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Project Officer  
Species Information Section  
Approvals and Wildlife Division  
Department of Environment, Water, Heritage and the Arts  
Canberra

By email: [tess.ward@environment.gov.au](mailto:tess.ward@environment.gov.au)

Attention: Tess Ward

Dear Ms Ward

### **EPBC ACT POLICY STATEMENT 3.10 - WESTERN RINGTAIL POSSUM IN THE SOUTHERN SWAN COASTAL PLAIN**

The Urban Development Institute of Australia (UDIA WA) is pleased to submit development industry feedback to the Department of Environment, Water, Heritage and the Arts (DEWHA) on the draft policy statement for the Western Ringtail Possum in the Southern Swan Coastal Plain. UDIA is the peak body representing the urban land development industry in Western Australia. We are a membership organisation with members drawn from the land development, planning, urban design, engineering and environmental professions and have consulted with DEWHA during policy development.

UDIA has sought clear policy direction from DEWHA on the Western Ringtail Possum for a considerable period of time as the South West has been under substantial growth pressure and the lack of policy and clear guidance has resulted in variable outcomes and expensive and time-consuming measures being imposed on projects. One of UDIA's principal objectives is the efficient and affordable supply of land and housing to the community. The Institute therefore aims to ensure that policies and standards meet these objectives without placing additional pressure on housing affordability, particularly in the current economic climate. We welcome the draft statement as it provides developers with greater certainty particularly in relation to thresholds and mitigation activities which give them far greater capacity to respond to requirements early in the planning phase.

#### **Strategic Assessment**

It is imperative for the development industry that policies relating to matters of the environment are consistent across Federal, State and Local government jurisdictions and that strategic decision making is implemented at all levels of government. This provides certainty and allows streamlining of the approvals process to avoid costly delays and to facilitate housing affordability.

Currently, the gulf between DEWHA and the WA State and Local government processes has resulted in projects being assessed by DEWHA where the WA Environmental Protection Authority (EPA) has not required assessment or in projects being assessed by both authorities. Federal approval of state processes would facilitate streamlining of approvals and provide better outcomes for the environment and development.

The industry strongly supports early strategic involvement, and definitely prior to rezoning, to ensure certainty into the development process. It is not in Australia's best interests to have capital tied up in projects that are high risk of not achieving approval. In an ideal situation, the three tiers of government will have mapped out in advance where development can occur, general requirements for development in particular areas and the land that needs to be reserved for environmental sustainability.

### **Significant Impact Thresholds**

The defined Significant Impact Thresholds will allow industry to make informed judgements on whether an action should be referred. The definition of thresholds should also facilitate State and Local government decision making. The absence of clear guidance has stalled decision making on the part of Local and State government agencies who have been reluctant to grant approval prior to Federal Government approval as they did not want to duplicate the approvals process should Federal assessment require significant change to the plans submitted. This has created enormous uncertainty and delays which has had a dramatic impact on housing affordability.

A key issue is the way the Significant Impact Thresholds are applied. They are stringent and virtually identical regardless of whether the impact occurs in Area 1 Core Habitat, Area 2 Primary Corridor or Area 3 Supporting Habitat. By definition, the Core Habitat has a more critical function than Primary Corridors or Supporting Habitat yet the thresholds are similar across the three areas. The difference in thresholds of 0.1ha allowed for clearing between the Core and Supporting Habitat is marginal given the distinction in function of the two areas and does little to differentiate the significance of the habitat areas to the survival of the Western Ringtail Possum.

### **Actions outside of the Areas 1, 2 and 3**

The policy also requires referral if an action is likely to have a significant impact on the Western Ringtail Possum outside of Areas 1, 2 and 3. It is unclear whether the same thresholds apply to these areas. It is UDIA's view that the reference for areas outside the policy area to determine if the impact is a Controlled Action or not should be the EPBC Act Significant Impact Guidelines.

### **Mitigation Measures**

The policy does not support translocation and provides mitigation measures for avoiding or reducing the impact of development. Incorporating these measures into the design of projects will allow developers to prepare and implement more effective management plans and these can be costed into the early phases of a project. This is critical for the industry.

### **Definition of 'Patch'**

While the policy usefully defines the terms 'fragmentation' and 'habitat linkage' it does not define the key word 'patch'. Since the size of the patch and the amount of clearing allowed are the main criteria used in determining the significance of an impact, UDIA would like clarity around the word 'patch' particularly as the background paper states that individual trees in paddocks can play an important role in connecting larger patches of remnant habitat. A patch could mean a

loose collection of trees or a solid stand of continuously connected canopies. Similarly, the definition of clearing should be given to clarify whether the removal of one tree in a patch greater than 0.5ha is a significant impact.

The background paper provides a statement on what actions are likely to have a significant impact. It would be useful for the paper to provide examples of what would not be considered a significant impact, for example clearing isolated trees in the middle of a paddock in the core habitat provided the isolated trees are not part of a habitat linkage.

### **Conclusion**

UDIA trusts that this response will be given due consideration and we look forward to an ongoing dialogue with DEWHA on developing a strategic approach to environmental assessment in Western Australia.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Debra Goostrey', with a stylized flourish at the end.

**Debra Goostrey**  
Chief Executive Officer