

Fence Line Clearing

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. This is 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.

An exemption (Regulation 5, Item 11) exists for clearing native vegetation between private property and Crown land (eg a road reserve), provided the following criteria are met:

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

During the fence line assessment, if the clearing does not meet the above criteria, the exemption does not apply and a clearing permit is required.

Please note:

- No native vegetation clearing is to be undertaken without written approval from the Shire
- A maximum of 1.5m width of native vegetation will be considered for approval for clearing along the fence line. The permitted clearing width may be less especially if vegetation at the location is already narrow
- The clearing of significant trees may not get approval for clearing as they provide important habitat for species of high conservation protection
- Please allow up to 4 weeks for your application to be assessed
- If the Shire considers that the fence can be constructed and maintained without clearing, no permit will be issued
- It is the responsibility of 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

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 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.

Written approval from the Shire of Boyup Brook must be obtained prior to undertaking the clearing. For written approval, please ensure you read and fully understand this document before filling out an application.

Should you need further assistance regarding fence line clearing on Crown land ie road reserve within 1.5 metres of the fence line, then please contact the Shire of Boyup Brook on 9765 1200 or email shire@boyupbrook.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. Guidelines on clearing exemptions and applications for clearing permits are available on the DWER website www.dwer.wa.gov.au

Additional Information

Additional information regarding fence line clearing.

[A guide to the exemptions and regulations for clearing native vegetation](#)

[Clearing limited to five hectares a year \(limited clearing exemptions\) *Environmental Protection Act 1986*](#)



Hare Orchid



Caladenia perangusta
(Boyup Brook Spider Orchid)



Caladenia dorrienii

Photo credit: C Rath

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