

Enquiries: Andrew Del Marco
Our Ref: 006_20200210
File No.: CM_CS_100_Submissions_A-F



10 February 2020

Mr Mike Rowe
Director General
Department of Water and Environmental Regulation
Locked Bag 10 Joondalup DC, WA, 6919

Via email: nvs@dwer.wa.gov.au

Dear Mr Rowe

Submission on Native Vegetation in Western Australia Issues Paper

The Peel-Harvey Catchment Council (PHCC) welcomes the opportunity to provide comment on this important initiative. The protection and management of native vegetation is a key objective of natural resource management and the achievement of the Goals of our Regional NRM strategy, Binjareb Boodja Landscapes 2025.

PHCC is looking to this State Government initiative to vastly improve and increase the protection of native vegetation state-wide, and in particular the areas of the state which are being subjected to growth and development.

The Peel-Harvey Catchment supports vegetation within three (3) bioregions, and the biodiversity in each of these areas is under threat:

- On the Swan Coastal Plain, continued clearing for urbanisation, mining and quarrying and infrastructure provision are having a significant and continuing impact
- In the northern jarrah forest, clearing for bauxite mining and logging are among a raft of land uses and threatening processes that are changing the structure, health and composition of forest ecosystems. There is little publicly available knowledge about the condition and trends of this bioregion within the Peel-Harvey Catchment, and
- In the Wheatbelt bioregion, feral animals, reduced rainfall, salinity and loss of small remnant patches and paddock trees are the greatest concerns.

Across all landscapes, native vegetation is changing due to the impacts of reduced rainfall, hotter average and extreme temperatures, and increased burning.

In the above context, many landholders, community groups, industry and government partners are working to protect, revegetate and restore native vegetation within areas under their control. In the Peel-Harvey Catchment, this work is undermined by the extent of clearing and decline in vegetation condition due to poorly planned and implemented growth and development.

58 Sutton Street, Mandurah
Western Australia 6210
T: +61 8 6369 8800

www.peel-harvey.org.au

*We acknowledge the Noongar people as Traditional Custodians
of this land and pay our respects to all Elders past and present*

Comments on the four proposed components of a Native Vegetation Strategy

1. A State Native vegetation Policy

- a. PHCC is supportive in-principle of a state-wide policy for native vegetation.
- b. The Policy must have quantifiable targets for protection of native vegetation so that the effectiveness of the policy can be evaluated and reported to the public at regular intervals, and encourage policy improvements.
- c. Alternatively, a policy whose implementation is not measurable and able to be quantifiably reported is not supported.
- d. A bioregional approach to the policy is supported, subject to it being able to be measured and evaluated.
- e. The policy must include a strict presumption against clearing all vegetation types that are threatened ecological communities, vegetation types with less than 10% remaining, habitat for threatened species, or associated with significant wetlands and waterways.
- f. PHCC strongly agrees that the policy must apply the same objectives consistently across all of the Government's decision-making that affects native vegetation (Issues Paper, page 11).
- g. PHCC is not supportive of a policy that "... strikes a balance between environmental, economic, social and cultural outcomes to Western Australians" (page 12). This has been an underlying flaw in the current informal policy environment, and assumes that environmental and social values are adequately recognised and costed in the public and commercial realms.
- h. The policy must promote the consistent definition of native vegetation:
 - i. Retention – general protection under common law and statute
 - ii. Protection – formal protection applying to a specific area of native vegetation (e.g. national park; strict conservation zone; conservation covenant).
- i. The objectives of the policy should be:
 - i. The maintenance or increase of vegetation cover statewide and for each bioregion
 - ii. The conservation of biodiversity, this includes no loss of threatened ecological communities and habitat for threatened species
 - iii. The increase of carbon storage across the state and in each bioregion
 - iv. The recognition of private efforts to protect native vegetation, on an equal basis to protection of native vegetation on public lands (i.e. provide financial and non-financial recognition to private land conservation).
- j. The policy needs to reform the State Government's treatment of native vegetation in State Forests. The Regional Forest Agreement should have been reviewed before any consideration of renewal in 2019 by the State Government. Timber harvesting should be subject to the same laws as any other type of native vegetation clearing. This proactive approach should be included in the Policy.

2. Better information

- a. PHCC strongly supports the proposal outlined in the Issues Paper to establish system(s) to map, measure, monitor the presence, loss and absence of native vegetation and revegetation. As outlined on Page 15, we support Government establishing a system(s) which includes the following by 2022:

- Updated vegetation extent mapping and condition monitoring, leveraging new remote sensing techniques and technologies with appropriate ground-truthing, that is regularly updated (annually)
 - an online, publicly available mapping system for regulatory and observational data to enable government, industry and community to access the same information
 - Maintenance and expansion of initiatives like the Index of Biodiversity Surveys for Assessments, to make best use of existing data.
- b. The system should also designate areas covered by carbon agreements, conservation covenants, biodiversity offsets and other legally binding agreements that indicate areas of native vegetation that are protected, and not only retained.

3. Better regulation

- a. The PHCC's expectation is that *Better Regulation* will mean significantly less clearing than present. The desired outcome presented in the Issues Paper (Page 19) that 'Clear objectives and consistent standards are applied across all regulatory processes', is not sufficient and is not supported by PHCC unless it results in a clear standard of native vegetation protection.
- b. The State Government's strategy for *Better Regulation* needs to be titled *More Effective Regulation*, and needs to be measured against the targets included in the proposed Policy. Better or more effective regulation should mean a presumption against clearing of threatened ecological communities, vegetation types with less than 10% remaining, habitat for threatened species, or associated with significant wetlands and waterways. The setting of offsets should make it uneconomic to clear these rare and significant areas of native vegetation
- c. As a community based non-government organisation, PHCC often lodges submissions to proposals for clearing. The following would lead to better or more effective regulation:
- i. The State Government/DWER should provide clear guidance on how the Clearing Principles apply in different bioregions, including sensitive coastal catchments such as the Peel-Harvey, This may provide greater certainty and clarity of process for landholders and other stakeholders.
 - ii. The regulatory and compliance system needs to closely monitor sites where Clearing Permit applications have been repeatedly lodged and refused. PHCC is concerned that in high pressure land use environments, such as the Swan Coastal Plain, some landholders are intentionally mismanaging their native vegetation so as to degrade vegetation condition, and make it easier to be granted a Clearing Permit.
 - iii. Further limitations on the use of environmental offsets, and ramping up of the value of native vegetation to make offsets equivalent to the real cost of native vegetation loss. PHCC is generally opposed to the use of offsets, given that there is extensive research showing that offsets are not achieving what they are set out to deliver.
- d. The number of exemptions under the Clearing Regulations needs to be reduced. The 5 hectare exemption needs to be revoked. In the Peel-Harvey coastal catchment, the 5 ha exemption undermines other government and private restoration initiatives in the catchment and sends the wrong message to the community, including developers.

4. Bioregional approach

- a) A bioregional approach underpinning the proposed Native Vegetation Policy and Strategy is supported in-principle, subject to the approach being adequately funded. Such an approach will need to be supported by extensive data, expertise and research.

5. An important fifth component of the proposed Strategy: Private land conservation incentives

It is critical that a fifth (additional) component of the Native Vegetation Strategy be incentives for private land conservation (page 28). This needs to be given greater recognition and resourcing in the Strategy. Regulation will assist to prevent clearing and active degradation of native vegetation; but it will not prevent the ongoing 'death by a thousand cuts' that degrades most of the state's vegetation over time and across landscapes.

Private and pastoral land conservation incentives need to be designed under key incentive principles laid out in the proposed Policy. The principles should be designed as part of future consultation on the development of the Policy, but may include such considerations as:

- 1) Incentives are provided for landholder efforts over and above 'standard management norms', and generally encompass active management measures (not just retention of vegetation).
- 2) The Policy will need to outline what are considered 'standard management norms', as they may apply to different bioregions.
- 3) Financial incentives must be accompanied by some form of formal protection over the area of native vegetation in return for the granting of the incentive. This should take the form of in-perpetuity or fixed term protection, commensurate with the value of the incentive. (e.g., binding contract or covenant, etc.).
- 4) Incentives should be commensurate with the value of the native vegetation under protection and active management, the management effort, and the length of protection.
- 5) Incentives need to include financial and non-financial incentives. Financial incentives could be integrated into state taxation policies where possible.

In closing, I would like to strongly encourage the State Government to return adequate funding to the Land for Wildlife program (DBCA). This program is a foundational private land conservation incentives program that has over 2000 landholder members state-wide, many who manage habitat of threatened species and ecological communities. The State Government cut funding to this program a number of years ago and it is now struggling to deliver a basic standard of service to members. The NRM community, including PHCC, are strongly supportive of the program and are assisting in its delivery where possible.

We hope these comments are constructive and look forward to reviewing the proposed Native Vegetation Policy in the near future. Should you have any queries in regard to this submission, please contact Andrew Del Marco on andrew.delmarco@peel-harvey.org.au.

Yours sincerely



Andrew Del Marco
Program Manager, Land Conservation