

Draft Native Vegetation Policy for Western Australia

WALGA submission

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About Us

The Western Australian Local Government Association (WALGA) is the peak industry body for Local Government in Western Australia. WALGA is an independent, membership-based organisation representing and supporting the work and interests of 139 Local Governments in Western Australia.

WALGA provides an essential voice for approximately 1,222 Elected Members and approximately 22,000 Local Government employees, as well as over 2.5 million constituents of Local Governments in Western Australia. WALGA also provides professional advice and services that provide financial benefits to the Local Governments and the communities they serve.

WALGA's governance structure is comprised of WALGA State Council, the decision-making representative body of all Member Councils, responsible for sector-wide policy making and strategic planning on behalf of Local Government, and Zones, (5 metropolitan and 12 country), groups of geographically aligned Member Councils responsible for direct elections of State Councillors, providing input into policy formulation and providing advice on various matters.

General Comment

WALGA welcomes the opportunity to comment on the Draft Native Vegetation Policy for Western Australia (the Draft Policy).

WALGA's submission is based on extensive consultation with the Local Government Sector, including feedback provided at an information session and workshop held on 7 September 2021 with the Department of Water and Environmental Regulation (DWER). This submission was endorsed by WALGA State Council on 28 October 2021 (Resolution 211.FM/2021).

This submission should also be considered in conjunction with WALGA's previous related submissions:

- WALGA's [submission](#) on the Native Vegetation Issues Paper, February 2020.
- WALGA's [submission](#) on proposed amendments to the Environmental Protection Act 1986, January 2020.
- WALGA's [submission](#) on the Environmental Offsets Framework Review Report, December 2019.
- WALGA's [submission](#) on the Cost Recovery for Clearing Permits and Water Licences and Permits Discussion Paper, November 2018.

Native Vegetation management is an important issue for the Local Government Sector. Local Governments, in their roles as landowners and managers and in undertaking infrastructure projects such as roads that require clearing approval, have significant interests in the management and protection of native vegetation and the effective, efficient and equitable operation of the regulatory system for the clearing of native vegetation.

In this context, WALGA welcomes the release of the Draft Native Vegetation Policy (Draft Policy) and supports the development of a contemporary, strategic, whole-of-government approach to native vegetation policy and management.

WALGA supports the stated purpose of the Draft Policy, including the intent to initiate a regionally tailored approach to setting objectives and priorities for native vegetation and the State Government's recognition of the need to achieve a nett gain in native vegetation extent.

WALGA acknowledges the complexity of native vegetation management. It is therefore essential that agencies work cohesively and collaboratively with Local Government and other key stakeholders in implementing the strategies outlined in the Draft Policy, particularly in the development of regionally tailored objectives and priorities. It is acknowledged that the Draft Policy recognises Local Government as an important stakeholder in delivering many of the identified priorities and opportunities for improvement.

Recommendation 1:

WALGA supports the proposed Native Vegetation Policy purpose, scope, policy statement and guiding principles subject to the recommendations below.

However, in its released form, the format of the Draft Policy is confusing and unnecessarily complex. For example, it uses terminology in an inconsistent manner, such as 'actions' and 'opportunities'. One of the categories of 'values' is titled 'opportunities and challenges'. The Roadmap then makes reference to Stage 1,2 and 3 'actions', but the table that follows refers to 'opportunity' and not 'action', although they are worded as actions. The Draft Policy attempts to set a hierarchy of purpose, scope, guiding principles, strategies, outcomes, goals, approaches, and priorities and opportunities (actions). Missing from this hierarchy are policy objectives against which the effectiveness of the Policy could be measured, although the Policy Statement has statements that appear to be objectives. This is a complex structure and it is unclear how the priorities and opportunities (actions) in the Roadmap relate directly to the higher order parts of the Draft Policy. Then the section designed to provide the context (pages 6 and 7) introduces terminology such as the 'national ecological sustainability goals' that are not explained or linked in other parts of the policy document.

Recommendation 2:

WALGA recommends that the structure and format of the Draft Policy be revised to reduce its complexity, use consistent terminology, include clear objectives and make it easier to see the links between the actions and the higher order elements of the policy.

Policy Objective

WALGA considers that addressing the decline in extent and condition of Western Australia's native vegetation should be better articulated as the key objective and outcome of the implementation of the State Native Vegetation Policy.

This imperative is included under 'Purpose' on page 4, where the Policy states:

The State Government recognises the need to:

- *prevent the extinction of threatened species;*
- *protect areas of high conservation value; and*
- *achieve a nett gain in native vegetation extent.*

While these three points appear to be policy objectives, this is not clear.

Further to this point, Western Australia is a signatory to the 2012 Council of Australian Governments' (COAG) *Australia's Native Vegetation Framework*. The Framework has 5 goals:

- *Goal 1 - Increase the national extent and connectivity of native vegetation*
- *Goal 2 - Maintain and improve the condition and function of native vegetation*
- *Goal 3 - Maximise the native vegetation benefits of ecosystem service markets*
- *Goal 4 - Build capacity to understand, value and manage native vegetation*
- *Goal 5 - Advance the engagement and inclusion of Indigenous peoples in management of native vegetation.*

The Framework's Goals 1 and 2 are clear outcome-based goals endorsed at the national level, and WALGA recommends that these or similar objectives to achieve the nett gain in extent, condition and connectivity be included as the State's Policy major objective. This would provide a clear management outcome for native vegetation management and decision making, and enable the effectiveness of the Policy to be determined.

Recommendation 3:

The Draft Policy should include as a primary objective to increase the nett extent, condition and connectivity of native vegetation in WA, consistent with the COAG national approach. This should be operationalised through the goals and approaches for each of the four State native vegetation policy strategies.

While WALGA supports the nett gain objective, it is also the case that some mechanisms that may be utilised to achieve this objective have the potential to impose unreasonable costs and delays on Local Government in the delivery of roads and other infrastructure projects that require the clearing of native vegetation. WALGA has argued strongly that Local Governments undertake these activities for public benefit, and that these benefits often extend beyond the local communities to surrounding regions and state-wide. Local Governments in the agricultural zone and on the Swan Coastal Plain where the loss of vegetation has become critical and ecological limits of clearing have been exceeded could be the most affected in this regard.

The achievement of a nett gain in cover, connectivity and condition should not be a constraint to Local Governments receiving approval to clear native vegetation for these activities. Instead, approval for these activities can provide an opportunity to facilitate nett gain by including offsetting revegetation projects as conditions of approval. However, these offsets should also be considered as part of the broader public benefit of these projects and should not impose additional burdens on Local

Governments. It is noted that the State Government has provided funding to Main Roads to develop offsets for its projects, and WALGA recommends that Local Government should also have access to these offsets' funds or a separate fund to support road work projects that deliver safety and productivity benefits to the whole community.

A key concern for Local Governments is that the current native vegetation clearing permitting process appears to apply differently to them compared with clearing allowed under the *Planning and Development Act 2005* and the *Mining Act 1978*. For the policy to gain widespread support, it is important that its implementation is, and is seen to be, applied fairly across all sectors and stakeholders.

Recommendation 4:

The achievement of the broad objective of nett gain should not place unreasonable constraints, costs and delays for activities undertaken by Local Government involving clearing of native vegetation. Local Government should have access to an offsets' fund for any clearing application that support key road work projects, especially in the agricultural zone and on the Swan Coastal Plain.

The Draft Policy proposes a regional approach to the management of native vegetation where region-specific targets for vegetation are set. In general, WALGA supports this approach and sees this as an opportunity to achieve the nett gain objective as well as improve the efficiency of decision making. A regionally-based strategic approach to decision making should be adopted where proposals for infrastructure that require clearing of native vegetation are assessed strategically rather than case by case, and strategic rather than *ad hoc* and opportunistic offsets should be applied that achieve optimal outcomes for conservation. This approach should also lead to more timely approvals.

Recommendation 5:

WALGA supports the regional approach to the management of vegetation provided it includes a strategic approach to approvals to clear native vegetation in support of key infrastructure proposal, including Local Government roadworks, and that supporting offsetting achieve optimal conservation outcomes.

Roadmap: Priorities and Opportunities

The Draft Policy states that to achieve the intended outcomes and to monitor progress against the proposed roadmap actions, a Steering Committee of State Directors General will be established, and that it will report annually on progress (page 13). However, it is noted that monitoring and reporting on *actions* is not the same as monitoring and reporting on *effectiveness*. WALGA considers that the terms of reference for this Steering Committee should also include monitoring and reporting on the Policy's effectiveness.

Further, Local Governments and other non-Government stakeholders have an important role to play in the Policy's implementation, and there needs to be clear, on-going communication between stakeholders, DWER and the Steering Committee.

While the Roadmap identifies timelines for commencement of implementation, it does not list any measures to allow assessment of effective progress. Many of the proposed opportunities/actions need to have specific timelines defined to allow effective monitoring of progress.

Recommendation 6:

The role of the Steering Committee of Directors General of State Government agencies should include measuring and reporting on the effectiveness of the Policy as well as progress on actions, including achievement of the State-wide native vegetation objective and regional targets.

Recommendation 7:

The Steering Committee should ensure that it has meaningful and adequate consultation with key stakeholders including Local Governments.

Opportunities 1.1 and 1.5: Prioritise areas for strategic collaboration across State Government including funding

Noting that opportunity 1.1 seeks to prioritise areas and matters for strategic collaboration across the State Government regulatory, land management, land use planning and funding responsibilities that will have implications for Local Government, WALGA believes that Local Government should be recognised as a stakeholder in this process. Local Governments have a key role in protecting and managing native vegetation at a local level, through management of local reserves and delivery of infrastructure projects and other services that often serve the broader community. Local Governments in the extensively cleared parts of the State manage lands with a high number of threatened ecological communities and threatened flora and fauna which can significantly affect the timing of delivery of their projects due to timeframes associated with environmental approvals. Therefore it is critical that funding for critical infrastructure projects take into consideration these extended timeframes and the costs of environmental assessments and offsets.

A number of Local Governments have adopted strategic approaches to biodiversity conservation through the development and implementation of local biodiversity strategies. The effectiveness of these local biodiversity strategies in increasing levels of biodiversity protection had been demonstrated and thus these strategies should be recognised and be given due regard in the consideration of a framework for strategic collaboration. As well, Local Governments work with the Planning agencies and developers to identify better conservation outcomes at local levels of planning and are well positioned to identify opportunities for avoidance such as moving assets from unmade road reserves to cleared lands.

Consequently, Local Governments should be included in strategic collaborations identified in the draft Policy as Opportunities 1.1 and 1.5 where relevant and where possible.

Recommendation 8:

WALGA supports the need for strategic collaborations between key Government agencies, and that Local Government is a key stakeholder in developing a framework for strategic collaboration and planning to protect native vegetation at a local level and should be included in these collaborations where appropriate.

A key concern for Local Governments is managing the sequence of approvals and funding to undertake a road improvement project given that many steps have timeframes that are outside of the Local Governments' control. Road funding programs do not adequately consider the time required to obtain environmental approvals which can lead to projects being unable to proceed. In summary, the timeframes for funding and approvals need to be better coordinated.

Recommendation 9:

The Policy should be strengthened to ensure that a whole of government approach is adopted to road projects so that timeframes for funding and gaining approvals are coordinated to recognise the requirements of each other's process.

Opportunity 1.2, 1.3, 1.4. and 1.6 - Regional approach

As noted above, in general, WALGA supports the development of a regional approach to managing native vegetation. The draft policy identifies two regions as the highest priority for the adoption of a regional approach - the intensive agricultural zone and the Swan Coastal Plain - where the loss of vegetation has become critical and ecological limits of clearing have been exceeded. The draft policy sets only one regional target and that is a "net improvement in condition and extent of native vegetation..." across the intensive land use zone.

Whilst WALGA supports this target from an environmental perspective, as noted above, it needs to be recognised that there is the potential for this target to place a significant and unreasonable impost on the Local Governments in that zone, in relation to obtaining environmental approvals to clear native vegetation for important road improvement works.

WALGA also reiterates its position that it is critical that Local Governments are included in the regional planning process where regionally tailored objectives, priorities and subsequent actions are developed. While the intent of the Draft Policy is that these objectives are to be delivered through relevant State Government functions, the feasibility or the effectiveness of these strategies must be informed by Local Governments experience, the understanding of their regions and the recognition that Local Government will require support with implementation of the regional objectives, including the management of protected or retained vegetation and the delivery of strategic offsets.

WALGA recognises that addressing native vegetation management on the Swan Coastal Plain has a range of unique issues, notably, it is where most of WA's population growth will continue to be focused, and the tensions between land use planning priorities and the regulation and management of native vegetation are significant. The involvement of Local Governments in developing a regional approach to native vegetation in this region will be essential.

Recommendation 10:

The Local Government sector should be meaningfully engaged in the development of the regionally tailored objectives, priorities and actions and supported in delivering outcomes at the local level via appropriate mechanisms.

Opportunity 1.7: The proposed roadside vegetation advisory group under s25 of the EP Act

WALGA supports in-principle the establishment of a roadside vegetation advisory group. However further information on the proposed membership, roles and responsibilities of this group is required.

It is noted that Roadside Conservation Committee (RCC), of which WALGA was a member and had a similar purpose to the proposed advisory group, was disbanded by Department of Biodiversity Conservation and Attractions (DBCA) in 2019.

DWER and WALGA convened the Local Government Roadside Clearing Regulation Working Group in 2019. This group comprises representatives from regional and metropolitan Local Governments, WALGA, DWER, and DBCA.

The purpose of this working group is to:

- provide recommendations for technical advice and guidance for LGAs to be developed and published by the State Government;
- provide strategic leadership in the development and implementation of roadside clearing guidelines and policy within the requirements of the *Environmental Protection Act*;
- participate in the ongoing problem solving related to roadside clearing regulation, including strategic approaches to roadside clearing permits and offsets;
- provide technical guidance on amendments to clearing provisions under the EP Act and service delivery to LGAs; and
- engage with specialists and other relevant stakeholders to keep up to date with roadside clearing issues.

Recommendation 11:

WALGA supports in-principle the establishment of a roadside vegetation advisory group. However further information on the proposed membership, roles and responsibilities of this group is required.

Opportunity 2.4: Digital systems

The creation of a single digital platform is strongly supported as it would offer standardised, consistent and transparent information covering all environmental and water regulation approval processes and would likely improve efficiency for proponents, improve transparency of decision making and allow for timely reporting on agency performance. Therefore engagement of Local Government in the development of a single, publicly accessible digital system for environmental data is strongly supported as a priority action for implementation.

While the use of more advanced mapping technology to monitor native vegetation change is supported, it is critical that any mapping products are made available in a format that is easily accessible to Local Government, whether to be used via their internal mapping systems or for viewing via on-line platforms. Access to up-to-date vegetation extent mapping and other biological data will assist transparent consideration of environmental matters at all levels and with monitoring compliance with development conditions set under local planning scheme provisions.

Recommendation 12:

Local Government should have on-going involvement in the development of the single digital platform, including scoping of the system specifications and piloting of prototypes, to ensure the products are in formats accessible to Local Government, recognising the varied capacity of Local Government to utilise this data.

Recommendation 13:

Local Government should be provided access to all available environmental data, removing current barriers to access while recognising the varied capacity of Local Government to utilise this data.

Opportunity 4.2: Environmental offsets

Opportunity 4.2(a) refers to improving the Environmental Offsets Framework in line with the recommendations of the WA Environmental Offsets Framework Review. WALGA understands that this review found significant issues with the effectiveness of the State's offsets delivery. The review report should be publicly released.

WALGA supports Opportunity 4.2(b) to undertake a broad strategic evaluation of environmental offsets to enable flexibility and clarity; encourage rehabilitation and revegetation; and deliver local outcomes while contributing to strategic regional priorities. Local outcomes are of particular relevance to Local Governments in the metropolitan area.

Key stakeholders, including Local Government should be consulted as part of this evaluation and consideration of changes to the Framework.

Recommendation 14:

WALGA supports a broad strategic evaluation of environmental offsets. This should be informed by the WA Environmental Offsets Framework Review, which should be made publicly available. Local Government should be consulted as part of the evaluation and consideration of changes to the Framework.

Opportunity 4.5: Leverage WA's iconic vegetation to create regional jobs in tourism and conservation

A significant amount of native vegetation is in Local Government managed reserves, many of which are vested for conservation. One of the gaps in the Draft Policy is the lack of support for the management of native vegetation that is already protected, including funding to employ staff with adequate expertise and to deliver on-ground management such as weed, feral animal and disease control. Funding to support Local Governments to employ staff with environmental expertise, will not only boost regional employment but also significantly contribute to improved vegetation condition across the State.

Recommendation 15:

Local Government should be consulted on the development of an appropriate funding model to create regional employment in tourism and conservation including additional resources for Local Government to employ staff to better manage its reserves.

Opportunity 4.6: Develop and implement a Wildflower Friendliness Rating Scheme

Several Local Governments have raised concerns about the existing Wildflower Friendliness Rating Scheme launched by the Minister for Tourism in 2019. Key concerns included the focus of the current Scheme on roadsides without adequate considerations of road safety issues, feasibility of some criteria, low recognition of Local Government managed nature reserves as wildflower destinations and the lack of consultation on the methodology used to 'rate' Local Governments. As a result, response to the invitations to participate in the scheme have been very low; with only six Local Governments responding in 2019 and only four responding in 2020.

WALGA is currently working with the office of the Minister for Tourism to improve the Scheme.

Recommendation 16:

WALGA recommends, the proposed Wildflower Friendliness Rating Scheme be reviewed in partnership with Local Government.

Opportunity 4.7: Build on existing strategies to protect and enhance urban forest:

Local Governments have long identified the importance of green infrastructure and trees in particular in creating a liveable urban environment. Most recently, in its [Immediate Spending Priorities for the State Government](#) advocacy platform WALGA has proposed that the State Government address declining urban tree canopy by investing in a comprehensive Urban Greening Program for metropolitan and regional urban centres.

WALGA considers that broader involvement from government agencies, including DWER, Water Corporation as well as Department of Planning, Land and Heritage and Local Government is required to progress this opportunity .

Recommendation 17:

WALGA supports further work to build on strategies to protect and enhance urban forest. WALGA recommends the State Government develop a comprehensive, whole-of-government approach to urban greening for metropolitan and regional urban centres and that grant funding be provided to Local Governments to support and accelerate the implementation of urban forest plans.