



MINISTER FOR ENVIRONMENT; WATER

Your Ref: Petition No 167
Our Ref: 42-17171

Hon Kate Doust MLC
Deputy Chair
Standing Committee on Environment and Public Affairs
Parliament House
PERTH WA 6000

Dear Mrs Doust

I refer to your letter dated 20 September 2012 seeking comment on Petition No 167 regarding the Destruction of Public Green Spaces.

The Department of Environment and Conservation (DEC) has provided the following advice to me in response to the points raised by the petitioners, which relate particularly to the retention of trees.

It is acknowledged that urban expansion and historical planning decisions have resulted in a loss of biodiversity in Perth, and that there is a challenge in balancing the protection of the environment and responsible development. Mature trees, particularly native trees, provide significant aesthetic and habitat values in an urban context. These values need to be balanced against the need for orderly planning and public safety.

The protection of native vegetation, and in particular threatened species and ecological communities and their habitats, has been enhanced through the native vegetation clearing regulations introduced into the *Environmental Protection Act 1986* (EP Act), as well as the greater integration of State processes with those administered by the Commonwealth under its *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act).

The EP Act regulates the clearing of native vegetation in Western Australia to ensure that inappropriate clearing does not occur. Under the EP Act, clearing of native vegetation which includes all native grasses, shrubs and trees, requires a permit unless an exemption applies. Generally, clearing for urban development does not require a clearing permit as a number of exemptions apply, such as for subdivisions approved by the Western Australian Planning Commission. The planning approval process, including subdivisions, also considers the overall impact of development on the social and natural environment.

Clearing of planted trees within road verges on public land in urban areas is typically not regulated by the EP Act. The EP Act and its regulations also contain a number of exemptions from requiring a permit for the clearing of individual trees. Formal protection is afforded to threatened species under the *Wildlife Conservation Act 1950*. However, this legislation only applies to the plants and animals themselves, and does not provide protection to their habitat.

A strategic assessment of future development in the Perth and Peel regions under the EPBC Act is underway and represents a good opportunity to achieve long-term conservation outcomes, including the protection of habitat for threatened species. Greater definition of significant habitat for threatened species and other matters of national environmental significance will be an outcome of this process, which will result in an improved understanding of vegetation protection requirements.

Biodiversity values are comprehensively considered in the assessment of applications to clear native vegetation. Generally, clearing that would have a significant impact on the environment, including biodiversity values, is not supported. However, in cases where there is a significant community benefit, for example development of essential infrastructure, social and economic factors may be taken into account after all efforts to avoid and minimise the clearing have been made. In addition, clearing that may have a significant impact on the environment, including biodiversity values, must be referred to the Environmental Protection Authority and may require a formal assessment under Part 4 of the EP Act.

The matters raised in the petition also relate to the areas of planning and local government, which have a role to play in the planning, development and maintenance of infrastructure in the Perth metropolitan area.

I trust this information is of assistance to the Committee.

Yours sincerely



HON BILL MARMION MLA
MINISTER FOR ENVIRONMENT; WATER

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