

[REDACTED]

---

**From:** [REDACTED]  
**Sent:** Wednesday, 5 February 2020 8:33 AM  
**To:** Native Vegetation Strategy  
**Cc:** [REDACTED]  
**Subject:** City of Gosnells comments on Native Vegetation in WA Issues Paper  
**Attachments:** City of Gosnells comments to WALGA on the Native Vegetation in WA Issues Paper Submission.pdf

Good morning,

The City of Gosnells provided its comments on the Native Vegetation in WA Issues Paper to WALGA.

This is being provided to DWER in-case its submission is not attached to WALGA's submission.

Please let me know if you have any queries.

Kind regards,

[REDACTED]  
**Environmental Officer**



2120 Albany Highway Gosnells WA 6110

PO Box 662 Gosnells WA 6990

T [REDACTED] | F 08 9397 3333 | M [REDACTED]

[www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au)



IMPORTANT: This email message, including any attached files, is private and may contain information that is confidential. Only the intended recipient may access or use it. If you are not the intended recipient, please delete this email and notify us promptly. The views expressed in this email are those of the author, and do not represent those of the organisation unless this is clearly indicated. We use virus scanning software but exclude all liability for viruses or similar defects in any attachment.



2120 Albany Highway Gosnells WA 6110  
Mail to: PO Box 662 Gosnells WA 6990

T 08 9397 3000  
F 08 9397 3333  
E [council@gosnells.wa.gov.au](mailto:council@gosnells.wa.gov.au)  
W [www.gosnells.wa.gov.au](http://www.gosnells.wa.gov.au)  
ABN 18 374 412 891

13 January 2020

WALGA  
ONE70, Level 1, 170 Railway Parade  
West Leederville WA 6007

Your Reference: N/A  
Our Reference: ECM ID. 6179914  
Enquiries: [REDACTED]  
Environmental Officer  
[REDACTED]

**Attention: Garry Middle**

Dear Gary,

**City of Gosnells comments on WALGA's draft submission on the 'Native Vegetation in Western Australia Issues Paper'**

Thank you for providing the City of Gosnells with the opportunity to comment on WALGA's draft submission on the *Native Vegetation in Western Australia Issues Paper* ('the issues paper'). Environmental Officer, Rachel Halton from the City attended the issues paper workshop for the local government sector held on the 6<sup>th</sup> December 2019 to provide input to Department of Water and Environmental Regulation (DWER) on the issues paper.

The City's comments on WALGA's draft submission are structured by the headings within WALGA's submission.

**WALGA's overall comments (Section 2.0)**

The City is supportive of the proposed four initiatives contained in the issues paper to achieve improved consistency and transparency in how native vegetation is managed across all government processes, however further information is required to demonstrate how these initiatives will be achieved to address key issues and challenges.

As mentioned in WALGA's submission, DWER has not been meeting its target assessment timeframes which has resulted in major delays to many important Local Government projects such as road upgrades. The City would like to see statutory timeframes introduced for the clearing permit process and the appeals process to: create more accountability within DWER and the Office of the Appeals Convenor; improve efficiency; and provide greater certainty for proponents when planning project timelines.

The City agrees with WALGA in regards to the current list of exemptions for clearing being confusing, particularly the application of exemptions within environmentally sensitive areas (ESAs). The interpretation and application of exemptions is inconsistent between proponents and given there are currently no mechanisms for tracking clearing undertaken through exemptions there is a lack of regulation over clearing of native vegetation. The exemptions need updating to provide further clarity and guidance to proponents and to remove wording that can be misinterpreted.

As WALGA mentions in its submission, clearing by DBCA on land it manages is exempt, whereas clearing within reserves managed by Local Government is not. Given Local Governments are responsible for managing extensive reserves throughout Western Australia, a similar exemption should apply for clearing undertaken by Local Governments as part of their role as the manager of lands, particularly as many Local Governments have in-house expertise in environmental management. For example *Typha orientalis* and *domingensis* species have recently been classified as native species despite being invasive to many ecosystems. A clearing permit is required by Local Governments to remove *Typha* species in ESAs even if they are invasive and have the potential to detrimentally impact on the ecosystem. The City of Gosnells municipality contains extensive ESAs due to the Canning and Southern Rivers traversing the landscape and the presence of extensive wetlands. It is onerous to require Local Governments to obtain a clearing permit in instances like removing invasive *Typha*.

The proposed State Native Vegetation Policy has the potential to address a number of the key issues with the existing regulatory system while ensuring the appropriate protection of native vegetation. However, the City agrees with WALGA that if the Policy is limited to being high level and focused on improving process rather than outcomes it will be ineffective in dealing with challenges facing native vegetation and its management (I,e, loss of connectivity, weed invasion etc).

The City shares WALGA's concerns surrounding the current clearing permit process which involves the provision of inconsistent advice and decision making, unclear regulatory requirements, unclear exemptions and long timeframes for gaining approvals. The City agrees with WALGA that the issues with the clearing permit process are unlikely to be addressed solely through the issues paper, the proposed initiatives and the proposed legislative changes. The City supports WALGA's view that there is a requirement for a comprehensive review of and inquiry into the clearing permit process and the planning and management of native vegetation in the State.

A key issue for the City in relation to clearing permits has been conflicting views from the Departments of Water and Environmental Regulation and Fire and Emergency Services in relation to whether environmental conservation or bushfire risk mitigation ought to have priority. Neither of those departments has been able to provide clarification on this issue to date.

The City requests that WALGA raises this issue in its submission as bushfire risk is a significant issue for most local governments and the requirement to obtain clearing permits to facilitate risk mitigation can be a significant impediment for local governments.

### **Consultation process and Timeframes (Section 3.1)**

The City agrees that a four week consultation period on the draft native vegetation policy is insufficient to allow WALGA to provide a submission on behalf of the Local Government industry as it requires time to collate inputs from numerous Local Governments.

### **State Native Vegetation Policy (Section 3.2)**

The City is supportive of DWER developing a State Native Vegetation Policy as there is currently a lack of Policy position in this space to guide sound decision making. The

broad objectives proposed in the issues paper are supported, however the City agrees with WALGA that more specific outcome based objectives should be incorporated as they are predominantly process focused. The objectives should be consistent with the 2012 Council of Australian Governments (COAG) 'Australia's Native Vegetation Framework' goals, particularly Goals 1 and 2:

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

The City supports DWER's intent to improve consistency and transparency in how native vegetation is considered in decision making across different government agencies. The City notes that multiple government agencies and multiple pieces of legislation deal with the clearing of native vegetation. This often results in confusion in relation to roles and responsibilities as well as leading to inconsistent advice.

Given the issues paper provides limited details on the content of the proposed Policy, the City can only provide high level comments at this stage.

### **Better Information (Section 3.3)**

This City agrees with WALGA that there is a pressing need for better information to support good decision making, and that this data should be made publicly available as an online resource. Currently the Index of Biodiversity Surveys for Assessments (IBSA) only captures environmental information through the clearing permit process and Part IV *Environmental Protection Act 1986* (EP Act) process, however there are a significant number of environmental assessments undertaken outside of these processes, i.e. for Structure Plans, subdivisions, conservation reserve management by Local Governments. It is suggested that a platform be developed for the public sector to share knowledge such as technical environmental studies (flora, fauna, dieback, water quality monitoring). Having a platform that would enable information to be shared between the Local Government sector would allow a better understanding of important environmental values and risks (i.e. poor water quality, presence of dieback) across the different bioregions and will enable more informed decision making on management actions.

The City is supportive of the DWER investing in regularly updating vegetation extent and condition mapping using new remote sensing techniques and technologies. It is appropriate to ground-truth these findings to ensure the data being captured is being correctly represented and dispersed across the industry. Vegetation extent and condition information gathered with new technologies at a higher degree of accuracy will be beneficial to Local Governments as it will enable identification of areas of native vegetation possibly under threat from future development and the extent protected in reserves. More accurate vegetation mapping would result in a cost saving to Local Governments as fewer refinements will be required when engaging technical experts to undertake natural areas mapping exercises.

### **Better Regulation (Section 3.4)**

The City supports WALGA's recommendation for DWER to create a regulatory regime that is effective, efficient and equitable, which will minimise onerous regulatory requirements for low impact works undertaken by Local Governments to benefit the community (i.e. drainage maintenance in ESAs, road upgrades in narrow road reserves). WALGA's request for changes to the exemptions, including creating local government specific exemptions and fewer restrictions on clearing in road reserves is supported. In addition, the City supports WALGA's request for DWER to provide clarification on the unclear exemptions.



WALGA's request for statutory timeframes on the appeals process is supported by the City. However, the City requests statutory timeframes be introduced for the entire clearing permit process, not just for the appeals process to provide certainty for proponents when planning project timelines.

As mentioned at the start of this letter, the City supports WALGA's stance that there is a requirement for a comprehensive review of and inquiry into the clearing permit process and the planning and management of native vegetation in the State.

Another issue that the City would like to see addressed by DWER is a more consistent and proportionate response to unauthorised clearing. A perception exists that there is limited enforcement in relation to unauthorised clearing and if there are no consequences for undertaking unauthorised clearing, then there is limited incentive for people to do the right thing by following the timely and costly process of applying for a clearing permit.

### **Bioregional Approach (Section 3.5)**

The City agrees with DWER that it is difficult to set state-wide rules to effectively protect native vegetation given the diversity of bioregions within Western Australia. Setting regionally appropriate rules and thresholds is supported as this will enable more effective and efficient regulation.

Section 4 of the issues paper states that it will take time to set objectives for native vegetation through a bioregional approach, therefore it is unclear if the draft State Native Vegetation Policy being released in April will incorporate a bioregional approach. It is recommended that the Policy being developed consider different bioregions in the objectives and policy provisions.

The City supports the strategic use of offsets in bioregions and encourages DWER to set up funds for different bioregions such as the Swan Coastal Plain, like has been done for the Pilbara. This would enable strategic conservation projects to be implemented, focusing on protecting and/or restoring the ecological communities under greatest threat such as the Banksia Woodlands of the Swan Coastal Plain, rather than lots of small isolated offset projects being undertaken. Strategic offsets would simplify the offsets process for proponents, as the current requirement for offsets adds to the complexity and timeframes of the already burdensome clearing permit process.

### **Conclusion**

WALGA's draft submission to DWER on the *Native Vegetation in Western Australia Issues Paper* is generally supported; however the City requests that WALGA raises the issue of whether bushfire risk management or environmental conservation should be the predominant consideration when permits are sought to enable the implementation of bushfire mitigation measures.

Should you have any enquiries with respect to the above, please do not hesitate to contact [REDACTED], Environmental Officer on [REDACTED] or [REDACTED]

Yours faithfully

[REDACTED]

**Martyn Glover**  
**Director Infrastructure**