

Submission by the WA Landcare Network to the:

Federal Government Independent Review of the Environment Protection and Biodiversity Conservation Act 1999 Discussion Paper April 2020

Context

The WA Landcare Network Inc (WALN) is the peak landcare body for Western Australia. It was established in 2013 to fill the current gap in representation and support for WA's over 700 landcare groups at the state and national levels. Community Landcare has a 30 year history in WA and WALN has continued this legacy by being owned by its members - grassroots landcarers. WALN is focused on providing improved support, coordination and capacity building to landcare groups and increasing Landcare's input into government and industry decision making. It is a member of and works closely with the National Landcare Network (NLN), the National community Landcare peak body.

The WA Landcare Network has 117 members across incorporated groups and networks as well as producer groups or similar voluntary organisations. Groups may be called Bushcare, Rivercare, Caring for Country, Dunecare or Coastcare or have a local name, but are all a form of Landcare and are part of the Landcare movement. Individuals, local governments and businesses are encouraged to become Associate Members of WA Landcare Network.

The WA Landcare Network is pleased to contribute comments from its members to the important and timely Federal Government Review of the Environment Protection and Biodiversity Conservation Act 1999.

In this response we have focused on providing a perspective from community landcare groups in WA. Community landcare groups are natural partners to the Federal Government in meeting the key objectives of the Act and they also have on the ground experience of its shortcomings in achieving those outcomes.

Collaboration and Monitoring of Responsibilities at all levels government and private interests

The WA Landcare Network notes that achievement of the objectives of the Act requires collaboration at all levels of government and private interests with planned activities that impact on the status of priority species, habitats and landscapes. It requires monitoring of the appropriate enactment of responsibilities by stakeholders to ensure commitments are carried out and maintained.

Our experience from Western Australia is that without a bilateral agreement, and preferably trilateral with Federal, State and Local Governments, in place, key objectives of the Act are not being met in WA. Such agreements need to cover natural resource management and funding with commensurate agreements for state of environment reporting and monitoring of obligations by all parties under the Act.

Trilateral agreements are also necessary to harness appropriate resourcing for protection of priority species, habitats, communities and landscapes.

The WA Landcare Network recommends trilateral agreements with the state and local governments outlining roles and responsibility to execute and monitor the act and the effectively communicate between levels of government.

Aboriginal engagement

The WA Landcare Network acknowledges the deep connection to and cultural knowledge of the Western Australian environment. Aboriginal groups are central stakeholders and are engaged with environmental management over much of the state. Communities should be consulted during all levels of assessment, strategic assessments and case by case assessments providing both cultural science and their opinions on proposal.

It is important to recognise that Aboriginal community health and environmental health are not separated in their worldview. Thus, the EPBC Act should take into account that separating these aspects is not respectful or useful when engaging the Aboriginal community in development proposal assessments nor in funding restoration and maintenance initiatives. Ranger programs in Western Australia in the Kimberley, the Pilbara, in the desert areas, metropolitan areas, in the mid west and south west, in the Goldfields, wheatbelt and great southern are central to fire management, weed control, coast and land restoration works and knowledge sharing. These skills and activities are all contributors to biodiversity protection and restoration and at the same advance the health and resilience of their communities. Support for the role of Aboriginal communities in all aspects of meeting the objectives of the Act should be ongoing and substantial.

The WA Landcare Network recognizes the central role of the Aboriginal community across the state in protecting, maintaining and restoring coasts and country and recommends that they are engaged in all aspects of meeting the objectives of the act with adequate support to do so.

Strengthen environmental monitoring, auditing and reporting

The recent Government of WA Department Water and Environment Regulations Remnant Vegetation in Western Australia issues paper November 2019 summarized the worsening trend for threatened species in the state.

The list of Western Australian threatened species continues to grow – between 2009 and 2017 our State’s threatened species list jumped by 12 per cent to 672 (Auditor General 2017a). Of the 1,878 species classified as nationally threatened, 551 are found in Western Australia (DoEE 2019a). Of the 18 million hectares of Western Australia’s native vegetation already cleared, most is in the State’s south-west (Figure 2) – coinciding with our most biodiverse ecosystems (Yeats et al. 2014).

In some local government areas, more than 93 per cent of the original vegetation is lost (DBCA 2018), including clearing of up to 97 per cent of some woodland areas (Bradshaw 2012). This situation has led to the State’s Environmental Protection Authority identifying clearing and degradation of native vegetation as a key threat to Western Australia’s biodiversity (e.g. EPA 2017). (p 2)

Despite the fact that native vegetation clearing and degradation are the key threat to biodiversity and therefore to threatened species and their habitats in WA there has not been a State Remnant Vegetation Policy to date. We are pleased to report that this situation is now being rectified.



The WA Landcare Network commissioned a State of Landcare Report in 2017. It identified that data about landcare values, remnant vegetation being a prime value, are not publically accessible. More seriously with regard to remnant vegetation data is not being recorded, collated or analysed across all land tenures so that the state of remnant vegetation cover and condition is not well understood. This significant lack of data on the state of remnant vegetation was also summarized in the Remnant Vegetation in Western Australia issues paper.

We need to improve Western Australia's data systems to enable tracking of the extent or location of statutory approvals to clear or degrade native vegetation, and to monitor the actual clearing taking place. We have kept consolidated spatial records of the clearing authorized under clearing permits since 2004, but this covers some 600,000 hectares or only 3 per cent of all historical clearing to date.

The spatial data systems we have do not incorporate clearing approved under Part IV of the Environmental Protection Act 1986 or other pathways, such as subdivision approvals under the Planning and Development Act 2005. Exempt clearing, currently authorised under more than 40 provisions of the Environmental Protection Act 1986, is not systematically tracked in any way. Our existing map of native vegetation extent across the State (Western Australian Land Information Authority 2019) is widely used as a basis for government decisions but it is not systematically updated. There are no statewide datasets of native vegetation condition. (p 10)

The paucity of accurate and transparent data on remnant vegetation in Western Australia exemplifies concerns about the reporting on condition of listed species and their habitats and therefore confidence that the Act is indeed leading to their protection.

The WA Landcare Network recommends that the EPBC Act review addresses the need for an independent auditing authority at a Federal level to monitor the state of the environment federally, on a state by state and project by project basis to measure and report on outcomes in terms of protection of listed species, communities, habitats and whole landscapes. Regular review of the adequacy of objectives would then follow.

Review of the Act needed to address climate change

The continuing loss of vegetation cover and condition and the current and ongoing impacts from pressures include agriculture, housing development, mining, dieback, salinity, fire, feral plants and animals and logging and exacerbating and accelerating all of these, climate change.

The impacts of climate change particularly in south west Western Australia are indisputably already been experienced. The recent WA Government's discussion paper on Climate Change confirmed the on the ground experience 'the State's South West region [is] impacted by climate change more than almost any other place on the planet'.

Regional NRM Strategic Plans have documented climate change impacts and priority actions and should help to guide regional assessments. The EPBC Act requires amendment to address the intertwined crises of biodiversity degradation and climate change. This will require a review of how to improve the protection, restoration and management of natural ecosystems and in particular high integrity, bio-diverse, carbon rich ecosystems such as forests and woodlands and the species that depend on ecosystem function and connectivity across landscapes and coastal and marine ecosystems.

The WA Landcare Network concurs with the comment in the discussion paper that "...more action to support the recovery of species and ecosystems through national environmental law, or its application, may help in achieving ecologically sustainable development in the future. This is particularly true in the face of growing demands on natural resources and a changing climate."



Support for carbon farming based on ecological and marine restoration is recommended. This means using local endemic species, making protected connections across landscapes including marine and coastal landscapes and involving local communities and in particular First Nation peoples. There are significant employment opportunities in expanding management, restoration and sequestration efforts.

It is important that targets for no further net loss in remnant vegetation and targets for restoration, farm forestry on already cleared land and carbon sequestration are set for WA to drive investment in change on the ground that sets the context for species, habitat and landscape protection.

A recent example of climate change impacts was provided at a presentation on the Fitzgerald River National Park and International Biosphere showing severe impacts of drought and fire on the Kwongan heathland, a globally significant and threatened ecosystem located in the Southwest Australia biodiversity hotspot which has been listed under the EPBC Act as endangered. The Kwongan has unique plant biodiversity that includes thousands of native and endemic plant species, many of which are considered either rare or endangered.

There is concern about the ability of some of these species to adapt to the multiple threats, and in particular, to the combination of increasing fire frequency and intensity and reducing water availability both threats exacerbated by climate change (Barrett, May 2020).

The Carbon Budget Report (Climate Analytics, 2019) indicates that not only does native vegetation clearing and deforestation need to stop by 2025 but there is opportunity to create a large sink through reforestation to reduce emissions in the atmosphere over the next decades once emissions are brought to zero net new emissions. This will need to be done well to maximize multiple benefits for carbon sequestration and positive biodiversity and community outcomes. The Federal Government is responsible for the national response to climate change and to meeting international commitments.

The WA Landcare Network recommends that the EPBC Act review addresses climate change as an additional primary threat and priority in the Act.

Strategic and Case by Case Assessments required

The review questioned the efficacy of assessment at different levels. It is the experience of the WA Landcare Network and from reports from members that assessment is required at both levels.

The protection of critical species and habitats in an urban setting is challenging as it often relies on protection and restoration of fragmented areas of vegetation. Strategic assessment at a bioregional scale and in some cases across bio regions is essential to identify broad threats and priority and best restoration and protection strategies. Assessments must be kept up to date. At the same time, a process for engaging case by case assessment at early development stages is necessary. The importance of engaging local government and local groups with local expertise is illustrated by two case studies below.

One of our members, Cockburn Community Wildlife Corridor Inc, sent us the following case study to illustrate their frustration at trying to protect a corridor of vegetation used by EPBC listed endangered species. Their experience has been that the Act has failed to protect significant assets at both scales. They are working to protect a regional urban corridor of significance and at the same time case by case development assessments both of which rely on the EPBC Act to determine environmental protection.

Case Study: Cockburn Community Wildlife Corridor Inc

We provide an example where the EPBC Act failed to protect both a Threatened Ecological Community (Banksia Woodlands of the Swan Coastal Plain) and habitat for an endangered species (Carnaby's cockatoo). Our group of volunteers have been GPS mapping the tuarts and banksia in the remnant bushland in the corridor to identify areas that meet TEC criteria.



Providing this type of data is our best defence against the loss of significant bushland remnants in the corridor.

The redevelopment of the Hamilton Hill School site threatened 0.5ha of mature banksia woodland adjacent to the corridor which met TEC criteria. Despite constructive conversations with the developers we were disappointed with the extent of the proposed bushland clearing. We submitted a detailed comment in response to the EPBC Act referral lodged by the developer. The comment addressed in detail assertions by the developer that the area did not meet the TEC criteria.

In dispute was the "patch size" and bush condition, but data clearly showed that TEC criteria were met. The proponent, from our evidence, had not demonstrated a lack of impact, and the clearing of TEC which includes a threatened species' foraging habitat is contrary to the DEE's own conservation advice. The key reasons the proponent's assertions were considered incorrect was that the patch size had been incorrectly assessed for the Banksia Woodland TEC. The clearing of this flora directly conflicts with the conservation advice of the DEE. Furthermore, this housing development would have gone ahead if approval to clear this small area had not been granted.

Our comment was not accepted as reason enough to amend the developer's plan and this area that should not have been permitted to be cleared has now been bulldozed. If we cannot rely on the EPBC Act to protect Threatened Ecological Communities and endangered species from continued destruction, then our environmental heritage will continue to be lost.

*The ongoing loss of endangered Carnaby's Cockatoo (*Calyptorhynchus latirostris*) habitat is disturbing. This bird is listed as an endangered species by the Federal government and "specially protected fauna" by the WA government, due to much of its habitat being fragmented and threatened by ongoing land clearing and development. The 0.5 ha of cockatoo habitat (Banksia bushland) in the redevelopment of the Hamilton Hill site may seem like an inconsequential area. However, remnant cockatoo habitat in the Perth metropolitan area is under continuous threat from development: for example 0.67 ha of mature tuart trees in the High St upgrade (now lost); a significant cockatoo roost in the proposed Brixton St industrial development (now lost); proposed housing development by UWA in the Underwood Rd bush used as a Carnabys' foraging area (still being planned), loss of Banksia woodland "Bush Forever" for the Cockburn rail extension (approved to go ahead); planned harvesting over the next 2 years of the Gnangara pine plantation feeding area and mega-roost site, to mention just a few. Providing suitable offset for both Banksia woodland and Carnaby's habitat is extremely difficult if not impossible in the Perth urban area.*

Strategic assessments provide the picture at a landscape scale or across a metropolitan area. But there is still the need to make assessments at more localised levels. Areas of vegetation in an urban setting can be small and yet of high importance at a local government level that may not feature on a larger scale. There are areas of the WA wheatbelt that have less than 5% of original vegetation intact. Small areas can be highly significant in this context.

Case Study: Susannah Brook Catchment Group

My name is Mark Hancock and I am the Chairman of the Susannah Brook Catchment Group in the Perth Hills. As a group we are currently undertaking some restoration work along a creek line land owned by the City of Swan who have been supporters of our projects. Future projects include the installation of nesting boxes and removal of old fence lines to improve the habitat for local fauna.

Our concern is currently with a parcel of land approximately 550 ha adjacent to the Susannah Brook. The owners of this land and a developer are seeking to clear over 150 ha of bush and farmland to enable construction of 1,400 home sites. This development is currently before the



Member Group of the

Western Australian Planning Commission (WAPC) after the Shire of Mundaring recommended refusal of the proposal.

The developers contracted a company to conduct desk top surveys as to the environmental importance of the area which they believe will satisfy the current EPBC act. We believe the environmental report fails to consider the true importance of the area to local wildlife and threaten species. Individual reports from local environmentalist show a much more diverse fauna occurring over the area than listed in the developer's submission.

We believe if a development requires Environmental approval, this should be sought prior to seeking any other approvals. If an environmental report is submitted this should be advertised to allow community groups that will be affected the chance to also submit a report. In the case of differing assumptions an independent assessment appointed by the EPBC act should be commenced.

It is important that consultants undertaking assessments for developers are on a register to maintain their independence. The engagement of local community groups with expertise and local knowledge will provide significant resources to these processes. The request is for a clearer process to be undertaken where environmental and cultural approval processes precede any other approvals. This is important to avoid project investment and planning gathering momentum that makes it more difficult to refuse of place constraints upon if there are significant impacts on the environment and culture.

The WA Landcare Network recommends that assessment need to be conducted at both a landscape scale strategic level as well as on a case by case basis, that a register of consultants should maintained to assure independence, Community groups should be engaged early in any proposal to assist with case by case assessments and that environmental and cultural approval processes should precede other approvals.

Protection of species and habitats at whole of landscape levels

Individual species will not be successfully protected without protection of landscapes connected across regions. The Act should extend to protection and restoration of whole landscapes. Species protection and recovery requires a whole of landscape and ecosystem function approach which needs to be encapsulated in revised legislation.

Plans for the recovery and ongoing protection of endangered and threatened species cannot be effective without considering habitats and landscapes. If the recovery plan approach is to continue then it needs to be adequately resourced and the implementation of plans needs to be accountable and enforceable.

The WA Landcare Network recommends that the EPBC Act review address protection and restoration across connected landscapes and that if recovery plans continue to be used for species projects that they are well resourced, implemented, and enforced.

Offsets process

Grassroots landcare and environment groups have reported numerous instances where the offset process has resulted in adverse outcomes.

The process of setting and tracking offsets is in urgent need of review. The lines of interaction between urban planning, developers, local government, and state and federal governments are not clear. Community groups have pointed to their efforts to protect species and habitats with developers going to state tribunal which more often than not rules in favour of the developer. Their experience is that the Federal government is reluctant to get involved. If offsets are granted monitoring of the implementation



of conditions and a tracking of offsets is required over time. The condition of offset areas needs to be maintained at the expense of the developing entity in order to meaningfully act as an offset.

Offsets should not result in adverse outcomes and should result in a net gain of habitat. This is not always the experience. Examples from one Perth urban fringe suburb where rural land was purchased as offset for urban native vegetation where the land purchased was already protected through legislation not permitted clearing for agriculture. This resulted in no additional protection of vegetation and loss of scarce remnant vegetation in the urban fringe (Pat Hart, personal communication).

In another case a coastal rural community has expressed their concern over numerous development proposals as increasing development pressure is applied to coastal areas for housing and associated infrastructure such as roads. Limestone for roadbase is just one example of extractive industries that need to be better managed. In one coastal example, the proponent in question has had an offset granted due to clearing of mature Tuart trees for a limestone quarry, Tuart Woodlands and Forests are listed as critically endangered with a very limited range and extent. There is concern that a further 8ha of good quality Tuart/Peppermint woodland and wetland species will be lost and that groundwater quality will also be impacted.

The community comment on the conditions set was that *'unfortunately there's little protection for conservation assets, with a 100m buffer! The EPBC offset policy for the protection of Tuarts and for 3 Black Cockatoo species and Western Ringtail possum is having little affect - with increased limestone quarrying for road base, to supply the Bunbury Outer Ring Road'*. (personal communication, April 2020).

The WA Landcare Network recommends that offsets be significantly improved through a clearer, transparent process, driven by fundamental principles of a net gain, with auditing and monitoring long term to ensure that outcomes meet the intentions. Environmental approvals need to precede all other approvals with engagement of local communities in offset processes. The Federal government should be willing to intervene when offset proposals lead to a net loss for species, communities, habitats or landscapes.

Environmental Restoration Fund

The WA Landcare Network supports the establishment of an environmental trust to provide continuity of funding for direct conservation outcomes and monitoring programs, and to provide a coordinated vehicle to manage EPBC Act offset funding.

It is important that strategic investment is available over longer timeframes to achieve the outcomes of the Act for the protection of the environment. Strategic assessments building on cross regional assessments of landscapes and habitats such Gondwana Link Ltd, the Coastal Network Coastal Strategies and the regional NRM plans can identify priority long term actions to protect species, habitats, communities and landscapes.

Action to maintain, protect, monitor and restore the environment needs to be accomplished by many partners working together - all levels of government, the community, research community and private interests. Improving outcomes to meet the objectives of the Act will require quality, targeted resourcing. Such resourcing to community has been in decline for the past decade, this needs to redress and will leverage significant commitments from the community.

The WA Landcare Network strongly supports the establishment of an environmental trust or similar to provide continuity of funding to meet the objectives of the EPBC Act.



The WA Landcare community remains determined, skilled and ready to further engage in the objectives set out in the EPBC Act.

Thank you for this opportunity to make comment.



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References:

- Barrett, S. 2020. Department of Biodiversity Conservation and Attractions Presentation *Climate Change – what will Denmark look like in a dryer and warmer climate?* Vegetation. March.
- Climate Analytics, 2019. *A 1.5% Compatible Carbon Budget for Western Australia: WA's role in implementing the Paris Agreement and capturing opportunities in a decarbonizing global economy.*
- Department of Primary Industries and Regional Development, 2018. *Western Australian Natural Resource Management Framework 2018.*
- WA Landcare Network, 2017. *State of landcare in WA 2016: Version 1.0.* (Ed. Nicole Hodgson, Keith Bradby and Louise Duxbury) WA Landcare Network Inc., Albany, WA.
- Young, Virginia. 2019. *Climate Change and Forests.* Unpublished Paper.

