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ECA contact: Jason Hick 0488 223 306

31 May 2016

Attention: Simon Taylor
Draft Perth and Peel Green Growth Plan for 3.5 million
Department of the Premier and Cabinet
Locked Bag 3001
WEST PERTH WA 6872

Delivered by email to: consultation@dpc.wa.gov.au

Dear Simon,

**ENVIRONMENTAL CONSULTANTS ASSOCIATION (WA) SUBMISSION ON THE DRAFT
PERTH AND PEEL GREEN GROWTH PLAN FOR 3.5 MILLION**

Executive summary

The key points raised by this submission from the Environmental Consultants Association (WA) (ECA) to the Department of Premier and Cabinet (DPC) are as follows:

- The ECA acknowledges the enormity of task and complexity that the draft Green Growth Plan represents, and strongly concurs with the need for this strategic initiative.
 - The ECA is generally supportive of the draft Green Growth Plan as presented, and while there are areas that will need refinement and improvement through the finalisation process, we believe that the draft Green Growth Plan can be refined into a workable environmental approvals initiative. We would not agree with other parties who suggest that the draft Green Growth Plan is 'fundamentally flawed', as we fully understand the challenges and limitations associated with existing the project-by-project assessment and approval approach.
 - There is a need for DPC to facilitate a thorough review of the entire documentation package in order to correct, simplify, refine and better integrate it, and to ensure clarity with the most important information (i.e. clearer descriptions of the classes of action footprints and associated impacts, clearer mapping of environmental information at a useable site scale etc.).
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We envisage that this would have occurred during the documentation finalisation process in any case.

- The draft Green Growth Plan needs additional detail and more consideration (via better integration into the assessment and resultant documentation) in regards to:
 - Consideration of various land use planning alternatives, inclusive of the 'do nothing' scenario.
 - Scientific supporting information and assessment, particularly in relation to Carnaby's black cockatoo, water quality impact assessment for the Peel-Yalgorup system, and the status and viability of various species and communities to then inform additional avoidance criteria.
 - The offsets framework, and how this has been considered and compiled relative to the predicted impacts.
- The currently proposed impact avoidance approach (i.e. broad commitments) needs to be more specific and prescriptive in order to better inform the future decision making processes (i.e. specific criteria for the relevant Commonwealth and State matters) and to provide more certainty of the likely outcomes for industry, the community and the agencies ultimately involved in the future planning processes.
- There needs to be clear implementation guidelines prepared so that there is absolute certainty as to how the Green Growth Plan will be implemented, and all stakeholders are identified and their roles, responsibilities and accountabilities are clearly defined.
- The overall Green Growth Plan initiative needs to be progressed through implementation with a strong focus on the specific on-ground environmental outcomes to be achieved, and particularly the most environmentally appropriate and resource efficient methods of doing so. This is not entirely evident in the documentation released to date. Outcomes from implementation need to be routinely and systematically monitored, audited and reported in a fully transparent manner for the lifetime of the implementation process.

Introduction

We thank you for this opportunity to provide comment on the draft Perth and Peel Green Growth Plan for 3.5 million, referred to herein as 'the Green Growth Plan'. We appreciate the time and extensive process that has gone into the release of this documentation, since the terms of reference was approved by the Commonwealth Minister for the Environment in May 2012.

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The ECA has been involved as a participant in the Stakeholder Reference Group (SRG) since its inaugural meeting in November 2012. Our observations of and feedback to DPC regarding this process was that there was limited environmental assessment information to review and provide comment on during the three and a half year term of the SRG meetings. The SRG primarily served to provide stakeholders with an opportunity to provide inputs into the process and also understand the views of other key stakeholders who were represented on the SRG. This group could have been used more effectively to gain input into the draft documentation as it was being prepared.

Notwithstanding the above, the release of the Green Growth Plan for public comment in December 2015 provides a key opportunity for the ECA to review and provide input on the draft documentation. Our submission has therefore been prepared accordingly.

Background to the Environmental Consultants Association (WA)

The Environmental Consultants Association (WA) Inc. (ECA) is the professional body representing commercial environmental consultants throughout Western Australia. The Association represents the interests of its members and promotes development of the environmental industry. Membership of the ECA is restricted to environmental consultants residing in Western Australia who possess the appropriate qualifications and a minimum of three years' experience. Members are committed to and guided by the ECA Code of Conduct.

Our members have a long history working with considering and addressing environmental considerations in the prevailing land use planning processes, and have done so as environmental legislation at both Commonwealth and State levels has evolved over time. More recently this has involved working with Part IV and V of the *Environmental Protection Act 1986* (EP Act), and the *Environment Protection and Biodiversity Conservation Act 2000*.

It is important to note that since amendments to the EP Act were enacted in 1996, all planning schemes and town planning scheme amendments have been referred to the Environmental Protection Authority (EPA), pursuant to Section 48A. While this mechanism had the potential to address most of the issues that the Green Growth Plan is now seeking to resolve, it has significantly fallen short of its potential to better address environmental considerations as part of the land use planning process.

Therefore, separate but related to the Green Growth Plan process, it is recommended that the scheme referral and assessment process be reviewed by DPC to explore how this available statutory process could be utilised more effectively, the working arrangements between planning and environmental agencies improved, and potential bilateral assessment opportunities realised to deliver better assessment and approval process and environmental outcomes for areas outside of the Perth and Peel regions.

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It is important to note that our comments and position on the Green Growth Plan, and likely role in its implementation, is rather unique when compared to the suite of other relevant stakeholders. Our members hold substantial technical expertise in relation to the many environmental considerations that the Green Growth Plan has addressed, and in many cases are recognised as prominent experts, and others are involved in the day-to-day process of managing environmental approvals within the Perth-Peel regions.

By the very nature of being consultants, our members provide fee for time based services to industry, various large and small landowners, the Commonwealth, state and local governments, and environmental organisations and not for profit groups, which is both scientific and process oriented. While we have a genuine and important role in understanding and facilitating the protection of the environment, in many cases we work at the interface between proponents and regulators to achieve appropriate development approval and environmental management outcomes.

Therefore, our primary interest is to understand the body of available scientific information, the prevailing (or proposed) regulatory environment, and the extent to which these correlate to provide clear and transparent processes that demonstrably lead to the intended environmental protection and management outcomes. Our comments are not provided in the commercial interest of our industry, or any particular industry we represent, but rather at a broader level to assist DPC in understanding environmental impact assessment and environmental management and how this should be applied in a best practice sense in relation to the Green Growth Plan.

The remainder of this submission is structured around the following key areas in regards to the draft Green Growth Plan documentation in relation to its preparation and subsequent implementation processes:

- General comments.
- Commendations and areas of strong support.
- Concerns and suggestions to resolve these.
- Queries and uncertainties.

General comments

We submit the following general comments in regards to the draft Green Growth Plan:

- In reviewing the documentation the scale and complexity associated with the overall task is readily apparent. Comprehending such a mass of information is a challenge for us for us as
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practitioners, and we expect this could be a barrier for other stakeholders and the community in general. We do note the more recent release of information sheets that seek to simplify the message and contents of the Green Growth Plan. It raises the thought as to whether there are other means and mechanisms to communicate this information to a broader audience?

- We note that since its release there has been varied commentary by industry and community groups, with environmental groups being particularly vocal about the Green Growth Plan and their perceived shortcomings with it. This would suggest that there is some distance to go in order to convey the benefits of the Green Growth Plan and any alternatives, and we suggest that it is important that there is a degree of understanding and ideally acceptance of the Green Growth Plan by the broader community.

Commendations and areas of strong support

We provide the following commendations and areas of strong support in regards to the Green Growth Plan:

- We appreciate the need for the Green Growth Plan initiative, and commend DPC for taking a whole of Government approach to address environmental assessment and management outcomes across the Perth-Peel regions.
- Without an initiative such as the Green Growth Plan, it is unlikely that any other approach would adequately consider or resolve cumulative impacts on both Commonwealth Matters of National Environmental Significance (MNES) and/or state environmental factors.
- The Green Growth Plan appears to have involved the coordination of various government agencies and associated decision makers. This is important, but also just as important is that this continues through the implementation process.
- We commend DPC on their responsiveness and level of availability and accessibility to stakeholders during the public comment period.

Concerns and suggestions to resolve these

We respectively raise the following concerns in regards to the Green Growth Plan with associated suggestions to resolve these:

- The documentation is lengthy, somewhat cumbersome and overly repetitive in some circumstances. It is also clear that it could benefit from a single comprehensive review and editorial process to ensure that there are no errors or omissions, and the document reads
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- coherently. We recommend that a comprehensive review be undertaken to refine, simplify and clarify the documentation as part of its finalisation.
- While it would appear that there is an extensive body of work and technical information behind the documentation, the Green Growth Plan has not been compiled in a manner that reflects the needs and expectations of the various key audience groups. While this has been partially rectified through the release of the draft spatial mapping, there is a body of spatial information that could be better presented in the documentation so that the currently known extent of various environmental values are better understood (for example the threatened ecological community occurrence mapping and references to specific occurrences is not legible or useable at all).
 - It is understood that the methodology adopted for the impact assessment involved an initial scoping exercise for all of the relevant matters, particularly in relation to MNES. It would be useful to include more information on this scoping process and outcomes so that it is clear why certain communities (i.e. tidal salt marsh listed community) have not been addressed or considered in any detail.
 - While the Green Growth Plan presents an impact assessment for the land use planning scenario derived from Perth and Peel @ 3.5 million, apart from the discussions around the 'strategic avoidance', there is no consideration or presentation of alternatives to this, including the 'do nothing' scenario. We therefore recommend that there be some broader discussion around this to set a context for the reader as to why the Green Growth Plan is an important initiative. In this case, we imagine the scenarios could include:
 - Do nothing at all, inclusive of planning policy that is requiring urban infill targets, and proceeding with the existing project-by-project planning and environmental approvals regime.
 - Proceed with the Directions 31 spatial framework footprints, with no strategic or additional impact avoidance.
 - Proceed with the Perth and Peel @ 3.5 spatial frameworks with no additional avoidance.
 - Proceed with the Perth and Peel @ 3.5 spatial frameworks with additional avoidance (as proposed and considered in the Green Growth Plan).
 - Allow no new urban development other than entirely infill.
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- The Green Growth Plan does not provide sufficient commentary in regards to how the various objectives and associated conservation targets have been derived. This would provide more context to the impact assessment, and particularly how the required outcomes for the conservation strategy have been formulated. We recommend this be included so that there is a clear nexus between the conservation objectives, the impact assessment and the resultant conservation strategy outcomes.
 - One of the key considerations sitting behind the impact assessment and conservation strategy approach that causes some of our members serious concern is that biological baseline survey has not been undertaken across the full extent of the development footprints included within the various classes of action. While this would provide ultimate certainty on likely impacts and therefore impact avoidance requirements, it is understood that overall cost considerations associated with this approach is why this has not been undertaken. This gives rise to the 'additional avoidance' mechanisms both for 'broad commitments' and 'specific commitments'. The way these mechanisms have been described within the existing documentation, we do not believe that there is sufficient certainty for any party as to what the likely environmental outcomes that would be achieved area. To resolve this we recommend that either :
 - where relevant additional survey be undertaken in the upcoming Spring survey period (by Government and industry if necessary) and the avoidance requirements are then resolved on a site-by-site basis and spatially specified within the final documentation; or
 - a clear and semi-prescriptive set of criteria and a decision making framework be developed and released for further consultation that will provide more certainty as to how this process will be implemented for all the relevant environmental considerations.
 - Further to the above, in relation to 'specific commitments' items, the documentation is somewhat silent on what needs to occur if an additional 'Specific Commitment' is identified in the future (i.e. threatened ecological community or threatened flora) that has not been included in the draft mapping to date. We suggest that the impact assessment undertaken for each relevant matter should give guidance to inform how this would be addressed and clarity provided in this regard.
 - There are areas whereby the basis of the supporting science, and the extent of any specific recent assessment undertaken for the purposes of the Green Growth Plan is not entirely clear. While we have become aware of the Carnaby's Black Cockatoo Population Viability Assessment (PVA) during the course of the public comment period, it is expected that there is
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supporting scientific analysis on the Green Growth Plan specific water quality scenarios for the Peel-Yalgroop system, and also for other key species and communities. We suggest that the science behind the impact assessment and the management outcomes specified in the conservation strategy need to be more clearly documented (i.e. referenced) and interlinked.

- Further to the above, we understand that the conservation strategy is expected to involve an implementation budget of approximately one billion dollars (\$1B) over a 25 year period. While this initially sounds substantial, there is currently no detail provided as to what this specifically will include. We understand that there is a significant offset package to address the residual impacts after relevant avoidance and mitigation measures have been undertaken. Both State and Government offsets policies require consideration of offsets against the associated residual impacts, and at the current time this is not contained within the documentation. We suggest that further details on the strategic conservation plan be provided detailing what it will involve and how this relates to the offset requirements arising from the impact assessment.
- The implementation of the Green Growth Plan will represent a significant deviation from the existing project approval and statutory processes within the Perth-Peel regions for the relevant classes of action. Interestingly this appears to be based on less involvement by the EPA, with more significant implementation roles and responsibilities for planning authorities, both at a state and local government levels. On this basis we suggest that there needs to be a clear and specific implementation framework so that all key stakeholders are identified and their roles, responsibilities and accountabilities clearly defined. This includes the development of policies and decision making frameworks, so that these can be considered more broadly by key stakeholders (prior to being implemented) and then various parties can be held accountable to these.

Queries and uncertainties

We have the following queries and uncertainties in regards to the draft Green Growth Plan:

- We expect that there will need to be further engagement with key stakeholders and the wider community in regards to the finalisation of the Green Growth Plan and the associated implementation process. How does DPC envisage that this will occur?
 - We are very interested to remain involved in the process of Green Growth Plan implementation. What are the expected opportunities for the ECA in this regard? Some of our members could provide specific expert peer review of various sections of the documentation and the comments received should this be of interest to DPC?
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- We are particularly interested in understanding the roles of responsibilities of various Government agencies as part of the Green Growth Plan implementation process. Given environmental regulation and management is dispersed across a wide number of agencies we will be interested to see how Green Growth Plan implementation will avoid fragmented decision making, which would undermine many of the proposed implementation measures and the likelihood of achieving the overarching objectives of the Green Growth Plan.

Summary and closing

We thank you for this opportunity to provide comment on the draft Green Growth Plan. We trust that this information is useful to you and can be appropriately taken into account when DPC is finalising the draft Green Growth Plan documentation.

Should you require clarification regarding any of our comments above or would like to discuss further how we could contribute to the finalisation of the draft documentation or its implementation, please do not hesitate to contact me on 0488 223 306.

We are more than happy to meet with you to discuss our submission should this be of assistance to you, and believe that we could work with you to assist in incorporating these comments where necessary. The ECA is keen to continue working with DPC on this important initiative and look forward to hearing from you in due course.

Yours sincerely

Environmental Consultants Association



Jason Hick
VICE PRESIDENT

cc: None
