



Government of **Western Australia**
Department of the **Premier and Cabinet**

Perth and Peel Green Growth Plan for 3.5 million

Strategic Assessment of the Perth and Peel Regions

Draft Action Plan B: Rural Residential

December 2015

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Abbreviations

Abbreviation	Description
BRM	Basic Raw Materials
DER	Department of Environment Regulation
DoP	Department of Planning
DoW	Department of Water
EELS	Economic and Employment Lands Strategy
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999 (Cth)</i>
EIA	Environmental Impact Assessment
EP Act	<i>Environmental Protection Act 1986 (WA)</i>
EPA	Environmental Protection Authority
ESA	Environmentally Sensitive Area
GIS	Geographic Information System
ha	Hectare
LG	Local Government
LPS	Local Planning Scheme
MNES	Matter(s) of National Environmental Significance
MRIT	Metropolitan Region Improvement Tax
MRS	Metropolitan Region Scheme
OEPA	Office of the Environment Protection Authority
Parks and Wildlife	Department of Parks and Wildlife
P&R	Parks and Recreation
PRS	Peel Region Scheme
P&D Act	<i>Planning and Development Act 2005 (WA)</i>
POS	Public Open Space
ROS	Regional Open Space
SPP	State Planning Policy
Strategic Assessment	Strategic Assessment of the Perth and Peel Regions
Strategic Conservation Plan	Strategic Conservation Plan for the Perth and Peel regions
WAPC	Western Australian Planning Commission

1 Introduction

1.1 OVERVIEW OF THIS ACTION PLAN

This Action Plan has been prepared in the context of the Strategic Assessment of the Perth and Peel Regions (Strategic Assessment) that has been undertaken by the Western Australian Government under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). The Strategic Assessment addresses the impacts on matters of national environmental significance (MNES) and State environmental values from future development of the Perth and Peel regions, including urban, industrial, rural residential and infrastructure development, harvesting of pines and basic raw materials (BRM) extraction.

This Action Plan provides guidance on the implementation of the Rural Residential Class of Action. It also describes the enabling legislative and planning framework which will ensure that development occurs in a sustainable way whilst supporting future growth. Where necessary, regulation, policies and processes will be revised or developed in order to implement this Action Plan and facilitate effective delivery of the objectives and commitments set out in *Strategic Conservation Plan for the Perth and Peel Regions* (Strategic Conservation Plan). Until such time, existing regulatory and policy mechanisms will continue to apply.

The Action Plan will be reviewed every five years and updated to reflect any changes while continuing to deliver the objectives and commitments set out in the Strategic Conservation Plan.

1.2 RELATIONSHIP TO THE STRATEGIC CONSERVATION PLAN

A key output of the EPBC Act strategic assessment process is the endorsement of a “Plan, Program or Policy” by the Commonwealth Minister for the Environment. The “Plan, Program or Policy” is the document that sets out the commitments that the State will deliver to protect MNES in the Strategic Assessment Area and enable development to be approved.

As part of progressing the Strategic Assessment, a single plan has been developed that addresses both MNES and State environmental values – the Strategic Conservation Plan. The Plan includes:

- the conservation outcomes, objectives and commitments that will be endorsed, and the classes of action that will be approved, by the Commonwealth Minister for Environment under the EPBC Act strategic assessment process; and
- the commitments for State environmental values as relevant to the EPA’s advice under section 16(e) of the *Environmental Protection Act 1986* (EP Act).

As part of the Strategic Conservation Plan, a series of Action Plans have been developed to assist with implementation of the Strategic Conservation Plan. The Structure of the Strategic Conservation Plan and the supporting Action Plans are shown in Figure 1-1.

1.3 RELATIONSHIP TO STRATEGIC PLANNING FOR THE PERTH AND PEEL REGIONS

The Strategic Assessment has been progressed in consideration of major planning frameworks for the Perth and Peel regions.

Western Australia has a population of over 2.57 million people (Australian Bureau of Statistics 2014). Of this number, more than 2 million live in the Perth and Peel regions, which are located within one of the world's 35 biodiversity hotspots. As a strategic approach to long-term urban planning, the Department of Planning (DoP) and the Western Australian Planning Commission (WAPC) in 2010 released *Directions 2031 and Beyond – Metropolitan Planning Beyond the Horizon* (Directions 2031) which is a high level strategic plan and associated spatial framework to guide development policy and planning to accommodate an additional half a million people by 2031. It outlines a vision for future land uses and a more liveable, prosperous, connected and sustainable community.

To realise the vision encompassed in Directions 2031, the WAPC has developed a series of detailed draft sub-regional planning frameworks with a unified, long-term growth strategy for land use and infrastructure required to support a population of 3.5 million in the Perth and Peel regions. This series of draft planning frameworks, titled *Perth and Peel@3.5million*, was released for public consultation in May 2015 and includes:

- *Draft North-West Sub-regional Planning Framework.*
- *Draft North-East Sub-regional Planning Framework.*
- *Draft Central Sub-regional Planning Framework.*
- *Draft South Metropolitan Peel Sub-regional Planning Framework.*

It is intended that once finalised, these draft sub-regional planning frameworks will deliver sufficient zoned land, BRM, supporting infrastructure and conservation areas to allow the predicted growth to proceed in a sustainable manner.

The Strategic Conservation Plan is complementary to the draft sub-regional planning frameworks and provides alignment across government on a land use plan to support the growth of the Perth and Peel regions to 3.5 million people

1.4 STRUCTURE OF THIS DOCUMENT

Section 2: provides an overview of how the Rural Residential Class of Action was established including the use of spatial data and mapping of environmental attributes in order to avoid MNES and State environmental values in the preparation of the draft sub-regional planning frameworks.

Section 3: provides a detailed description of the proposed rural residential development, including detail on the type of development, its location and design.

Section 4: describes how the rural residential development will be regulated and undertaken. The section includes:

- a description of the legislative and planning framework designed to manage development;
- information on how this Action Plan relates to other Action Plans; and
- funding arrangements for the implementation of the Action Plan.

1.5 TRANSITIONAL ARRANGEMENTS

It is important to note that the planning processes detailed in this Action Plan integrate planning process improvements through implementation of the Strategic Conservation Plan.

The integration of the Strategic Conservation Plan objectives into the planning processes will require further refinement and negotiation between relevant State agencies and stakeholders, and may require updates to relevant planning and environmental legislation and policies. The detail on implementation approaches in this Action Plan may therefore be subject to change.

With the introduction of new process improvements, transitional arrangements will be introduced to ensure Strategic Conservation Plan outcomes can be achieved while legislation and policies are amended. This is to ensure the conservation and environmental commitments can be met once the Strategic Conservation Plan becomes operational.

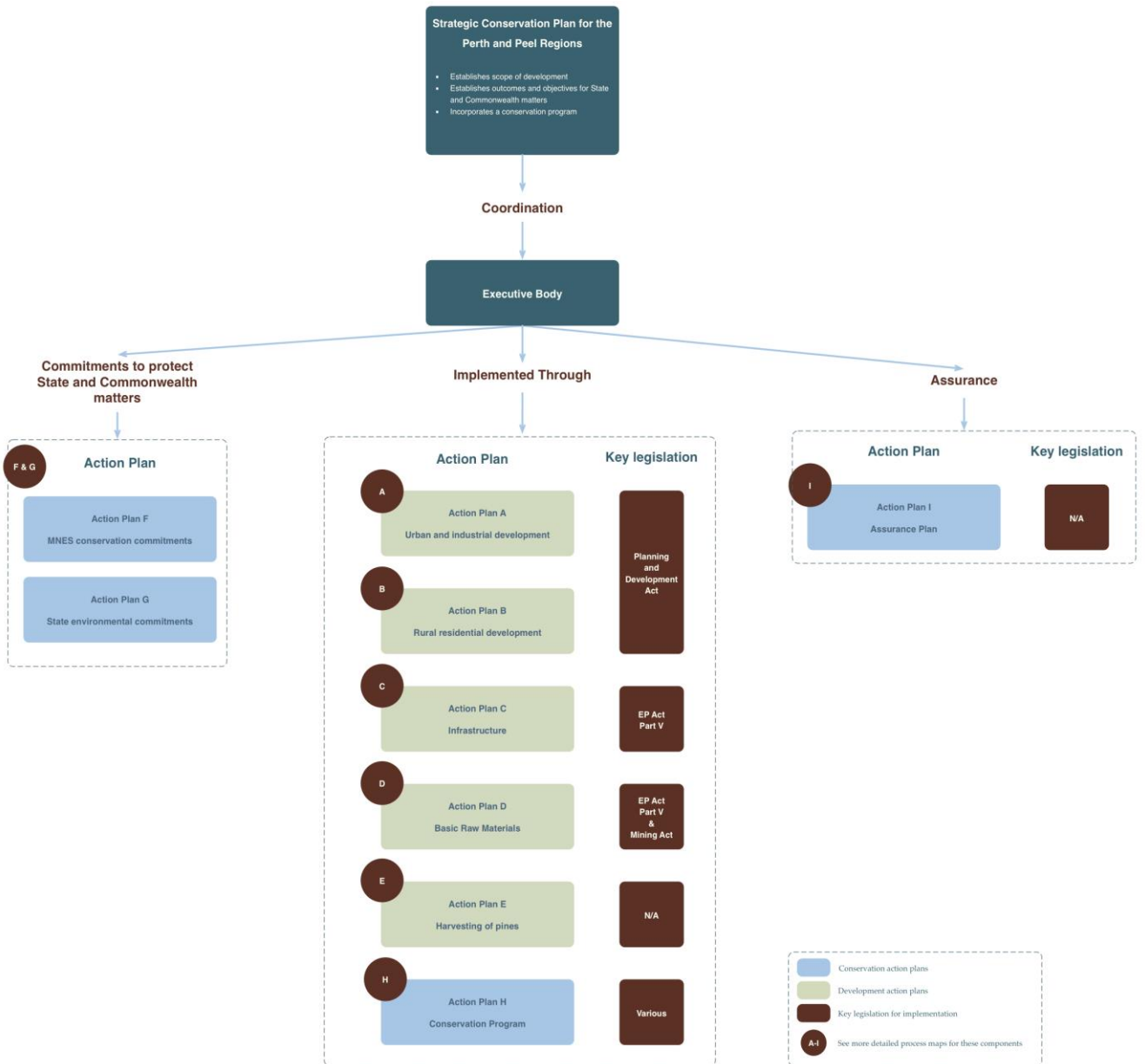


Figure 1-1: Structure of the Strategic Conservation Plan and the supporting Action Plans

2 Background to the development of this Action Plan

The identification of rural residential land within the Perth and Peel regions has been considered in the context of State Planning Policy No. 2.5 Land Use Planning in Rural Areas (SPP 2.5). SPP 2.5 includes specific policy provisions relating to the Perth metropolitan and Peel regions and states that opportunities for rural living within the Perth and Peel regions may remain static or even decrease.

Rural residential lots are residential in nature, provide alternative lifestyle and housing opportunities, and may also provide a transition between urban and rural areas. However, rural residential development places additional demand on community and service infrastructure that may be difficult to meet. In planning for the provision of dwelling supply to accommodate population growth in the Perth and Peel regions, rural residential lots have not been included.

The key principles of SPP 2.5 in relation to the consideration of rural residential proposals within the Perth and Peel regions include, but are not limited to:

- provision of additional rural residential proposals by exception;
- proximity to existing urban areas with access to services, facilities and amenities;
- avoidance of priority agricultural land and possible land use conflict;
- proposals being guided by existing land supply and demand, and population projections and avoidance of areas required for urban expansion;
- avoidance of areas of extreme bushfire risk and any lesser risk being managed without adversely affecting the natural environment; and
- protection of significant biodiversity values and promotion of good environmental, landscape and water management outcomes.

Rural residential land use is not specifically recognised in the region schemes (it is simply identified as 'rural').

As identified in *Perth and Peel@3.5million*, a key priority is to preserve rural land in close proximity to major population centres. Rural living proposals are to be considered by exception within planning strategies/schemes, where topography, environmental or servicing constraints do not permit full urban development, where bushfire risk is not extreme and where environmental attributes are protected.

The spatial land configuration or 'footprint' for a city of 3.5 million people has undergone a number of iterations and forms an important part of the effort to avoid environmental impacts as environmental values were considered in the determination of the footprint boundaries.

The Rural Residential Class of Action will primarily be realised through the various local planning schemes covering the Perth and Peel regions. In this regard, local planning scheme amendments for rural residential proposals will need to demonstrate compliance with the sub-regional planning frameworks and show due regard to any State Planning Policies (SPPs), specifically SPP 2.5.

The planning framework for the Rural Residential Class of Action will consist of a combination of strategic and statutory plans and processes. These will provide a framework for the coordinated

provision of services, infrastructure, development and conservation outcomes to guide the intended pattern of future rural residential development. They are essential to informing and guiding State and local government decision makers in assessment of rezoning, subdivision and development applications.

2.1 AVOIDANCE OF IMPACTS THROUGH THE PLANNING PHASE

Development of the Strategic Conservation Plan has offered the opportunity to undertake significant avoidance of impacts to MNES and State environmental values. Planning at the scale of the Strategic Assessment enables holistic consideration of environmental values in the context of the overall landscape and regional values. This is often not practical through a project-by-project approach to development.

There are three key components to avoidance:

1. avoidance through the planning phase for the Rural Residential Class of Action;
2. avoidance through the impact assessment phase; and
3. ongoing avoidance during the implementation of the Strategic Conservation Plan and Action Plans.

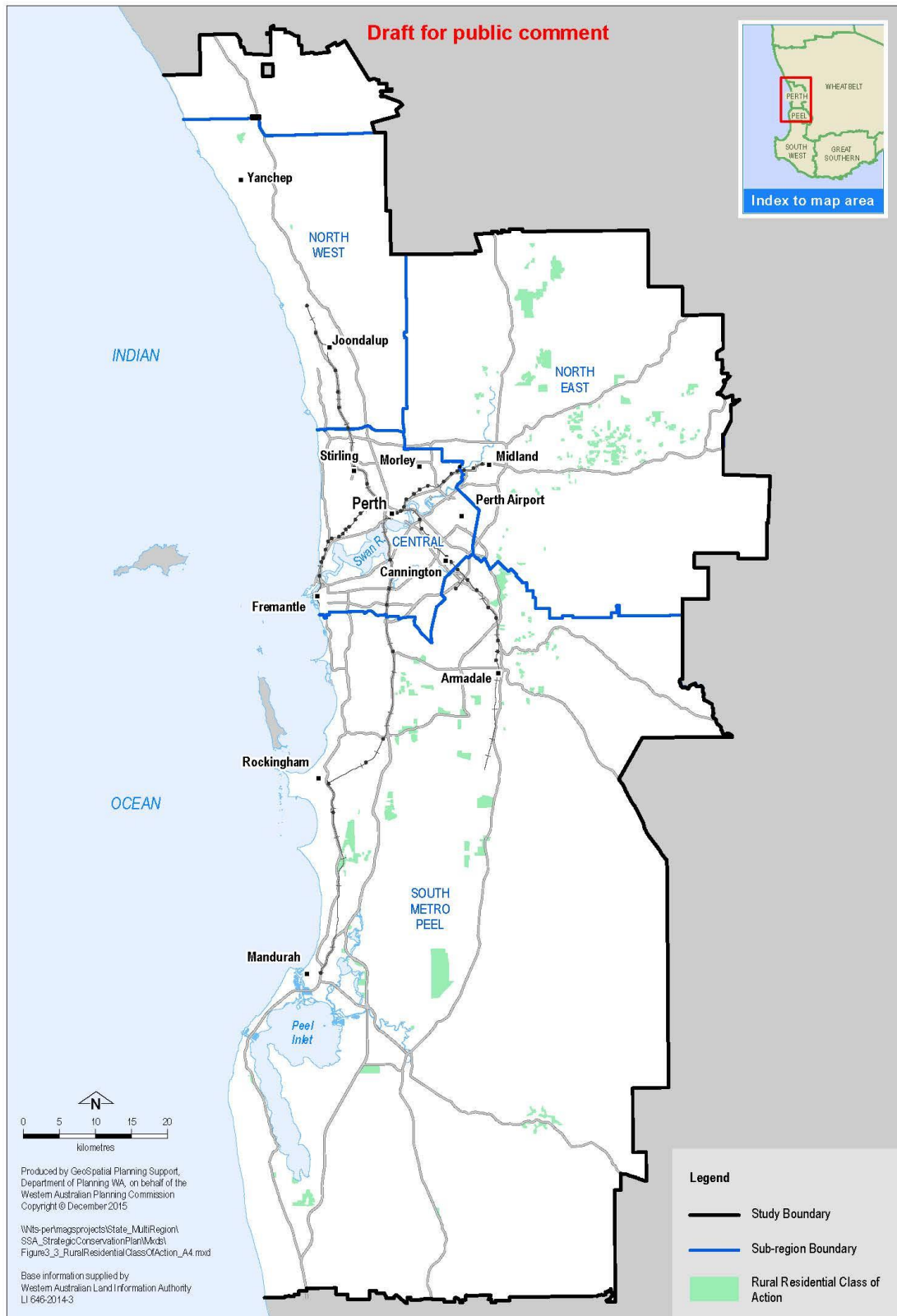
This section provides a description of the avoidance processes undertaken during the planning phase with respect to MNES and State environmental values. Avoidance through the impact assessment phase is discussed in both the Commonwealth and State Impact Assessment Reports. Ongoing avoidance, to be delivered through implementation of the Strategic Conservation Plan, is addressed in section 4.2 of this Action Plan.

A key issue identified in the development of the rural residential footprint was the potential inter-related impacts on water quality in the Peel Harvey estuary from future rural residential development within its catchment. Modelling undertaken by the Department of Water indicated that potential rural residential developments could be a major contributor of nutrients to the system. Considering these potential impacts on future water quality, in addition to other strategic planning considerations such as the existing supply of rural residential land in the area and the efficient provision of services and amenities, these sites have been excluded from the Rural Residential Class of Action.

3 Detailed Description of the Proposed Development

Action	Rural residential development
Short description	The Strategic Conservation Plan provides for the allocation and development of specified new areas of rural residential development, including areas that are already zoned for this purpose but not yet developed. Rural residential lots are generally between one and four hectares (ha) in size and are primarily used for rural lifestyle and/or hobby farming activities.
Key Characteristics	<p>Rural residential areas will accommodate the construction and use of a dwelling and associated outbuildings (in many instances located within a specified building envelope), on-site effluent disposal, as well as clearing required for development, bush fire protection and access. Hobby farming and lifestyle activities (such as the keeping of horses) may also occur. These areas will also accommodate areas of open space and the provision of essential local infrastructure to support rural residential development such as local roads and utilities (generally scheme water and electricity) not covered under the Infrastructure Class of Action.</p> <p>The objective of the Rural Residential Class of Action is to:</p> <ul style="list-style-type: none"> • Provide for lots sized in the range of 1 ha to 4ha; • Provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land; and • Set aside areas for the retention of vegetation and landform or other features which distinguish the land. <p>The Rural Residential Class of Action does not apply to lots that are already developed or estates/precincts which have already have the majority of lots already created, and areas zoned:</p> <ul style="list-style-type: none"> • Rural enterprise • Rural land • Rural • Special residential zone • Rural strata
Spatial Extent	The areas of rural residential subdivision/development that are included in the Rural Residential Class of Action are shown in Figure 3-1

Figure 3-1: Extent of the Rural Residential Class of Action



3.1 COVERAGE

As of 2015, over 30,000 ha of land is zoned within local planning schemes for rural residential (1-4ha) development, of which approximately 24,000 ha has already been developed and 6,000 ha are undeveloped areas.

The land identified for rural residential development within the Strategic Conservation Plan includes primarily land that has already been zoned for rural residential development but has not yet been developed for that purpose. Together with the proposed additional 4,000 ha identified in the draft sub-regional planning frameworks for rural residential purposes there is still over 10,000 ha more land available for future rural residential development.

In contrast to the urban land identified in Action Plan A, areas already predominately developed as rural residential are not included within this Class of Action. This recognises the unlikely future rural residential intensification in contrast to urban which will be subject to further infill development.

The breakdown of rural residential areas by sub-region is provided in **Table 3-1**.

Table 3-1: Rural residential areas by sub-region

Rural residential category	North West	North East	South & Peel	Total
Existing – Developed <i>(not included in this Class of Action)</i>	<i>(1281)</i>	<i>(12342)</i>	<i>(10584)</i>	<i>(24207)</i>
Existing - Undeveloped	92	4308	2322	6722
Proposed	0	0	4277	4277
Class of Action Total	92	4308	6599	10999
<i>(Total)</i>	<i>(1373)</i>	<i>(16650)</i>	<i>(17183)</i>	<i>(35206)</i>

3.2 RATIONALE

Proposed rural residential development has been included within the Strategic Assessment for the following reasons:

- the residential nature of rural residential development;
- the inclusion of rural residential development within the related draft sub-regional planning frameworks;
- the need to consider rural residential development and potential impacts on the environment at a strategic level; and
- to provide certainty for government and landowners with regards to the areas where rural residential development will be considered in accordance with SPP 2.5.

Areas for rural residential development that have been included within this Class of Action are based on their status within endorsed or draft strategies or other planning documents, or have been justified on the basis of minor spatial 'rounding-off' of existing areas. These areas were then subject to an assessment of potential impacts on MNES and State environmental values.

4 Implementation Framework

4.1 LEGISLATION AND POLICY

4.1.1 *Planning and Development Act 2005*

The *Planning and Development Act 2005* (P&D Act) is the primary legislative instrument governing development in Western Australia. Its stated purposes are to provide for an efficient and effective land-use planning system in the State and to promote the sustainable use and development of land.

The P&D Act is the enabling legislation for most of the tasks undertaken by the WAPC, DoP and local government in progressing planning and development for Western Australia. In summary, the P&D Act:

- establishes and specifies the functions and powers of the WAPC;
- establishes the need for and process by which the WAPC can create and administer State planning policies, region planning schemes, interim development orders, planning control areas and improvement plans and schemes, and identifies the relationship between these different planning instruments;
- gives power to local governments to develop local planning schemes for their jurisdictions and establishes the process by which these schemes are to be formulated, administered and reviewed;
- establishes the requirement for WAPC approval to subdivide or amalgamate any lot and outlines the functions of the WAPC and processes it must follow in dealing with applications for subdivision or amalgamation;
- confirms the requirement for approval to commence development where established in a planning scheme or interim development order;
- sets out a regime for the payment of compensation for injurious affection caused by the making or amendment of a planning scheme or the acquisition of such land by the responsible authority;
- establishes the existence and operating procedures of the Metropolitan Region Improvement Account and the financial provisions relating to the WAPC;
- outlines the enforcement and legal proceedings applicable, and the review of decisions available, under the planning system; and
- requires proposed schemes and scheme amendments to be referred to the Environmental Protection Authority.

4.1.2 Planning and Development Regulations 2015

The Planning and Development (Local Planning Schemes) Regulations 2015 (Regulations) prescribe the procedures by which local planning strategies, local planning schemes and amendments to local planning schemes must be prepared and adopted by local government, the WAPC and the Minister for Planning, and sets out a Model Scheme Text as the foundation of local planning schemes.

A further component of the 2015 Regulations, as compared to the previous Town Planning Regulations 1967, is the inclusion of deemed provisions in Schedule 2. The Regulations enable the State to incorporate standard provisions into each operational scheme throughout the State, without the need to formally amend each individual scheme or await incremental change through the use of the model scheme text, as was previously the case. The Regulations will include deemed provisions for structure plans and local development plans, thereby strengthening an important element of the planning framework and the consideration of environmental issues.

4.1.3 Environmental legislation that influences planning

The planning system is influenced by other State legislation in addition to the P&D Act, including the following:

- *Environmental Protection Act 1986* (EP Act):
 - Schemes – The EP Act requires the EPA to determine whether or not to assess schemes and scheme amendments referred to it. The EPA may also determine that a scheme or scheme amendment is, by its nature, environmentally unacceptable. When assessed, conditions may be placed on the relevant scheme.
 - Proposals – The EP Act requires the referral of a proposal if there is likely to be a significant effect on the environment. Where a proposal is assessed and determined to be environmentally acceptable, it may be subject to environmental conditions.
- *Contaminated Sites Act 2003* – sets out a regime for classifying land that is contaminated. Where land is classified as “contaminated – remediation required”, the WAPC must not approve subdivision of that land, and a local government is not to approve development of that land, without seeking and taking into account the advice of the Chief Executive Officer of the Department of Environment Regulation.
- *Heritage Council of Western Australia Act 1990* – establishes a State Register of Heritage Places, which is primarily a planning tool that notifies relevant planning decision-making authorities of heritage places and their significance.

4.1.4 Other applicable legislation

The P&D Act provides the primary legislative framework for planning control in Western Australia. There are, however, a number of legislative instruments that establish separate planning regimes for location-specific areas, including:

- *Metropolitan Redevelopment Authority Act 2011*;
- *Swan and Canning Rivers Management Act 2006*;
- *Perry Lakes Redevelopment Act 2005*;
- *Hope Valley Wattleup Redevelopment Act 2000*; and

- *Swan Valley Planning Act 1995.*

The following law may contain provisions which may further vary development control arrangements contained in the P&D Act and/or planning schemes:

- *Mining Act 1978;*
- *State Agreement Acts; and*
- *Part V of the Environmental Protection Act 1986 (clearing of native vegetation).*

4.2 PLANNING AND APPROVAL PROCESSES

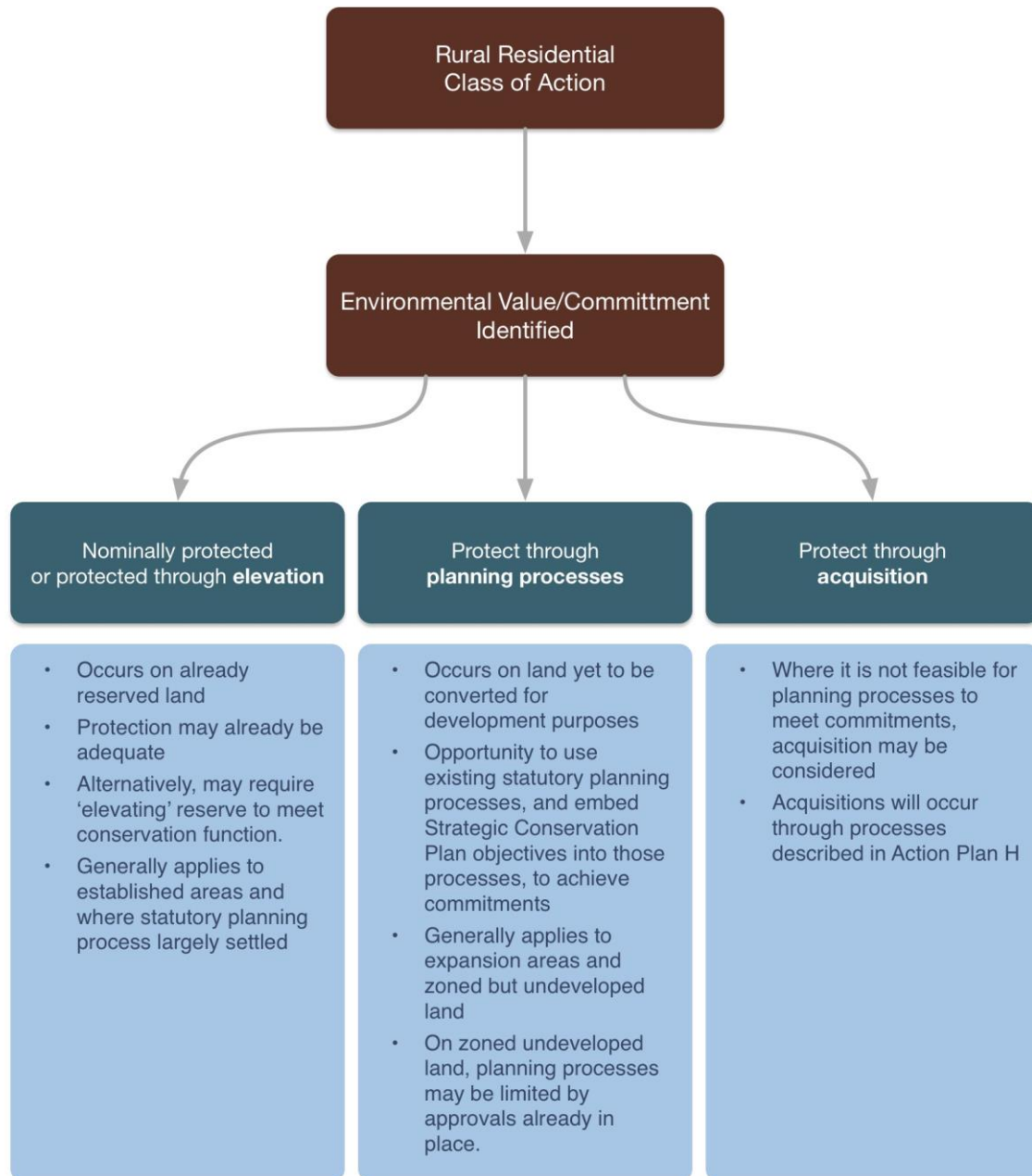
One objective of the Strategic Assessment is to deliver upfront Commonwealth environmental approvals for approved classes of action and a streamlined State environmental assessment and approvals process for new developments.

The Strategic Conservation Plan includes outcomes and objectives for MNES and State environmental values. Detailed commitments for these matters are included in Action Plans F and G. The Rural Residential Class of Action will contribute to meeting these commitments through planning and approvals processes. This Action Plan sets out a guide to the processes for avoidance, protection and/or acquisition of sites with significant environmental values through the planning process. The on-going management and rehabilitation of many of these sites will occur through processes described in Action Plan H. Planning processes may also be used for areas outside the Class of Action to implement Bush Forever or for areas owned by the WAPC. This is also described in Action Plan H.

The conservation and environmental commitments as they relate to the Rural Residential Class of Action occur on land with varying levels of existing development and approval for development. This impacts on how the commitments will be implemented as different processes and mechanisms will apply depending on the level of planning and development already in place. On this basis, there are three main streams by which the commitments will be met in the Rural Residential Class of Action, being:

- **Elevating nominally protected sites** – where a commitment falls on land that is already reserved, either by way of reservation for a public purpose in a planning scheme or, if land is Crown land, by the purpose of a management or other vesting, elevating the ability of such land to perform a conservation function.
- **Using planning processes** – where a commitment occurs on land that has potential for subdivision and development, there is opportunity to implement conservation outcomes through statutory planning processes.
- **Acquisition** – where it is not feasible to rely on planning processes to implement a commitment, acquisition of land may be considered.

Figure 4-1 outlines the approach by which the commitments will be met in the Rural Residential Class of Action.

Figure 4-1: Planning approach for meeting commitments and protecting environmental values

4.2.1 Elevating nominally protected sites

Nominally protected sites are those where the land has already been subject to some degree of land use planning and protection, either through classification of the land as ‘reserve’ or a Bush Forever site on a zoning map, and/or by formally creating reserve tenure over the land. As such, these sites are considered to be nominally protected.

There will however, be instances where the level of protection already afforded by the reserve purpose or classification set out in a management order may not be adequate to ensure protection of the value. For example, if a value falls within a Crown reserve for the purpose of ‘recreation’ (i.e. Carnaby’s feeding vegetation located within a playing fields reserve managed by a local government), the nominal protection of the ‘recreation’ reserve may not be enough to safeguard the conservation of the environmental value. In such instances, it may be necessary to consider ‘elevating’ the protection afforded by the reserve.

Where it is determined that the protection afforded by a reserve needs to be elevated, the State has the option to use implementation mechanisms provided through the *Land Administration Act 1997* and/or the *Conservation and Land Management Act 1984*. Typically, this will include a combination of:

- nominating ‘conservation’ as part of the reserve purpose; and
- issuing a management order to an appropriate conservation authority (typically the Department of Parks and Wildlife (Parks and Wildlife) or local government) and/or adopting a management plan over the site.

In certain instances there will also be opportunity for the P&D Act to contribute to elevating a site, although this will generally be limited to reconciling the *Land Administration Act 1997* reserve classification with the public purpose reservation shown on applicable zoning maps.

Elevating nominally protected sites will apply in areas that are already developed and where the statutory planning process has largely been applied.

Table 4-1 provides an overview of the mechanisms available for elevating a reserve site. It is important to note that this table does not detail the processes involved in elevating a site and that other, sometimes competing issues, may need to be considered.

Table 4-1: Elevation Options

Elevation Options						
Site with Identified Value/s		Tenure	Management	Zoning and Scheme Provisions		Possible Other Options
		(Land Administration Act 1997)	(Land Administration Act 1997; Conservation and Land Management Act 1984)	(Planning and Development Act 2005)		
				Region Scheme	Local Scheme	
Crown Reserve with Management Order to Parks and Wildlife		Check reserve status. If Class B or Standard reserve, elevate to Class A. ¹	NA (already has Management Order to Parks and Wildlife).	NA (although check that land is appropriately reserved under Region and Local Planning Schemes, reconcile if necessary).		List under IUCN conventions: I- Strict Nature Reserve II- Wilderness Area III- National Park IV- Habitat/Species Management area.
Crown Reserve, not Parks and Wildlife managed		Check reserve purpose. Amend to a conservation purpose as required. Check reserve status. If Class B or Standard reserve, elevate to Class A. ¹	Apply Management Order to Parks and Wildlife. ³	NA (check that land is appropriately reserved under Region and Local Planning Schemes, reconcile if necessary).		
Bush Forever land	WAPC owned	Transfer ownership to Crown. Specify purpose of reserve for a conservation purpose.	If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or local government (LG)). ³	For land that is not appropriately reserved under Region and Local Planning Schemes, reconcile as necessary.		Consider a negotiated planning solution, as appropriate in accordance with SPP2.8.
	Privately owned	Transfer ownership to Crown. ² Specify purpose of reserve for a conservation purpose.				
Region Scheme reserved land for a conservation purpose (Parks & Rec, Regional Open Space, State Forest, Waterways)		If not Crown land, transfer ownership to the Crown. ² Specify purpose of reserve for a conservation purpose.	If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).	NA		If transferred to Crown, consider funding for local conservation and land care groups to assist with land management. If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.

Region Scheme reserved land that does not include a conservation purpose (i.e. Railways, Port Installation, Civic and Cultural, Public Purposes, Road)	<p>If not Crown land, transfer ownership to the Crown.</p> <p>Specify purpose of reserve for a conservation purpose.</p>	<p>If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).³</p>	<p>Amend Region Scheme to reserve land as Parks and Recreation or Regional Open Space (ROS) as appropriate.</p>	<p>If transferred to Crown, consider funding for local conservation and land care groups to assist with land management.</p> <p>If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.</p>
Local Scheme reserved land; Or Land reserved under a WAPC endorsed Structure Plan	<p>If not Crown land, transfer ownership to the Crown.²</p> <p>Specify purpose of reserve for a conservation purpose.</p>	<p>If transferred to Crown, apply Management Order to appropriate management authority (e.g. Parks and Wildlife or LG).³</p>	<p>Amend applicable Region Scheme to classify as P&R or ROS, for sites 7 ha or larger.</p>	<p>If introduced under Urban Development zone (or similar) structure plan, reconcile Local Scheme to classify as reserve.</p> <p>If transferred to Crown, consider funding for local conservation and land care groups to assist with land management.</p> <p>If privately owned, consider implementing conservation covenant/s (agreement) between owner and Parks and Wildlife.</p>

Footnotes:

1. Class A has the greatest degree of protection, requiring approval of Parliament to amend the reserve's purpose or area, or to cancel the reservation. The A classification is used solely to protect areas of high conservation or high community value.
2. Transfer of privately owned land to Crown can be achieved by:
 - Acquisition by the State (cost implication);
 - If land has subdivision potential, under Section 152 of the P&D Act, land can be ceded free of cost to the Crown as a condition of subdivision. See Part 10 – Reserve Conditions of the WAPC Model Subdivision Conditions Oct 2012.
3. There are cost implications for the State in granting a Management Order to a State authority (e.g. Parks and Wildlife) and similarly for local government where Management Order applies to LG.

NOTE: This table does not imply any pre-arranged agreements between WAPC/DoP and any State authority (e.g. Parks and Wildlife) or local government for the management of reserved land under a Management Order.

NOTE: There may be other written law that may assist with protecting land considered to have significant environmental values.

4.2.2 Planning Process

Enabled by the legislation outlined in 4.1 above, the Western Australian planning system comprises a framework of planning policy, statutory documents and processes to guide decision making and ensure appropriate development outcomes. In brief, this consists of the following:

Strategic planning

Includes the highest order planning policy documents which are developed and implemented by the WAPC or local government to provide guidance on planning, land use and development decision making. They provide the strategic basis for the development of statutory controls and provisions, but are not themselves regulatory instruments. The hierarchy of strategic and operational planning documents is broadly set out in State Planning Policy 1 and currently includes:

- *State Planning Strategy 2050;*
- *Directions 2031 and Beyond;*
- *Perth and Peel@3.5 million;*
- State Planning Policies;
- Liveable Neighbourhoods;
- Development Control Policies;
- WAPC guidelines and manuals;
- Local Planning Strategies; and
- Local Planning Policies.

Spatial planning

Spatial plans are an integral part of the planning process. They provide a framework for the coordinated provision of services, infrastructure, land use and development, and provide a guide to the intended pattern of future development of an area. They can apply at either the strategic or statutory level, depending on the scale, and help guide State or local government decision makers in the assessment of rezoning, subdivision and development applications. Spatial plans consist of:

- Regional planning and infrastructure frameworks;
- Sub-regional planning frameworks and structure plans;
- District structure plans;
- Local structure plans and activity centre plans; and
- Local development plans.

Statutory planning

Statutory planning documents adopted by the WAPC and local government guide and control land use, subdivision and development in WA. They have legal status and are enforceable and/or confer additional powers on planning authorities. Statutory planning documents consist of:

- Region planning schemes;
- Interim development orders;
- Declaration to establish planning control areas;
- Improvement plans and schemes; and
- Local planning schemes.

Planning application and enforcement

The implementation of the statutory framework occurs largely through the subdivision and development approvals processes. These consist of:

- Subdivision;
- Development;
- Review of decisions; and
- Enforcement.

Within the parameters of the legislation and the overall planning framework outlined above, there are a number of embedded mechanisms which provide for consideration and protection of environmental values and afford a strong position to State and local government to deliver the environmental objectives sought through the Strategic Conservation Plan.

The framework as it applies to the Rural Residential Class of Action specifically consists of:

- Sub-regional planning frameworks and structure plans;
- Local schemes;
- Local structure plans; and
- Subdivision and development.

The preparation and implementation of each of these documents is strongly influenced by the State's suite of strategic planning documents, including *Perth and Peel@3.5million* and various State Planning Policies.

Figure 4-2 provides a diagrammatic representation of the planning hierarchy as it applies to rural residential development. A central concept of the planning hierarchy is an increasing level of detail as processes shift from left to right. The Western Australian planning framework has a proven record of protecting high environmental values through this system of planning processes. A major outcome sought through the Strategic Conservation Plan is the embedding of additional data, protocols and systems in the planning process to achieve protection of environmental values. In this regard, it is intended to incorporate the need for development to comply with the Strategic Conservation Plan into the planning framework.

Figure 4-3 provides a summary of the planning processes that will apply to rural residential development in order to meet the commitments with respect to MNES and State environmental values.

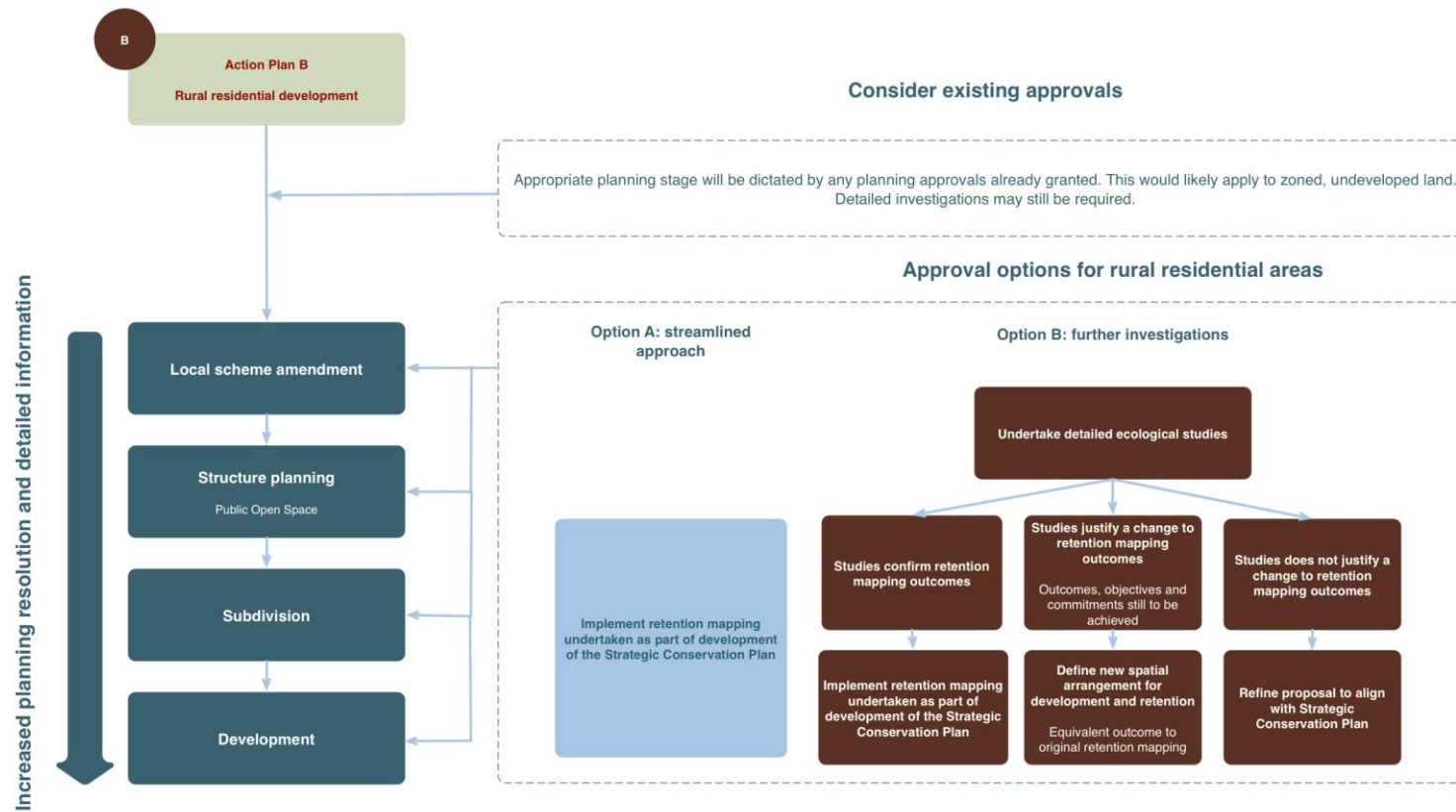
The planning processes detailed in this Action Plan integrate planning process improvements discussed below and align with the Strategic Conservation Plan.

The integration of the Strategic Conservation Plan objectives into the planning processes will require further refinement and negotiation between relevant State agencies and stakeholders, and may require legislative change in order to implement. The details provided here may therefore be subject to change.



Figure 4-2: Planning framework applicable to the Rural Residential Class of Action

Figure 4-3: Summary of planning processes



Retention of environmental values

The Rural Residential Class of Action applies to both:

- expansion areas (land that is proposed for rural residential development but is not yet zoned for that purpose under the relevant local planning scheme); and
- zoned undeveloped areas (land that has already been zoned for rural residential development but has not yet been developed for that purpose).

As such, there is an opportunity to embed Strategic Conservation Plan objectives into existing statutory planning processes in order to meet the commitments with respect to MNES and State environmental values. This method will generally provide for land containing significant environmental values to be ceded to the Crown and reserved for conservation, although a number of other planning controls will contribute to meeting the commitments.

It is important to note, however, that in the zoned but as yet undeveloped areas, the ability of planning processes to implement the commitments will be influenced by the level of approvals already in place and the extent to which the environmental values were considered as part of those existing approvals.

Within each of the areas identified for rural residential development, MNES and State environmental values may need to be retained. Where specific commitments to retain environmental values exist in Action Plan F or G, these must be incorporated into the design of the area. For broader commitments, there is some flexibility in the way these environmental values are protected while achieving conservation outcomes as set out in Action Plan H – Conservation Program.

Criteria will be developed to assist the decision-making process to allow for pragmatic outcomes to be achieved. Some of these criteria will relate to size, configuration and location of the area to be retained, as well as the significance, viability and context of the environmental value. Guidance will be prepared to assist proponents in the land development process to assist the selection of retention areas.

As part of the implementation of the Strategic Conservation Plan, State Government agencies will use the GIS database to determine the location of MNES and State environmental values. If a proponent incorporates these into its designs, a streamlined approvals process will be enabled as depicted in Option A of Figure 4-3.

It is intended that proposals which already have adopted structure plans will be subject to consideration on an individual basis in consultation with the DoP.

The mechanisms for retention of these sites will include but are not limited to Public Open Space, District Open Space and Regional Open Space, with the principal purpose of conservation. Due to the significant benefits provided by early identification of sites with environmental values to enable land development, these sites may be ceded to the Crown to secure tenure and management responsibilities, although there may be some circumstances that warrant acquisition at varied rates. The clarification of more refined boundaries is expected as a subsequent output of the Strategic Assessment with due regard given to the boundaries through structure planning, subdivision and development stages.

4.2.3 Acquisition

In instances where a commitment exists for a MNES or State environmental value and it is not feasible for that commitment to be met through statutory planning processes, acquisition by the State of sites with such values may be considered to meet the commitments.

The State has an existing framework for acquiring land through regional reservations under the region schemes, and via the ongoing Bush Forever acquisition implemented under State Planning Policy 2.8 Bushland Policy for the Perth Metropolitan Region (SPP 2.8).

Region Scheme Reservations

The MRS and PRS include provisions for land to be classified for various public purposes (public purpose reservations). Specifically, the reservation purpose Parks and Recreation (P&R) in the MRS and Regional Open Space (ROS) in the PRS may be applied in the context of efforts to limit the development of environmentally valuable land by means of the planning approval process. These public purpose reservation descriptions under the region schemes are not limited to conservation and environmental values, and may also be applied to other areas of value to accommodate active and passive recreation such as playing fields.

Bush Forever

SPP 2.8 was gazetted in 2010 with the aim of providing a policy and implementation framework to secure the long-term protection of biodiversity and associated environmental values across metropolitan Perth's bushland areas. A key component of Bush Forever is the spatial identification of a range of sites for protection, which are given statutory weight via spatial identification on the MRS maps through a notice of delegation.

A number of options are available under SPP 2.8 to achieve protection of designated Bush Forever sites, including acquisition. A significant function of the WAPC is to continue a program of acquisition of Bush Forever areas, and placing that land into the conservation estate.

Land Manager

An important consideration for the State when acquiring land is to consider who will be responsible for managing that land. Where the purpose is to fulfil a conservation objective, this will generally fall to Parks and Wildlife and local government, but may also include others, such as the WAPC and the Botanic Gardens and Parks Authority.

Details of the State's commitments with respect to Bush Forever and acquisition of sites in the context of the Strategic Conservation Plan are included in Action Plan H.

4.2.4 Planning Process Improvements

In order to embed the outcomes of the Strategic Conservation Plan into the planning system and create a more streamlined and effective system for the consideration of environmental values, it is intended to implement a number of planning process modifications and improvements, which will include the following:

Pre-lodgement assistance to clarify and respond to issues

The practice of 'pre-consult' prior to lodgement of local structure plans as outlined in the *Structure Planning and Preparation Guidelines* (2012) will be expanded to include as many planning processes as possible. The formalisation of this approach is to ensure environmental considerations can be clarified prior to the preparation of plans.

GIS Database

It will be important to spatially identify areas for retention. For the urban and industrial 'investigation' and 'expansion' areas identified in the draft sub-regional planning frameworks a GIS database will aggregate and spatially identify environmental attributes of Commonwealth and State importance.

A key objective of the GIS database will be to continually build on this data and convert it into a spatial GIS mapping tool which will provide a common data platform for the sharing of information to assist the assessment and consideration of rural residential proposals.

Standardised and streamlined referral process under the Environmental Protection Act 1986

The introduction of a streamlined referral process will be a key efficiency gain delivered by the Strategic Assessment. As the Strategic Conservation Plan includes commitments for the protection of environmental values, greater information and certainty enables the introduction of a 'fast-track' approach to the consideration of referrals when planning proposals are put forward.

Under the Strategic Conservation Plan, individual developers will not be required to seek environmental approval under the EPBC Act if their proposal aligns with the Strategic Conservation Plan, although the provisions of other State laws related to planning approvals and environmental protection will continue to apply. The benefits to developers will be significant in terms of planning certainty, time and resource savings and will form a crucial component of the streamlined approvals process delivered under the Strategic Conservation Plan.

Streamlining State approvals processes will be made possible through the early consideration of environmental matters and cumulative impacts in the development of the draft sub-regional planning frameworks, the Strategic Conservation Plan and the provision of the EPA's strategic advice under section 16(e) of the EP Act.

Opportunities will be investigated to streamline existing EPA referral and assessment processes under both planning and environmental legislation. Should this initiative be fully implemented, it is envisioned that Section 38 and 81 of the P&D Act will be amended so that only schemes and scheme amendments of classes not prescribed in the regulations made under the EP Act will need to be referred to the EPA (under Part IV Division 3 of the EP Act). Part IV Division 1 of the EP Act will continue to apply to environmentally significant proposals that are inconsistent with the Strategic Conservation Plan.

With respect to land at subdivision or development land that is already zoned, developers will need to meet the relevant commitments articulated in the Strategic Conservation Plan as well as implement any EP Act advice or conditions provided through existing environmental approvals.

4.3 RELATIONSHIP TO IMPLEMENTATION OF OTHER ACTION PLANS

The following Action Plans also contain elements that are relevant to the Rural Residential Class of Action:

- Action Plan A - Urban and Industrial
- Action Plan C - Infrastructure
- Action Plan F - MNES conservation commitments
- Action Plan G - State environmental commitments
- Action Plan H - Conservation Program
- Action Plan I - Assurance Plan

Any changes in these Action Plans will automatically apply to the Rural Residential Action Plan, where relevant.

4.3.1 Commitments for MNES and State environmental values

The State has made commitments to retain and protect populations of MNES and State environmental values that occur on rural residential zoned land (as detailed in Action Plans F and G). Depending on the type of land where a commitment occurs, the Elevation table in **Table 4-1** provides an indication of how a commitment could be achieved.

As explained in Section 2, avoidance and mitigation of environmental impacts within the Rural Residential Class of Action will occur through:

- implementation of retention planning for expansion sites; and
- local scale avoidance and mitigation measures through planning and approvals processes.

Local scale planning offers the opportunity for further avoidance of impacts. Local government plays an important role in the planning process and often drives conservation of MNES and State environmental values at the local scale. The State will partner with local government in identifying further opportunities for avoidance of impacts and the delivery of specific conservation commitments. The designation of areas of vegetation to be retained will have due regard to local government biodiversity planning, viability assessment and ecological linkages.

In addition to these specific commitments, residual impacts on environmental values will be addressed through a program of offsets to support the delivery of the Conservation Program that will be implemented over the next thirty years. The Conservation Program and offsets framework are included in Action Plan H.

4.4 OTHER CONTROLS

Under Section 51C of Part V Division 2 of the EP Act (clearing of native vegetation) it is an offence to clear native vegetation unless the clearing is undertaken in accordance with a clearing permit or an exemption applies.

There are two types of clearing permit exemptions:

- exemptions that are a requirement of a written law, or authorised under certain statutory processes under Schedule 6 of the EP Act; and
- exemptions for prescribed routine low impact land management practices under the Environmental Protection (Clearing of Native Vegetation) Regulations 2004 (Clearing Regulations).

These exemptions do not apply in environmentally sensitive areas (ESAs) declared by the Minister for Environment under section 51B of the EP Act. The Clearing Regulations – Environmentally Sensitive Areas spatial dataset is available via Landgate’s Shared Land Information Platform and from the Department of Environment Regulation’s website.

There is an exemption for clearing in accordance with a subdivision approval under the P&D Act, which for rural residential zoned land generally provides for clearing within a building envelope.

The application of the clearing provisions of Part V of the EP Act to development within the Class of Action is outlined in Chapter 5 of the Strategic Conservation Plan.

4.5 FUNDING ARRANGEMENTS

Funding mechanisms for implementation of the Strategic Conservation Plan and Action Plans are being developed. Funding measures are likely to include contributions from proponents applied through the approval processes that apply to each class of action under Action Plans A to D.

Further information on funding mechanisms relating to the implementation of the Strategic Conservation Plan and Action Plans will be released for public comment over the coming months.

