

Submission: Native Vegetation in Western Australia Issues Paper

Dr Garry Middle

Thank you for the opportunity to to comment on the *Native Vegetation in Western Australia Issues Paper*.

Overall, I support the proposed four initiatives contained in the Issues Paper as they should lead to improve consistency, transparency and fairness in how native vegetation is planned for and managed across all government processes, and by private land holders.

A state native vegetation policy

The need for such a policy was highlighted in the review that I chaired in 2009, notable Recommendation 1.

Recommendation 1: The Committee, after reviewing relevant reports, documents and Parliamentary debates surrounding the introduction of the Legislation, has proposed a policy statement that it believes reflects the Governments position at the time when the Legislation was enacted and recommends the adoption of this, or a comparable, policy statement.

The need for an overarching policy statement is greater today than it was in 2009.

The three broad objectives as proposed are supported but by themselves are inadequate to properly address how native vegetation is to be sustainably planned for and managed. These three objectives are process orientated only, and for the policy to be effective, it needs some clear outcome based objectives. The COAG 2012 Australia's Native Vegetation Framework, of which WA is a signatory, provides clear outcomes in the form of goals.

The framework has 5 goals:

- Goal 1 - Increase the national extent and connectivity of native vegetation
- Goal 2 - Maintain and improve the condition and function of native vegetation
- Goal 3 - Maximise the native vegetation benefits of ecosystem service markets
- Goal 4 - Build capacity to understand, value and manage native vegetation
- Goal 5 - Advance the engagement and inclusion of Indigenous peoples in management of native vegetation.

Goals 1 and 2 are clear outcome based goals endorsed at the national level, and it is recommended that these are set for the State policy. I suggest that these be set as *net* gains outcomes: i.e.

- Increase the net extent and connectivity of native vegetation in the state; and
- Maintain and ultimately improve the net condition and function of native vegetation.

These measurable goals would be a clear management outcome for native vegetation management and decision making and be an important step in providing more consistency in decision making. The inclusion of the word 'net' is significant as it allows for some clearing but overall all clearing would need to be offset, with a net multiplier of more than 1.

It is not clear what the status of this policy will be within the broader government decision making processes. There are a range of agencies whose activities and policies have an impact on the protection and management of native vegetation, in particular the Western Australian Planning Commission, the Department of Planning Lands and Heritage, Department of Biodiversity, Conservation and Attractions, the EPA, and the Department of Mines, Industry Regulation and Safety. To facilitate the effectiveness of the State Native Vegetation Policy, the relationship between other policies impacting on native vegetation should be fully explained in the draft policy, in particular, where another policy is inconsistent with the State Native Vegetation Policy how will these inconsistencies be resolved.

Clearing thresholds

In areas of the Wheatbelt and the Swan Coastal Plain certain vegetation types and communities have been cleared beyond acceptable thresholds, for example, certain communities on the east of the Swan Coastal Plain have less than 10% of the pre-European extent remaining uncleared.

There should be a clear statement of what is the unacceptable thresholds for clearing for vegetation types and communities, either in the policy or as part of bioregional planning, to guide decision making and to protect against possible extinctions of the vegetation, and the flora and fauna the vegetation supports.

Better information

The need for better information, and for better integration of existing information, is supported. However, additional resources will be needed build on the existing data sets and databases, and for this data to be made readily available to the key users.

Another outcome of having better data should be better auditing of decisions and checking for illegal clearing.

Better regulation

Whilst this notion seems intuitively sensible, a case has not been made that changes to regulations/legislation will lead to better outcomes. DWER is struggling to meet its timeline targets for processing applications, but this is more likely to a resources issue not a matter of 'green tape'. Before introducing any changes to regulations/legislation, the effectiveness of DWER's existing processes need to be assessed, improvements made, and more resources made available to DWER.

Introducing changes that speed up the process need to be assessed against the broader objective of ensuring adequate protection and management of vegetation.

The appeal process has often been cited as a key reason for delays. DWER should introduce as part of its decision making processes ongoing consideration of the outcomes of the appeal process to identify and address recurring matters raised in appeals that can be addressed and modified in future assessments and approval conditions.

Bioregional approach

The Issues Paper notes that the proposed policy will apply a strategic approach to vegetation management through 'bioregional tailoring' where regional priorities are set, in particular, where 'unique or at-risk environmental values' are addressed at the regional level. This approach is supported in principle, but greater clarity is needed as to what 'bioregional tailoring' means. It maybe that there will be two levels of objectives set - state-wide through the policy and at the bioregion. Greater clarity is needed as to what matters will be covered at the state-wide level and what is relevant at the regional level. For example, it is unclear whether clearing thresholds will vary from region to region, or if offset options will be tailored to the priorities of each bioregion.

Offsets

It is acknowledged that the offsets policy is separate from the issues paper, but the role of offsetting in helping to achieve state-wide and bioregional outcomes will be critical. Strategic and innovative uses of offsets beyond the principle of like for like could help reverse the over clearing that has occurred in critical areas of the State, and to help achieve net gain in vegetation cover and condition, as well as facilitate greater connectivity.

Local Government

Another recommendation of the review that I chaired in 2009 was:

Recommendation 17: The Committee recommends that the Government establishes a position within DEC to be the liaison between DEC and Local Government to assist Local Government in working with the Legislation and Regulations and to also assist in identifying relevant information for any proposals to clear native vegetation. The position should be funded for up to 3 years after which time Local Government should take over the responsibility for the position if it is still required.

We made this recommendation because many small local governments have limited resources and expertise, and struggle to understand and carry out their obligations under the Act and Regulations. This recommendation was never acted upon but is still valid today.

Clearing as part of planning approvals

Significant clearing associated with approved subdivisions under the *Planning and Development Act 2005* is being carried out based on two assumptions which may not be valid in all cases. The first is that the planning scheme amendments that supported these subdivisions have been referred to the EPA and that the EPA has found that the affected vegetation is not significant. The second assumption is that the EPA has concluded that the planning system can address the need to protect any vegetation within a subdivision site, notably through the implementation of planning policies like Bush Forever and Liveable Neighbourhoods. The majority of these approved subdivisions are on the Swan Coastal Plain where clearing of certain vegetation types and communities may have exceeded acceptable limits. Therefore, it should not be assumed that all subdivisions are exempt from requiring a clearing permit and it is recommended that the status of the outcome of the referrals to the EPA of the relevant scheme amendments should be reviewed to ensure that the significance

of remnant vegetation within urban areas is assessed fully prior to decisions on subdivision being made.

Private land owners

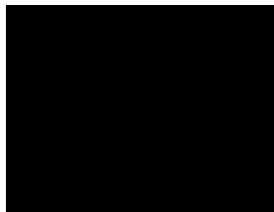
Private land owners are, and will remain, important managers of areas of native vegetation. The general comments referred to below are supported and should be perused as a matter of priority:

Improved valuation, pricing and market-based drivers for good native vegetation management could be explored further. A variety of strategically designed, complementary schemes could together incentivise conserving, managing or re-establishing native vegetation on privately managed land. These schemes could include carbon farming (DPIRD 2019), salinity mitigation funding and offsets funding. (p28)

Final comment

To ensure effective delivery of the four initiatives, especially the critical outcome based objectives, considerable cooperation between key agencies, Local Government and private landowners will be needed, and adequate additional resources provided. A collaborative governance framework should be established and described and endorsed as part of the policy, and be adequately resourced by the State Government on an ongoing basis.

Thank you again for the opportunity to provide an input into this very important matter, please do not hesitate to contact me if you require any further clarification of the matters I have raised here.



Garry Middle



10 February 2020