

**Reclassification of *Typha orientalis* as native to Western Australia and the implications under  
Environmental Protection Act 1986 and the  
Swan and Canning Rivers Management Regulations 2007**

**1. Reclassification of *Typha orientalis* as native to Western Australia and the implications under  
Part V of the Environmental Protection Act 1986.**  
***Advice provided by Department of Water and Environmental Regulation (DWER) 4 February  
2019.***

As a result of the reclassification of *Typha orientalis* as native to Western Australia (WA) a Clearing Permit will be required for the clearing of *T. orientalis* under Part V of the *Environmental Protection (EP) Act*. Examples where clearing may be exempt from a Clearing Permit and where a Clearing Permit will be required are provided in the following.

**1.1. Instances where the clearing of *T. orientalis* may be exempt from a Clearing Permit include:**  
**Schedule 6 Clause 1 - Clearing that is required under other laws**

For example, if clearing of *T. orientalis* on natural waterways is part of a 'Management Plan' approved under another law.

Where other land tenures are concerned, namely Unallocated Crown Land, Water Corporation land and Crown Land vested under Department of Planning, Lands and Heritage (DPLH) but under management order to Western Australian Planning Commission (WAPC) this schedule also applies to the removal of *T. orientalis* provided a management plan approved under another written law is in place.

**Schedule 6 Clause 3 – Clearing carried out by the Department of Parks and Wildlife**

This exemption can be used by Department of Biodiversity, Conservation and Attractions (DBCA) Officers to clear *T. orientalis* on DBCA managed land, as part of their role as the managers of lands – in accordance with a management plan, necessary operation or compatible operation (particularly if this management plan was developed prior to *T. orientalis* being reclassified as native to WA).

This exemption includes volunteers and contractors working on DBCA managed land.

This schedule also allows for past custom and practice (i.e. pre-existing removal programs) if the clearing occurs on DBCA managed land. For instance, if *T. orientalis* has historically been removed from a site because it is having a negative impact on the biodiversity of the site and/or the flow of water, this practice would be considered a necessary operation and would be exempt under Schedule 6 Clause 3 of the EP Act.

**Regulation 5 item 15 - Clearing to maintain existing cleared areas around infrastructure, etc.**

This exemption can be used by Local Government Authorities (LGAs) to clear *T. orientalis* on constructed drains, etc.

**Regulation 5, Item 22 Clearing in existing transport corridors**

This exemption can be used by LGAs to clear *T. orientalis* on roadside drains within the 'maintenance zone'.

**1.2. Instances where the clearing of *Typha orientalis* will require a Clearing Permit include:**

- If an individual landowner wishes to clear *T. orientalis* in natural environments on freehold land without prior approved management plans, a Clearing Permit will be required.
- If an LGA wishes to clear *T. orientalis* in natural environments on land not managed by DBCA, and if a prior approved management plan is not in place, a Clearing Permit will be required. However, if an LGA is required to undertake clearing periodically, a strategic Clearing Permit using a fast track approach can be issued (covering the annual maintenance of *T. orientalis* within designated waterways/wetlands within the LGA boundaries).

**2. Reclassification of *Typha orientalis* as native to Western Australia and the implications under Regulation 21 of the Swan and Canning Rivers Management Regulations 2007.**

***Advice provided by Rivers and Estuaries Branch (REB), Department of Biodiversity, Conservation and Attractions, 28 February 2019.***

Removal of *T. orientalis* within the Swan Canning Development Control Area (DCA) will generally require a permit to be issued under Regulation 21 of the Swan and Canning Rivers Management Regulations 2007. There are some exemptions, including in instances where a management program has already been approved by REB. For any proposed removal of *T. orientalis* in the Swan Canning DCA please contact the Statutory Planning Unit of REB at [rivers.planning@dbca.wa.gov.au](mailto:rivers.planning@dbca.wa.gov.au) for further advice.