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Guideline for the Determination of a Wetland Buffer
Western Australian Planning Commission
Albert Facey House
469 Wellington St
PERTH WA 6000

To Whom It May Concern:

DRAFT GUIDELINE FOR THE DETERMINATION OF WETLAND BUFFER REQUIREMENTS

The Urban Development Institute of Australia (UDIA) (WA) agrees with the principle of providing a step by step guide to determining wetland buffer requirements. The WAPC's draft Guideline for the Determination of Wetland Buffer Requirements (the Guideline) has the potential to provide certainty for the property development industry when planning for a wetland buffer. However, UDIA members have raised a number of concerns in regard to the Guideline and these are outlined in the following submission.

ADMINISTRATION OF WETLANDS POLICY

As an overarching comment in regard to the Guideline, UDIA members have raised concern with regard to the administration of wetlands related policy. UDIA members are confused as to which government agencies have ownership of wetland policies and therefore clarification on this issue is necessary. UDIA understands that WAPC, the Department of Environment/ Environmental Protection Authority, and soon the new Department of Water all have involvement with wetland related policies. This creates a level of uncertainty for the property development industry and private land owners when there is not one singular agency to approach in regard to a wetland on private property.



Wetland management appears to be one of the major sources of conflict between industry and government agencies and UDIA therefore believes that priority should be given to resolving these problems. Wetland management was clearly highlighted during UDIA's recent Environmental Approvals Process Review as a key environmental issue that impacts on the urban development industry. When UDIA members were appraising the performance of environmental agencies in particular in managing key environmental issues, wetland management was labeled as the worst performing.

UDIA suggests that WAPC look to working with other agencies involved in wetland policy in order to ensure that there is a level of certainty established for property developers and private property owners when dealing with wetland related issues.

STRUCTURE OF THE GUIDELINE

UDIA supports the structure of the Guideline as a step by step manual to determining wetland buffer requirements. This structure is easy to follow for both property developers and private land owners and it is important that the Guideline is user friendly.

Further to this point, it is positive that in Step 2 of the Guideline the different wetland categories are recognised as Conservation, Resource Enhancement and Multiple Use and correspondingly the Guideline treats the categories separately when determining an appropriate wetland buffer requirement.

STEP 6 – ESTABLISH SEPARATION REQUIREMENT

Step 6: Establish Separation Requirement is the most critical step within the guide as it outlines how to determine the width of the necessary buffer. UDIA members have particular concerns in regard to Step 6 as clarification is needed as to how the extent of the buffer for each threatening process has been reached. For example there is no scientific explanation as to how distances such as '100m for weed infestation' have been formulated and why that extent is necessary within a property development.

Within Step 6 it would also be appropriate to provide more clarification of the terms used so that the Guideline's expectations are clear. More detailed definitions are required for terms including firebreak requirement, edge effects, improving aesthetics, and risk of weed infestation in urban areas.

Considering the Guideline is being introduced in order to assist stakeholders in identifying an appropriate buffer between a wetland and land uses it is important that users of the Guideline are fully aware of why they need to adhere to the Guideline's requirements and what purpose each requirement serves.



STEP 7 – APPLY SEPARATION REQUIREMENT TO PROPOSAL AND ASSESS ABILITY OF SEPARATION TO ACHIEVE MANAGEMENT OBJECTIVE

UDIA suggests that the Guideline include a detailed explanation of the point of the water body from which the separation distance may be measured. Currently this is not clear within the draft guideline and is an important aspect affecting the property development industry as it may have a significant impact on surrounding land uses.

Specifically, section 7.3.2 refers to R and M category wetlands and states that ‘small reductions’ in the recommended separation may be allowed as long as the reduction is not associated directly with the critical wetland attributes and additional management measures are proposed to address the reduction. UDIA believes that this section requires much more detail in order to avoid ambiguity. The Guideline needs to provide a level of detail describing what would amount to the opportunity to apply for a reduced buffer zone. As the Guideline is currently worded, many land owners may see the vagueness as an opportunity to apply for a buffer reduction when it is not appropriate.

TERMS AND DEFINITIONS WITHIN THE GUIDELINES

There are a number of terms and definitions used within the Guideline that UDIA members have highlighted as in need of further clarification or need to be deleted all together.

Firstly, the word “buffer” should be the only term used within the Guideline when referring to the separation of a wetland from adjacent land uses. Other terms used within the Guideline instead of buffer such as “separation requirement” and “separation area” should be deleted to avoid confusion and ensure consistency.

The definitions of wetland water body and wetland function area are confusing and require further clarification.

It has been suggested by UDIA members that the term “directly associated dependant terrestrial vegetation” included in the definitions section should be deleted as the term is not included in the main text. Its inclusion is confusing as the term “directly associated dependant terrestrial habitat – which has a different meaning - is used in the text however no definition is provided for that term.

COMPENSATION

UDIA believes that the state government should consider compensation requirements for developers and land owners who must cede land due to wetlands. UDIA 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 these draft guidelines or in the Wetland EPP.



An example of appropriate compensation would be when the extent of a buffer zone is identified through the Guidelines, appropriate dual use of the buffer or public open space credits are duly considered.

CONCLUSION

Overall, UDIA supports the concept of a step by step guide to determining wetland buffer requirements. A government policy which intends to assist the property development industry in meeting statutory requirements is a positive initiative. However UDIA does have concerns over the lack of clarity within some of the steps.

In a broad sense UDIA believes that the administration of wetlands policies and guidelines needs to be reviewed to ensure that there is a level of certainty for developers and land owners dealing with wetlands on their property. Also the issue of compensation for the land ceded for wetlands and their buffers needs to be addressed by the state government.

Thank you for providing UDIA with the opportunity to comment on the draft guidelines. If you would like to discuss this submission further, please contact my office.

Yours sincerely

Marion Fulker
EXECUTIVE DIRECTOR