

Bush Fire Risk Treatment Standards – Exclusions

Removing trees or vegetation in some areas could have a negative impact on Western Australia’s natural environment or heritage. For that reason, the Bush Fire Risk Treatment Standards do not apply to certain areas of the State. These areas are called ‘Exclusions to the Standards’, and have been excluded to ensure that we strike a balance between improving community safety and preserving our environment. These areas were identified through considerable consultation between DFES and key stakeholders.

Exclusion	Description	Where to access further information
<p>On land that is subject to a conservation covenant or an agreement to reserve under the following legislation:</p> <ul style="list-style-type: none"> • <i>Soil and Land Conservation Act 1945</i> • <i>Transfer of Land Act 1893</i> (that has the effect of limiting the ability to clear vegetation or a tree) • <i>National Trust of Australia (WA) Act 1964</i> (that has the effect of limiting the ability to clear vegetation or a tree) • <i>Planning and Development Act 2005</i> • Biodiversity conservation covenant under the <i>Biodiversity Conservation Act 2016</i> 	<p>Conservation Covenants or Agreements are registered on the title of the land for the protection of the conservation values of the land.</p>	<p>Department of Primary Industries and Regional Development (08) 9368 3333 www.dpird.wa.gov.au</p> <p>Landgate (08) 9273 7373 www.landgate.wa.gov.au</p> <p>The National Trust (WA) (08) 9321 6088 www.nationaltrust.org.au</p> <p>Department of Planning, lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p> <p>Department of Biodiversity, Conservation and Attractions (08) 9219 9000 www.dbca.wa.gov.au</p>
<p>On land that is an Aboriginal site as defined in the <i>Aboriginal Heritage Act 1972</i>.</p>	<p>Under section 17 of the <i>Aboriginal Heritage Act 1972</i>, a person who excavates, destroys, damages, conceals or in any way alters any Aboriginal site commits an offence, unless he or she acts with the authorisation of the Registrar of Aboriginal Sites under section 16 or the consent of the Minister of Aboriginal Affairs under section 18.</p>	<p>Department of Planning, Lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p> <p>Mapping data available at: https://www.dplh.wa.gov.au/information-and-services/aboriginal-heritage/aboriginal-heritage-search https://www.dplh.wa.gov.au/planwa</p>



<p>Within areas identified as Bush Forever sites.</p>	<p>Bush Forever areas are defined as a classification of land in the Metropolitan Region scheme to protect and manage regionally significant bushland in accordance with the Metropolitan Region Scheme clause 28A (1) or any Redevelopment Scheme prepared and approved under the Metropolitan <i>Redevelopment Authority Act 2011</i>.</p>	<p>Department of Planning, Lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p> <p>Mapping data available at: https://nationalmap.gov.au/</p>
<p>Areas protected under the Heritage Act 2018.</p>	<p>This includes:</p> <ul style="list-style-type: none"> • Registered land as defined in section 4; • land that is subject to a heritage agreement (defined in section 4) to which the Heritage Council of Western Australia established under section 1 (1); or • an area where a protection order under Part 4 applies. 	<p>Department of Planning, Lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p> <p>Mapping data available at: https://www.dplh.wa.gov.au/planwa http://inherit.stateheritage.wa.gov.au/Public/</p>
<p>Crown land reserves.</p>	<p>Under <i>section 41 of the Land Administration Act 1997</i>, the Minister may set aside Crown land as reserve for a purpose in the public interest. Every such reservation has a land description and designated purpose registered on a Crown Land Title.</p>	<p>Department of Planning, Lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p>
<p>An area that is a nature strip as defined in the Road Traffic Code 2000.</p>	<p>An area between a carriageway and the front boundary of adjacent land but does not include a path.</p>	<p>Contact your Local Government https://walqa.asn.au/About-Local-Government/Online-Local-Government-Directory.aspx</p>
<p>Within 100 metres inland from the high-water mark of the coastline of the State.</p>	<p>(a) The coastline follows the shores of bays, inlets and other similar bodies of water that are connected to the sea (disregarding any temporary closure from the sea). (b) The high water mark is that at ordinary spring tides. (c) The high water mark of the coastline extends across the mouth of a river or riverine estuary from the last point on the high water mark of one of the banks of the mouth of the river or estuary at which a line extended at 90° to the bank will reach the opposite bank to the other such point on the opposite bank.</p>	<p>Department of Planning, Lands and Heritage (08) 6551 8002 www.dplh.wa.gov.au</p> <p>Mapping data available at: https://nationalmap.gov.au/</p>



<p>Within an area that is covered by the riparian vegetation of a wetland or watercourse.</p>	<p>Riparian vegetation is the distinctive vegetation associated with a wetland or watercourse.</p> <p>A wetland is an area of seasonally, intermittently or permanently waterlogged or inundated land, whether natural or otherwise, and includes a lake, swamp, marsh, spring, damp land, tidal flat or estuary (Schedule 5 of the <i>Environmental Protection Act 1986</i>).</p>	<p>Department of Water and Environmental Regulation (08) 6364 7000 www.dwer.wa.gov.au</p> <p>Mapping data available at: https://nationalmap.gov.au/</p>
<p>A lot that contains Threatened Flora or a Threatened Ecological Community as defined in the <i>Biodiversity Conservation Act 2016</i>.</p>	<p>Under section 40 and 45 of the <i>Biodiversity Conservation Act 2016 (BC Act)</i>, significant penalties apply for anyone who takes or disturbs threatened flora, or modifies a threatened ecological community.</p> <p>Due to the uncertainty of the exact location and extent, if a lot contains any confirmed Threatened Flora or Threatened Ecological Communities, clearing is not permitted anywhere within the lot without BC authorisation.</p>	<p>Department of Biodiversity, Conservation and Attractions (08) 9219 9000 www.dbca.wa.gov.au</p> <p>Where it appears that there is reasonable evidence that a threatened species or threatened ecological community is present on land, the Minister may give each owner and each occupier of the land a written notice.</p>

