



KEEPING THE BUSH IN THE CITY



# BUSH FOREVER

Volume I  
Policies, Principles and Processes

Appendix 3  
Site Implementation Guidelines  
Practice Notes





VOLUME 1

Polícies, Principles and Processes

# Appendix 3: Bush Forever Site Implementation Guidelines – *Practice Notes*

December 2000

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# Bush Forever Site Implementation Guidelines Practice Notes



## Purpose

Bush Forever (Volume 1 – Policies, Principles and Processes – The Plan) sets out the background and outlines the strategies for implementation to be followed in meeting its principal challenge – the protection and management of areas recommended to fulfil its objective of achieving a comprehensive, adequate and representative reserve and protected area system.

The Practice Notes focuses on the details of those strategies. The emphasis is on consultation, evaluation and negotiation with private landowners, recognising their needs and that of the broader community. The development of partnerships and a willingness to compromise to achieve a balance between conservation and development will be essential to the success of the strategy.

## Summary

Bush Forever implementation strategies can be summarised under the following headings (with examples indicated).

### Negotiated Planning Solutions

- *Innovative planning solutions* and negotiations involving non-statutory and statutory planning mechanisms and possibly involving a suite of other mechanisms, such as density trade-offs and land exchanges.

### Complementary Mechanisms

- *Legally constructed management arrangements* such as covenants, possibly involving financial or other incentives (Department of Conservation and Land Management (CALM) or the National Trust).

- *Rural Negotiated Planning Solutions* to facilitate conservation – compatible rural development and rural subdivision.
- Applying various *financial incentives* such as local rate and State land tax incentives in association with conservation covenants and bushland protection zoning; and, improved eligibility for funding support and technical assistance e.g. National Heritage Trust (Bushcare and Landcare) and the Gordon Reid Foundation.
- *Statutory controls* – legal regulation of activities such as land clearing, Town Planning Scheme (TPS) zoning controls, Environmental Protection Policies (EPP) or Statement of Planning Policies (SPP).
- *Purchase and re-sale* of land into private ownership with covenant.
- *Voluntary protection measures and motivation* using information and educational incentives for value appreciation and management support (CALM – Land for Wildlife Scheme, National Trust, Department of Environmental Protection's (DEP) EcoPlan and Greening WA).

### Metropolitan Region Scheme (MRS) Parks and Recreation Reserves or other Reserves

- *State ownership* and reservation

In developing and applying these strategies the plan will be guided by the following general site implementation principles:

## Terminology

The text contains many technical terms and, for the purposes of Bush Forever, uses a number of common words in particular ways. These terms/words are defined in Appendix 1, where appropriate.

## Bush Forever Site Implementation: General Principles

- Each Bush Forever Site will be implemented within the context of the strategic objectives for Bush Forever and in accordance with the general guide provided by the Bush Forever Site implementation recommendation and the policies, principles and processes established in Volume 1 and the detailed guidelines provided in this report.
- An implementation recommendation will be provided for each Bush Forever Site for the guidance of decision-makers and to provide certainty and clarity for landowners and the community.
- The Bush Forever Site implementation recommendations and attendant approaches are policy recommendations and are statements generally reflecting current land use zoning, development approvals and the values and characteristics of each site. Recommendations will be subject to other planning and environmental considerations and statutory approvals processes. Solutions will seek to anticipate other requirements where possible. There may need to be adjustments to the site recommendations and approach taken on a case-by-case basis to take into account changing circumstances, new information and further landowner consultation.
- Bush Forever Site boundaries, including regionally significant bushland, may be subject to further analysis and verification as a result of new information, on-ground site

investigations and landowner consultation during the site implementation process and in the context of the objectives of the site implementation recommendation. The ongoing audit of Bush Forever will provide an update of site status and any changes, where applicable, to site recommendations and site boundaries.

- Portions of Bush Forever Sites without native vegetation and which are not significant wetlands, are not intended to be protected and do not form part of the site recommendation, except, with the agreement of the landowner, for linkage purposes where areas are capable of regeneration.
- In the event that changes to the status or boundaries of Bush Forever Sites are considered, the balance of representation of ecological communities will be maintained by, where practicable, additions or substitute sites from within the area of the Swan Coastal Plain. This includes areas outside the Perth Metropolitan Region.

## Report Structure

Bush Forever outlines the strategies for implementation and is an outcome of the comments received on the strategic bushland conservation plan first proposed in the *draft Perth's Bushplan* document – released for public comment in November 1998 (referred to as PBP1998). PBP1998 sets out in detail the background and processes of the Project's development and the criteria for site identification and selection. The "Project" refers to the whole process from the development of the concept to its implementation.





The objective of Bush Forever is to establish a realistic and timely implementation framework for individual sites to achieve the plan's main aims within 10 years of release. The format is designed to establish a clear framework for implementation by assigning an implementation recommendation to each Bush Forever Site.

Bush Forever has been distributed to affected landowners and relevant stakeholders and comprises of:

■ *Volume 1: Policies, Principles and Processes*, includes:

- The implementation options, approaches and processes which aim to provide a decision-making framework for landowners, the community, local governments and State Government agencies.
- A regional map (Map 1) and the Detailed Site Maps showing Bush Forever Sites (which include individual or grouped areas of regionally significant vegetation) and their associated site implementation recommendation/s. This includes updated Bush Forever Site boundaries following the public comment period on PBP1998.
- *Bush Forever Site Implementation Guidelines – Summary Table* (Table 2) outlines in detail the various options and approaches for site implementation.
- *Bush Forever Site Implementation Recommendations* (Table 3) assign an implementation recommendation for each Bush Forever Site, or parts thereof, describe zoning attributes, and site opportunities and constraints. Site recommendations are generally in

accordance with a site's zoning in the Metropolitan Region Scheme (MRS), development approvals or whether it is government-owned land or land affected by a specific land use interest or issue.

- *Bush Forever Site Implementation Guidelines – Practice Notes* (Appendix 3, this document), provide an extended discussion of protection options and approaches for the implementation of site recommendations.

■ *Volume 2: Directory of Bush Forever Sites* (sections available upon request) includes:

Part A A Guide to Bush Forever Site Selection and Descriptions: an outline of the Bush Forever Site selection process and each category of information used to describe and identify Bush Forever Sites (update of PBP1998, Volume 2, Part A).

Part B Bush Forever Site Descriptions: full description of the conservation attributes of each Bush Forever Site (updated of PBP1998, Volume 2, Part B).



# Practice Note 1:

## NEGOTIATED PLANNING SOLUTIONS – GENERAL GUIDING PRINCIPLES



### General Application

*Negotiated Planning Solutions generally apply to lands which planning and environmental processes have identified for future development through existing commitments, land use zoning or for intensification of land use in accordance with an approved forward planning framework (such as structure plans or local rural strategies – Rural Negotiated Planning Solutions).*

A small number of Bush Forever Sites lie within undeveloped or partially developed land which is zoned Urban, Urban Deferred or Industrial in the MRS, or in urban fringe land that is zoned Rural but earmarked for future development or intensification of use through approved planning processes. Where land is earmarked for urban or industrial development, Bush Forever recognises that legitimate approvals may be current and that investment decisions may have been made on this basis. In such cases, Bush Forever will seek to enter into Negotiated Planning Solutions (NPS applying to around 650 hectares, of which, about 400 hectares is in private ownership) to achieve a balance between the needs of conservation and legitimate development expectations given the zoning and other approvals. Striking a balance between the needs of conservation and development will offer the most practicable solutions by acknowledging the full range of social and economic values attached to the land.

### General Objectives

*To maximise bushland retention, particularly core conservation values and threatened ecological communities, through statutory planning and environmental approval processes, where applicable, and to seek a balance between the needs of conservation and development and a reasonable outcome.*

*To encourage best practice through performance and design criteria to achieve conservation objectives while offering opportunities for innovative and sustainable planning outcomes.*

Protecting entire Bush Forever Sites in some instances through NPS will be difficult if they do not form part of a much larger area earmarked for development enabling development in cleared portions, or if the adjoining properties are not part of a wider structure planning process. For a large Bush Forever Site affecting the greater part of a property, a compromise with development will be necessary.

The objective of the negotiation process regarding the level of development trade-off will be to secure the long-term survival of core conservation values of the Bush Forever Site. This should be set within the context of a site's environmental capacity to withstand human interference, wider planning and design issues, the viability of development, and servicing requirements. Where threatened communities are involved, they should be protected. Areas to be protected will be regarded as conservation open space, rather than as conventional drainage or active recreation areas. Future land use decision-making

# Practice Note 1: (Contd.)

processes will be predicated upon an agreed outcome through the negotiation processes.

NPS will include:

- Detailed structure planning and associated land coordination and cost-sharing arrangements, where appropriate.
- The development of bushland-sensitive design responses and attendant best practice performance and design criteria.
- Special Control Areas with attendant performance criteria.
- Investigations into alternative forms of development, including consideration of more high-density clustered styles of development in appropriate locations.

## Strategic NPS (see Practice Note 2 and Practice Note 3)

Strategic NPS have the potential to protect some sites in their entirety, where possible, by:

- Forward planning and structure planning, looking strategically over a wider area and distributing open space provision and costs evenly and equitably across ownerships.
- Integrated natural resource planning and management, addressing wider open space needs such as drainage and wetland protection, and passive and active recreation; and a holistic approach through the assessment of the scope for multiple uses in any given area of open space.

The implementation process will involve site evaluation and the development of case-by-case solutions, with a willingness to develop implementation recommendations

that best fit individual cases. The key is consultation, since each Bush Forever Site is unique and landowners will be affected in different ways.

## Urban, Urban Deferred and Industrial NPS (see Practice Note 4)

Environmental capacity, based on bushland threats and sustainability, provide the basis for the bushland-sensitive design criteria for different levels of development and location strategies, creating an effective interface and integration between urban development and core conservation requirements (see *PRACTICE NOTE 5: BUSHLAND SENSITIVE DESIGN CRITERIA FOR URBAN DEVELOPMENT (Interim)*). A best practice, flexible, performance-orientated approach to implementation will give scope for innovation in responding to particular site circumstances while ensuring the economic viability of development.

Bush Forever implementation strategies and performance criteria have been developed to enable a common understanding of goals and objectives. The criteria will be refined over time as knowledge is improved and best practice examples and guidelines are developed to complement the plan's implementation. Bush Forever presents a unique opportunity to develop new design solutions, based on environmental/conservation objectives, amenity and aesthetics, which can enhance the attraction and marketability of a development. Performance approaches will enable best practice implementation within shorter time frames and consideration of planning and urban design form requirements.

# Practice Note 1: (Contd.)



Negotiated outcomes will generally consist of the following approaches for various land use zones:

Lands zoned Urban, Urban Deferred or Industrial in the MRS and, in some cases, the local TPS

In many cases these areas will have approved local structure planning. Stand-alone NPS will be entered into during the subdivision process, and this will involve some development trade-off.

Lands zoned Urban, Urban Deferred or Industrial in the MRS, but zoned Rural in the local TPS

Strategic NPS through structure planning processes will be encouraged. In areas with a large number of small lots in fragmented ownership, protecting Bush Forever Sites in their entirety will be a

priority and this may involve detailed structure planning, land coordination and cost-sharing arrangements (such as guided development schemes) to achieve an equal distribution of open space contributions.

Urban fringe land – lands earmarked for development

Bush Forever acknowledges that planning for these sites may have advanced to a point which limits scope for the application of rural complementary mechanisms. However, where planning approvals have not been granted, the implementation objective will be to protect them in their entirety, where possible, through Strategic NPS, structure planning processes and future TPS rezoning at the regional or local level.

## General Mechanism

### NOTE

Prior consultation with the Bush Forever Office is encouraged before submitting formal development, zoning or subdivision proposals.

## General Implementation Guidelines

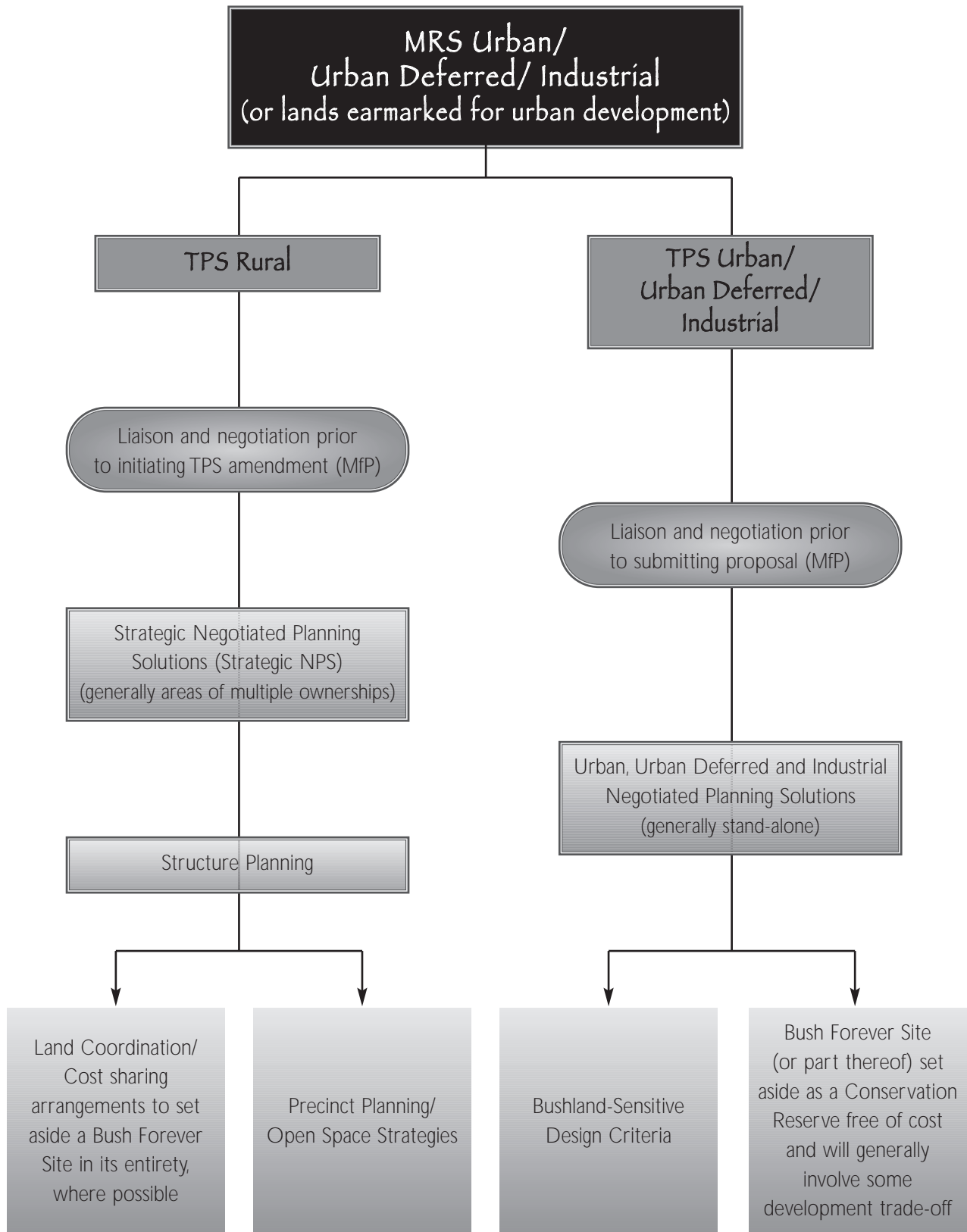
**IG 1** Where Bush Forever Sites have prior planning and environmental approvals and commitments, government agencies will seek to maximise vegetation retention and protect core conservation values, while allowing some development in accordance with existing commitments or approvals in order to achieve a reasonable outcome.

**Action 1** The WAPC will prepare detailed bushland-sensitive design guidelines for urban and rural areas set within the context of wider planning, environmental and urban design considerations.



# Flow Chart 1

## Bush Forever Implementation Strategy – Negotiated Planning Solutions



# Practice Note 2:

## STRATEGIC NEGOTIATED PLANNING SOLUTIONS (STRATEGIC NPS)



### Application

Bush Forever Sites zoned other than Rural in the MRS and subject to local structure planning where, as a rule, rezoning for development will not have occurred in the local Town Planning Scheme. Strategic NPS may also be initiated through regional or district structure planning processes for Rural zoned lands and prior to rezoning in the MRS.

Usually, lots in separate ownerships that form part of a Bush Forever Site; or the Bush Forever Site forms part of a larger development area, and the area has the potential for detailed structure planning and coordination of development.

Large landholders, including government bodies, who may have a number of sites affected by Bush Forever; or where there is a land use with specific needs and requirements, such as mining or cemetery purposes.

Strategic NPS, as opposed to stand-alone Urban, Urban Deferred and Industrial NPS's, promote the protection of entire Bush Forever Sites through structure planning processes prior to rezoning at the local TPS level.

Where land has *cadastral and administrative boundaries and overlapping ownership*, and landowners may have differing objectives and expectations, possibly beyond that which is permissible under the current land use zoning, Strategic NPS can assist in finding common ground between private interests and those of the wider community.

### Objectives

To optimise conservation and planning objectives for sites with multiple ownership.

To provide a fair and equitable distribution of open space (including Bush Forever Sites) when coordinating future development in areas of multiple ownership, while seeking to protect the Bush Forever Sites in their entirety, where possible and a reasonable outcome.

To negotiate with large landholders and special land-use interest groups on a strategic basis, using implementation mechanisms aimed at satisfying conservation and development objectives.

In some instances, Strategic NPS can also apply to *large government or private landholders or to a particular industry or land use*, such as basic raw material extractors, enabling their interests to be dealt with on a strategic basis where a suite of different protection mechanisms and trade-offs can occur. This may be possible on a planning precinct basis (see page 13), where several assets may fall within a particular vegetation complex or area.

There are various planning instruments which can assist in marrying competing interests and fragmented ownership, particularly where Bush Forever Sites have been identified for development through planning processes. These include structure planning, precinct planning and the coordination of open space provision.

## Practice Note 2: (Contd.)

### Structure Planning

Structure plans provide the framework for the coordinated provision of services, infrastructure, open space (conservation and recreation), land use and development. In the context of Bush Forever, district and local structure plans are particularly useful once the land has been zoned in the MRS for non-rural purposes (normally through regional structure planning) as they provide the basis for amendments to the local TPS and the identification of conservation open space, which will include Bush Forever Sites. Incorporation of environment/conservation considerations at this stage provides the most effective mechanism for resolving these requirements in a fully integrated way to maximise the benefits to the surrounding community. Once the TPS zoning is in place, structure plans are used as a basis for determining the subdivision and development of the land.

*District structure plans* provide the guidelines for comprehensive planning and identify the location and density of residential areas and open space. Local government usually prepares them in consultation with the Ministry for Planning.

*Local structure plans* provide more specific detail on the proposed pattern of land use in a given area and provide the framework for assessment of detailed rezoning, subdivision and development. Local structure plans are prepared either by a landowner or a local government and must be approved by the local council and the Western Australian Planning Commission (WAPC), following advertisement for public submissions.

Structure planning is particularly useful in areas where there is a large number of small, highly constrained lots in separate ownerships or where one Bush Forever Site straddles a number of ownerships. Structure planning can facilitate the coordinated provision of conservation open space through land pooling to ensure that Bush Forever Sites are protected in their entirety and dealt with on an equitable and comprehensive basis, and that no single landowner bears sole responsibility for conservation.

Several local governments are introducing enabling provisions in their district planning scheme to facilitate subdivision and cost-sharing of infrastructure based on a structure plan or outline development plan. The scheme provisions provide the statutory basis for the preparation and adoption of the development plan, and developer contribution schedules for cells or precincts accompanying the plan.

### Coordinating the Provision of Essential Environmental Infrastructure

The power to require developer contributions to provide on-site physical infrastructure, including water, sewerage, drainage and the ceding of land for open space, derives from the *Town Planning and Development Act 1928* (TP&D Act), and the scope is guided by WAPC policy. Such developer contributions are normally imposed as conditions of subdivision approval. In some cases, town planning development schemes and private land pooling have been introduced, setting out scheme works and cost contributions to be shared between a large number of owners in comprehensive development areas.



## Practice Note 2: (Contd.)

### Town Planning Development Schemes/Infrastructure Sharing (Local Government Scheme Provisions)

These may take the form of resumptive or guided schemes made under section 7 of the *TP&D Act* and have the force of law when gazetted. They provide for scheme works to be undertaken and costs shared between owners. For Bush Forever Sites this would entail land being ceded to government by the owners, but the land would be acquired at fair market value through contributions from less constrained adjoining owners. This makes for a fair and equitable distribution of open space costs and does not penalise an owner who has preserved bushland over the years while surrounding areas may have been cleared.

A number of provisions exist or can be introduced into local government TPS to permit cost-sharing of district or regional infrastructure. These costs are generally coordinated as part of Outline Development Plans or Structure Plans. This approach is becoming increasingly popular and as comprehensive as a Development Scheme and is guided by the WAPC's Planning Bulletin No. 18.

### Private Land Pooling Schemes

Private land pooling schemes involve a group of landowners entering into a legal agreement to jointly develop their land. The agreement sets out the scheme works and coordination arrangements. Such schemes are relatively rare but have had some success in achieving improved planning outcomes in constrained areas.

### **Integrated Open Space Planning at the Local Level**

Wetland areas, bushland areas (regional or local), drainage swales and corridors, and local open space for active or passive

recreation all form part of an area's essential environmental infrastructure.

They can serve a wide variety of community needs: of core wetland or regionally significant bushland areas, linked by green corridors comprised of drainage areas, local bush, active areas of open space, road reserves and natural creeks. Integrated open space planning involves designing for community needs and seeing where multi-use functions for open space are required and can be accommodated, which in some cases can seek to avoid onerous open space requirements in constrained areas. A local bushland strategy or greenspace plan can play an important part in this process.

Management objectives and compatibility of uses are matters that must, however, be taken into account in designing such multi-functional areas.

Integrated open space planning can include public and private land and all the open space elements within an area, enabling the pooling of maintenance costs and the creation of sites in larger, easier-to-maintain parcels. The plans can set a framework for the consolidation of bushland areas, enabling local open space cash-in-lieu contributions to be used to purchase and develop areas identified in the plan for buffering or linkage requirements.

The Middle Canning example (Evangelisti and Associates 1995) shows how multi-use functions for open space and development with higher densities or clustered development can be concentrated in less constrained areas, thereby minimising development costs and helping to restore anticipated lot yield, while meeting environmental objectives.

## Practice Note 2: (Contd.)

### Precinct Planning for Ecological Communities/Regionally Significant Bushland

The planning precinct concept is a variation on the structure planning theme. Precinct planning attempts to view natural resources as discrete entities that overlap ownership and cadastral boundaries, in doing so providing greater scope to objectively assess opportunities and constraints, possible trade-offs, linkages and supplementary or substitute sites for protection. Precincts are often based on ecological catchments, be it wetlands systems, groundwater catchments, or indeed the vegetation complexes which form one basis for the selection of Bush Forever Sites.

Using a particular vegetation complex as a planning precinct (such as the Southern River complex in the Forrestdale-Southern

River area, see *PRACTICE NOTE 3*) can aid achievement of the minimum 10 per cent protection target by enabling trade-offs to be made between high priority Bush Forever Sites and those which may have prior Urban zoning in the MRS.

The full range of implementation tools can be applied within a precinct, with a particular vegetation complex as the basis, setting a strategic framework where linkages can be established between Bush Forever Sites, local bushland, local open space, wetland areas, drainage and greenway corridors, thus creating a comprehensive open space structure for the vegetation complex.

*PRACTICE NOTE 3: STRATEGIC NPS – BEST PRACTICE CASE STUDY* provides further information and an example of the application of Strategic NPS.

## Practice Note 2: (Contd.)



### Mechanisms

Structure plans, guided schemes, precinct planning and integrated open space planning are essential tools to further assist equitable cost distribution and balance open space requirements in areas heavily constrained by ownership and environmental considerations.

Strategic assessment of opportunities and constraints, and information exchange to determine site-by-site priorities and the needs of conservation and development.

### Implementation Guidelines

**IG 2** Bush Forever will encourage structure planning, land coordination and cost-sharing arrangements and the strategic coordination of bushland, conservation and development to achieve the protection of Bush Forever Sites in their entirety, where possible, and equitable and reasonable outcomes for private landowners affected by Bush Forever Sites.

**IG 3** Bush Forever Sites (or part thereof, where applicable) will be set aside as a conservation reserve at the structure planning and TPS rezoning stage and purchased through landowner contributions and cost-sharing arrangements or set aside free of cost (as per IG5) over and above the normal public open space requirement as part of a land coordination/structure planning arrangement.

**IG 4** Bush Forever will develop strategic packages with land-owning and land-use interest groups to achieve a balance between the needs of conservation and development and a reasonable outcome.



# Practice Note 3:

STRATEGIC NPS – BEST PRACTICE CASE STUDY: The Southern River Vegetation Planning Precinct – Coordination of Development in an Area of Fragmented Ownership



## The Southern River – Forrestdale – Brookdale – Wungong District Structure Plan

The area comprises Southern River, Forrestdale and Brookdale (Wungong) within the cities of Gosnells and Armadale and has been subject to various levels of planning. It includes land that is identified for urban development, deferred for development, and areas where no formal commitments have been given for urban development.

Development on parts of the area is severely constrained by environmental and physical factors, particularly in MRS Urban Deferred areas. These constraints include regionally significant bushland (Bush Forever Sites), conservation category wetlands, drainage and nutrient management requirements resulting from a high water table and low-lying lands and waterlogged soils, the presence of incompatible land uses and insect problems, limited infrastructure and servicing difficulties and land fragmentation. Given these constraints, the future development of the area has been considered through a coordinated district structure planning process to resolve the area's major planning and land development problems. The achievement of a well-structured urban environment in this marginal area, including appropriate urban water management, will be the key to the creation of livable, safe, attractive and convenient local communities and neighbourhoods that meet the diverse needs of their residents, while satisfying environmental concerns.

## The Southern River Vegetation Planning Precinct in the Structure Plan Study Area – Strategic NPS

About 6 per cent of the Southern River vegetation complex is currently in secure

tenure in the Perth Metropolitan Region. Bush Forever proposes that 10 per cent be protected. Opportunities may also exist for additional sites to be protected on the Swan Coastal Plain portion outside the Perth Metropolitan Region through current statutory planning processes, giving a reasonable representation of the complex across its range.

Most of the Bush Forever Sites for the Southern River vegetation complex lie within the Southern River and Forrestdale area, and are highly constrained by a profusion of small, fragmented lots in separate ownership. In addition, a number of the sites are within Urban Deferred and Urban zoning or are zoned Rural in MRS with a high degree of landowner expectation that urbanisation will occur in the near future, limiting the scope to implement off-reserve conservation and to encourage private land management. Negotiating with landowners in isolation to protect Bush Forever Sites would be difficult since some lots are highly constrained by Bush Forever and areas of conservation category wetlands. Conservation category wetlands correlate with a number of Bush Forever Sites in this area. Protection of Bush Forever Sites is therefore important to ensure the overall sustainable development of the area, to maintain wetland functions, and for drainage requirements. Irrespective of Bush Forever, these environmental issues will need to be addressed before development can proceed.

Overall, the proposed Strategic NPS for the Southern River vegetation complex will involve the following measures:

- Reservation of areas of highest conservation value (Bush Forever Sites 125, 413 and 465) and including conservation category wetlands and

## Practice Note 3: (Contd.)

threatened ecological communities. These areas will provide relatively large and sustainable areas of regionally significant bushland.

- Advancing a land coordination mechanism through structure planning, such as a guided development scheme or local government TPS provisions, for Bush Forever Sites 464, 255 and 340, which are zoned Urban Deferred in the MRS, some of which contain conservation category wetlands. This will ensure that Bush Forever Sites are conserved in their entirety through an equitable distribution of open space costs among all the landowners in the area. Such an approach avoids site-by-site negotiations to protect small elements of each Bush Forever Site and will ensure that no single landowner is disadvantaged by the need to retain the bush on a block in its entirety that each Bush Forever Site landowner in this category receives a financial return. This approach will also ensure an integrated design package to enable urban development consistent with bushland and water-sensitive design principles and for drainage management. Given these constraints, individual small lot developments are unlikely to be able to achieve the design considerations required to overcome these inherent environmental constraints. Further assessment of the open space areas through integrated local space planning will enable an analysis of the total open space requirements and the scope for multi-use functions to assist in minimising an onerous “land

take” and developer contributions.

- Enter into stand-alone NPS's and a balance between conservation and development for those areas with current MRS Urban or local TPS Residential zoning, including portions of Bush Forever Sites 125, 342 and 253, recognising existing planning constraints and development viability. Development of these areas is well advanced and, in view of their zoning, do not justify reservation and acquisition as a conservation reserve. For areas within Bush Forever Site 125 without TPS Residential zoning, a local structure plan process and Strategic NPS approach can facilitate an equitable and reasonable balance between conservation and development.

Applying a Strategic NPS will see about 90 per cent of the Bush Forever Sites in this locality protected at a managed cost to government. Five sites may be protected in their entirety. The portions not protected will have a negligible effect on the minimum 10 per cent target for this complex. The combined structure plan and scheme for the area will provide landowner certainty and a framework within which development can progress. The overall integrated design of the area from a water-sensitive design, bushland protection, urban form and livable neighbourhoods perspective will benefit all concerned and will make the area both attractive and marketable. This approach will satisfy a number of the environmental concerns and will establish essential environmental infrastructure, without which development would be significantly constrained. The Bush Forever Sites form part of this essential environmental

## Practice Note 3: (Contd.)



infrastructure and with their protection for water resource management, wetland protection and bushland protection purposes, development is likely to be sustainable in the longer term.

Notwithstanding the above, there may be other environmental issues requiring further consideration, such as conservation category wetlands outside Bush Forever Sites and overall drainage and nutrient management requirements. Implementation of the structure plan proposes as a first step the production

of an overall Urban Water Management Strategy, to be coordinated by the Water and Rivers Commission. This is designed to establish criteria for the quality of water being exported from the area of the structure plan, in order that the targets established through the Swan-Canning Clean-Up Programme can be met. At a site-specific level, proponents will be required to produce nutrient and drainage management plans which comply with the criteria established by the Urban Water Management Strategy.



# Practice Note 4:

## URBAN, URBAN DEFERRED AND INDUSTRIAL NEGOTIATED PLANNING SOLUTIONS (URBAN, URBAN DEFERRED AND INDUSTRIAL NPS)



### Application

Stand-alone Bush Forever Sites (e.g. in one ownership and able to be developed in isolation), that are generally zoned Urban, Urban Deferred or Industrial in the MRS, and in some cases in the local TPS, therefore may lack the potential to be part of a broader structure planning process involving a wider area and other land ownerships. This does not preclude Strategic NPS with adjoining lands.

The planning approval process will aim to retain regionally significant vegetation by maximising the Bush Forever Site to be included as conservation reserve through open space contributions under section 20A of the TP&D Act as a trade-off for some development. This will be applied through land use zoning, where applicable, and as a condition of subdivision approval and will be over and above the normal 10 per cent local open space requirement; will be ceded free of cost, and will not form part of a credit against the active or passive recreation requirements of an area unless agreed otherwise. Bush Forever Sites shown as 'Agreed' on Map 1 will be given over in their entirety in this way. Other Bush Forever Sites in this category will involve some development trade-off, with portions of the site protected. Where possible an indication of the area to be set aside is given in Map 1 (referred to as 'Agreement Proposed' and will be subject to further detailed investigations).

### Objectives

To seek to protect core conservation values and threatened communities of Bush Forever Sites, while recognising Urban, Urban Deferred and Industrial zoning in the MRS and any prior planning and environmental commitments and approvals, and to achieve a reasonable outcome.

The procedure under the TP&D Act is statutory but the actual 10 per cent is practice-based and can vary according to circumstances and the prevailing environmental constraints of any given site. The level of provision to protect Bush Forever Sites will depend on the circumstances of each case, the values and constraints of the bushland, and will be uniquely developed for each site in accordance with the negotiation and design criteria.

The protection of bushland and the development of land need not be mutually exclusive objectives, however, the management of bushland areas to be retained and the design of development either directly abutting or located within bushland setting needs to be approached with great care. Practice Note 5 discusses and sets out guidelines for particular aspects of the design, management and development of bushland areas.

# Practice Note 4: (Contd.)

## Mechanisms

Best practice design and performance criteria can be used as benchmarks to achieve design and development responses compatible with the needs and requirements of bushland protection.

Other mechanisms outlined in PRACTICE NOTE 5, such as density bonuses, urban clusters, private bushland management initiatives and larger blocks, which buffer the Bush Forever Site may be appropriate.

## Implementation Guidelines

**IG 5** Bush Forever Sites (or portions thereof, where applicable) will be set aside as a conservation reserve as part of the TPS rezoning and subdivision approval process, and ceded free of cost over and above the normal public open space requirement, and vested with an appropriate management body under section 20A of the TP&D Act; or secured through a statutory conservation covenant.

**IG 6** Negotiated Planning Solutions (both Urban/Urban Deferred and Industrial NPS and Strategic NPS) which reflect best practice planning, and design criteria identified in PRACTICE NOTE 5 (to be used as an interim guide pending the preparation of bushland-sensitive design guidelines) to achieve conservation objectives will receive favourable consideration.

# Practice Note 5:

BUSHLAND-SENSITIVE DESIGN CRITERIA FOR URBAN DEVELOPMENT (INTERIM): Threats to Bushland; Greenways and Corridors; Design Criteria; Urban Clusters



## 1. Threats to Bushland Protection from Urbanisation and Land Use Intensification

Solutions should aim to incorporate measures to protect Bush Forever Sites from the adverse effects of urbanisation and land use intensification, such as the following:

- Fragmentation, creating ecological islands which reduce the movement of fauna and gene migration between isolated pockets.
- Changes in hydrological regimes and soil nutrient status through urban run-off. Urban development has created extensive areas covered by impervious surfaces causing high peak flows, run-off into open space areas and the addition of nutrients. These areas are constantly wet and the ecosystems altered, favouring succession by other species and weed infestation. They are typically found along residential boundaries and drainage corridors, and for many species the conditions may become toxic. Drainage of urban areas can also affect wetland ecosystems through the lowering of groundwater levels.
- Increased erosion from increased run-off and site works, bringing suspended solids and causing siltation.
- Alteration of natural fire regimes and frequency.
- Weed introduction through firebreaks and illegal dumping of wastes and garden clippings, stormwater discharge, irrigation and frequent fire.

- Physical damage and soil compaction and erosion through overuse by humans, or inappropriate use and associated weed infestation.
- Wildlife predation by domestic pets.
- Disturbance and fragmentation through ancillary services such as powerlines, sewerage, water, gas, sporting facilities and transport corridors and associated works and maintenance.
- Removal of plants as source of landscaping, and planting of exotic species.

## 2. Bushland-Sensitive Urban Design Criteria

A key to the retention of bushland conservation values lies in minimising the occurrence and impact of actions on adjacent land that disturb the vegetation, soil, water or nutrient regime. These actions may have a direct impact on the bushland or they may provide conditions favourable to the establishment and spread of weeds and disease that degrade its condition. These issues are to be addressed through the promotion of bushland-sensitive design criteria and land management advice to landowners, which can act as benchmarks by which to assess urban design and management performance.

Conservation planning in the urban environment requires an approach different from that traditionally used to construct residential areas. This does not necessarily mean lower lot yields and financial returns as minimal disturbance to bushland area will provide a unique marketing opportunity, often referred to as a "landscape ecology" or "design with nature" (McHarg 1969) approach. This can make excellent economic sense; for example, plants



## Practice Note 5: (Contd.)

transform solar energy, soak up rainwater to avoid flooding and provide microclimates to deflect cold winter winds and block the summer sun. Lots adjacent or near to bushland open space also benefit greatly from the open space amenity value, landscape and wildlife benefits.

A landscape ecology approach requires maintaining adequate bushland size, configuration and connectivity between habitats. Development should avoid fragmentation and support retention of the composition of the habitat. Habitats should not be so small that they are susceptible, yet not so disconnected by barriers to movement and the quality of greenway corridors that species extinctions occur by preventing migration (the concept of greenways and corridors is explored further in this section).

Performance criteria can be translated into subdivision regulations and guidelines within planning schemes as part of a zone, or can be generally applicable to urban development through planning policy, and can set out clear guidelines, which should be considered when assessing applications. Different guidelines may apply to Bush Forever Sites within urban and rural areas, with different best practice objectives, but the principles are generally the same. For urban and industrial subdivision, guidelines should aim to protect the environment from pollutants and harm as well as to secure the care of bushland.

### **Bushland-Sensitive Urban Design Criteria**

The following design criteria can generally be applied for development affecting a Bush Forever Site:

- Identify areas of highest conservation value through a comprehensive survey of flora, vegetation and fauna prior to site planning and consider the site characteristics in the design.
- Avoid the loss of areas of high conservation value, including the loss of threatened ecological communities, threatened or poorly reserved floristic communities, rare and endangered species, and verified conservation category wetlands.
- Development to be focused within less intact portions of the bushland or, if present, cleared and degraded portions of the block.
- Consolidate large areas for conservation open space/reserves, which provide a variety of plant communities/habitats and the transitional elements between communities.
- Carefully design the bushland/development interface to minimise the problems of weed infestation and management, including the provision of hard edges (such as roads) to bushland and establishing buffer zones of less intensive land uses next to high priority conservation areas.
- Attempt to accommodate other areas of bushland within the general subdivision design or in local open space.
- Conservation open space to be consolidated with, or be located in close proximity to, or physically connected with other natural areas wherever possible.
- Attempt to minimise boundary length and edge to area ratio for conservation areas by setting round and compact boundaries rather than elongated or irregular shapes and smaller fragmented areas.

## Practice Note 5: (Contd.)



- Stormwater run-off to be retained on the development site through treatment drains (in accord with Water-Sensitive Design principles) with control standards, including traps and maintenance arrangements for sediments and pollutant (including nutrient) run-off.
- Possibly earn density bonuses by increased conservation open space provision or clustering of development nodes.
- Design and planning responses to conform with natural features and contours.
- Retention of natural soils and bushland through sensitive site works to minimise the disturbance footprint.
- Investigating the scope for the integration of open space requirements and multi-use, but avoiding co-location of Bush Forever Sites with drainage and services to minimise disturbance. If co-location is unavoidable, then use common trenching systems to integrate services, sewer and water reticulation.
- Avoid housing backing onto bushland, which can lead to degradation through garden refuse dumping and bushfire hazard reduction.
- Fence off areas where necessary for management, but provide for managed access on foot to avoid alienation and lack of ownership by adjoining residents, except high-priority areas.
- Apply landscaping standards and bushland retention through the site design and development stages, with the use of local species in landscaping, including road reserves that abut or are in close proximity to bushland.
- Apply dieback hygiene measures in design, construction and maintenance.
- Other planning, fire management and access requirements, including urban design considerations relating to creating safe, convenient and livable neighbourhoods.

Approval conditions to support the above criteria can include the development of an environmental management plan to secure long-term protection. Management Plans should address matters such as future management regimes, future uses, retention of significant individual trees, replanting with indigenous species, rehabilitation of degraded areas, buffer zones to reduce dieback risk at the edge and avoid weed infestation, control of run-off, use or disposal of felled vegetation, and protecting or rehabilitating sensitive areas.

### 3. Greenways and Corridors

The greenway or corridor concept is important for linking remnant vegetation or Bush Forever Sites and for designing NPS, particularly when negotiating with multiple owners and lots. The optimum width of a corridor to reduce edge effects, weed infestation and for the movement of fauna may vary depending on the site characteristics and its natural attributes. Principles for planning corridors include the following (Greening WA 1997):

## Practice Note 5: (Contd.)

- Greenways may follow natural landform characteristics such as creeks or a chain of wetlands. They may include only one vegetation community, or may cut across the landscape and incorporate a number of vegetation communities.
- In general, the wider the better as narrow corridors suffer more edge effects. However, some narrow corridors can resist weed infestation if the vegetation is in good condition with an intact understorey, or contain soils which are less penetrable, such as the clayey soils on the eastern side of the Swan Coastal Plain.
- Greenways, which are buffers to streams or wetlands, should take into account the width of the floodway, soil types, landform and native vegetation when determining the appropriate width buffer and the requirements of water-sensitive urban design.
- Management objectives, aside from bushland conservation, including fauna movement, recreation, drainage and buffers, will assist in setting the design parameters; and many greenways will have more than one objective.
- Greenways aimed at facilitating animal movement need to provide a range of habitats and food sources; it is important they contain a varied micro habitat such as fallen logs and debris. The corridor should mimic as far as possible the patches of bush it is connecting and should incorporate habitat nodes, particularly where the corridor may be very long. Ideally corridors should act like linear reserves.
- Greenways providing a recreational function should take into account safety, including the placement of paths to avoid areas of dense scrub.

### 4. Urban Clusters

Bushland provides a unique marketing opportunity for new subdivisions to use the natural setting. Urban clusters following landscape ecology principles can protect landscapes by grouping houses so that they share services and conserve landscape features (Loddon-Campaspe 1979). A concentration of smaller lot sizes creates opportunities for more flexible siting and lower maintenance obligations for individuals, while still providing pleasant private outdoor living areas. This approach takes account of integration with the surrounds and requires site analysis of vegetation, slopes, summer and winter sun paths, views, circulation and access.



# Practice Note 6:

## LAND EXCHANGES



### Application

Bush Forever Sites zoned Urban, Urban Deferred and Industrial in the MRS where it is desirable to protect the site in its entirety (or part thereof) and a substitute site is required to enable development elsewhere, subject to rezoning considerations.

Land exchanges with government land may be appropriate where the protection of a Bush Forever Site in its entirety involves the loss of land, such as important Industrial zoned land, for which alternative provision is necessary. The scope for land

### Objectives

To facilitate the protection of Bush Forever Sites that coincide with lands with prior zonings for high order uses.

exchanges may be restricted by funding and legislative limitations and the availability of suitable land for exchange. Land exchanges may be useful when used as part of a package of measures or as part of a Strategic NPS.

### Mechanisms

Improvement Plans under S 37 MRS to acquire areas to be used in exchange for areas of high conservation value, subject to other planning and environmental considerations and detailed financial considerations.

Existing land surplus to government requirements.

### Action

*Action 2 The WAPC will investigate opportunities for land exchanges through government assets, where possible, but with due consideration given to broader planning and environmental implications.*

# Practice Note 7:

## COMPLEMENTARY MECHANISMS FOR RURAL ZONED LANDS – GENERAL GUIDING PRINCIPLES



### General Application

Land zoned Rural in the MRS and local Town Planning Scheme which has not been subject to detailed planning and/or commitments for uses other than those applicable to the Rural zone.

Most privately owned Bush Forever Sites fall within rural areas. About 2,990 hectares are earmarked from implementation through rural complementary mechanisms, with some identified in local strategies for more intensive subdivision through rural living zones.

Bush Forever represents a significant challenge to the community within a metropolitan area where there are competing needs and the expectations of landowners who may see their land as an asset for future development and subdivision. Many of these expectations may not be achievable through the normal planning process, irrespective of Bush Forever, as wider considerations, such as servicing, infrastructure requirements and environmental constraints, all have to be taken into account when planning new development. Rural Negotiated Planning Solutions offer an alternative means of dealing with these difficulties, particularly where legitimate planning approvals exist for intensive rural living subdivision.

### General Objectives

Conservation on private lands is the preferred outcome, supported by mechanisms to secure future conservation management suited to individual circumstances and developed in consultation with the landowner.

### Rural Negotiated Planning Solutions – Rural Subdivision and Development for Conservation (PRACTICE NOTE 9, 10 and 12)

For Bush Forever Sites with other various forms of Rural zoning in the local TPS and not currently identified for rural subdivision, some rural negotiated solutions through low-key rural subdivision and development for conservation, such as for large bush blocks or cluster development, may be considered acceptable where an over-riding conservation outcome can be achieved, but subject to other planning and environmental considerations. The expectation is that bushland on these sites will be fully protected apart from designated building envelopes/and development areas, access and appropriate firebreak requirements.

Rural Negotiated Planning Solutions will include:

- Detailed subdivision guide plans.
- The development of bushland-sensitive design responses and attendant best practice performance and design criteria (PRACTICE NOTE 10).
- Local bushland protection zones or Special Control Areas with their attendant performance criteria.

## Practice Note 7: (Contd.)

- Investigations into alternative forms of development, including consideration of rural clustered styles of development in appropriate locations.
- Statutory conservation covenant as a condition of subdivision approval.

The above mechanisms will enable landowners to on-sell, if they wish to do so, with a conservation covenant, to an owner who is willing to manage the land for conservation purposes, and may be supported by local rate relief and State land tax incentives. In other circumstances, purchase, reservation or covenanting and on-selling by the State may be appropriate. The *Bush Brokers* Project, being promoted jointly by the Real Estate Institute of WA, the World Wide Fund for Nature and the Soil and Land Conservation Council, has the objective of connecting sellers of bushland with buyers interested in bushland conservation.

### Special Control Areas or Bushland Protection Zoning

The number of rural Bush Forever Sites will be identified in various forms of Rural zone or similar in the local TPS, many of which will have development controls and policies regarding rural development, e.g. the exclusion with expressed permission for market gardens or horticulture activities or to prevent further subdivision unless identified through a local strategy. Such controls may complement bushland protection or landscape objectives.

However, many Rural zones in local TPSs are flexible and permit a wide range of uses, all of which may not be compatible with bushland protection. In these circumstances, detailed consideration will need to be given to the scale, nature and design of proposed development to ensure bushland protection objectives are

achieved. Conservation covenants may also be required and supported by local rate relief and State land tax incentives. For these Bush Forever Sites, rezoning in the local TPS to some form of bushland protection zones or Special Control Area is encouraged to accommodate low-impact, conservation-compatible rural development and to ensure design controls are in place to protect a site's conservation values.

### Rural Negotiated Planning Solutions: Low-Impact Rural Living in a Bushland Setting (Practice Note 10 & 11)

For lands zoned Rural in the MRS and for rural living or similar in the local TPS, rural living subdivision and development will be accommodated, where appropriate, provided the development is compatible with the conservation values and objectives and the existing planning framework.

### Bushland Management Support, Funding Incentives and Protection Mechanisms (Practice Note 8)

Other forms of complementary mechanisms provide incentives, advice and education to assist rural landowners in managing bushland areas. They embrace a wide range of strategies that aim to provide off-reserve protection of natural areas, so termed because they complement the formal systems of conservation reserves. Off-reserve conservation is not simply a cost-saving measure, it creates opportunities for the shared stewardship of natural areas between government and the community, and shifts the focus from questions of ownership to those of care and management. It is an approach that is particularly appropriate to the conservation of rural land, where owners

## Practice Note 7: (Contd.)



may wish to retain ownership and are willing to manage bushland for conservation. These mechanisms may be applied in isolation, attached to current land use activities or be a requirement of further rural subdivision and development. The primary protection

mechanisms for these sites will most likely be land management agreements and statutory covenanting arrangements.

Appendix 2 gives examples and a comprehensive list of known complementary mechanisms.

### **Mechanisms**

A range of protection and incentive packages operating through public and private agencies (as covered in detail in Practice Notes 7 to 12). Statutory conservation covenants may be required for full protection.

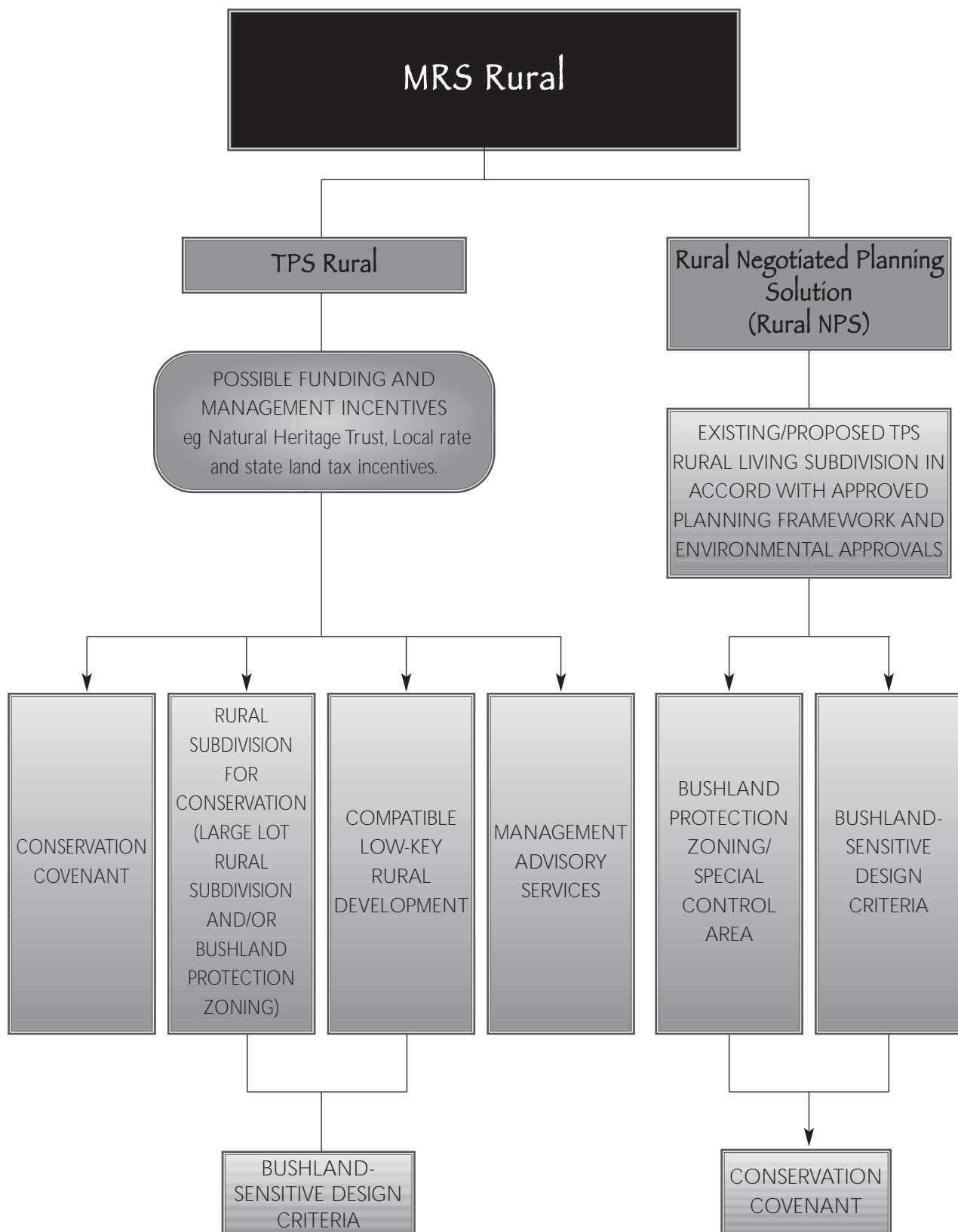
### **Action**

*Action 3 Bush Forever will seek to maximise the retention of vegetation in rural areas through liaison and negotiation with individual landowners on a case-by-case basis in order to achieve a reasonable outcome.*



# Flow Chart 2

## Bush Forever Implementation Strategy – Rural Complementary Mechanisms



# Practice Note 8:

## BUSHLAND MANAGEMENT SUPPORT, FUNDING INCENTIVES AND PROTECTION MECHANISMS



### Application

Generally Bush Forever Sites where the private landowner or local government wishes to retain ownership but requires government advice and assistance with management.

### Objectives

To support private and public land management to achieve secure conservation management of Bush Forever Sites.

The particulars of several avenues for bushland management support are briefly given below. Examples are set out in Appendix 2.

### 1. Management Support and Advice

#### Land for Wildlife

Land for Wildlife is a voluntary educational and motivational mechanism that aims to encourage and assist private landowners to provide habitat for wildlife by offering non-binding agreements that will not change the legal status of the property, and from which they may withdraw at any time. It does not convey the right of public access or exclude multiple or existing land uses over the area. There is no limitation on size or primary land use, which can include bush blocks, farms, local government reserves or roadsides.

Land for Wildlife has been launched in WA through CALM with Natural Heritage Trust funding and offers advice on how to integrate wildlife habitat with other uses of private land to the benefit of the landowner through farm and catchment planning; how to manage remnant bushland; the ecological role and requirements of native flora and fauna; how to include wildlife aspects into revegetation and landcare; and information about other forms of assistance.

Land for Wildlife can also offer contact with like-minded landowners and a chance to share ideas and experience through publications, regular newsletters and field

days. A Land for Wildlife sign is provided free of charge to acknowledge the efforts being made for wildlife conservation. If the property ownership changes, the new owner needs to reapply for registration.

#### The Swan Catchment Centre

The centre acts as a central body for catchment groups operating at the local level throughout the Perth Metropolitan Region and provides environmental information and advice to the public, including advice on bushland management. It has an extensive library and offers free access to the Internet and computer equipment. Staff can provide information on weed control, species identification and selection, regeneration, and management techniques. They can assist with applying for Natural Heritage Trust grants or other funding sources and help individuals to involve the wider community in managing bushland areas.

#### Ecoplan

Ecoplan is a program established within the Department of Environmental Protection to raise the awareness of bushland issues and provide training and support to assist community groups and individuals to look after bushland. Ecoplan runs free introductory training courses on bush care, and workshops on a range of topics, including grant submissions, flora and fauna surveys and bush regeneration techniques. Bushland management training for landowners included within Bush Forever can be arranged.

# Practice Note 8: (Contd.)

## 2. Funding Incentives

### Natural Heritage Trust (Bushcare)

The Natural Heritage Trust (NHT), developed by the Commonwealth Government and, in particular, the Bushcare (National Revegetation) Initiative, aims to conserve biodiversity. Revegetation projects and projects that protect or manage remnants would be eligible for funding under this program.

Bushcare facilitators are located within CALM and projects are assessed on an annual basis. PPB2000 is a regional strategy, and land identified in Bush Forever should be favourably considered for funding. A demonstrated cooperative approach with community-based groups such as "friends" groups, Land Conservation District Committees or catchment groups or through local government will be favourably considered for funding. If direct involvement with one of these organisations are not possible, a letter of support would show community acceptance of the project. After assessment of the merits of the project, the Bush Forever Office may be able to provide a letter of support.

### State Land Tax and Local Rate Relief

Where private lands are securely protected for conservation, such as through land covenanting or conservation zoning, they should be revalued by the Valuer General, recognising that the land would not be available for future development, and that the revaluation should be reflected in State land tax and local rates assessments.

This approach is consistent with existing practice in rural areas outside the metropolitan area where lands covenanted under the *Soil and Land Conservation Act 1945* (SLC Act) are revalued through an allowance made to

the unimproved value for rating purposes if land becomes subject to some restriction. This approach may result in a significant rating reduction in an area close to the development front where land values may be inflated due to expectations of development potential.

Local government has, under the provisions of the *Local Government Act 1995*, the capacity to set differential rates to provide incentives to landowners. This capacity could be used to establish a rate relief for private lands securely managed for conservation, such as by conservation zoning and/or land covenanting initiatives. The Shire of Serpentine-Jarrahdale has developed a conservation zone under its TPS which offers a local rate reduction of 50 per cent subject to the preparation and implementation of an agreed conservation management plan.

Local governments may also give ratepayers an option to voluntarily pay a levy for landcare and conservation initiatives. The Shire of Katanning imposes a voluntary landcare levy, and the Shire of Mullewa increases rates in its annual budget to cover landcare and spreads the burden over the whole community. These funds can be specifically assigned to financial incentives towards land management and conservation initiatives.

## 3. Covenants

### Statutory Nature Conservation Land Covenanting

Covenants are statutory agreements between the landholder and the covenanting organisation, registered on the land title, giving effect to a desire on the part of a landholder to protect the conservation values of the land, and make a permanent contribution to nature conservation while continuing to manage the land. Covenants are designed to

## Practice Note 8: (Contd.)



reflect the needs of the landholder and the conservation requirements of the land. A covenant can apply to all or a defined part of a property.

The covenanting organisation will maintain contact with the owner in order to provide conservation and management advice where necessary and help monitor the program. Permission to enter the area will always be sought from the landowner before any visit. In some cases financial assistance with fencing or management will be available to assist with land management and the arrangement may provide for a reduction in rates or State land tax. If the land is sold the covenant remains on the title, ensuring that a subsequent purchaser is aware of the land's special values, status and management requirements.

Covenants will normally limit the clearing and use of native vegetation, with special conditions covering buildings, subdivision, timber, seed and wildflower collection, water supply, grazing and pets. A management plan for the covenanted area will also be prepared in consultation with the landholder.

Three covenanting mechanisms (outlined below) currently available in Western Australia provide ongoing stewardship, which is an important component to support effective ongoing management. The WAPC has the power to impose covenants as a condition of subdivision. Local government and CALM may also enter into conservation covenants. While the mechanisms are similar in their purpose, each has different features. Landholders can choose the one that best suits their needs.

■ CALM is the government agency responsible for managing the State's conservation reserve system and the conservation of the State's flora and fauna. CALM provides covenants that are normally permanent and designed to protect nature conservation values on private land. This strategy commenced in 1999 under the *Conservation and Land Management Act 1984* (CALM Act) and the *Transfer of Land Act 1997*.

■ The National Trust, in association with the Gordon Reid Foundation for Conservation, has developed a conservation covenanting initiative to assist landholders protect the natural values of their land. The National Trust is a voluntary community-based organisation that has been committed to conserving Western Australia's heritage since 1964 through the *National Trust (WA) Act 1964*. Assistance with advice and funding opportunities is available through the Trust's covenanting program launched in early 1999.

■ Agriculture Western Australia has assisted landowners to covenant land since 1990. The covenants apply for an agreed period or in perpetuity but do not provide an ongoing stewardship role. Grants to assist with fencing costs are available under the Remnant Vegetation Protection Scheme. This scheme operates under the SLC Act.



## Practice Note 8: (Contd.)

The following examples illustrate the possible uses of covenants:

1. *A bush block with a dwelling and the complete protection of the bushland with the exception of a development envelope around the house.* The excluded area is used for domestic purposes and fire protection measures. In some cases pets may be permitted as well as the planting of non-invasive exotic plants within the area of the building envelope. The whole title is subject to a covenant.
2. *Remnant natural areas within a larger allotment such as a farm.* The purpose of the covenant is to protect the bushland from grazing and development. The covenant protects only the bushland.
3. *A covenant allowing for subdivision, subject to normal planning and environmental considerations.* The land is, for example, subdivided into three titles with building envelopes clustered together. The bushland is protected by the covenant, with boundaries marked on the title, but with no fences or firebreaks permitted in the bushland. No exotic plants or animals are permitted. The whole title is protected by the covenant.

### Mechanisms

Appropriate mechanisms to support and reinforce existing and future management for conservation and to provide long-term security, applied in consultation with landowner(s), including a combination of education (e.g. Land for Wildlife, Ecoplan), agreement (statutory conservation covenants) and financial incentives (Natural Heritage Trust, local rating and State land tax incentives) for conservation through partnership arrangements.

### Action

**Action 4** *The Government will support landowners seeking advice, agreements, statutory protection and financial assistance from existing programs, where possible, to offer a suite of complementary mechanisms suited to individual circumstances.*

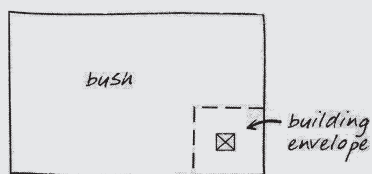
# Practice Note 8: (Contd.)



## Examples of different designs for covenants

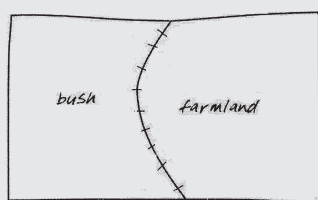
### The bush block with a dwelling

People have a house in bushland but wish to see the complete protection of the area save for an envelope around the house. This excluded area is used for domestic purposes and fire protection measures. In some cases pets may be permitted as well as the planting of non-invasive exotic plants within the area of the building envelope. The whole title is subject to a covenant.



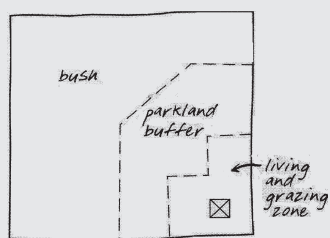
### Remnant natural areas within a larger allotment – no development

For bushland or wetlands existing within a larger farming title, the purpose of the covenant is to protect the natural areas from grazing and development. On occasions allowance is made for the removal of small amounts of natural produce, such as firewood for use on the farm. Note: special issues such as extended drought may be considered. Only the bushland is protected by the covenant.



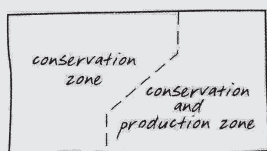
### Covenant allowing for a buffer and domestic/grazing area

The purpose of this covenant is nature conservation with some human orientated activities. Part of the land is completely protected, part is a buffer with seasonal grazing or removal of fuel loads. Allowance is made for horse grazing and a dwelling envelope. Some pets are permitted within the dwelling and grazing area. Other conditions may be included, such as taking fuelwood for use on the property. The whole title is protected by this covenant.



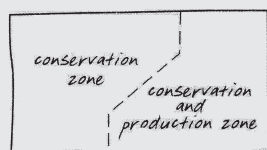
### Covenant for timber production / seed collection / wildflower harvesting

The covenant has a zone, that is completely protected, and a zone used for commercial production. Under a strict management plan the use of natural products such as timber, seed and wildflowers is permitted. The whole title is protected by a tiered covenant.



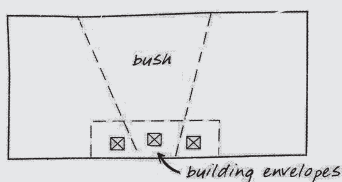
### Covenant allowing for subdivision (subject to planning regulations)

Land is divided into three titles with building envelopes clustered together. Most of the bushland is protected by covenants. Boundaries are marked on the title but no fences or firebreaks are permitted in the bushland. No exotic plants or animals are permitted. The whole title is protected by a tiered covenant.



### Revegetation covenant

An area which has been revegetated with a suite of native overstorey and understorey species is covenanted after it has met strict completion criteria such that it is considered to be able to regenerate itself in the future and therefore be sustainable in the long term.



Only the remnant bushland and the revegetated land are protected by the covenant.

As taken from "Your Land Its Future" (CALM, AGWEST and National Trust – Brochure)



# Practice Note 9:

RURAL NEGOTIATED PLANNING SOLUTIONS –  
FUTURE RURAL SUBDIVISION FOR CONSERVATION  
(e.g. large bush blocks and rural cluster development)



## Application

Rural lands where the owner does not intend to manage or retain the land for a conservation purpose and where government does not consider reservation as an option.

The draft *Agriculture and Rural Land Use Planning Policy* (WAPC 1999) permits the excision of bushland areas from larger agricultural titles or for rural subdivision, irrespective of zoning, where a conservation outcome is proposed, where the area has been identified as worthy of protection (such as lands identified in Bush Forever), and the values will be maintained in perpetuity, e.g. through statutory covenants. Bush Forever supports this principle for Bush Forever Sites, subject to the performance criteria for rural subdivision outlined in *PRACTICE NOTE 10: BUSHLAND-SENSITIVE DESIGN CRITERIA FOR RURAL SUBDIVISION AND DEVELOPMENT (INTERIM)* and the following considerations:

- The lot is large enough to warrant subdivision based on its planning and environmental characteristics.
- Management plans and controls to guarantee the maintenance of conservation values e.g. stock controls and fencing.
- A statutory covenant on the title of the lot to protect vegetation and secure performance of the agreement in perpetuity.
- Whether setbacks can be achieved with no or only minimal clearing of vegetation.
- A building envelope or building exclusion area is shown in the plan of subdivision.

## Objectives

Low-impact rural subdivision for large bush blocks or low-key rural cluster style development will be considered where it is proved to have an overriding conservation outcome, but subject to other planning and environmental considerations.

Generally speaking, the larger the block, the better opportunity to minimise risks to the long-term maintenance of sustainability, although management implications need to be fully understood. One of the hurdles often cited to the consideration of bush block proposals in the metropolitan area is marketability. This could perhaps be overcome by better promotion of the concept through measures such as the *Bush Brokers Project*, being promoted by the Real Estate Institute of WA with the objective of connecting sellers of bushland with buyers interested in bushland conservation.

The value of retaining bushland can be far reaching in its effect on maintaining hydrological regimes in areas prone to flooding, maintaining water quality, preventing erosion, and conserving local species and habitats for fauna. All assist land productivity and sustainable land management without which expensive management may otherwise be required. There may also be direct financial benefits in conservation through nature-based tourism.

## Rural Bushland Protection Zones or Special Control Areas

The variety of land uses currently allowed in the MRS or local TPS Rural zone are generally too broad to guarantee that environmental values can be retained, despite imposition of land-

## Practice Note 9: (Contd.)

clearing controls where biodiversity is an issue. Retaining land in general Rural zones is therefore not encouraged in areas that include Bush Forever Sites. An exception to this could be where statutory conservation covenants are entered into through agreement or as a condition of a development approval.

The preferred option for providing security to Bush Forever Sites is to have a specific bushland protection/conservation zone or Special Control Area (see Volume 1, s2.5.4) in the TPS. Zones can have provisions and performance criteria which can further regulate the scale, nature and design of future subdivision and development to ensure it is in keeping with and sensitive to the environment through controls on clearing, lot sizes, building envelope size and location, access ways and fencing. They also have the capacity to prescribe land management practices which will be to the benefit of

the area in terms of protection, regeneration and revegetation, and can result in net environmental gain.

Rezoning of existing lots for conservation or bushland protection could be encouraged through local rate and State land tax incentives. The Shire of Serpentine-Jarrahdale has created a zone that is specifically devoted to nature conservation and includes management plans and a 50 per cent rate relief.

Permitted uses may need to be reviewed in conservation zoning and a prohibited use category may be necessary where there is a need for very tight controls for human health reasons, such as water quality. A general statement of objectives for bushland protection zones could be developed through an SPP for Bush Forever Sites and may be equally applicable to local bush strategies and the development of bushland protection zones for local bushland of significance.

### Mechanisms

Bushland-sensitive design guidelines for rural subdivision outlined in PRACTICE NOTE 10 to be supported by statutory conservation covenants through the planning approval process, management plans, scheme zoning (where required e.g. for cluster style development) and land suitability and capability studies, where applicable.

### Implementation Guidelines

IG 7 Bush Forever Sites identified for complementary mechanisms may be considered for a form of rural negotiated outcome, such as limited conservation-compatible rural subdivision for large bush blocks or low-key rural cluster development, provided there is an overriding conservation outcome involving statutory conservation covenants, but subject to other planning and environmental considerations and the performance and design criteria established in PRACTICE NOTE 10 (to be used as an interim guide pending the preparation of detailed bushland-sensitive design guidelines).



## Practice Note 9: (Contd.)

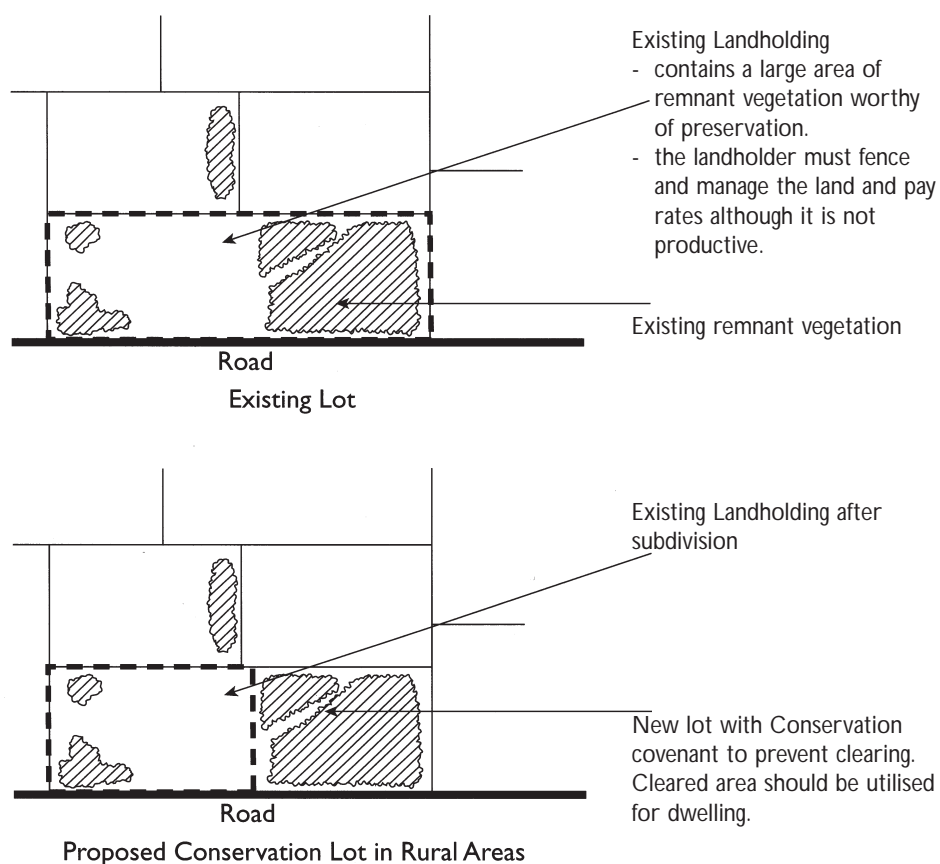
### Mechanisms (cont.)

Rural subdivision for conservation purposes may attract local rating and State land tax incentives, particularly where statutory conservation covenants are imposed.

### Implementation Guidelines (cont.)

IG 8 Lot sizes for bush blocks and cluster development will be subject to the bushland protection objectives, management and marketing considerations, prevailing site conditions and environmental constraints, including drainage, water supply and quality, erosion, road and wastewater services, fire, visual amenity, heritage and other planning considerations.

Figure 2: Proposed Rural Subdivision for Conservation in Rural Areas



As taken from "Agricultural & Rural Land Use Planning Policy Explanatory Notes October 1999" (WAPC & AGWEST)

# Practice Note 10:

## BUSHLAND-SENSITIVE DESIGN CRITERIA FOR RURAL SUBDIVISION AND DEVELOPMENT (INTERIM)



These criteria are generally applicable to rural living subdivision, or low-impact rural development or rural subdivision for conservation.

- Averaging of lot sizes or a variety of lot sizes and density bonuses to facilitate innovative planning responses, e.g. clustering of lots or building envelopes to provide improved and beneficial responses to the environmental opportunities and constraints on site. Lot sizes will be subject to bushland protection objectives, management and marketing considerations and other prevailing planning and environmental factors for the particular site.
- Where there are existing approvals, the subdivision design and lot yields should be sensitive to these approvals, along with site-specific environmental considerations, a sustainable conservation outcome, marketing and the viability of development.
- Land should be appropriately zoned or identified in a rural strategy or based on land capability and availability of services and the subdivision created to specifically contribute to the improved use and management of the environment.
- On-site assessment, site planning and supporting documents should take into account site features such as natural corridors, which should be maintained and enhanced.
- Clearing and management controls and restrictions will apply and environmental repair may be required.
- A statutory conservation covenant, including stewardship provisions, with a recognised conservation body, will be required in order to provide long-term security.
- Commercial activities such as timber cutting, firewood collection, wildflower picking and seed collection will not be permitted.
- Avoid multiple entries and long access ways that fragment vegetation, and encourage common driveways.
- Avoid running lots and roads across drainage lines and watercourses, which can create barriers to drainage and the movement of flora and fauna, and allow ease of human access, causing degradation.
- Avoid lots directly abutting or backing onto conservation reserves except where these are covenanted bushland areas and are to remain in private ownership.
- Employ sensitive design and avoid boundary fences to allow fauna movement and reduce fragmentation, avoiding straight-line designs which cross natural contours.
- Avoid small lots on steep slopes, resulting in erosion.
- Include stock provisions, and controls and limitations on domestic pets.
- Design building envelope sizes and select locations that concentrate ancillary buildings, services and stock to prevent weed infestation; and to be close to access points and within cleared areas, avoiding the tops of ridges and visual intrusion.

## Practice Note 10: (Contd.)

- One dwelling per lot, with careful siting of dwelling and buildings, strategic firebreaks and service roads to minimise effects on the environment.
- Retain regionally significant bushland within one large lot.
- The prevention of weed infestation, for example through run-off and nutrient containment provisions.
- Dieback hygiene.
- Site rehabilitation, where appropriate.
- Environmental management plans to ensure the long-term protection of the bushland. Where this involves the creation of lots, particular attention should be paid to maximising ecological functions through, for example, the provision of strategic firebreaks and fencing to minimise fragmentation. Where appropriate, the management plan should be linked and enforced through the TPS and conservation covenants.
- Statutory mechanisms in local TPS to include requirements to prevent clearing.

# Practice Note 11:

## RURAL NEGOTIATED PLANNING SOLUTIONS – LOW IMPACT RURAL LIVING IN A BUSHLAND SETTING



### Application

Bush Forever Sites which are already committed for intensive rural living subdivisions (e.g. below 10ha) with prior rural living zoning in the local TPS; or proposed rural living zoning with prior planning (such as an approved local rural strategies supported by land capability and suitability studies) and environmental approvals or commitments; or for existing rural living subdivision.

### Objectives

To optimise the conservation of bushland on private lands while enabling some form of low-impact rural living development and a reasonable outcome.

Bush Forever recognises existing planning commitments for rural living subdivision but encourages a review of existing and proposed zoning provisions and concept designs to ensure the design is sensitive to the requirements of bushland protection.

### Rural Living Zones

Intensive rural living can be an attractive proposition, but if not carefully planned can create problems and conflicts with valuable conservation areas.

The traditional 1ha to 4ha rural living subdivision has often been adapted as a minimum where this type of development has been accommodated through adopted local rural strategies and associated land capability and suitability studies. These types of development often do not meet the objectives of Bush Forever for conservation, even where clearing controls are proposed. Development works, fencing, firebreaks, planting of exotic species, access roads, building envelopes and the impact of domestic animals and stock, degrade the bushland through weed infestation and its values cannot be maintained.

However, it might be environmentally more acceptable to place large consolidated areas of regionally significant bushland within one lot while allowing 2ha

or more dense development entitlements in degraded areas with rehabilitation conditions, maintaining the lot yield for the area. Allowing individual lots to be smaller than the minimum allowed under the TPS, i.e. density bonuses, requires flexibility in government policy and planning processes. Approval for future rural living subdivisions will be subject to statutory conservation covenants to protect bushland and to facilitate associated State land tax and local rating incentives. In some situations, areas may be best set aside in conservation reserves as part of the subdivision, with management by CALM/National Parks and Nature Conservation Authority (NPNCA) – now known as the Conservation Commission of Western Australia.

The determination of subdivision proposals under Bush Forever will be based on performance and capability criteria outlined in *PRACTICE NOTE 10: BUSHLAND-SENSITIVE DESIGN CRITERIA FOR RURAL SUBDIVISION (INTERIM)*: general best practice design criteria, which will be further developed in the bushland-sensitive design guidelines. The principles can equally apply to lots over 10ha for large bush blocks, cluster development or rural development.



# Practice Note 11: (Contd.)

## Rural Cluster Development

Clustered rural development is a relatively new concept in Western Australia but it has gained recent exposure in the *Leeuwin-Naturaliste Ridge Statement of Planning Policy* (LNRSP, Government of Western Australia 1998). Advantages over traditional rural subdivision include greater protection of landscape or conservation features, more efficient servicing, and a greater sense of community by the clustering of dwellings.

Such clusters are largely a form of residential development requiring good access to community facilities and the need to avoid conflict with principal agricultural areas. Accordingly, under the LNRSP, such developments (termed "enclaves") must satisfy various criteria, including being located within walking and cycling distance of nominated service centres and the local government having a suitable strategy and assessment guidelines in place.

Cluster development is defined as (Department of Urban Affairs and Planning NSW 1995):

*The strategic location of individual properties to create an efficiently serviced and compatible group of living areas, which protect and enhance the character and nature of the surrounding land uses.*

Cluster development can be achieved either through separate titles with covenants, or land for open space can be donated to a local government as a condition of subdivision, or a communal area of open space can come under community management through multiple occupancy or community titles.

The benefits (Loddon-Campaspe 1979) can be summarised as follows:

- Minimise impact and preserve natural features.
- Smaller more manageable private lots with facilities for common use for recreation.
- Suitable siting of housing, with good design to maintain privacy and lifestyle.
- Control of building material and design standards, including fencing and outbuildings for character and lifestyle.
- Mechanisms through a body corporate to handle maintenance and management of communal facilities such as roads, open space and communal services (water supply, drainage and effluent disposal).
- Importantly, to produce economies of scale in the efficient provision of utility services as a result of the grouping of development. A cluster could be self-reliant in some services, for example by the use of solar power or an effluent disposal system.
- Integrated settlements, which raise community awareness and encourage responsible action.
- Cohesive fire reduction strategies.

The principal cost in rural subdivision is servicing, which can be expensive in view of the large frontage to blocks and the extent of access required. Clusters help to overcome this and allow substantial reduction in roads, power and telecommunication services, boundary fencing and firebreaks.

## Practice Note 11: (Contd.)

### Mechanisms

Bushland Protection Zones or Special Control Areas; bushland-sensitive design guidelines for rural subdivision (see PRACTICE NOTE 10), subdivision guide plans/outline development plans; statutory conservation covenanting arrangements or the setting aside of conservation areas through the subdivision process.

Low-impact rural living subdivisions may attract local rating and State land tax incentives where statutory conservation covenants, Bushland Protection Zones or Special Control Areas are imposed.

For existing rural subdivision this may require adjustments to the zoning provisions, rezoning and management controls, and/or complementary management agreements where possible.

### Actions

**Action 5** *The WAPC will assist in the development of bushland-sensitive design responses for proposed intensive rural subdivision (including rural cluster development) with prior planning or environmental approvals and commitments in accordance with the general design criteria outlined in PRACTICE NOTE 10, subject to other planning and environmental considerations and site-specific requirements and will include attendant statutory conservation covenants, where possible.*

**Action 6** *The WAPC will develop general guidelines and provisions for complementary bushland protection zoning or Special Control Areas through a Statement of Planning Policy.*

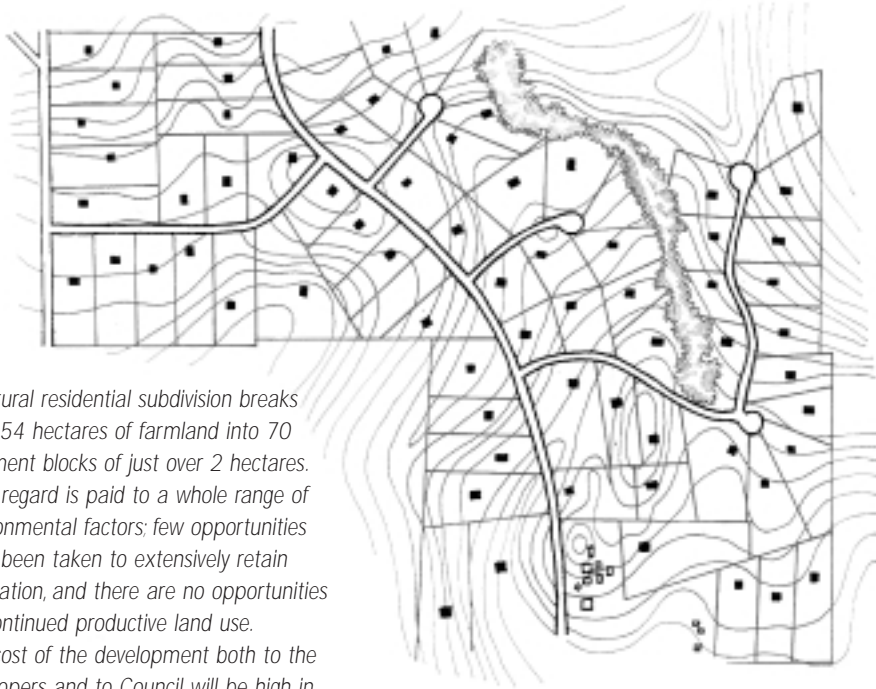
**Action 7** *The Government will seek to review current zoning provisions for existing rural living zones in accordance with the design and performance criteria outlined in PRACTICE NOTE 10 and will seek to develop associated covenanting and management agreements in liaison with affected landowners.*

**IG 9** *Future intensive rural living subdivision without prior planning approvals or commitments for Bush Forever Sites will not be supported unless it provides an overriding conservation outcome, and will be subject to other planning and environmental considerations and site-specific requirements.*

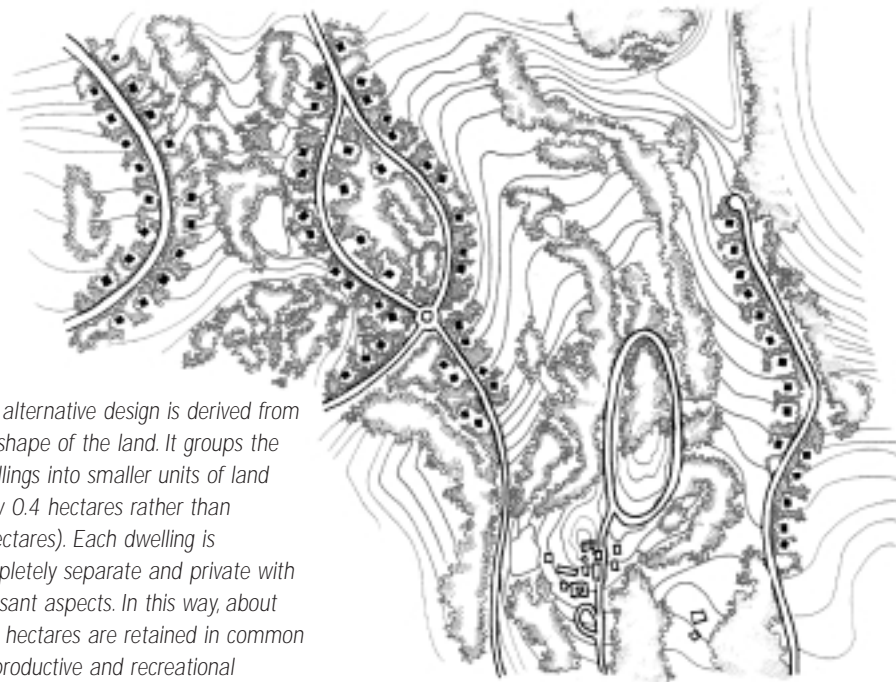


## Practice Note 11: (Contd.)

Figure 3: Two Approaches to Rural Residential Subdivision



This rural residential subdivision breaks the 154 hectares of farmland into 70 allotment blocks of just over 2 hectares. Little regard is paid to a whole range of environmental factors: few opportunities have been taken to extensively retain vegetation, and there are no opportunities for continued productive land use. The cost of the development both to the developers and to Council will be high in terms of the establishment and maintenance of roads and other infrastructure.



This alternative design is derived from the shape of the land. It groups the dwellings into smaller units of land (now 0.4 hectares rather than 2 hectares). Each dwelling is completely separate and private with pleasant aspects. In this way, about 125 hectares are retained in common for productive and recreational purposes, costs to both the developers and the Councils are reduced opportunities for retaining and replacing substantial areas of vegetation are created, and the amenity of the whole development is enhanced. As a bonus, each allotment enjoys magnificent views, and would be likely to sell at comparable or better prices than those in the original design. The sale of the remaining farm acreage, homestead and manager's cottage would be additional.

Source: Mitchell, D (1992) Operation Green Land.

As taken from "Local Greening Plans – A Guide for Vegetation & Biodiversity Management" 1995 (Greening Australia)

# Practice Note 12:

## RURAL NEGOTIATED PLANNING SOLUTIONS – LOW IMPACT RURAL DEVELOPMENT IN A BUSHLAND SETTING



### Application

Bush Forever Sites zoned Rural in the MRS and local TPS where the landowner wishes to develop land for a rural activity in accordance with its current Rural zoning and requires development (not subdivision) approval from local government.

Within land zoned Rural in a local TPS, there will be many permitted, prohibited or authority-approved/discretionary activities, or land uses. These uses may or may not be compatible with the protection of Bush Forever Sites.

Bush Forever does not impinge on the rights of landowners to continue existing lawful land uses. However, where rural enterprises on bushland areas are proposed, landowners should consult the planning and environmental agencies to determine the level of acceptability in respect of environmental and planning considerations under the existing zoning. Subject to these considerations and with

### Objectives

To recognise the needs of rural landowners and to encourage private bushland management through compatible rural development.

particular regard to existing use rights considerations, the Bush Forever Office in consultation with local governments will seek to negotiate with the private landowner to accommodate sensitive development in cleared or degraded areas, where this is compatible with conservation of regionally significant bushland.

Where development is approved, clearing restrictions outside the development area and building envelopes may apply through covenants, with the revegetation of cleared areas and general design in accordance with the rural subdivision design criteria.

### Mechanisms

Statutory conservation covenants through planning approvals.

Design and performance criteria as outlined in PRACTICE NOTE 10 in accordance with those for rural subdivision.

### Implementation Guidelines

**IG 10** Rural development (including single residential building envelopes) within cleared or degraded areas of Bush Forever Sites will be accommodated where it is compatible with bushland protection and the regionally significant bushland can be secured for conservation as part of any approval.



# Practice Note 13:

## PROPOSED PARKS AND RECREATION RESERVES



### Application

Bush Forever Sites which are of a highest conservation value (such as threatened ecological communities, large populations of rare flora or fauna, sites that are essential to achieve the conservation objectives) and:

- large and/or diverse blocks that provide key representation of vegetation community types; or
- where public access and management is regarded as essential, such as areas abutting existing reserves; or
- where existing commitments cannot be met by other means; and
- in consideration of the financial implications for the WAPC and value for money.

Or, for public lands to be reserved (but not acquired) where they are already set aside for conservation e.g. Crown Reserves and/or local reserves in the local TPS.

The Perth Metropolitan Region has a world-class regional open space system, acquired over the years through the WAPC. The WAPC has spent in excess of \$100 million in the past seven years acquiring bushland and has reserved about 32,000 hectares. Traditionally, the purpose of reservation in the MRS was for recreation as well as conservation. However, in recent years the conservation elements have increased considerably, a large proportion of which has been used to protect areas identified in the System 6 report (Department of Conservation and Environment 1983) for conservation. Bush Forever brings a biodiversity emphasis to this activity.

### Objectives

To protect Bush Forever Sites using reservation and acquisition where this is the most appropriate approach, given the financial constraints on the WAPC and existing planning and environmental commitments.

State ownership has been the principal means of protecting natural areas i.e. to reserve land under one or both of the MRS or the *Land Administration Act 1997*. Once reserved, protection through vesting as a Conservation Reserve, Nature Reserve or National Park under the CALM Act, currently provides the highest level of protection for conservation areas such as those recommended in Bush Forever, and most effectively meets the objective of the *National Strategy for the Conservation of Australia's Biological Diversity* (DEST 1996b) for the Perth Metropolitan Region.

However, under this approach the State incurs a liability to acquire the reserved land. If all areas recommended in Bush Forever were to be purchased, this liability could be doubled, primarily as a result of

## Practice Note 13: (Contd.)

Urban and Industrial zoned land identified as Bush Forever Sites. It is beyond the capacity of the WAPC resources to purchase all land recommended for the conservation requirements of the Perth Metropolitan Region.

Nevertheless, Bush Forever recognises that some sites warrant consideration for reservation under the MRS for Parks and Recreation purposes. Funding for acquisition comes from the Metropolitan Region Improvement Fund (MRIF) and is administered by the WAPC. Once reserved, government will progressively acquire sites as funding becomes available, subject to acquisition priorities.

Under planning legislation, acquisition is an option only where lands are reserved under the MRS. The reservation process involves detailed procedures relating to

public submissions and hearings, and where individuals can present a case to an independent panel. Once reserved, any development proposal affecting the land must be referred to the WAPC for determination. Properties are purchased at current market values, determined by an independent valuation on the basis that the property has not been affected by the reservation. The WAPC does not have a policy of compulsorily acquiring reserved lands, and until such time as a landowner offers the property for sale to the WAPC, the owner may retain ownership and use of the property, provided conservation values are maintained, until it is needed for the public purpose. Reserves may be required to be given up free of cost at the time of subdivision in addition to the normal 10 per cent provision, and in accordance with WAPC policy on wetlands and foreshores.

### Mechanisms

The Bush Forever Site is to be reserved for Parks and Recreation in the MRS and purchased for (either) a National Park, Conservation Park, Nature Reserve, Regional Park, regional open space, or added to an existing park or reserve.

### Actions

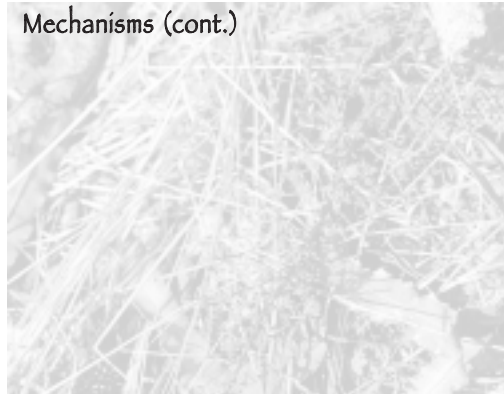
**Action 8** The WAPC will allocate up to \$100 million over the next 10 years from the MRIF to acquire lands identified for proposed Parks and Recreation in Bush Forever. These sites will be proposed for reservation at the earliest opportunity in an Amendment to the MRS, having first explored with the landowner the scope for complementary mechanisms (where applicable) as an alternative to acquisition to protect the Bush Forever Site in its entirety, where appropriate. Acquisition priorities will be subject to the availability of funds.

**Action 9** Reserve boundaries may be subject to further detailed consideration of planning and environmental opportunities and constraints and management considerations prior to the initiation of the MRS Amendment or through the Amendment process.

## Practice Note 13: (Contd.)



### Mechanisms (cont.)

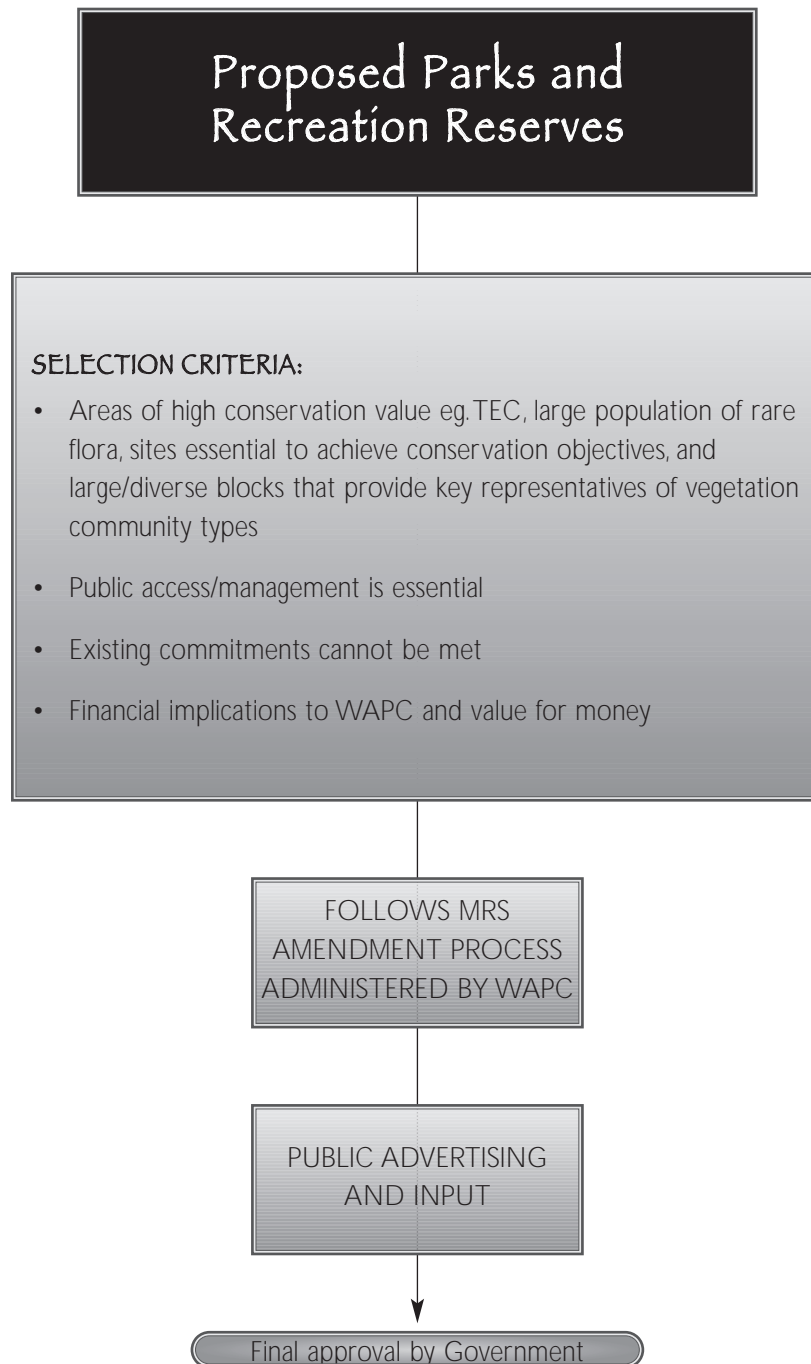


### Actions (cont.)

*Action 10 Where Bush Forever Sites are to be reserved and acquired for Parks and Recreation by the WAPC, management will be undertaken by the WAPC as an interim measure and will involve liaison with a proposed end manager to establish a management plan, and vesting with either CALM or local government, as appropriate.*

# Flow Chart 3

## Bush Forever Implementation Strategy – Proposed Parks and Recreation Reserves





# Practice Note 14:

## EXISTING PARKS AND RECREATION RESERVES

### Objectives

To assess the boundaries of existing P&R on a case-by-case basis to secure wider conservation outcomes and planning objectives for an area, subject to a comprehensive assessment of vegetation against the regional significance criteria of the draft PBP1998/Bush Forever.

Non-bushland criteria will form an important part of this review as Parks and Recreation reserves perform a variety of functions beyond just conservation.

To reinforce the existing level of protection and management, where appropriate, by including conservation in the reserve purpose.

### Application

Lands currently reserved in the MRS for Parks and Recreation (P&R).

The open space system in Perth is principally derived from a standards/size based and open space hierarchy approach to open space provision, particularly at the local and district level. However, the distinctions between regional, district and local open space are becoming blurred, with a general trend from standards-based approaches to an assessment of functional and qualitative aspects. This approach is based on needs rather than quantity and size, with a focus on the structural role of open space rather than its distribution. This is because quantity provisions will not reflect the true needs of the community.

In selecting sites for protection, Bush Forever's starting position was that vegetation in P&R reserves was to be regarded as regionally significant and included as protected sites. However, a number of P&R reserves have not undergone a comprehensive vegetation assessment and may include degraded areas or areas that, on verification, may not meet the regional significance criteria. Future recreation, servicing or community objectives may therefore be appropriate in cleared or degraded portions of existing reserved lands forming part of a Bush Forever Site as determined through management planning but subject to a comprehensive vegetation assessment and justification.

## Practice Note 14: (Contd.)

Moreover, existing P&R may not be in optimum locations from a conservation and planning perspective and further information on the condition of vegetation or representation of vegetation communities may suggest alternative areas that give better outcomes for vegetation representation and for urban form and design. For example, in the north-west

corridor of Perth the coastal reserve is a narrow linear strip with its limited east to west extent providing a restricted range of vegetation and habitats. There may be scope to modify these boundaries in consultation with private landowners and as a trade-off to substitute coastal nodes for greater east-west bushland links or consolidation of bushland areas.

### Mechanisms

Land which is shown to be low value may either be sold and used to acquire areas of conservation value identified in Bush Forever or for substitute sites; or used as land exchanges to implement the plan.

Amend purpose of Land Administration Act Reserves to include conservation as a purpose, where appropriate.

### Implementation Guidelines/Action

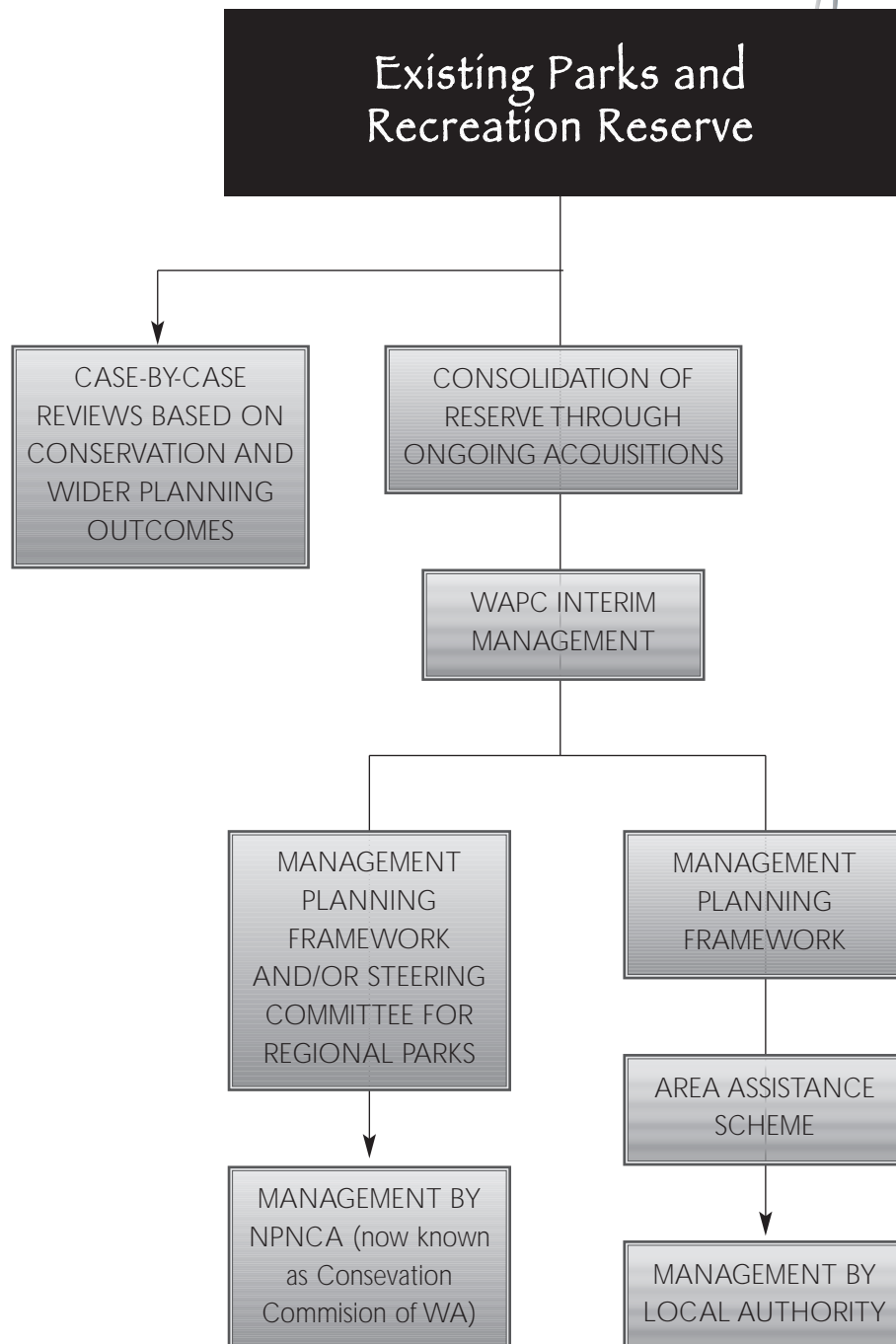
**IG 11** The WAPC will consider future case-by-case reviews of Parks and Recreation reserves in the MRS, which achieve wider conservation, planning and community outcomes, subject to other planning and environmental considerations.

**IG 12** Future planned recreational development, management and service provision should avoid regionally significant bushland within Parks and Recreation reserves, where possible. Where no alternative exists, proposals will be subject to an assessment of vegetation against the regional criteria of Bush Forever, where required, and planning and environmental considerations beyond bushland protection.

**Action 11** *The scope to initiate land management agreements and land covenanting arrangements as an alternative to acquisition for privately owned P&R reserves in the MRS will be investigated by the WAPC, particularly where public access is not required.*

# Flow Chart 4

## Bush Forever Implementation Strategy ~ Existing Parks and Recreation Reserves





# Practice Note 15:

## OTHER GOVERNMENT LANDS

### Objectives

The protection of State-owned Bush Forever Sites as a priority as a demonstration of the Government's commitment to the implementation of Bush Forever and the whole-of-government approach, while recognising existing planning and environmental commitments and approvals.

To adopt best planning and management practice to achieve conservation outcomes where sites coincide in whole or in part with land set aside or identified for essential infrastructure requirements, and no feasible alternative exists.

### Application

Bush Forever Sites owned either in freehold by government agencies or Crown Reserves vested in a government agency for various purposes (including existing and proposed public utilities), or unallocated Crown land.

Lands surplus to government requirements and/or affected by infrastructure or development proposals.

At the Perth's Bushplan Site identification phase, the selection criteria for conservation value were applied to all land regardless of ownership. However, when selecting sites to be protected and a choice between government and private land was available, government land was given preference as it offered the best opportunities for ensuring protection.

Government assets include Crown land vested for various purposes which may be reserved in the MRS for Public Purposes (i.e. public infrastructure and utility services), local reserves or freehold land owned by either the Commonwealth, State or local government.

Bush Forever recognises the need for essential regional and local infrastructure and the provision of utility services. A number of Bush Forever Sites have existing infrastructure within them or were purchased to support public infrastructure. This has provided a level of protection and is often responsible for the retention of the quality of the bush. The

future provision and expansion of infrastructure should be considered in the context of master planning in liaison with the Bush Forever Office. Responsible agencies should develop management plans to ensure the continued value of the bushland is retained.

The disposal of surplus land is currently coordinated through the Capital and Ownership Division of the Treasury of Western Australia. Department of Land Administration (DOLA) is charged with administering the *Land Administration Act 1997*, which deals with most government-owned property. The Act governs all Crown land, including reserves. Freehold land controlled by an agency may also be subject to clearance provisions under this Act.

Guidelines for "*Managing Government Real Estate*", released by the former Government Property Office and Treasury Department in June 1998, incorporated a property disposal program. Treasury assists in the preparation of four-year disposal



## Practice Note 15: (Contd.)

programs and maintains a central database of surplus property. The evaluation phase of property disposal is the critical phase in relation to Bush Forever. The Bush Forever Office will liaise with Treasury and DOLA and will seek to develop assets disposal guidelines similar to those for heritage property to ensure effective consideration is given to Bush Forever objectives.

The Bush Forever Office will also undertake a systematic appraisal of the Government Property Register to ascertain the extent of surplus government land to identify properties affected by Bush Forever and likely to be disposed of in the future, and will seek to secure the land for Bush Forever protection where possible.

There may be scope for developing Strategic NPS for Bush Forever Sites and potential for land exchanges as part of the rationalisation of P&R in the MRS, particularly where affected lands are held in freehold by a government agency.

Crown Reserves, which are vacant, unvested or no longer required for their intended use, may be considered for revesting for a conservation purpose to achieve Bush Forever objectives.

Some government agencies operate as corporate bodies and under their charter are bound to act on a commercial basis, operating outside government asset management guidelines. However, for interpretive and analysis purposes the landholdings of these agencies have been included in the general category of "Government Lands" in the Implementation Plan. Bush Forever recognises that the resources managed by these agencies have social and economic benefits, such as provision of industrial land (LandCorp), low-cost housing (Homeswest) or water services (Water Corporation), and that their role in the whole-of-government commitment to implementing Bush Forever will have to be balanced against their corporate responsibilities to achieve a reasonable outcome.

### Mechanisms

To establish clear and efficient referral arrangements to enable negotiation on disposal programs and proposed infrastructure or government development proposals within Bush Forever Sites, including development on reserved land.

Establish the extent of lands surplus to requirements and/or affected by infrastructure or development proposals.

Enter into Strategic Negotiated Planning Solutions, where appropriate, and/or identify properties to be considered for revesting for a conservation purpose with an appropriate management body.

### Implementation Guidelines/Actions

**IG 13** Programs for the disposal of government assets (State, Commonwealth and local) must consider the values of any bushland involved and be referred to the Bush Forever Office for comment prior to the initiation of statutory processes.

**IG 14** Public lands not suitable for, or required for, future development (vested or freehold) which are surplus to requirements, should be revested in a suitable management authority for conservation.

## Practice Note 15: (Contd.)



### Mechanisms (cont.)

### Implementation Guidelines/Actions (cont.)

**IG 15** Development of government land assets, particularly agencies exempt from the Property Disposal Program (e.g. LandCorp and Homeswest), affected by Bush Forever will be determined on a strategic negotiated planning basis to achieve a reasonable outcome and an acceptable balance between conservation and the wider social and economic needs of the community, while also recognising the role of the agencies in the whole-of-government Bush Forever initiative.

**IG 16** Existing infrastructure affected by Bush Forever will be subject to management plans to be developed by the responsible authority in liaison with the Bush Forever Office and will include statutory covenants for the protection of bushland areas.

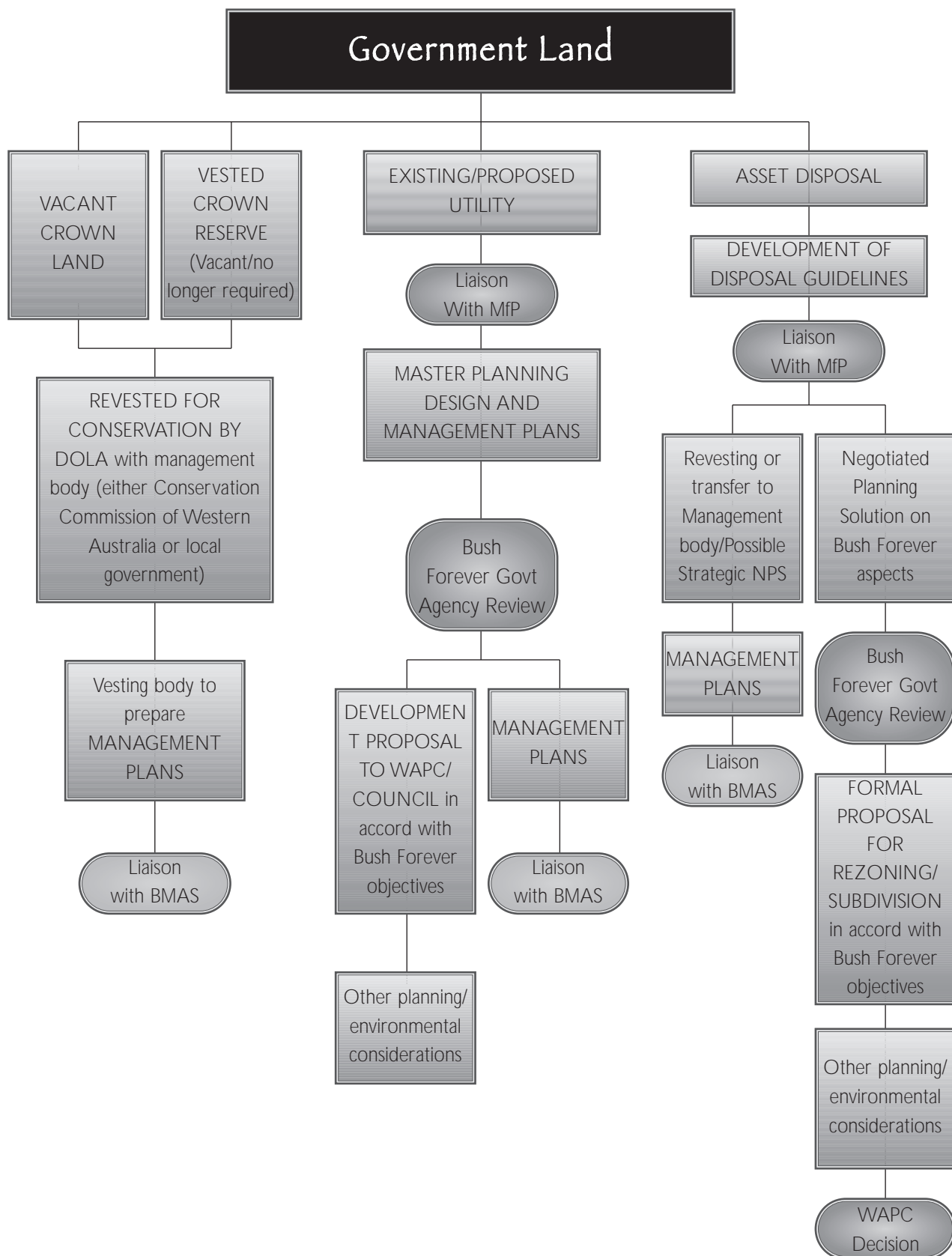
**IG 17** Plans for future infrastructure provision, and expansion of existing infrastructure within regionally significant bushland, and where there is no scope for relocation, will be submitted to the Bush Forever Office and negotiated through the master planning process, where applicable, to establish location, layout and design issues, and environmentally responsible site works.

**IG 18** A report on the impact of Bush Forever on surplus government lands (excluding agencies exempt from the Property Disposal Program) will be prepared and presented, in liaison with affected agencies, to one or both of the Government Property Committee or its Advisory Committee.

**Action 12** *Government agencies should clarify and modify, as appropriate, land disposal arrangements and referral guidelines for Bush Forever Sites.*

# Flow Chart 5

## Bush Forever Implementation Strategy – Other Government Lands



\* Bush Forever Management Advisory Service



# Practice Note 16:

## COMMONWEALTH LANDS



### Application

Bush Forever Sites owned, vested or leased by the Commonwealth and its agencies.

### Objectives

To secure the Bush Forever Site or parts thereof, for conservation at no cost to the State to meet the objectives of the National Strategy for Biodiversity.

To maximise the retention of vegetation, where possible, through the master planning process where lands are identified for development by the Commonwealth, with due consideration being given to State level planning and environmental considerations.

Several Bush Forever Sites are owned by the Commonwealth and in particular the Department of Defence and the Federal Airports Corporation and a number are entered on the Register of the National Estate, administered by the Australian Heritage Commission.

In 1997 the Commonwealth Government sold long-term leases to private sector airport lessees. Westralia Airports Corporation is the lessee of Perth International Airport and Jandakot was sold in 1998 to Jandakot Airport Holdings. The Commonwealth has established a transparent regulatory framework for planning and environmental matters at Commonwealth airports leased through the *Commonwealth Airports Act 1996*.

Under the Act lessee companies are obliged to develop the airport for aviation and commercial uses, while protecting its environmental values. The Act requires the lessee companies to prepare a master plan and an environmental strategy to outline their approach to future development. These documents must be released for public consultation and take account of the public comment received, then be considered by the Commonwealth Minister for Transport

and Regional Services for approval. The environmental strategy is a significant environmental management mechanism in which the airport lessee must outline its intentions in relation to mitigating or managing environmental impacts in conjunction with its commercial development vision, articulated in the master plan. There is also a requirement to prepare a more detailed major development plan for any development identified in the master plan or otherwise which is likely to have significant environmental or ecological impacts. The major development plan is also subject to a public review process and Commonwealth Ministerial approval.

As Commonwealth places, sites affected by Bush Forever are subject to Commonwealth law and will be regulated accordingly, and include the processes outlined above in a number of circumstances. The Commonwealth will consider the effect of any development on Bush Forever and the Bush Forever Office and key agencies will review master plans in order to maximise the retention of regionally significant bushland, where possible, to achieve a reasonable outcome.



## Practice Note 16: (Contd.)

### Mechanisms

Referral and consultative arrangements through Commonwealth and State agencies in accordance with national agreements.

### Implementation Guidelines/ Actions

*Action 13 The Ministry for Planning, Department of Environmental Protection and other government agencies will continue to liaise with the Commonwealth and will make representation on matters relating to Bush Forever and other planning and environmental considerations, in particular through processes outlined in the Commonwealth Airports Act 1996. This will involve maximising the retention of vegetation through the master planning and major development plan process, where possible, in order to achieve a reasonable outcome.*

**IG 19** Where Bush Forever Sites are considered surplus to Commonwealth requirements the WA Government will liaise with the Commonwealth with a view to securing Commonwealth land contributions towards the implementation of Bush Forever and the objectives of the National Strategy for Biodiversity and the *Commonwealth Environment Protection and Biodiversity Conservation Act 1999*.

# Practice Note 17:

## LOCAL GOVERNMENT TOWN PLANNING SCHEME RESERVES



### Application

Bush Forever Sites identified as local Reserves in the local TPS, which may include local government freehold land or Crown Reserves controlled and managed for various purposes by local government (including existing and proposed public utilities).

Some Bush Forever Sites include local reserves, which are noted in the local TPS, and/or may be Crown Reserves owned freehold or vested in the local government for various purposes. Some of these reserves are vested for conservation purposes, and others for recreation or public infrastructure and utilities.

Local government is encouraged to outline any future intentions for a local reserve in accordance with its current purpose and intent, through master planning and/or management planning processes, and to liaise with the Bush Forever Office to investigate the scope for accommodating any proposed development (such as recreational uses) in accordance with an approved management plan. Applications will be subject to a detailed survey as to the extent and condition of the vegetation. Any approved development should be confined to cleared or degraded portions of the reserve, where possible.

### Objectives

To secure the long-term protection of bushland by amending, where appropriate, the purpose and management of local reserves to embrace conservation objectives.

To seek to ensure that any development is compatible with bushland protection in non-conservation reserves.

In areas lacking a recognised conservation objective, the purpose of the reserve should be modified to require conservation as a purpose. Management plans for local reserves should be developed by the relevant local government agency with the community and the State Government. It may also be appropriate to improve the level of protection by reserving the land in the MRS for P&R and to initiate a Special Control Area to ensure the conservation purpose and intent is recognised. This does not mean acquisition, but it will give the WAPC planning controls over local reserves and will recognise their conservation status, as the reserve may be zoned Urban in the MRS but with no intention for future urbanisation.

## Practice Note 17: (Contd.)

### Mechanisms

Future proposals to be considered through the development of master/concept plans, with longer-term bushland protection through management planning.

Changes to the purpose of reserves through Department of Land Administration and the *Land Administration Act 1997* to include conservation.

### Implementation Guidelines/Action

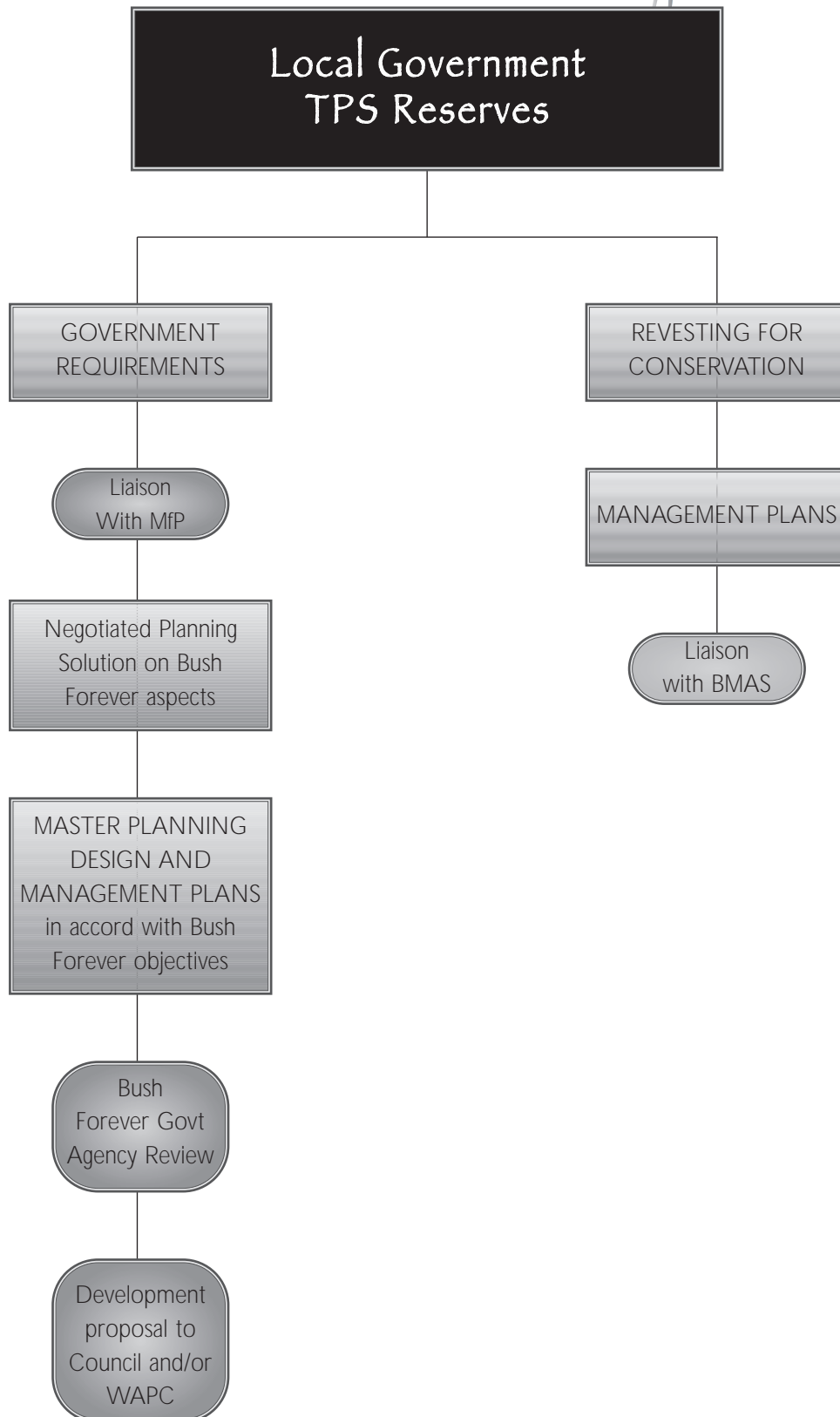
**IG 20** Bush Forever Sites that are local government and/or Crown Reserves should have their reserve purpose amended to include conservation.

**IG 21** Local governments are encouraged to prepare master plans and management plans for local reserves to protect bushland and ensure that any proposed development (in accordance with the reserve's existing purpose) is compatible with Bush Forever's conservation objectives and achieves a reasonable outcome.

**Action 14** *Local reserves (which are also Crown Reserves) already recognised for conservation will, in some instances, be given added planning security through Parks and Recreation reservation in the MRS (but this will not entail government acquisition).*

# Flow Chart 6

## Bush Forever Implementation Strategy ~ Local Government TPS Reserves



• Bush Forever Management Advisory Service



# Practice Note 18:

## ROAD AND RAILWAY RESERVES



### Application

Bush Forever Sites affecting regional railway and road reserves identified in the MRS and local road reserves identified in a local TPS.

### Objectives

To encourage the protection, where practical, of bushland and corridor values along existing road/railway reserves and to give due consideration to bushland protection in the design and location of future roads/railways.

Roadside and railway verges are valuable habitats in their own right and often contain a significant portion of an area's biodiversity. By their linear form they act as valuable ecological corridors for wildlife and plant species. They can also link larger conservation areas. They can also provide a seed source, contain declared rare flora, provide a valuable windbreak for stock and crops and limit wind erosion, and have important landcare and farm productivity implications. Road and Railway verges are commonly the sole surviving remnants of local vegetation types in heavily cleared areas.

However, the primary purpose of road and railway reserves is to accommodate the State's vital transport infrastructure. Apart from providing for a road/railway, road and railway reserves also perform a number of other key functions, including public transport transitways, cycleways, walkways and utility service corridors.

Some Bush Forever Sites include land that has already been identified for regional and local road and railway reserves. Bush Forever acknowledges that these areas are constrained to varying degrees depending on the stage to which the planning and implementation has proceeded, and recommends the following approaches:

### Future Road/Railway Planning

- In instances where the future road/railway route is at an early stage of planning and land has not been reserved or acquired, the scope for realignment or re-routing to minimise the impact or avoid areas recommended for protection, or to provide a more effective vegetated corridor, will be investigated by the responsible authorities in consultation with other government agencies.

### Existing Road/Railway Reserves

- Where no feasible alternative exists for a revision of the road/railway reserves, the responsible authority or the local government in consultation with other government agencies, will seek to ensure that the future design and management of the road/railway reserve will minimise the impact on areas recommended for protection.
- Within land reserved in the MRS or local TPS for roads or railway purposes, there shall be a presumption that the construction authority has a right to undertake the required works for transport and associated infrastructure.
- Should it be determined that an existing reserve is no longer required for its intended purpose, transfer of vesting to an appropriate body for bushland management purposes will be considered.

## Practice Note 18: (Contd.)

In all cases where roads and railways are to be constructed through Bush Forever Sites, the detailed alignment and design will be considered through the planning approval process with the objective of minimising impacts on the bushland.

The responsible authority will review regional road reserves (Primary Regional Roads and Other Regional Roads) affected by Bush Forever Sites to:

- Clearly identify those areas where regional road reserves exist over and

through areas of Bush Forever Sites and determine the high value bushland and conservation priorities within those areas.

- Consider opportunities to minimise the impact on Bush Forever Sites at the time that the road projects process to the detailed design stage.
- Initiate appropriate MRS Amendments as and when opportunities arise to modify regional road reserves to protect high value bushland.

### Mechanisms

Assess design opportunities and constraints and conservation value to determine the scope for a review of existing road/railway reserves, subject to consideration of regional and local infrastructure requirements.

Bushland-sensitive design and management planning.

### Implementation Guidelines/Actions

**IG 22** Bush Forever encourages responsible authorities to undertake a review of existing road/railway reserves that affect Bush Forever Sites to identify the scope to accommodate bushland protection, where practical.

**IG 23** Where regional or local road or railway reserves are at an advanced stage of planning and/or reserved in the MRS or local TPS for road or railway purposes and no feasible alternative exists for a review of the alignment, the implementation of Bush Forever will be largely a design and management issue, to retain and protect the bushland values, where practical.

**IG 24** At the planning and concept design stage for constructed roads and railways, Bush Forever encourages responsible authorities to undertake verge management planning to protect significant vegetation identified in Bush Forever or in local bushland strategies.

**Action 15** *Where road/railway reserves have been subject to review and where options exist to modify the reserve, the WAPC will undertake the required changes through an Amendment to the MRS and local governments will review local TPS accordingly.*

# Practice Note 19:

## CEMETERIES



### Application

Bush Forever Sites affecting current and proposed cemetery sites within the Perth Metropolitan Region.

The activities of the Metropolitan Cemeteries Board (MCB) are subject to the *Cemeteries Act 1986*. The MCB manages cemetery sites, including traditional cemetery sites, located at South Guildford (Guildford Cemetery), Swan View (Midland Cemetery) and Karrakatta, and a memorial park cemetery development at Pinnaroo. The MCB also has land at Baldivis. Pinnaroo, Midland and South Guildford all include bushland areas that are included in Bush Forever.

Pinnaroo is currently undergoing a master planning exercise to determine future areas to accommodate the expansion of cemetery operations. Bush Forever will liaise with the MCB to reach a balance

### Objectives

To find alternative non-Bush Forever Sites to meet the needs for cemetery purposes, where required, as a whole-of-government priority.

between the need to protect areas of high conservation value while accommodating cemetery requirements.

The Guildford and Midland cemeteries are rapidly approaching capacity and there is an urgent need to identify additional land, both within the existing sites for short-term purposes and outside of them for long-term. However, both cemeteries contain threatened ecological communities and are essential to meet the minimum 10 per cent target set for Bush Forever. As a priority, opportunities to secure additional land for cemetery purposes to service the inner suburbs are being investigated by the Ministry for Planning.

### Mechanisms

Master planning and management planning exercises to ensure protection of essential bushland on metropolitan cemetery sites.

### Actions

**Action 16** The Government will support the Metropolitan Cemeteries Board in undertaking a strategic review of possible alternatives for cemetery sites that may be constrained by Bush Forever.

**Action 17** The Government will liaise with the MCB on master planning for cemetery purpose lands affected by Bush Forever to secure a reasonable outcome.



# Practice Note 20:

## BASIC RAW MATERIALS AND TITANIUM MINERALS

### Objectives

To seek a balanced and reasonable outcome through negotiated outcomes between the needs of conservation, including core conservation values and threatened communities, and the need for basic raw materials and titanium minerals.

To investigate the scope for Strategic NPS, whenever possible, where the company or individual has a number of land assets and/or in the geographic context of a specific basic raw material commodity.

### Application

Bush Forever Sites constrained by existing or proposed mining lease/tenements and mining development approvals or extractive industry licence development approvals in areas identified as a Strategic Resource Area in the Basic Raw Materials Statement of Planning Policy No.10 (Government of WA 2000); and Bush Forever Sites affecting *Mining Act* tenements that contain identified titanium mineralisation.

Currently Perth has the best and cheapest reserves of raw materials available for building and maintenance of any city in Australia. There is a ready supply of high-quality materials close to the urban front and other elements of the market. Since no bushland was automatically excluded from consideration, Bush Forever coincides in part with occurrences of sand, limestone, clay, shale and hard rock resources. However, Bush Forever recognises the importance of extractive and mining industries within the context of broader community economic requirements. It acknowledges the need for the ready availability of raw materials for housing and road construction purposes, and the potential flow-on costs to householders.

A number of Bush Forever Sites fall within the boundaries of basic raw material strategic resource areas which were identified in the July 1996 Chamber of Commerce Report to the State Government and listed in PBP1998 Volume 2 and in the *Statement of Planning Policy No.10 on Basic Raw Materials*

(WAPC 2000). These policy areas define the dimensions of the potential resource. The Department of Minerals and Energy (DME) has mapped the extent of the titanium minerals south of Perth, with the collaboration of the titanium industry. A number of Bush Forever Sites fall within these policy areas and in similar areas to the north of Perth. Basic raw material policy areas and titanium areas are not necessarily an indication of the actual sites to be mined or quarried. Precise definition of extraction sites depends on the economic feasibility of mining as well as an assessment of on-site land use constraints and environmental impacts. All of these factors are evaluated under the provisions of the *Mining Act 1978*, the *Metropolitan Town Planning Scheme Act 1959*, CALM Act, the *Environment Protection Act 1986* and other relevant information.

The SPP does not remove the requirement to address environmental constraints (including Bush Forever Sites and other environmentally significant areas) that may determine the extent and/or manner in which a mining proposal



## Practice Note 20: (Contd.)

can be implemented and acknowledges that some sensitive proposals sites may require environmental impact assessment and may be considered environmentally unacceptable.

Bush Forever Sites overlying strategic resource areas and existing *Mining Act* tenements are recognised in Bush Forever as being constrained lands. Equally, the SPP recognises Bush Forever Sites as environmentally significant areas, “where the land could be subject to restriction on the extraction of basic raw materials for an environmental or conservation reason” (see SPP, Appendix 1, Definitions). Bush Forever Sites will be considered according to their conservation attributes, existing levels of approvals and the categorisation of the resources as either Priority Resources Locations, Key Extraction Areas or Extraction Areas. These factors, taken together, provide the framework for Negotiated Planning Solutions for basic raw materials and titanium minerals. The amount of wealth flowing to the community from the titanium minerals industry means that the substantial conservation, preservation and management of important Bush Forever Sites can be entertained financially.

Titanium mineral mining is usually preceded by the mining company purchasing the mineralised land prior to seeking approvals to mine. Therefore, rational, cooperative negotiations with such companies are likely to lead to substantial benefits to the community by ensuring that State ownership of high conservation value bushland is facilitated for the eventual management and protection of such sites with a minimal requirement for the State to compensate. Such resources will need to be carefully considered in the context of threatened ecological communities.

There is therefore a need to further examine potential impacts of Bush Forever Sites on a site-by-site basis and to investigate the possibility of protecting as much bushland as feasible on a particular tenement, licence or property. This method includes examining the overall configuration of extraction areas so that optimal design for the preservation of the remaining bushland is achieved. It will also necessitate the use of localised and Strategic NPS through an examination of a company's total holdings. Alternatively, a particular resource, such as sand resources, affected by Bush Forever across the whole of the Perth Metropolitan Region, will be evaluated to identify resource areas that are uneconomic to mine, or where there is no regionally significant bushland, or where bushland is in inferior condition.

Site-by-site assessment and localised or Strategic NPS will require ongoing exchanges of information and data. The principles for these negotiations are set out in the undermentioned guiding principles for NPS.

There will also be a need to consult with local government with respect to extractive industry licences and development approvals for raw material extraction. The aim is to have an integrated and uniform implementation database of relevant information. It is expected that NPS will not adversely affect the achievement of the minimum 10 per cent target for each vegetation complex.

### **BASIC RAW MATERIALS (and titanium mineralisation areas): Guiding Principles for Negotiated Planning Solutions (NPS)**

- That areas identified in the *Statement of Planning Policy No.10 on Basic Raw Materials* or approved for raw

## Practice Note 20: (Contd.)



materials extraction or identified in the DME documentation of titanium mineral occurrences and other sites north of Perth, are recognised as being constrained sites for the purpose of implementing Bush Forever and extractive industry use. Wherever possible the protection of bushland will be maximised in collaboration with tenement holder.

- Basis raw materials proposal affecting Bush Forever Sites are recognised (in the Basic Raw Materials SPP) as being environmentally significant areas. Any proposal within these areas needs to be carefully reviewed, including detailed discussion of environmental values, and may still require environmental impact assessment and be considered environmentally unacceptable. Extractive industry proposal outside a resource area identified in the SPP will not be favourably considered unless overriding conservation benefits are achieved through a negotiated outcome.
- Maintain ongoing consultation and information exchange with the DME and local governments about the level and extent of current approvals and extraction operations; and of future intentions and areas which are uneconomical to mine, and the balancing of conservation and mining activities.
- Develop and clearly identify decision-making protocols and processes and the scope for NPS.
- NPS to be localised, strategic or planning precinct based with regard to evaluating a company's operations, adjoining operations, or where they affect a particular vegetation complex, giving greater scope for negotiation, linkages, and consolidation of areas.
- Where appropriate, site visits will be undertaken for lot-by-lot boundary and condition verification within Bush Forever Sites.
- Operators will be encouraged, where practical, to objectively identify relatively important and unimportant components of the areas and to focus activities within cleared or degraded parts of sites.
- Where possible, negotiations will take place early in the process – i.e. on existing leases and future mining lease applications, or at the notice of intent and development approval stage for current operations.
- Negotiations are to consider only aspects relating to Bush Forever and cannot pre-judge or circumvent other aspects of the approval process (e.g. Mining Act, CALM and EPA Acts). For example, mining proposals may require environmental assessment where they involve significant impacts, including impacts other than bushland protection.
- The application of conservation covenants to the vegetated areas to be protected will be considered as part of a NPS.
- Consideration will be given to the role of revegetation/rehabilitation as part of an overall negotiated outcome; for example, as linkage or consolidation of areas but not as substitute sites; and to have bushland recognised as a legitimate end use following mining and extractive operations, particularly for lands zoned Rural.

## Practice Note 20: (Contd.)

- Recognition that Bush Forever Sites with some level of protection may include existing mining tenements and that these may be subject to NPS, depending on the conservation values. Significant proposals may also require environmental assessment.
- Recognition that many Bush Forever Sites were previously recognised in System 6 and have been identified for conservation for many years e.g. CALM managed conservation reserves. In areas that have no mining leases and but have long-standing conservation values, the proponent will be encouraged to focus activities outside the Bush Forever Site.
- DME representation to be included on any future Bush Forever Advisory Group as appropriate and consulted in the preparation of an inter-agency memorandum of understanding (MOU) as pertaining to their statutory responsibilities.

### Mechanisms

Information exchange and the development of an implementation matrix to comprehensively assess conservation priorities against existing levels of approvals and commitments to determine opportunities and constraints and the scope for negotiated outcomes.

### Implementation Guidelines/Actions

**IG 25** Existing mining approvals, leases (including *Mining Act* tenements containing titanium mineralisation with the required approvals) and areas identified as strategic resources policy areas in the Basic Raw Materials Statement of Planning Policy No.10 (Government of WA 2000) are recognised as constrained sites and therefore a Negotiated Planning Solution is likely and the most sensitive proposals may still require environmental impact assessment.

**IG 26** New mining proposals on Bush Forever Sites outside the SPP policy area and without prior approvals will not be favourably considered unless it forms part of a wider strategic negotiated outcome.

**IG 27** The Government will seek to maximise the retention of bushland while recognising the importance of basic raw materials and titanium mineralisation through negotiated and reasonable outcomes consistent with the current level of approval and the impact on conservation values of the Bush Forever Site. This does not preclude the possibility of environmental assessment where the environmental impacts are significant and/or other values are involved.



## Practice Note 20: (Contd.)



### Mechanisms (cont.)

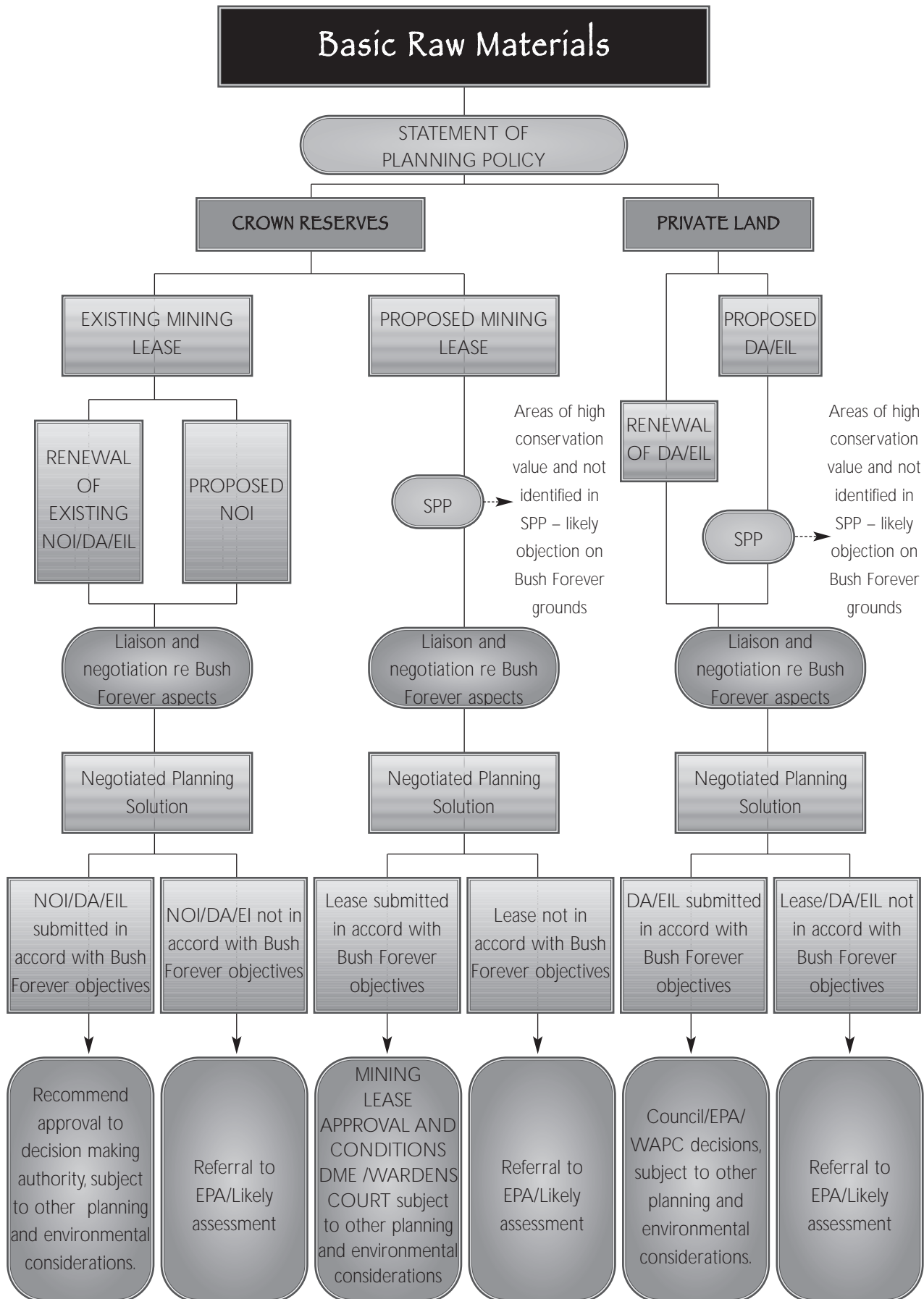
#### Implementation Guidelines/Actions

IG 28 Strategic Negotiated Planning Solutions will be given favourable consideration and should be investigated whenever possible.

**Action 18** The Ministry for Planning will compile and maintain an assessment of Bush Forever Sites affected by basic raw materials and titanium mineral deposits to examine their conservation status against the existing approvals and operations of extractive industries in liaison with the Department of Minerals and Energy, DEP, CALM and affected landowners. This assessment will provide the basis for Negotiated Planning Solutions.

# Flow Chart 7

## Bush Forever Implementation Strategy – Basic Raw Materials



# Practice Note 21:

## CONSERVATION CATEGORY WETLANDS, ESTUARIES, RIVERS AND CREEKS



### Application

Wetlands, estuaries, rivers and creeks included as part of a Bush Forever Site and containing regionally significant vegetation or are integral to the ecology of the Bush Forever Site.

### Objectives

Verified conservation category wetlands (CCW) within a Bush Forever Site are regarded as constrained areas for development purposes.

Estuaries, rivers and creeklines and their associated riparian vegetation identified as Bush Forever Sites perform an important regional ecological function and have values beyond bushland protection. Bush Forever reinforces and complements other policies and initiatives specifically designed to protect these areas.

Wetlands are defined internationally, nationally and in the *Wetlands Conservation Policy for Western Australia* (Government of Western Australia 1997) as:

*Areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water, the depth of which at low tide, does not exceed six metres.*

Conservation category wetlands (CCW) are included in a Bush Forever Site where they contain regionally significant bushland and/or abut and form an integral part of a Bush Forever Site and are an intrinsic part of the natural system. The loss, degradation and modification of wetlands within and adjoining Bush Forever Sites will have implications for natural drainage patterns and the survival of wetland species. Wetlands also provide important wildlife habitat functions, often associated with the adjoining upland vegetation, and

important flood mitigation functions. The retention of upland vegetation and wetland buffers is also essential to the survival of wetland areas by their role in maintaining natural hydrological regimes and as a natural prevention against inundation and eutrophication. When assessing the values and functions of wetlands within and adjoining a Bush Forever Site it is important to obtain a balanced representation of wetland and upland vegetation to provide an adequate and representative ecological system and to provide for biologically diverse habitats.

Further verification of the presence, condition and boundaries of the wetland components of a Bush Forever Site may be required in liaison with the Water and Rivers Commission through a case-by-case implementation of the site's recommendations.

The Government is committed to the improved conservation of Perth's wetlands in accordance with the *Wetlands Conservation Policy* (Government of Western Australia 1997). Protecting



## Practice Note 21: (Contd.)

wetlands within and outside Bush Forever Sites will be investigated through the EPA's statutory review of the Swan Coastal Plain Lakes EPP (Government of Western Australia 1992). It is proposed that the revised EPP will identify and protect significant wetlands, which will complement Bush Forever.

The current EPP protects lakes from draining, filling, mining, excavation, and discharge of effluent pollution. Accordingly, the EPP does not provide protection for many seasonal wetlands, including sumplands and damplands. It is envisaged that a new draft EPP will provide continued protection of lakes, a mechanism for the inclusion and protection of wetlands of high conservation value, and for the development of specific measures and management philosophies for the "wise use" and management of wetlands

Those CCW identified for protection as part of a Bush Forever Site will form part of an area's core conservation open space or local reserve system, i.e. not part of the drainage network. CCWs within Bush Forever Sites are generally regarded as being unsuitable for development. They will not form part of the gross subdivisible area and will be set aside prior to the calculation of the 10 per cent public open space. Open space credits may be considered only where the wetland is capable of accommodating a passive recreational function which is consistent with the wetland's management objectives.

Many other wetlands are not included as Bush Forever Sites. A number of these will be CCWs (shown on the Bush Forever map) which have been excluded because the Bush Forever Site selection criteria were based primarily on representing the different vegetation types as opposed to

protecting a diversity of significant wetlands. Therefore, Bush Forever aims to provide protection for some of these wetlands where they contribute to representing regionally significant bushland or fall within sites selected for these reasons. The proposed revised wetland EPP will, more specifically, perform the function of identifying and protecting significant wetlands outside Bush Forever Sites and will complement Bush Forever.

### **Creeklines and Foreshores (estuaries and rivers)**

Creeklines are by their nature linear and can traverse a variety of land use categories. They are likely to include protected and unprotected bushland, land covered by local or regional reserves, or private lands with varying degrees of planning control.

Regional creeklines are identified in Bush Forever and are, like wetlands, essential to ecological functions. Creeks banks have many plant species and provide important ecological habitats, while vegetated sections of creeks will contribute less sediment to river systems and help to reduce nutrient loss. Farmers and community catchment and Landcare groups are increasingly recognising the value of creeklines by fencing and replanting degraded riparian areas to meet the wider needs of catchment management.

Bush Forever acknowledges and reinforces the regional values of riparian vegetation along regional wetland corridors. As such it complements existing WAPC foreshore protection policies, environment protection policies and the proposed foreshore protection policy being developed jointly by WAPC, WRC and WAMA. Statutory protection for fringing vegetation is provided in the Swan and

## Practice Note 21: (Contd.)



Canning Rivers EPP (Government of Western Australia 1998a), and *Statement of Planning Policy No. 6 – Landakot Groundwater Protection Policy* (Government of Western Australia 1998b).

Bush Forever reinforces and complements the work of the WRC and existing government agency policies regarding the protection of foreshore areas and is not designed to be the main vehicle for the protection of these areas.

### Mechanisms

The Review of the *Environmental Protection (Swan Coastal Plain Lakes) Policy 1992* will be the main mechanism for the consideration of the protection of CCWs within and outside Bush Forever Sites.

The Water and Rivers Commission's *Wetland Atlas* (Hill *et al* 1996), which includes detailed wetland mapping, classification and evaluation of the Swan Coastal Plain wetlands.

A number of areas will have existing protection under Parks and Recreation reservation in the MRS.

The Water and Rivers Commission, the Swan-Canning Environmental Protection Policy 1998 and other existing government policies regarding the protection of foreshore areas and associated riparian vegetation provides the main vehicle for the protection of creeklines and foreshore vegetation.

### Implementation Guidelines/Actions

IG 29 Conservation category wetlands associated with a Bush Forever Site, and especially vegetated CCWs will, subject to any necessary on-site verification of their presence, condition and boundaries, be considered a priority for protection as part of the core conservation area, in which representative upland vegetation elements should be included.

**Action 19** *Creeklines and foreshores will be protected through other relevant government policies outside the scope of Bush Forever.*



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# Appendix 1



## Definitions of Terms

**Biological diversity (biodiversity)** means genetic diversity, species diversity and ecosystem diversity.

**Bushland** is land on which there is vegetation which is either a remainder of the natural vegetation of the land, or, if altered, is still representative of the structure and floristics of the natural vegetation, and provides the necessary habitat for native fauna.

**Bush Forever Sites** are individual, or groups, of regionally significant areas of bushland that are described as a unit.

**Condition** is a rating given to bushland to categorise disturbance related to human activities. This rating refers to the degree of change in the structure, density and species present in the bushland in relation to undisturbed bushland of the same type. A series of scales of disturbance has been used by different people. Condition ratings used commonly in the Perth Metropolitan area are described in Volume 2 (Connell 1995, Government of WA 1995, Keighery 1994).

**Conservation category wetlands** are wetlands for which the appropriate management regime has the objective of preserving their natural attributes and functions.

**Conservation Reserve** has the meaning assigned to it by the *Conservation and Land Management Act 1984*.

### Declared Rare Flora

- *Extant Taxa*: taxa which have been adequately searched for and are determined to be either rare, in danger of extinction, or otherwise in need of special protection in the wild, and have been declared under section 23F of the *Wildlife Conservation Act 1950* to be "rare flora".
- *Presumed Extinct Taxa*: taxa which have not been collected, or otherwise verified, over the past 50 years despite thorough searching, of which all known wild populations have been destroyed more recently, and have been declared under section 23F of the *Wildlife Conservation Act 1950* to be "rare flora".

**Ecological communities** means plant communities defined floristically (Gibson *et al.* 1994) or by vegetation complexes (Heddlé *et al.* 1980), or as defined in English and Blyth (1997).

**Greenways** are natural corridors proposed as linkages between declared public open spaces such as local, regional or national parks, stream reserves, wetlands and beaches (Alan Tingay and Associates 1997).

**Maintenance** means the continuous protective care of bushland.

# Appendix 1 (Contd.)

**Management plans** contain specific and detailed guidelines for the management of natural areas. They cover matters such as the nurturing or reintroduction of native species, and procedures for the mitigation of adverse influences such as weeds, fire and feral animals.

**Master plans** establish the broad context for the future use or development of an area. They cover matters such as the distribution of open space, locations for specific uses, and intentions in relation to mitigating or managing environmental impacts.

**Metropolitan Region Scheme (MRS)** means the Town Planning Scheme for the Perth Metropolitan Region.

**National Park** has the meaning assigned to it by the *Conservation and Land Management Act 1984*.

**Nature Reserve** has the meaning assigned to it by the *Conservation and Land Management Act 1984*.

**Native vegetation** is a category of vegetation adopted by Bush Forever for mapping purposes, based on Agriculture Western Australia Spatial Resource Information Unit classes:

Remnant vegetation – most closely resembles the natural state of vegetation for a given area; most similar to identifiably remnant areas of similar vegetation types; understorey intact; of the greatest structural diversity/complexity in comparison to disturbed vegetation in the region; minimal disturbance by agents of human activity.

Modified vegetation – degraded understorey; obvious human disturbance; saline incursions; high perimeter to area ratio; narrow corridors of vegetation along roads, railway lines.

**Perth Metropolitan Region** is the area covered by the *Perth Metropolitan Area Town Planning Scheme Act 1959*, as amended.

**Preservation** means maintaining bushland in its existing state and preventing deterioration.

**Protected** is all of the processes of ensuring the continued existence and viability of bushland, and may include preservation, maintenance reinstatement, and restoration.

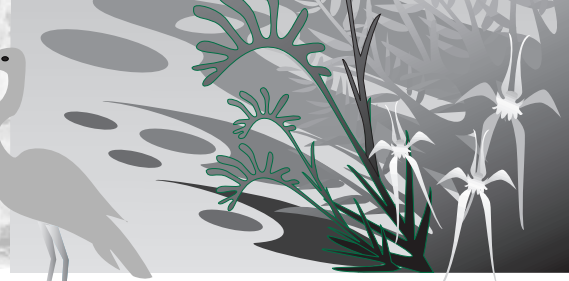
**Protection** is all of the processes of ensuring the continued existence and viability of bushland, and may include preservation, maintenance, reinstatement, and restoration.

**Regeneration** means the natural or assisted recovery of the natural integrity of bushland.

**Regionally significant bushland** is bushland that meets the criteria of Bush Forever for regional significance.



# Appendix 1 (Contd.)



**Reinstatement** means to introduce one or more species which are known to have existed naturally in bushland at a previous time.

**Representative** means inclusive of the range of known ecological communities in the region, or their habitats.

**Reservation (reserve and reserved)** refers to reservation under the Metropolitan Region Scheme (MRS) or under the *Land Act 1933*, as indicated.

**Restoration** means returning bushland to a known past state, or to approximate the original natural condition, by repairing degradation, removing exotic species, reinstatement, or allowing recovery.

**Statements of Planning Policy (SPP)** may, with the consent of the Minister, be prepared by the WAPC. An SPP may make provision for any matter which may be the subject of a Town Planning Scheme, but must be directed primarily toward broad general planning and the coordination planning. It is a higher order policy planning instrument, approved by the Governor and published in the Government Gazette, legally enforceable, and must be incorporated into town planning schemes. (s5AA of the *Town Planning and Development Act 1928*).

**Threatened ecological communities** are naturally occurring assemblages of plants and animals listed by CALM as being threatened with extinction by human activity, or in danger of being destroyed or significantly modified by development and other pressures from people (English and Blyth 1997).

**Town Planning Scheme (TPS)** means a set of provisions which show how land in the scheme area is to be used and developed. A scheme usually comprises one or more scheme maps, a text and an explanatory report.

**Vegetation complexes** are as defined by Heddle *et al.* (1980).

**Wetlands** means areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres (Government of WA 1997). Wetlands may be classified, according to management objectives (Hill *et al.* 1996), into categories of Conservation, Resource Enhancement and Multiple Use.

**Zones** refers to the classification of land in planning schemes for use and development, excluding land in reserves.

# Appendix 2 (Contd.)

## Complementary Mechanisms for the Protection of Bushland and Landscapes

*A summary of possible mechanisms to complement State level controls for the protection of natural areas.*

### 1. Local Planning Policies and Controls

#### 1.1 Local Structure Plans for Urban Release Areas

Non-statutory plans prepared either at the regional, district or local level. Provides for a comprehensive approach to planning, including surveys of flora and fauna to determine areas of landscape, botanical and ecological significance. Enables strategies to be put in place to protect areas of significance. Provides an opportunity to identify areas of environmental significance before land is rezoned.

Current practice in WA. Plans at the regional and district level normally prepared by the Western Australian Planning Commission (WAPC) and local government (LG) respectively. Local Structure Plans and Development Plans often prepared by private developer. Funded within annual budgets.

#### 1.2 Local Rural Strategies

Non-statutory plans required to coordinate development in rural areas subject to development pressure. Forward planning enables those areas requiring protection to be excluded from further development. Requires areas of significant vegetation, landforms, topography, lakes, watercourses and wetlands to be identified and management policies/design guidelines prepared.

Current practice in WA. Normally administered by LGs and subject to WAPC approval. Usually funded by LG. WAPC Policy DC 3.4 applies.

### 2. Agreements and Covenants

#### 2.1 Statutory Management Agreements

Land stays in private ownership but managed by government as if it was a conservation reserve. Mechanism under section 16 of the *Conservation and Land Management Act 1984*.

#### 2.2 Contract Management Agreements

Management regimes are agreed between landowner and a government department. Can be secured by caveat on title; not binding on future owners. Mechanism used by CALM and the Water and Rivers Commission (WRC).

# Appendix 2 (Contd.)



## 2.3 Public Access Agreements

Allows public access over private land. Mechanism used on limited basis in WA. Effective where public access is required but ownership is not essential. Funded and managed under current budgets by WRC.

## 2.4 Individual Non-Binding Agreement – Land for Wildlife

A motivational mechanism, provides no security. Provides management advice and may be linked to incentives and grants. Land for Wildlife has been launched in WA. Can be a valuable educational tool in urban fringe areas. A CALM initiative, funded under CALM budget.

## 2.5 Individual Binding Covenant or Agreement

Voluntary agreement. Flexible conditions. Registered on title, binds future owners. Successive owners are motivated to protect conservation values. Agriculture Western Australia covenants or agreements to reserve are available and are mainly applied in rural areas in return for fencing incentives. Agreements to reserve are commonly made a condition of clearing approvals. The Government has made a policy commitment to introduce voluntary nature conservation covenanting of land through CALM.

## 2.6 Heritage Agreements Under the Heritage of WA Act 1990

Legally binding contract between owner and public or corporate body; run with the land.

Could form the legal basis for agreements with owners on the use, development and conservation of land. Must be approved by the Minister for Heritage. Would rely on bushland being considered of heritage significance.

# 3. Incentives and Funding

## 3.1 Land Swaps

Land with high conservation values is swapped for land with lower conservation values. Could have potential for increased use. Requires a whole-of-government approach. A minor activity funded by individual government bodies.

## 3.2 Encouraging Conservation Solutions (Planning Concessions)

Flexible regulations are adopted to enhance conservation outcomes where total community benefit is positive. A covenant mechanism may be required. A useful mechanism in particular cases; can be adopted within existing administration.

## 3.3 Negotiated Planning Solutions

Negotiations occur prior to development to enhance conservation outcomes. A useful mechanism in particular cases. An independent organisation willing to assist negotiations is beneficial. Mechanism can be adopted within existing administration.

# Appendix 2 (Contd.)

## 3.4 Rate Relief

Owners who protect a private conservation resource may receive the benefit of reduced rates on that land. Can be applied by local governments. Seen as compensation for forgoing development rights. Mechanism can be adopted within existing local government administration. Community perception improved if the State or Commonwealth assists local government with lost revenue.

## 3.5 Positive Management Incentives

Owners who protect and agree to manage a private conservation resource may receive benefit of annual payments linked to management. Not currently applied in WA but used by Brisbane City Council and in England. Mechanism often linked to binding covenants. Requires a funding base, monitoring and management advice.

## 3.6 Donation of Land

People who wish their land to become part of the conservation estate donate it to a government or non-government organisation. A covenant mechanism can be applied to provide security. Management costs are incurred by the accepting organisation. Mechanism currently available through government and non-government organisations.

## 4. Voluntary Arrangements

### 4.1 Donation of Land with Leaseback

For people who wish to have their land become part of the conservation estate but want to retain an interest. Land may be donated or may involve a financial transaction. Leaseback may be for a peppercorn rental. Donor may avoid rates. Mechanism currently available through government and non-government organisations.

### 4.2 Voluntary Retirement of Land

Landowners submit proposals and funding required to retire land from farming for conservation. Mechanism could be adopted through government agencies utilising existing incentive resources.

### 4.3 Financial Donations – Fundraising Appeals

People donate to a general conservation land purchase fund or a specific fund related to specific land. Works best if receiving organisation has tax deductible status. Funds established by Wildflower Society and Australian Bush Heritage Fund. The Government has made a commitment to establish an independent body to raise funds to acquire conservation land.

### 4.4 Voluntary Group Purchase

A group of people combine financial resources to purchase and manage land, often as a cooperative but sometimes by strata title. Mostly used in rural areas. Covenant can help maintain long-term goals. Current administration of cooperatives and strata titles are used.



## Appendix 2 (Contd.)



### 4.5 Community Management

A community group agrees to manage land vested in government or owned by an LG or a Trust. Requires mechanism to sustain and support community group. Community management of bushland in Perth is being encouraged by Ecoplan. Requires organisation to ensure quality management and group sustainability. Sponsorship of groups is a possibility.

### 4.6 Trusts

An independent body is formed with a focus on nature conservation and tax deductible status. Can facilitate covenants, revolving funds, negotiated solutions, fundraising appeals, community management. Government policy is for the establishment and initial funding of an independent trust.

### 4.7 Gordon Reid Foundation for Conservation

A component of the Lotteries Commission. Provides funding to community organisations for nature conservation initiatives.

### 4.8 National Trust Conservation Covenancing Initiative

The National Trust, in association with the Gordon Reid Foundation for Conservation, has developed a conservation covenancing initiative. Under section 21A of the *National Trust of Australia (WA) Act 1964-70* the Trust may take the benefit of a covenant which runs with the land, either for a stipulated period or permanently. An owner may agree with the National Trust that the land be made subject to conditions restricting its planning, development or use under a covenant which is enforceable by the Trust against the owner of the land.