

Guidance for the Integration of Biodiversity Conservation into Local Planning Strategies and Schemes

As part of the delivery of the land use planning component of the Western Australian Natural Resource Management (NRM) program in 2011/12, the Perth Biodiversity Project was required to develop:

- **Practice notes** of acceptable subdivision or structure plan development conditions to provide for better consideration of biodiversity conservation
- **Model text** for improved biodiversity conservation provisions in **local planning strategies, schemes** and policies

This report provides **guidance** (including ‘**best practice**’ examples) to assist local governments with the incorporation of relevant information and approaches to biodiversity conservation in **local planning strategies** and **local planning schemes**.

Background

The Local Planning Manual – *A guide to the preparation of local planning strategies and local planning schemes in Western Australia* (WAPC 2010) Appendix 5.7 ‘Guidelines and best practice examples’ states that:

‘Guidelines and best-practice examples will be prepared and distributed from time to time, to assist the preparation of local planning strategies, local planning schemes and scheme amendments.’

Additionally, the *Directions Paper on the Integration of NRM into Land Use Planning* (WAPC 2011) recommends that the Department of Planning and WAPC:

9. *Provide support to local governments to improve the integration of NRM into land use planning:*
 - a. *Prepare case studies and practice notes to support local government integration of NRM into local planning strategies, local planning schemes, local planning policies and local structure plans.*

The EnviroPlanning project has compiled a ‘practice note’ on integrating NRM into local planning strategies, available from: <http://www.planning.wa.gov.au/681.asp>. This report builds on the efforts of the EnviroPlanning project, and helps to fulfil the WAPC’s commitments to provide guidance to local governments to address NRM in local planning frameworks.

Legislative and policy basis

The integration of local biodiversity conservation into statutory land use planning is provided for in the *Planning and Development Act 2005* (P&D Act), the *Town Planning Regulations 1967* (TP Regs) and State Planning Policy 2.8 *Bushland Policy for the Perth Metropolitan Region*.

Local planning schemes

Local planning schemes are made under Part 5 of the P&D Act, which sets out the general objects of schemes, the matters which may be addressed in schemes, and the requirements for the review of schemes.

The P&D Act establishes biodiversity as a valid planning consideration in Schedule 7 'Matters which may be dealt with by planning scheme', which incorporates provision for preservation and conservation matters, including:

'The conservation of the natural environment of the scheme area, including the protection of natural resources, the preservation of trees, vegetation and other flora and fauna, and the maintenance of ecological processes and genetic diversity.'

According to the Act, these matters apply to State planning policies (section 26(3)), region planning schemes (section 34(2)), local planning schemes (section 69(1)(b)), and conditions of subdivision (section 138(2)).

The format for local planning schemes, involving the zoning or classification of land, is guided by the Model Scheme Text (Appendix B to the TP Regs).

Local planning strategies

In 1999, amendments to the TP Regs introduced the requirement for all councils to prepare a local planning strategy when substantially reviewing or preparing a new local planning scheme, replacing the previous requirement for a scheme report. According to section 12A(3) of the Regs, a local planning strategy is required to set out the long-term planning directions for the local government, apply State and regional planning policies, and provide the rationale for the zones and other provisions of the local planning scheme.

The Model Scheme Text confirms the importance of the local planning strategy in guiding the application of the local planning scheme:

'2.1 Scheme determinations to conform with Local Planning Strategy

Except to the extent that the Local Planning Strategy is inconsistent with the Scheme, determinations of the local government under the Scheme are to be consistent with the Local Planning Strategy.'

The local planning strategy provides the strategic justification for the local planning scheme, and guides future scheme amendments (e.g. rezoning of land). It is therefore a key tool for the integration of NRM, including biodiversity conservation, into land use planning.

Local biodiversity strategies

State Planning Policy 2.8 *Bushland Policy for the Perth Metropolitan Region* contains policy measures for 'local bushland' which provide for the preparation by local government of a local bushland protection strategy or local biodiversity strategy, in accordance with the *Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region* (WALGA 2004). The local biodiversity strategy should be prepared in consultation with affected landowners and government agencies, and should be a component of a wider local planning strategy, which is formally considered and endorsed by Council and the WAPC. The local biodiversity strategy should identify, or establish processes to identify, significant bushland sites for protection, as well as decision-making processes and an implementation strategy to protect those sites.

Planning Bulletin 69 *Proposed Bush Forever Protection Areas* (WAPC 2004) acknowledges that local planning strategies can provide the rationale and justification for future land use zonings and policies at the local level that are aimed at the protection of significant bushland areas identified for protection as part of an endorsed local bushland protection strategy. Importantly, the bulletin states that the approaches adopted for natural areas of significance in the Perth Metropolitan Region can be applied to other areas of significant land use change across the state.

Local planning manual

The Local Planning Manual (WAPC 2010) is a guide to the preparation of local planning strategies and local planning schemes.

Local planning strategies

According to the manual, the local planning strategy provides the interface between regional and local planning, and is increasingly being seen by State agencies as the means by which to address economic, resource management, environmental and social issues at a strategic level.

The local planning strategy should:

- be consistent with State and regional planning policies, strategies and structure plans;
- provide strategic direction for land use planning and development over the next 10 or more years, as the basis for the local planning scheme;
- set out the strategic direction for sustainable resource management;
- provide the rationale for the zoning and reservation of land and for the provisions of the scheme relating to development and development control;
- provide a strategic framework for assessment and decision-making in relation to proposed scheme amendments, subdivision, and development;
- provide the context for coordinated planning of infrastructure at the local level;
- identify the need for further studies or investigation to address longer-term strategic planning and development issues.

The local planning strategy should be comprised of a strategic plan and associated priority actions, and be based on the identification and analysis of key issues underpinned by relevant background information (see Box 1). The Local Planning Manual recommends that the local planning strategy be presented in two parts:

- Part 1 ‘Strategy’ – including a summary of the major characteristics and issues relevant to the future planning and development of the local area, and incorporating the strategic plan and actions required to implement the strategy.
- Part 2 ‘Background information and analysis’ – providing the relevant background to the strategy, including analysis of information and the rationale for the strategy.

The Local Planning Manual provides useful information to guide the preparation of a local planning strategy by local government, and the TP Regs set out the statutory procedure for preparation, consultation, approval and endorsement of a local planning strategy.

Box 1: Recommended structure and content for a local planning strategy (adapted from the Local Planning Manual, WAPC 2010)

<p>Part 1 – Strategy</p> <ul style="list-style-type: none"> • Vision and planning principles: outline a vision for the planning and development of the local government area; may also include a statement of principles on which to base future planning decisions. • Objectives: detail the objectives that will guide the preparation of the strategic plan and provide the basis for detailed policies and planning provisions to be included in the local planning scheme. • Strategic plan: the focus of the strategy; should include a spatial plan of the general pattern of land uses, including development areas, strategic infrastructure and natural resources. • Strategies and actions: set out the strategies and actions by which the objectives are to be pursued and the strategic plan is to be implemented; suggest scheme provisions such as zoning, reservation and development control, as well as more proactive planning initiatives. <p>Part 2 – Background information and analysis</p> <ul style="list-style-type: none"> • Introduction: explain the role and purpose of the strategy, the relationship to other planning mechanisms, and the various elements and issues which have been taken into account. • State and regional planning context: identify the State and regional planning policies, strategies and structure plans relevant to the local area, as well as other State policy and strategy measures that require implementation at the local planning level. • Local planning context: acknowledge the local government’s established vision and mission statements, the strategic plan, and strategic local government policies relevant to the planning and development of the local area. • Local profile: include the key characteristics of the local government area and the major physical, environmental, social and economic influences relevant to future planning and development of the local area; may be accompanied by a series of maps that present information and highlight opportunities and constraints. • Analysis of key issues: a fundamental element of the strategy development process; review key planning issues identified through the local profile and planning context, and consider options to address each issue.
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Local planning schemes

A local planning scheme may include provision for the improvement, development and use of land as well as any of the purposes, provisions, powers or works referred to in Schedule 7 to the P&D Act (including the conservation of the natural environment, as referred to in the 'Legislative and policy context' section of this report).

The Local Planning Manual provides an overview of the basic tools of land use planning at the local level, including reservation, zoning and special control areas used in local planning schemes:

- **Reservation** is generally used to identify a significant public use of land, where there is an intention to acquire land for such use, or where a level of assurance about the future public use of land is sought. When applied to privately owned land, reservation generally implies a limit to the use or development of that land in order to protect the land for its ultimate public purpose. Reservation is typically applied to major areas of land that are used or proposed to be used for public open space (e.g. recreation, foreshore, conservation), public facilities and major infrastructure.
- **Zoning** is used to control the use of land and form of development including any aspect of design. The purpose of zoning is to group similar uses together, and to segregate or control other uses which may be detrimental to amenity. The clustering and consolidation of development is important for the efficiency and sustainability of urban centres and for the protection of environmental resources. This may be achieved through consolidated zoning of urban areas, the zoning of land for rural and resource management purposes, and the reservation of significant environmental areas.
- **Special control areas** are intended to control particular types or characteristics of development associated with a factor which does not generally coincide with a zone or reserve. The control may apply to only part of a zone or reserve or may overlap zone and reserve boundaries. The requirements of the special control area apply in addition to the requirements of the zone or reserve. These may include specific development requirements and/or performance criteria to be applied to development, as well as particular referral requirements for all or some types of development.

Guidance on the integration of NRM (including biodiversity conservation) into local planning strategies and schemes is provided in the *Directions Paper on the Integration of NRM into Land Use Planning* (WAPC 2011). More specific guidance and 'best practice' examples of local biodiversity planning are provided on pages 6-16 (for local planning schemes) and pages 17-24 (for local planning strategies) of this report.

Guidance for the Integration of Biodiversity Conservation into Local Planning Schemes

Land use planning has an important role in achieving biodiversity conservation outcomes through:

- Identifying and protecting natural areas with significant biodiversity values, in conservation reserves and zones;
- Directing development away from these areas, via appropriate zoning and subdivision design; and
- Controlling the impacts of land uses on these areas, in accordance with permissible uses and development requirements in planning schemes.

Conservation opportunities

The main opportunities for the integration of biodiversity conservation into the 'model' text of a local planning scheme are highlighted below:

Model Scheme Text

- Part 1 – Preliminary: includes **aims of the Scheme**
 - Part 2 – Local Planning Policy Framework: refers to local planning strategy/policy
 - Part 3 – **Reserves**: e.g. conservation
 - Part 4 – **Zones and the use of land**: includes objectives and permitted uses
 - Part 5 – **General development requirements**: e.g. for rural living zones
 - Part 6 – **Special Control Areas**: e.g. landscape protection
 - Part 7 – Heritage protection
 - Part 8 – **Development of land**: includes when required and matters considered
 - Part 9 – **Applications for planning approval**: includes information required
 - Part 10 – Procedure for dealing with applications: includes matters considered
 - Part 11 – Enforcement and administration
- Schedules**

Aims of the Scheme

According to the Local Planning Manual, the statement of aims in the local planning scheme should derive from the local planning strategy. The aims of the scheme will be important in setting the context and explaining the general directions for land use and development in the area. It is therefore important that local planning schemes incorporate aims relating to biodiversity conservation.

Many local planning schemes contain aims that relate to environmental protection, NRM or similar (refer to Box 2 for 'best practice' examples of aims relating to biodiversity conservation).

Box 2: 'Best practice' examples of aims relating to biodiversity conservation in local planning schemes (in alphabetical order)

Shire of Augusta-Margaret River Local Planning Scheme No. 1

'1.6.1 Biodiversity and Environmental Values

The South-West Region of Western Australia has been identified as Australia's only biodiversity hotspot, to acknowledge that the municipal district of the Shire forms a significant part of this internationally recognised, global biodiversity hotspot with its forests, rivers and creeks, ocean foreshores and areas of remnant vegetation.

To the extent possible under the Scheme, to ensure that biodiversity values are protected and where possible enhanced, and to arrest any further biodiversity decline by ensuring that future land use and development do not cause biodiversity loss or diminish its environmental values for present and future generations and, where there is uncertainty, to apply the precautionary principle.'

Shire of Chittering Town Planning Scheme No. 6

'1.6 a. To provide environmental protection and enhancement of biodiversity and natural resources including land, air and water quality

g. To protect and improve areas of remnant vegetation and waterways from further degradation

h. To facilitate vegetated wildlife corridors and greenways, particularly along the primary water courses throughout the Shire by means of reserves and partnerships with government agencies and private landholders'

Shire of Manjimup Local Planning Scheme No. 4

'1.7 (xiv) conserve, protect and enhance the biodiversity (genetic, species and ecosystem diversity, environmental values and natural heritage) of the Scheme Area and its environs by ensuring that land use and development is undertaken in a sustainable manner with biodiversity values at the forefront of decision making

(xv) recognise and, where possible, take account of the adverse cumulative impacts on biodiversity and environmental and heritage values'

Shire of Mundaring Draft Local Planning Scheme No. 4 (as advertised)

'1.6 (d) preserve the Shire's biodiversity and environmental values through appropriate protection of areas of significant native vegetation, valuable habitat areas and other areas of environmental value

(f) assist in effective management of water sources, river systems and other water-bodies to maintain the health of the ecosystems and human communities that they support'

City of Swan Local Planning Scheme No. 17

'1.6 (g) Promote the judicious management of natural resources of particular regional and local significance including bushland, water catchments, waterways, agricultural land and basic raw materials, and to promote the protection of air quality'

Reserves

According to the Local Planning Manual, the reservation of land is generally used to identify a significant public use of land, where there is an intention to acquire land for such use, or where a level of assurance about the future public use of land is sought.

In terms of biodiversity conservation, the reservation of land is the most secure form of protection that may be afforded to a local natural area through the land use planning system. The identification of land on the local planning scheme map as a 'conservation' reserve – rather than for 'parks and recreation' – is an important commitment to the community that a local natural area will be protected and used for nature conservation and complementary land uses, such as passive recreation.

A review of all local planning schemes in WA has revealed that many contain local reserves relating to biodiversity conservation (refer to Box 3). Surprisingly, none of the Perth metropolitan local planning schemes contain reserves for conservation; although some local governments have endorsed local biodiversity strategies that commit to the introduction of conservation reservations into their schemes.

The City of Wanneroo has initiated an amendment to its District Planning Scheme No. 2 to introduce a conservation reservation and apply it to Council reserves that contain significant local natural areas. The amendment complements the City's Local Planning Policy on Public Open Space, which requires that 30% of public open space in future urban developments be retained as local natural areas and vested in the City for conservation (refer to the *Best Practice Examples of Local Biodiversity Planning* on the Perth Biodiversity Project website).

Aside from the designation of conservation reserves in the local planning scheme, a local conservation reserve may be designated through the subdivision process. Section 152(1)(a) of the P&D Act provides that land shown on a subdivision plan that the WAPC has approved subject to a condition can be vested in the Crown for the purpose of 'conservation or protection of the environment'.

Part 4 of the *Land Administration Act 1997* provides for the creation and administration of reserves:

- Section 41 provides that the Minister may by order reserve land to the Crown 'for one or more purposes in the public interest';
- Section 46 provides that the Minister may by order place with any one or more persons 'the care, control and management of a reserve for the same purpose as that for which the relevant Crown land is reserved under section 41 and for purposes ancillary or beneficial to that purpose'; and
- Section 49 provides that a management body may submit to the Minister, or the Minister may request a management body or proposed management body to submit for his or her approval 'a plan for the development, management and use of the Crown land in its managed reserve for the purpose of that managed reserve'. Furthermore, a management body must, before submitting a plan to the Minister 'consider any conservation, environmental or heritage issues relevant to the development, management or use of the Crown land in its managed reserve for the purpose of that managed reserve'.

Chapter 4 of the *Crown Land Administration and Registration Practice Manual* (RDL 2012) provides detailed information on the creation and administration of reserves.

Box 3: Local planning schemes containing local reserves relating to biodiversity conservation

Conservation

Shire of Brookton TPS 4; Shire of Bruce Rock LPS 3; Shire of Chittering TPS 6; Shire of Corrigin TPS 2; Shire of Cuballing TPS 1; Shire of Cunderdin LPS 3; Shire of Dandaragan LPS 7; Shire of Dowerin TPS 1; Shire of East Pilbara TPS 4; Shire of Gingin TPS 8; Shire of Gnowangerup TPS 2; Shire of Irwin LPS 5; Shire of Jerramungup LPS 2; City of Kalgoorlie-Boulder TPS 1; Shire of Kondinin TPS 1; Shire of Lake Grace TPS 4; Shire of Merredin TPS 6; Shire of Mingenew LPS 3; Shire of Moora TPS 4; Shire of Narembeen TPS 2; Shire of Perenjori TPS 2; Shire of Pingelly LPS 3; Shire of Shark Bay LPS 3; Shire of Tammin TPS 1; Shire of Victoria Plains LPS 5; Shire of Waroona TPS 7; Shire of West Arthur LPS 2; Shire of Wickiepin LPS 4

Recreation and Conservation

Shire of Esperance TPS 33; Shire of Toodyay LPS 4; Shire of Waroona TPS 7

Conservation, Recreation and Natural Landscape

Shire of Ashburton TPS 7; Town of Port Hedland TPS 5; Shire of Roebourne TPS 8

Conservation of Flora and Fauna

Shire of Northam TPS 3

National Parks, Nature Reserves and/or Conservation

Shire of Augusta-Margaret River TPS 1; Shire of Coorow TPS 2; Shire of Esperance TPS 33; City of Geraldton TPS 5; Shire of Manjimup LPS 4; Shire of Northampton TPS 4 & LPS 10; Shire of Wongan-Ballidu TPS 4; Shire of Yilgarn TPS 2

Conservation/Environmental Protection

Shire of Wyndham-East Kimberley TPS 7

Landscape and Coastal Protection

City of Geraldton TPS 3

Dune Preservation

Shire of Greenough TPS 1A

Wetlands

Shire of Harvey DPS 1; Shire of Esperance TPS 33

Environmental Cultural Corridor

Shire of Broome TPS 4

Zones and the Use of Land

Land zoning is an important factor in determining opportunities for conserving biodiversity. It is very difficult to retain native vegetation in areas where intensive land use and development is permitted. There are limited opportunities to conserve natural areas on urban and industrial zoned land, and in these situations biodiversity conservation is generally restricted to public open space and landscaping contributions. On the other hand, rural zones may provide for the conservation of large areas of native vegetation on private property, but in these situations biodiversity conservation is largely voluntary, unless conditions can be imposed through a planning application (e.g. rezoning or subdivision).

Opportunities for biodiversity conservation may arise through rezoning from general rural to rural living, although conventional rural-residential subdivision has severe impacts on natural areas, due to the small size and regular configuration of lots, the dispersal of building envelopes, and the clearing and degradation associated with access ways, fence lines and fire breaks.

The zoning of land for conservation purposes in the local planning scheme is the most effective mechanism for biodiversity conservation on privately owned land. A local government may introduce a conservation-type zone to its scheme, which it may then apply to private land with agreement from the landowner, usually in exchange for some form of privilege (such as a subdivision bonus, development concession or rate rebate). Importantly, conservation zones provide for land to be formally protected and actively managed for conservation purposes, usually through the requirement for a conservation covenant.

The local planning scheme text outlines the zones and their objectives (refer to Box 4 for 'best practice' examples), as well as the land uses that are permitted, not permitted, or at Council's discretion to grant planning approval for within each zone. The requirements for land use and development within each zone may be further elaborated within Part 5 'General Development Requirements' (refer to pages 12-14 of this report) and the Schedules to the local planning scheme.

Box 4: 'Best practice' examples of the objectives of zones relating to biodiversity conservation in local planning schemes (in alphabetical order)

City of Albany Town Planning Scheme No. 3

'3.1.16 Conservation Zone

The purpose of the Conservation Zone is to provide for limited subdivision and development where it can be demonstrated that such development will be compatible with the protection of, and where appropriate rehabilitation of, the flora, fauna and landscape qualities of the zone.'

Shire of Augusta-Margaret River Local Planning Scheme No. 1

'4.2.1.1 Purpose of the Leeuwin-Naturaliste Ridge Conservation Zone:

To recognise areas identified in the LNRSP as having significant conservation and/or landscape value along the Leeuwin-Naturaliste Ridge and to protect those areas from development and subdivision that may have any significant adverse impact.'

The zone objectives include:

'(c) To promote the preservation, conservation and enhancement of major landscape features and areas of ecological significance along the Leeuwin-Naturaliste Ridge;

(d) To protect against development and to oppose proposals for the subdivision of land that are likely to have a detrimental effect on the habitat and/or landscape qualities of the Leeuwin-Naturaliste Ridge;

(e) To recognise land with visual and ecological significance that also has potential for private development to ensure that future development is compatible with the preservation, conservation and enhancement of significant landscape and ecological features of the Leeuwin-Naturaliste Ridge'

Shire of Busselton Town Planning Scheme No. 20

Table 1 – Zone Objectives and Policies

Conservation Zone:

'To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.'

'1. To allow development only where:

b. Such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.

3. To support subdivision only where:

a. There is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;

b. For a lot 40 hectares or greater at the date of gazettal of the Scheme, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form; and

c. For a lot less than 40 hectares at the date of gazettal of the Scheme, subdivision of one additional lot...'

Bushland Protection Zone:

'To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.'

'1. To support subdivision only where:

(a) There is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;

(b) For lots less than 40ha, subdivision of one additional lot;

(c) For lots 40ha and greater, subdivision based on a ratio of one lot per 20ha with a maximum of 3 lots in total;

(d) For lots 40ha and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20ha with a maximum of 4 lots in total; and

(e) Consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the Leeuwin-Naturaliste Ridge Statement of Planning Policy, or other similar strategy as may be endorsed by Council and the Western Australian Planning Commission (WAPC) in the future...

3. The minimum area of a lot created pursuant to the objectives and policies of the Bushland Protection Zone shall be 3ha.

4. To prohibit the clearing, grazing or damage to remnant vegetation on the land unless required for firebreaks identified on an adopted fire management plan; approved dwellings or associated outbuildings within building envelopes; or to allow for vehicular access to such buildings.'

Shire of Chittering Town Planning Scheme No. 6

Rural Conservation Zone:

4.2.7.1 Objectives

To maximise the long-term protection of significant environment values.

To minimise the fragmentation of, and where deemed relevant, promote ecological linkages between, these values.

To ensure that development is compatible, sympathetic and integrated with these values.

To create lot/s that are of sufficient size to sustain the long-term protection and management of these values.

Encourage innovative subdivision design, such as consolidated cluster style development, that maximises the long-term protection and management of these values.'

City of Cockburn Town Planning Scheme No. 3

4.2.1 (n) Conservation Zone

To provide for a range of uses which are consistent and compatible with areas of conservation value including wetland, lake and or bushland areas, whilst providing for the ongoing protection and maintenance of those areas'

Shire of Manjimup Local Planning Scheme No. 4

'4.8.1.1 The purpose of the Rural Conservation zone is to provide a land use option for rural lots which are isolated from other rural holdings and/or environmentally sensitive locations requiring special planning and management considerations.'

The objectives of the **Rural Conservation zone** include:

'4.8.2 (i) protect and enhance the conservation and landscape values of areas identified as requiring special protection where it is required to conserve and permanently maintain: (a) remnant vegetation and indigenous flora and fauna...'

'4.9.1 The purpose of the Bushland Protection zone is to encourage the protection of bushland, on privately owned properties in rural localities, which have high conservation, landscape and biodiversity values in perpetuity. This is to be achieved by supporting land uses and development which are compatible with conserving these values, and by providing a subdivision incentive through the creation of conservation lots in exchange for the protection of these values.'

The objectives of the **Bushland Protection zone** include:

'(i) protect areas, and limit the clearing of, bushland on privately owned 'rural' land so that the local government's biodiversity, environmental, conservation and landscape values are maintained and enhanced;

(ii) give the preservation of bushland an economic value by providing a limited subdivision incentive, by the creation of conservation lots, in exchange for protecting bushland; and

(iii) encourage land owners to include areas of significant remnant vegetation within the Bushland Protection zone and have these areas protected in perpetuity via the provisions of the zone, a conservation covenant and an endorsed Structure Plan.'

Shire of Northampton Local Planning Scheme No. 10

4.2.7 Bushland Protection Zone

To enable the preservation of bushland within rural areas by providing a limited subdivision incentive, through the creation of conservation lots, to protect that bushland in perpetuity.'

Shire of Serpentine-Jarrahdale Town Planning Scheme No. 2

*'5.14.2 A **Conservation zone** is intended to identify land that has a high conservation significance which includes private land with large stands of relatively intact remnant vegetation, all recognised wetlands of significance and some areas covered by the Department of Environmental Protection System 6 recommendations.'*

General Development Requirements

According to the Local Planning Manual, the scheme includes provision for development requirements or standards which are generally applicable on a zone-wide basis, but in some cases may be specific to particular types of development. (refer to Box 5 for some 'best practice' examples).

Many local planning schemes contain provisions relating to tree protection in urban zones or vegetation protection in rural zones. There is considerable scope for local governments to include provisions in local planning schemes to control land use in a

way that minimises damage to native vegetation and promotes biodiversity conservation. Some of the most important matters to be addressed under the zoning provisions of local planning schemes (particularly for rural living zones) include:

- Subdivision design that minimises clearing and fragmentation of native vegetation
- Designation of building envelopes
- All clearing for bushfire protection contained in designated building envelopes
- Designation of strategic firebreaks
- Minimising access or driveways that require additional clearing
- Limiting fencing or minimising clearing for fence lines (e.g. to 0.5 metre width)
- Excluding stock from vegetated areas
- Designation of vegetation protection areas to control clearing
- Preparation and implementation of management plans, especially weed control
- Bush restoration, including direct seeding or revegetation with local native species

Box 5: Some 'best practice' examples of general development requirements relating to biodiversity conservation in local planning schemes (in alphabetical order)

City of Albany Town Planning Scheme No. 3

Clause 5.2.1 relating to the Conservation Zone provides for submission requirements for zoning proposals; requirement for approval of clearing and development; dieback hygiene; prohibition of invasive plants; and bush fire protection controls.

Shire of Augusta-Margaret River Local Planning Scheme No. 1

Clause 4.31.1 relating to development within Regional Environmental Corridors requires that *'any planning application proposing development within a Regional Environmental Corridor will need to demonstrate that it does not impact upon any significant stands of remnant native vegetation that:*

- (a) contains biologically diverse vegetation that supports fauna movements;*
- (b) provide a landscape backdrops to agricultural areas;*
- (c) contain conservation or cultural heritage values; and/or*
- (d) forms an integral part of a river, estuarine or wetland system.'*

Shire of Busselton Town Planning Scheme No. 20

Clause 89 relating to subdivision and development in the Conservation Zone provides that:

'All development shall be contained within the building envelope designated on each lot. Each building envelope is to be located to the satisfaction of Council which shall, in determining such, ensure:

- (a) the preservation of remnant vegetation is maximised*
- (b) maintenance of landscape values of the site and the general area*
- (c) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater' and*

'Prior to subdivision, where deemed appropriate by Council, subdividers shall undertake a Vegetation Survey to identify rare, endangered or otherwise significant vegetation and provide for its appropriate conservation to the satisfaction of the Department of Conservation & Land Management and Council.'

Clause 90 relating to subdivision and development in the Bushland Protection Zone provides that:

'All development shall be contained within the approved building envelope designated for

each lot on a Development Guide Plan endorsed pursuant to Clause 24. Each building envelope is to be located to the satisfaction of Council which shall, in determining such, ensure:

- (a) Where available, a cleared area be used for the location of the building envelope;
- (b) The preservation of remnant vegetation is maximised;
- (c) That the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna.
- (d) There is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and
- (e) Maintenance of landscape values of the site and the general area' and

'Agriculture may be undertaken on cleared areas of a lot in the Bushland Protection Zone only with Planning Consent, which in determining such Council shall ensure:

- (a) There is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and
- (b) Adequate buffers are provided between the agricultural use and vegetated areas, wetlands or watercourses. Where Declared Rare Flora is present, advice from the Department of Conservation and Land Management shall be sought in determining an adequate buffer distance.'

Shire of Chittering Town Planning Scheme No. 6

Clause 5.8 relating to rural living zones (Rural Residential, Rural Retreat, Rural Smallholdings and Rural Conservation) includes requirements for development plans; building envelopes/setbacks; planning approval; fencing; water supply, re-use and effluent disposal; land management; dams and watercourses; protection of vegetation and tree cover; fire control; agricultural activities and livestock management; environmental management plans (including use of conservation covenants); and vendor responsibility.

City of Cockburn Town Planning Scheme No. 3

Clauses 5.10.5 and 5.10.6 provide for the protection of vegetation and wetlands in rural zones, including clearing approval requirements and powers to enforce protection and rehabilitation of vegetation. The scheme also contains provisions for the protection of native fauna (clause 5.14), native flora (clause 5.15) and wetlands (clause 5.16), which require the preparation of reports to specified standards prior to the clearing of vegetation/habitat, and prohibit the alteration of wetlands or development within wetland buffers.

Furthermore, clause 5.17 relating to the Conservation Zone provides for the designation of conservation areas; location and size of building envelopes; information requirements for development applications; land uses not permitted within conservation areas; and requirements for the implementation of management plans in agreement with the local government, including caveats on certificates of title to ensure compliance of future land owners.

Special Control Areas

According to Bush Forever (WAPC 2000), special control areas perform four main functions:

- Identify bushland and planning issues requiring special consideration
- Control development within a SCA in response to the issues
- Set out guidelines on the particular matter to be taken into account in considering development within the SCA
- Identify relevant specialist agencies to be consulted prior to making planning decisions in the areas

The Local Planning Manual suggests that a landscape protection special control area could be used in circumstances where remnant vegetation and/or landscapes of particular significance are to be protected from undue land clearance or prejudicial development, such as inappropriately sited rural housing, out-of-scale building development, or coastal/foreshore works.

Some best practice examples of special control areas relating to biodiversity conservation include wetland protection areas and landscape and bushland protection areas (refer to Box 6).

Box 6: Some 'best practice' examples of special control areas relating to biodiversity conservation in local planning schemes (in alphabetical order)

City of Armadale Town Planning Scheme No. 4

*6.4.1 **Wetland protection areas** are defined on the Scheme Map in accordance with resource information provided by the Department of Environment and subsequent work undertaken by the City. The purpose of this designation is to highlight the environmental significance of these resources, the opportunities for the enhancement or rehabilitation of wetland functions, and to provide a basis for the avoidance and/or minimisation of degradation associated with any development in the vicinity of these areas.*

6.4.2 All development (including use of land, the removal of vegetation, drainage, filling and earthworks) within Wetland Protection Areas, shall be subject to a requirement for planning approval and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

Note: Development within the Forrestdale Lake Environmental Management Area which may have a significant adverse impact on that lake's environmental values (as defined under the Ramsar Convention) also requires referral and assessment under the Commonwealth Environmental Protection and Biodiversity Conservation Act.

6.4.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to:

- (a) the environmental quality objectives contained within any relevant Environmental Protection Policy under the Environmental Protection Act 1986, relating to wetlands and any beneficial uses or water quality standards relevant to the particular wetland;*
- (b) the potential impact of the proposal on the environmental values of the resource, including wetland function, wetland vegetation communities and habitat types, wetland hydrology and water quality;*
- (c) the quantities and characteristics of any chemicals such as pesticides, hydrocarbons or fertilizers associated with the proposed land use or development;*
- (d) the practicability and cost of any ameliorative measures proposed for the protection of the resource;*
- (e) the existing level of protection of the resource provided, with reference to fencing and/or management of land and location of development;*
- (f) the nature, location and performance of any existing or proposed effluent disposal system; and*
- (g) the drainage characteristics of the land, including surface and groundwater flow.*

*6.5.1 **Landscape and Bushland Protection Areas** are defined on the Scheme Map based on mapping work undertaken by the Department for Planning and Infrastructure and the City. The purpose of this designation is to highlight the importance of areas of quality landscapes and bushland resources and to provide a basis for the avoidance and/or minimisation of degradation associated with development in the resource areas and in some circumstances the enhancement of landscape and bushland values.*

6.5.2 All development (including use of land, the removal of indigenous vegetation and earthworks) within Landscape and Bushland Protection Areas, shall be subject to a

requirement for planning approval, and shall be subject to the discretion of the City, notwithstanding that the use may be designated a 'P' use under the Scheme.

6.5.3 In its determination of any application for planning approval and its advice in relation to land subdivision, the City is to have particular regard to:

- (a) the potential impact of the proposal on the value of the resource, including its ecological and landscape values and its value as a corridor for fauna movement;
- (b) the practicability and cost of any ameliorative measures proposed for the protection of the resource;
- (c) the existing level of protection of the resource provided, with reference to fencing and/or management of land and visibility of any buildings; and
- (d) the nature, location and performance of any existing or proposed effluent disposal system.'

In each SCA, the City may refuse any application for planning approval or impose conditions on any planning approval so as to protect the resource, and require the registration of a notification under section 70A of the *Transfer of Land Act 1893* on the title to the land giving notice of any limitations or constraints associated with the protection of the resource at the applicant's cost.

Shire of Chittering Town Planning Scheme No. 6

The TPS6 maps delineate **Landscape Protection Areas**, the purpose of which is threefold:

- a) *To secure areas delineated on the Scheme Map from undue subdivision and development that would detract from the landscape value of the rural environment*
- b) *To conserve and enhance the character of the significant landscape area*
- c) *To ensure land use and developments are compatible with the landscape values*

One of the Landscape Protection Areas is the Chittering Valley Landform System, which has been identified for the protection of the Brockman River Catchment and its biodiversity.

The provisions relating to the special control area apply in addition to the provisions of the underlying zone, and include controls against the removal of any natural vegetation from any ridgeline and the removal or lopping of trees except under certain circumstances. Furthermore, revegetation may be required as a condition of planning approval, to ensure no net loss of vegetation or to repair a degraded landscape.

Guidance for the Integration of Biodiversity Conservation into Local Planning Strategies

The local planning strategy is a key strategic planning document adopted by local government and endorsed by the WAPC. The local planning strategy sets out the general aims and intentions for future growth and change (e.g. over the next 10-15 years) for the local government area, and provides the rationale for the zones and other provisions of the local planning scheme. According to clause 2.1 of the Model Scheme Text, determinations of the local government under the scheme are to be consistent with the local planning strategy, giving it special significance as a relevant consideration for local government, WAPC and the Minister for Planning in making planning decisions, and for appeal bodies in determining appeals.

Strategic plan for local biodiversity conservation

According to the *Directions Paper on the Integration of NRM into Land Use Planning* (WAPC 2011), local governments are encouraged to prepare a local biodiversity strategy that includes:

- A map that clearly identifies local natural areas that will be targeted for conservation on particular parcels of land, or in planning precincts or policy areas based on structure plans; and
- Information on the local biodiversity conservation targets applicable to different zones or areas of the local government, and the strategies or mechanisms that will be used to achieve the targets in these zones or areas.

The Directions Paper suggested that the local biodiversity strategy map should be prepared taking the following into account:

- Potentially significant local natural areas – areas identified as meeting essential criteria for conservation significance
- Planning constraints – areas already committed to development through zoning, subdivision potential and structure plans, and therefore cannot be retained or protected for conservation
- Conservation opportunities – potentially significant local natural areas and planning constraints overlaid to identify areas that will be targeted for conservation

It is suggested that the map and associated information would act as the local bushland protection strategy referred to in *State Planning Policy 2.8*, as it would contain the most relevant components of the local biodiversity strategy to guide land use planning. Ultimately, the local bushland protection strategy should identify which local natural areas are to be conserved and by which means. It may be necessary, therefore, to identify where certain zonings should or should not be applied in the

future, as well as amendments to the local planning scheme that would be required to support implementation of the local biodiversity strategy.

Background information and analysis

The background report to the local planning strategy is required to provide the justification for the strategic plan and actions. It is suggested that the following information on biodiversity conservation be included:

- Climate, landform, geology, topography, soils and hydrology
- Broad vegetation types
- Extent of remaining native vegetation in the region and local government area
- Regional and local representation of ecological communities
- Protection status of native vegetation in reserves
- Presence, location and conservation status of threatened and priority ecological communities, rare flora and fauna, priority and significant species
- Location and classification of wetlands and waterways
- Existing and potential ecological linkages
- Relevant Commonwealth and State legislation and policies on biodiversity conservation
- Relevant State, regional and local strategies on biodiversity conservation
- Implications of State clearing regulations and environmental impact assessment procedures
- Potential impacts of future development on biodiversity conservation in the local government area

Examples of biodiversity conservation in local planning scheme

Best Practice Examples of Local Biodiversity Planning are available on the Perth Biodiversity Project website. The Shire of Mundaring is the first local government to prepare its local planning strategy and scheme based on its Council endorsed local biodiversity strategy. The Shire of Chittering is the first local government to revise its local planning strategy based on its Council endorsed local biodiversity strategy. The Shire of Chittering's local biodiversity strategy is also the first to have been tested in a case considered by the State Administrative Tribunal.

Other examples of biodiversity conservation in local planning strategies, including the statement of objectives and actions, and analysis of planning opportunities and constraints, are contained within Box 7 below. The Shire of Cunderdin Local Planning Strategy (2006) is a particularly good example of integrating local biodiversity conservation into the strategic plan for a rural local government area.

Box 7: Excerpts relevant to biodiversity conservation from some local planning strategies (in alphabetical order)

City of Albany Local Planning Strategy (June 2010)

4.1 Biodiversity

Planning Principle: *'Encourage biodiversity preservation'*

4.1.1 Ecosystems and Biodiversity

Planning Objective: *'To protect ecosystems with high biodiversity value'*

4.1.2 Threatened Fauna and Flora

Planning Objective: *'To maintain habitats and require that development avoids areas of threatened flora, fauna and ecological communities'*

Action: *'To identify areas containing threatened flora and fauna communities and provide for them to be excluded from development'*

4.2 Vegetation

Planning Principle: *'Conserve remnant vegetation within the district landscape'*

4.2.1 Remnant Vegetation and Linkages

Planning Objective: *'To protect areas of significant remnant vegetation and increase the area of re-established local species of vegetation within the landscape'*

4.2.2 Vegetation Clearing

Planning Objective: *'To minimise further vegetation clearing through the use of mechanisms including controls and incentives'*

4.2.4 Weed Management

Planning Objective: *'Reduce the spread of environmental weeds through integrated weed management'*

4.4.4 Wetlands

Planning Objective: *'Ensure that significant wetlands and their associated ecological systems are protected'*

7.2 Planning Constraints

'Development opportunities may be constrained by various vegetation communities within the City being below the minimum threshold levels set by the EPA. Retaining remnant vegetation communities in the inner City areas, such as Yakamia, will affect the achievement of compact urban form and staged urban frontal (outlying areas) development.'

7.3 Planning Opportunities

'Most areas of high biodiversity value within the City are contained within land managed by DEC and existing reserve networks; Remnant vegetation within the rural hinterland and along the region's waterways provides opportunity to create regional and local open space corridors and linking between areas of high biodiversity values; Ease of access to open space and vegetation corridors'

8.4.1 Biodiversity

Strategic Objective: *'Encourage biodiversity preservation'*

'Areas having regionally significant biodiversity values should be included into the regional reserves system and be the responsibility of State Government agencies. Within this regional reserves framework, the City will identify existing and additional local areas with significant biodiversity values through the local precinct and structure planning process. They will also be recognised as reserves and conservation areas in the LPS1. The City will continue to acquire local reserves and establish conservation areas around natural features through the subdivision process.'

8.4.2 Vegetation and Landscape

'Maintain the character of the rural landscape within the district and protect areas of significant remnant vegetation'

'A Regional Vegetation Study commenced in 2008 is identifying the location and types of

vegetation within the Albany region (25km radius from the CBD). This study, once completed will be used to develop guidelines to be assessed against applications to clear vegetation. Until such time that the study has been completed and adopted into the ALPS, development will only be supported in cleared areas or clearing of vegetation may be supported where the value of any remnant vegetation has been assessed in accordance with the above Study and assessed as being able to be cleared.'

8.4.6 Key Outcomes and Monitoring Indicators

'Maintaining vegetation communities within the City above threshold level contained in EPA Position Statement No. 2 Environmental Protection of Native Vegetation in WA; An increase in threatened vegetation communities protected by inclusion within the State reserve system within the City of Albany; Vegetation change in land within a local scheme reserve in the LPS1'

City of Armadale Local Planning Strategy (October 2005)

4.4.5 Open Space Linkages and Corridors

'The City proposes to introduce Special Control Areas for vegetation protection in TPS4 as a statutory mechanism to link all major regional and local recreational reserves provide movement corridors for wildlife between naturally vegetated areas throughout the City.'

4.6.7 Strategic Approach and Scheme Implications

'A key feature of the Scheme is the application of Special Control Areas to address environmental and land development coordination issues. These controls are additional to those applied in each zone... Landscape and Bushland Protection Areas – to highlight the importance of these areas and maximise opportunities for protection.'

4.7.2 Areas of Special Environmental Significance for Biodiversity

'The City has prepared an Environmental Position Paper that describes areas of special environmental significance for biodiversity in detail through maps and tables listing those areas'

4.7.3 Managing the Environment

'The City will continue to use town planning scheme provisions and associated policies to protect the environment' including permission required to clear native vegetation in rural zones, significant trees protected through tree preservation orders, significant areas of native vegetation protected through reservation of land for Parks and Recreation, and significant trees and vegetation and measures to protect them are required to be identified in development and subdivision plans.'

5.4.8 Environment

Strategy: 'Ensure that biodiversity and the natural environment values of the City are protected and conserved for existing and future generations'

Actions: 'Include provisions in TPS4 that require Council consent prior to clearing of significant vegetation including riparian vegetation, significant trees, vegetation providing fauna links between bushland areas, around conservation wetlands and vegetation with landscape significance'

Shire of Boddington Local Planning Strategy (August 2007)

3.11 Land Use and Management Implications – Remnant vegetation

'In evaluating land use planning proposals likely to involve the clearing of areas of remnant vegetation, consideration needs to be given not only to the overall amount of vegetation remaining in the Shire, or within a particular sub-catchment, but also to the type of vegetation concerned and the degree to which it is represented within those remnants. Consideration should also be given to the pre-European extent of vegetation type.'

4.6 Land Use – Conservation

Table 4.2 – System 6 conservation areas

7. Land Use Strategy – Planning Precincts

'Land Use Considerations' & 'Development and Land Management Guidelines' refer to vegetation retention

Appendix A – **Physical Characteristics Study** contains relevant information in sections 2.5 'Vegetation', 3.6 'Protecting Remaining Vegetation' and 4.4 'Strategies for Vegetation Protection'

Shire of Chapman Valley Local Planning Strategy (January 2008)

The '**Physical Assessment**' chapter contains relevant information in sections 5.9 'Vegetation', 5.10 'Fauna' and 5.11 'Protection of Biodiversity'

5.11.2 Vegetation Remnants and Corridors

'Roadside vegetation is well preserved in some locations and as all main roads in the Shire are existing or potential tourist roads it is essential that this vegetation be retained and managed, and reference should be made to Council's Roadside Vegetation Policy.'

7.2 Strategy Purpose and Aims – Environmental

'3.2 Ensure that land, soil and biodiversity is safeguarded and that degradation does not occur; 3.3 Minimise the clearing of vegetation and maximise retention and replanting of native vegetation to link areas of remnant bushland with roadside vegetation and nature reserves; 3.4 Ensure significant environmental features are protected, conserved and/or nature enhanced'

7.5 Rural Residential and Rural Smallholding

'In considering an application to rezone and subdivide land for either rural residential or rural smallholdings development, a proposal will need to broadly address the following requirements prior to the initiation of a scheme amendment...topographical and environmental constraints of the local area; significant natural features and conservation measures... In supporting an amendment strong emphasis will be placed on environmental protection and repair through the use of natural resource management practices.'

Precinct Objectives – Environmental Objectives

'Encourage revegetation and retention of existing vegetation...Encourage conservation of biodiversity and farm sustainability...Protect and enhance existing catchments, botanical linkages and vegetation/wildlife corridors...'

Appendix A: Guidelines for Preparation and Assessment of Proposals – Environmental

'Is there any remnant vegetation that should be preserved or is revegetation required?'

Shire of Cranbrook Local Planning Strategy (June 2004)

The '**Profile and Key Issues**' chapter contains relevant information in sections 4.7 'Biological Environment', 4.7.1 'Vegetation', 4.7.2 'Fauna', 4.7.3 'Reserves', 4.7.4 'Biodiversity', 4.7.5 'Wetlands', 4.7.6 'Lakes', 4.7.7 'Rivers', 4.8 'Biological Decline' and 4.8.1 'Indigenous Vegetation – Biodiversity'

6.2 Land Management Actions

(d) Vegetation – Biodiversity

'Further clearing of vegetation is not recommended; The fencing and elimination of stock from remnant vegetation is to be encouraged; The creation of vegetation belts and corridors including stream lines is encouraged to link areas of remnant vegetation'

6.3 Guidelines for Development

6.3.1 Proposed Subdivision & 6.3.2 Proposed Land Use

'Is there any remnant vegetation present on the site? List the nature of the vegetation and the potential impact of the development on vegetation. In general there should be no clearing of vegetation.'

6.3.3 Dwellings & 6.3.4 Industrial and Other Developments including Rural Industries

'Is there any remnant vegetation that should be preserved? Is there any revegetation required? If next to a reserve foreshore, what measures are to be taken to prevent the spread of weeds in the sensitive area?'

The '**Key Strategic Issues**' chapter contains relevant information in section 5.5.3 'Vegetation'

5.6 Rural Land use – Strategy

'(h) To encourage retention of vegetation and vegetation corridors'

Shire of Cuballing Local Planning Strategy (December 2004)

The '**Profile and Key Issues**' chapter contains relevant information including 'implications for planning' in section 4.5 'Physical Features and the Environment'

5.2 Aims, Strategies and Actions

5.2.1 Residential

'To ensure that all rural residential development...avoids areas of environmental significance, including the clearing of remnant vegetation'

'Criteria required to be addressed in a Scheme Amendment – Amendment reports will be required to provide...Identification of the means by which natural features (such as wetlands and remnant vegetation) will be protected'

5.2.7 Environment

Aims: *'To assist in the conservation practices currently being undertaken by CALM for the Dryandra Forest by ensuring planning controls are adequate for the area of influence'*

Strategies: *'To conserve remnant vegetation and encourage linkages for biodiversity corridors'*

Actions: *'To investigate further linkage opportunities for biodiversity corridors with relevant agencies; Reserve vegetated areas in the townsite that are either crown land or reserves for Recreation and Open Space'*

Shire of Cunderdin Local Planning Strategy (December 2006)

Section 4.5 'Environment Protection and Conservation Strategy' contains relevant information

4.5.1 Environment and Natural Resources

Key Issues, Planning Implications & Positions Statements

'At present the local government does not have any direct powers to effectively control the clearing of land, the preservation of remnant vegetation or the revegetation of degraded areas. This issue will be addressed by incorporating suitable statutory provisions in Local Planning Scheme No. 3 which serve to reinforce the aims and objectives of the Environmental Protection Authority's Position Statement No. 2...'

'Given the Shire has a limited extent of native vegetation coverage, those areas that remain are of significant importance. An opportunity therefore exists to strategically address the protection and management of not only native vegetation, but the wider biodiversity values of the Shire. In this regard, a strategic framework has already been established through the Western Australian Local Government Association known as the Local Government Biodiversity Planning Guidelines, which are supported by the Environmental Protection Authority. These guidelines clearly establish the process for identifying, protecting and managing natural areas...'

Strategies: *'Facilitate the long term protection of areas of local and regional conservation significance in Crown ownership throughout the Shire; Facilitate a strategic approach for the long term protection of natural areas'*

Actions: *'Identify areas of local and regional conservation significance in Crown ownership throughout the Shire and classify them as "Conservation" reserve in Local Planning Scheme No. 3. (IMMEDIATELY); Support the preparation and implementation of management plans*

for public and privately owned land identified as being of high conservation value. (ONGOING); Identify, prepare and adopt local planning policies to control development affecting...wetlands identified as being of international, national or state significance...(SHORT TERM); Incorporate provisions in Local Planning Scheme No. 3 that may require, as a condition of subdivision or development approval, the rehabilitation of degraded land, the fencing of remnant vegetation and the revegetation of areas considered to be deficient in tree cover. (SHORT TERM); Consult with the Western Australian Local Government Association (WALGA) to request the Avon Catchment Council to give consideration to providing resources to prepare a local biodiversity strategy consistent with WALGA's Local Government Biodiversity Planning Guidelines, to facilitate the protection and management of natural areas. The request should give consideration to pursuing a regional approach to the preparation of a local biodiversity strategy given the large scale clearing of native vegetation that has occurred in the past. (SHORT TERM)

4.6 Settlement Strategy

4.6.1 Townsites

Key Issues, Planning Implications & Positions Statements

Meckering: 'Despite the availability of 2.4 hectares of suitably zoned Crown land on the west of Great Eastern Highway near the southern boundary of the town, the local government has resolved not to allow any further development of this area due to its low lying nature, potential negative environmental impacts on the adjoining wetland area comprising the Mortlock River East Branch and the need to remove significant stands of remnant vegetation previously planted by the local community. The local government has therefore determined that the current 'Industrial' zoning of this land is inappropriate and that the land is better suited to development and use for parkland and recreation purposes. As such it will seek to reclassify this land as 'Parkland and Recreation' reserve in Local Planning Scheme No. 3.'

Youndegin: 'The Youndegin townsite is characterised by large areas of vacant Crown land which comprise significant stands of native remnant vegetation. Given the potential environmental significance of this vegetation and the aims and objectives of the Environmental Protection Authority's Position Statement No. 2 – Environmental Protection of Native Vegetation in Western Australia (December 2000), the local government will not support any further development within the Youndegin townsite.'

Strategies: 'Facilitate the long term protection of expansive areas of low lying land and salt lakes in the centre of the townsite which form part of the Mortlock River East Branch by restricting any further development in these areas.'

Actions: 'Identify and classify all Crown land in the centre of the Meckering townsite which forms part of the floodplain area of the Mortlock River East Branch as 'Conservation' reserve in Local Planning Scheme No. 3; Classify all land within the designated boundaries of the Youndegin townsite as 'Conservation' reserve in Local Planning Scheme No. 3. (IMMEDIATELY)'

Shire of Esperance Local Planning Strategy (December 2008)

Section 3.10 'Physical Features and Environment' contains relevant information on 'Coast & the Recherche Archipelago', 'Catchments & Wetlands' and 'Biodiversity'

3.10.5 Biodiversity – Planning Implications

'Retention of remnant vegetation along waterways, other macro corridors and other significant natural areas such as remnants that contain poorly represented vegetation types, including threatened ecological communities (TECs) and declared rare flora. Ensure land uses adjoining sites with TECs will not impact upon the viability of the communities.'

5.2.2 Environment

Vegetation Protection

'Protect natural vegetation and aim to rehabilitate degraded areas to maintain and enhance the extent and condition of remnant vegetation. Endeavour to preserve and protect areas of high conservation value natural vegetation in areas susceptible to future development and subdivision activity.'

Action: *'Appropriately designate areas of high conservation value that require statutory protection'*

6.5 Rural Living

Strategies: *'Environmentally sensitive areas, creek/river corridors (incorporating the floodway and appropriate areas adjacent to the floodway for revegetation), land prone to waterlogging, high and extreme bush fire hazard areas will have to be identified and either set aside or protected with appropriate management provisions; scenic landscape, conservation and heritage attributes will not be available for development. Applications within the catchment areas and, in particular, with the Lake Warden Catchment Recovery Area will need to demonstrate that the use of the land will not adversely impact on the Lakes system and, where possible, through activities such as vegetation retention, planting and appropriate drainage design, the land and water quality in the catchment will be improved.'*

6.12 Environmental Management

Actions: *'The Shire needs to identify significant wetlands and waterways in partnership with DEC and DoW'*

6.12.3 Biodiversity

Strategies: *'Ensure that subdivision design maximises the retention of existing vegetation as possible; Support conditions on applications for development on larger lots for the protection and/or rehabilitation of areas of significant vegetation; Identify and map significant natural areas'*

Actions: *'A vegetation survey to identify any protected flora, with the subdivision design reflecting the retention of a vegetated area, including any identified protected flora may be required to be undertaken as a condition of any subdivision; As new areas of ecological significance are identified, the Scheme map should be amended to ensure these areas are considered when an application is being assessed; Further study to be undertaken to identify areas of ecological and environmental sensitivity including remnant bushland...protected flora and fauna; Consult with the Western Australian Local Government Association (WALGA) and with South Coast NRM Inc and Rangelands Coordinating Group to give consideration to providing resources to prepare a regional biodiversity strategy to identify and outline measures to protect significant natural areas'*

Further information

Legislation & statutory policy

State Planning Policy 2.8 *Bushland Policy for the Perth Metropolitan Region* (2004)
<http://www.planning.wa.gov.au/publications/1170.asp>

Planning and Development Act 2005
http://www.austlii.edu.au/au/legis/wa/consol_act/pada2005236/

Land Administration Act 1997
http://www.austlii.edu.au/au/legis/wa/consol_act/laa1997200/

Town Planning Regulations 1967
http://www.austlii.edu.au/au/legis/wa/consol_reg/tpr1967277/

Local planning schemes

City of Albany Town Planning Scheme No. 3
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Albany%20-%20City%20of%20\(Scheme%203\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Albany%20-%20City%20of%20(Scheme%203))

Shire of Augusta-Margaret River Local Planning Scheme No. 1
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Augusta-Margaret%20River%20-%20Shire%20of%20\(Scheme%201\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Augusta-Margaret%20River%20-%20Shire%20of%20(Scheme%201))

Shire of Bruce Rock Local Planning Scheme No. 3
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Bruce%20Rock%20-%20Shire%20of%20\(Scheme%203\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Bruce%20Rock%20-%20Shire%20of%20(Scheme%203))

Shire of Busselton Town Planning Scheme No. 20
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Busselton%20-%20Shire%20of%20\(Scheme%2020\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Busselton%20-%20Shire%20of%20(Scheme%2020))

Shire of Chittering Town Planning Scheme No. 6
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Chittering%20-%20Shire%20of%20\(Scheme%206\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Chittering%20-%20Shire%20of%20(Scheme%206))

City of Cockburn Town Planning Scheme No. 3
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Cockburn%20-%20City%20of%20\(Scheme%203\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Cockburn%20-%20City%20of%20(Scheme%203))

Shire of Manjimup Local Planning Scheme No. 4
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Manjimup%20-%20Shire%20of%20\(Scheme%204\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Manjimup%20-%20Shire%20of%20(Scheme%204))

Shire of Mundaring Draft Local Planning Scheme No. 4 (as advertised)
<http://www.mundaring.wa.gov.au/ResidentServices/Planning/draftlps4/Pages/LocalPlanningScheme4.aspx>

City of Swan Local Planning Scheme No. 17
[http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Swan%20-%20City%20of%20\(Scheme%2017\)](http://online.planning.wa.gov.au/lps/localplanningschemes.asp?f=Swan%20-%20City%20of%20(Scheme%2017))

Local planning strategies

City of Albany Local Planning Strategy (2010)

City of Armadale Local Planning Strategy (2005)
<http://planning.wa.gov.au/localplanningstrategies/3399.asp>

Shire of Boddington Local Planning Strategy (2007)
<http://planning.wa.gov.au/localplanningstrategies/3771.asp>

Shire of Chapman Valley Local Planning Strategy (2008)
<http://planning.wa.gov.au/localplanningstrategies/3764.asp>

Shire of Cranbrook Local Planning Strategy (2004)
<http://planning.wa.gov.au/localplanningstrategies/3747.asp>

Shire of Cuballing Local Planning Strategy (2004)
<http://planning.wa.gov.au/localplanningstrategies/3743.asp>

Shire of Cunderdin Local Planning Strategy (2006)
<http://planning.wa.gov.au/localplanningstrategies/3739.asp>

Shire of Esperance Local Planning Strategy (2008)
<http://planning.wa.gov.au/localplanningstrategies/3724.asp>

Local planning scheme amendment and policy

City of Wanneroo District Planning Scheme No. 2 Amendment No. 109 – Proposed Local Reserve 'Conservation' Classification and Associated Change in Vesting (Council Agenda, 23 August 2011 – refer to Item PS05-08/11)
http://www.wanneroo.wa.gov.au/files/1c85afd3-1a96-45aa-9366-9f440104ce01/PS04_to_PS07.pdf

City of Wanneroo Local Planning Policy 4.3 *Public Open Space* (2011)
<http://www.wanneroo.wa.gov.au/files/85fc056d-7b19-43c0-8ea7-9e4d0107fa9b/Local%20Planning%20Policy%204.3.pdf>

WAPC publications

Directions Paper on the Integration of NRM into Land Use Planning (2011)
<http://www.planning.wa.gov.au/publications/828.asp>

Local Planning Manual: A guide to the preparation of local planning strategies and local planning schemes in Western Australia (2010)
<http://www.planning.wa.gov.au/publications/819.asp>

Planning Bulletin No. 69 *Proposed Bush Forever Protection Areas* (2004)
<http://www.planning.wa.gov.au/publications/754.asp>

Bush Forever (2000)
<http://www.planning.wa.gov.au/publications/5911.asp>

Other publications

Best Practice Examples of Local Biodiversity Planning (WALGA 2012)

<http://pbp.walga.asn.au/>

Crown Land Administration and Registration Practice Manual (RDL 2012)

[http://www.rdl.wa.gov.au/publications/Documents/CrownLandPracticeManual\(completmanual\).pdf](http://www.rdl.wa.gov.au/publications/Documents/CrownLandPracticeManual(completmanual).pdf)

Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region (WALGA 2004)

<http://pbp.walga.asn.au/Publications/LocalGovernmentBiodiversityPlanningGuidelines.aspx>