WESTERN AUSTRALIAN PLANNING COMMISSION

METROPOLITAN REGION SCHEME
Amendment No. 1082/33

BUSH FOREVER & RELATED LANDS

Cities of Armadale, Bayswater, Belmont, Canning, Cockburn, Fremantle, Gosnells, Joondalup, Melville, Nedlands, Perth, Rockingham, South Perth, Stirling, Subiaco, Swan and Wanneroo, the Towns of Bassendean, Cambridge, Claremont, Kwinana, Mosman Park, Victoria Park and Vincent, the Shires of Kalamunda, Mundaring, Peppermint Grove and Serpentine-Jarrahdale

SUBMISSIONS 140 - 165

VOLUME 5 OF 6

November 2005

PERTH
WESTERN AUSTRALIA
METROPOLITAN REGION SCHEME
Amendment No. 1082/33

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VOLUME 5 OF 6

November 2005
The Metropolitan Region Scheme (MRS) sets out the broad pattern of land use for the whole Perth Metropolitan Region. This Scheme is constantly under review to best reflect regional planning and development needs.

The Western Australian Planning Commission (WAPC) is the agency responsible for this process.

Amendment proposals are made to change land-use ‘reservations’ and ‘zones’ in the MRS when considered necessary. The amendment process is regulated by the Metropolitan Region Town Planning Scheme Act. That legislation provides for public submissions to be made on proposed amendments.

For a substantial amendment (made under Section 33 of the Act), the WAPC considers all the submissions lodged, and publishes its findings in a Report on Submissions. This report is presented to the Minister for Planning and Infrastructure and to the Governor. The Amendment is then scrutinised by both Houses of Parliament before it becomes effective.

PUBLICATIONS
In the course of each substantial amendment to the MRS, information is published under the following titles:

Amendment Report
This document is available from the start of the public advertising period of the proposed amendment. It sets out the purpose and scope of the amendment, explains why the proposal is considered necessary, and informs people how they can comment on the proposal.

Environmental Review Report
The Environmental Protection Authority considers the environmental impact of an amendment to the MRS before it is advertised. Should it require assessment an Environmental Review is undertaken, and that information is available at the same time as the Amendment Report.

Report on Submissions
Documents the planning rationale, determination of submissions and the WAPC’s recommendations for final approval of the Amendment.

Submissions
Comprises a reproduction of all the written submissions received on the proposed amendment.

Transcript of Public Hearings
A person who has made a written submission may also choose to appear before a Hearings Committee to express their views. All hearings are recorded and transcribed. The submitter may chose whether this hearing is conducted in ‘private’ or in ‘public’. Where the person has chosen a private hearing, materials presented remain confidential. The transcripts of public hearings are published in this volume.
## Alphabetical Listing of Submissions

**MRS Amendment 1082/33**

**Bush Forever & Related Lands**

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To: Secretary  
Western Australian Planning Commission  
489 Wellington Street  
PERTH W.A. 6000  

Name: SCOTT KERR  
Address: PO BOX 77, SUBIACO, WA  
Postcode: 6904  
Contact phone number: 93815577  
Email address: scott@masterplanner.com  

Submission  
(Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)  

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12 NOV 2004  
FNL 808:2-1:77 PD
Hearing of Submissions

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Please complete the following:

☐ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

☑ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☑ MYSELF My telephone number (business hours): 93815577

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: 
Group name: 
Agent's telephone number (business hours):
Mailing address:

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

☑ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature: Scott Ken Date: 12/11/04

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5:00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777, Fax - (08) 9264 7586; Email - mra@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
This submission is forwarded by Masterplan Consultants WA Pty Ltd on behalf of W R Carpenter Landholdings Pty Ltd (WRCL), the owners of Lot M1482 at Alkimos.

On behalf of our clients, WRCL, we have reviewed the proposed MRS Scheme Amendment and Statement of Planning Policy documentation and forward the following comment.

This comprises specific comment relative to Lot M1482 at Alkimos, followed by more general comment upon the proposed Amendment and SPP.

Lot M1482 Specific Comment

Lot M1482 is affected by Bush Forever site 397. Site 397 was included within the Bush Forever documentation not because of any specific conservation value identified within Lot 1482, but because of the existing Parks and Recreation Reservation in place under the Metropolitan Region Scheme. Bush Forever Site 397, therefore, reflects an existing MRS reserve.

Within this context, three items should be noted as follows.

1. No specific item of conservation value within the Parks and Recreation Coastal Foreshore Reserve (portion of Site 397) has been identified to date. A detailed Flora and Fauna assessment currently being completed is anticipated to confirm this.

   Statement of Planning Policy No.2.6 State Coastal Planning Policy provides the process whereby based upon appropriate scientific investigation, the width of coastal foreshore reserves may be more accurately determined.

   Proposed SPP 2.8 must not override or prevent the opportunity for adjustment of a coastal foreshore Parks and Recreation reservation under SPP 2.6 and should be worded to ensure this is clear.

2. Lot 1482 is part of the Alkimos/Eglinton district. This area is currently subject to MRS Amendment 1029/33 and preparation of a District Concept Plan in association with the progressing of that Amendment. The current draft of the Amendment proposes adjustments to the existing Parks and Recreation reservations within the Alkimos/Eglinton area including reserved areas affecting Lot 1482. This Amendment process is yet to be completed and may be subject to further adjustment. However, it is imperative that SPP 2.8 does not affect or prevent the finalisation and progressing of proposals in MRS Amendment 1029/33.
3. Proposed SPP 2.8 promotes the preparation of a Local Bushland Protection Strategy for all areas of native vegetation outside Bush Forever protection areas within the Perth Metropolitan Region.

While zoned Urban under the MRS and Residential Development under the City of Wanneroo DPS for some time, Lot 1482 retains a covering of native vegetation and, therefore, would presumably be subject to this proposition. As stated, a detailed Flora and Fauna assessment is currently being completed for the whole property which, it is anticipated, will demonstrate limited, if any, local conservation value vegetation within the property.

WRCL are concerned that despite this, by inclusion of the local bushland category within the SPP, the potential will exist for the progressing of development planning and approvals to be substantially delayed on the basis that native vegetation remains on the property irrelevant of its genuine conservation quality or value. In this regard, if such a local component is to be included within SPP 2.8, it is imperative that this be written to require retention of native vegetation only where it clearly meets a classified conservation standard and not just because there happens to be native vegetation remaining on the site. That is, the only imperative for retention or protection of native vegetation at this local level, should be the presence of rare or endangered flora or confirmed conservation categorised vegetation. Where this does not exist, there should be no impediment or onus placed upon the landowner to retain vegetation to the detriment of development potential.

It is also unclear as to whether this vegetation retention agenda as defined in the Local Bushland Protection Strategy is intended to be an addition to the usual 10% provision of Public Open Space, or if such retained areas are expected to be included within the POS requirement. If in addition, this is a significant imposte upon the landowner and if included will result in a reduction in the provision of usable open space for future residents. This needs to be clarified prior to finalisation of the Amendment/SPP.

General Comment

In addition to the above specific comments related to Lot M1482, WRCL forward the following general comment.

1. As a general principle, we are concerned that the SPP/MRS Amendment will result in the introduction of additional impostes upon private landholdings by designating them for conservation uses only, but by avoiding reservation for those purposes, will deny appropriate and rightful compensation to those private landowners.
While the objectives promoted for preserving native bushland are promoted as noble and of benefit to the whole community, it is not appropriate for individual landholders to be personally penalised with no opportunity for compensation for the benefit of the whole community. As a general principle, the imposition either by reservation or some other form of delineation over a private landholding, restricting that private landowner to use of the land for conservation purposes only and therefore denying other potential more valuable use, must be appropriately compensated.

2. The proposal to apply a Bush Forever Protection Area over private landholdings will also result in additional costs to those private landholders in complying with the management requirements for conservation of bushland within that area. This will be in addition to the loss of opportunity for use of that land and the lack of compensation under point 1 above, therefore, private landowners so affected are doubly impacted upon which is unacceptable.

3. WRCL is also concerned that this issue is becoming over regulated with extensive environmental legislation addressing the protection of remnant and native bush. The proposed SPP simply adds a further level of bureaucratic control and results in an over focus upon environmental elements at the potential expense of social, economic and urban design elements.

4. Major strategic urban design and planning initiatives are currently being advertised and promoted by the State Government. These focus upon maximising existing urban infrastructure and seeking to minimise continued expansion of the urban fringe. Sterilisation of significant parts of the urban area through the bush preservation agenda would directly contradict the urban sustainability agenda being promoted and calls into question the validity of approaches such as the currently being promoted Network City Strategy.

5. The bushland preservation agenda is based upon the premise that setting aside these bushland areas will procure conservation of various types of vegetation groups and assist in maintenance of examples of biodiversity within the Swan Coastal Plain. However, the types of reserves or bush preservation areas being promoted under the policy, with their associated high maintenance costs, must ensure the long term preservation of the bush that has been identified is achieved. There is evidence to suggest that such preservation cannot be guaranteed by the approach being taken and therefore the basic premise for proceeding along this strategy is questionable.

In summary, the proposed approach contains a number of areas of major concern which require further detailed consideration prior to any commitment to this approach as currently drafted in SPP 2.8 and the MRS being adopted for final approval. These include:
1. The need to ensure the proposed SPP/MRS Amendment will not override opportunities to vary Parks and Recreation reserves that exist under other policies such as SPP 2.6.

2. The need to ensure that the proposed SPP/MRS Amendment will not adversely affect the progressing and finalisation of other Amendment processes such as MRS Amendment 1029/33 currently underway.

3. The need to ensure that the proposed SPP/MRS Amendment makes it explicit that retention of native vegetation at the local level under a Local Bushland Protection Strategy should be based on confirmed conservation categorised vegetation and not merely the fact that remnant vegetation exists.

4. The need to ensure that where the use of a private landholding is restricted or impacted upon by any proposal contained within the proposed SPP/MRS Amendment, an appropriate process to compensate that landowner is in place.

5. The need to address the conflict between increased vegetation preservation promoted under the proposed SPP/MRS Amendment and other urban consolidation strategies such as Network City currently being promoted by Government.

W R Carpenter Landholdings would welcome the opportunity to expand on these concerns as part of any formal hearing or review process.
To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: BEVERLEY SHANNON
Address: P.O. Box 45, SERPENTINE
Postcode: 6125
Contact phone number: 0417 77 7486
Email address: bshannon2@wanadoo.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

I have attached 1 letter, 1 page and 2 pages
A total of 4 pages, including this one

Thank you

B. Shannon

TURN OVER TO COMPLETE YOUR SUBMISSION

12 Nov 2004
Hearing of Submissions

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☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF My telephone number (business hours): ......................................................

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: ...........................................................................................................
Group name: ..........................................................................................................
Agent's telephone number (business hours): .........................................................
Mailing address: .......................................................................................................

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date 11/11/2004

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Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
November 11, 2004

Mr Ian Patterson  
Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH WA 6000

Dear Sir

Re: Metropolitan Region Scheme Amendment No. 1082/33  
Bush Forever and Related Lands  
Draft Bushland Policy for Perth Metropolitan Region  
Statement of Planning Policy No. 2.8

It is a good idea to set aside bushland areas for everyone to enjoy. Has anyone in your Planning Department inspected this section of the Serpentine River? It is an absolute disgrace. Some of the weeds on a very small section are arum lily, wild oats, brome grass, watsonia, cape tulip, thistle, doublegee, dock, castor oil plant, barley grass, white fumitory and, worst of all, kikuyu. The kikuyu is choking everything.

It is a Shire Policy that, we as Landowners, keep everywhere around buildings clear to 20 metres so that there is no fire hazard, and also, 3 metre firebreaks on the road and river boundaries. In addition, we are expected to keep our verges clear of weeds.

Why isn’t a Government Department responsible for keeping all open bushland areas safe from any fire hazard? No-one has been near the River since we have lived here. It is more than 2 years since fire ravaged this area and nothing has been kept clear in these local open bushland areas since. There is plenty of fuel ready for the next fire is in the area (hopefully this won’t happen).

Your Department wants to GRAB some of our property for your bush forever scheme. If you want it, we should be compensated ON JUST TERMS. We should not be expected to fence it, keep the area clear of weeds and not use it.

Government Departments should set an example of how it expects we, as landowners, look after its bushland areas. Examples of how our bushland areas are managed are shown in some photos enclosed. Everything is overgrown.

Yours sincerely

B Shannon

Beverley Shannon
These 2 photos show bushland and river reserves not maintained.
These 3 photos show how weeds have overtaken the river Bushland area. Somewhere beneath all the weed and, particularly the kikuyu, there is the Serpentine River.
12 November 2004

Dear Sir/Madam

RE: PUBLIC SUBMISSION - METROPOLITAN REGION SCHEME AMENDMENT NO. 1082/33 BUSH FOREVER & RELATED LANDS

Please accept this submission from ATA Environmental on behalf of Eglinton Estates and LandCorp that includes comments on the Western Australian Planning Commission’s Metropolitan Region Scheme Amendment No. 1082/33 Bush Forever & Related Lands which was released for comment in August 2004. The submission also includes comments on the draft Statement of Planning Policy 2.8 released for comment in July 2004.

The submission primarily relates to land owned by Eglinton Estates and LandCorp in the Alkimos-Eglinton area that is currently undergoing an MRS Amendment and Environmental Review.

Metropolitan Region Scheme (MRS) Amendment No. 1082/33

ATA Environmental does not agree to the designation of a Special Control Area over Bush Forever sites 289 and 397 as these areas are currently the subject of an MRS Amendment. The Amendment proposes significant changes to parts of the Bush Forever sites. These changes are being assessed by the EPA through a formal Environmental Review process.

The Bush Forever & Related Lands MRS Amendment refers to a similar situation for Bush Forever site 275 (Stakehill Swamp) in which Site 275 has been excluded from the Special Control Area due to the site being subject to its own MRS amendment currently underway. The same rationale should be given to the Bush Forever sites in the Alkimos-Eglinton area.

Draft Statement of Planning Policy (SPP) No. 2.8

The Alkimos-Eglinton area contains two Bush Forever sites (sites 397 and 289) that are currently reserved as Parks & Recreation. The boundaries of these sites are under review in the Alkimos-Eglinton MRS Amendment. Bush Forever Site 397 is predominantly the coastal foreshore area while site 289...
includes some foreshore and an extension eastwards through to Yanchep National Park.

The category of Bush Forever Protection Area that is most relevant to the Alkimos-Eglinton area is that of Bush Forever Reserve (Proposed and Existing). ATA Environmental supports the proposed process of decision making for Bush Forever Protection Areas within this category. We agree with the concept that proposals for development within these reserves will need to consider the overall purpose and intent of the existing reserve and will also need to consider the wider environmental, social, economic or recreational needs, i.e. sustainability principles. This is particularly applicable to coastal foreshore reserves where beach nodes adjacent to urban areas are often required to cater for carparks, beach access tracks, grassed areas, kiosks, surfclubs etc. which usually requires the clearing of some native vegetation.

We not believe that mitigation and offset strategies for the loss of regionally significant bushland is appropriate for developments, such as regional beach areas. As stated above, the decision-making process for such developments will be required to consider the principles of sustainability (i.e. environmental, social and economic). A proposal that truly meets sustainability criteria should not have to off-set against one particular aspect of sustainability (eg. native vegetation).

ATA Environmental supports the concept that existing cleared areas within Bush Forever Protection Areas are not intended to be protected and may be suitable for some kind of development. In the Alkimos-Eglinton area, the current Bush Forever sites and the proposed revised Bush Forever sites contain some areas of cleared land. The SPP should clearly state that cleared areas could be used for other purposes such as recreational facilities including playing fields.

We support the proposition in the SPP in section 5.2.2 (vii) that Bush Forever sites may be used as a component of the public open space contribution subject to those requirements listed under this section.

ATA does not support the inclusion of Local Bushland in the SPP for the following reason. The identification of locally significant bushland will be undertaken by local authorities through the preparation of a local bushland protection strategy. The document that provides guidance to local authorities for the preparation of the local bushland protection strategy is the Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region published in June 2004 by the Western Australian Local Government Association (WALGA). The WALGA report was not advertised for public or industry comment and therefore has no general acceptance in the industry. It should not be used as a guide to prepare local bushland protection strategies until it has been peer reviewed and advertised by comment to the public and industry. Local bushland areas should not be included in the SPP 2.8 until such time as the process for identifying locally significant bushland has been endorsed by the industry.

A further comment on the local bushland section in the SPP refers to paragraph 5.3 (iv). The wording for the proposed interim measure is unclear and should be reworded and sent out for further comment. The issue of locally significant bushland has already held up planning approvals in some government authorities. The process needs to be clear and without ambiguity so that decision-making authorities can progress with structure plans and subdivisions in a timely manner.
Please do not hesitate to contact Dr Paul van der Moezel on 9328 3488 to discuss comments made in this submission.

Yours sincerely,

DR PAUL VAN DER MOEZEL
Partner

cc.  Tasio Cokis  Woodsome Management
     Damien Molony  Eglinton Estates
     Barbara Gdowski  LandCorp
To: Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH W.A. 6000  

Name: Peter and Kaye Pearson  
Address: PO Box 214, Bassendean  
Postcode: 6934  

In respect of any contact please contact:  
McLeods  
222 Stirling Highway  
Claremont 6010:  
Tel 9383 3133  
Fax 9383 4935  
Email lrowley@mcleods.com.au  

SUBMISSION:  

Background  
1 We are the registered proprietors of 14 River Street, Bassendean, WA 6934 ("the Land")  
2 The Land comprises approximately 2,000 square metres. On its westerly boundary it fronts River Street and on its easterly boundary it forms part of the foreshore of the Swan River.  
3 We make these submissions in relation to Metropolitan Regional Scheme Amendment No 1082/33 and specifically with regard to the proposed Bush Forever Special Protection Area BFS305.  
4 From plans we have viewed, it would appear that the boundary line of the Special Control Area encapsulates something between a half to one third of our land on its easterly river aspect.  

Grounds of Objection  
1 There is a clear and significant lack of transparency with regard to the process. In particular:  
   (a) who has carried out a vegetation survey in relation to this area?;  
   (b) if it has been carried out why has it not been disclosed?;
(c) if it has not been carried out what is the scientific basis for the identification of this Special Control Area?

(d) what significant vegetation exists on our land?

(e) who decides what is significant vegetation?

(f) what are the criteria for that decision?

(g) where are they published?

(h) are they adhered to?

(i) where is the clear and readily understood explanation with regard to such implications?

2 The delineated boundary of the Special Control Area would not appear to follow any logical or indeed scientifically defensible boundary. If it is intended to represent land dropping from level ground to river zone then it fails to encapsulate such land in the lots immediately to the south of our next door neighbour ie Lots 1-7. If it intends to follow a pattern of vegetation then again that would not appear to be the case.

3 We are informed that in relation to the forthcoming new town planning scheme of the Town of Bassendean, our land is to be rezoned R-15/R-20. The size of our land holding would indicate that this would provide a potential to subdivide and develop our land into four lots. With the presumption against clearing which would apply if these proposals are implemented to approximately half of our land, this sterilises from subdivision/development half of our land without compensation.

4 The information provided indicates the Special Control Areas are dealt with within town planning scheme Model Scheme Text. The average citizen is simply not sophisticated enough to be able to read and ascertain the implications with regard to that text. No further explanation is provided.

5 The Land and that of our neighbours is significantly cleared and there is a high degree of exotic plants and weed infestation. These proposals will provide no protection for any significant native vegetation even if it existed which it does not.

6 There are no remnant native plant communities whatsoever in the Special Control Area on our land other than perhaps one or two sheoaks. There are some lemon gums which have been deliberately planted by previous owners which are not indigenous to the area. There is a considerable amount of exotica and weed infestation. What is the justification for the inclusion of this land within the Special Control Area?

7 There is a potential for conflict between the current regime of the Swan River Trust and the authority of the Western Australian Planning Commission to determine applications relating to Special Control Areas. Such tension between crown agencies is undesirable and creates another layer of bureaucracy and difficulty for landowners.

8 We are given to understand that we and our neighbours on the other sides of us are the only three properties which are occupied residential properties affected by this Special Control Area. The map would seem to indicate that others have been excluded. This would appear to reflect selective and unjust treatment of these three properties.
A significant number of owners have not been properly notified. Our neighbours at 14 River Street next door are not on the DPI mailing list and were not notified. Our notification was thrown on the lawn and by the time it was recovered it was substantially illegible. This is a denial of natural justice.

Our 2,000 square metre property would appear to be included within the Bush Forever Site 305 which encompasses a staggering diversity of land form and vegetation comprising 119.9 hectares including wetlands. The text within Bush Forever 2000 indicates that:

(a) it has not been determined whether there are any threatened ecological communities;
(b) only a limited survey has been carried out of the vegetation and flora;
(c) there are areas of severe localised disturbance -- (we might add that ours is one of them).

This would appear to be slim justification for the inclusion of the Land within the Special Control Area.

The inclusion of the Land within the Bush Forever Site which is mirrored by the Special Protection Area is an oddity. Given that there have been no ground studies carried out on the properties of ourselves and our two neighbours, we consider that it is highly likely that we have been included as a consequence of our close proximity to other reserved areas within public ownership ie as a matter of management, it is convenient that we should be so included. That is neither fair nor scientifically defensible given that we own private land and there is no intention of compulsorily acquiring the Land.

The entry in Bush Forever does not disclose anything other than the application of general selection criteria and recommendations.

In 1955 when Professors Stephenson and Hepburn prepared their plan for the metropolitan region, they made it quite clear that it was a desirable public objective to reserve and acquire all of the foreshore of the Swan River. That report and subsequent debates in Parliament canvassed the possibility of acquisition and the need for conservation and preservation. Ultimately it was acknowledged that if such areas were immediately acquired, the cost to any Western Australian government would be enormous and unbearable. Consequently a method of staggering the payment was found by the provisions set out in s.36 of the Metropolitan Region Town Planning Scheme 1959. At all times it was contemplated that compensation would be paid whether under that Act or as a consequence of compulsory acquisition under (what is now) the Land Administration Act 1997. These measures seek to circumvent the payment of just compensation or indeed any compensation at all. That is a significant interference in private proprietary rights contrary to long established policy.

Planning Policy 2.8 makes it clear that there is a presumption that any proposed development which involves clearance of vegetation in a Special Protection Area will be refused. The burden is on the landowner to provide a report justifying such clearance. Consequently instead of this being a conservation policy, it is in fact an anti-clearance policy with the financial burden falling on the landowner once again. That burden ought to be reversed. If a government entity, whether the DPI or the EPA, considers that there is vegetation on land which ought to be conserved, the onus ought to be on that agency to provide a rigorous and scientifically argued report justifying the retention of that vegetation. That redresses, to a small extent, the potential abuse of government's dominant position which is currently occurring.
If it is the case that the Land has been included within the Special Control Area for management or cadastral reasons and it is not intended that it should be protected, then we seek a clear declaration to that effect so as not to impede any future plans we may have for the land or so that it is not devalued as a consequence of the imposition of this Special Control Area. On the other hand if the Land is protected then we seek a clear statement of the reasons why it is so protected on a scientifically defensible basis.

Section 2.5.3 of Bush Forever indicates that Special Control Areas may be "interim protection". If that is so, there is no clear statement as to what is likely to follow the imposition of the Special Control Areas and that should be rectified. There is also no clear statement in the supporting papers on the amendment whether these areas are interim. If they are not, government’s changing position on these issues is both unfair and creating uncertainty which is undesirable.

Finally and although not specifically applicable to us, there is a philosophical but nevertheless valid issue in relation to conservation generally. Those landowners who have exercised restraint and a responsible attitude in preserving and not clearing vegetation are now being made to suffer economically whilst less responsible citizens who have taken early steps to clear and develop have reaped the rewards of their actions. The actions of government in condoning the latter group and discouraging and punishing the former group is not conducive to responsible and fair minded government but, more importantly, is not conducive to the encouragement of a sense of responsibility in its citizens.

McLeods on behalf of
Peter and Kaye Pearson

12 November 2004
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☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by: Kaye Pearson on behalf of Peter & Kaye Pearson. (W) 9473 4049 (A/H) 9377 3710
☐ MYSELF My telephone number (business hours): ____________________________
☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: ____________________________
Group name: ____________________________
Agent's telephone number (business hours): ____________________________
Mailing address: ____________________________

I would prefer my hearing to be conducted in:
☐ PUBLIC (with a public hearing other persons, including the media, may attend.)
☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ____________________________ Date ____________
Linda Rowley, McLeods
on behalf of Peter and Kaye Pearson

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.
12 November 2004

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

Dear Sir

METROPOLITAN REGIONAL SCHEME AMENDMENT NO 1082/33 – BUSH FOREVER AND RELATED LANDS: P & K PEARSON

On behalf of our clients, Kaye and Peter Pearson we enclose herewith submission in respect of Metropolitan Regional Scheme Amendment No 1082/33. We would appreciate it if future contact could be with ourselves as our clients are travelling at the moment.

Yours faithfully,

encl
Substitution

METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33

BUSH FOREVER & RELATED LANDS

OFFICE USE ONLY

Submission 144

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: MR. C. SORGIUVNI

Address: 78 RIVER AVENUE, MARRICKVILE. Postcode: 6108

Contact phone number
Email address

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

THIS SUBMISSION IS MADE ON BEHALF OF MR. SORGIUVNI BY TREVOR MORTON OF LANDVISION

Contact phone No.: 9288 8181
Email: trevor.m@landvision.com.au

Fees Attached

TURN OVER TO COMPLETE YOUR SUBMISSION

12 NOV 2004

[Signature]
Hearing of Submissions

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I will be represented by:

☐ MYSELF My telephone number (business hours): .............................................

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: TREVOR MARSH
Agent's telephone number (business hours): 9388 8181
Mailing address: Suite S, 16 Nicholson Road, Subiaco 6008

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ATTACHMENT TO SORGIOVANNI SUBMISSION

This submission is made by Landvision on behalf of Mr. C. Sorgiovanni the owner of Lot 40 River Avenue.

Mr Sorgiovanni objects to the imposition of a special control area on his property which in this instance aligns with the MRS boundary.

Volume 1 of Bush Forever Part B indicates that the boundaries of some areas to be protected may require further on-site identification and confirmation and may also require adjustments (p 9).

For Bush Forever sites in MRS reserves, some adjustments may be required to give full protection and long term security possibly including adjustments to the control, management and purpose of the reserve (p 12).

In respect to Lot 40, the fringing vegetation on Lot 40 occupies only a small proportion of the site, whereas the MRS reserve appears to be an arbitrary 50 metre setback line.

We believe it unreasonable to use the MRS reserve boundary as the basis for a special control area where clearly the significant bushland has not been mapped nor an appropriate buffer determined.

In particular the MRS reserve does not follow the flood plain in this area and includes high land which has no relationship to either the remnant riparian vegetation nor the flood plain.

There is no logical reason why this land should be included in the special control area particularly as it contains an inhabited residence as well as Mr Sorgiovanni’s orchards.

We submit that if the WAPC wishes to match the special control area with the MRS reserve then both should be modified in this area to coincide with the physical topography of the land.

Consistent with the above Mr Sorgiovanni is prepared to waive his rights to a payment for the acquisition of the modified reserved land provided he can retain the house as indicated in the attached sketch. The reason for this is that Mr Sorgiovanni has a very long family attachment to the house and wishes it to remain in the family.

In summary we seek to modify both the special control area boundary and MRS boundary to match the distinctive flood plain in this area, and remove from consideration the area outside the flood plain which contains Mr Sorgiovanni’s residence and orchards and which has no physical link with the natural riverine and bush environment.

Trevor G. Moran
Landvision
To: Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH W.A. 6000

Name: Paul Wigram
Address: 35 Sunrise Terrace, Maylands  
Postcode: 6051
Contact phone number: 9217 3118  
Email address: not shown on scan

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

(1) At no time have the residents of the affected area (3.3)  
been informed of the proposed Bush Forever Scheme in time to  
thoughtfully consider the effect on the area.

(2) Notwithstanding the above the following points need to be made:

(a) The scheme does not have clarity with regard to the future use  
of the land and the effect on the properties in Sunrise Terrace
(b) Would be faction of the affected property. The possibility of future development  
(i.e. cycleway) would have a detrimental effect in public access

(c) Increase in pest in being dependent on the future.

(d) Strictly hunting required to protect land management.

(e) The statement of policy has no description of other  
criteria under subsections VIII the following principles  
as a basis of determining the relevance of environmentally  
positive areas.

(f) Ecologically threatened communities here are NONE.

(g) Threatened or poorly conserved plant communities - NONE

(h) Have as declared plans at fauna - NONE

12 NOV 2004

FILE 807-2-1-7792
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Agent's name: ........................................................................................................

Group name: ........................................................................................................

Agent's telephone number (business hours): ....................................................

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature .......................................................... Date 8/11/04

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Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - nits@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
SUBMISSION TO THE METROPOLITAN REGION SCHEME AMMENDMENT NO.1082/33-CONTINUED

FROM PAUL WILBRAHAM 35 SWANVIEW TERRACE MAYLANDS.

(d) Lakes in the area- There are none

(e) Wetlands in the area – There are none

(f) The area is to be regionally significant bushland- No bushland therefore cannot be regionally significant.

4. Prior to the being subjected to analysis by the landowners we must be provided with exact details in respect of their respective properties.

   (a) Surveyed details of their properties
   (b) Precise details of the existing land use restrictions and the boundaries and land area relating to each land use restriction.
   (c) Precise details of the current land rights and any alteration to those rights should this proposal proceed.

5. Compensation. What compensation will be paid for any loss of land and for loss of the use of that land that they currently enjoy and also for compensation resulting from the consequent devaluation in the value of the relevant properties.

6. In light of the above I respectfully submit that area 313 be removed from the scheme due to its total lack of ecological relevance and the existence of far more deserving areas of protection.

7. That the existing partitioning of the land for future Public Open Space on the properties in area 313 be removed to allow the landowners to have certainty of tenure and to ensure that the lands enduring use is restricted to riverine urban living.
To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: LYNNE YEALAND
(Please print clearly)

Address: 13 SWAN VIEW TERRACE, MAYLANDS
Postcode: 6057

Contact phone number: 93703940 Email address: jh.yealand@oak.net.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

See attachment...

TURN OVER TO COMPLETE YOUR SUBMISSION

12 NOV 2004
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I will be represented by:

☑ MYSELF. My telephone number (business hours): 08 9370 3840

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)

Agent’s name: ............................................................

Group name: ............................................................

Agent’s telephone number (business hours): ............................................................

Mailing address: ............................................................

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Signature ............................................................ Date 31/11/04

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Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
I write to express my concerns on the proposed amendment to the Metropolitan Regional Scheme Amendment No 1082/33 Bush Forever and Related Lands.

Reclamation.
My home at 13 Swanview Terrace has already had approximately 33 metres of land from the eastern boundary to the river sub-divided prior to my building my home. This land was turned into public open space. I therefore do not have access directly to the river, this proposal will mean a further loss of both my land and privacy.

Preservation.
Due to the previous reclamation. I have spent thousands of dollars on retaining walls, plants and reticulation on the bottom of my property and my own area is well cared for and preserved.
I have however, had to ask the Council to clear up wild oats and other weeds from the area of reclaimed land. This area still looks very rough and rocky and cannot be mowed. As it is not well maintained now, I do not see how it will be maintained and the river edge preserved in the future if this whole area becomes more readily accessible to the public.
The Council is already having difficulty maintaining the existing pathways and parks in the area, this proposed plan will just add another area of care required to an already taxed group.

Erosion.
I am also very aware of the erosion of the river bed of at least 2 metres in the 10 year period I have been a resident, due to increased recreational river traffic. This erosion will certainly increase if public access is allowed on the river edge. Other areas around Perth have suffered a similar fate and one could point out the erosion and problems apparent in the Murray and Serpentine Rivers and in other areas of the Swan.

Crime.
I am also most concerned about increase in crime, litter and noise. Maylands has a high crime rate and the nearby park is already a site for youth groups to congregate and party. This increased access will make it easier for breaking and entry and property damage to occur and will certainly increase both the litter problem and noise.

Resource.
As a previous owner of a farm and a keen lover of the land I am very aware of the preservation requirements of the environment and the need to maintain our important natural resources for future generations. I do not believe that this planned development will allow this to occur; rather it will further erode and spoil a natural resource.

Yours sincerely,
Lynn R. Yelland
13 Swanview Tep
Maylands
8/11/04
OVERVIEW
This submission represents the interests of the community interest group made up of the private residents of Swanview Terrace Maylands with properties adjoining the Swan River and specifically represents the views of the residents of 7, 13, 15, 17A, 19, 25, 29, 7/31, 8/31, 35, 36, 39, 43, 47, 49, and 51 Swanview Terrace, being the residents who were able to respond within the timeframes of the Metropolitan Region Scheme Amendment No 1082/33 of August 2004.

The residents consenting to this submission believe they are also entitled to represent the remaining residents of Swanview Terrace adjoining the Swan River on the basis that several residents have been unable to respond to this Scheme proposal due to circumstances beyond their reasonable control.

This submission has resulted from community meetings held by the residents noted above during October 2004.

The current residents of Swanview Terrace have occupied their current private residences for a variety of timeframes from as early as the 1950’s to recent members of the community arriving since 2000.

ENVIRONMENTAL PRESERVATION AND PERSONAL RIGHTS
This submission supports the broad premise that:-

- The Swan River and its adjoining environs require long-term protection from environmental damage;
- The private property owners are ultimately the best custodians of their property and surrounding environs;
- Preservation by government whilst also allowing development by government is an abuse of process; and
- The personal and financial security of the private residents as property owners must be balanced with their custodial duty to the maintenance of their property and the broader objectives of the community at large to enjoy the public open spaces of the Swan River.

OBJECT
The object of this submission is to highlight aspects of the Bush Forever and Related Lands Report and associated processes that are deficient and require urgent redress prior to the adoption of any of its proposals as they may relate to the parties to this submission.

FORM OF PROPOSAL
This submission is presented as a list of issues and concerns that must be addressed prior to the adoption of any recommendations proposed by the Scheme.
This submission also makes a number of recommendations to be considered prior to the further analysis of this scheme.

QUESTIONS AND ISSUES

1. Land Based Access Issues

Without doubt the principal concern of the residents is that this proposal is ultimately likely to result in future development of the foreshore in such a manner as to provide permanent land based access to the foreshore by the public through the use of paths and cycle ways. This style of access presents the following community and environmental issues:

a) Increase in Crime

The provision of public access to the unguarded front yards of Swanview Terrace will invariably result in an increase in crime in the areas of theft, vandalism, graffiti, burglary, assault, and home invasion and has been the case in this neighbourhood extreme violent crimes such as sexual assault, paedophilia and even murder. The experience of the residents of Stone Street Maylands following the creation of a riverside pathway by the Water Authority must be taken into account, where the residents of that street face constant property and personal crime fuelled by riverside access to property.

b) Incidence of Rubbish

The inevitable result of increased public access to the river will result in the increase the disposal of refuse and rubbish. As residents of the foreshore we are well aware of the volume of rubbish that we collect daily from the river foreshore. This rubbish to date has been generated from flotsam disposed by shore and water based river users and represents a small proportion of the rubbish that will be injected into the river systems in the future by public access.

c) Antisocial Behaviour and Drug Abuse

Shore based public access to the foreshore will inevitably lead to a rise in public antisocial behaviour and the incidence of drug related vandalism, crime and abuse. The attraction of quiet, unlit, private foreshore locations will prove irresistible to vandals and drug addicts, who would otherwise frequent areas capable of being controlled and monitored by the authorities.

2. Lack Of Government Capacity

a) Government Initiated 'property improvements'

Invariably government bodies will seek to impose their influence on the riverine environment by 'development' with poorly inspired public interest ventures such as cycle ways, pedestrian paths, environmental walk ways and the eventual foreshore restoration works to correct the environmental damage caused by their own intervention. You need only examine the disastrous examples of government work supported by the Swan River Trust at Herrison Island on Causeway and works on the upper Swan River.

b) Environmental Overuse

The existing authorities capacity to manage the ecological, environmental and ethnical environment is insufficient to justify their appointment as custodians of private land environs. Government agencies inability to understand and balance between the interests of the public and private land interest in respect to environmental issues invariably leads to a degradation of the environment through overuse.

c) Lack of Resources

The government is not financially capable or personally equipped to deal adequately with the intense land management requirements of the properties subject to this report without the strong and committed support of the private landowner. The government is ill equipped to replace the commitment to property protection and
maintenance that can only be found in a private landowners interest in their homestead.

d) Government Based Inertia
Many property owners are facing increased losses through erosion that has been inadequately dealt with by the responsible authorities to date. Instead of directing resources to the resolution of joint property management issues the government agencies have chosen instead to place responsibility for land management with the private property landowner by the use of a regulatory stick being waved at them without any corresponding rights and importantly without any acceptance of government responsibility to accepting the cost of land management.

e) Existing Riverine Concerns
It is totally unacceptable to assume that the Government should be given more power and control over the riverine system when they are demonstrably incapable of managing what they currently control. If the government wishes to demonstrate its commitment to ecological sustainability of the River Systems then its priorities should be directed to addressing the problems associated with the following issues;

i. The Water Authority
The continuous and disastrous sewerage spillages associated with poorly planned and inadequately maintained infrastructure. The Government must place the highest priority possible on the elimination of risks to the river systems by reviewing and upgrading the infrastructure and policy associated with wastewater management. While the Water Authority continues to kill off our marine ecology and deny the residents of Perth the safe use of their river the Government cannot seriously expect people to believe that partitioning more land into the governments hands is a solution to the policy inertia in Government. Are we to expect the deep sewage system put into Maylands in 2001 will fall in 2020 because of a lack of forward planning?

ii. Belmont Park Examples
The current focus of this scheme is totally imbalanced when compared to the mismanagement of semi government organisations such as Belmont raceway. In this case the government was happy to let a quasi government entity off with little more than a slap on the wrist after producing one of the biggest environmental fish kills in Perth history. There is no evidence readily available of the governments true commitment to managing infrastructure associated with the river systems and it appears we will just have to wait and see where the next poisonous spill occurs like those at Claisebrook East Perth or Guildford pumping station, or the Canning River, or Belmont, or the sub terrain leaching in Bassendean.

III. Catchment Management Issues
It appears the Government would like us to believe that the problems associated with algae blooms are all to do with the fact that some properties extend to the river shore. It would be a fair bet that very few private river homesteads have used fertilisers on their properties for many years, whilst the government pours tonnes of phosphates onto its riverine parks, gardens and sports grounds only to watch it all wash down storm water drains into the river and contribute to algae blooms.

The government has aggressively promoted the growth in vineyard activity in the upper Swan for the last decade or so, blissfully ignorant of the fact that Industrial agriculture involves the use of industrial pesticides and fertilisers. How is the government's ecological management policy for the industrial and agricultural use of the river system balances to its urban use policy.

The Swan River is not unique in being a major river system under pressure through agricultural use. The deteriorating state of the Blackwood, Warren and Murray Rivers are testament to the government's inability to manage and balance riverine systems.

The focus of this scheme should be on cleaning up the broader catchment area land use and industrial and agricultural contributions to ecological degradation.
3. Clarity of Purpose

The scheme lacks specific clarity of purpose. The future use of the proposed land under the scheme in respect to the Swan View Terrace properties has not been specified. In the absence of a specific land use proposal it is totally unreasonable to expect the affected property owners consent to their land holding being reclassified to a non-specific future use. The landowners are entitled to specific and precise clarity in respect to the future use of their property under the scheme before being expected to comment precisely on the schemes proposals.

4. Justification for Classification of ‘Regionally Significant Bushland’ Status

i. The Scheme is based on the premise that ‘Regionally Significant Bushland’ requires protection but has failed to specify the basis for the land precincts and specific tracts of private property being included in the scheme. The proposal has failed to adequately analyse the property of each landowner to identify ecological, environmental and ethnological aspects unique to the property that justify its inclusion in the scheme. Just as importantly the scheme has failed to attempt to identify regions that should fall outside the scheme due to their lack of significance or due to lack of ethnological, ecological or environmental significance.

In many cases the historical use of the private lands have removed the presence of any capacity to restore any semblance of pristine riverine environs and in most cases the equivalent development of public lands is no longer compatible with such ideals.

ii. The area disclosed on the ‘map’ of the Perth Metropolitan Area discloses the area as region 313, There is no discussion or evaluation of the actual land or identification of its significant bushland value.

iii. There are six identified pockets of land in the “map” of the area between Maylands and Midland, being area’s 313, 314, 319, 214, 491 and 305. Of these sites the Swan View Terrace site appears to be the only residential area selected. There is no discussion as to why this area has been selected or why it is no regionally significant when the vast majority of other tracts of the Swan River have not been identified as significant.

iv. Why have land areas such as Maylands Peninsular, Belmont park Lands, Burswood wetlands, Maylands Golf Course, Ron Courtney Island and surrounding Garvey park, Hinds Park, The Bayswater Riverside gardens and wetlands, Sandy Beach the Helena River and literally thousands of other pockets of significant bushland been ignored in this scheme. This is particularly illogical when it is considered that a 200-metre strip of residential housing land that has been developed for between 50 and 100 years is suddenly significant.

v. Schedule 1 of the Statement of Planning Policy sets out in its description of ‘Other Criteria under subsection (viii) the following principals as a basis of determining the relevance of environmentally sensitive areas to protect;

a. Threatened Ecological Communities and species. Area 313 has NO threatened ecological communities or species (Other than perhaps the riverine homestead communities of people)

b. Threatened or poorly conserved plant communities. Area 313 has NO threatened or poorly conserved plant communities under the EPA 1994 maps. The predominant plant communities are back yard grasses such as couch and buffalo. Imported fruit trees and flowering plants such as roses and other urban plants. The predominant free ranging plant species other than grasses are wild blackberry that is a declared noxious weed and would be forcibly eradicated if it were found on farmland. This weed is the single most destructive plant invading our river systems and should be eradicated by the local councils as a matter of urgency.

c. Declared Rare Flora or Specially Protected Fauna. There is NO rare or declared flora or fauna in area 313. The only flora is common back garden varieties found in most back gardens and the predominant fauna is cats, dogs and rats, with the occasional snake living in the noxious blackberry.

d. Lakes. There are NO lakes in area 313
e. Vegetation complexes where less than 10% of the original extent currently remains on the Swan Coastal Plain. There are NO rare vegetation complexes. Indeed after 50 to 100 years of urban development the predominant flora is imported flowering trees and plants as found in the majority of Perth's back gardens.

f. Wetlands and creeks. The only wetlands in area 313 is the storm water drains that deliver pollutants from the roads and sports grounds surrounding the area De Lacy Reserve was once wetlands but it is now a fertilised and manicured cricket and soccer ground.

5. Lack of Analysis of Regionally Significant ‘Urban Use’

The scheme report has totally overlooked the ethnological and historical significance of the urban use of the land under review. The Maylands region of the Swan River in particular is of significant historical urban importance. The report focuses on ecological values but fails to address the social urban history of the region by addressing the need for the maintenance of the link to urban history such as the Maylands airfield, mounted police division, brickworks, boatyards, Tranby House, market gardens, sailing and rowing affiliation, riverine homesteads and other river use history. In this regard the scheme is unbalanced and ill conceived as a statement on the future use and maintenance of the regions social, environmental, ecological and ethnical links to history and the development of the region into the future.

6. Private Property Landowners Issues

a) Lack of Consumer Rights

The scheme effectively seeks to ‘dump’ landowners into a mass scheme without any quantification or specific analysis by the proponents of the impact of the proposals on the landowners. Nowhere else in Australian consumer law could a member of the public expect to be treated so shabbily as to be informed of a substantial proposal to change their consumer rights without any attempt to quantify, value or financially justify the cost to the consumer. This proposal would be damned from beginning to end under Financial Services Reform Act and any other consumer protection act for its total disregard for the right for a consumer to be properly informed of the financial impact of a proposed change to their rights.

Whilst the government demands that a member of the public be properly informed as the consequences of $10.00 per week being paid to their superannuation fund it appears the government is happy to ignore its responsibility to quantify land use losses that could amount to hundreds of thousands of dollars.

b) Lack of Precision

This scheme invites landowners to submit their opinion on the proposed scheme without providing any empirical details of the impact of the proposal on even the most basic aspects such as the impact on existing boundaries. The land owners have not been provided with any specific detail as to what actual quantity of land is being affected, let alone what the financial impact of that loss of land use will be both in terms of the immediate and future value of their property and the resultant limitations on their future use of the land.

Prior to this proposal being able to be subjected to reasonable analysis by the land owners the land owners must be provided with the following minimum details in respect to each of their properties;

i. Surveyed details of their existing property, including details of the extent to which existing title boundaries have been eroded and now are submersed.

ii. Precise details of the existing land use restrictions and the boundaries and land area pertaining to each land use restriction.

iii. Independent assessments of the financial effect of the change in land rights proposed for each landowner.

iv. Precise details of the development and land use rights that each property enjoys currently together with a contrast to the legal position should the scheme proceed.
c) **Right of Quiet Enjoyment**  
The scheme document do not adequately deal with the rights of existing property owners in regard to the right of quiet enjoyment of their property.

d) **Existing Infrastructure**  
The scheme does not adequately cover issues such as the current and future use and maintenance of riverine infrastructure such as jetties, moorings and breakwaters.

e) **Complexity of Proposals**  
The documents presented to the landowners are ridiculously long and complex, whilst at the same time lacking in meaningful detail.

f) **Lack of Public Forums**  
Considering the complexity of the scheme proposal it is unreasonable for landowners to be expected to adequately consider the scheme and make meaningful submissions without the provision of a series of community forums in which government regulators, town planning experts and environmental scientists are made available to speak at public forums directed to each area of the schemes application. The relevant Government Minister and Shadow Minister together with the local government Minister and the Shire representatives should also be made available to discuss these issues with their constituents.

g) **Degradation of Land Values without Compensation**  
The proposal devalues the financial value of the landowners property with no appreciation of the need to determine that devaluation and provide for immediate compensation based on the immediate diminution of value. The scheme proposes that the landowner may retain title to the property or seek to sell the property to the authority as an alternative. The scheme does not offer to pay compensation for loss of value of the land whilst allowing the landowner to continue to own the land with its diminished value.

h) **Lack of Financial Options**  
The scheme should allow for the landowner to either sell the land to the Authority and then have the right to reacquire the land with its diminished land rights for a lessor value and with stamp duty concessions, or the landowner should be entitled to compensation equal to the diminishment in value between the pre and post scheme implementation phases.

i) **Removal of Existing Development Concessions**  
Clause 5.2.2 (vii) of the Statement of Planning Policy 28 states that the gazetted land will no longer qualify for public open space contribution value when considering developments on the land. The removal of this planning value will severely devalue all affected properties immediately as it reduces the potential density of development of adjoining lands. There is no recognition in the scheme of this loss of financial value or recognition of the government's obligation to provide financial compensation for that immediate loss of value.
RECOMMENDATIONS

1. That the public submission period for this scheme review be extended by at least 12 months to enable a proper analysis of the issues and concerns raised in this submission to be addressed.

2. That all land owners be provided with an independent report that sets out clearly and precisely the impact of this scheme proposal on their specific land holdings and the impact of those changes on their future use of their land and the likely change in value of their land should the scheme proceed.

3. That the government initiate a series of open public forums for each micro region in which the community members can be addressed by state and local government ministers and representatives together with town planners, regulators and environmental scientists.

4. That the government embody in the scheme restrictions on future development of homestead foreshore use to preserve the heritage value of riverine homestead lifestyle. Specifically the scheme should recognise that there is a loss in ecological preservation value by development of existing homestead properties to involve the use of cycle ways, walkways and other infrastructure that degrades the ecological value of the riverine environment and encourages over use and misuse of the river environment.

5. That area 313 be removed from the scheme due to its total lack of ecological relevance and the existence of far more deserving areas for protection.

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SUBMISSION

METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33

BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Submission 147

Name: CHRIS HIGHAM
(Address: 19 SWANVIEW TERRACE MAYLANDS) Postcode: 6051
Contact phone number: 9371.0171 Email address: CHRISTIE.ABBOTT@NET.AU

Submission
(Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Please find enclosed any detailed submissions of concern regarding this proposed scheme.

I believe that the residents have not been afforded sufficient opportunity to be properly informed about the consequences of the scheme.

Considerably more public advice forums and consultation is required to address the concerns set out in the attached submission together with other residents' concerns.

The commissioner must be able to demonstrate the compelling reasons why block 313 meets the criteria for inclusion in the scheme to the exclusion of a valid number of other more deserving land areas.

12 NOV 2004

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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Please complete the following:

☐ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)
☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF My telephone number (business hours):...
☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent’s name: .............................................................
Group name: .............................................................
Agent’s telephone number (business hours): .............................................................
Mailing address: .............................................................

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)
☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature .................................................. Date 26.10.2004

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7556; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
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OVERVIEW
This submission represents the interests of the community interest group made up of the private residents of Swanview Terrace Maylands with properties adjoining the Swan River and specifically represents the views of the residents of 7,13, 15, 17A, 19, 25, 29,7/31, 8/31, 35, 36, 39, 43, 47, 49, and 51 Swan view Terrace, being the residents who were able to respond within the timeframes of the Metropolitan Region Scheme Amendment No 1082/33 of August 2004.

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The current residents of Swanview Terrace have occupied their current private residences for a variety of timeframes from as early as the 1950's to recent members of the community arriving since 2000.

ENVIRONMENTAL PRESERVATION AND PERSONAL RIGHTS
This submission supports the broad premise that:-

- The Swan River and its adjoining environs require long-term protection from environmental damage;
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This submission is presented as a list of issues and concerns that must be addressed prior to the adoption of any recommendations proposed by the Scheme.
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QUESTIONS AND ISSUES

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maintenance that can only be found in a private landowners interest in their homestead.

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Are we to expect the deep sewage system put into Maylands in 2001 will fall in 2020 because of a lack of forward planning?

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The government has aggressively promoted the growth in vineyard activity in the upper Swan for the last decade or so, blissfully ignorant of the fact that Industrial agriculture involves the use of industrial pesticides and fertilisers. How is the government’s ecological management policy for the industrial and agricultural use of the river system balances to its urban use policy.

The Swan River is not unique in being a major river system under pressure through agricultural use. The deteriorating state of the Blackwood, Warren and Murray Rivers are testament to the government’s inability to manage and balance riverine systems.

The focus of this scheme should be on cleaning up the broader catchment area land use and industrial and agricultural contributions to ecological degradation.
3. Clarity of Purpose
The scheme lacks specific clarity of purpose. The future use of the proposed land under the scheme in respect to the Swan View Terrace properties has not been specified. In the absence of a specific land use proposal it is totally unreasonable to expect the affected property owners consent to their land holding being reclassified to a non-specific future use. The landowners are entitled to specific and precise clarity in respect to the future use of their property under the scheme before being expected to comment precisely on the schemes proposals.

4. Justification for Classification of ‘Regionally Significant Bushland’ Status
i. The Scheme is based on the premise that ‘Regionally Significant Bushland’ requires protection but has failed to specify the basis for the land precincts and specific tracts of private property being included in the scheme. The proposal has failed to adequately analyse the property of each landowner to identify ecological, environmental and ethnological aspects unique to the property that justify its inclusion in the scheme. Just as importantly the scheme has failed to attempt to identify regions that should fall outside the scheme due to their lack of significance or due to lack of ethnological, ecological or environmental significance.

   In many cases the historical use of the private lands have removed the presence of any capacity to restore any semblance of pristine riverine environs and in most cases the equivalent development of public lands is no longer compatible with such ideals.

   ii. The area disclosed on the ‘map’ of the Perth Metropolitan Area discloses the area as region 313. There is no discussion or evaluation of the actual land or identification of its significant bushland value.

   iii. There are six identified pockets of land in the “map” of the area between Maylands and Midland, being area’s 313, 314, 319, 214, 491 and 305. Of these sites the Swan View Terrace site appears to be the only residential area selected. There is no discussion as to why this area has been selected or why it is no regionally significant when the vast majority of other tracts of the Swan River have not been identified as significant.

   iv. Why have land areas such as Maylands Peninsular, Belmont park Lands, Burswood wetlands, Maylands Golf Course, Ron Courtney Island and surrounding Garvey park, Hinds Park, The Bayswater Riverside gardens and wetlands, Sandy Beach the Helena River and literally thousands of other pockets of significant bushland been ignored in this scheme. This is particularly illogical when it is considered that a 200-metre strip of residential housing land that has been developed for between 50 and 100 years is suddenly significant.

   v. Schedule 1 of the Statement of Planning Policy sets out in its description of ‘Other Criteria under subsection (viii) the following principals as a basis of determining the relevance of environmentally sensitive areas to protect:

   a. Threatened Ecological Communities and species. Area 313 has NO threatened ecological communities or species (Other than perhaps the riverine homestead communities of people)

   b. Threatened or poorly conserved plant communities. Area 313 has NO threatened or poorly conserved plant communities under the EPA 1994 maps. The predominant plant communities are back yard grasses such as couch and buffalo. Imported fruit trees and flowering plants such as roses and other urban plants. The predominant free ranging plant species other than grasses are wild blackberry that is a declared noxious weed and would be forcibly eradicated if it were found on farmland. This weed is the single most destructive plant invading our river systems and should be eradicated by the local councils as a matter of urgency.

   c. Declared Rare Flora or Specially Protected Fauna. There is NO rare or declared flora or fauna in area 313. The only flora is common back garden varieties found in most back gardens and the predominant fauna is cats, dogs and rats, with the occasional snake living in the noxious blackberry.

   d. Lakes. There are NO lakes in area 313
e. Vegetation complexes where less than 10% of the original extent currently remains on the Swan Coastal Plain. There are NO rare vegetation complexes. Indeed after 50 to 100 years of urban development the predominant flora is imported flowering trees and plants as found in the majority of Perth's back gardens.

f. Wetlands and creeks. The only wetlands in area 313 is the storm water drains that deliver pollutants from the roads and sports grounds surrounding the area De Lacy Reserve was once wetlands but it is now a fertilised and manicured cricket and soccer ground.

5. Lack of Analysis of Regionally Significant 'Urban Use'

The scheme report has totally overlooked the ethnological and historical significance of the urban use of the land under review. The Maylands region of the Swan River in particular is of significant historical urban importance. The report focuses on ecological values but fails to address the social urban history of the region by addressing the need for the maintenance of the link to urban history such as the Maylands airfield, mounted police division, brickworks, boatyards, Tranby House, market gardens, sailing and rowing affiliation, riverine homesteads and other river use history. In this regard the scheme is unbalanced and ill conceived as a statement on the future use and maintenance of the regions social, environmental, ecological and ethnical links to history and the development of the region into the future.

6. Private Property Landowners Issues

a) Lack of Consumer Rights

The scheme effectively seeks to 'dump' landowners into a mass scheme without any quantification or specific analysis by the proponents of the impact of the proposals on the landowners. Nowhere else in Australian consumer law could a member of the public expect to be treated so shabbily as to be informed of a substantial proposal to change their consumer rights without any attempt to quantify, value or financially justify the cost to the consumer. This proposal would be damned from beginning to end under Financial Services Reform Act and any other consumer protection act for its total disregard for the right for a consumer to be properly informed of the financial impact of a proposed change to their rights.

Whilst the government demands that a member of the public be properly informed as the consequences of $10.00 per week being paid to their superannuation fund it appears the government is happy to ignore its responsibility to quantify land use losses that could amount to hundreds of thousands of dollars.

b) Lack of Precision

This scheme invites landowners to submit their opinion on the proposed scheme without providing any empirical details of the impact of the proposal on even the most basic aspects such as the impact on existing boundaries. The land owners have not been provided with any specific detail as to what actual quantity of land is being affected, let alone what the financial impact of that loss of land use will be both in terms of the immediate and future value of their property and the resultant limitations on their future use of the land.

Prior to this proposal being able to be subjected to reasonable analysis by the land owners the land owners must be provided with the following minimum details in respect to each of their properties;

i. Surveyed details of their existing property, including details of the extent to which existing title boundaries have been eroded and now are submerged.

ii. Precise details of the existing land use restrictions and the boundaries and land area pertaining to each land use restriction.

iii. Independent assessments of the financial effect of the change in land rights proposed for each landowner.

iv. Precise details of the development and land use rights that each property enjoys currently together with a contrast to the legal position should the scheme proceed.
c) **Right of Quiet Enjoyment**

The scheme document does not adequately deal with the rights of existing property owners in regard to the right of quiet enjoyment of their property.

d) **Existing Infrastructure**

The scheme does not adequately cover issues such as the current and future use and maintenance of riverine infrastructure such as jetties, moorings and breakwaters.

e) **Complexity of Proposals**

The documents presented to the landowners are ridiculously long and complex, whilst at the same time lacking in meaningful detail.

f) **Lack of Public Forums**

Considering the complexity of the scheme proposal it is unreasonable for landowners to be expected to adequately consider the scheme and make meaningful submissions without the provision of a series of community forums in which government regulators, town planning experts and environmental scientists are made available to speak at public forums directed to each area of the schemes application. The relevant Government Minister and Shadow Minister together with the local government Minister and the Shire representatives should also be made available to discuss these issues with their constituents.

g) **Degradation of Land Values without Compensation**

The proposal devalues the financial value of the landowners property with no appreciation of the need to determine that devaluation and provide for immediate compensation based on the immediate diminution of value. The scheme proposes that the landowner may retain title to the property or seek to sell the property to the authority as an alternative. The scheme does not offer to pay compensation for loss of value of the land whilst allowing the landowner to continue to own the land with its diminished value.

h) **Lack of Financial Options**

The scheme should allow for the landowner to either sell the land to the Authority and then have the right to reacquire the land with its diminished land rights for a lesser value and with stamp duty concessions, or the landowner should be entitled to compensation equal to the diminishment in value between the pre and post scheme implementation phases.

i) **Removal of Existing Development Concessions**

Clause 5.2.2 (vii) of the Statement of Planning Policy 28 states that the gazetted land will no longer qualify for public open space contribution value when considering developments on the land. The removal of this planning value will severely devalue all affected properties immediately as it reduces the potential density of development of adjoining lands. There is no recognition in the scheme of this loss of financial value or recognition of the government's obligation to provide financial compensation for that immediate loss of value.
RECOMMENDATIONS

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2. That all land owners be provided with an independent report that sets out clearly and precisely the impact of this scheme proposal on their specific land holdings and the impact of those changes on their future use of their land and the likely change in value of their land should the scheme proceed.

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To: Secretary  
Western Australian Planning Commission  
469 Wellington Street  
PERTH W.A. 6000

Name: Kent Frederick & Katherine Jane CARTER

Address: 33 Swan View Terrace, Maylands

Contact phone number: 9271 9342

Submission: (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

1. ATTACHMENT 

2. This lot is not Bushland. I ask for a formal assessment of Bush Endangered Species in order to determine whether this lot can be included in Bushlands Forever.

3. We are at a complete loss as to how 313 can be the only area of significance when no other residential area of exoo is being similarly treated.

4. We have been totally kept in the dark re detailed plans for inclusion in this scheme. No consultation, no public meetings... why??

5. This plan would severely devalue our property.

6. We ask that this area be delisted from 313 on the grounds of no significant bush & ask you for your Botanical & Biological reports that justify the inclusion. I suspect there are none. This is just a pretence for a land grab by government.

Submission 148  
12 NOV 2004
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The scheme report has totally overlooked the ethnological and historical significance of the urban use of the land under review. The Maylands region of the Swan River in particular is of significant historical urban importance. The report focuses on ecological values but fails to address the social urban history of the region by addressing the need for the maintenance of the link to urban history such as the Maylands airfield, mounted police division, brickworks, boatyards, Tranby House, market gardens, sailing and rowing affiliation, riverine homesteads and other river use history. In this regard the scheme is unbalanced and ill conceived as a statement on the future use and maintenance of the regions social, environmental, ecological and ethinical links to history and the development of the region into the future.

6. Private Property Landowners Issues

a) Lack of Consumer Rights

The scheme effectively seeks to 'dump' landowners into a mass scheme without any quantification or specific analysis by the proponents of the impact of the proposals on the landowners. Nowhere else in Australian consumer law could a member of the public expect to be treated so shabbily as to be informed of a substantial proposal to change their consumer rights without any attempt to quantify, value or financially justify the cost to the consumer. This proposal would be damned from beginning to end under Financial Services Reform Act and any other consumer protection act for its total disregard for the right for a consumer to be properly informed of the financial impact of a proposed change to their rights.

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ii. Precise details of the existing land use restrictions and the boundaries and land area pertaining to each land use restriction.

iii. Independent assessments of the financial effect of the change in land rights proposed for each landowner.

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The scheme document does not adequately deal with the rights of existing property owners in regard to the right of quiet enjoyment of their property.

d) **Existing Infrastructure**  
The scheme does not adequately cover issues such as the current and future use and maintenance of riverine infrastructure such as jetties, moorings and breakwaters.

e) **Complexity of Proposals**  
The documents presented to the landowners are ridiculously long and complex, whilst at the same time lacking in meaningful detail.

f) **Lack of Public Forums**  
Considering the complexity of the scheme proposal it is unreasonable for landowners to be expected to adequately consider the scheme and make meaningful submissions without the provision of a series of community forums in which government regulators, town planning experts and environmental scientists are made available to speak at public forums directed to each area of the scheme's application. The relevant Government Minister and Shadow Minister together with the local government Minister and the Shire representatives should also be made available to discuss these issues with their constituents.

g) **Degradation of Land Values without Compensation**  
The proposal devalues the financial value of the landowners property with no appreciation of the need to determine that devaluation and provide for immediate compensation based on the immediate diminution of value. The scheme proposes that the landowner may retain title to the property or seek to sell the property to the authority as an alternative. The scheme does not offer to pay compensation for loss of value of the land whilst allowing the landowner to continue to own the land with its diminished value.

h) **Lack of Financial Options**  
The scheme should allow for the landowner to either sell the land to the Authority and then have the right to reacquire the land with its diminished land rights for a lessor value and with stamp duty concessions, or the landowner should be entitled to compensation equal to the diminishment in value between the pre and post scheme implementation phases.

i) **Removal of Existing Development Concessions**  
Clause 5.2.2 (vii) of the Statement of Planning Policy 28 states that the gazetted land will no longer qualify for public open space contribution value when considering developments on the land. The removal of this planning value will severely devalue all affected properties immediately as it reduces the potential density of development of adjoining lands. There is no recognition in the scheme of this loss of financial value or recognition of the government's obligation to provide financial compensation for that immediate loss of value.
RECOMMENDATIONS

1. That the public submission period for this scheme review be extended by at least 12 months to enable a proper analysis of the issues and concerns raised in this submission to be addressed.

2. That all land owners be provided with an independent report that sets out clearly and precisely the impact of this scheme proposal on their specific land holdings and the impact of those changes on their future use of their land and the likely change in value of their land should the scheme proceed.

3. That the government initiate a series of open public forums for each micro region in which the community members can be addressed by state and local government ministers and representatives together with town planners, regulators and environmental scientists.

4. That the government embody in the scheme restrictions on future development of homestead foreshore use to preserve the heritage value of riverine homestead lifestyle. Specifically the scheme should recognise that there is a loss in ecological preservation value by development of existing homestead properties to involve the use of cycle ways, walkways and other infrastructure that degrades the ecological value of the riverine environment and encourages over use and misuse of the river environment.

5. That area 313 be removed from the scheme due to its total lack of ecological relevance and the existence of far more deserving areas for protection.

6. That the existing partitioning of land for Future Public Open Space on the properties in area 313 be removed to allow the landowners to have certainty of tenure and to ensure the lands enduring use is restricted to riverine urban living.
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<tr>
<th>Name</th>
<th>Address</th>
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<td>ANTHONY TURAS</td>
<td>7 Swanview Terrace, Maylands</td>
<td>0412926500, 9279610</td>
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<tr>
<td>JAMES</td>
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<td>92774688, 0433820428</td>
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<td>MARIE HEIN</td>
<td>47 Swanview Terrace, Maylands</td>
<td>9270174, 1312</td>
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<td>DAN E. DRABES</td>
<td>29 Swanview Terrace, Maylands</td>
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Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

OFFICE USE ONLY

Submission 149

Name: Carmelo Valerie Stella Garreffa

Address: 49 Swanview Tce, Maylands

Contact phone number: 92722779

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

As per attached

12 Nov 2004

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

The Metropolitan Region Town Planning Scheme Act 1959 also provides the opportunity for people who have made a written submission to personally present the basis of their submission to a Hearings Committee.

These hearings are arranged so that the Western Australian Planning Commission can listen to a person should they wish to explain or expand upon their written submission. A hearing is intended for listening to points of view and planning rationale, and is not a forum of general public debate. In the case of a group, a spokesperson to represent the group must be appointed.

All hearings are recorded and transcribed. The transcripts of any public hearings, along with all written submissions, are published as public records. The Commission's recommendations are also published in a Report on Submissions.

You do not have to attend a hearing. The comments presented by you in this written submission will be taken into account in determining the recommendation for the proposed amendment.

Please complete the following:

☐ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

☑ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by: Charlie Carroll

☑ MYSELF My telephone number (business hours): 0418927781

☑ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: .................................................................
Group name: ....................................................................
Agent's telephone number (business hours): ..........................
Mailing address: ..............................................................

I would prefer my hearing to be conducted in:

☑ PUBLIC (with a public hearing other persons, including the media, may attend.)

☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date 8/11/04

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7568; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
8 November 2004

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

Dear Sir/Madam

RE: METROPOLITAN REGION SCHEME AMENDMENT NO 1082/33

We the undersigned wish to herewith record our strongest possible objection to the proposed amendment to the Metropolitan Regional Scheme affecting the river foreshore parallel to Swan View Terrace, Maylands.

One of the main attractions when we purchased our property was the fact that it ran right to the river, offering us our own piece of ‘paradise’. The tranquil setting and privacy it offered was second to none.

Our principal concern is the opening of the foreshore to the public will expose us to burglary and vandalism on two fronts, as happened to the residents of Stone Street a couple of years ago with the access for the construction of the sewer along their rear boundary.

The boat owners who have mooring parallel to the bank have for years had their boats broken into and movable parts and gear stolen. They can’t move further off the bank as the navigational channel is close to our side of the river.

The width of the proposed reserve is narrower than is indicated on property dimensions. Within fifty years of the original subdivision five metres of the bank has been washed away. Some residents have erected foreshore retaining walls which have slowed this erosion, but the erosion although slower is continuing.

Continued over page...
I'm sure the bureaucrats proposing this land grab have given little thought to the value of the land. To us, it has a premium value when its access to the river is considered by the adjoining owners land. The value to adjoining owner is far more than the average price for square metre envisaged by the bureaucrats. A comparison between canal frontage lots and no canal frontage lots in Mandurah can prove our point.

There is no need to acquire this land for a future cycle way as a cycle way has already been constructed around the front of these properties on Swan View Terrace and I don't believe the public have any problem with its present location.

We recommend that area 313 be removed from the scheme due to its total lack of ecological relevance and the existence of far more deserving areas for protection.

We also recommend that the existing partitioning of land for Future Public Open Space on the properties in area 313 be removed to allow the landowners to have certainty of tenure and to ensure the lands enduring use is restricted to riverine urban living.

We hope you will seriously consider our views and facts presented on this proposal favourably.

Yours faithfully

[Signature]

C & V GARREEEA
OVERVIEW
This submission represents the interests of the community interest group made up of the private residents of Swanview Terrace Maylands with properties adjoining the Swan River and specifically represents the views of the residents of 7, 13, 15, 17A, 19, 25, 29, 7/31, 8/31, 35, 36, 39, 43, 47, 49, and 51 Swanview Terrace, being the residents who were able to respond within the timeframes of the Metropolitan Region Scheme Amendment No 1082/33 of August 2004.

The residents consenting to this submission believe they are also entitled to represent the remaining residents of Swanview Terrace adjoining the Swan River on the basis that several residents have been unable to respond to this Scheme proposal due to circumstances beyond their reasonable control.

This submission has resulted from community meetings held by the residents noted above during October 2004.

The current residents of Swanview Terrace have occupied their current private residences for a variety of timeframes from as early as the 1950’s to recent members of the community arriving since 2000.

ENVIRONMENTAL PRESERVATION AND PERSONAL RIGHTS
This submission supports the broad premise that:
- The Swan River and its adjoining environs require long-term protection from environmental damage;
- The private property owners are ultimately the best custodians of their property and surrounding environs;
- Preservation by government whilst also allowing development by government is an abuse of process; and
- The personal and financial security of the private residents as property owners must be balanced with their custodial duty to the maintenance of their property and the broader objectives of the community at large to enjoy the public open spaces of the Swan River.

OBJECT
The object of this submission is to highlight aspects of the Bush Forever and Related Lands Report and associated processes that are deficient and require urgent redress prior to the adoption of any of its proposals as they may relate to the parties to this submission.

FORM OF PROPOSAL
This submission is presented as a list of issues and concerns that must be addressed prior to the adoption of any recommendations proposed by the Scheme.
This submission also makes a number of recommendations to be considered prior to the further analysis of this scheme.

QUESTIONS AND ISSUES

1. Land Based Access Issues

Without doubt the principal concern of the residents is that this proposal is ultimately likely to result in future development of the foreshore in such a manner as to provide permanent land based access to the foreshore by the public through the use of paths and cycle ways. This style of access presents the following community and environmental issues:-

a) Increase in Crime
The provision of public access to the unguarded front yards of Swanview Terrace will invariably result in an increase in crime in the areas of theft, vandalism, graffiti, burglary, assault, and home invasion and has been the case in this neighbourhood extreme violent crimes such as sexual assault, paedophilia and even murder. The experience of the residents of Stone Street Maylands following the creation of a riverside pathway by the Water Authority must be taken into account, where the residents of that street face constant property and personal crime fuelled by riverside access to property.

b) Incidence of Rubbish
The inevitable result of increased public access to the river will result in the increase the disposal of refuse and rubbish. As residents of the foreshore we are well aware of the volume of rubbish that we collect daily from the river foreshore. This rubbish to date has been generated from flotsam disposed by shore and water based river users and represents a small proportion of the rubbish that will be injected into the river systems in the future by public access.

c) Antisocial Behaviour and Drug Abuse
Shore based public access to the foreshore will inevitably lead to a rise in public antisocial behaviour and the incidence of drug related vandalism, crime and abuse. The attraction of quiet, unfit, private foreshore locations will prove irresistible to vandals and drug addicts, who would otherwise frequent areas capable of being controlled and monitored by the authorities.

2. Lack Of Government Capacity

a) Government Initiated ‘property improvements’
Invariably government bodies will seek to impose their influence on the riverine environment by ‘development’ with poorly inspired public interest ventures such as cycle ways, pedestrian paths, environmental walk ways and the eventual foreshore restoration works to correct the environmental damage caused by their own intervention. You need only examine the disastrous examples of government work supported by the Swan River Trust at Herrison Island on Causeway and works on the upper Swan River.

b) Environmental Overuse
The existing authorities capacity to manage the ecological, environmental and ethical environment is insufficient to justify their appointment as custodians of private land environs. Government agencies inability to understand and balance between the interests of the public and private land interest in respect to environmental issues invariably leads to a degradation of the environment through overuse.

c) Lack of Resources
The government is not financially capable or personally equipped to deal adequately with the intense land management requirements of the properties subject to this report without the strong and committed support of the private landowner. The government is ill equipped to replace the commitment to property protection and maintenance that can only be found in a private landowners interest in their homestead.
d) Government Based Inertia
Many property owners are facing increased losses through erosion that has been inadequately dealt with by the responsible authorities to date. Instead of directing resources to the resolution of joint property management issues the government agencies have chosen instead to place responsibility for land management with the private property landowner by the use of a regulatory stick being waved at them without any corresponding rights and importantly without any acceptance of government responsibility to accepting the cost of land management.

e) Existing Riverine Concerns
It is totally unacceptable to assume that the Government should be given more power and control over the riverine system when they are demonstrably incapable of managing what they currently control. If the government wishes to demonstrate its commitment to ecological sustainability of the River Systems then its priorities should be directed to addressing the problems associated with the following issues;

I. The Water Authority
The continuous and disastrous sewerage spillages associated with poorly planned and inadequately maintained infrastructure. The Government must place the highest priority possible on the elimination of risks to the river systems by reviewing and upgrading the infrastructure and policy associated with wastewater management. While the Water Authority continues to kill off our marine ecology and deny the residents of Perth the safe use of their river the Government cannot seriously expect people to believe that partitioning more land into the governments hands is a solution to the policy inertia in Government.

Are we to expect the deep sewage system put into Maylands in 2001 will fail in 2020 because of a lack of forward planning?

II. Belmont Park Examples
The current focus of this scheme is totally imbalanced when compared to the mismanagement of semi government organisations such as Belmont raceway. In this case the government was happy to let a quasi government entity off with little more than a slap on the wrist after producing one of the biggest environmental fish kills in Perth history. There is no evidence readily available of the governments true commitment to managing infrastructure associated with the river systems and it appears we will just have to wait and see where the next poisonous spill occurs like those at Claisebrook East Perth or Guildford pumping station, or the Canning River, or Belmont, or the sub terrain leaching in Bassendean.

iii. Catchment Management Issues
It appears the Government would like us to believe that the problems associated with algae blooms are all to do with the fact that some properties extend to the river shore. It would be a fair bet that very few private river homesteads have used fertilisers on their properties for many years, whilst the government pours tonnes of phosphates onto its riverine parks, gardens and sports grounds only to watch it all wash down storm water drains into the river and contribute to algae blooms.

The government has aggressively promoted the growth in vineyard activity in the upper Swan for the last decade or so, blissfully ignorant of the fact that industrial agriculture involves the use of industrial pesticides and fertilisers. How is the government's ecological management policy for the industrial and agricultural use of the river system balances to its urban use policy.

The Swan River is not unique in being a major river system under pressure through agricultural use. The deteriorating state of the Blackwood, Warren and Murray Rivers are testament to the government's inability to manage and balance riverine systems.

The focus of this scheme should be on cleaning up the broader catchment area land use and industrial and agricultural contributions to ecological degradation.
3. Clarity of Purpose
The scheme lacks specific clarity of purpose. The future use of the proposed land under the scheme in respect to the Swan View Terrace properties has not been specified. In the absence of a specific land use proposal it is totally unreasonable to expect the affected property owners consent to their land holding being reclassified to a non-specific future use. The landowners are entitled to specific and precise clarity in respect to the future use of their property under the scheme before being expected to comment precisely on the schemes proposals.

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The documents presented to the landowners are ridiculously long and complex, whilst at the same time lacking in meaningful detail.

f) Lack of Public Forums
Considering the complexity of the scheme proposal it is unreasonable for landowners to be expected to adequately consider the scheme and make meaningful submissions without the provision of a series of community forums in which government regulators, town planning experts and environmental scientists are made available to speak at public forums directed to each area of the schemes application. The relevant Government Minister and Shadow Minister together with the local government Minister and the Shire representatives should also be made available to discuss these issues with their constituents.

g) Degradation of Land Values without Compensation
The proposal devalues the financial value of the landowners property with no appreciation of the need to determine that devaluation and provide for immediate compensation based on the immediate diminution of value. The scheme proposes that the landowner may retain title to the property or seek to sell the property to the authority as an alternative. The scheme does not offer to pay compensation for loss of value of the land whilst allowing the landowner to continue to own the land with its diminished value.

h) Lack of Financial Options
The scheme should allow for the landowner to either sell the land to the Authority and then have the right to reacquire the land with its diminished land rights for a lesser value and with stamp duty concessions, or the landowner should be entitled to compensation equal to the diminishment in value between the pre and post scheme implementation phases.

i) Removal of Existing Development Concessions
Clause 5.2.2 (vii) of the Statement of Planning Policy 28 states that the gazetted land will no longer qualify for public open space contribution value when considering developments on the land. The removal of this planning value will severely devalue all affected properties immediately as it reduces the potential density of development of adjoining lands. There is no recognition in the scheme of this loss of financial value or recognition of the governments obligation to provide financial compensation for that immediate loss of value.
RECOMMENDATIONS

1. That the public submission period for this scheme review be extended by at least 12 months to enable a proper analysis of the issues and concerns raised in this submission to be addressed.

2. That all land owners be provided with an independent report that sets out clearly and precisely the impact of this scheme proposal on their specific land holdings and the impact of those changes on their future use of their land and the likely change in value of their land should the scheme proceed.

3. That the government initiate a series of open public forums for each micro region in which the community members can be addressed by state and local government ministers and representatives together with town planners, regulators and environmental scientists.

4. That the government embody in the scheme restrictions on future development of homestead foreshore use to preserve the heritage value of riverine homestead lifestyle. Specifically the scheme should recognise that there is a loss in ecological preservation value by development of existing homestead properties to involve the use of cycle ways, walkways and other infrastructure that degrades the ecological value of the riverine environment and encourages overuse and misuse of the river environment.

5. That area 313 be removed from the scheme due to its total lack of ecological relevance and the existence of far more deserving areas for protection.

6. That the existing partitioning of land for Future Public Open Space on the properties in area 313 be removed to allow the landowners to have certain tenure and to ensure the lands enduring use is restricted to riverine urban living.
Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

OFFICE USE ONLY

Submission 150

Name: Gerard and Sue Kearney
Address: 16 River Street, Bassendean
Postcode: 6054
Contact phone number: 041104365
Email address: p3consult@arach.net.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

We are the owners of and reside at 16 River Street, Bassendean. Our property is identified as lot 28, River St.
on your maps.

We believe an error has been made by relying on an aerial photograph as the basis for including our backyard within B8305. The vegetation is predominantly exotic (Japanese pepper, Oakwood) weeds and a few gum trees. The gum trees are already protected by the Swan River Trust and our own desire to retain them. Our backyard is not a significant example of the native bushland of this region. A site survey of our backyard was conducted by Bush Forever Biologists in October and we are sure this survey will confirm our opinion.

We respectfully suggest that the boundary of B8305 be re-aligned to follow the river's edge, below our property.

We have attached further comments in support of our submission and maps showing our suggested re-alignment.

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

The Metropolitan Region Town Planning Scheme Act 1959 also provides the opportunity for people who have made a written submission to personally present the basis of their submission to a Hearings Committee.

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You do not have to attend a hearing. The comments presented by you in this written submission will be taken into account in determining the recommendation for the proposed amendment.

Please complete the following:

- [ ] NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)
- [x] YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

- [x] MYSELF    My telephone number (business hours): 0411014365
- [ ] MY AGENT or SPOKESPERSON (an agent may be from a local group)

Agent’s name: ......................................................................................................................
Group name: ..........................................................................................................................
Agent’s telephone number (business hours): ........................................................................
Mailing address: ..................................................................................................................

I would prefer my hearing to be conducted in:

- [x] PUBLIC (with a public hearing other persons, including the media, may attend.)
- [ ] PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ____________________________ Date 11/11/04

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5:00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7586; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
Additional comments for inclusion with submission.

1. We have not been provided with written advice regarding the Bush Forever category that our property falls under but we were verbally advised by Huia Colliver that our backyard has been classified as a Regional Creekline.

2. Section 5.2.5 of the Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8 outlines the Specific Policy Measures to be applied to Regional Creeklines. This essentially states that the land is already well protected by existing policies such as the Environment Protection (Swan and Canning Rivers) Policy 1998.

3. The section of our property proposed for inclusion within the Regional Creekline consists of the land between the back of our house and the river. There are a few gum trees on this land but the vegetation is predominantly exotic with Japanese Pepper, Oleander and weeds covering much of the uncleared portion. The gums, although not the natural species for this area and probably planted by previous residents, are already protected by the provisions of the Swan River Trust and we would never consider felling them anyway. A site survey was conducted by Bush Forever Biologists in October and although we have not been provided with the results we are confident that the survey will confirm that this land is not a significant example of the natural vegetation of the area.

4. We were advised that the decision to include our backyard and the backyards of our two neighbours would have been based on an aerial survey, not a site survey. An examination of the aerial photograph provided by the botanists (BFS 305, Aerial Photo 2004) shows that the borders of the protection area encompassing our backyard have been arbitrarily drawn along the aerial photograph to include what appear to be the canopies of large trees. In fact, much of the canopies shown on our property will be the exotic plants, not significant natural vegetation.

5. There does not appear to be any scientific basis for the border of protection area BFS305 to cut through our backyard and the backyards of my two neighbours and then move down to the river’s edge. We are the only three residential properties along this stretch of river to have our backyards included in the BFS. It would make more sense for the border to move down to the River’s edge before cutting across my backyard. This would allow the protection area to include the vegetation through Success Hill Reserve but not unnecessarily encroach on our private property which contains no remnant native plants. The border could run along the river’s edge as it already does approximately 60 metres further down the river. This would be a simple amendment to the map and would not reduce the overall objectives of protecting the natural bushland in BFS305.
Recommendation

As there does not appear to any additional conservation benefits in including our backyard in BFS305 as the land is already protected by existing policies and the fact that the vegetation is not significant natural vegetation we respectfully suggest that it will be more practical for the boundary of BFS305 to be redrawn to move down to the river’s edge at the end of Success Hill Reserve so as to avoid the inclusion of our backyard and those of our next two neighbours. The boundary of BFS305 already moves to the river’s edge after lot 37 so our suggestion is very simple to implement.

As the trees in our backyard are already protected by the Swan River Trust and the remaining vegetation is exotic the inclusion of our backyard within BFS305 will provide no additional protection or conservation value. It will only add additional management overhead to our plans to rehabilitate the vegetation close to the river’s edge and to prevent further erosion of the bottom of our backyard.

We suggest that the inclusion of our backyard and our neighbours’ backyards has been a simple error based on misinterpretation of the aerial photograph and this error can be easily corrected prior to the finalisation of the MRS Amendment.

We trust that you will assess our request favourably and re-align the boundary of BFS305 as suggested in our submission.
Submit 151

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: MR JOHN A. STEVENS
Address: 31 PATERSON GARDENS, WINTHROP, WA
Postcode: 6150
Contact phone number: 9326 6660 (W)
Email address: j.stevens@iinet.net.au

Submit (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

PLEASE FIND ATTACHED A SUBMISSION PREPARED BY THE FRIENDS OF PINLEY LAKES (FPL) AND THE WINTHROP MURDOCH COMMUNITY GROUP (WMCG).

THESE TWO GROUPS SUPPORT THE AMENDMENT AND WISH TO PROPOSE THE INCLUSION OF A PROPOSAL FOR BUSHFOREVER SITE 339 (PINLEY LAKES RESERVE).

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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Please complete the following:

☐ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

☑ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF  My telephone number (business hours): 9326 6660

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name:  
Group name:  
Agent's telephone number (business hours):  
Mailing address:  

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature  
Date 12-11-2004

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
METROPOLITAN REGION SCHEME Amendment No. 1082/33

BUSH FOREVER & RELATED LANDS

SUBMISSION BY THE FRIENDS OF PINEY LAKES and the WINTHROP MURDOCH COMMUNITY GROUP

The Friends of Piney Lakes (FOPL) and the Winthrop Murdoch Community Group (WMCG) make the following submission in relation to MRS 1082/33:

(1) Support for the Amendment

FOPL and WMCG support MRS Amendment 1082/33 and Statement of Planning Policy No. 28. These groups believe that:

- The provision of a statutory policy and framework with the specific objective of protecting and managing bushland within the Perth Metropolitan Region will be beneficial.
- Future planning and decision making processes will be improved by having a policy in place that effectively integrates and balances wider environmental, social and economic factors against the effects of land use pressures and proposals.

(2) Specific Concerns

FOPL and WMCG wish to annunciate the following specific concerns in relation to the Piney Lakes Reserve:

- FOPL and WMCG have noted and concur with the level of community concern surrounding some of the options that emerged from the Freight Network Review process. This level of concern has heightened since the adoption of MRS Amendment 1055/33 (Deletion of the Fremantle Eastern Bypass). Specifically, FOPL and WMCG believe that the passage of MRS. 1055/33 will place future land use pressures on the Piney Lakes Reserve. Such pressures, if strong enough, may result in the implementation of Freight Network Review Options, such as H and T.
- It appears that the level of urban density may increase sharply in future years. FOPL and WMCG are therefore concerned that if this occurs, the biodiversity and environmental values of the Piney Lakes Reserve may be threatened.

(3) Recommendations

In order to address the concerns outlined above, FOPL and WMCG make the following recommendations:

3.1. That MRS Amendment 1082/33 include a Proposal specifically related to the Piney Lakes Reserve (Bush Forever Site No. 339), hereinafter referred to as the Piney Lakes Reserve Proposal.
3.2. That the Piney Lakes Reserve Proposal formally recognise and acknowledge potential future land use pressures, specifically MRS Amendment 1055/33 and Freight Network Review Options H and T, together with urban infill.

3.3. That the Piney Lakes Reserve Proposal should specify and enable a “re-mapping” of the existing Conservation Category Wetland (cross hatched area in dark blue contained within the Bush Forever Protection Area bordered in red and numbered 339 on Map 1: Bush Forever Protection Areas). Further, that subject to a review of data gathered in the “re-mapping”, consideration be given to expanding the Bush Forever Protection area.

3.4. That the Piney Lakes Reserve Proposal should specify and enable a “re-mapping” of the existing Regionally Significant Bushland (green shaded area within the Conservation Category Wetland mentioned in the previous dot point). Further, that subject to a review of data gathered in the “re-mapping”, consideration be given to expanding the area designated as Regionally Significant Bushland.

3.5. That the Piney Lakes Reserve Proposal include an acknowledgment of the Beeliar Regional Park Draft Management Plan (BRPMP) 2001-2011. Specifically, the Piney Lakes Reserve Proposal should contain a clause closely aligned to the “Transfer of government freehold land” clauses, page 7, under the heading “Land Tenure” contained in Part B7 of the BRPMP. These clauses, in part, state:

"Reserves created from WAPC freehold land and vested with the Conservation Commission of Western Australia will be afforded an appropriate purpose for the protection and enhancement of Park values and will classified as class A under the LAA.

As agreed to by the relevant local government, reserves created from WAPC freehold land and vested with local government will be reserved for the purpose of "Conservation and Recreation" and afforded similar tenure arrangements as the reserves vested in the Conservation Commission of Western Australia".

In other words, the Piney Lakes Reserve Proposal should recognise that the Reserve, which was created from WAPC freehold land and now currently vested with the City of Melville (and reserved under the BRPMP as Area 5 ‘Conservation and Protection’ and Area 6 ‘Recreation’ respectively), could potentially, with the agreement of the City of Melville, be classified as Class A under the LAA.

3.6. That the Piney Lakes Reserve Proposal include an acknowledgment of the Piney Lakes Management Plan May 2004, specifically, paragraph 1.3.4 Classification under the Land Administration Act. This paragraph aligns the Piney Lakes Management Plan with the BRPMP with respect to the future reclassification of the Piney Lakes Reserve to Class A.

3.7. That the Piney Lakes Reserve Proposal include any necessary provisions to enable the future upgrading of its classification to Class A.
(4) Request for Hearing

FOPL and WMCG wish to request the opportunity of a Hearing so as to present more detail to support this submission and to provide any clarification, if necessary, of the intent.
Integrated Transport Planning Directorate of the Department for Planning and Infrastructure has reviewed the Bush Forever Metropolitan Region Scheme (MRS) Amendment proposals in terms of Regional Transport issues such as planning, delivery, maintenance and management of infrastructure, and makes the following submission.

Attached is a copy of the detailed submission.
Hearing of Submissions

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☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF My telephone number (business hours): .............................................

☐ MY AGENT or SPEAKERSPERSON (an agent may be from a local group)
Agent's name: ......................................................................................................
Group name: ........................................................................................................
Agent's telephone number (business hours): .....................................................
Mailing address: ....................................................................................................

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date .........................................

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5:00pm) on FRIDAY 12 NOVEMBER 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
12 November 2004

The Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Dear Sir

SUBMISSION TO METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER AND RELATED LANDS AND DRAFT BUSHLAND STATEMENT OF
PLANNING POLICY No. 2.8

Integrated Transport Planning (ITP) Directorate has reviewed the Bush Forever
Metropolitan Region Scheme (MRS) Amendment proposals in terms of Regional Transport
issues such as planning, delivery, maintenance and management of infrastructure, and
makes the following submission.

PART A – DRAFT STATEMENT OF PLANNING POLICY 2.8

1. General.

Since the release of Bush Forever, experience has shown that the conflict of Bush Forever
Sites on transport reservations impacts on the effective planning, delivery, maintenance
and management of transport infrastructure. The stated objectives for Bush Forever Sites
and proposed Bush Forever Protection Areas (BFPA’s) are clearly in conflict with the
intended use of transport reservations, which in some cases have been planned for many
years. Bush Forever and proposed BFPA’s infer increased conservation status for the
areas identified for transport purposes.

There are very limited opportunities to comply with the Bush Forever and BFPA’s
requirements, including clearing and protecting equivalent environmental "offsets" on
private land. It is also worth noting that the WAPC has over time made a significant
financial commitment to the purchase of land to protect and "offset" transport impacts on
some Bush Forever Sites (eg Mitchell Freeway/National Park and "Lexia Wetlands").

2. Draft SPP 2.8

Integrated Transport Planning has undertaken a review of the impact of the draft SPP on
transport reservations in the Metropolitan Region Scheme (MRS). Transport reservations
include “Primary Regional Roads”, “Other Regional Roads”, “Transit Routes” and
“Railways”. A composite plan showing the conflict between the BFPA’s and all the
transport reservations, shown coloured blue, is attached. As can be seen in the attached
plan, there are a significant number of locations where the proposed BFPA’s boundaries
impact on transport reservations. These impacts range from minor overlap to significant...
conflict. It appears that not all the transport MRS reservations are included in the draft SPP Map 1.

To clarify the intent of transport reservations and achieve more cost effective and timely planning, delivery and management of transport infrastructure the following is suggested:

2.1 Remove all the transport reservations in the MRS (including those covered by PCA’s) from the BFPA’s. Impact on any bushland would continue to be managed in accordance with existing environmental management best practice.

2.2 If the removal of transport reservations from BFPA’s is not deemed acceptable the following is suggested:

- Review and revise the proposed BFPA’s boundaries to coincide with the transport reservation boundaries to remove minor overlaps.

- Map 1 does not appear to include all the transport corridor reservations and therefore should be amended to include all the corridors, shown coloured blue, in the attached plan, as "Government Lands and Public Infrastructure".

- Section 3.2: "Local Bushland" indicates that the draft SPP will apply to "all areas of native vegetation" including areas outside BFPA. This approach would appear to add significant constraints on transport infrastructure and potentially make the identification of any equivalent "environmental offset" requirements almost impossible. This provision should therefore be clarified or removed.

- Section 5.2.3: "Government Lands and Public Infrastructure", may not clearly indicate that transport reservations should be exempt from bushland priority measures. The wording should be reviewed and amended to:
  
  - Clarify whether "Government" land includes Federal, State, and Local.
  
  - Separate proposed policy measures applicable to "Government Lands" from areas for "Public Infrastructure". There is potentially much more opportunity to avoid BFPA impacts on Government owned land not affected by transport infrastructure requirements.
  
  - Clarify that the exceptions referred to in sub section (i) apply to all transport reservations shown in the modified Map1, (which are protected under the MRS, including PCA’s), so that the "other measures" described in the draft SPP, do not apply within transport reservations. Any impact on Bush Forever Sites would continue to be managed in accordance with existing environmental management best practice requirements. Revised wording can be provided when required.

PART B - MRS AMENDMENT PROPOSALS

This part of the amendment proposes the rezoning of 94 different proposals to Park and Recreation zone of which, 25 proposals abut existing Other Regional Road (ORR) and Primary Regional Road (PRR) reservations currently gazetted in the MRS. As these proposals do not directly impact on the ORR or PRR reservations, ITP directorate have not submission to make on these proposals.
However, in addition to the above, ITP directorate is currently reviewing two transport corridors that will be affected by proposals listed in this amendment. These Transport Planning reviews are at a stage that completed planning design concepts and proposed land requirement boundaries have been defined. Therefore, we make a submission on the following two proposals:

**Proposal 31 (Anketell Road)** - ITP Directorate in consultation with the Fremantle Port Authority is currently reviewing the transport corridor for Anketell Road to service the proposed outer harbour development. This project proposes a planning design concept for Anketell Road that provides for a new 4 lane dual carriageway between the harbour and Rockingham Road and refinement of the existing road alignment between Rockingham Road and Kwinana Freeway. This will increase the ORR reservation that is currently reserved in the MRS. The ITP Directorate is also preparing a Planning Control Plan to protect this requirement and therefore recommends that proposal 31 be amended to reflect the proposed new boundary for Anketell Road as shown on the attached plan.

**Proposal 91 (Lenore Road)** - The City of Wanneroo has submitted a request to the North West Districts Planning Committee, which includes a proposal to include a number of roads in the area as ORR reservations in the MRS. One of these roads is Lenore Road, which forms part of the East Wanneroo Structure Plan. The ITP Directorate is currently reviewing the City’s proposed road design concept for the road, which provides for a 4-lane dual carriageway and the land requirement boundary that proposes an increase to the current ORR reservation in the MRS. Therefore, the ITP Directorate recommends that proposal 91 be amended to reflect the proposed new boundary for Lenore Road as shown on the attached plan.

Please note that full size or electronic copies of the attached plans are available on request from our office by contacting Gary Manning on 92647945.

Yours sincerely

Paul Trichilo
DIRECTOR INTEGRATED TRANSPORT PLANNING
LEGEND

PROPOSED PARKS AND RECREATION

AREA TO BE EXCLUDED FROM
PROPOSED PARKS AND RECREATION

METROPOLITAN REGION SCHEME BOUNDARY

BUSH FOREVER AMENDMENT No 1082/33

PROPOSED PARKS AND RECREATION RESERVATION CONFLICTS WITH STATE REGIONAL TRANSFORM RESERVATIONS
10 November 2004

The Secretary
WA Planning Commission
Albert Facey House
469 Wellington St
Perth, WA 6000

Dear Sir,

MRS Amendment 1082/33 : Bush Forever and Related Lands

The Wetlands Conservation Society strongly supports the intent of this MRS Amendment to create Bush Forever Protection Areas (BFPAs). We support most of the proposed scheme text apart from a few issues that are listed below.

1. We believe that all of the Bush Forever sites should be included in BFPAs, not just the easy ones. We are disappointed to see that only 14 out of 55 Government-owned sites are included. This seems to be a clear violation of an election commitment by the Government.

2. We would like to see all Bush Forever sites protected as fully as possible by rezoning them (where necessary) to Parks and Recreation. It is not acceptable to leave many of them in other zones which permit development to occur, particularly extractive industries and urban development.

3. Clearing of Bush Forever sites should be specifically prohibited and this should be clearly stated in section 27C and in the SPP2.8. Some Bush Forever sites have already been cleared since the plan was first released 4 years ago.

4. Provisions should be made to facilitate additions to the BFPA without recourse to further MRS amendments.

5. We would like to see Stakehill Swamp (Bush Forever site 275) included in the BFPA and rezoned to Parks and Recreation. This wetland is conservation category and should be included in the Rockingham Lakes Regional Park. We cannot understand why it is not included in this amendment.

This proposed MRS Amendment is an important step forward in protecting our natural heritage in the Metropolitan Area. We hope that you will improve it along the lines suggested above.

Yours faithfully,

Philip Jennis
President

14 Stone Court
Kardinya, WA 6163
Please find attached:

1. Form 6A duly completed.
   Note: I have indicated a reluctance to speak at a hearing, as I do not wish to be
   complicit in an exercise that serves to provide the appearance of complying with
   "due process" to the complete rejection of effective and just outcomes.

2. my submission.

3. my 1999 submission which has never been afforded a reply and which appears to
   have been completely ignored in the roll forward of your "planning" process.
To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: WA BUILDING BLOCK COMPANY
Address: PO BOX 60 APPLECROSS WA 6953
Contact phone number: 9407 5005
Email address:

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

BUSH FOREVER SITE 290 COVERS GRANTED MINING LEASE M70339, M70/13 AND M70/141 ALL OF WHICH ARE ACTIVE QUARRIES WITH APPROVAL THROUGH DEPARTMENT OF INDUSTRY AND RESOURCES. CLEARING OF VEGETATION HAS BEEN APPROVED AND EXCAVATION IS PROGRESSING.

FURTHER DETAILS WILL BE SUBMITTED NEXT WEEK
Hearing of Submissions

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Please complete the following:

□ □ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

or

X YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

□ □ MYSELF My telephone number (business hours): ........................................

or

X MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: ENVIRONMENTAL CONSULTANT AND SOLICITOR..............
Group name: .................................................................................................
Agent's telephone number (business hours): ...............................................
Mailing address: ................................................................................................

I would prefer my hearing to be conducted in:

□ □ PUBLIC (with a public hearing other persons, including the media, may attend.)

or

X PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ........................................................................................................ Date 12 NOVEMBER 2004

LINDSAY STEPHENS for

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY, 12 November 2004. Late submissions will NOT be considered.
Western Australian Planning Commission  
469 Wellington Street  
Perth WA  
fax 9264 7588 4 pages

Attention: Julie Davey  
Bush Forever Office  
Re: Bush Forever Site 290.

I lodged a notice of objection to Bush Forever Site 290 on behalf of WA Building Block Company and Limestone Resources Australia Pty Ltd. I also have contact with Cockburn Cement, who also have an interest in Bush Forever Site 290 and have lodged their own objection. Essentially the issues are the same for all the companies and it may be possible to treat them concurrently. I will send a copy of this letter to each company for their information.

I work for all the companies and have been involved in ground mapping and report preparation over the whole of Bush Forever Site 290, and the Mining tenements covering it.

The following Points are relevant and have been pointed out to the Western Australian Planning Commission on a number of occasions in the past but they seem to have not been taken on board.

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6. The whole site has been totally covered by Approved Mining Leases for twenty years, so it is curious that no mention is made of this in Bush Forever 2000.

- M70/13 and M70/339 Building Block Company
- M70/109 and M7/0345 Limestone Resources
- M70/141 Cockburn Cement
- M70/126 and M70/266 Vigeo Pty Ltd

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   - They have had approval from Department of Conservation and Land Management for excavation since 1989.
   - I believe the approved Notices of Intent were sent to the Environmental Protection Authority at the time.
   - Limestone Resources has paid State Government Royalties, Clearing Fees to CALM and has bonds in place to the Department of Industry and Resources.
   - They have significant infrastructure on site, which I believe is worth a large amount of money, in the millions of dollars.
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It is hoped that this information will provide the Bush Forever Committee with sufficient information to adequately research Bush Forever Site 290. In reality with the approvals in place the site will be excavated and the land surface lowered significantly with a final cover of rehabilitation.

Should you require any further information please let me know.

Lindsay Stephens
Area of high resource potential. Tenement applications within proposed extensions to National Park.
Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

AUSTRALIAN LIMESTONE RESOURCES
(PLEASE PRINT CLEARLY)
UNIT 1, 7 GUTHRIE STREET, OSBORNE PARK WA, 6017
Address...............................................................Postcode..............................................................
Contact phone number. 9407 4300 Email address

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

BUSH FOREVER SITE 290 COVERS GRANTED MINING LEASE M70/109 AND M70/341 BOTH OF WHICH ARE ACTIVE QUARRIES WITH APPROVAL THROUGH DEPARTMENT OF INDUSTRY AND RESOURCES. CLEARING OF VEGETATION HAS BEEN APPROVED AND EXCAVATION IS PROGRESSING.

FURTHER DETAILS WILL BE SUBMITTED NEXT WEEK

DEPARTMENT FOR PLANNING AND INFRASTRUCTURE
12 NOV 2004
FILE: 809.2-1-7792
Hearing of Submissions

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You do not have to attend a hearing. The comments presented by you in this written submission will be taken into account in determining the recommendation for the proposed amendment.

Please complete the following:

☐ or ☒ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

☒ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF My telephone number (business hours): _________________________

☒ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: ENVIRONMENTAL CONSULTANT AND SOLICITOR
Group name: ________________________________________________________
Agent's telephone number (business hours): ______________________________
Mailing address: ______________________________________________________

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

☒ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ___________________________ Date 12 NOVEMBER 2004

LINDSAY STEPHENS for

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.
12 November 2004

Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH WA 6000

Dear Sir

SUBMISSION – METROPOLITAN REGIONAL SCHEME AMENDMENT NO 1082/33

We now enclose herewith a submission pursuant to the proposed amendment to the Metropolitan Scheme No 1082/33.

Yours faithfully

encl
Western Australian Planning Commission  
469 Wellington Street  
Perth WA  
fax 9264 7588  

13 January 2005

Attention: Julie Davey  
Bush Forever Office  

Re: Bush Forever Site 290,

I lodged a notice of objection to Bush Forever Site 290 on behalf of WA Building Block Company and Limestone Resources Australia Pty Ltd. I also have contact with Cockburn Cement, who also have an interest in Bush Forever Site 290 and have lodged their own objection. Essentially the issues are the same for all the companies and it may be possible to treat them concurrently. I will send a copy of this letter to each company for their information.

I work for all the companies and have been involved in ground mapping and report preparation over the whole of Bush Forever Site 290, and the Mining tenements covering it.

The following Points are relevant and have been pointed out to the Western Australian Planning Commission on a number of occasions in the past but they seem to have not been taken on board.

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Lindsay Stephens

[Signature]

Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGIONAL SCHEME AMENDMENT No. 1082/33

BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name: Jacksonville Holdings Pty Ltd
Address: c/- McLeods
220-222 Stirling Highway, Claremont
Postcode: 6010

Tel 9383 3133
Fax 9383 4935

SUBMISSION:

Grounds of Objection

1 This company is the registered proprietor of Pt Lot 40 Armada le Road, Forrestdale, which land is proposed to be included in BFPA 344.

2 We oppose the inclusion of the land in any BFPA. We also fundamentally oppose the MRS amendment and the BFPA in their current forms for the following reasons.

3 Fundamentally there are two related and overarching aspects of unfairness:

(1) It is alarming and unnecessary that bush protection measures should be achieved by way of Bush Forever Protection Areas which prevail over existing zoning.

(2) Draft SPP 2.8 is unfairly but deceptively imbalanced in such a way as to facilitate the destruction of legitimate development expectations and to lead to a huge devaluation of property, on a highly selective basis.

4 The relationship between these two points needs to be explained more fully.

5 First let us examine for a moment the position that presently exists. Proposed 'BFPA's which are privately owned are (with the exception of those which are reserved under the MRS) presently zoned for some purpose under the MRS and under a local scheme.
The imposition of a BFPA will have the effect that the existing MRS zoning will be put aside, and within 3 months the local government will have to amend its local scheme so as to put aside the local scheme zoning and to substitute the BFPA designation.

Under the existing zoning, land will have certain development potentialities and the landowner will have certain legitimate expectations as to that potential. The ability to rely on that legitimate expectation is fundamental to private property ownership. The right of the government from time to time to make reasonable regulation for the development of land is accepted, but at all times this needs to occur in such a way as not to affect a radical and uncompensated fundamental downgrading of the potential of the land.

The imposition of a fair and balanced Bush Protection policy over and above the existing zoning would be a reasonable and equitable environmental protection outcome. It would acknowledge that the existing zoning remains and the guidance obtainable from that existing zoning would still be relevant to assessing the development potential of the land in generic terms — but would acknowledge at the same time that bush protection is a primary planning and environmental goal which needs to be given effect to as an integral part of many developments.

Doing away with the existing zoning, however, means that there is no zoning any more — just the BFPA designation. There is no longer any guidance as to what is the underlying development potential of the land.

Take this company's land, for example. It is over 12ha of uncleared bushland. Our company purchased the land because it was prime land for special residential subdivision. The principals of the company are highly environmentally conscious and we did not move immediately to realise that value. We wished to create something truly wonderful by way of a bush-centred special living environment — but nevertheless to realise the substantial acquisition and holding costs by maximising lot yield — minimal interference with bush but nevertheless a commercial return for an investment.

If an SPP were to come into operation on top of the existing zoning that said in effect "this land has quality bushland which should be protected to the greatest extent reasonably possible within the limits of its existing zoning and its existing generic development potentialities", that would be fair and reasonable. That is "orderly and proper" planning — orderly and proper in the sense that there is a reasonable progression of incremental constraining of the underlying development potentialities in recognition of the imperatives of environmental protection and society's changing expectations; but also orderly and proper in the sense that all of the social and economic goals achieved through a reasonable degree of certainty as to development potentiality, are not fundamentally undermined.

The imposition of the BFPA in substitution for the existing zoning is disturbing and unnecessary because it clears the slate as to pre-existing guides as to development potentiality and leaves the citizen at the mercy of government. There is no balance between pre-existing legitimate expectations of the owner on one hand, and environmental protection on the other.

The SPP contains provisions that appear intended to reassure the reader that no fundamental change to underlying development potential is intended. However if the government is serious about not intending such fundamental change, then it would not substitute the BFPA designation for the existing zoning — it would be enough merely that the SPP take effect as an additional measure within the pre-existing framework of the existing zoning. The substitution of the BFPA for the existing zoning can mean only one thing — that the government does not want the legitimate development potentialities of the site to be a factor in the planning decision-making for site. The government wants to be able to tell the
landowner "what legitimate development expectations? Don't you know these were taken away when the zoning was abolished and the BFPA substituted? You should think yourself lucky if we allow anything on the land". If the government agencies were genuine about not affecting the fundamental existing potentialities of the land, then they would not be grabbing for a BFPA but would be content merely with a SPP to operate on top of or side by side with the existing zonings.

14 This leads to the second point about the deceptive imbalance in the SPP for bushland protection over landowners' reasonable expectations. There are some limited provisions in the SPP which attempt to give an impression of balance. However what is lacking is some indication of the benchmark for what should be regarded in generic terms as the expected development potential. This would enable the government agencies to dictate what they consider to be the "appropriate" development potential. To restore balance to the SPP, we urge and submit the inclusion of provisions along the lines of the following:

15 In the POLICY OBJECTIVES provision, inclusion of the following:

"Protection and management of bushland within the framework of the fundamental pre-existing underlying development potentialities of land as ascertained from their prior zonings and other planning and environmental instruments and constraints otherwise applicable.

Where alteration to the fundamental pre-existing underlying development potentialities of land is required in the public interest, this should only occur through reservation under the Metropolitan Region Scheme or through compulsory acquisition of land so as to achieve just terms for landowners."

16 Similar provisions should appear in Part 5.1 (1) concerning BFPA's - General Policy Measures.

17 Other aspects of the SPP that are of concern include:

A The SPP is misleading in relation to the BFPA category "Urban, Industrial or Resource Development". This is an unusual linking. It sounds like one of the more robust and development-tolerant categories, but in fact it refers to Priority Resource Locations and other categories which require reference to other publications. Some of these areas are designated otherwise in Map 1. The lay reader could easily skip over this category and go straight through, for example, to "Rural". Indeed at the time of preparing this submission the writer has not been able to ascertain whether Pt Lot 40 is in fact in an "Urban, Industrial or Resource Development" designation by indirect Incorporation, or not.

The scope for injustice through affected landowners not appreciating the incorporation by reference, has, we submit, caused the consultation process to miscarry.

B The proposition that land should be given up for conservation in addition to the ordinary 10% contribution, is unconscionable and appears as a government land-grab. If land is required for the public purpose of conservation, it should be paid for with government monies.

C The tucking away of the most significant provisions in an innocuous-looking Schedule 1 - Negotiated Planning Solutions a presumption against clearing of certain categories of vegetation. This is made applicable to Rural Land BFPA's by cl 5.2.4(ii).

On our limited understanding, it may well be the case, indeed it probably is the case, that there will be few BFPA's that don't satisfy at least one of the descriptions in Schedule 1 cl (vii). In other words, the document should state at the outset that there will be a
presumption against clearing in all Rural BFPA's. When all is said and done, that is the most significant provision of the document, and any attempt to argue otherwise is spin-doctoring of the worst kind.

18 Let us examine for a moment what this means in practical terms for our client.

19 It has a 12-plus ha uncleared rural lot to which a presumption of no clearing applies? That is absurd. It is absurd that there should be no clearing, and it is equally absurd that the onus of proof of the appropriateness of any clearing should be on the proponent.

20 By what criteria will presumption against clearing in certain circumstance be rebutted? No doubt the answer would be – by reference to the other criteria set out in Schedule 1 and fundamentally by reference to "what is appropriate and reasonable" – Schedule 1 cl (xv). But appropriate and reasonable by reference to what? The test is circular. This returns us to the start of this submission – the SPP must recognise that what is appropriate and reasonable must take into account the framework of the fundamental pre-existing underlying development potentialities of land as ascertained from their prior zonings and other planning and environmental instruments and constraints otherwise applicable. It cannot be implied that "appropriate and reasonable" will be ascertained by balancing the hardships to the owner of not being able to carry out the expected development on the land based on prior expectations. The reasons this cannot be implied are:

- it is not expressly set out
- not being expressly set out it is open to individual and arbitrary interpretation unguided by what factors are to operate on the "other side of the ledger" to environmental protection
- there being no zoning other than the BFPA, any pre-existing development expectations have arguably been expressly swept away.

McLeods
On behalf of Jaconville Holdings
Solicitors
12 November 2004
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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature  Date  12 November 2004

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Contacts: Telephone -- (08) 9264 777; Fax -- (08) 9264 7566; Email -- mre@wapc.wa.gov.au; Internet -- http://www.wapc.wa.gov.au
To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

OFFICE USE ONLY

SUBMISSION NUMBER
Submission 157

Name: McLeods (Attention Mrs L Rowley)
Address: 220-222 Stirling Highway, Claremont
Tel 9383 3133
Fax 9383 4935
Email lrowley@mcleods.com.au

SUBMISSION:

Grounds of Objection

1 We are solicitors involved in a significant number of cases and clients concerning to issues which pertain to Bush Forever sites and related matters.

2 The present proposals to reserve Bush Forever land and, on a much greater scale, to create a new creature of Special Control Area is fundamentally contrary to and competes with private propietal rights.

3 In 1955 when the Stephenson & Hepburn report was prepared delineating the overall planning objectives for the Metropolitan Region, those authors made it clear that it was a desirable public objective, amongst other things, to reserve significant tracts of the Perth Metropolitan Region for the purposes of public objectives such as parks and recreation reserves, preservation of foreshore, schools, roads etc. Put simplistically, the purpose of reservation was to indicate first of all to owners inclined to forward plan in respect of their land that such land was earmarked for a public purpose and secondly to prevent significant investment into that land which might prejudice or embarrass future acquiring authorities in terms of the price to be paid.

4 The Stephenson & Hepburn report and subsequent debates in Parliament canvassed the possibilities of acquisition and how that should be done. In terms of parks and recreation reserves, although the primary focus was in respect of active recreational areas, there was some acknowledgement of the need for conservation and preservation. Ultimately it was acknowledged that if such areas were immediately acquired, the cost to any Western Australian government would be enormous and unbearable. Consequently a method of staggering the payment was found by the provisions set out in s.36 of the Metropolitan
Region Town Planning Scheme Act 1959. At all times it was contemplated that compensation would be paid whether under that Act or as a consequence of compulsory acquisition under (what is now) the [Land Administration Act 1997](https://example.com).

The current measures seeking to establish, on a wide spread basis, the Special Control Areas, seek to circumvent the payment of just compensation or indeed any compensation at all whilst interfering with a landowner's right to deal as he or she wishes with their land subject to normal regulatory processes and social, economic and physical constraints. That is a significant interference in private propietal rights contrary to long established policy and contrary to dicta of the High Court in cases such as [Marshall v The Minister for Transport](https://example.com) [2001] HCA 37.

There is a clear and significant lack of transparency with regard to the process. In particular:

(a) who has carried out a vegetation survey in relation to these Special Control Areas or Bush Forever sites;

(b) if it has been carried out why has it not been disclosed;

(c) if it has not been carried out what is the scientific basis for the identification of this Special Control Area;

(d) what significant vegetation exists on this land;

(e) who decides what is significant vegetation;

(f) what are the criteria for that decision;

(g) where are they published;

(h) are they adhered to;

(i) where is the clear and readily understood explanation with regard to such implications; and

(j) it is not always readily understood how the boundaries of the Special Control Areas have been identified (and in many cases this would apply similarly to the identical or similar boundaries of a Bush Forever Site).

In relation to many planning initiatives which include the current matters under submission, there is an apparent lack of thoroughness or will to contact in an effective manner affected landowners to enable them to comment upon initiatives which affect their land. This is a widespread problem which must be addressed as it constitutes a clear breach of natural justice.

The incorporation of provisions for Special Control Areas within town planning scheme Model Scheme Text for local town planning schemes as drafted by the State Government would appear to be an attempt to transfer obligations for compensation to local governments. In the wake of cases such as [Wines v Shire of Harvey](https://example.com) [2000] WASCA 39 and [Cornell v Town of East Fremantle](https://example.com) (2003) 131 LGERA 20 (now under appeal) there is more than a possibility that obligations to pay compensation which should rightfully be that of the State Government will be transferred to local government. At the very least, the risk passes. Will the government be underwriting such risk?
The requirement now placed upon local government to prepare a local Bushland Protection Strategy is an extension of the last point made. It is not uncommon for strategies and policies to be incorporated into town planning scheme text or annexed as part of the gazetted scheme. The consequence of this is to lay local governments open to vulnerability to pay compensation in accordance with s.12(2a)(b)(i) of the Town Planning and Development Act 1928 in the event that such strategies do not permit any use of the land in question other than for a public purpose or alternatively under s.12(2)(a)(b)(ii) where the net result is that there is a prohibition wholly or partially of the continuance of any non-conforming use of the land.

The present proposals with regard to the presumption against clearing Special Control Areas amount to conservation without responsibility. There are no proposals for, and nor should there be, the imposition of obligations upon landowners with regard to the preservation of vegetation. There is also no corresponding volunteering of contribution towards such preservation. Effectively these measures are arguably not conservation at all but merely anti-clearance.

The MRS Amendment No 1082/33 is deceptively simple. However it actually brings in, in a much more complex fashion, the provisions of supporting documents such as Planning Policy 2.8. To be perfectly plain with regard to intent, the documentation should invite submissions on Planning Policy 2.8 in addition to Metropolitan Scheme Amendment 1082/33.

Proposals concerning negotiated planning solutions are noted. However how does a landowner negotiate such a solution where the whole of his or her land is affected by a Special Control Area ie there can be no quid pro quo.

If the government wishes to take land free of cost then it should pass clear legislation so that its intent is plain and so that such intent can be challenged in a straightforward fashion should landowners feel that it is appropriate to do so. It cannot be good governance to hide behind metaphors such as negotiated planning solutions in order to disguise intent.

The material indicates that Bush Forever Special Protection Areas may include cleared areas for administrative boundary purposes and that these are not intended to be protected. However there is no clear statement as to which areas these may be and that ought to be rectified.

Section 2.5.3 of Bush Forever indicates that Special Control Areas "may be interim protection". If that is so, there is no clear statement as to what is likely to follow the imposition of the Special Control Areas and that should be rectified. There is also no clear statement in the supporting papers on the amendment whether these areas are interim. If they are not, government's changing position on these issues is both unfair and creating uncertainty in the planning process which is undesirable.

Once of the major difficulties facing owners of land reserved under the Metropolitan Region Scheme for parks and recreation where there are environmental conservation or preservation connotations has been the struggle to obtain fair compensation. Up until now the difficulty has been in trying to establish a higher and better use in the face of such potential planning constraints. There is a clear difficulty and conflict in the planning and environmental authorities who seek to acquire land and have to pay compensation for it also undertaking the decision making role in the hypothetical vacuum in which a negotiation and compensation court case is conducted. In other words it is time that an independent body should determine the highest and best use of land which is required for acquisition by government whether by way of resumption or by way of reservation or by any other method.
Following on from the last point, it is clear that the imposition of a Special Control Area over land which is later desired to be acquired only increases the difficulties of a landowner. Whereas prior to this point such land once reserved or resumed was at risk of being evaluated for its highest and best use as simply rural even where surrounding land was being used for residential, industrial or some other higher use, now it is possible that we enter into the no mans land of such land being evaluated as a Special Control Area ie incapable of any development or indeed agricultural pursuit which involves clearing. It is quite possible that such land may have no economic function whatsoever. This is plainly unfair.

Finally there is a philosophical but nevertheless valid issue in relation to conservation generally. Those landowners who have exercised restraint and responsible attitudes in preserving and not clearing vegetation are now being made to suffer economically whilst others who have taken early steps to clear and developed have reaped the rewards. The actions of government in condoning the latter group and discouraging and punishing the former group is not conducive to responsible and fair-minded government but, more importantly, is not conducive to the encouragement of a sense of responsibility in its citizens.

McLeods

12 November 2004
Hearing of Submissions

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or

☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

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☐ MYSELF  My telephone number (business hours):

or

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)

Agent's Name:

Group name:

Agent's telephone number (business hours):

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or

☐ PRIVATE  (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature: [Signature]

Date: 12 November 2004

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Contacts: Telephone – (08) 9264 777; Fax – (08) 9264 7566; Email – mrs@wapc.wa.gov.au; Internet – http://www.wapc.wa.gov.au
Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Submission 158

Name: PHILIP JOHN LOGAN
(PLEASE PRINT CLEARLY)
Address: LOT 1582 HOLMES STREET, SOUTHERN RIVER
Postcode: 6160
Contact phone number: 93984560
Email address

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

See attachments (1 sheet)

TURN OVER TO COMPLETE YOUR SUBMISSION
Bush Forever- Make it Fair for All

Bush Forever has evolved from a State decision to adopt a policy that aims to preserve important remnant vegetation within the Perth Metropolitan Region for the benefit of all-the State, the region, the district and the immediate community.

A major portion of lands so affected is Government owned and managed, however, a significant area is also privately held. For the latter, the initial Bush Forever information documents made comment that land owners so affected would not be disadvantaged and if land was to be acquired it would be purchased at unaffected value.

What has evolved is blight on land identified as part of a Bush Forever site.

There is now clear evidence to show that Bush Forever land is affected in value, particularly land zoned for urban purposes. It is therefore understandable that land owners in the South West of WA and metropolitan action groups have formed to expose this unfair situation.

The basic issue of fairness relates to the conservation being a benefit to the wider community and the current iniquitous impost of the depressed land value being a financial penalty on the land owner. In essence Bush Forever sites become public assets and thus the public should pay for all such lands required for conservation.

Commitment by government to pay for the urban conservation, on a fair and equitable basis, will ensure proper scrutiny of environmental values in proper balance with good outcomes for the community.

After all, the sites identified as regionally significant are a finite number to be protected for conservation, forever. As Perth grows, and not necessarily in sprawling suburbs, there is the capacity to fund purchase of all required conservation land under the Metropolitan Region Improvement Tax mechanism. This is the very type of community improvement, improvement to the region, which qualifies, and justifiably, that all share in the cost of the benefit.

It should not be the individual owners that are prejudicially targeted to bear the financial burden!

Yours sincerely,

Phil Logan

12 November 2004
Hearing of Submissions

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  Group name:
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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ........................................... Date . . . / / .

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Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

OFFICE USE ONLY
Submission 159

Name ............... John Michael McCann ............... (PLEASE PRINT CLEARLY)
Address .............. 144 Saldie Cres, Roleystone, Postcode 6111
Contact phone number 0400 541 415 Email address Rosearch@westnet.com.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Attached 2 Pages

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ........................................ Date 12/11/04

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.
My submission relates to the processes used by the WAPC to identify properties for inclusion in Schemes, and for reservation and acquisition. My observation is that the WAPC has at points in this and other reports failed to meet common standards of rigour in defining the criteria they use to select properties, and in assessing how the properties selected fit that criteria.

My observation, from direct experience of WAPC reservation processes, and from the evidence of the report before us, is that the process is driven by generally well qualified Commission and DPI staff, who (perhaps) generally make the correct recommendations in the best interest of the State, but who — for lack of training, or leadership, or time — do not, or can not, document their rationale for including some properties while excluding others. I do not suggest that anything improper has been done by WAPC staff, but simply suggest that the lack of detail against some proposals leaves affected landowners perplexed, and (worse to my mind) reinforces a perception in the mind of planning staff that what has gone before is good enough to do again. I have noted some improvement in the preparation of proposals — specifically flagging within the report those properties that are privately owned — and I might flatter myself that this could have been a result of submissions I have previously made to the Government. However suggestions I have put to them about improving the rigor of the evidence that they put forward to support decisions seem to have been ignored or disregarded.

I would emphasise that I am not suggesting that specific decisions are wrong (but I would not accept the proposition that they have always been correct), but that the issues that were in the mind of the planning officer are not always expressed in some proposals, and in fact are completely absent in some, and deficient in many. I would cite just a few examples in this written submission, such as proposal 77 in this report which says in part “In some instances the boundary for the amendment will be over and above the Bush Forever site boundary. This is so that an adequate area of land can be acquired to ensure appropriate management of the site.” This expression “appropriate management” sounds very rational, and may well be some DPI or WAPC jargon, but it is completely meaningless to anyone who does not share the special knowledge or understand the special intent, of the person who crafted the expression. For land to be acquired on such a basis, and for reviewing authorities to accept such “explanations” is to my mind extraordinary, and undermines the authority and reputation of the WAPC as an instrument of careful and considered Government policy.

A second example, and the last I will cite here, is again from the report where it describes — carefully and intelligently I might say — the circumstances where land might be acquired for Parks and Reservations. The criteria quoted is “Bush Forever sites with high conservation value such as threatened ecological communities, large populations of rare flora or fauna and sites that are essential to achieve conservation objectives.” All this is relatively easily documented, assessed and reviewed. The authors of the report then start sliding into obscure-speak. They refer to blocks of land which provide representation of key vegetation community types (potentially valid but doesn’t explain what criteria makes a certain property “key” and the one next door “not key”) and then fall off the edge of reason when they suggest that valid targets are properties “where public access
and management are regarded as essential, such as areas abutting existing reserves.” This appears to be a catch-all rationale for acquiring any property adjacent to an existing reserve. The authors do a fine job in making that seem rational by next proposing that land should be acquired where “existing commitments cannot be met by other means” and introduce a final note of financial rectitude by adding, as a last point, “consideration of the financial implications for the WAPC.” The last point I might add does not appear to flow on from any of the previous points, but if I could assist the authors it may be that they meant to say that identification and selection of properties in light of previous criteria would be filtered through consideration of what the WAPC could achieve given financial realities. The alternative interpretation is that the WAPC would select properties on the basis of the financial advantage that might flow to the Commission—which of course would be an infamous suggestion.

I would appreciate the opportunity to make a submission in person, in order to make some constructive (further) suggestions about the operation of the WAPC and the quality of this report.

John McCann
194 Soldiers Road
Roleystone

Ph. 0400 541 415
Email Rosearch@westnet.com.au
To: Secretary
Western Australian Planning Commission
469 Wollongang Street
PERTH W.A. 6000

Submission 160

This submission is made on behalf of the landowners of Lot 118 Mindarie, which is affected by Bush Forever sites 322 & 323.

The owners are currently engaged in negotiating a planning outcome (NPS) with the WAPC concerning Bush Forever reservations over part of Lot 118.

Part of the proposed NPS allows that the delineation line between the Bush Forever boundary and the part of Lot 118 that will be available for development purposes will be decided in the process of structure planning which will take account of topography, geology, ethnographic and other issues.

A previous structure plan prepared for Lot 118 indicated areas totalling approx 19 hectares in 3 parcels that could logically be excised from POS zoning under the MRS 933/33 and Bush Forever sites 322 and 323.

The detailed plans SCA15362-Bush Forever site 322 and SCA31912-Bush Forever site 323 have no endorsements signifying the potential outcome of the NPS.

The owners believe that the proposed NPS should be notified on the plans and in references to outcomes relating to Bush Forever sites 322 & 323.

A plan showing the areas of concern is attached. The areas are those denoted with the numbers 5, 16 and 4. The aggregate area is 18,711 hectares. The delineation line between areas 3 and 6 on the plan are also subject of an agreement under the proposed NPS.
Hearing of Submissions

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature:...

Date...

Contact: Telephone - (08) 9264 7777; Fax - (08) 9264 7688; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
Area Calculations *
Prepared by City of Wanneroo
Cartographic Services
29th November 2000

LEGEND

- Area 1 = 18.5294 ha
- Area 2 = 76.4623 ha
- Area 3 = 32.4198 ha
- Area 4 = 8.8356 ha
- Area 5 = 18.1858 ha
- Area 6 = 27.9208 ha
- Area 7 = 37.4754 ha
- Area 8 = 4.4760 ha
- Area 9 = 4.0225 ha
- Area 10 = 97.6031 ha
- Area 11 = 8.9317 ha
- Area 12 = 1.6221 ha
- Area 13 = 823 m²
- Area 14 = 61.5333 ha
- Area 15 = 55.3921 ha
- Area 16 = 4.6896 ha
- Area 17 = 3.5997 ha
- Area 18 = 3082 m²
- Area 19 = 1.8155 ha
- Area 20 = 36.3650 ha
- Area 21 = 20.6677 ha

Areas are approximate only and are subject to survey.
21 February 2005

Mr I Paterson
Secretary
West Australian Planning Commission
Albert Facey House
469 Wellington Street
(cnr Forrest Place)
PERTH WA 6000

Dear Mr Paterson

METROPOLITAN REGION SCHEME PROPOSED AMENDMENT 1082/33

Seven local authorities jointly own Lot 118 Mindarie - a land parcel of 432 hectares situated in the City of Wanneroo.

In response to the advertising of proposed Amendment 1082/33 a submission was lodged with your office suggesting that plans attached to the Amendment should show some detail of a Negotiated Planning Solution (NPS), which is currently the subject of discussion between the owners and the WAPC.

The WAPC acknowledged the submission on 18 November 2004.

Since November 2004 a delineation survey has been undertaken to establish the northern boundary of Bush Forever site 322. A copy of the survey has been provided to the WAPC. Advice has been received from Mr Tim Hillyard, who has been co-ordinating the NPS affecting Bush Forever site 322 indicating that the survey line has been approved.

The survey line is different from that which appears in proposed Amendment 1082/33. In the aggregate the Bush Forever site is reduced by some 1.88 hectares.

The purpose of this letter is to request that this information be added to the submission previously made on behalf of the owners of Lot 118 Mindarie and that the appropriate adjustments be made to proposed Amendment 1082/33.

Yours sincerely

R A Constantine
DEPUTY CHIEF EXECUTIVE OFFICER
25 November 2004

The Secretary  
Western Australian Planning Commission  
Albert Facey House  
469-489 Wellington Street  
PERTH WA 6000  
Attention: Bushforever

Dear Mr Patterson,

BUSHFOREVER

A report on the Bushforever MRS Amendment and Policy was submitted to Council on 16 November 2004. Council did not resolve to formally comment on the proposal, but a copy of the associated report is enclosed for your information.

Should you have any queries regarding this matter, please contact me on the abovementioned number or via email.

Yours sincerely,

Phillida Rooksby
COORDINATOR PLANNING SERVICES

Enc:
SUBJECT BUSH FOREVER - BUSH PROTECTION AREAS

Report Information

Location: Not applicable
Applicant: Not applicable
Application No: Not applicable
Reporting Officer: Director Planning and Development
Business Unit: Planning Services
Ward: City wide

Recommendation

That the Director Planning and Development's report on the draft Bush Forever Policy and Metropolitan Region Scheme Amendment be RECEIVED.

Report Purpose

To consider the draft Bush Forever Policy and MRS Amendment.

Relevant Documents

Attachments: Bush Forever Protection Areas Community Guide
Available for viewing at the meeting: Draft Bush Forever Policy, BFPA Map, MRS Amendment

Background

1. Bush Forever, the State Government's metropolitan bush protection area strategy, was released in 1998 and adopted in 2000 (to a somewhat controversial reception). It identifies 51,200 Ha of regionally significant bushland for protection and management over 287 sites.

2. In order to give statutory effect to the document, a Metropolitan Region Scheme Amendment (to formally create Bush Forever Protection Areas and to reserve some sites) and an associated Section 5AA Policy ('Bushland Policy for the Perth Metropolitan Region – Statement of Planning Policy 2.8' – tabled) have been prepared and are currently available for public comment.

3. The following sites are proposed within the City of Stirling (refer tabled plan):

<table>
<thead>
<tr>
<th>No</th>
<th>Site</th>
<th>Current Status</th>
<th>Implications</th>
</tr>
</thead>
<tbody>
<tr>
<td>281</td>
<td>Herdsman Lake;</td>
<td>Regional Parks &amp; Recreation Reservation</td>
<td>Reserved: No change</td>
</tr>
<tr>
<td>310</td>
<td>The coastal reserve from City Beach to Brighton Beach;</td>
<td>Regional Parks &amp; Recreation Reservation</td>
<td>Reserved: No change</td>
</tr>
</tbody>
</table>
Comment

1. Once (and assuming) the MRS Amendment is gazetted, the City will be required to ensure that its District Planning Scheme is consistent with the MRS.

2. As the majority of sites within Stirling are already reserved for parks and recreation under the MRS and owned by the Crown, the proposal has relatively little impact on the City.

3. The establishment of Bush Forever Protection Areas is indicated as to not necessarily preclude development but rather to restrict it to a manner consistent with bushland protection principles. The Policy also provides for Negotiated Planning Solutions (NPS) whereby the owner can negotiate the extent of development versus conservation (which process the City has been pursuing for the Tamala Park (Mindarie) site – refer separate reports).

4. The Policy goes on to support the preparation of local bushland protection strategies by local governments, to complement the more regional focus of Bush Forever. The
City is currently scoping a Biodiversity Strategy which would be consistent with this objective.

5. The proposal is consistent with broad sustainability and bushland protection principles and so is supported in principle. With the possible exception of the Tamala Park site (which is being dealt with separately), the proposal does not appear to have any significant impact on the City and therefore no submission on it is considered necessary.

Policy and Legislative Implications

Will create additional controls for identified Bush Protection Areas.
Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Cockburn Cement Limited C/- Minter Ellison, Lawyers
Address 152-158 St Georges Terrace, Perth Postcode 6000
Contact phone number 9429 7606 Email address gretta.lee@minterellison.com

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Submissions are set out in full on Attachment "A"

TURN OVER TO COMPLETE YOUR SUBMISSION
To: Fred Hainsworth  
From: Gretta Lee  
Date: 12 November 2004

Subject: Metropolitan Region Scheme Amendment No. 1082/33 – Bush Forever and Related lands

Dear Mr Hainsworth,

I refer to our telephone conversation yesterday.

I confirm that Minter Ellison acts for Cockburn Cement Limited. Cockburn Cement wishes to make a submission in relation to the proposed amendment to the Metropolitan Region Scheme and the Bushland Policy. Please find enclosed:

(a) Submission in relation to the Metropolitan Region Scheme Amendment No. 1082/33;

(b) Submission in relation to the Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8.

We confirm your advice that it is appropriate for us to lodge the detail relating to our client’s submissions on or before Tuesday, 16 November 2004. Please confirm in writing our submission reference numbers so that we can reference it when lodging the final details of our client's submissions.

Yours sincerely,

Gretta Lee  
Senior Associate
Hearing of Submissions

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PERTH WA 6000

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date 12. 11. 09

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Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
Mr F Hainsworth  
Western Australian Planning Commission  
Albert Facey House  
469 Wellington Street  
PERTH WA 6000

Dear Sir

Metropolitan Region Scheme Amendment No. 1082/33

I refer to our facsimile of 12 November 2004.

Please find enclosed Attachment A referred to in the submission in relation to the Metropolitan Region Scheme Amendment No. 1082/33.

Please confirm in writing our submission reference number.

Yours faithfully

MINTER ELLISON

Contact: Gretta Lee Direct phone: +61 8 9429 7606
Email: gretta.lee@minterellison.com
Partner responsible: Glen McLeod Direct phone: +61 8 9429 7587
Our reference: GRL:GAM 60-1057253

closure
ATTACHMENT 'A'

SUBMISSIONS

METROPOLITAN REGION SCHEME AMENDMENT NO 1082/33
AND
BUSHLAND POLICY FOR THE PERTH METROPOLITAN REGION
STATEMENT OF PLANNING POLICY 2.8

FOR

COCKBURN CEMENT LIMITED
AND
ADELAIDE BRIGHTON LIMITED
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3. The Value of the Cement and Lime Industry in Western Australia and the Contribution of Cockburn Cement Limited ................................................................. 3
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5. State recognition of the significance of the subject limestone resources .................... 4
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1. COCKBURN CEMENT LIMITED AND ADELAIDE BRIGHTON LIMITED

Cockburn Cement Limited (Cockburn) was established at Munster in 1955 for the purposes of manufacturing cement for the expanding Western Australian market. Today it is part (a wholly owned subsidiary) of the Adelaide Brighton Limited (Adelaide) group of companies, Australia's largest lime and cement manufacturer.

Cockburn is the holder of a number of freehold and mining tenements in WA. Cockburn's freehold and mining titles affected by the proposed MRS amendment and Statement of Planning Policy 2.8 are listed below.

Adelaide is the holder of a number of freehold and mining tenements in Western Australia, which are managed by Cockburn. Adelaide's freehold and mining titles affected by the proposed MRS amendment and Statement of Planning Policy 2.8 are listed in Table 1.

To the extent that this submission relates to land held by Adelaide (both freehold or through mining titles) Cockburn is authorised to make this submission on behalf of Adelaide.

2. LAND HOLDING AND AFFECTION BY PROPOSED MRS AMENDMENT

Table 1 in this Submission is a table of the land held by Cockburn and Adelaide affected by the proposed MRS amendment and proposed SPP2.8. Table 1 also includes a summary of the current statutory planning framework and approvals for projects relating to these land holdings.

3. THE VALUE OF THE CEMENT AND LIME INDUSTRY IN WESTERN AUSTRALIA AND THE CONTRIBUTION OF COCKBURN CEMENT LIMITED

Cockburn is the largest supplier of cement to the Western Australian market and is the sole producer of cement clinker in Western Australia. Cockburn employs 240 people at the Munster plant with 70 per cent employed in the production of cement and 30 per cent in the production of lime. Cockburn also employs an additional 41 people at their dredging operation at Woodman Point. The operations of Cockburn have significant flow on effects, both in terms of the employment created in the industries that supply Cockburn with production inputs, and in terms of the value and employment added to the industries that rely on Cockburn for a reliable supply of cement and lime. In a report to government in 2002, ACIL proposed that using input-output multipliers, the operation of Cockburn at Munster yields over 1262 jobs, including those working in the plants and those working in industries that supply Cockburn with materials utilised by Cockburn in their manufacturing processes. Additionally, the industries that are supplied by Cockburn directly and indirectly account for 89,000 jobs and value added of $9.8 billion statewide.

The lime and cement supplied by Cockburn have many essential uses as production inputs to the construction and minerals processing industries. Lime (quicklime, calcium oxide, CaO) supplied by Cockburn is primarily used as a reactive industrial chemical and is particularly important to the major alumina refineries, gold and nickel processors and the State supplier of drinking water. Lime is manufactured by roasting naturally occurring calcium carbonate (limestone or shellsand) in a kiln.

Cement’s significance to the State’s building industry is well understood and Cockburn manufactures the clinker that is milled into cement using limestone burnt in large rotary kilns.
The investment in plant to produce lime and cement at Munster is well over half a billion dollars in today’s terms.

4. SIGNIFICANCE OF THE ADELAIDE AND COCKBURN'S LANDHOOLDING THE SUBJECT OF THIS SUBMISSION

The land held by Cockburn and Adelaide, referred to in paragraph 2 above is a significant source of limestone, the principal raw material for use in the production of cement. Alternative access to sufficient high quality limestone in close proximity to markets in Western Australia is not available. While Cockburn have alternative limestone resources close to Exmouth, the high cost of transport of these resources to the relevant markets makes consideration of Exmouth limestone as an alternative resource currently not viable, particularly as cement is a relatively low value product. Indeed prior to the merger with Cockburn, Swan Portland imported high quality limestone from United Arab Emirates in preference to transporting high quality limestone from its (then) Exmouth deposits, because it was cheaper to do so. The Exmouth reserves constitute a future resource.

Imports of cement are available from overseas and other states, however the isolation of Western Australia and the associated high transport costs makes supplying the Western Australian market using imported products not fully sustainable.

There is insufficient capacity in the Australian market to be able to import significant amounts of cement clinker from other states in Western Australia at a reasonable cost. Cement clinker can be imported from overseas (when available) but this would lead to the loss of many jobs at Cockburn with the associated flow on effect for other jobs, the economy and increased cost to the community.

The land and the underlying limestone resources held by Cockburn and Adelaide in the Neerabup Industrial Estate together with the contiguous freehold land and mining tenements, constitute the only critical mass of limestone required necessary to establish an alternative and viable cement clinker plant, when it becomes necessary. These are strategic resources. When these land holdings were first acquired the strategic forecast for the winning of resources was 20 - 30 years. That strategic forecast for the development of these resources is now 5 - 10. For projects such as this, in an economy such as Western Australia, strategic long-term timeframes such are necessary.

Looking to the long-term future of cement production in this state, it is important to note that the above land is not only important to Cockburn but to the State. Cockburn anticipates that consideration of a $300-400 million cement clinker plant for the Nowergup site is only a few years away. It is the only area that Cockburn, or any other company, can continue cement production in the State and maintain reasonable cost inputs to the building industry.

Planning policy which diminishes the right of access to these limestone resources will have a direct impact on the viability of the establishment of the future cement plant in Western Australia, which will have significant consequently flow-on effects into the economy.

5. STATE RECOGNITION OF THE SIGNIFICANCE OF THE SUBJECT LIMESTONE RESOURCES

The significance of these resources, the need for these resources to be identified and protected so that they could serve the future needs of the State, and in particular the Perth metropolitan
region, was first identified by the State in 1983. Following a whole government and stakeholder consultation, including the Environmental Protection Authority, the Basic Raw Material Policy – Policy of the Perth Metropolitan Region (BRMP 1992) was published by the then Department of Planning and Urban Development in March 1992.

The BRMP 1992 noted the principal extraction areas for limestone and limesand in Wanneroo. It noted that in 'Wanneroo, extraction activity concentration to the north of Flynn Drive, extending into State Forest 65 where there are high-grade deposits of limestone'.

The key policy objectives were to:

- ensure that the basic raw material needs of the Perth metropolitan region are supplied from sources located as close as possible to the consumer;
- protect identified basic raw material resource areas by land use planning mechanisms with different levels of protection reflecting the different significance of the resource areas;
- protect existing important extractive operations from the encroachment of land uses which would be incompatible with the extractive industry;
- maximise the availability of basic raw material resources by the use of sequential and multiple use planning;
- ensure the extraction of basic raw materials complies with acceptable environmental and amenity standards.

The land holdings, the subject of this submission, were identified as a Priority Resource Area in BRMP 1992. The basic raw materials were reviewed by the Chamber of Commerce and Industry in 1995 who came to the same conclusions.

BRMP 1992 stated that within the Priority Resource Areas there would be a general presumption against the intrusion of new uses, which are not compatible with extractive industry.

BRMP 1992 was reviewed and replaced by Statement of Planning Policy No. 10 (now 2.4) Basic Raw Materials (SPP2.4). Under SPP2.4 the land holdings, the subject of this submission, continued to be identified as falling within a Priority Resource Location. The objectives of this SPP2.4 are to:

- identify the location extent of known basic raw material resources;
- protect the priority resource locations, key extraction areas and extraction areas from being developed for incompatible land uses which could limit future land exploitations;
- ensure that the use and development of land for the extraction of basic raw materials policy does not adversely affect the environment or the amenity in the locality of the operation during or after excavation; and
- provide a consistent planning approval process for the extraction in extractive industries proposal including the early consideration of sequential land uses.

Priority Resource Locations are areas of regionally significant resources, which are recognised for future basic raw materials extraction and are not to be constrained by incompatible uses and development.
While SPP2.4 recognises the desire to ensure that extraction of basic raw materials occurs with minimum detriment to the local amenity and the environment, including regionally significant vegetation identified in Perth's Bushplan, it also recognises the existing environmental protection and conservation framework in which this will be achieved. That is the obligation of the relevant stakeholders to identify environmental constraints that may determine the extent and/or manner in which a proposal can be implemented.

Therefore the relevant stakeholders, including Cockburn acknowledge their obligation to work within this existing regulatory framework.

Cockburn and Adelaide made land assembly and land holding decisions from the mid 1980's to ensure the future resource availability for a $500 million operation based on the policy framework of successive governments to acknowledge the need to protect basic raw materials in the Perth Metropolitan Region for the future needs of the State.

6. MERITS OF THE EXISTING BUSH FOREVER SITES AFFECTING COCKBURN'S AND ADELAIDE'S LAND HOLDING

While it is not within the scope of this submission to challenge in detail the technical merits of the BFPAs on the land holdings the subject of this submission, it should be acknowledge that in addition to the SPP2.4 regime acknowledging the need to protect these resources. Most of the land held freehold was used for farming and rural uses at the time Cockburn Cement acquired the land and it is only through Cockburn's holding of the land for future resource use and responsible management that it is now perceived to contain bush.

Further in 1991 Swan Portland Cement Limited (now part of the Adelaide group of companies) submitted a proposal to the Environmental Protection Authority (EPA) for the construction of a quicklime plant and limestone quarry on mining tenements:

- 70/143 (Pinjar)
- 70/138 (Wesco)
- 70/141 (Westco North)
- and freehold land known as Lot 7 (Gibbs Road).

The proposal included quicklime production at the rate of 230,000 tonnes per annum and limestone was to be quarried at a rate of 450,000 tonnes per annum.

The proposal was assessed by the EPA by way of a consultative environmental review and approved by the Minister for Environment subject to compliance with certain conditions on 8 June 1992. Conditions included the implementation of an environmental management programme relating to the clearing of native vegetation and the conservation of several populations of Eucalyptus 'argutifolia'. (see Ministerial Statement 267)

This proposal was subsequently modified to allow for increased production capacity of the quicklime plant to 460,000 tonnes per annum and the rate of limestone quarrying to approximately 1,000,000 tonnes per annum. The Minister for Environment on 2 September 1994 approved this modification. (see Ministerial Statement No 364).

While the proposal subject to Ministerial Statement 364 has not yet commenced, the authorisation demonstrates that the environmental impacts of extraction of limestone from these mining tenements can be managed.
In addition in 1996, the EPA and the Department of Industry and Resources approved for quarrying and limestone block cutting operations on M70/143 and M70/141. Cockburn has successfully managed and continues to manage the environmental conditions associated with these extraction activities in a way that does not impact upon the declared rare flora, *Eucalyptus argutifolia*.

In relation to Cockburn's freehold title affected by the MRS amendment, to the best of Cockburn's knowledge the BFPA notation is based entirely on aerial photography and thus questions the scientific validity of the nomination. No one has ever asked to walk on the land.

**7. CURRENT STATUTORY FRAMEWORK**

Table 1 to this Submission provides details of the current statutory framework.

In addition to the information contained in Attachment, we also advise that LandCorp has, over the last 8 years, in conjunction with the Western Australian Planning Commission (Commission) and the City of Wanneroo (City) been preparing the Neerabup Industrial Area Structure Plan No. 17 (NAISP). Land held by Cockburn, namely Lot 21 Flynn Drive (Certificate of Title Vol 1598 Folio 472) is included in the NAISP.

The Commission has considered the proposed NAISP and provided advice to LandCorp and the City that amendments need to be made before the NAISP can be formally adopted. That said it would be correct to say that the NAISP is at an advanced state of preparation and is nearing completion.

The NAISP recognises the long-term use and development of Lot 21 and the need to ensure that the implementation of the NAISP does not impact upon the winning of resources within that NAISP.

**8. SUBMISSION REGARDING PROPOSED METROPOLITAN SCHEME AMENDMENT 1082/33 AND PROPOSED STATEMENT OF PLANNING POLICY 2.8**

Cockburn and Adelaide's submissions in relation to the MRS Amendment 1032/33 and proposed SPP 2.8 are set out below:

1.1 Amendment 1082/33 and SPP 2.8 are inconsistent with SPP 2.4 in that they fail to acknowledge state strategic limestone resources. All the areas held by Cockburn and Adelaide (both freehold and lease) have been identified as priority resource areas. Cockburn and Adelaide made land assembly decisions based on the government policy at the time of the land assembly. The variation of government policy in relation to these priority resource areas, reflected in the proposed MRS amendment and SPP 2.8, will not only have an impact on Cockburn and Adelaide as individual companies, but importantly, it will have a significant impact on the viability of the cement industry in Western Australia, which currently is only supplemented by imported cement clinker. While Cockburn and Adelaide appreciate and support the need to maintain regional bushland biodiversity, this must be balanced in the context of the other principles of sustainability: both the social and economic principles.

1.2 Amendment 1082/33 insofar as it relates to BFS 293 is inconsistent with the Bush Forever Implementation Recommendations which indicates that the site implementation status is to be determined.
1.3 The imposition of a BFPA over BFS 293 is premature insofar as it relates to land held by Cockburn because there has been no site specific flora assessment and survey undertaken to confirm that regionally significant bushland exists on this site. Further it is premature because this area will be subject to a negotiated planning solution (NPS) and the BFPA makes certain assumptions about the outcome of the NPS. Cockburn submits that a NPS should be finalised before a BFPA is designated.

1.4 The BFPA insofar as it relates to BFS 293 covers M70/143. This is an area of high resource potential identified in SPP 2.4. Approval was granted on 12 June 2000 for a limestone quarry on M70/143 (Sublease 7 NOI 3223) subject to conditions relating to project management and the conservation of Eucalyptus argutifolia.

1.5 In Bush Forever, 2000, Volume 1, it states that the vegetation complex on M70/141 and Cockburn Cement land at Neerabup and Nowergup is Cottesloe Complex Central-South (BFSs 290 and 293 respectively).

In Table 4 of EPA's Guidance for the Assessment of Environmental Factors No 10, 2003, Levels of assessment for proposals affecting natural areas within System 6 Region and Swan Coastal Plain portion of the System 1 Region, state the Cottesloe Complex Central-South remaining would appear to be 41.1%.

Therefore, the question must be asked, why Bush Forever Site 290 remains, when the whole of the site is covered by mining leases including M70/141 held by Cockburn Cement. These mining leases are approved and most, including M70/141, have approved Notices of Intent that include permission to clear.

Bush Forever Site 290, whilst constituting a relatively large area, will ultimately be covered by rehabilitation of native species following the approved excavation. It will not be linked to other areas of native vegetation to the south and its continued nomination should be reconsidered.

The lack of recognition of mining tenements and of SPP 2.4 in Bush Forever has probably arisen, and been perpetuated because these issues were not listed in Bush Forever, 2000, Volume 2 for Sites 290, 384 and 381.

1.6 BFS 290 insofar as it relates to M70/141 should be amended. M70/141 is subject to existing approved limestone quarries. The extent of BFS 290 should be amended to reflect this.

1.7 Map 1 to SPP 2.8 indicates a BFPA for the whole of BFS 381 and further indicates that the whole of BFS 381 is Bush Forever Reserve (proposed or existing). This is inconsistent with proposal 67 in MRS Amendment 1032/88, which recognises M70/140 and M70/142 as being out side the Bush Forever Reserves.

1.8 Cockburn objects to provision 5.2.2 (vii) of SPP 2.8. It would be beyond the power of the Commission or any other body to require by way of a condition on subdivision or development ceding of an area on Cockburn's land, in addition to public open space.

1.9 It is interesting that approximately only ten percent of privately owned land within Bush Forever will be reserved as part of these measures. The policy documents are ambiguous as to whether and to what extent further areas will be reserved, as opposed to being left in the hands of the owner. If the land is reserved, a clear route for the
payment of compensation and the purchase of the land by the State exists. If the land is left in the hands of the owner, then no statutory compensation is payable.

Statutory authorities cannot, however, take land without paying compensation. 'Take' in this context includes sterilisation by regulation. They do not have the power and in any event regulatory measures which effectively take could give rise to compensation claims.

1.10 Cockburn only supports the reservation of a conservation area on its land, for example Lake Neerabup, on the basis that it can claim compensation under the usual statutory processes relating to reservations. However, Cockburn's main concern is not receiving compensation, it is the guaranteed access to areas of high quality limestone. Cockburn submits that the management of conservation issues and access to high quality limestone must be considered at the appropriate time in a strategic manner, as part of a comprehensive land access package which takes into consideration all land access issues -- conservation being only one aspect of that process. In the meantime, the piecemeal conservation of various aspects of Cockburn's land assembly, is premature and may not result in the most sustainable approach.

1.11 Cockburn opposes the approach in the amendment of planning a statutory overlay on existing development or similar zoning on the basis that these overlays amount to reservation by another name and that the approach taken may be perceived as an endeavour to avoid paying compensation. This measure is doomed to fail because of landowners' right to compensation at common law.

1.12 Cockburn submits that there needs to be a rationalisation of the NPS process and the environmental impact assessment process under Part IV of the Environmental Protection Act (EP Act). Both industry and government spend a significant amount of time and resources engaging in the NPS process. Much of this time, if not all of this time, may be thrown away once the proposed NPS is assessed under the EP Act. The final stages of the environmental impact assessment process under the EP Act can often be dependent upon the politics of the day. Government in Western Australia has continued to make commitments to rationalise the approvals processes in this state and provide certainty to landowners and industry regarding the uses to which their land can be put through strategic planning initiatives. Unless the relationship between the NPS and the environmental assessment process under the EP Act is rationalised, NPS may become a waste of time.

1.13 If there is an inconsistency between the Bush Forever outcomes and local zoning, the MRS prevails. This means that the rights Cockburn has under the City of Wanneroo Town Planning Scheme would be overridden by the MRS and its specific provisions relating to the implementation of Bush Forever. This will have the effect, particularly in the long term, of downgrading the value of Cockburn's land.

1.14 Where there are inconsistencies, BFPA provisions override zoning provisions. Once the BFPA and its related provisions are incorporated in the MRS and the Metropolitan Region Scheme Text, local governments, under section 35A of the Metropolitan Region Town Planning Scheme Act 1959, will be required to initiate amendments to their town planning schemes within three months of gazettal of the MRS amendment, to ensure consistency with the MRS.

1.15 The reference to environmental infrastructure contributions in clause 5.2.2 (iii) is open-ended and their implementation uncertain.
1.16 The proposed obligation to prepare an Environment Effects Statement and Environmental Management Plan adds another layer of administrative burden for environmental purposes, on top of those imposed under the Environment Protection Act 1986, (Town Planning and Development Act 1928) The Clearing Regulations, and the Environment Protection and Biodiversity Conservation Act 1999 (Cth). The requirements under the Draft MRS Amendment and SPP 2.8 should be streamlined and rationalised with existing requirements.

Minter Ellison
25 November 2004
Table 1 – Land Affected by MRS Amendment 1032/88 and SPP 2.8

Freehold Land

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<th>Owner</th>
<th>Description</th>
<th>Area (ha)</th>
<th>BFS</th>
<th>MRS Zoning</th>
<th>TPA Zoning</th>
<th>BRP SPP2.4</th>
<th>Proposal under 1033/82</th>
<th>Proposal under SPP 8.2</th>
<th>Approvals</th>
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<tr>
<td>Cockburn</td>
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<td>UIRD &amp; Bush Forever Reserves</td>
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Mining Tenements

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Public submission form

Draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy and Metropolitan Region Scheme Amendment No. 1082/33

1. Name: Geoff Lewis
2. Organization (if relevant): Gray & Lewis
3. Address: Suite 5, 2 Hardy Street, South Perth
4. Interest: Representing the owner of Lot 39 Taylor Road, Forrestfield.
   (SN, A and M D'Orazio) 
   (e.g. local resident, business operator)

We would like to make the following comments on the draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8 and would like them to be considered in the preparation of the final document.

Comments:

The western portion of Lot 39 is reserved in the Metropolitan Region Scheme as Parks and Recreation (P & R) as per the attached reservation plan.

The boundary of the Special Control Area (SCA) No. 344 shown in Metropolitan Region Scheme Amendment No. 1082/33 appears to be consistent with the Parks and Recreation reservation boundary i.e. there be no increase to the Parks and Recreation reservation on Lot 39.

It is acknowledged that the reserved portion of land has a conservation category status wetland under the Draft Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004. This wetland is a seasonal swamp about 8.0 ha in size located in the north-west corner of Lot 39.

In terms of its 'bushland' qualities it should be noted that the land was cleared of native vegetation over 25 years ago. The wetland area contains some remnant vegetation with paperbark (*Melaleuca preissiana*) trees and reeds (*Juncus pallidus*) fringing the wetland. Weed and pasture species (Couch, Kikuyu and Wild Oats) dominate the bare paddock around the wetland within the Parks & Recreation reservation. (Alan Tingay and Associates and ATA Environmental have undertaken vegetation surveys of the property on behalf of the owner to confirm the wetland boundary and vegetation present.)

Whilst the land is included within Special Control Area No. 344 it is not a designated Bushforever reservation. Under Statement of Planning Policy (SPP) 2.8, the potential for subdivision (rural living/special rural) may have been possible had the subject portion on Lot 39 not been included (previously) in the Parks and Recreation reservation.

We have no specific objections in respect to SPP 2.8 or Amendment 1082/33 in so far as they relate to Lot 39 Taylor Road.

Geoff Lewis
Gray & Lewis
12 November 2004
Our Ref: 100289
12 November 2004

Draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
PERTH WA 6000

Dear Sir

DRAFT BUSHLAND POLICY FOR THE PERTH METROPOLITAN REGION STATEMENT OF PLANNING POLICY 2.8

Attached is our submission in respect to Statement of Planning Policy 2.8 and Amendment No. 1082/33.

Yours faithfully
GRAY & LEWIS

GEOFF LEWIS

cc: Mr M D'Orazio

C:\Gray\FILES 100251\100289\WA_PC-submission SPP2.8.doc
LAND RESERVED FOR
PARKS AND RECREATION
FROM JANDAKOT A.A. LOT 39

CT 1117/297

SUBJECT TO SURVEY

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26.8377ha

(48.6104ha)

496.89
Valuation Services

Your Ref: 809-2-1-77 Pt 1 & Pt 2
Our Ref: 95207
Enquiries: Mario Palandri Tel: 9429-8592 Email: mario.palandri@dli.wa.gov.au

Mr Ian Patterson
Secretary
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
PERTH WA 6000

Attention: Miss Hula Collier

METROPOLITAN REGION SCHEME AMENDMENT – BUSH FOREVER AND RELATED LANDS (BFPA)

Thank you for your request for comment on the suite of proposed amendments to the MRS and the Draft Planning Policy No. 2.8.

The proposal and associated policy affects around 52,000 ha of land in Perth Metropolitan Area and significant areas north of Perth (Wilbinga).

It is anticipated that Bush Forever will generate controversy where it impacts significantly on private ownership. There are around 300 significant bush areas identified in BFPA.

The policy also impacts on local bushland where native vegetation is located even outside a BFPA but within the Perth region.

It is also recognised that the recent ‘Dialogue with the City’ program run by DPI and the Minister was a success in producing planning aids for the City and one, which highlighted the importance to people of preserving the natural environment in the city.

Although it is understood that the identification of sites was made some time ago in previous studies the final implementation of the protection process may raise important issues.

As an indication of the bi-partisan support for conservation initiatives that are incentive based Land Tax Concessions have been legislated for these lands where certain criteria are met. This also reflects a real financial importance placed on this issue by government at the highest level.

In the BFPA and related lands value is influenced by all of the individual circumstances acting on each parcel. The degree of restrictions (or enhancements) will determine the degree of loss or gain in value. In some circumstances sales evidence has revealed that there has emerged a small market for conservation minded persons owning pristine bushlands. Overall though the market value of land is determined by its highest and best use.

Traditionally lands within metropolitan and townsites areas, held as large uncleared tracts of land were acquired with future urban potential in mind.
Smaller holdings forming individual long-term investment or part of superannuation plans may suffer a change in this status as a result of BFPA affecting them. Where BFPA sites affect these lands it is more than likely that values will have been considerably slowed in growth since the sites were identified and the planning intentions made known.

Unimproved Values (UV) – Council Rates and Land Tax

Where Bushforever sites are valued on an unimproved value (as vacant land) basis any restrictions placed on the potential of the land will reduce the value.

The circumstances that apply to individual parcels are varied depending on how restrictive the Amendment is and how the Planning Policy affects or limits its development. Any individual, negotiated planning concessions and solutions will affect these values individually (or on a holding basis). Council rates in the Perth/ Mandurah local governments are based on the gross rental value (GRV) basis rather than on the unimproved value basis unless councils specify UV’s as the basis. (See next section on how GRV’s might be affected).

Land Tax legislation has already been amended to allow concessions to owners committed to the bush conservation process. This is an advantage to those owners. The process ‘locks in’ these owners who must ensure protection until the covenant is removed. The degree of concession is still to be researched, as the Taxation Legislation still requires some policy development for its interpretation and application. On equity basis the unaffected adjacent lands may generate some potential for the unaffected owners paying Land Tax to be aggrieved and lodge valuation objections to the Valuer General or Reviews to the State Administrative Tribunal.

Gross Rental Values (GRV) – Council Rates

Council rates in the Perth/ Mandurah local governments are based on the gross rental value (GRV) basis rather than on the unimproved value basis unless councils specify UV’s as the basis.

(It is anticipated that in most instances water service rates (Water Corporation) would not be affected by these values unless services subject to value based rating are available and the properties are recognised as rateable by the authority concerned).

GRV’s will be affected if the land value is reduced if the GRV calculation is based on an assessed basis. This will occur if the improvements on the land are insignificant, non-existent or of the nature that a direct rental comparison cannot be made from market rental evidence. In this instance the capital value of the land (market) will be affected. Any reduction on this basis will affect the Council rate capture on BFPA land.

It is entirely possible then that if the local government is not compensated that the rate burden within that local government will then shift to unaffected land. A punitive shift of this nature also has the potential to encourage aggrieved owners that are subject to a greater burden to also lodge a greater number of objections to valuations for rating and taxing to the Valuer General.
Bushforever Policy Measures

Valuers will have to rely on the interpretations provided by your policies to determine restrictions and longer term perceptions and effect to the land subject of the protection areas. A consistent approach led by policy is seen as a benefit to both valuers and other property professionals. The ultimate method of acquisition or compulsory purchase and ownership of these reserves will determine the value applicable for rating purposes.

Bushforever Reserves - In the longer-term sites acquired for the Crown or for vesting in conservation authorities will not be subject to rating and valuations will not be required. In some instances values will or may be required to continue for Fire and Emergency Service finding.

Urban, Industrial or Resource Development – Depending on the type of negotiated planning and approval conditions these sites can be among the most severely affected in terms of values. Significant concessions and even compensation may be attracted to these development sites.

Industrial and Residential inglobo land areas of Perth near services are in short supply according to anecdotal evidence provided by WA Land Authority (LandCorp) and the UDIA.

The States Resources plan should also be consulted (Main Roads) especially related to extraction of resources required for infrastructure (limestone, rock, gravels and potential road/rail base) as the potential of locking up such resources on the cost of roads and other infrastructure is important to sustainable development.

Government Lands and Public Infrastructure – These are expected to be the least affected in valuation terms. Often there are however already preserved as ROS or POS.

Utilities may require additional funding if such land is held undeveloped for future corridors (rail, road and highway). Cost may be increased in order to meet strict guidelines for service placement and minimal clearing burdens (tunnelling etc).

Rural Lands – Values in rural lands will only be affected if a strong potential for alternate zoning or use is apparent or there is future encroachment of higher zonings nearby.

Genuine and continuing use farmland containing parts of BFPA most likely will be only minimally affected if at all in the short to medium term as most of these are remote from urban development potential. Areas of the Swan Valley may be an exception to this where bushland remains.

Most productive farmland within the Perth Metro Region (PMR) was ‘early selected’ and bushland has been retained only for shelterbelt or shade purposes or is located on unproductive wet or rocky ground.
Other bush areas in the PMR are generally in areas designated rural and/or have remained uncleared because they would otherwise have been unproductive or uneconomic possibly because of their geology (limestone, former pits). Its owners may perceive some of this land as 'could be' urban land if close to existing development. The values here most affected would be high value residential locations such as the western suburbs of Perth or areas near rivers (Swan Valley, Canning River) and the Ocean.

Regional Creek lines - It is unlikely that the values in these areas are going to suffer from protection areas as most would have been protected in any development by existing regional or local public planning processes as some form of parkland reservation or waterway protection. Many of these would have been identified in the original System 6 planning research many years ago.

Negotiated planning initiatives in some instances may include advantages for owners and attract additional payment by government on development for excess contribution of POS.

Valuation Policy

It is not the intention to create any specific policy related to valuation of BushForever sites. Policies already exist where treatment of bush areas affect farming and rural lands in general. It is anticipated that a more general approach will be taken with a policy developed that covers covenants and other instruments and agreements that affect the value of land either in a positive or negative manner. When this policy is drafted it may be necessary to consult with you further.

Please do not hesitate to contact me directly on 08 94298592 or Mario.Palandri@dlr.wa.gov.au if you require further information or clarification on these comments.

Yours sincerely,

MARIO PALANDRI
Manager Regulation and Valuation Research

12 November 2004
Metropolitan Region Town Planning Scheme Act 1959
Section 33 Amendment (Substantial)
FORM 6A

SUBMISSION
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Name .................................................. (PLEASE PRINT CLEARLY)
Address ..................................................
Postcode ..............................................
Contact phone number ................................
Em ail address ........................................

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

PLEAS E 62 ATTACHED

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

The Metropolitan Region Town Planning Scheme Act 1959 also provides the opportunity for people who have made a written submission to personally present the basis of their submission to a Hearings Committee.

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You do not have to attend a hearing. The comments presented by you in this written submission will be taken into account in determining the recommendation for the proposed amendment.

Please complete the following:

☐ NO, I do not wish to speak at the hearings. (Please go to the bottom of the form and sign.)

☐ YES, I do wish to speak at the hearings. (Please complete the following details. You will be contacted to arrange a time for your hearing.)

I will be represented by:

☐ MYSELF My telephone number (business hours): ...........................................

☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
Agent's name: .................................................................
Group name: .................................................................
Agent's telephone number (business hours): ...........................................
Mailing address: .............................................................

I would prefer my hearing to be conducted in:

☐ PUBLIC (with a public hearing other persons, including the media, may attend.)

☐ PRIVATE (a private hearing is conducted behind closed doors and only persons nominated by you and the Hearings Committee may attend.)

TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature ................................................................. Date .........../......../........

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7668; Email - mrs@wapc.wa.gov.au; Internet - http://www.wapc.wa.gov.au
CITY OF GOSNELLS SUBMISSION ON PROPOSED METROPOLITAN REGION SCHEME AMENDMENT NO. 1082/13 – BUSH FOREVER AND RELATED LANDS

Introduction

Council, at its meeting held on 9 November 2004, resolved to make a submission to the Western Australian Planning Commission on the proposed Metropolitan Region Scheme (MRS) Amendment 1082/33, based on the content of a staff report on the matter.

Council generally supports the broad aims and objectives of Bush Forever and acknowledges that the MRS amendment provides the statutory framework for formalising the protection of Bush Forever sites, however recognition of the following is sought:

Development Process Issues

The City of Gosnells requests that an amended Notice of Delegation be prepared and come into effect as soon as the proposed MRS Text modifications and the creation of Bush Forever Protection Areas (BFPA) are formalised. This is required in order to clarify the role of local authorities in dealing with development proposals within a BFPA.

The City questions why provision is not being made for a BFPA, once formalised in the MRS, to automatically translate into a local town planning scheme, in the same way that a MRS reserve is automatically reflected in a local scheme. It is potentially confusing for affected landowners, an unnecessary duplication of processes and a burden on Local Government to be required to initiate and progress what will essentially be identical amendments to its district town planning scheme, particularly given that the BFPA and related town planning scheme provision will overlay rather than replace the pre-existing zoning or reservation of the respective schemes.

Further guidance is required from the Commission in terms of the content of required local town planning scheme amendments.

Land Acquisition and Compensation

A significant implication of the proposed MRS amendment is that the State Government will be responsible for acquiring land that is in private ownership and to be reserved for Parks and Recreation. Council strongly advocates that affected owners in the City of Gosnells should be compensated fairly and reasonably for giving up land for conservation purposes, with values reflective of the landholdings’ location within a rapidly expanding urban context.

It is noted that the State Government is not, however, proposing to acquire privately owned land that is proposed for inclusion in a BFPA, but not for reservation for Parks and Recreation in the MRS. Neither is the Government proposing to acquire other bushland, either that which may include wetlands or other lands identified by the State Government as having conservation significance. In these cases, the burden of acquisition of land for public purposes is being passed onto local government and landowners.

It is the view of the City of Gosnells that land that is effectively quarantined from development for conservation reasons and required for public purposes should be acquired by the State Government, with landowners fairly and adequately compensated. The Amendment proposal will not deliver a system that is consistent with this view.
The MRS should reserve for Parks and Recreation all Bush Forever sites intended for protection. If this will not occur, the Government should fund acquisition through other means, rather than passing this burden onto local government and landowners.

Support is given to the recommendations of the State Parliamentary inquiry into the Impact of State Government Actions and Processes on the Use and Enjoyment of Freehold and Leasehold Land in Western Australia, particularly Recommendation 33 where the investigating Committee recommends that "the Land Administration Act 1997 and relevant planning legislation be amended to provide that an acquisition of land by the State or a local government following a claim for injurious affection under the planning legislation, is to be treated on the same terms and conditions as a compulsory acquisition of land under Parts 9 and 10 of the Land Administration Act 1997."

Further resourcing implications

Council already incurs costs in managing bushland areas and these will increase as more areas come into Council control. This generates the need for sufficient resources for bushland management, to enhance the capacity of staff involved in natural area management to effectively maintain and protect bushland areas and to develop a bushland protection strategy for the district, management plans for each BFPA site and bushland education programs. State Government support is required in these matters.

Achieving sustainable outcomes

While the protection and conservation of key bushland areas is generally consistent with the City’s Strategic Plan and other planning and environmental initiatives, the broader community implications from a land use, service provision and financial perspective need to be considered. The setting aside of land for conservation reserves will impact on the form and extent of new urban development. The reduction in developable area and the resulting loss of potential rate revenue is likely to have a bearing on the planning for and provision of infrastructure, community facilities and services and commercial opportunities. These implications are difficult to quantify need to be broadly considered in the pursuit of a sustainable urban environment.

Specific site implications

The proposed inclusion of Sutherlands Park (BF site 125) and portion of the Gosnells Golf Course (BF site 467) in a BFPA has potential implications for the City of Gosnells in satisfying future active recreation demands in the district. The environmental values of these two sites are acknowledged, however the Commission needs to recognise their importance in catering for the growing recreational demand in the area that is generated by extensive new and future urban development in Canning Vale and Southern River.

Should you require any clarification on the matters raised in this submission, please contact Simon O’Sullivan of the City Planning Department on 93913336.

Maureen Hegarty
Manager - City Planning
Public submission form
Draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8

1 Name: CITY OF GOSNELLS

2 Organisation (if relevant):

3 Address: PO BOX 662, GOSNELLS WA 6110

4. Interest: LOCAL GOVERNMENT AGENCY

(eg local resident, business operator)

We would like to make the following comments on the draft Bushland Policy for the Perth Metropolitan Region Statement of Planning Policy 2.8 and would like these to be considered in the preparation of the final document.

Comments: PLEASE SEE ATTACHED.
CITY OF GOSNELLS SUBMISSION ON DRAFT STATEMENT OF PLANNING POLICY 2.8 – BUSHLAND POLICY FOR THE PERTH METROPOLITAN REGION

Council, at its meeting held on 9 November 2004, resolved to make a submission to the Western Australian Planning Commission on the proposed Statement of Planning Policy 2.8 – Bushland Policy for the Perth Metropolitan Region (SPP 2.8).

Council generally supports the broad aims and objectives of SPP 2.8, however recognition of the following matters are sought:

1. The Policy objectives are reflective of the principles of sustainability and its measures provide a useful framework for planning assessment and decision making processes.

2. The adoption of requirements for the preparation of Statements of Environmental Effects and management plans is considered to represent a sound approach to ensuring consistent supporting information and clear management commitments are provided in association with development proposals.

3. The inclusion of criteria relating to negotiated planning solutions is also considered beneficial from a regulatory viewpoint, however the draft policy fails to address the issue of fair and adequate compensation for affected landowners. The progression of negotiated planning solutions should be the responsibility of the Commission with Local Government acting in a recommending role.

4. In the City of Gosnells it is expected that Outline Development Plans (ODPs) will be the primary mechanisms to achieve negotiated solutions and that the Plans will be likely to involve cost sharing arrangements that require developers contribute towards the cost of compensating those whose lands are required for conservation purposes. The City has led the preparation of ODPs but the ability of the EPA/DoE to override negotiated solutions or to have little regard to the vehicles that deliver these solutions is hampering the effectiveness of ODPs as a planning instrument.

5. There is a resource implication, and an inherent complexity, for the City in progressing the planning required for bushland areas. It has been the recent experience of the City of Gosnells that the process of pursuing negotiated planning solutions where urban development proposals involve significant bushland is complex, protracted and not necessarily delivering sustainable or implementable outcomes. The regulatory framework within which SPP 2.8 is to be applied and the various agencies involved clearly needs to be supportive and capable of providing such outcomes.

6. While the SPP provides for cost-sharing mechanisms to be established to distribute the cost of acquiring bushland, as is generally proposed in each of the current and draft ODPs, no guidance is provided on valuation methodologies and principles. The City remains concerned that the onus of bushland protection through acquisition is essentially passed onto those landowners who wish to develop and upon Council as administrator and banker of the cost-sharing arrangement. This exposes Council and its local community to considerable financial risk.
7. The City of Gosnells already incurs costs in managing bushland areas and these will increase as more areas come into Council control. The State Government should provide financial support to assist in the management of Bush Forever sites, which will likely involve sufficient resources for bushland management, enhancing the capacity of staff involved in natural area management to effectively maintain and protect bushland areas and to develop a bushland protection strategy for the district, management plans for each BFPA site and bushland education programs.

8. SPP 2.8 should recognise the ‘Local Government Biodiversity planning Guidelines for the Perth Metropolitan Region’ prepared by the WA Local Government Association’s Perth Biodiversity Project as the metropolitan-wide guidelines referred to in section 5.3 11(c). It is stated in section 5.3 11(h) that local bushland protection strategies forming part of a wider local biodiversity strategy will be endorsed by the Commission. The City of Gosnells has already invested considerable resources in conjunction with WALGA on the preparation of a local biodiversity strategy and seeks clarification on whether local biodiversity strategies will be endorsed in their own right and obviate the need for preparation of a separate local bushland strategy, how the WAPC will endorse these strategies.

Should you require any clarification on the matters raised in this submission, please contact Simon O’Sullivan of the City Planning Department on 93913336.

Maureen Hegarty
Manager – City Planning
To: Secretary
Western Australian Planning Commission
469 Wellington Street
PERTH W.A. 6000

Submission
METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

Name MAIN ROADS WA - (Lindsay Broadhurst)
Address
Contact phone number 923234551
Email address lindsay.broadhurst@mainroads.wa.gov.au

Submission (Please attach additional pages if required. It is preferred that any additional information be loose rather than bound)

Attach: 

TURN OVER TO COMPLETE YOUR SUBMISSION
Hearing of Submissions

The Metropolitan Region Town Planning Scheme Act 1959 also provides the opportunity for people who have made a written submission to personally present the basis of their submission to a Hearings Committee.

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You do not have to attend a hearing. The comments presented by you in this written submission will be taken into account in determining the recommendation for the proposed amendment.

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☐ MY AGENT or SPOKESPERSON (an agent may be from a local group)
  Agent's name: ........................................................................
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  Agent's telephone number (business hours): ..............................
  Mailing address: .....................................................................

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TO BE SIGNED BY PERSON(S) MAKING THE SUBMISSION

Signature .............................................................. Date 12-11-04

NOTE: Submissions MUST be received by the advertised closing date, being close of business (5.00pm) on FRIDAY 12 November 2004. Late submissions will NOT be considered.

Contacts: Telephone - (08) 9264 7777; Fax - (08) 9264 7566; Email - mls@wapo.wa.gov.au; Internet - http://www.wapc.wa.gov.au
The Secretary
Western Australian Planning Commission
Albert Facey House
469 Wellington Street
PERTH WA 6000

ATTENTION: HUIA COLLIVER

Dear Sir/Madam

METROPOLITAN REGION SCHEME AMENDMENT No. 1082/33
BUSH FOREVER & RELATED LANDS

Thank you for your letter dated 6 August 2004 inviting Main Roads to comment on the Metropolitan Region Scheme (MRS) Amendment No. 1082/33.

Main Roads has no comment to make with regards to Part B of the MRS Amendment No. 1082/33.

However, Main Roads would like to provide the following comments related to Part A of the MRS Amendment No. 1082/33 that refers to the draft Statement of Planning Policy No. 2.8: Bushland Policy for the Perth Metropolitan Region.

Approximately 660ha of road reserve is included within Bush Forever Protection Areas (BFPA), comprising about 1.3% of the total area under Bush Forever.

There are many pressures on the long-term viability of quality roadside vegetation in highly trafficked urban areas, ranging from expansion of roads and related infrastructure to illegal activities such as trampling, dumping, littering and fires. These pressures would result in a limited benefit from including narrow strips of roadside vegetation in a BFPA.

Although vegetation along roadsides adjoining significant regional bushland can provide a buffer to assist in protecting that bushland, the narrow strip of vegetation in a BFPA itself rarely forms a viable integral part of the bushland, especially where fencelines and firebreaks are established.

Roadside native vegetation already has a high level of vegetation protection via the recently introduced legislation that requires a clearing permit for most clearing activities involving native vegetation. Thus the clearing of native vegetation, particularly very significant bushland, is already well regulated and managed.

Main Roads undertakes road management activities in a way to avoid any unnecessary impact on native vegetation and specifically undertakes actions to conserve these areas, such as weed control. Responsible management of roadside vegetation assists in protecting any adjoining bushland outside the road reserve.
The draft Statement of Planning Policy No. 2.8 documentation contains numerous anomalies. For example;

- some road reserves are included but other larger well vegetated land adjacent to the BFPA are not included, eg. BFPA 385
- some BFPA boundaries are based on cadastral boundaries but others are not, eg. BFPA 288
- some roadsides are included within a BFPA while others are not, eg. BFPA 386
- land in the median between two existing road carriageways is included in some BFPA, eg. BFPA 356
- the road itself is included as part of the BFPA, eg. BFPA 308
- some roadsides included in BFPA are very narrow, eg. BFPA 440
- some have degraded vegetation, eg BFPA 294

It is evident that there are numerous instances where parts of road reserves within BFPA are clearly a mapping mistake and/or have not been adequately verified on-site.

While the draft Statement of Planning Policy No. 2.8's intent allows for the management and development of planned infrastructure within the Primary Regional Road reservation, however, some stakeholders appear to have interpreted the policy differently. Recent experiences on projects such as Hepburn Avenue Extension (BFPA 480) and Roe Highway Stage 7 (BFPA 245) have demonstrated that management of State roads and efficient and timely delivery of future road projects affected by BFPA will become much more difficult.

Also, having road reservations included within BFPA misrepresents the amount of vegetation that is actually protected by the Bush Forever strategy as there is broad assumption of development within these reservations.

Based on the reasons stated above, Main Roads request that BFPA boundaries be adjusted to exclude the Primary Regional Road reserves.

Main Roads request the Western Australian Planning Commission (WAPC) consult further on the matters outlined above, in order to resolve them prior to finalising the Statement of Policy No. 2.8. Further advice and additional evidence of the above will be provided to the WAPC following the submission closing period.

If you require any further information please contact Lindsay Broadhurst on (08) 9323 4511.

Yours faithfully

Lindsay Broadhurst
ROUTE DEVELOPMENT MANAGER
METROPOLITAN REGION SCHEME AMENDMENT NO. 1082/23
BUSH FOREVER RELATED LANDS

Thank you for your letter of 20 January 2005 requesting further advice and information in regard to our submission on the proposed Metropolitan Region Scheme (MRS) Amendment No. 1082/33 and the associated draft Statement of Planning Policy No. 2.8 Bushland Policy for the Perth Metropolitan Region (SPP).

The principal concern is that land reserved for road transport is being identified for special control areas for the purpose of conserving regionally significant bushland. This will create an ongoing conflict in purpose and impede satisfactory outcomes for both transport and conservation. Therefore a whole of government strategic approach is needed.

Bush Forever (BF) documentation identifies approximately 50,000 ha of land for conservation. Approximately 1% of this land overlaps primary road reservations, seemingly on an arbitrary basis. Main Roads supports WAPC efforts to conserve sizeable tracts of “regionally significant bushland to be retained and protected forever”. However, including roadside vegetation in BF sites presents significant problems.

In regard to the conservation purpose, it is our opinion that there is no significant practical long term benefit of including roadside vegetation within BF site boundaries. Any benefit would be small, in keeping with the narrow area of roadside vegetation. This benefit would also be fragile given the pressures on roadsides and the possibility that further infrastructure development may require clearing some of the remaining native vegetation.

In regard to the transport purpose, it is our opinion that there will be practical long term constraints in managing and further developing road infrastructure if BF site boundaries intrude into road reserves.

Remnant native vegetation in roadsides is always narrow in form, and its long-term viability in highly trafficked urban areas is subject to many pressures including those listed below. These pressures indicate the unsuitability of roadsides being included within BF sites.

- expansion of road and other infrastructure (e.g. road widening for safety, lane expansions, drainage improvements, foot/bicycle paths, signs, underground services);
- trampling, littering, illegal dumping and unauthorised burns because of easy access;
Main Roads actively manages its roadsides with the aim of protecting native vegetation. Responsible management of roadside vegetation has the added benefit of assisting in the protection of any adjoining bushland outside the road reserve.

Proposed clearing of roadside remnant native vegetation is subject to internal impact assessment and management procedures, and to statutory environmental and heritage requirements including recent amendments for clearing controls.

Under the proposed MRS Amendment and SPP, if a BF site were to include roadside vegetation then any proposed clearing would have significant statutory environmental constraints. This would probably include demands for an impact mitigation offset taking the form of purchase of some other land, despite the SPP’s provision for infrastructure development. However, recent experience is that environmental authorities will not allow land within another BF site to be used as an offset. We are approaching the situation that all regionally significant land is already identified as BF sites, so when some land is to be cleared within a BF site there is little possibility of a land offset being available that contains regionally significant similar vegetation. Regardless, the clearing of narrow areas of roadside vegetation would be most unlikely to have any significant effect on the BF site proper.

The overlap of BF sites into road reserves appears to be arbitrary when comparing various sites, and boundaries even show quite obvious errors in some instances, possibly from mapping mistakes and/or inadequate ground-truthing. Some examples of such anomalies are listed below and must be resolved prior to finalisation of the proposed MRS amendment. Maps and aerial photos are attached to demonstrate these examples.

- BF site includes low quality vegetation along roadside, e.g. BF 310, 294 (see photos).
- BF site intrudes into developed road reserve to a very minor extent, e.g. BF 440 (0.3ha).
- BF site intrudes into a developed road reserve on one side of the road, while another BF site on the other side of the road is well clear of the road reserve, e.g. BF 269 & 270.
- BF site intrudes into a developed road reserve, while another part of the site doesn't intrude into an undeveloped (uncleared) road reserve, e.g. BF 130.
- BF site intrudes into part/entire width of a developed road reserve yet excludes adjacent bushland outside road reserve, e.g. BF 385, 356.
- BF sites on either side of a developed road reserve with boundaries coincident, i.e. no intrusion, e.g. BF 269/269 and 337/339.
- BF sites on either side of an undeveloped (uncleared) road reserve with boundaries coincident, i.e. no intrusion, e.g. BF 288(part)/289.
- BF site boundaries adjusted after a road was developed and split the site. Remaining two parts now have boundaries coincident with the road reserve boundary, i.e. intrusion removed, e.g. BF 456.

I have endeavoured to outline the main difficulties that lie ahead based on the contents of the proposed MRS Amendment and SPP. In order to resolve the conflict between differing land use requirements I propose that the approach be in three parts as follows:

- Developed road reserves – For situations where there is an existing road in an infrastructure corridor, the BF site boundary should be adjusted to coincide with the road reserve boundary. This would be a simple matter and serve to clearly demark the two separate land uses and facilitate well focussed management and outcomes.
- Undeveloped road reserves – For situations where a road reserve contains no constructed road, i.e. clearing has not yet taken place, then a strategic planning review of the conflict with BF sites should be undertaken. The aim would be to adjust the BF site and/or road reserve boundaries to be coincident. Where appropriate, land offsets would be arranged in a strategic manner rather than at the time of road development. This would require close cooperation between relevant authorities and pave the way for timely delivery of road infrastructure according to government requirements.

- Future road reserves – For planning situations where road reserves are being established, the aim should be to avoid BF sites where possible, ensure that boundaries don’t overlap, and where appropriate arrange land offsets at this planning stage, rather than at the time of road development. This could be accomplished through the normal planning process and would require cooperation between authorities.

I’m sure that most stakeholders would agree that there is a need for a whole of government strategic planning approach to conservation land and infrastructure corridors. The goal must be to remove and avoid conflict in land use that arises when conservation area boundaries intrude into infrastructure corridors. This would allow government to fulfil its obligations to protect and conserve significant natural areas and to provide and protect infrastructure corridors.

Main Roads staff are available to further discuss the matters raised on this issue.

If you require any further information please contact the Acting Manager Environment Murray Limb on 9323 4254. In reply please quote file reference 28-15-103.

Yours faithfully,

Gary Norwell
EXECUTIVE DIRECTOR TECHNOLOGY & ENVIRONMENT

Enc
Great Northern Highway Road Reserve
Bush Forever Site 294
PROPOSED SPECIAL CONTROL AREA No. 1

BUSH FOREVER PROTECTION AREA - BFS268

Subject to survey.
All co-ordinates are GDA94.
All dimensions are in metres.

AUTHORISED: J. COLLEVER

DATE: 2295

SCALE 1:10000

AUTHORISED: J. COLLEVER

DATE: 2295

SCALE 1:10000