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Better Regulatory Practice  
Department of Water and Environmental Regulation  
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### **Draft Guideline: Native vegetation referrals**

Thank you for the opportunity to provide feedback on the draft Native Vegetation Referrals Guideline. The Urban Development Institute of Australia (UDIA) WA is the peak body representing the property development industry in Western Australia. UDIA is a membership-based organisation with members drawn from the residential, commercial and industrial property development sectors. UDIA members include both private and public sector organisations. Our industry represents approximately 10.1% of Western Australia's Gross State Product, contributing \$27.8 billion annually to the Western Australian economy and \$270.5 billion nationally. As well as helping to create sustainable and liveable communities, the industry employs a total of 205,100 Western Australians and 2.023 million Australians across the country.

#### **General Comments**

UDIA WA welcomes and supports the establishment of the Native Vegetation Referrals Guideline to simplify the native vegetation clearing process and assist those seeking to clear native vegetation determine whether a clearing permit is required. UDIA supports the proposed consideration process set out by the Guideline and the proposed 21-day decision timeframe.

Whilst welcoming the establishment of the proposed referral process, UDIA is concerned that the very low clearing thresholds proposed will not have any significant positive impact by providing certainty for industry or help improve DWER workload efficiencies. UDIA suggests that consideration is given to expanding the Guideline to include a threshold and parameters for 'low risk clearing', in particular, by raising the threshold for the area of clearing to up to 3ha within the Perth-Peel regions in Table 1 in order to provide more flexibility with a suitable consideration process established to enable these applications to be determined efficiently. Similarly, the Guideline should also be expanded to clearly set out the differentiation between clearing permits assessed under Part V or an EPA assessment under Part IV of the EP Act with the inclusions of case studies/examples of the assessment thresholds for EPA (Part IV) and DWER (Part V) referrals.

UDIA supports the intent to provide advice in a timely manner and reiterates its support for the proposed 21-day decision timeframe, however the Guideline offers no certainty that decisions will be made within the 21-day timeframe. To help ensure that this timeframe is achieved, UDIA suggests greater clarity on what information should be provided to DWER and that performance reporting is undertaken and made publicly available, setting out the number of referrals received and the percentage of these determined within the 21-day timeframe.

**Recommendations:**

- Consideration is given to expanding the Guideline’s thresholds to include parameters for ‘low risk clearing’ proposals.
- The Guideline details the differentiation between clearing permits assessed under Part V or an EPA assessment under Part IV of the EP Act
- The Guideline clarifies the minimum level of information required to form a timely assessment.
- Measures to ensure compliance, together with monitoring and reporting of the 21-day decision timeframe are undertaken.

**Specific Comments**

Section	Comment & Recommendation
2	UDIA recommends the inclusion of a figure/diagram setting out of DWER’s / DMIR’s proposed clearing permit assessment process.
3	The Guideline does not provide any insight on what threshold constitutes a clearing permit assessment under Part V or Part IV of the EP Act, clarity on how these differentiations would assist.
3.3	This section states that <i>“the referral process relates to clearing activities that are likely to have very low environmental impacts”</i> [and...] <i>“is not suitable for proposed clearing that will or is likely to have a significant impact on matters of national environmental significance”</i> (MNES).  The Guideline should clarify what this means in practice, particularly on the Swan Coastal Plain where MNES constitutes the majority of vegetation complexes and include a range of common examples/clearing scenarios.
3.4	Whilst this section states that <i>“applicants should ensure that all required information is included with the referral”</i> further guidance is needed, setting out the minimum information requirements.
3.5	The considerations should be expanded to include the extent of remaining vegetation located within conservation reserves.

Should the Department require any assistance or further information regarding these comments UDIA would be delighted to assist, please contact Chris Green, Director Policy and Research at [cgreen@udiawa.com.au](mailto:cgreen@udiawa.com.au) or 9215 3400.

Yours sincerely



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