



Our Ref: 27.1.1

19 April 2005

Simon Holthouse  
CHAIRMAN  
Independent Review Panel for the Swan Coastal Plain Wetlands EPP

Dear Mr Holthouse;

**Re: Revised Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004**

The Urban Development Institute of Australia (UDIA) is the peak body representing the urban development industry in Western Australia.

It is in this capacity that we have made two previous submissions to the Minister for Environment on the Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004 and now make a third submission to the Independent Review Panel for the Swan Coastal Plain Wetlands EPP.

UDIA makes this additional submission in order to advise the Panel that UDIA is currently undertaking a review of the environmental approvals process with assistance from consultants, Parsons Brinkerhoff.

The review is currently being undertaken by UDIA with the participation of key stakeholders in the development industry to fulfil three primary aims:

1. To undertake a review of the effectiveness of the environmental approvals process;
2. To identify any problems experienced by development industry professionals and by Department of Environment staff at different points in the process; and
3. To make recommendations to improve and streamline the process to overcome these problems.

Wetland management has been clearly highlighted during the review as a key environmental issue that impacts on the urban development industry. When members were appraising the performance of environmental agencies in managing key environmental issues, wetland management was labelled as the worst performing.

The following issues and recommendations have been made by the review and UDIA requests that the committee consider these recommendations when finalising the Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004.



## **ISSUE ONE: DEFINITION OF A WETLAND**

Members taking part in the review have outlined a need for clear definitions, criteria and guidelines for defining areas as wetlands and for their categorisation. Members believe that these guidelines should be based on proven scientific evidence and care should be taken to ensure that they are not subject to subjective interpretation.

UDIA believes that these issues are not addressed adequately in the proposed policy. Currently, Clause 6 in the draft policy is very broad in its interpretation of wetlands that meet the environmental quality criteria. This causes concern that wetlands that are not in need of protection will be covered by the policy and land owners will be unnecessarily restricted in what they can do with their property.

To assist in overcoming this problem UDIA members have suggested that:

- There is an increased focus on strategic planning for wetland identification and protection.
- A clear set of agreed, scientifically valid criteria are prepared that establish a threshold above which wetlands will be considered for protection under the EPP.

## **ISSUE TWO: HOLISTIC APPROACH**

UDIA members are concerned that wetlands that do have some acknowledged value, but are not so significant to create the need to restrict uses, are being earmarked for protection.

UDIA believes that the DOE should take a more holistic approach when assessing wetland areas for protection. This includes taking into account economic and social issues as well as environmental issues when assessing and categorising wetlands in need of protection.

UDIA members have also highlighted the importance of examining the quality of wetlands in detail and considering whether the wetland will retain its environmental value in the future.

We suggest that the department prepares a clear checklist of objectives or outcomes for the protection of wetlands against which all wetlands should be assessed before being identified for protection.

In addition, UDIA members have outlined serious concerns in regards to the protection of Resource Enhancement Wetlands. Members have expressed concern that current DOE policy does not adequately consider resource enhancement wetlands – meaning that assessment is largely based on the interpretation of individual officers.

Concern has also been expressed by members that, according to DOE Officers, Resource Enhancement Wetlands can be added to the EPP list at any time in the



future. This creates considerable uncertainty for proponents and UDIA believes that this position requires further consider consideration and clarification by the department.

### **ISSUE THREE: CONSULTATION**

Clause 10 of the policy addresses public consultation about registration of wetlands. The clause states that:

*'Before the Authority registers a wetland...the Authority must take reasonable steps to consult persons who could be materially affected by the registration, amendment or cancellation'.*

Currently, the consultation level between the EPA/DOE and impacted land owners is very minimal and this situation is not rectified by the new policy. There is no qualification as to what level of consultation is acceptable.

UDIA believes that there is a need for specific measures to be identified in the policy which specify the type and extent of consultation necessary.

UDIA requests that the DOE/EPA introduce clear guidelines and requirements for consultation with impacted landowners.

### **ISSUE FOUR: COMPENSATION**

The fair compensation of land owners who have wetlands on their property is an issue of major concern to UDIA members.

We therefore strongly request that the state government commits to identifying innovative incentives for the community, landowners and industry to conserve wetland areas. Compensation for land owners is not addressed at all in the draft policy.

Where sites are identified through the policy for conservation we believe that the state government should encourage the protection of these areas by providing attractive incentives to landowners.

It should also allow for the appropriate dual use of suitable wetlands (such as the use of wetland buffers) and provide full POS credits.

UDIA therefore believes that there is an urgent need for the state government to:

- Provide public open space credits for wetland areas.
- Investigate innovative strategies for conservation and landscape protection such as transfer of development rights and density transfer charges.
- Investigate opportunities to implement a broad based community contribution system for wetland conservation (as well as other conservation initiatives) such as a "liveable city contribution". UDIA would



support this type of initiative as a mechanism to provide for the more equitable distribution of the cost of conserving wetlands across the wider community.

## **CONCLUSION**

UDIA strongly believes that the issues outlined above require further examination and consideration by the Department of Environment (Environmental Protection Authority).

UDIA also notes that with the implementation of the new policy an increase in officer training could also be implemented. A lack of officer knowledge and experience in relation to wetland issues (particularly among junior officers) can cause unnecessary problems both for government and industry.

Thank you for the opportunity to provide comment on the revised policy. We look forward to your response.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marion Fulker', is positioned below the text 'Yours sincerely'.

**MARION FULKER**  
Executive Director