

30 August 2021

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By email: christine.groom@dwer.wa.gov.au

Dear Christine

Draft Guidance for Planning and Development: Protection of Naturally Vegetated Areas in Urban and Peri-urban Areas

Thank you for the opportunity to provide feedback on the draft *Guidance for Planning and Development: Protection of Naturally Vegetated Areas in Urban and Peri-urban Areas*. 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UDIA WA welcomes the opportunity to comment on the draft Guidance. Whilst we acknowledge the Environmental Protection Authority's (EPA) efforts to ensure its Guidance documents remain contemporary, we are disappointed that the draft Guidance does not accurately reflect common scenarios or challenges that the development industry consistently faces. We are also disappointed that despite our repeated efforts to engage and work collaboratively on the revision of the guidance over the past two-three years, this opportunity has not been taken. As result, the Guidance fails to provide any further practical guidance or advice than that set out in the existing EP Bulletin 20.

The current environmental approval process is complex and inefficient with overlap and duplication between planning and environmental legislation and between Commonwealth, State and local government agencies. As land identified by the WAPC for development purposes becomes increasingly constrained by a range of biodiversity, environmental and other site-specific constraints, in the absence of a Strategic Assessment, it is imperative that the EPA sets out clear, practical advice to guide planning and development decisions. In the absence of proper industry consultation and engagement, the Institute is concerned that these issues and challenges have not been fully understood or recognised, preventing an appropriate response to be prepared through either this, or other policy guidance.

Given the current environmental challenges, it is disappointing that the Guidance simply set out the principle that naturally vegetated areas should be avoided. This principle has long been well established and is fully understood by industry. Whilst this principle is clear, at a practical level the broader range of site constraints means that the Guidance does little to clarify the EPA consideration process. More detailed, practical guidance is needed to provide both the development industry and other key stakeholders with greater clarity and certainty.

The Guidance's narrow and simplistic principle and its lack of practical advice means the Guidance fails to recognise that in some situations, the clearing of remaining vegetation may represent the most sustainable option available. For example, where the remnant vegetation is of such a small scale, degraded, and/or where there are significant quantities of that particular vegetation complex remaining elsewhere, the clearing of vegetation may be highly appropriate when considered against all other sustainability objectives, such as reducing the distance needed to travel, or minimising the use of basic raw materials.

Similarly, the Guidance lacks any advice regarding mitigation measures, how these will be considered or advice concerning the adoption of strategies for achieving the EPA's objectives relating to naturally vegetated areas. For example, the Guidance does not include reference to local biodiversity strategies and how these could be used to help inform regional, district and other strategic planning documents. Better integration of land use planning and biodiversity objectives could be achieved through such guidance, improving environmental outcomes whilst also providing certainty and efficiencies for industry and government.

Although acknowledging that the Guidance states that the *"EPA will focus its public advice on issues related to regionally significant natural areas and other significant environmental issues"* we are concerned that the Guidance fails to set out how the EPA will assess the cumulative impact of minor clearing at the regional scale. Indeed, the lack of any reference to scale or thresholds within the Guidance is a critical failing.

To achieve the Government's development objectives for the Perth Region in particular, the principles of the Guidance need to be expanded, enabling more detailed guidance to be provided to take into consideration that within the Swan Coastal Plain for example, there are many vegetation complexes with large amounts of vegetation remaining that would not be significantly impacted by localised clearing when assessed at a regional level. To enhance the Guidance, a framework for the assessment of vegetation at a regional level using appropriate flexibility to ensure assessments are undertaken on actual impact is needed.

Finally, although the Guidance identifies the need for retention, rehabilitation and ongoing management of naturally vegetated areas, it does not clarify the differing roles and responsibilities of the various stakeholders or processes to support these outcomes efficiently. As such, resolving ongoing management issues will continue to cause uncertainty and delay, hindering environment outcomes and housing affordability. Improved guidance and processes are needed to resolve current industry challenges whereby individual developers are left to negotiate these outcomes, leading to inconsistent outcomes in both timeframes and costs across different projects and local government areas.

To resolve these challenges, a more holistic and robust review of the existing EP Bulletin 20 is needed with more specific guidance prepared. To be effective, the Guidance needs to set out practical advice relating to the impact of clearing, that contains a broader range of considerations including scale and thresholds for different vegetation types and complexes. The Guidance also needs to provide greater clarity on how the ongoing management of native vegetation can be achieved. To achieve these objectives, it is imperative that the Guidance is prepared in close collaboration with the development industry, using actual case study examples to properly test the advice provided.

Recommendations

- A more thorough review of the EPA's Guidance is undertaken to provide more practical guidance and advice regarding the protection of naturally vegetated areas in urban and peri-urban areas.
- The EPA work closely with UDIA and the development industry to prepare this advice and ensure that it can be practically applied.

We welcome the opportunity to discuss these concerns with you in more detail as well as our ongoing engagement with the EPA. To arrange this or should you have any queries regarding these comments, UDIA would be delighted to assist. Please contact Chris Green, Director Policy and Research at cgreen@udiawa.com.au or 9215 3400.

Yours sincerely



Tanya Steinbeck
Chief Executive Officer