

## Shire of Mundaring

To whom it may concern,

Please find below officer level comments from the Shire of Mundaring regarding the discussion paper and proposed amendments to the *Environmental Protection Act 1986*.

Efforts to modernise the *Environmental Protection Act 1986*, streamline referral and assessment processes and direct agency resources more efficiently are supported.

With regard to native vegetation clearing, the introduction of a referral process separate to the formal clearing permit application process is supported. To implement of this process, clear decision-making guidelines, training and monitoring will be required to ensure that staff dealing with referrals are making consistent decisions.

Many local governments have environmental staff and environmental policies guiding their activities. Local government decisions (including planning and building approvals and firebreak notices) have the effect of providing permit exemptions for clearing of native vegetation on private property.

Requiring referrals or clearing permits for minor clearing of native vegetation within road reserves is at odds with local governments' effective role as decision makers approving minor clearing works on private property. We request that requirements for clearing permits by local government be refined by inserting a general exemption for clearing within gazetted road reserves (unless in an environmentally sensitive area) within Schedule 5. This approach is consistent with the exemptions provided for works undertaken by energy operators, by the FES Commissioner, or Department of Biodiversity Conservation and Attractions. This pragmatic change would give local governments decision making responsibility on local road reserves consistent with minor clearing on private land, and also enable DWER staff and resources to be directed to higher risk activities.

The introduction of a defence for clearing within an ESA may be appropriate for 'imminent danger', such as the example given in the discussion paper of removing a damaged tree close to a campsite. However the broader term used in section 74 of 'danger to human life or health' may make enforcement of native vegetation protections difficult, if it introduces vague safety concerns as an acceptable defence

for clearing. If native vegetation is generally associated with risks to human health including bushfire, snakes, ticks etc. then clearing may be generally perceived as preventing danger to humans. This defence needs careful consideration to achieve a balance between removing an administrative obstacle for clearing for genuine safety issues, and maintaining protection of ESA (taking into account bushfire risk mitigation frameworks and exemptions).

We would also suggest the insertion of a more practical definition of watercourse within Schedule 5, as the definition within the *Rights in Water and Irrigation Act 1914* is broad and complex and adds some ambiguity to the clearing regulations.

With regard to assessment of planning schemes and referral arrangements, we strongly support clarifications that the EPA can decide not to assess a proposal where environment impacts can be adequately regulated under other written laws (particularly protections within the planning framework). More targeted environmental impact assessment and reduced duplication and delays are likely to increase respect for the EPA and its processes.

Kind regards,

**Angus Money**

**Manager Planning and Environment | Shire of Mundaring**

*Please contact me by telephone if your matter is urgent and you need a response within 24 hours*

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