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Modernising the *Environmental Protection Act*: Discussion paper October 2019

Quinns Rocks Environmental Group Inc (QREG) is a local community group that promotes conservation and sustainability. Since 1985, we have advocated to protect habitat and influence planning decisions, run environmental awareness raising activities and undertaken on-ground work including rehabilitation planting, flora and fauna surveys and litter clean ups.

The QREG participated in all public consultation relating to land use changes in the North West corridor (generally the coastal area between Burns Beach and Pipidinnny Roads), advocating for better consideration and protection of biodiversity, geo-heritage and more recently the need for consideration of impacts of climate change in decision making.

Therefore, it is more than disappointing to see in this corridor the continuation of the development pattern that resulted in loss of biodiversity and landscape values in other parts of the metropolitan region.

Since the EPA assessments of MRS Amendments in this region (e.g. Bulletins No 971 or 1207), several ecological communities have been listed at the national level as threatened (Banksia woodlands and Tuart woodlands) or as priority communities at the State level. We believe this indicates that the current legislative and policy mechanisms do not adequately protect biodiversity in the internationally recognised hotspot for biodiversity conservation.

In this context we offer the following comments on the proposed changes to the *Environmental Protection Act 1986*:

Narrow scope of proposed changes

While the opportunity to provide comments on the current review of the Act are welcome, it is disappointing that the proposed amendments are focusing on the improving the operational provisions of the Act and do not examine in more detail

how effective the Act is in protecting the environment in Western Australia. This also highlights the lack of environmental reporting at the State level.

It is welcomed that the Discussion Paper lists better consideration of cumulative impacts under 'Further issues for considerations' but it is unclear when adequate provisions will be included in the updated Act.

New areas of environmental reform

The QREG is particularly supportive of the proposed Environmental Protection Covenants and the Environmental Monitoring programs.

Provision of a head power for certified environmental practitioners is also supported and it is recommended that the new provisions ensure their independence from proponents and the role of these independent reviewers should not be limited to the reviewing of documents to be submitted to the EPA but extended to assessing the implementation of projects in accordance with approved management plans like flora and fauna management plans or construction management plans. Currently the onus is on the proponent to report any issues that might occur during implementation.

Our recent experience reviewing draft environmental management plans for EPA approved developments identified gaps in these documents that are being prepared as conditions of approval yet opportunity for community to influence the content or monitor compliance are determined by the proponent.

Therefore, it is recommended that the role of the proposed certified environmental practitioners is broadened to include oversight of project implementation and that they are independent. Their work could be funded in a similarly to the proposed environmental monitoring program.

Areas of concern:

Referral of proposals: The QREG is concerned about the proposal in the Bill to allow the EPA take into account the role of other statutory decision-making authorities in regulating the environmental impact. This is strongly opposed as the primary objectives of those other authorities is to deliver on their priorities and it is the EPA who is best positioned to assess proposals in the context of the State's environmental state. Thus, this change to the Act is not supported.

EPA Chairman: The QREG is of the opinion that the EPA Chairman and board members should be fully committed to their roles which cannot be achieved when if acting in a part-time role.

State of the Environment Reporting: Without regular monitoring and reporting on the status of the environment in the State there is difficult to assess the effectiveness of

current laws and policies that should be protecting the environment. The QREG recommends that regular State of the Environment reporting is undertaken by the Government and this requirement be included in the revised Environmental Protection Act.

Further issues for consideration

The QREG supports all the additions, with high priority on requirements to consider the cumulative impacts of proposals. This is strongly linked to the need to provide for more strategic assessments, especially in parts of the State that experienced high levels of clearing and are experiencing other pressures – whether development, salinity, dieback or other threatening processes that could significantly affect the long-term viability of the remaining natural areas. Establishment of habitat and ecological connectivity across the assessed landscapes should be an explicit requirement rather than focusing only on matters listed under legislation (threatened species and communities).

It is recommended that improving provisions for strategic assessments in priority regions, consideration of cumulative impacts and ecological landscape connectivity are the highest priority in the current Act review and update.

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