



28th July 2021

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COMMENT ON GUIDELINE: NATIVE VEGETATION REFERRALS – DRAFT Submission by The Urban Bushland Council WA Inc. (UBC)

Thank you for the invitation to comment on this new Guideline Draft.

The UBC does not support the introduction of any process that diminishes biodiversity in our south west global biodiversity hotspot. Retention and protection of the remaining urban bushland is a key goal. In summary, there are major problems with this draft referral process and it is recommended that it be substantially revised with a changed focus to promote the ‘avoid’ principle for *all clearing* in the intensive land-use zone in SW WA, and especially in the urban Perth, Peel and Greater Bunbury regions, and in the Wheatbelt. This must also apply to small areas of 1 ha or less. The Guideline should be that clearing in this zone will generally not be permitted for small areas, or indeed for larger areas.

A major concern is that by having a process and category whereby proposed clearing of less than 1 ha will not require a referral for an application to clear, it will enable and indeed likely encourage the *classic death of a thousand cuts* by even more clearing patch by patch up to 1 ha at a time in the intensive land use zone, resulting in an *increased* net loss of native vegetation, and thus an environmentally unacceptable cumulative loss of native vegetation.

Comments and suggested changes on some specific sections of the Draft follow:

1. Purpose (on page 1)

Change to: Prospective applicants should be advised that clearing of small areas in the SW of WA will generally not be permitted. A referral must be required for *all* clearing proposals in the SW of WA, but the outcome will most likely be a refused permit. Unauthorised clearing without a permit is an offence and will be prosecuted.

3. Guidance 3.3 (on page 3): **Which proposed clearing activities are not suitable for this referral process?**

A revision and addition should be that the new referral process cannot be used for proposed clearing in a TEC, PEC, in habitat for declared rare species of flora or fauna, or for areas which include Matters of National Environmental Significance (MNES) under the Commonwealth EPBC Act. This includes **all** TECs endorsed by the Western Australian Minister for Environment (as listed by DBCA), **and all** TECs listed under the Commonwealth EPBC Act by the Commonwealth Minister for Environment. Any clearing in these categories of native vegetation will have a significant impact and contribute to a net loss of biodiverse native vegetation and this must not be permitted.

Indeed the Banksia Woodlands of the Swan Coastal Plain *endangered* TEC, and the *critically endangered* Tuart Forests and Woodlands of the Swan Coastal Plain TEC extend with other TECs over most of the Swan Coastal Plain of the Perth, Peel and Bunbury regions. These areas are supposed to be protected with no more clearing. DWER decisions should comply with the EPBC Act Approved Conservation

Advices for TECs to PROTECT these ecological communities to prevent further loss of extent and condition.

As the Perth, Peel, Bunbury, and Wheatbelt regions are already highly cleared landscapes, and they are in the SW globally significant biodiversity hotspot *for conservation priority because it is under threat*, DWER Guidance should advise and promote this and that no further clearing will be permitted in these regions.

Guidance 3.5 (on pages 3-6)

This whole section would allow and could indeed encourage clearing of small areas up to 1 ha, patch by patch, and hence is unacceptable. For example, clearing and loss of an area of 1ha of native vegetation in small patches in the already fragmented Perth region does result in a highly significant impact.

Guidance 3.5 on page 3: **How will the department determine when a clearing permit is required?**

Some of the wording is vague and thus open to varied interpretation. For example the dot point: *'whether there are any known or likely significant environmental values within the area'*. All native vegetation provides value of fauna habitat – and especially for small and 'invisible' fauna including invertebrates, insects, fungi, soil organisms and also for ecosystem linkages.

If there are no known significant values, does not mean they are not present. The lack of detailed scientific survey to record flora, vegetation community and fauna values and thus lack of scientific information will be a common issue for proposed clearing of small areas. It is likely that officers assessing whether a referral is required for a site will not have the relevant scientific knowledge of the site.

Table 1 on page 4: This Table should be completely revised. For the urban Perth, Peel, and Greater Bunbury regions all proposed 'low impact' clearing should require a permit application and indeed be refused.

Extent of proposed clearing: It is not acceptable to allow proposals for clearing less than 1 ha of native vegetation to by-pass the clearing application and control process in the Perth, Peel, and Greater Bunbury regions, or in the 'intensive land-use zone' located in South West WA.

Threshold for remaining vegetation in the region: Further it is not acceptable to allow clearing down to 10% remaining within each of the Perth, Peel or Bunbury regions.

Nor is it acceptable to allow clearing down to 30% for the 'intensive land use zone'.

There should be no more clearing of native vegetation permitted in small areas up to 1 ha or of larger areas in all these regions.

The temptation and opportunity of some landholders to repeatedly clear 1 ha at a time by use of this draft Guideline must not be made available.

For the 'extensive land-use zone', the need for a permit should apply to all clearing proposals. This includes those under 5 ha or under 10 ha. For this region, the Guideline should be rewritten to emphasise and promote the wonderful values of native vegetation in each area, and that they are to be protected.

Table 2 on page 6: All native vegetation has some significant conservation and environmental values listed in Table 2. All native vegetation has, indeed comprises 'fauna habitat'. It is complex and most areas include some significant fauna and/or significant flora and vegetation. Thus *all* clearing proposals should require a referral and an assessment under the Clearing Regulations. In general clearing should

not be permitted. This can be applied by requiring that clearing at variance to one or more of the Clearing Principles is not permitted – ie a clearing permit is refused.

Further, **climate change action** should require that native vegetation cover be retained and increased.

Consideration 3: The state of scientific knowledge of vegetation within the region (on page 6):

In most regions, the level of scientific knowledge is limited. As the vegetation communities are so many, so varied and highly species rich in WA, there have not been rigorous detailed surveys for flora, fauna, invertebrates, insects, fungi for most regions.

CONCLUSION

In conclusion, the Urban Bushland Council WA Inc., which is an association of more than 80 community groups with a common interest in bushland conservation, objects to the wording of the draft Guideline for Native vegetation referrals. The Guideline will lead to a significant incremental loss of biodiversity over a period of time in our south west biodiversity hotspot.

Furthermore, the details of what will be lost through this process will not be known.

Land clearing is currently a significant threat to the south west's biodiversity. By introducing a process whereby cumulative incremental loss of native vegetation can be added to without control is contrary to the conservation priority needed for the south west region. This extra cumulative loss of our biodiverse SW native vegetation by clearing must be stopped.

An alternative positive Guideline on how landholders and the community can best protect, manage and restore and promote our unique remaining native vegetation and its flora and fauna would make a much better environmental Guideline.

Currently there is no over-arching State Native Vegetation policy. A net gain by revegetation together with no net loss of native vegetation is needed for retention of biodiversity and ecosystem stability. This framework of policy is much needed ahead of guidelines for various situations.