

FACT SHEET 3

Considering climate change:

Current Policy that guides Decision Makers in the Peel Region (2011/2012)

As part of the Phase 2 review of the capacity of Peel Region Local Governments to consider Climate Change Adaptation which led to the development of the *Peel Region Local Government Report Cards* and included the *2011 Review of Peel Region Current Capacity for Strategic Development and Policy Implementation for Local Government*, a list of the current policy and guiding government frameworks for Local Government was established. These are listed below:

International Treaties and Agreements

- *United Nations Convention on Biological Diversity*. Conservation and sustainable use of biological resources.
- *Ramsar Convention*. Recognition of wetlands of international importance. Signatories agree to maintain ecological values of listed wetlands.

Federal Legislation

- *Environmental Protection and Biodiversity Conservation Act 1999*. Pertains to the assessment of actions significantly impacting on matters of national environmental significance (MNES).
- *Commonwealth Water Act 2007* and *Water Amendment Act 2008*. Largely focused on Murray-Darling basin.
- *National Local Government Biodiversity Strategy 1998* (NB: policy document).

State Legislation and Policies

- *Wildlife Conservation Act 1950*. Protection of native species.
- *Environmental Protection Act 1986* (EP Act). Pertains to the need for environmental impact assessment for development proposals that are likely to have significant impacts. The Act also gives the State powers to develop environmental protection policies. i.e. Peel-Harvey Wetland EPP; also note *State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment*.
- *Clearing of Native Vegetation Regulations 2004*. Sits under the EP Act and regulates the clearing of native vegetation.
- *Planning and Development Act 2005*.
- *State Emergency Management Policy no. 2.5*.
- *Conservation and Land Management Act 1984*. Provides for the use, protection and management of public land and water and for the biodiversity upon it.
- *Agriculture and Related Resources Act 1976*. Allows local governments to control declared pest species on and in relation to land under its control.
- *Local Government Act 1995*.
 - Section 1.3 (3) In carrying out its functions, a Local Government is to use its best endeavors to meet the needs of current and future generations through integration of environmental protection, social advancement and economic prosperity.

State Planning Policy 2.1 Peel-Harvey Coastal Plain Catchment (SPP 2.1)

The Peel-Harvey coastal plain catchment policy ensures that land use changes within the Peel-Harvey estuarine system likely to cause environmental damage to the estuary are brought under planning control and prevented.

The objectives of this policy are to:

- Improve the social, economic, ecological, aesthetic, and recreational potential of the Peel-Harvey coastal plain catchment.

SPP 2.1 (cont.)

- Ensure that changes to land use within the catchment to the Peel-Harvey estuarine system are controlled so as to avoid and minimise environmental damage.
- Balance environmental protection with the economic viability of the primary sector.
- Increase high water-using vegetation cover within the Peel-Harvey coastal plain catchment.
- Reflect the environmental objectives in the draft *Environmental Protection Policy (Peel-Harvey Estuarine System) 1992*.
- Prevent land uses likely to result in excessive nutrient export into the drainage system.

State Planning Policy 2.6 (SPP 2.6)

The Western Australian Planning Commission is the determining authority for subdivision applications under the *Planning and Development Act 2005*. Applications are referred to Council for comment pursuant to Section 142 of the Act.

Local Government

Local governments in the Peel region have a number of policies that touch on biodiversity conservation including:

- Reserve management plans;
- Local biodiversity strategies;
- Local Action Plans;
- Ramsar Management Plans;
- WQIP;
- Environmental assessment policies;
- Weed and pest management policies; and
- Local planning policies.

Local government's responsibilities for emergency management are either directly issued via State legislation, or indirectly devolved by the Fire and Emergency Services Authority of Western Australia (FESA).

At the state level, Fire and Emergency Services Australia (FESA) coordinates emergency services. Their role includes response, preparedness and recovery at the regional scale. FESA was established under the *Fire and Emergency Services of Western Australia Act 1998* and is responsible for administering several Acts, including:

- *Fire and Emergency Services Authority of Western Australia Act 1998*;
- *Fire Brigades Act 1942*;
- *Bush Fires Act 1954*;
- *Emergency Services Levy Act 2002*; and
- *Emergency Management Act 2005*.

Other Relevant Policies and Documents

- *Town Planning Regulations 1967*;
- *Town Planning Scheme No. 2*; and
- *Public Works Act 1902*.

Fact Sheet 3 should be read in conjunction with Fact Sheet 4 'Review of policy and initiatives'.