



25 July 2018

SAPPRreview@dpc.wa.gov.au

Mr Darren Cooper
Chairman, SAPPR Review Panel
Locked Bag 3001, West Perth WA 6872

Dear Mr Cooper and Panel members

Panel Review of SAPPR

The Urban Bushland Council WA Inc. makes the following submission to your review of the SAPPR. Please note that we made a substantial submission on the draft Green Growth Plan and also attended a number of meetings and consultations with the SAPPR team. Our comments on your Review are as follows.

- 1. The merits or otherwise to the State Government and key stakeholders of undertaking a strategic assessment to enable the Perth and Peel regions to accommodate 3.5 million people;*

We do not accept the assumption of a 3.5 million population for the Perth and Peel Region. It is just one option of questionable substantial growth. It seems to be based on developers' interests of continued urban sprawl with an estimated 18,000ha (or more) of clearing to be allowed (S. Taylor at WALGA seminar, 22 February, 2018).

Under the *EPBC Act*, a Strategic Assessment is about protection of MNES and matters of state environmental significance. The relevant starting point should therefore have been maps showing the location of all MNES and state biodiversity assets (TECs, PECs, Bush Forever, rare flora and fauna habitat, and wetlands). Planning for future developments and increased population should therefore AVOID all these MNES and State assets. In addition, the extraordinary fragility and sensitivity of the biodiverse natural ecosystems and landscapes of the Swan Coastal Plain must be recognised and respected.

An assessment process and outcome that properly retains and protects all MNES and State biodiversity assets in the Perth Peel Region will give a reduced administrative burden of assessing the impacts of development on a site by site basis, and will avoid the current problem of ongoing cumulative loss of biodiversity. The assessment process, however, must be rigorously carried out. Unfortunately, this was not the case in the SAPPR.

Disturbingly, this Review is not actually reviewing the process that has taken place to date of the draft Strategic Assessment as required under the *EPBC Act*.

- 2. The key policy and legal risks to the State Government (and other stakeholders) from undertaking a strategic assessment as a formal environmental approval under the *EPBC Act*;*

There is a risk of legal challenges to the State Government if, for example, Banksia Woodlands are not protected according to the federal TEC listing and associated federal Conservation Advice.

- 3. The risks and benefits to private landholders from implementation of the strategic assessment;*

Benefits are that owners of land with TECs and endangered flora and fauna know with certainty that these assets on their land are to be protected and maintained into the future. It removes the option and impact of a speculative gain on the land value as a result of potential clearing and development. Thus it provides certainty for the land owner, community and local government.

4. *The likely costs of the ongoing implementation of the strategic assessment (both to the State Government and industry) and whether these costs provide value for money compared with business as usual or alternative approaches;*

This term of reference reiterates that this review is focussed on the impact on the development industry and not the State's biodiversity assets.

The costs to the State Government of implementation of a rigorously devised strategic assessment would include introduction of legally binding policies and regulations that deliver protection, management and monitoring of MNES and State assets such as all Bush Forever Areas and all TECs. The Metropolitan Region Improvement Trust Fund (MRIF) provides for acquisition of all Bush Forever sites. The administrative and technical costs of site by site assessment would be borne by the State.

5. *The scope of the strategic assessment, including:*
 - *Any alternatives to a formal strategic assessment or different options within a formal strategic assessment under the EPBC Act that could be considered by the State Government and associated legal risks and implications; and*

The alternative is to fully implement the government's existing Bush Forever policy and plans (December 2000) according to the UBC's *Call for Action*, AND to protect in State law all TECs and habitats of rare species listed under both the EPBC Act and the EP Act. This will mean an end to clearing and urban sprawl and support the delivery of a compact, network city. Notably Bush Forever includes the requirement for local governments to complete their Local Biodiversity Strategies and to include these in their Local Planning Schemes.

The current practices of urban infill site by site however, is causing massive loss of habitat and needs to change. If infill is carefully planned on a large scale, it could be much better. Retention of all natural areas (including wetlands) and enhanced ecological linkages for connectivity are essential elements of urban infill.

- *Any alternatives to approvals reform and streamlining under the Environmental Protection Act 1986 and other relevant legislation both in association with a strategic assessment and without; and*

The phrase '*approvals reform and streamlining*' is confusing and unclear. It seems to imply the wishes of developers for all their projects to be approved regardless of environmental impacts on MNES and State assets. Alternatively, the introduction of an **Environmental Protection Policy** (EPP) under the *EP Act* that stipulates the identification, protection and conservation of all existing TECs and habitat of protected fauna and flora would be helpful in decision-making. The provisions of an EPP are legally binding and as such this would give clarity to areas that are not suitable for development. This is also a more efficient decision-making process and provides clarity for landholders. The State Government however must provide adequate resources (experienced biodiversity staff and field costs) to implement and transparently monitor and ensure protection according to EPPs.

Further, any proposals that encroach or have impacts on MNES and state biodiversity assets should be formally assessed by the EPA as environmentally unacceptable.

6. *The implications of terminating the strategic assessment for the State Government and industry. These are to be considered in the context of other jurisdictions and include engagement with industry, local governments and non-government organisations.*

Implications: 1. Termination of SAPPR would mean the continued ad hoc site by site assessment and failure to prevent cumulative loss of MNES and biodiversity values.

2. The State Government (and the federal Government) would be failing to protect our global biodiversity hotspot - a conservation priority because it is already under threat.

3. Developers would most likely continue to seek to clear Banksia Woodland patch by patch, resulting in a loss of our unique biodiversity assets for local community benefit, tourism, child and adult health and wellbeing.

4. There would be a loss of urban canopy with an unacceptable increased heat island effect.
5. There would be a substantial loss of community faith in good governance.

Final comment

The concept of a Strategic Assessment is supported only on the condition that it is correctly and rigorously carried out according to the provisions of the *EPBC Act*.

- The foundation should have been the **clear identification on maps and protection of MNES and State biodiversity assets**.
- The project should have been jointly managed and delivered by DBCA and Planning (DPLH), rather than Premier and Cabinet.
- Officers assigned should have included experts in biodiversity and hydrology of the Perth and Peel regions.
- In addition, experienced officers of the federal DOEE should have been part of the assessment team.

Transparency of the SAPPB review

The review is being managed by the Department of Premier and Cabinet, which is the Department under which the assessment was being coordinated and delivered. We question the 'independence' of this.

In addition, it is disturbing that the composition of the review Panel is dominated by development interests and further that there is an absence of biodiversity expertise pertaining to the Perth and Peel Regions.

Representatives of the Urban Bushland Council will appreciate the opportunity to meet with the Review Panel to further discuss the SAPPB. We may be contacted as below and directly to me at celiagray@bigpond.com, phone 9444 5647.

Yours sincerely

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