



22nd April 2022

planningreform@dph.wa.gov.au

DAP Planning Reform
Department of Planning, Lands & Heritage
140 William Street
Perth WA 6000

Dear Planning Reform Officers,

Development Assessment Panel (DAP) Reforms Consultation
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The Urban Bushland Council WA Inc. (UBC) is pleased to present this submission in response to your invitation to address the issues of relevance to us.

Our organisation is a voluntary community association of 85 member groups (each with their own local membership from 10-165 individuals), all of which have a common interest in the conservation of urban bushland and wetlands in Western Australia.

We are an incorporated, voluntary, not for profit organisation registered as a charity. We advocate to all levels of Government for bushland and wetland protection.

We are the key community organisation in WA providing a public voice on **the need for retention of what remains of our urban bushland and wetlands which is also critical for a healthy and prosperous future**. We do this with limited resources through the amazing efforts of our 'Friends Groups' and their many volunteers, from all walks of life 'working' to improve and maintain the health of patches of neighbourhood nature throughout all our local government authorities, many working in close collaboration with their local councils.

However, despite our best efforts, our native vegetation continues to degrade and disappear at an alarming rate.

Currently, all our member groups are in the south-west of WA, a region which is recognised globally as one of the earth's 36 biodiversity hotspots for conservation priority.

As you are aware, to qualify as a **biodiversity hotspot**, an area must meet two strict criteria:

- Contain at least 1,500 species of vascular plants found nowhere else on Earth (known as "endemic" species).
- Have lost at least 70 percent of its primary native vegetation.

This means that the south-west of WA is one of the earth's most biologically rich—yet threatened—terrestrial regions.

<https://www.cepf.net/our-work/biodiversity-hotspots/hotspots-defined>

Planning under the Development Assessment Panel (DAP) System

The UBC continues to not support the DAP System. Our experience has been that it is unfortunately weighted to the development end of the spectrum, with inadequate consideration of our dwindling local bushlands and wetlands.

All developments that impact on the environment should be subject to assessment by the Environmental Protection Authority. UBC is most concerned that proper environmental assessment is being undermined by the DAP system, with little regard to our natural environment. Apart from its enormous intrinsic value, the extent and health of our natural environment is critical for our wellbeing via environmental services.

In addition, our many 'friends of groups' who work tirelessly (often thanklessly) across the community both advocating and physically caring for the local neighbourhood nature that supports us all, are not being given adequate 'weighting' for either 'community naturalist/conservation interest' or 'public interest' when developments arise in their neighbourhoods.

Working together for a healthier and more resilient future

We remain disappointed that the following reforms continue to **not be provided for**:

1. Better outcomes for our natural environment (including as reflected in proposed membership of DAPs).
2. No further net loss or degradation of native vegetation.
3. Protecting and managing Bush Forever Sites.
4. **Completing and implementing Local Biodiversity Strategies (LBS) and Local Biodiversity Plans (LBP) according to approved guidelines by each Local Government Authority.**
5. Protecting and enhancing green space to ensure adequate, resilient ecological linkages.
6. Reducing the 'heat-island-effect' whilst actively demonstrating accountability to State Government and Local Government Laws, Policies and Strategies to reduce 'heat -island-effect' such as application of each LGA's Urban Forest Strategy and Native Vegetation Protection Policy.
7. Limiting population growth and urban sprawl.
8. Carbon neutral status for all major developments.
9. Introducing Third Party Appeal Rights (TPARs) for DAP determinations.
10. Stopping political donations from property developers to local councils.
11. Introducing a 'Register of Interests' for all full or part-time DAP members as well as the Federal, State and Local Government Officers who provide advice towards DAP determinations.
12. Amending *Integrity (Lobbyists) Act 2016 (WA)* to apply it to "local governments" and "town planning" including DAPS – if we end up having them.

Specific comments against DPLH feedback form reference numbers

2 EXCLUDED DEVELOPMENTS

2a) Currently, the WA Planning Commission (WAPC) does not have the ability to ensure local and district planning is reflecting the wishes of the local councils nor the local community.

2b) Delegated Officers, particularly with decision making powers are NOT SUPPORTED.

2c) All developments that impact on the environment should be subject to assessment by the Environmental Protection Authority. UBC is most concerned that proper environmental assessment under the DAP system is being undermined, with little regard to our natural environment. Apart from its enormous intrinsic value, the extent and health of our natural environment is critical for our wellbeing via environmental services.

3 MEETING ARRANGEMENTS

3a) To enable advice and input from the most knowledgeable and experienced people – including from the community, it will be necessary to be flexible with meeting arrangements (timing and accessibility (in person/online)).

3b) UBC strongly recommends that DAPs must have an ‘experienced, independent counsel’ who is available to guide community members and public interest members on the most appropriate approach in presenting to the DAP.

4 FEES

4a) We are concerned that there will be added impost on the LGAs with regard to requiring additional fees – and this will ‘eat into’ the limited budget they have for critical environmental management of bushland areas under their responsibility.

5 DISTRICT DAP AREAS

5a) The DAP areas should reflect the Western Australia Bioregions, or at least the Western Australian Natural Resource Management Regions.

7 FIXED TERM MEMBERS

7a) Mandatory and binding FINANCIAL AND NON-FINANCIAL INTEREST REGISTER. Members must declare their interests, including financial, indirect financial, proximity and impartiality, as aligned with nature of interest (including memberships, affiliations, relationships, investments, responsibilities, gifts, sponsorships).

7b) Mandatory and binding CONFLICT DISCLOSURE. Members must declare their conflicts of interest for each proposal at each meeting and remove themselves from the room for both discussion and decision. As we all know, even if you don’t have a vote, if you can still participate in the discussion, you definitely have influence.

8 THIRD PARTY SPECIALIST MEMBER

8a) UBC is most concerned that there are no specialists in the pool with substantial knowledge and expertise in Western Australia’s unique natural biodiversity, it being the cornerstone of our State.

8b) UBC is also most concerned that there are no specialists in the pool with substantial knowledge and expertise in Western Australia’s Indigenous connection with and understanding of Country.

8c) UBC is also most concerned that there are not ‘public interest’ representatives on the DAPs.

9 SPECIAL MATTERS DAP – PROJECTS

9a) UBC does not support the DAP System. It has been demonstrated that it removes the public interest, by-passes full environmental assessment and does not have the natural environment as its foundation. Added to this, it does not position Climate Change as a significant consideration.

9b) The lack of access to Third Party Appeal Rights is also a flaw in the DAP system.

10 SPECIAL MATTERS DAP – PRECINCTS

10a) The value of our diminishing natural environment is again undermined by these precincts. Even a quick look at the now out-of-date canopy figures (see below) for Perth based Local Government Authorities (LGAs), 25 of the 29 LGAs (ie 85%) have less than 30% tree canopy – which includes both natural areas as well as man-made parks, home gardens, verges, major transport corridor median strips and light industrial area gardens.

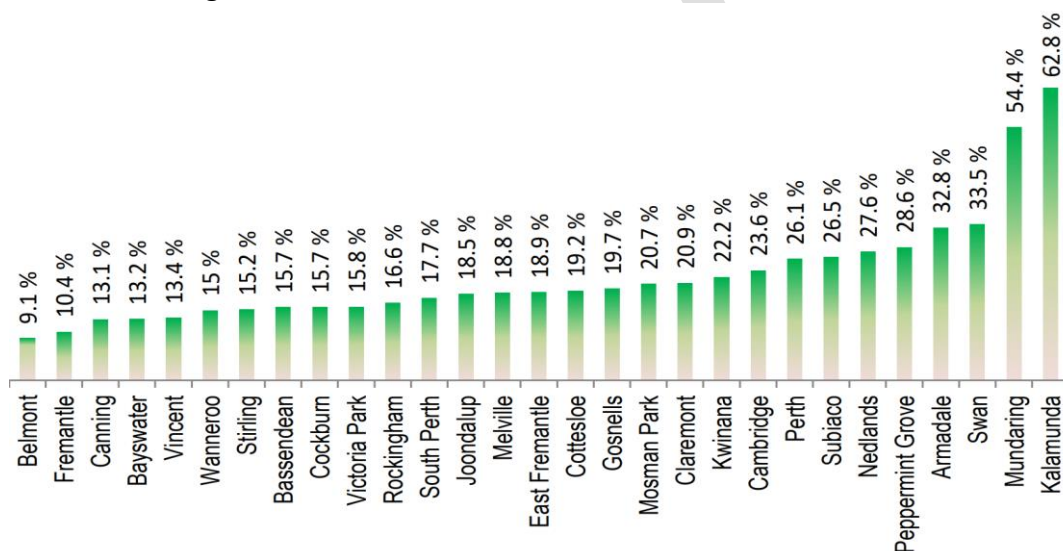


Figure 1: Canopy Cover Mapping data adapted from 'Where are all the trees? An analysis of tree canopy cover in urban Australia' (2020 Vision, 2014) showing the City of Belmont as 9.1%

10b) UBC is pleased that as the areas of state or regional significance will be “areas of importance to the State”, this means that ALL AREAS OF NATURAL VEGETATION will be included. Climate change and our understanding of the critical contribution of ‘environmental services’ are just two key reasons for such inclusions.

12 MEMBERSHIP

12.1) Presiding member, from a list of people nominated by the WAPC = NOT SUPPORTED.

12.4) Environmental officer, nominated by the Environmental Protection Authority = NOT SUPPORTED.

We recommend SENIOR ENVIRONMENTAL SCIENTIST nominated by the Environmental Institute of Australia & NZ.

12.5) Urban and Regional Planner, nominated by the Planning Institute of Australia = SUPPORTED.

12.6) Transport officer, nominated by the Department of Transport = NOT SUPPORTED.

We recommend EXPERIENCED INFRASTRUCTURE ENGINEER nominated by Engineers Australia (EA) <https://www.engineersaustralia.org.au/>, and in particular the sub-branch Sustainable Engineering Society (SENG) <https://www.engineersaustralia.org.au/Communities-And-Groups/Technical-Societies/Sustainable-Engineering-Society>.

12.7) A person with experience in property economics, commerce and industry, business management, financial management, engineering, surveying, valuation or transport = NOT SUPPORTED.

It is the proponent's responsibility to ensure their proposal is economic. However, what is missing is adequate consideration of our natural environment and the impacts of climate change. As such, UBC strongly recommends this 7th position is for an EXPERIENCED CLIMATE CHANGE SCIENTIST nominated by xxx

12.8) **We also recommend a PUBLIC INTEREST representative nominated by a peak environment NGO.**

13 ASSESSMENT, REFERRALS AND POST-DETERMINATION PROCESSES

13a) 120 days puts too much pressure on appropriate, considered assessment

13b) 60 days does not give Local Elected Councils adequate time to consult with their community, many of whom care for local bushlands, wetlands and coastal areas.

13c) 'Due Regard' is not adequate. The internationally accepted guidelines (https://iap2.org.au/wp-content/uploads/2020/01/2018_IAP2_Spectrum.pdf) have been developed by the International Association for Public Participation (IAP2) and the Local Elected Councils must at a minimum be 'collaborated' with ie *"The DAP promises we will look to you for advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible"*.

13d) Proposed "Following the determination of an application, local governments will be responsible for the clearance and compliance of conditions." = NOT SUPPORTED.

We support LGAs determining if the determination is compliant BUT it is the responsibility of the State Government MUST take responsibility and enforce compliance to DAP determinations.

14 COMMENCEMENT

14a) **Again, the UBC notes that we do not support the DAP system.**

15 TRANSITIONAL ARRANGEMENTS

15a) UBC strongly recommends that any REGULATIONS are NOT GAZETTED on the same day, but given a four (4) week 'breather' and consultation time, as it is too difficult and time consuming to retract gazettals.

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16 **FURTHER COMMENTS OR SUGGESTIONS**

16a) In 2022, the lack of reference and deliberative inclusion of CLIMATE CHANGE into the decision matrix is woeful. **Western Australia’s environment, climate, weather and people will be significantly impacted by climate change. It should have a high rating along with natural environment foundations in planning decisions.**

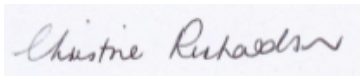
16b) Economics should not be presiding over good planning policies and strategies. Western Australia has some very good policies to guide sustainable development, these need to be applied and met.

16c) **THIRD PARTY APPEAL RIGHTS (TPARs) are still missing. UBC strongly recommends the introduction of TPARs, as such enabling local community conservation ‘friends groups’ to register their objection to determinations.**

16d) **A DONATIONS REGISTER must be introduced. Local Governments should not be able to accept donations from developers or consultants.**

We look forward to your consideration of our submission. We are of course available to further discuss these matters.

Yours faithfully



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