

Response ID ANON-4EM2-EKMM-2

Submitted to **Native vegetation issues paper**
Submitted on **2020-02-07 15:33:51**

Your details

1 What is your name?

Name:
Natalie Elliott

2 Can we publish your response?

Yes, you may publish my response in full

3 What is your email address? (optional)

Email:
[REDACTED]

4 What is your postcode? (optional)

Postcode:

5 Do your views officially represent those of an organisation?

Yes, I am authorised to submit feedback on behalf of an organisation

If yes, please specify the name of your organisation.:
City of Rockingham

6 Which of the following best describes the group or person you represent?

Government body

If other, please specify.:

7 Which of the following best describes the sector you represent?

Government

If other, please specify.:

8 Are there specific parts of your submission that you want to keep confidential?

If yes, please outline which specific parts of your submission must be kept confidential and explain why. :
N/A

A State native vegetation policy

9 Referring to the proposed policy objective statements below, how well do you support each one in guiding our development of a policy?

Objective 1 matrix - Objective 1:
Strongly supported

Please explain in the text box below.:

While the State Government's intent and the proposed Policy objectives are supported, it is the City's view that the proposed Policy is currently too narrow in scope and application to deliver any such outcome.
The Policy primarily seeks to deal with clearing authorised through Native Vegetation Clearing Permits, however, this only accounts for a small percentage of clearing throughout the state. As such, it is evident that a State Native Vegetation Policy must seek to address clearing approved under other pathways (i.e. Planning and Development Act 2005) if the State Government is serious about addressing the currently trajectory of vegetation loss in Western Australia.

Objective 2 matrix - Objective 2:
Strongly supported

Please explain in the text box below.:
As above

Objective 3 matrix - Objective 3:

Strongly supported

Please explain in the text box below.:

As above

10 What opportunities are presented by the development of a State Native Vegetation Policy focused on how government manages vegetation?**Please provide your answer in the text box below.:**

The Issues Paper notes, "Native vegetation reform will be a long-term journey. Shaping and implementing all four initiatives will take time, and other initiatives will be needed to ensure the State's native vegetation is maintained for future generations."

Acknowledging that the management of native vegetation state-wide is a complex issue subject to various regulatory processes, it City's view that a State Native Vegetation Policy must at least specify the overarching goals required to guide what those 'other initiatives' will be.

The following Goals from the COAG 2012 Australia's Native Vegetation Framework agreement provide a sound starting point. Importantly, these nationally endorsed goals are outcome based and could therefore be quantified though improved data resources and regulation, allowing for consistent and informed decision making.

- Goal 1 - Increase the national extent and connectivity of native vegetation
- Goal 2 - Maintain and improve the condition and function of native vegetation

Net increases would ideally be targeted according to each bioregion, acknowledging the variation in ecological values and threatening processes.

As noted above, a State Native Vegetation Policy should seek to review clearing authorised under other pathways given the substantial vegetation loss to date and the likelihood of this trend continuing. For example, areas currently identified for urban expansion under the sub-regional planning frameworks will result in clearing large areas of remnant vegetation on the Swan Coastal Plain.

In this context, land development can and should continue to be supported, but the appropriateness and regulation for doing so in areas containing remnant vegetation warrants reconsideration. Utilisation of existing cleared land and incentives for well-designed density closer to City centres should instead be prioritised.

Better information**11 How do you use native vegetation data within your sector? (Choose as many options as you require)**

To plan for conservation, To plan for restoration, To inform applications to clear or impact vegetation, Other

If you have chosen 'other', please specify:

The City agrees that more comprehensive and frequently updated data will greatly benefit environmental assessment by local government. Critically, this information must be taken into account by the various other agencies that authorise clearing, relative to the overarching goals established in the strategy. For example, based on existing datasets, it is already possible for a local government to determine that a proposed subdivision will result in Vegetation Complexes being substantially cleared or a Resource Enhancement Wetland not being protected, however, the availability of that information would not currently preclude the Western Australian Planning Commission from approving such proposals against a Local Government's recommendations. Hence, better information must be accompanied with clear objectives that apply to decision making across all sectors, not only Native Vegetation Clearing Permits. The City uses native vegetation data to inform its environmental assessment of planning proposals and determine potential impacts to ecological values, in addition to forming a basis for local planning policies and strategies.

In preparing environmental management plans for the City's reserves, the data is used for desktop assessments prior to field surveys being undertaken, prioritising areas for rehabilitation. The data is also used to inform applications for native vegetation clearing permits where required to enable City infrastructure projects.

12 Which of the following elements of better information provision would be most relevant to your sector? (Choose as many options as you require)

Evidence-base for decisions, Other

If you have chosen 'other', please specify:

Better information provision would be most relevant for evidence-based decisions within the local government sector. For example, the City relies heavily on native vegetation data when undertaking its environmental planning assessment of development proposals and making recommendations to the Western Australian Planning Commission. As such, it is important that the data is accurate and robust to ensure evidence based decision making.

13 What other opportunities are presented by improved information and improved access to information?**Please provide your answer in the text box below.:**

Clearing extents should be submitted to DWER to record in a central database as a condition of approval for any clearing, not only that authorised through Native Vegetation Clearing Permits. Mechanisms to track clearing under exemptions, particularly under the Bush Fires Act 1950 and Planning and Development Act 2005 should be introduced as a priority.

It is critical that decision making is based on an accurate representation of clearing being undertaken across the state.

Better regulation**14 Which of the following elements of better regulation would be most important to your sector? (Please rank your top three)**

Rank better reg elements - Improved protection for native vegetation:

1

Rank better reg elements - Ensuring development is sustainable:

2

Rank better reg elements - Streamlined regulation for cost saving:

Rank better reg elements - Clearer requirements for business certainty:

Rank better reg elements - Improved assessment timeframes:

Rank better reg elements - Transparent, evidence-based decisions:

Rank better reg elements - Improved compliance and enforcement of unauthorised clearing:

3

Rank better reg elements - Equitable treatment of all proponents:

Rank better reg elements - Confidence in the regulatory system for all stakeholders:

Rank better reg elements - Other:

If you selected Other, please provide further information.:

15 What other opportunities are presented by better regulation?

Please provide your answer in the text box below.:

The Issues Paper notes, "With a new policy in place, common principles will be available to guide future improvements to other statutory processes which authorise impacts to the extent or condition of native vegetation."

It is critical that such principles are not only 'available' to other statutory processes, but that there is a whole of government approach to ensure clear targets and requirement apply to other statutory processes authorising the majority of clearing with Western Australia.

The City is not supportive of the WALGA State Council resolution which called for Clearing Permit exemptions for Local Government services. As a general rule, the City is supportive of the existing regulation becoming more stringent, as opposed to the number of exemptions being increased.

As identified in the Issues Paper, vegetation within some areas of the State has been cleared beyond ecologically sustainable limits. One of the areas identified was the Swan Coastal Plain.

The preference for a regional approach towards vegetation protection is part of the rationale behind the City not being supportive of permit exemptions for Local Government services. It assumes that all Local Governments have the relevant expertise to determine and manage environmental impacts. Given the substantial amount of vegetation that could be cleared by the proposed exemption for Local Government services, DWER would lose its ability to quantify the spatial extent of clearing by Local Governments across Western Australia.

An exemption for Local Government services would also effectively remove the trigger for impacts to be assessed on a regional basis and DWER would no longer have the authority to impose conditions on Local Governments or identify suitable offsets.

The Issues Paper (Box 11) mentions threatened species and communities, making specific reference to Tuart and Banksia Woodland being listed as threatened ecological communities (TECs). There seems to be an underlying assumption that the listing of these TECs would be fit to ensure protection of significant remnant vegetation on the Swan Coastal Plain, however, this has not been the City's experience to date.

The vast majority of remnant Tuart and Banksia Woodland has been historically disturbed in some way due previous land uses across the Swan Coastal Plain and therefore are unlikely to meet the stringent assessment criteria to actually be classed as a TEC in accordance with the Conservation Advice. As such, the listing of these TECs is not currently sufficient to protect known occurrences of Tuart and Banksia Woodland within the City, or elsewhere on the SCP.

For example, large areas containing hundreds of remnant Tuart trees typically have disturbed understorey vegetation, meaning they do not warrant assessment as a TEC. These areas are also typically classed as potential feeding, breeding and roosting habitat for Black Cockatoos, however, the City is yet to see a proposal to clear Black Cockatoo breeding habitat refused within the local area. Such proposals are generally approved outright, or approved with offsets, despite it being well understood that offsets are not particularly effective for these old habitat trees.

In this regard, the City is supportive of DWER reviewing conditions placed on clearing permits, providing further clarity on clearing permit exemptions and more efficient regulation aimed towards addressing the decline of native vegetation within Western Australia.

Other initiatives

19 What initiatives do you think would work best to improve native vegetation outcomes in your region?

Pricing, incentives and markets (e.g. biodiversity banking, offsets, carbon farming etc)

Please explain in the text box below.:

20 What else could be done to improve the management of native vegetation to arrest the decline of native vegetation extent and condition?

Please provide your answer in the text box below.:

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In this context, land development can and should continue to be supported, but the appropriateness and regulation for doing so in areas containing remnant

vegetation warrants reconsideration. Utilisation of existing cleared land and incentives for well-designed density closer to City centres should instead be prioritised.

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Upload a document

21 If you would like to upload a document to support your submission, please upload it here.

Upload document 1 here::

City of Rockingham Submission - Native Vegetation Issues Paper.pdf was uploaded

Please describe which question(s) document 1 relates to. :

City of Rockingham - full submission

Upload document 2 here::

No file was uploaded

Please describe which question(s) document 2 relates to. :

City of Rockingham Submission

Native Vegetation in Western Australia Issues Paper

Introduction

The City of Rockingham encompasses a variety of significant wetland, bushland and foreshore environments, including:

- Threatened and Priority flora, fauna and ecological communities;
- Black Cockatoo feeding, breeding and roosting habitat;
- Resource Enhancement Wetlands and Conservation Category Wetlands;
- Bush Forever sites;
- Poorly represented vegetation complexes in the Swan Coastal Plain region; and
- Regional ecological linkages.

In 2018, an assessment was undertaken of these ecological values within all natural areas across different zonings, land tenure and management arrangements. The assessment identified a total of 11,516 ha of natural areas¹ across the City, with 8,265 ha (72%) being on public land and 3,251 ha (28%) being on private freehold land. Those natural areas on private land (LNAs)² are potentially subject to clearing for subdivisions, development, bushfire hazards and rural pursuits, threatening the ecological values present.

For example, the Guildford Vegetation Complex has only 5% of the pre-European extent remaining on the Swan Coastal Plain, and 14% remaining within the City. Of this, 86% is located on private property and is therefore vulnerable to the cumulative impacts of exempt and authorised clearing.

The City is currently in the process of preparing an Environmental Protection Strategy for these LNAs, however, this will ultimately be limited in its effect relative to the clearing authorised through other process.

The City supports the retention of natural areas wherever reasonably possible; however, operational responsibilities occasionally require the City to apply for Permits to Clear Native Vegetation under Section 51E of the *Environmental Protection Act 1986*. Clearing Permits are typically required to enable the provision of essential community facilities and infrastructure.

The City undertakes environmental planning assessments for a wide range of proposed scheme amendments, local structure plans, subdivisions and development applications and therefore has a sound understanding of the challenges facing native vegetation on the Swan Coastal Plain.

¹ For the purpose of the Natural Areas Technical Assessment, the City defines natural areas as all remnant vegetation, wetlands and watercourses and their buffers, irrespective of ownership or management responsibility.

² Where natural areas are located on private land, they are referred to as Local Natural Areas (LNAs)

A State Native Vegetation Policy

1. Referring to the proposed policy objective statements (see Box 6), how well do you support each one in guiding our development of a policy?

While the State Government's intent and the proposed Policy objectives are supported, it is the City's view that the proposed Policy is currently too narrow in scope and application to deliver any such outcome.

The Policy primarily seeks to deal with clearing authorised through Native Vegetation Clearing Permits, however, this only accounts for a small percentage of clearing throughout the state. As such, it is evident that a State Native Vegetation Policy must seek to address clearing approved under other pathways (i.e. *Planning and Development Act 2005*) if the State Government is serious about addressing the currently trajectory of vegetation loss in Western Australia.

2. What opportunities are presented by the development of a State native vegetation policy focused on how the Government manages vegetation?

The Issues Paper notes, *"Native vegetation reform will be a long-term journey. Shaping and implementing all four initiatives will take time, and other initiatives will be needed to ensure the State's native vegetation is maintained for future generations."*

Acknowledging that the management of native vegetation state-wide is a complex issue subject to various regulatory processes, it City's view that a State Native Vegetation Policy must at least specify the overarching goals required to guide what those 'other initiatives' will be.

The following Goals from the COAG 2012 Australia's Native Vegetation Framework agreement provide a sound starting point. Importantly, these nationally endorsed goals are outcome based and could therefore be quantified though improved data resources and regulation, allowing for consistent and informed decision making.

- Goal 1 - Increase the national extent and connectivity of native vegetation
- Goal 2 - Maintain and improve the condition and function of native vegetation

Net increases would ideally be targeted according to each bioregion, acknowledging the variation in ecological values and threatening processes.

As noted above, a State Native Vegetation Policy should seek to review clearing authorised under other pathways given the substantial vegetation loss to date and the likelihood of this trend continuing. For example, areas currently identified for urban expansion under the sub-regional planning frameworks will result in clearing large areas of remnant vegetation on the Swan Coastal Plain.

In this context, land development can and should continue to be supported, but the appropriateness and regulation for doing so in areas containing remnant vegetation warrants reconsideration. Utilisation of existing cleared land and incentives for well-designed density closer to City centres should instead be prioritised.

Better information

1. How do you use native vegetation data within your sector?

The City agrees that more comprehensive and frequently updated data will greatly benefit environmental assessment by local government. Critically, this information must be taken into account by the various other agencies that authorise clearing, relative to the overarching goals established in the strategy.

For example, based on existing datasets, it is already possible for a local government to determine that a proposed subdivision will result in Vegetation Complexes being substantially cleared or a Resource Enhancement Wetland not being protected, however, the availability of that information would not currently preclude the Western Australian Planning Commission from approving such proposals against a Local Government's recommendations. Hence, better information must be accompanied with clear objectives that apply to decision making across all sectors, not only Native Vegetation Clearing Permits.

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In preparing environmental management plans for the City's reserves, the data is used for desktop assessments prior to field surveys being undertaken, prioritising areas for rehabilitation. The data is also used to inform applications for native vegetation clearing permits where required to enable City infrastructure projects.

2. Which elements of better information provision would be most relevant to your sector?

Better information provision would be most relevant for evidence-based decisions within the local government sector. For example, the City relies heavily on native vegetation data when undertaking its environmental planning assessment of development proposals and making recommendations to the Western Australian Planning Commission. As such, it is important that the data is accurate and robust to ensure evidence based decision making.

3. What other opportunities are presented by improved information and access?

Clearing extents should be submitted to DWER to record in a central database as a condition of approval for any clearing, not only that authorised through Native Vegetation Clearing Permits. Mechanisms to track clearing under exemptions, particularly under the *Bush Fires Act 1950* and *Planning and Development Act 2005* should be introduced as a priority.

It is critical that decision making is based on an accurate representation of clearing being undertaken across the state.

Better regulation

1. Which of the following elements of better regulation would be most important to your sector?

Of the options listed in the Issues Paper, the following elements are considered among the most important for local government:

- Improved protection for native vegetation
- Ensuring development is sustainable

- Transparent, evidence-based decisions
- Improved compliance and enforcement of unauthorised clearing
- Equitable treatment of all proponents
- Confidence in the regulatory system for all stakeholders

2. What other opportunities are presented by better regulation?

The Issues Paper notes, *“With a new policy in place, common principles will be available to guide future improvements to other statutory processes which authorise impacts to the extent or condition of native vegetation.”*

It is critical that such principles are not only ‘available’ to other statutory processes, but that there is a whole of government approach to ensure clear targets and requirement *apply* to other statutory processes authorising the majority of clearing with Western Australia.

The City is not supportive of the WALGA State Council resolution which called for Clearing Permit exemptions for Local Government services. As a general rule, the City is supportive of the existing regulation becoming more stringent, as opposed to the number of exemptions being increased.

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The preference for a regional approach towards vegetation protection is part of the rationale behind the City not being supportive of permit exemptions for Local Government services. It assumes that all Local Governments have the relevant expertise to determine and manage environmental impacts. Given the substantial amount of vegetation that could be cleared by the proposed exemption for Local Government services, DWER would lose its ability to quantify the spatial extent of clearing by Local Governments across Western Australia.

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within the local area. Such proposals are generally approved outright, or approved with offsets, despite it being well understood that offsets are not particularly effective for these old habitat trees.

In this regard, the City is supportive of DWER reviewing conditions placed on clearing permits, providing further clarity on clearing permit exemptions and more efficient regulation aimed towards addressing the decline of native vegetation within Western Australia.

A bioregional approach

1. In Box 14 – which of these are the most important to you/your sector?

- Devising transparent outcomes and objectives, tailored to regional ecosystem and risk types, to drive coordination toward common goals across a range of regulatory tool
- Establishing a planned approach to dealing with cumulative impacts, the co-incidence of high-value native vegetation with high-value development (e.g. mineral resources or infrastructure corridors) or environmental offsets

2. What other opportunities are presented by a bioregional approach?

In principle, the City is supportive of the proposed bioregional approach to vegetation management, tailoring objectives according to the various bioregions throughout the state.

It is the City's preference that offsets would be tailored and delivered according to priorities for each region. Clearing thresholds should also vary, recognising that clearing 1 ha of woodland on the Swan Coastal Plain may have a more significant impact to species in that locality than clearing 1 ha of woodland in another part of the state.

3. What concerns are presented by a bioregional approach, for your sector?

Greater clarity is needed as to what 'bioregional tailoring' means, including what matters will be addressed at a state level and what is relevant at a regional level.