

13 April 2023

Department of Water and Environmental Regulation
Locked Bag 10 Joondalup DC WA 6919

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



Environment Institute
of Australia and
New Zealand Inc.

Dear Sir/Madam

Re: Submission on Discussion Paper – Environmental Protection Amendment Regulations 2022

The Environment Institute of Australia and New Zealand (EIANZ) Western Australia Division (EIANZ-WA) is pleased to provide feedback on the Department of Water and Environmental Regulation's (the department) discussion paper *Environmental regulation reform – a strategic view of regulation delivery and fees for industry regulation*.

EIANZ is a not-for-profit, professional association for environmental practitioners. The Institute promotes independent and interdisciplinary discussion on environmental issues and advocates good practice environmental management delivered by competent and ethical environmental practitioners.

We forward this submission on behalf of EIANZ-WA members. Currently, we have over 200 members in WA while across Australia and New Zealand we have over 2,100 members. Our members come from a range of technical disciplines including certified environmental practitioners (CEnVP), ecological consultants, environmental advocates, heritage consultants, researchers, and environmental specialists working in government, industry and the community.

We understand that these amendments are being proposed to reduce the burden on the department in support of the EPA. The intended outcome is no further decline in environmental values as the result of the amendments while allowing department resources to focus on driving good environmental outcomes for proposals with a potentially significant environmental impact.

We also acknowledge that there has been collaboration between the department and officers of other key agencies over the past 12 months, and that the department has been working with EPA on the draft regulations prior to releasing the discussion paper for consultation. Further, we appreciate the opportunity to provide comment.

In reviewing the discussion paper and the *Environmental Protection Regulations (No. 2) 2022* consultation draft, we offer general support for the proposed amendments. While EIANZ have not completed an in-depth review, it does not appear that changes to planning schemes in accordance with the prescribed classes would result in significant adverse outcomes. Further, EIANZ has the following comments:

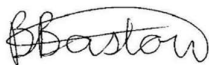
- While not stated as part of the discussion paper, we assume that the prescribed classes are based on an analysis of the many hundreds of scheme amendments that have been referred to the EPA for assessment under Part IV of the *Environmental Protection Act 1986* (EP Act), and determined not to be assessed after preliminary investigations and enquiries.

- We note that there are other environmental, water and heritage legislation and regulations that have mechanisms for managing environmental impacts as part of proposed development applications or subdivisions. The other existing processes will ensure that proposals with potentially significant environmental impacts would still be referred under Part IV of the EP Act, native vegetation clearing assessment under Part V of the EP Act, access to water resources and impacts to watercourses requiring licensing under the *Rights in Water and Irrigation Act 1914* and Matters of National Environmental Significance under the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.
- EIANZ advocates for the development of improved and updated guidance for environmental considerations in planning to ensure that there is no further degradation of environmental values through multiple small development proposals. This is important as the current *Guidance Statement No. 33 – Environmental Guidance for Planning and Development (EPA, 2008)* is now 15 years old, and there is variable resourcing and capabilities across local governments. An update of this guidance might include changes to the published triggers for consultation with the EPA or other agencies for local government and developers on what might constitute potentially “significant” environmental impacts or additional environmental approval requirements outside of the planning framework.
- Prescribed clearing under Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2005* allows for a range of exemptions under the five-hectare limit, including for the lawful construction of a clearing or structure. This clearing is allowed despite the environmental values, excluding certain circumstances such as in gazette environmentally sensitive areas (ESAs) or riparian vegetation. Noting that this consultation does not relate to clearing regulations, EIANZ consider that there is the potential that certain environmental values in highly cleared landscapes might not be afforded sufficient protection under the current state legislation and regulations.

EIANZ would welcome further information from the department at the end of the stated 18-month review period.

Thank you for the opportunity to provide feedback on this discussion paper, and we would welcome further information from the department at the end of the stated 18-month review period.

Yours sincerely



Belinda Bastow

President

EIANZ – WA Division



Environment Institute
of Australia and
New Zealand Inc.

About EIANZ

The Environment Institute of Australia and New Zealand (EIANZ, the Institute) is a professional association for environmental practitioners. The Institute supports environmental practitioners and promotes independent and interdisciplinary discussion on environmental issues. The Institute also advocates environmental knowledge and awareness, advancing ethical and competent good practice environmental management.

The Western Australian (WA) Division currently has over 190 members while EIANZ has over 2100 members. Our members come from a range of technical disciplines and industries and include environmental consultants, ecologists, advocates, managers, and impact specialists working in government, industry and the community.

A Certified Environmental Practitioner Scheme (www.cenvp.org) is also in place to assess and certify competent experienced environmental practitioners working in government, industry and the community. This includes specialist competencies such as Impact Assessment, Ecology, Land Rehabilitation and Contaminated Lands.

The EIANZ is an advocate for environmental assessment, management and monitoring investigations and reports being certified by suitably qualified and experienced persons for the completeness and scientific rigor of the documents. One of the ways of recognising a suitably qualified practitioner is through their membership of, and certification by, an organisation that holds practitioners accountable to a code of ethics and professional conduct, such as the EIANZ.

The EIANZ is a not-for-profit, charitable organisation incorporated in Victoria, and a registerable Australian body under the *Corporation Act 2001* (Cwlth), allowing it to operate in all Australian jurisdictions.