



Environmental Protection Authority

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Dear Mr Dufty

Thank you for the opportunity to provide a submission on the Urban Greening Strategy.

The Environmental Protection Authority (EPA) is an independent statutory Authority established under the *Environmental Protection Act 1986* (EP Act) that has a statutory objective to protect the environment. The EPA provides advice and recommendations on the implementation of significant proposals, and scheme and scheme amendments to the Western Australian (WA) Minister for Environment. The EPA provides this submission in accordance with its functions under section 16 of the EP Act and consistent with the outcomes sought in the Native Vegetation Policy for WA.

Perth has the least amount of tree canopy of all Australia's capital cities, and it continues to decline. The EPA is concerned that there is ongoing loss of WA's unique biodiversity and is supportive of a whole-of-government Urban Greening Strategy to address ongoing biodiversity loss for the Perth and Peel regions.

The EPA recognises the housing shortages in the Perth and Peel regions, which significantly affect the cost of living and livelihoods of people and communities. Efficient land planning and approvals are crucial to address this issue and unlock much-needed housing supply. Planning to meet demand for housing can be done in a way which considers and even improves the region's environmental values. To achieve this, land use planning during the district structure planning stage should avoid impacting biodiversity values and should prioritise retaining native vegetation, wetlands, and waterways.

The EPA are committed to implementing relevant recommendations from the Vogel-McFerran review to achieve gains in assessment efficiency, environmental protection and co-operation and collaboration between agencies. This submission outlines opportunities for policy alignment, improved land planning and regulatory processes relevant to the environment, streamlining of assessments, and improved supply of environmental (biodiversity) offsets, including advanced offsets.

Policy alignment to improve planning and environmental outcomes

Through prioritising green space, the Urban Greening Strategy provides the potential to achieve multiple policy objectives. The EPA recommends that the Department of Planning, Lands and Heritage take into account other agency policies that relate to

native vegetation to seek aligned policy objectives and a coordinated approach across government.

Areas of conservation value, including wetlands and bush forever areas, are routinely established as Public Open Space (POS). To inform subsequent planning and management of areas that are retained for conservation, the EPA ask the Western Australian Planning Commission (WAPC) to consider policy updates so that the purpose of POS is clearly distinguished in Local Planning Schemes. Distinguishing POS that has a recreational purpose (e.g. sporting facilities) from those areas which primarily provide a conservation purpose (e.g. parks comprised of remnant bushland and/or wetlands), and those which provide both (e.g. parks which have some remaining overstorey native vegetation and/or wetlands but also include grasses areas or playgrounds) can deliver better opportunities to align planning and environmental outcomes wherever possible.

Cumulative impacts of removal of native vegetation and decline in biodiversity

Decisions regarding native vegetation clearing and their impact on biodiversity in the region involve multiple agencies and processes. This disconnected and fragmented approach limits any single agency's ability to fully understand the cumulative effects of individual decisions. As a result, ongoing decisions affect the region's biodiversity without a view of their combined impact or clear priorities to deliver environmental outcomes.

The EPA recognises that improved environmental outcomes are often achieved at the strategic level rather than through considering the impacts of individual assessments of proposals or schemes.

Options to address environmental values early in the WA planning framework

It is the EPA's view that upfront consideration of environmental values at the district structure planning or similar stages can lead to more efficient planning approvals at subsequent stages in the WA planning framework. When this occurs through the WAPC, this would allow better avoidance of impacts, reducing cumulative loss by prioritising development in areas with less environmental value as well as early identification of those areas which contain high biodiversity value and therefore should be retained in progressive planning decisions.

The EPA welcome improved interaction with the WAPC that allows the EPA to provide environmental advice on District Structure plans and recommends District Structure plans are prepared prior to rezoning occurring through an amendment to the Perth Metropolitan or Peel region schemes. The EPA would welcome the opportunity to work with the WAPC to provide information on what is likely to be significant in key areas of the Perth and Peel regions to provide some upfront certainty, either as part of the Urban Greening Strategy or as part of other work that the EPA and WAPC do together.

This can lead to more certainty of the outcome of environmental approvals, reduce requests for information through referral under the EP Act and reduce the time the

EPA takes to decide on proposals and scheme amendments. This approach also provides the opportunity to move towards more co-ordinated cross government decisions on environmental and land use planning.

The EPA also recommend that land planning frameworks prioritise future urban development on cleared land, rather than naturally vegetated areas. Consideration needs to be given to the highest and best use of available land, including that for naturally vegetated areas, maintaining biodiversity, ecological integrity and ecosystem services can be the highest priority.

The above approach could also increase timeliness of assessment and approvals, and some of the challenges that long timeframes present to achievement of environmental protection. For example, the EPA has a key role in land use planning and development through its responsibility to consider the environmental impact of planning schemes and amendments under Part IV of the EP Act. Often the environmental values of the scheme or amendment area have not been identified to an extent that the EPA can provide accurate advice on the environmental impact that may result when development occurs at a subdivision scale. Additionally, some scheme amendments are made years or decades before planning decisions take effect. This can result in biodiversity values being rarer at the time of on-ground impacts than when advice was provided.

Protecting and retaining naturally vegetated areas through local planning

Many cities across the country are reporting loss of native vegetation on private property at a rate that exceeds the planting of vegetation on public lands – resulting in a net loss in urban vegetation over time. In addition, many threats to naturally vegetated areas occur independently of tenure, for example the effects of reduced rainfall, increased temperature and increased natural disasters. Protection of WA's unique biodiversity is therefore even more important as Perth and Peel progresses development of a connected city to meet its infill target of 47 per cent in the Perth and Peel @ 3.5 million sub-regional frameworks.

The EPA maintain that avoiding impacts on, retaining and improving natural areas are the best options to protect existing biodiversity. Improved planning and regulatory frameworks that minimise clearing of existing vegetation are required to support vegetation retention on private land, including new subdivisions and developments. While privately owned lands are not the focus of the Urban Greening Strategy, spatial land use planning instruments such as local structure plans, subdivisions and development approvals could identify native vegetation as retention areas.

The *EPA Guidance for Planning and Development: Protection of naturally vegetated areas in urban and peri-urban areas* (2021) is an example of an existing policy that aligns well with the concepts proposed for an Urban Greening Strategy for Perth and Peel. The advice related to avoiding (section 9.1) and minimising impact (section 9.2) to naturally vegetated areas can be translated to useful ways of planning where urban greening should be undertaken to have maximum benefit to the environment. Section 9.3 refers to rehabilitation of naturally vegetated areas, but the advice equally applies

to urban greening. It describes the desire for any planting to be designed to restore ecological function, maximise ecosystem services and to enlarge or connect existing naturally vegetated areas.

Additionally, the WAPC could consider amending regulations and policies to maximise tree retention in new developments and ensure the provision of adequate land space for planting on verges.

Planning to avoid impacts to threatened biodiversity

The EPA notes that in recent appeal determinations (Appeal Nos. 017 of 2022, 021 of 2022 and 008 of 2023) the Office of the Appeals Convenor (OAC) established that all remaining foraging habitat on the Swan Coastal Plain, regardless of quality, is critical habitat for black cockatoos. Two of the three above-referenced OAC determinations resulted in amendment to the recommended conditions to provide for increased protection or offsets to counterbalance impacts to black cockatoos. Proponents should plan to avoid impacts to the remaining foraging habitat that supports black cockatoos on the Swan Coastal Plain, to both ensure a self-sustaining population of black cockatoos on the Swan Coastal Plain, and to assist with efficient and effective regulatory approvals for subdivisions and developments.

The EPA considers that restoration is needed to address cumulative impacts on biodiversity, particularly considering future development proposed in the Perth and Peel regions, current biodiversity losses, and the Nature Positive reforms proposed by the Commonwealth Government. Restoration can increase areas of habitat, enhance wetland function and increase ecosystem resilience. An example is the Rehabilitating Roe 8 program which aims to support local biodiversity and improve ecological connectivity across lands previously cleared for the future highway.

Examples of successful rehabilitation have been achieved, though restoration of some high biodiversity ecosystems in the Perth and Peel region (e.g. threatened banksia woodlands) remains challenging. The likely difficulty in restoring high biodiversity banksia woodlands provides further weight to the importance of retaining existing natural areas, and planning to avoid impacts to areas of high environmental value.

However, even for this research projects and trials undertaken by Hanson, in partnership with Botanic Gardens and Parks Authority to restore banksia woodlands on the Swan Coastal Plain have demonstrated that rehabilitation is possible with time, cost and effort. This requires planning for restoration – which the EPA considers provides significant opportunities aligned with the Urban Greening Strategy.

Opportunities for restoration of naturally vegetated areas through planning

The opportunity to achieve regional environmental outcomes through restoration is also best considered at the strategic level where the potential locations and ecosystem types to improve degraded ecosystems or cleared land, ecological connectivity and resilience can be identified.

The Urban Greening Strategy can promote better cross-boundary coordination for restoration that is undertaken for a wide range of reasons, for example through grants,

future nature repair market projects, environmental (biodiversity) offsets, carbon offsets and threatened species recovery programs. Direct consideration of opportunities for restoration in the planning system, including those areas where this would be the highest and best use of land, would have the benefit ensuring that developments can be planned in a way which enhances urban greening.

The EPA recommend a whole of government approach to identifying land for a broad range of conservation protection and restoration actions, including the potential for future restoration offsets, market led proposals and advanced offsets.

Improve the supply of environmental offsets for regulatory purposes

Environmental offsets are used under the EP Act to counterbalance the significant residual impacts of development on biodiversity. Offset types include land acquisition to increase protection, on-ground actions to restore biodiversity, research or a combination of these.

The EPA released its public advice *Considering environmental offsets at a regional scale* in March 2024. This advice was released to identify the importance of upfront and strategic consideration of offsets and highlight alternative approaches, including consideration of landscape needs, restoration opportunities and recovery planning. The advice promotes the role of restoration offsets in achieving a nature positive outcome and aligns with the aim of the Perth and Peel Urban Greening Strategy to enhance tree canopy and green spaces across the Perth and Peel regions, and the co-benefits delivered for social surroundings. Where offsets are used under the EP Act, the advice seeks to prioritise restoration, in addition to protection, to address the cumulative effect of past impacts and achieve nature positive outcomes. This advice highlights the importance of considering the impact of individual projects at a regional scale, the role in environmental offsets in contributing to environmental protection and the opportunity for ecological restoration that enhances ecosystem resilience and connectivity across the landscape.

Decisions on the use of offsets under the EP Act must consider both the likely residual significant impact and the adequacy of a proposed offset in counterbalancing that impact. In most cases, structure plans and scheme amendments done under the *Planning and Development Act 2005* have not required offsets where they are not assessed under the EP Act. If the potential need for environmental offsets has not been considered until late in the planning process (i.e. after land zoning has already been determined), the opportunities to avoid impacts and procure suitable offsets can be limited. Proponents have reported increasing difficulty in sourcing offsets to meet regulatory offset requirements, and without consideration in future land use planning, will likely become far more limited in future. These issues can be addressed through improving avoidance such that offsets are not required (reduce demand) and increasing supply through identifying land which is suitable for offsets, including for advanced offsets which can provide restoration benefits.

Offset calculators can be used to calculate the likely offset required and this can be considered as a retention issue in structure planning, and then implemented in

subdivision and development approval decisions by avoiding the offset area on site, or identifying and securing off site offsets.

This approach also opens the possibility of implementing advanced restoration offsets which can be accounted for in subsequent approvals.

The EPA supports development of options for advanced restoration offsets to be in place ahead of impacts and recommends the development of whole of government guidance, information, and maps to provide clarity and certainty for proponents seeking to progress with advanced offsets.

A holistic approach to urban greening

The EPA supports a holistic approach to urban greening that aims to retain existing native vegetation, restore degraded ecosystems, and enhance connectivity between natural areas.

In its assessments and advice, the EPA considers the connections and interactions between environmental factors and environmental values to inform a holistic view of impacts to the whole environment. This includes impacts to social surroundings. In urban areas, clearing of vegetation not only impacts natural ecosystems, but has a multiplier effect on people, communities, culture and the economy. Tree canopy loss has impacts to people's health and wellbeing, social equality and amenity of public areas. It also enhances the urban heat island effect, where the ambient temperature of many urban areas in the Perth and Peel regions is significantly higher than surrounding rural or natural areas.

Conversely, the benefits of urban biodiversity are well established. Urban greening can have an economic benefit on property values, employment, energy efficiency, disaster mitigation and reduced healthcare costs. Restoring natural areas across the urban landscape, in public open space, on verges and drainage areas and across lands managed for multiple purposes can support urban biodiversity and improve ecosystems services including mitigating urban heat, air and water pollution and flooding, enhance climate resilience of communities and deliver improved health and wellbeing outcomes.

In addition to vegetation clearing, threatening processes including changing climatic conditions, reduced rainfall, decreased groundwater availability and pests and diseases all contribute to reduced tree canopy cover in the urban landscape.

These environmental threats call for innovative approaches to urban greening, underpinned by science and good planning. In the EPA's view, emphasis should be placed on the protection of existing urban tree canopy, conservation of biodiversity and retention of existing trees on private and public property through the government's planning frameworks and policies.

There are good examples of restoration projects where holistic benefits have been delivered through restoration of inland waters that provide a corridor for flora and

fauna, maintain and enhance community and cultural heritage values, and improve ecosystem resilience.

Reduce duplication in assessment and approvals

The EPA acknowledge there are significant movements in Commonwealth legislative frameworks, some future directions are clear, for example movement to nature positive outcomes, intention to introduce national environmental standards, a focus on restoration as a measure to enhance biodiversity, ecological integrity and establish a nature repair market.

To reduce duplication in assessment and approvals, policies to enhance greening in the urban landscape, should consider opportunities for alignment across agencies and with the Commonwealth, where possible.

Conclusion

The EPA recommend that the Urban Greening Strategy promotes avoiding impacts to biodiversity and retaining native vegetation at the district structure planning stage so that subsequent environmental and land planning approvals are more certain and efficient, and deliver better outcomes for the environment. It also recommends restoration, offsets and advanced offsets as measures to enhance tree canopy and green spaces across the Perth and Peel regions.

Yours sincerely



Lee McIntosh
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