



**REPORT OF THE**

**STANDING COMMITTEE ON**  
**CONSTITUTIONAL AFFAIRS**

**IN RELATION TO**

**A PETITION INTO HOMESWEST AND THE**  
**DEPARTMENT OF LAND ADMINISTRATION**  
**POLICIES: OPPOSING THE PROPOSED**  
**SUBDIVISION OF LAND OWNED BY**  
**HOMESWEST IN SPENCER PARK, ALBANY**

Presented by Hon Murray Nixon JP MLC (Chairman)

Report 50

## **STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS**

### **Date first appointed:**

December 21 1989

### **Terms of Reference:**

- 1 The functions of the committee are to inquire into and report on:
  - a) the constitutional law, customs and usages of Western Australia;
  - b) the constitutional or legal relationships between Western Australia and the Commonwealth, the States and Territories,  
and any related matter or issue;
  - c) a bill to which SO 230 (c) applies but subject to SO 230 (d);
  - d) any petition.
- 2 A petition stands referred after presentation. The committee may refer a petition to another standing committee where the subject matter of the petition is within the terms of reference of that standing committee. A standing committee to which a petition is referred shall report to the House as it thinks fit.

### **Members as at the time of this inquiry:**

Hon Murray Nixon JP MLC (Chairman)

Hon Ray Halligan MLC

Hon Ken Travers MLC

### **Staff as at the time of this inquiry:**

Ms Felicity Beattie, Advisory Officer

Mr David Driscoll, Committee Clerk

### **Address:**

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

Website: <http://www.parliament.wa.gov.au>

**ISBN 0 7307 6403 6**

## CONTENTS

1	INTRODUCTION .....	1
2	THE PETITIONERS' SUBMISSIONS.....	1
3	THE MINISTER FOR HOUSING'S SUBMISSION .....	5
4	HEARING.....	6
5	SITE VISIT.....	10
6	INFORMATION FROM THE MINISTRY FOR PLANNING .....	10
7	PRESS RELEASE – MINISTER FOR PRIMARY INDUSTRY .....	13
8	CONCLUSIONS.....	13
9	RECOMMENDATIONS.....	14

**REPORT OF THE STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS**

**IN RELATION TO:**

**A PETITION INTO HOMESWEST AND THE DEPARTMENT OF LAND ADMINISTRATION POLICIES:  
OPPOSING THE PROPOSED SUBDIVISION OF LAND OWNED BY HOMESWEST IN SPENCER PARK,  
ALBANY**

---

**1 INTRODUCTION**

- 1.1 On October 12 1999 Hon Bob Thomas MLC tabled a petition (*Tabled Paper #238*) opposing the proposed subdivision of the 15.5 hectares of land (various lots) owned by Homeswest at the corner of Angove and Ulster Roads in the suburb of Spencer Park, Albany. The petitioners also requested that the land (containing Casuarina woodland) be retained for conservation purposes for the public good.
- 1.2 The petitioners requested that “the Legislative Council will seek a review of the policies of Homeswest and the Department of Land Administration’s (*sic*) with respect to the preservation of remnant bushland in urban environments and in particular with respect to this development.”

**2 THE PETITIONERS’ SUBMISSIONS**

**Submission Number 1**

- 2.1 The Committee received a letter from the principal petitioner, Mr Guy Wroth, dated November 18 1999 in which he advised that stage one of the subdivision had commenced, with approximately seven hectares of the site being cleared. Mr Wroth also informed the Committee that sewerage and street kerbing had been installed.
- 2.2 The principal petitioner urgently requested that the further stages of the subdivision be halted because of the “...detrimental effect to the locality”. He then outlined his concerns with the subdivision. Those concerns related to environmental, social and public policy matters.

*Environmental*

- 2.3 Mr Wroth submitted that Spencer Park was once completely dominated by she-oak woodland and "...apart from this site the remaining pockets are all less than 1 ha." He also informed the Committee that during the 1950s Spencer Park was regarded as the showpiece for wildflowers by the Albany Wildflower Society.
- 2.4 Mr Wroth submitted that she-oak woodland is poorly represented in conservation reserves on the south coast and that this site "...contains a unique and diverse flora including at least one endangered species (*Laxmania jamesii*<sup>1</sup> – not yet identified in this site but found in nearby localities), numerous orchid species and other species that are not found elsewhere."
- 2.5 As part of his submission the principal petitioner claimed that "The rezoning of the site was carried out several years ago and no specific plans were put forward. Consequently the public was not alerted to the potential loss." He also submitted that "The development plans as currently proposed ensure that not a single tree or plant of the original vegetation will be left standing. The lot sizes ensure that buyers will have no option but to remove any trees remaining."
- 2.6 The principal petitioner also advised that in discussions with the developers and Homeswest "...it is obvious that the public open space (the minimum requirements of 10%) will not retain any of the existing vegetation."

*Social*

- 2.7 Mr Wroth claimed that the proposed development has an average lot size of 600 square metres, with a maximum lot size of 650 square metres. He claimed that "the small size and lack of variation means that this development is destined to lose value and become a slum."
- 2.8 One of Mr Wroth's main concerns regarding the social aspects of the subdivision was that low value housing and Homeswest properties already dominate Spencer Park. He submitted that it is already the most populated suburb in Albany (based on electoral wards) and that there are only two small parks in the suburb. He also submitted that the public open space in this development is split between three sites totalling 1.5 hectares, one of which is "...a steep sloping land at a road junction."
- 2.9 Mr Wroth submitted that he was "...appalled at the lack of social responsibility shown by Homewest in this development. It is aimed at the lowest common denominator and

---

1 The James Paperlily.

---

designed specifically to maximise the return to the developer whilst minimising costs.”

- 2.10 He also submitted that “...the street design is unsympathetic to the environment and will be unsafe in relation to the traffic on Ulster Road adjoining the development.”
- 2.11 The principal petitioner advised the Committee that he believed the site could have been developed for housing whilst preserving the majority of bushland, however when he met with the developer and Homeswest “...it was obvious that the design had been done in Perth and the developer and the staff from Perth had not seen the block – they were totally unaware of the nature of the vegetation.”

### *Public Policy*

- 2.12 Mr Wroth advised the Committee that he believed that “...Homeswest is being driven by short term economic profits (to the developer rather to Homeswest) with little regard for the long-term sustainability of this development and that this problem is endemic to Homeswest’s development policy throughout the state.”
- 2.13 The principal petitioner concluded by submitting that questions should be asked about the tendering process undertaken by Homeswest in relation to this site. He advised the Committee that he would “...like to know how much Homeswest is getting from Heath P/L (*sic*) who will be the main beneficiaries of this attempt to maximise the profit obtainable from this site.” He also claimed that Homeswest will “...buy back 1/7 of the site from Heath P/L (*sic*) which means that Heath P/L (*sic*) may be obtaining the site for little more than the cost of installing the infrastructure.”

### **Submission Number 2**

- 2.14 The Committee also received a letter from Hon Dr Christine Sharp MLC, Member for the South-West, dated March 1 2000.
- 2.15 Hon Dr Sharp advised the Committee that the suburb of Spencer Park generally, and this site more particularly, have been the focus of considerable interest to the Albany Wildflower Society because of the abundance of orchids found there. She also submitted that the site contains she-oak woodlands and several rare understorey species, of which there appears to be very little left on the South Coast.
- 2.16 Hon Dr Sharp claimed that “There would be enormous value in this patch being retained in perpetuity for future generations to learn from. Indeed, I believe that future residents’ “sense of place” depends on keeping some of the original vegetation in tact.”

- 2.17 Hon Dr Sharp submitted that in trying to assess the regional or local significance of such remnants in the past, there has been no documented information upon which to base any accurate evaluation of remnant vegetation assets, except by undertaking a flora survey on site which is only done occasionally for large-scale projects because of the expense.
- 2.18 She submitted that now GIS (Geographic Information System) is available "...we can begin the work of making assessment of vegetation of regional significance. This is only just beginning on South Coast with the City of Albany undertaking the Albany Remnant Vegetation Inventory, a National Heritage Trust - funded project." Hon Dr Sharp advised the Committee that although this project is not yet complete, early data collection indicates that vegetation on the soil type where she-oak woodlands occur has virtually all been cleared.
- 2.19 Hon Dr Sharp advised the Committee that the intention is to use the Albany Remnant Vegetation Inventory to develop the Greening Plan (creating remnant vegetation corridors) which would be incorporated into the forthcoming review of the Albany Town Planning Scheme. Hon Dr Sharp submitted that "...this is very important work to bring land use planning up to date and enable planning systems to protect various remnant vegetation associations before they are completely lost."
- 2.20 The Committee was advised by Hon Dr Sharp that this work has been done in the metropolitan region through Bush Plan, but that she was not aware that this strategic urban assessment of vegetation values has been completed anywhere else. Hon Dr Sharp submitted that Albany's contribution in this regard is ground breaking in Western Australia.
- 2.21 Hon Dr Sharp requested that the land not be developed until the remnant vegetation assessment has been completed and the Town Planning Scheme has been updated to incorporate a rationalisation of reserves and the protection of important remnants.
- 2.22 Hon Dr Sharp acknowledged that this could raise potential difficulties for Homeswest if it caused a delay in the provision of low cost housing in Albany, and suggested that one solution could be that the best vegetation be protected in an imaginative medium density development with significant public open space which could be very valuable in this high density, low socio-economic suburb.
- 2.23 Hon Dr Sharp concluded her letter to the Committee by submitting that "Spencer Park is one of the densest residential areas in Albany already and it contains very little quality public open space. The protection of this remnant provides a unique opportunity for the suburb to live up to its name."

### 3 THE MINISTER FOR HOUSING'S SUBMISSION

3.1 The Committee requested information from the Minister for Housing, Hon Dr Kim Hames MLA, relating to the development of the land the subject of the petition. In response to its request, the Committee received a letter from the Minister dated January 14 2000.

3.2 In response to its inquiries about the public open space in the development, and the amount of natural vegetation that would be retained, the Minister advised the Committee that a standard allocation of ten per cent public open space as per the Western Australian Planning Commission (WAPC) requirements was allocated for the subdivision. The Minister advised that this has been allocated in three separate parcels in the manner listed below:

Parcel 1	8 892m <sup>2</sup>
Parcel 2	3 919m <sup>2</sup>
Parcel 3	2 685m <sup>2</sup>
TOTAL	15 496m <sup>2</sup>

Total land area 15.496 hectares

3.3 The Minister also advised that the open space allocation has been designed to provide for a mix of recreational pursuits including active, passive and natural recreation and children's playgrounds. The Committee was informed that of the total amount of open space, 3 919m<sup>2</sup> has been specifically set aside for natural recreation through the retention of existing vegetation. The other two areas of open space will retain a percentage of existing trees whilst also including grassed areas, playgrounds, walking paths and seating in a landscaped setting.

3.4 The Committee was advised that the design of the subdivision incorporates principles of the Liveable Neighbourhoods Community Code as promoted by the Ministry for Planning. The Minister submitted that this has resulted in a permeable road pattern connecting the new development with the existing Spencer Park. This allows pedestrian movement both in and out of the development to utilise the public open space areas.

3.5 The Committee also requested information concerning the joint venture and the nature of the relationship between the Ministry for Housing and the joint venture company. In response, the Minister advised that the Ministry for Housing through Landstart, its land development unit, has entered into a joint venture with Lowe Pty Ltd trading as



Heath Development Company to jointly develop the land. The Minister advised that the approval process for a joint venture is dictated by the *Housing Act 1980* and requires approval from the Minister for Housing, Cabinet and the Governor in Executive Council.

3.6 The Minister advised that this joint venture is based on a percentage share of profits with Landstart providing the land component and Lowe Pty Ltd providing the development capital. Heath Development Company is the project manager for the joint venture.

3.7 The Committee also requested information about the proposed density of Homeswest owned housing in the development. The Minister advised that the Ministry for Housing, through its joint venture, will make available to Homeswest one seniors' unit complex comprising eight units. The Minister advised that the Ministry for Housing has a policy of maintaining a maximum of one in nine dwelling presence in a locality for family housing. For seniors' housing, every three dwelling units shall be counted as one in calculating Homeswest's presence. The Minister advised that given the existing Homeswest presence in Spencer Park of one in five, it was suggested that a reduced presence be maintained within this new development of one in twelve.

3.8 The Minister advised that the Homeswest presence in Spencer Park at the moment is one in five dwellings with this set to decrease as the "New Living" redevelopment of the suburb continues.

3.9 The Committee also requested information about the preparation of the subdivision plan for the site and in particular whether the plan was designed following an on-site visit. The Minister confirmed that the consultant planner did undertake a site inspection to ascertain the topography and an examination of site characteristics.

#### **4 HEARING**

4.1 As part of its investigations the Committee conducted a hearing into the matters raised in the petition. The hearing was conducted on February 14 2000 at the Esplanade Hotel, Albany. The witnesses who attended the hearing were:

- Mr Robert Howard, Co-convenor, Spencer Park Action Group;
- Ms Christine King, a resident of Albany;
- Ms Eileen Croxford, Assistant Co-ordinator of the Albany Regional Herbarium; and

- Mr Brian Newman, Project Manager for the development.
- 4.2 Mr Howard commenced his address to the Committee with a discussion of the environmental issues raised by the petition.
- 4.3 Mr Howard claimed that “One of the problems with the Western Australian laws protecting plants is that vegetation types, such as she-oak woodland, are not recognised as being rare or worthy of protection. Only individual species are.” He stated that she-oak woodlands of this type are extremely rare and very few are protected in national parks on the south coast. Mr Howard stated that it is not just trees but the vein of the understorey that is the most vulnerable to disturbance, especially when it is preserved only in small areas.
- 4.4 He informed the Committee that “In a report done by the developers for this project, they referred to 11 species of plants being the 11 most dominant species. However they ignore the fact that rare, endangered, small species exist.”
- 4.5 Mr Howard then addressed the Committee on the planning issues raised by the petition.
- 4.6 He claimed that one of the problems with the planning process is that “the area was zoned more than four years ago. There was no automatic referral to the Environmental Authority for this bushland to be cleared.” He also stated that “It is not referred to the EPA unless steps are taken by individuals to refer it at the time. Once it has been zoned residential under the law there is no referral to the EPA.”
- 4.7 Mr Howard claimed that at the start of the process, he and others voiced their concerns about the clearing process. Mr Howard claimed that when they met with Homeswest and the developers they were told that “this is what people want”; that is, people want 500 or 600 square metre lots. Mr Howard stated that this is a specious argument and claimed that it will be essentially a “slum zoning.”
- 4.8 Mr Howard also claimed that “the ten per cent public open space in this development does not relate in any way to any of the bushland that is worthy of being preserved; it is simply what suited the people who drew up the plan at the time.”
- 4.9 The Committee also heard from Mr Howard that he believed “The cost of submitting plans and planning has been kept at the absolute minimum...” by the proponents of the development. He claimed that “...they had not visited the site prior to our raising the issue in March last year.” and that “...they had completed and submitted in Perth all of the plans for the subdivision without once visiting the site.”

- 4.10 In addition, Mr Howard stated that “We are not aware that the tender for such a profitable venture was ever advertised locally to enable local builders or developers to tender.”
- 4.11 The final issue raised by Mr Howard at the hearing concerned Homeswest’s role in the development.
- 4.12 The Committee heard Mr Howard’s concerns about the relationship between the parties to the joint venture. Mr Howard claimed that although Homeswest has stated that it depends on the profitable development of these state-owned lands to fund its housing program “It is not apparent that Homeswest will maximise its profits here.” and that “...it is impossible not to draw the conclusion that Heath Pty Ltd (*sic*), rather than Homeswest, is the real winner in this development.”
- 4.13 Mr Howard concluded by stating that “...there is far too close a relationship between Heath Pty Ltd (*sic*) and Homeswest.”
- 4.14 The Committee also heard evidence from Ms Christine King. She told the Committee that she used to stay in Spencer Park and walk through the woodlands. She found it “...a really nice, quiet place to walk. It is one of the few places in Spencer Park where you can get away from people.”
- 4.15 She told the Committee that it was a safe place for children to play undisturbed and “...an interesting place in which to learn about native plants because not many other places exist.”
- 4.16 Mrs Eileen Croxford also appeared before the Committee. Mrs Croxford told the Committee that she had been living in Spencer Park since 1954.
- 4.17 Mrs Croxford advised the Committee that a study conducted by the children from Spencer Park Primary School found 75 per cent of Western Australia’s endemic terrestrial orchids growing on the site. The Committee heard that members of the Albany Wildflower Society tried to have a reserve declared to help save this important flora. Mrs Croxford informed the Committee that “A small area in Mokare Road was granted, as it was a swamp containing pitcher plants. Due to the housing development around it, the rubbish being dumped into it and weed growth, it is of no value and the pitcher plants have not been seen for many years.”
- 4.18 Mrs Croxford told the Committee that she had recently visited the site and recorded over 50 species of native flora which included the Albany catspaw which is becoming very rare, the Albany pea, and the Christmas tree which is completely protected.

- 4.19 Mrs Croxford concluded by stating that the whole area could be turned into a flora park or a scientific and botanical reserve for the pupils of the Spencer Park Primary School. She suggested that failing that, it should become a she-oak reserve as there are a great many healthy trees there and she-oak wood is very valuable for furniture, wine barrels and shingles. She stated that "...it most definitely should not be cleared."
- 4.20 The final witness before the Committee was Mr Brian Newman. In his opening address Mr Newman gave a brief history of the land.
- 4.21 Mr Newman informed the Committee that as far as he was aware, the land had always been under Crown control. After the Second World War a large portion of the site was cleared and used temporarily to house returned servicemen.
- 4.22 The Ministry for Housing took control of the site in 1960. The land was zoned for residential use under the Albany town planning scheme in the 1970's. Homeswest made a subdivision application, which was granted, in January 1995. The Ministry for Housing, which was originally known as Homeswest, called for expressions of interest to develop the site on a joint venture basis or on an outright purchase basis in early 1998.
- 4.23 Mr Newman told the Committee that Lowe Pty Ltd trading as Heath Development Company expressed interest, and in September 1998 Heath Development Company and the Ministry for Housing entered into a joint venture agreement. A reapplication of subdivision was granted in 1998. Construction commenced on the site in July 1999.
- 4.24 Mr Newman told the Committee that "In line with the subdivision approval, we arranged for a vegetation study to be carried out by an independent consultant." That study was lodged with the Albany Town Council and approved prior to any commencement of the work. Mr Newman informed the Committee that the basis of the report was that the vegetation on the site was well represented in the area and was not of any major environmental significance.
- 4.25 The Committee heard that under the subdivision approval, three public open space areas are located within the development. They amount to the statutory requirement of a ten per cent allowance.
- 4.26 The Committee was advised that the proposed development is expected to be staged over five years, in either four or five stages. Mr Newman said that during planning and construction of the development, particular attention had been paid to landscaping, and wherever possible on street verges and recreational areas, natural vegetation would be retained and enhanced.

- 4.27 Mr Newman also told the Committee that “We have in all our efforts to develop this site abided by the rules and regulations of the Western Australian Planning Commission and the City of Albany, and nothing has been done without first obtaining their approvals before we commenced work on site.” Mr Newman told the Committee that the final planning process has taken in excess of two years.

## **5 SITE VISIT**

- 5.1 On February 15 2000 the Committee conducted a site visit to the 15.5 hectares of land at the corner of Angove and Ulster Roads in Spencer Park, Albany. At the site visit the Committee met with Mr Robert Howard, Ms Christine King and Mr Brian Newman.
- 5.2 The Committee spent approximately one hour at the site during which time the members took the opportunity to inspect the land. In particular the Committee inspected the different types of vegetation on the site, the extent of land already cleared for the subdivision, and the amount of construction in progress including residential buildings as well as street kerbing and gas, water and sewerage connections.

## **6 INFORMATION FROM THE MINISTRY FOR PLANNING**

- 6.1 The Committee requested information from the Ministry for Planning concerning the planning procedures and policies it follows in deciding to either approve or refuse development and subdivision applications in regional areas. In this context, the Committee particularly requested information concerning the Ministry for Planning’s policy with respect to remnant vegetation and bio-diversity.
- 6.2 The Committee also made specific inquiries in relation to planning procedures and policies for the City of Albany.
- 6.3 The Committee received a reply from the Chief Executive of the Ministry for Planning, Mr Gary Prattley, dated March 21 2000.
- 6.4 Mr Prattley advised the Committee that applications for subdivision are made under section 20 of the *Town Planning and Development Act 1928* and are determined by the WAPC.
- 6.5 The Committee was advised that subdivision and building are the final stages in the land use planning process which has a number of levels as follows:

- the State Planning Strategy (1997) provides a strategic guide for land use planning in Western Australia and aims to develop a system which achieves a number of key goals including generating wealth, conserving and enhancing the environment and building vibrant and safe communities;
- regional and district planning strategies build on the State Planning Strategy and provide broad guidance for planning and development at the regional or district level. The Albany Regional Strategy which serves this purpose was finalised in 1994;
- local planning strategies are undertaken by local governments when preparing a new town planning scheme and build on regional or district strategies to provide guidance at the more detailed local level;
- district and local structure plans determine the broad structure and pattern of land use in an area and assist in the staging and co-ordination of subdivision and development. These plans show the road pattern, proposed residential densities and the intended location of schools, shops, open space and special use sites;
- town planning schemes reflect the planning strategies which apply to a local government area and any local structure plans and provide for the zoning and reservation of land as well as appropriate provisions to guide subdivision and development; and
- subdivision, development and use of land in accordance with the town planning scheme and relevant State and Local Government planning policies.

6.6 Mr Prattley advised the Committee that section 24 of the *Town Planning and Development Act 1928* sets out the procedure for determining applications for subdivision which includes the applications being referred to relevant government agencies and the local government. Each application is determined having regard to any objections or comments received, the WAPC's comprehensive policy manual and any other relevant matters. Mr Prattley advised the Committee that in this case the most relevant WAPC policies are:

- General Subdivision Policy (DC 1.1);
- Residential Planning Codes Policy (DC 2.1);
- Residential Subdivision Policy (DC 2.2); and

- Public Open Space in Residential Areas Policy (DC 2.3).
- 6.7 The Committee was advised that the WAPC's Public Open Space in Residential Areas Policy provides that the normal requirement in residential areas is that ten per cent of the gross area being subdivided be given up free of cost and vested in the Crown as "Reserve for Recreation."
- 6.8 Mr Prattley advised that in 1983 the land the subject of the petition was zoned "Future Urban" in the Town of Albany Town Planning Scheme 1A and in 1994 the land was rezoned to the "Residential" zone (R20) by Amendment No. 77 to the Scheme. As the land was zoned residential, the WAPC's consideration of the recent subdivision application was primarily concerned with the subdivision design. The Local Government supported the subdivision and agreed to the location of the public open space. The ten per cent requirement was applied.
- 6.9 In regard to the Committee's request relating to remnant vegetation and bio-diversity, Mr Prattley advised that the WAPC does not have a strategy or policy which specifically deals with remnant vegetation in Albany. "Perth's Bushplan" only applies to the metropolitan area and although the State Planning Strategy and Albany Regional Strategy give broad direction encouraging the preservation of remnant vegetation, specific areas worthy of protection are not identified.
- 6.10 The Committee was advised that the WAPC's "Residential Expansion Strategy for Albany" (1994) which was a key action of the Albany Regional Strategy only gives broad guidance in promoting the preservation of significant remnant vegetation as follows:
- "Existing reserves, wetlands, waterways, proposed buffer areas and significant remnant vegetation will be integrated into a comprehensive regional, district and local open space system..." (p5); and
  - "Significant areas of remnant vegetation, particularly in prominent locations, should be given priority when designing areas for public open space." (p6).
- 6.11 Mr Prattley informed the Committee that the City of Albany, with assistance from the Ministry for Planning, is presently preparing a Local Planning Strategy. Mr Prattley submitted that this will be an ideal opportunity to identify areas of remnant vegetation which should be preserved. The City of Albany will then have an opportunity to reserve these areas under a new town planning scheme.
- 6.12 Mr Prattley also informed the Committee that the State Planning Strategy identifies the need for a Statutory Region Scheme for Albany by 2005 which would identify

---

areas of remnant vegetation significant at a regional level and provide a mechanism for the acquisition of this land.

## **7 PRESS RELEASE – MINISTER FOR PRIMARY INDUSTRY**

- 7.1 In a press release made on March 8 2000 the Minister for Primary Industry announced a further round of funding to help South Coast landholders protect remnant vegetation. The Minister endorsed nine funding applications under the State Government’s Remnant Vegetation Protection Scheme (RVPS).
- 7.2 The press release stated that a total of \$80 640 has been allocated towards building 67.2 kilometres of fencing to protect 1151.5 hectares of land on the South Coast. The Minister stated that “The funding will allow the remnant vegetation to be fenced off from stock, in return for a covenant over the area for at least 30 years. This will help to protect the natural biodiversity of the region and encourage local flora and fauna to return to these vegetative areas.”
- 7.3 The press release also stated that the Minister is now considering the recommendations to come from the second round of applications for RVPS funding, which have already been endorsed by the Soil and Land Conservation Council (SLCC). The SLCC is responsible for administering the scheme, in association with the South Coast Regional Initiative Planning Team, the umbrella body for community-agency input into regional natural resource management.
- 7.4 A local assessment panel is made up of six local farmers and also includes representatives from Agriculture Western Australia, the Department of Conservation and Land Management, the Water and Rivers Commission and the Bushcare Support Program.
- 7.5 The Minister said there were further opportunities for South Coast landholders to apply for financial assistance of \$1 200 per kilometre towards the cost of fencing remnant vegetation. He said that applications for RVPS funding can be lodged at any time of the year and are assessed every three months.
- 7.6 Whilst this policy will apply mainly to land currently zoned rural, it will preserve remnant vegetation on land which may later become subject to subdivision.

## **8 CONCLUSIONS**

- 8.1 Having visited the land the subject of the petition, met with the petitioners and conducted a hearing into the issues raised in the petition, the Committee is aware of

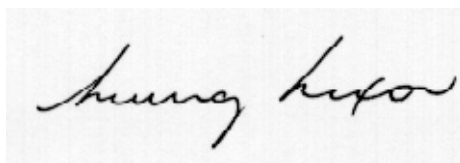


the local significance the land has for people in Albany and the petitioners in particular.

- 8.2 The Committee concludes that the Local Planning Strategy currently being prepared by the City of Albany and the Ministry for Planning will assist in identifying areas of remnant vegetation which should be preserved. The City of Albany will then be able to reserve those areas under a new town planning scheme.
- 8.3 It is Committee policy that with respect to petitions concerning planning and environmental matters the Committee's role is not to replace existing planning or environmental appeal bodies but is limited to inquiring into breaches of the proper planning and environmental procedures.
- 8.4 Having considered all of the submissions received in relation to this petition, the Committee concludes that the evidence supplied to it indicates that at least the current minimum planning and environmental requirements have been met and that there has not been a breach of the current proper planning or environmental procedures in this instance.

## **9 RECOMMENDATIONS**

- 9.1 That the Local Planning Strategy and the Statutory Region Scheme for Albany referred to in paragraphs 6.11 and 6.12 respectively of this report be implemented at the earliest possible opportunity.
- 9.2 That in allocating the areas of land to be set aside as public open space, consideration be given to:
- the quality of the vegetation to be included in that ten per cent;
  - allocating a sufficient amount of land in each parcel of remnant vegetation in the public open space to sustain its ecological integrity; and
  - the amount of public open space in surrounding areas and the possible need to set aside more than the current ten per cent minimum.



---

**Hon Murray Nixon JP MLC**

**(DATE: April 12-4-00)**