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To Whom It May Concern,

## **City of Gosnells submission on the 'Consultation draft: Native vegetation policy for Western Australia'**

Thank you for providing the City of Gosnells with the opportunity to comment on the 'Consultation draft: Native vegetation policy for Western Australia'. Environmental Officers, [REDACTED] and [REDACTED] from the City attended the webinar held by Western Australian Local Government Association (WALGA) and the Department of Water and Environmental Regulation (DWER) on the 7<sup>th</sup> September 2021 to inform preparation of the City's submission.

The City commends the DWER for developing Western Australia's first ever native vegetation policy. The City is supportive of a State native vegetation policy as there is currently a lack of policy position in this space to guide sound and consistent decision making. The release of a native vegetation policy is an important step in improving the assessment and management of native vegetation across the state.

This submission has been structured by the headings in the draft policy.

### **Purpose**

The City supports the purpose of the policy and understands it is the first step in building the systems, frameworks, data and awareness to achieve future reforms on native vegetation protection. The draft policy recognises the need to achieve a nett gain in native vegetation extent, however it does not mention if this is possible, factoring in future developments.

It is unclear if the policy will have any legal weight under the *Environmental Protection Act 1986* or the *Environmental Protection Regulations 1987*. It is also unclear what future documents will be created in order to implement the policy such as guidelines. Local Government's require specific guidelines in order to inform assessment of planning applications and achieve positive outcomes.

## **Policy statement**

The City supports the policy statement section. It is recommended that the policy statement section mentions the need for offsets to be considered by bioregions. The City encourages DWER to set up offset 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. This is the approach that was being proposed in the Green Growth Plan. It is suggested DWER build upon the work that was undertaken for the Green Growth Plan.

## **Context**

It is recommended that the context section include a summary of the Department of Biodiversity, Conservation and Attractions (DBCA) statewide vegetation statistics for each bioregion. The statewide vegetation statistics provide context to the percentage of pre-European extent remaining in the different bioregions and highlight the bioregions most at threat to loss of native vegetation and biodiversity.

## **Guiding principles**

### *Opportunities and challenges*

In terms of points 14 and 15, relating to a declining condition and extent of native vegetation across the State, it is recommended that retention of high quality native vegetation be incentivised, particularly for intensive land use zones that have been heavily cleared. This could be achieved through State acquisition of high quality vegetation into offset funds for different bioregions.

The symbology for the intensive land use zone on Figure 1 is unclear. It is recommended that the grey shading be removed for the Swan Coastal Plain so it is clear that it forms part of the intensive land use zone shown in green.

## **Roadmap: Priorities and opportunities**

The wording of the roadmap within the Policy is quite broad and written at a high level, which is more reflective of a strategy than a policy. The roadmap includes approaches and opportunities, rather than specific measurable actions or requirements to be implemented by proponents to protect native vegetation. There is an inconsistency in the use of the terms 'opportunities' and 'actions'. Certain items in the roadmap table refer to action numbers, however these are listed as opportunities in the heading. It is recommended the heading 'opportunity' be replaced with 'action' as it provides a greater

commitment to actions being implemented rather than opportunities being considered for implementation.

The timeframes for actions are quite broad and it is suggested that they are made more specific to give stakeholders a clearer picture of when specific actions aim to be achieved. It is suggested the first three years be broken down into individual years as this is the most critical timing to start implementing key actions in the policy.

The City supports monitoring and reporting of the roadmap actions, with annual public reporting on progress. It is requested that the annual reporting be distributed to all Local Government Authorities as they are a key stakeholder on this matter.

Comments on specific opportunities (actions) in the roadmap are listed below:

- Actions 1.1, 1.2 and 1.3: It is recommended the WALGA be included as a Partner for these actions as they represent the Local Government sector and have a good understanding of local government practices and issues.
- Actions 1.2 and 1.3: The City deems that developing regionally tailored objectives and priorities is seen as the highest priority action. Action 1.3 should specify which documents are proposed to be updated or developed with regionally tailored objectives and priorities. It is suggested these objectives and priorities form part of a revised policy or within new native vegetation guidelines.
- Action 2.1a: In terms of improving transparency of decisions affecting native vegetation, it is recommended that all supporting documents and decisions made under statewide clearing permits be published on DWER's website, including its mapping system. Extensive clearing occurs under the Western Power, Water Corporation and Main Roads statewide clearing permits that are assessed and approved internally (if deemed to be not at variance to any of the clearing principles), however information on clearing undertaken through the statewide clearing permits is not currently advertised to the public and therefore lacks transparency.
- Action 2.2: Local Government's regularly undertake clearing activities relating to bushfire mitigation which is reported to DFES through the Bushfire Risk Management System (BRMS). It is suggested that DFES and DWER work together to share spatial information regarding areas cleared for bushfire mitigation purposes that are exempt from requiring clearing permits. It is suggested DBCA and DWER also work together to share information on clearing relating to bushfire mitigation works as DBCA undertake extensive controlled burns across the State.
- Action 2.5: The wording of this action is very vague and should be more specific in order to be measurable.
- Action 2.4 and 3.3a: 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.

- Action 3.1 and 3.2: The City is supportive of the DWER investing in regularly updating native vegetation extent and condition mapping using satellite imagery and machine learning. 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.
- Action 4.1(a): In terms of exploring opportunities for environmental offsets, it is recommended that the DBCA be listed as a Partner. DBCA regularly coordinates the provision of offset sites for the environmental approvals process.
- Action 4.3: The wording of this action in relation to fuel-mitigation programs is very vague and should be more specific in order to be measurable.

### **Additional actions (opportunities) to be included in the roadmap**

#### *Exemptions*

The current list of exemptions for clearing are 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. The roadmap should include an action to review and clarify the exemptions listed in 'A guide to the exemptions and regulations for clearing native vegetation' in consultation with relevant stakeholders including State and Local Government and the development industry to promote consistent consideration of native vegetation across the State (Policy Purpose No. 2).

#### *Statutory Timeframes*

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 the roadmap to include an action to introduce statutory timeframes 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.

## *Compliance*

Another action the City would like included in the roadmap is to improve compliance and enforcement of unauthorised clearing through the legal weight of the policy. The City would like to see DWER take compliance action for all confirmed illegal clearing through fines rather than simply sending letters to landowners notifying them of their non-compliances under the EP Act. 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.

## **Conclusion**

The City appreciates the opportunity to provide a submission of the 'Consultation draft: Native vegetation Policy for Western Australia' and hopes its comments will be considered as part of the finalisation of the draft Policy.

Should you have any enquiries with respect to the above, please do not hesitate to contact Miss [REDACTED] Environmental Officer on 08 [REDACTED] or [REDACTED].

Yours faithfully

[REDACTED]

[REDACTED]

Acting Coordinator Environmental Management