on which the clearing is to take place or with the prior authority of the owner, therefore in the case of a road reserve, **written approval from your local Shire must be obtained prior to undertaking the clearing**. For written approval from the Shire, download a copy of the Shire's application for fence line clearing from the website tammin.wa.gov.au.

These exemptions do not apply in environmentally sensitive areas.

The onus is on the land owner and any other person carrying out the clearing on their behalf, to ensure compliance with the *Environmental Protection Act 1986* (EP Act), regardless of any advice given by the Shire.

It is important to read the exemption as a whole which is made up of the following requirements or elements:

1. It authorises the clearing of native vegetation on Crown land along a fence line; and
2. The clearing can only be for the purpose of providing **access** to construct or maintain a fence between private property and Crown land; and
3. (as a limitation to these first two parts of the exemption) –the clearing can be no more than 1.5 metres from the fence line.

If the intended clearing does not satisfy all of these requirements then the exemption does not apply, and a clearing permit is required.

The following images provide examples of this exemption:



1. The cleared tree pictured above is within Crown land and is along a fence line;
2. The cleared tree was preventing the property owner from being able to access and construct the new fence;
3. The cleared tree is less than 1.5 metres away from the fence line.

This clearing is authorised by the exemption.



1. The tree is within Crown land and is along a fence line;
2. The tree does not prevent the owner from being able to access and construct the new fence;
3. The tree is less than 1.5 metres away from the fence line.

The clearing of the tree would not be authorised by the exemption.

1. The tree is within Crown land;	<input checked="" type="checkbox"/>
2. The tree did not prevent the owner from being able to access and construct the fence;	<input checked="" type="checkbox"/>
3. The tree is more than 1.5 metres from the fence.	<input checked="" type="checkbox"/>
The clearing of the tree was not authorised, Clearing Permit required.	

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| 1. The tree is within Crown land; | <input checked="" type="checkbox"/> |
| 2. The tree prevented the owner from being able to access and construct the fence; | <input checked="" type="checkbox"/> |
| 3. The tree less than 1.5 metres from the fence. | <input checked="" type="checkbox"/> |

The clearing of the tree was authorised.

- | | |
|--|-------------------------------------|
| 1. The tree is within Crown land; | <input checked="" type="checkbox"/> |
| 2. The cleared tree did not preventing the property owner from being able to access and construct the new fence; | <input type="checkbox"/> |
| 3. The tree is less than 1.5 metres from the fence. | <input checked="" type="checkbox"/> |

The clearing of the tree was not authorised, Clearing Permit required.

Although a tree may have limbs that overhang a fence and there is a possibility that a tree limb could fall and damage the fence at a later point in time, the tree cannot be cleared under this exemption unless all three requirements are met. If the limbs do not impede access to the area to construct or maintain the fence (the second requirement) the exemption would not apply and a **clearing permit** issued by the Department of Water and Environmental Regulation (DWER) would be required. The limb itself could be removed (pruned) as it would not constitute 'clearing' as defined under the EP Act if the removal of this limb does not cause substantial damage to the tree and the trunk of the tree is not severed.

This exemption does not authorise the wholesale clearing of all native vegetation on the Crown land within 1.5 metres 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.

Should you need further assistance regarding fence line clearing on Crown land i.e. road reserve within 1.5 metres of the fence line, then please contact the Shire of Tammin on 9637 0300 or via email to admin@tammin.wa.gov.au.

Unauthorised Clearing of Native Vegetation

The clearing of native vegetation in Western Australia without authorisation is an offence under the *Environmental Protection Act 1986*. **Unlawful clearing by individuals can result in fines of up to \$250,000.** Guide lines on clearing exemptions and applications for clearing permits are available on the DWER website www.dwer.wa.gov.au