

Revised Biodiversity Incentive Strategy for Private Land in the Busselton Shire



February 2011



The Western Australian Planning Commission endorsed the *Biodiversity Incentive Strategy for Private Land in the Busselton Shire* on (date to be inserted).

Front cover photograph:

Jarrah-Marri Vegetation in very good condition meeting the Biodiversity Values Criteria.

Acknowledgements

The review and revision of the Biodiversity Incentives Strategy for Private Land in the Busselton Shire (the Strategy) would not have been possible without the assistance and support of many individuals and organisations.

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Executive Summary

The Shire of Busselton (the Shire) contains an extensive range of biodiversity values of regional, state, national and international significance. The Shire is the location of the Ramsar-listed Vasse-Wonnerup wetland and other conservation category wetlands. There is an unusually high occurrence of declared rare flora (DRF), with the majority of these being endemic to the Busselton Shire (i.e. they are not native to other parts of the world). There are some 50 different vegetation complexes (types) present within the Shire. For many of these complexes, only 30% or less of their original extent remains, making them endangered or critically endangered.

Much of the Shire has been cleared, leading to loss and fragmentation of bushland and wetland areas. Population growth and agriculture continue to put pressure on the remaining natural areas in the Shire. The majority (56%) of remnant bushland and wetland areas in the Shire are located on private property (EMRC, 2004). Thus, the involvement of private landholders is essential to the protection and effective management of the remaining biodiversity values.

In 2002, the Shire adopted the Biodiversity Incentives Strategy for Private Land in the Busselton Shire (the Strategy), in recognition of this need. This put the Shire at the forefront of biodiversity protection in Western Australia. Commencing in 2008, a review was conducted of the original Strategy and included consultation with landholders, agency stakeholders, and other interested parties. The review outcomes were documented in an Issues and Opportunities Discussion Paper (Beckwith Environmental Planning, 2008).

The purpose of the revised Strategy is:

To encourage protection and effective management of biodiversity values on private land and recognise the efforts of private landholders who choose to protect and manage biodiversity values on their property.

The Strategy offers two types of financial incentives in exchange for long-term protection and management of biodiversity values on private property. These are a Rate Rebate Incentive and a Subdivision Incentive.

The incentives are offered to encourage eligible landholders to voluntarily protect biodiversity values on their properties. Based on the review findings, the incentives were modified to make them more appealing to landholders and to reduce approval process transaction costs.

Shire vegetation mapping data indicates that approximately 1,500 properties may be eligible for the Rate Rebate Incentive, and approximately 200 properties for the Subdivision Incentive (Refer to Figures 1 and 4).

Rate Rebate Incentive

The Rate Rebate Incentive offers rate relief to eligible private landholders willing to protect and manage the biodiversity values on their property.

In exchange for entering into either (a) a voluntary conservation covenant or (b) a 10-year Rate Rebate Agreement with the Shire, a landholder can receive a 50% rate rebate proportional to the area of bushland and/or wetland protected. There are two means of securing a rate rebate.

(a) Conservation Covenant Option

Landholders who want to protect biodiversity values in perpetuity can place a voluntary conservation covenant on the remnant vegetation with either the Department of Environment and Conservation's (DEC) Nature Conservation Covenant Program (NCCP) or the National Trust of Australia (WA) (NTWA).

(b) Rate Rebate Agreement Option

If the landowner is not prepared to protect the biodiversity values in perpetuity, they can join the Department of Environment and Conservation's (DEC) Land for Wildlife Program or other program that develops a suitable native vegetation management plan for biodiversity management, with ongoing monitoring. This forms the basis for the 10-year Rate Rebate Agreement with the Shire. Participating landholders are encouraged to extend their participation beyond the initial 10-year timeframe in order to provide long-term protection of the biodiversity values.

Subdivision Incentive

The Subdivision Incentive is available to landholders of lots with particularly high biodiversity values willing to meet a set of biodiversity management measures including creation, rezoning, and covenanting of Bushland Lots.

Lots meeting the Biodiversity Values Criteria qualify for additional lots based on the following thresholds:

- For lots less than 60 ha, subdivision of one additional lot; or
- For lots 60 ha and greater, subdivision based on a ratio of one lot per 20 ha with a maximum of 3 lots in total; or
- For lots 60 ha and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 ha with a maximum of 4 lots in total.

The lot yields will minimise the potential fragmentation of viable agricultural land, whilst still providing a large enough incentive for lots that may already have subdivision potential.

In addition to meeting the Biodiversity Values Criteria, all applicants must follow all of the Assessment Guidelines and Operational Guidelines. The operational guidelines specifically require that additional boundary fence lines not be constructed through remnant vegetation. Building envelopes are to be located on already cleared areas or within areas of degraded vegetation, if no cleared land is available.

Owners of properties with high biodiversity values that clearly meet the requirements of the Subdivision Incentive criteria can follow the “fast track” approval process, provided their subdivision proposal does not negatively impact on those biodiversity values. In other cases and where the subdivision proposal may negatively impact on biodiversity values, a landholder will be required to follow an “alternate track” for approval. This track includes requirements for more detailed investigations to demonstrate biodiversity values and ensure the proposal minimises impact on the biodiversity values.

Strategy Implementation

Targets

The Strategy has established an aspirational uptake target of at least ten percent (10%) of the eligible properties for each type of incentive by the year 2014.

To encourage compliance with the conditions of the incentives, the Shire will periodically follow-up with participants in the program. The annual follow-up target is at least 25 percent (25%) of program participants.

Environmental Projects Fund

The additional rates generated by Bushland Lots created under this Strategy shall be placed in an Environmental Projects Fund to help fund the program.

Reporting

The Shire will maintain a detailed, up-to-date participant database, including records on follow-up activities and processing times for applications.

Implementation progress will be publically reported on the Shire's website in the form of an annual key performance indicator as part of the Shire's Corporate Plan. The report card will include:

- The number of participating properties
- The number of hectares under management
- Average approval times for each type of incentive
- Percentage of participating landholders receiving Shire follow-up

Landholder support

The Shire will support the efforts of private landholders to manage biodiversity values by:

- Providing information and advice on managing remnant vegetation through the Shire Environment Officers.
- Helping interested landholders not eligible for an incentive to develop a plan of action to increase the biodiversity values of their remnant vegetation to the level required to qualify for an incentive.
- Acting as a clearinghouse of information on biodiversity conservation and management through its Environment Officers, information provided at Shire offices and on the Shire's website. The Shire will also direct landholders to other organisations that provide education, advice, financial support and other assistance.

Community awareness

To raise and maintain public awareness of the Strategy, the Shire will:

- Contact landholders of properties with outstanding biodiversity values regarding potential participation in the program.
- Conduct annual community awareness campaigns through local media, the Shire's webpage, and local environmental and community groups.
- Create and regularly update a Biodiversity Management webpage linked to the Shire's website. The webpage will provide information on the Strategy and guidance on the application process. It will also provide information on other biodiversity-related plans and programs in the Shire and links to external sources of information.

Other Shire Biodiversity Initiatives

The incentives are one element of a broader suite of Shire initiatives to retain and manage biodiversity values. Other initiatives include:

- Shire of Busselton Environment Strategy (2004)
- Busselton Wetlands Conservation Strategy (2005)
- The Local Environmental Planning Strategy (currently in development)
- The Strategic Ecological Assessment of Shire Reserves (2007-2008)
- Management plans for various Shire reserves
- Natural Area Management Action Plan (currently in development)

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Acronyms

DEC – Department of Environment and Conservation

DGP – Development Guide Plan

DRF – Declared Rare Flora

EMRC – Eastern Metropolitan Regional Council

EPA – Environmental Protection Authority

FESA - Fire and Emergency Services Authority

GeoCatch – Geographe Catchment Council

NCCP –Nature Conservation Covenant Program

NTWA – National Trust of Australia (WA)

SWBP – South West Biodiversity Project

TEC – Threatened Ecological Community

WA – Western Australia

WAPC – West Australian Planning Commission

I Introduction

I.1 Background

The Shire of Busselton (the Shire) contains an extensive range of biodiversity values of regional, state, national and international significance. The Shire is the location of the Ramsar-listed Vasse-Wonnerup wetland and other conservation category wetlands. There is an unusually high occurrence of declared rare flora (DRF) with the majority of these being endemic to the Busselton Shire (i.e. they are not native to other parts of the world). There are some 50 different vegetation complexes (types) present within the Shire. For many of these complexes, only 30% or less of their original cover remains, making them endangered or critically endangered.

Much of the Shire has been cleared, leading to loss and fragmentation of bushland and wetland areas. Population growth and agriculture continue to put pressure on the remaining natural areas in the Shire. The majority (56%) of remnant bushland and wetland areas in the Shire are located on private property (EMRC, 2004). Thus, the involvement of private landholders is essential to the protection and effective management of the remaining biodiversity values.

In 2002, the Shire adopted the Biodiversity Incentives Strategy for Private Land in the Busselton Shire (the Strategy), in recognition of this need. This put the Shire at the forefront of biodiversity protection in Western Australia. Commencing in 2008, a review was conducted of the original Strategy and included consultation with landholders, agency stakeholders, and other interested parties. The review outcomes were documented in an Issues and Opportunities Discussion Paper (Beckwith Environmental Planning, 2008).

I.2 Purpose of the Incentives

The intent of the revised Strategy is:

To encourage protection and effective management of biodiversity values on private land and recognise the efforts of private landholders who choose to protect and manage biodiversity values on their property.

Two financial incentives are offered in exchange for long-term protection and management of biodiversity values: a Rate Rebate Incentive and a Subdivision Incentive. The Shire is offering the incentives to encourage eligible private landholders to voluntarily protect biodiversity values on their properties. The incentives are not intended as compensation for the cost of biodiversity management. Rather they are a mechanism for recognising the biodiversity management efforts of private landholders.

As an outcome of the Strategy review, the incentives in the original Strategy (White, 2002) were modified to increase their appeal to landholders and to reduce costs. A revised set of Biodiversity Values Criteria was developed with the participation of DEC and NTWA. This increases the likelihood that properties that qualify for a subdivision incentive will also be suitable for a covenant.

Shire vegetation mapping data indicates that an estimated 1,500 private properties may be eligible for the Rate Rebate Incentive, and an estimated 200 for the Subdivision Incentive (Refer to Figures 1 and 4).

2 Rate Rebate Incentive

2.1 About the Incentive

This incentive offers reduced property rates in return for landholders committing to specific actions to manage and protect biodiversity values on their properties. In exchange for entering into a 10-year voluntary Rate Rebate Agreement with the Shire or a voluntary conservation covenant, a landholder can receive a 50% rate rebate proportional to the area of bushland / wetland protected.

The following sections describe the options available to landholders, the conditions that must be met, and the basis on which the rate rebate is calculated. A flow diagram (Figure 2, p. 8) and checklists (Appendices B and C) have been provided to help guide landholders through the process.

2.2 Biodiversity Values Criteria

For lots fulfilling the following criteria, consideration will be given for the Rate Rebate Incentive:

1. Minimum of 5 hectares bushland in good or better condition (Table 1, p. 7); OR
2. Minimum of 2 ha of bushland where the bushland is part of a larger patch (minimum total area of 5ha in good or better condition) of vegetation and the vegetation on the abutting property is either National Park, reserve for conservation, conservation covenant or a rate rebate agreement with the Shire; OR
3. Rehabilitation projects that provide at least 50 metre wide buffer with structural integrity and density to act as a wildlife corridor connection to a viable natural area¹. The total size of the rehabilitation area and the natural area should be at least 5 hectares, and the natural area should be in good or better condition; OR
4. Bushland of at least 2 ha in good or better condition containing Declared Rare Flora (DRF) or Threatened Ecological Community (TEC) as identified by DEC (Box 1); OR
5. Conservation Category Wetlands in good or better condition².

Box 1. Definition of Terms

- **Declared Rare Flora (DRF)** have been adequately searched for and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, as identified by DEC.
- **Threatened Ecological Communities (TEC)** are communities of vegetation that have been defined by the Western Australian Threatened Ecological Communities Scientific Advisory Committee and found to be Presumed Totally Destroyed (PD), Critically Endangered (CR), Endangered (EN) or Vulnerable (VU).

These are considered the minimum criteria required to receive the Rate Rebate Incentive. However, landholders who are uncertain that the vegetation on their properties meets these

¹ Determination of a 'viable natural area' will be conducted by the Shire.

² The Conservation Category Wetland can be of any size; however, the property must be at least 2 hectares in total.

criteria or believe their remnant vegetation has special values not reflected in the above criteria should contact the Shire for an assessment.

2.3 Options and Conditions

For lots meeting the Biodiversity Values Criteria, landholders must meet the requirements specified below for each option and the guidelines in Section 2.5.

Option 1 – Conservation Covenant

Option 1 provides for a rate rebate where landholders are willing to place a voluntary conservation covenant on their property to protect the biodiversity values in perpetuity. Conservation covenants are registered on the title of a property and bind existing and future landholders to the terms of the covenant.

Box 2. Covenanting Programs

Both the DEC Nature Conservation Covenant Program (NCCP) and National Trust of Australia (WA) (NTWA) programs consist of two components: a conservation covenant and a stewardship program. For both programs, a management plan is prepared, and staff assist with the implementation of the management plan. Regular stewardship visits, management advice, and monitoring of the remnant vegetation are also provided by both programs.

- The **DEC NCCP** is a government-administered covenanting program within DEC. Covenants with DEC NCCP are accompanied by a voluntary management plan that is non-binding.
- The **NTWA** program is administered by a non-profit membership-based organisation. NTWA covenantors sign a deed of agreement that refers to the management plan. In addition, NTWA covenantors permit a caveat to be placed on the title of their properties. This is a mechanism to alert the NTWA of a forthcoming transfer of ownership and subsequent landholders of the covenant and of ongoing management relations with NTWA through the Deed. The NTWA provide ongoing stewardship (land management) advice to covenantors.

Requirements of the Landholder

- Place the bushland and/or wetlands to be protected under a voluntary conservation covenant with the NTWA or the DEC NCCP³. These covenanting agencies will develop a Management Plan for the property (Box 2).
- The rate rebate will be provided based on compliance with the terms of the covenant. It will be reviewed periodically by the Shire, with a review of the Management Plan every 3 to 5 years by the covenanting agency.

Uptake of a voluntary conservation covenant can potentially preclude a landholder from applying for the Subdivision Incentive at a later date. Landholders are advised to contact DEC and the NTWA to discuss this matter with the covenanting agency.

Option 2 – Rate Rebate Agreement

Option 2 is for landholders willing to join the Land for Wildlife or other program that develops a suitable biodiversity conservation and protection management plan and monitoring plan, and sign a 10-year Rate Rebate Agreement with the Shire.

The Rate Rebate Agreement is based on the management plan prepared for the property as part of a suitable program. Each management plan is property-specific and developed along with

³ The covenant must protect the biodiversity values of the property in perpetuity.

participation in the Land for Wildlife or other suitable stewardship program. The Management Plan is reviewed every 3-5 years through these programs. (Note: These programs offer ongoing management advice and assistance.)

Landholders are encouraged to continue protection and management of their bushland beyond the initial 10-year timeframe, and can enter into subsequent agreements to continue receiving the rate rebate.

Shire Requirements of the Landholder

- Membership in a suitable biodiversity conservation and protection program with a suitable stewardship program (Box 3).
- A signed 10-year Rate Rebate Agreement (a legal agreement) with the Shire of Busselton. By signing the agreement, the landholder agrees to carry out the actions in the Management Plan.
- The Rate Rebate Agreement must include permission for annual compliance monitoring by the Shire.

Note: The Rate Rebate Agreements are not binding on future landholders. In the event that a property is sold, the new landholder may choose to: 1) continue the previous Rate Rebate Agreement until expiry; 2) sign a new Rate Rebate Agreement; or 3) cease participation in the Rate Rebate Incentive.

Box 3. Description of a Stewardship Program

- The **Land for Wildlife Program** is a voluntary stewardship support program coordinated by DEC for landholders committed to preserving biodiversity values on their properties. Members receive bushland/wetland management and rehabilitation advice; regular visits; contact with regional officers of the program; and a detailed assessment report is prepared for the property. A management plan is developed based on the detailed assessment report, and the landholder is eligible for ongoing access to best practice management advice, biodiversity network of DEC research, educational information and workshops.

2.4 Assessment of Eligibility

A landholder who is interested in pursuing either Rate Rebate Incentive option contacts the Shire to arrange for a property assessment. The Shire Environment Officer conducts a vegetation assessment against the Biodiversity Values Criteria (Section 2.2) and advises the landholder of their eligibility.

Vegetation condition will be determined using the condition rating scale shown in Table 1.

Table 1: Condition Rating Scale Used to Assess Vegetation (Keighery 1994).

Condition	Description
Pristine	Pristine or nearly so, no obvious signs of disturbance.
Excellent	Vegetation structure intact, disturbance affecting individual species and weeds are non-aggressive species.

Condition	Description
Very Good	Vegetation structure altered obvious signs of disturbance. Disturbance to vegetation structure covers repeated fire, aggressive weeds, dieback, logging, grazing.
Good	Vegetation structure significantly altered by very obvious signs of multiple disturbances. Retains basic vegetation structure or ability to regenerate it. Disturbance to vegetation structure covers frequent fires, aggressive weeds at high density, partial clearing, dieback and grazing.
Degraded	Basic vegetation structure severely impacted by disturbance. Scope for regeneration but not to a state approaching good condition without intensive management. Disturbance to vegetation structure includes frequent fires, presence of very aggressive weeds, partial clearing, dieback and grazing.
Completely Degraded	The structure of the vegetation is no longer intact and the area is completely or almost completely without native species. These areas often described as “parkland cleared” with the flora comprising weed or crop species with isolated native trees or shrubs.

2.5 Amount of the Rate Rebate

All participants who choose the incentive receive a 50% rate rebate proportional to the area being protected under a covenant or managed under the rate rebate agreement. The minimum rebate is \$250, and the maximum is \$1,500.

Example Rebate Calculation

A 50-hectare property with 30 hectares of bushland or wetland meeting the biodiversity value criteria is the subject of a voluntary conservation covenant. The annual rates on the property in the 2008/09 financial year might have been approximately \$1,100. The rate rebate calculation is as follows:

$$(30 \text{ hectares} / 50 \text{ hectares}) \times \$1,100 \times 0.50 = \$330$$

If this figure had been less than \$250, then the \$250 minimum would apply.

The rate rebate is calculated annually to accurately reflect changes in rates over time. A worksheet has been provided in Appendix D.

2.6 How the Rate Rebate Works

1. Initial determination of compliance with the Biodiversity Values Criteria will be made by the Shire Environment Officer based on desktop information for those clearly meeting the criteria or on a site inspection.
2. Total rates are paid up front to the Shire as per normal processes. The rebate is then forwarded by December each year, provided the landholder is carrying out the activities specified in the Management Plan and has fully paid their rates.
3. Periodically the Shire may determine compliance with the Rate Rebate Agreement by conducting an on-site property assessment. The Shire will notify landholders prior to this assessment.
4. The Rate Rebate Incentive is not applicable to landholders that received a Subdivision Incentive for conservation purposes (even where a conservation covenant is in place as a

result of the subdivision). This exclusion applies to all landholders who have subdivided their property under this Strategy or incentives offered under the LNRSP or similar documents as may be prepared in the future.

5. The Rate Rebate Incentive is not available to landholders who own lots with conservation covenants entered into via the subdivision incentive process.
6. The Rate Rebate Incentive may be continued by future landholders provided that the Rate Rebate Agreement is also continued and/or the covenant remains in place.
7. In the event that the terms of a covenant or Rate Rebate Agreement are not upheld, the rate rebate shall cease.
8. Where the calculated rate rebate is below the minimum rebate offered (\$250), the landholder shall receive the minimum.
9. Where the calculated rate rebate is above the maximum rebate offered (\$1,500), the landholder shall receive the maximum.
10. The proportional areas protected by a rate rebate agreement and used to determine the rate rebate calculation shall include bushland or wetland areas with appropriate buffers as negotiated between Shire staff and landholder.
11. Rehabilitation projects must contain a planting schedule specifying plant species, provenance and density and a maintenance program with provision for replacement of lost plants and ongoing weed control. The landholder should prepare the rehabilitation project application in consultation with Shire staff or the landholder's chosen program.
12. The vegetation condition criteria used to determine the condition of an area of remnant vegetation or to categorise a particular wetland are the same as the criteria listed in Section 3.3 of this Strategy.
13. Wetland condition can change over time, thus Conservation Category Wetlands in the program are subject to periodic condition reassessment. Wetlands that have become degraded may need to be reassessed and reclassified under the DEC priority system in accordance with DEC protocol.

Checklists are provided in Appendix B and C.

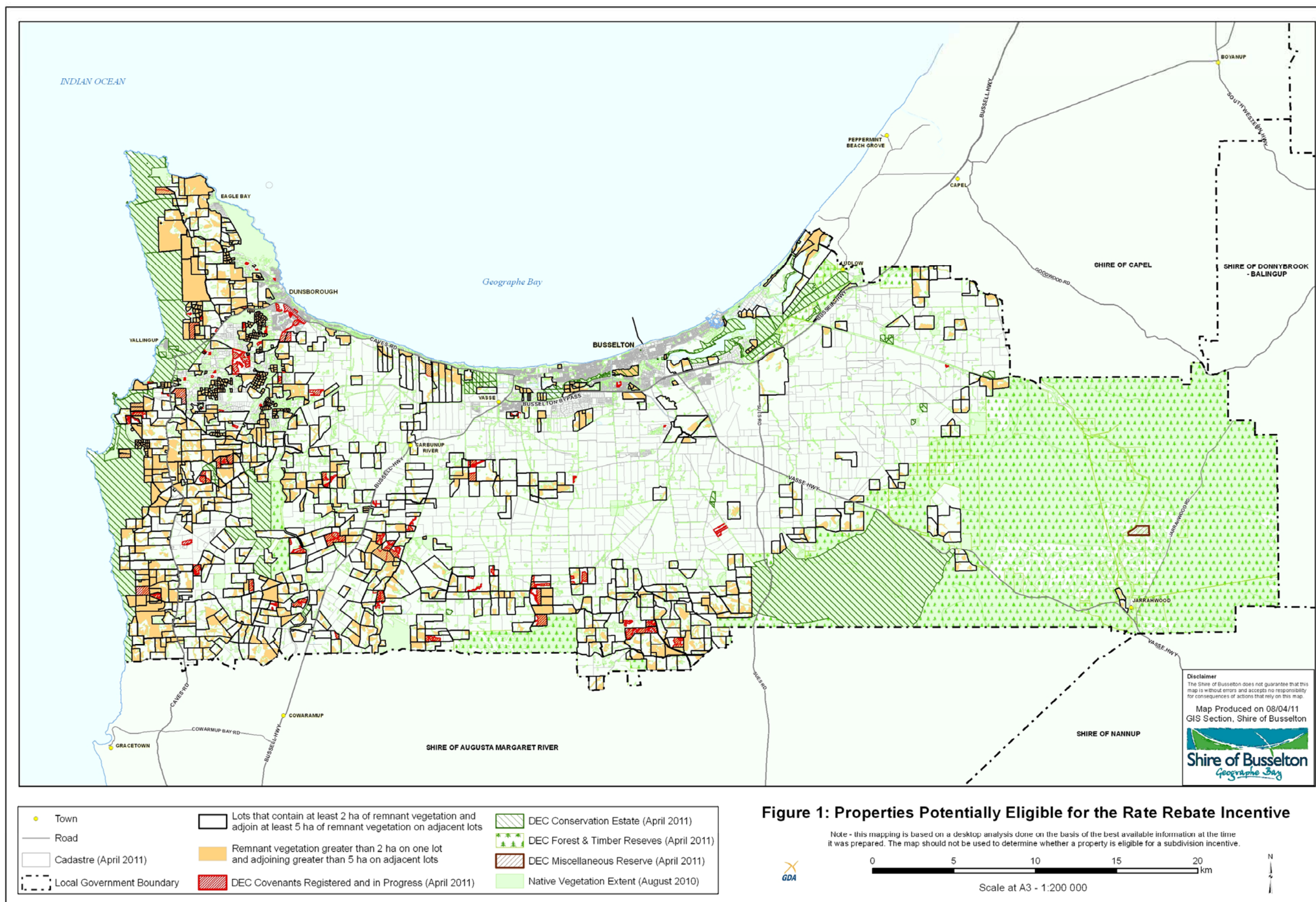
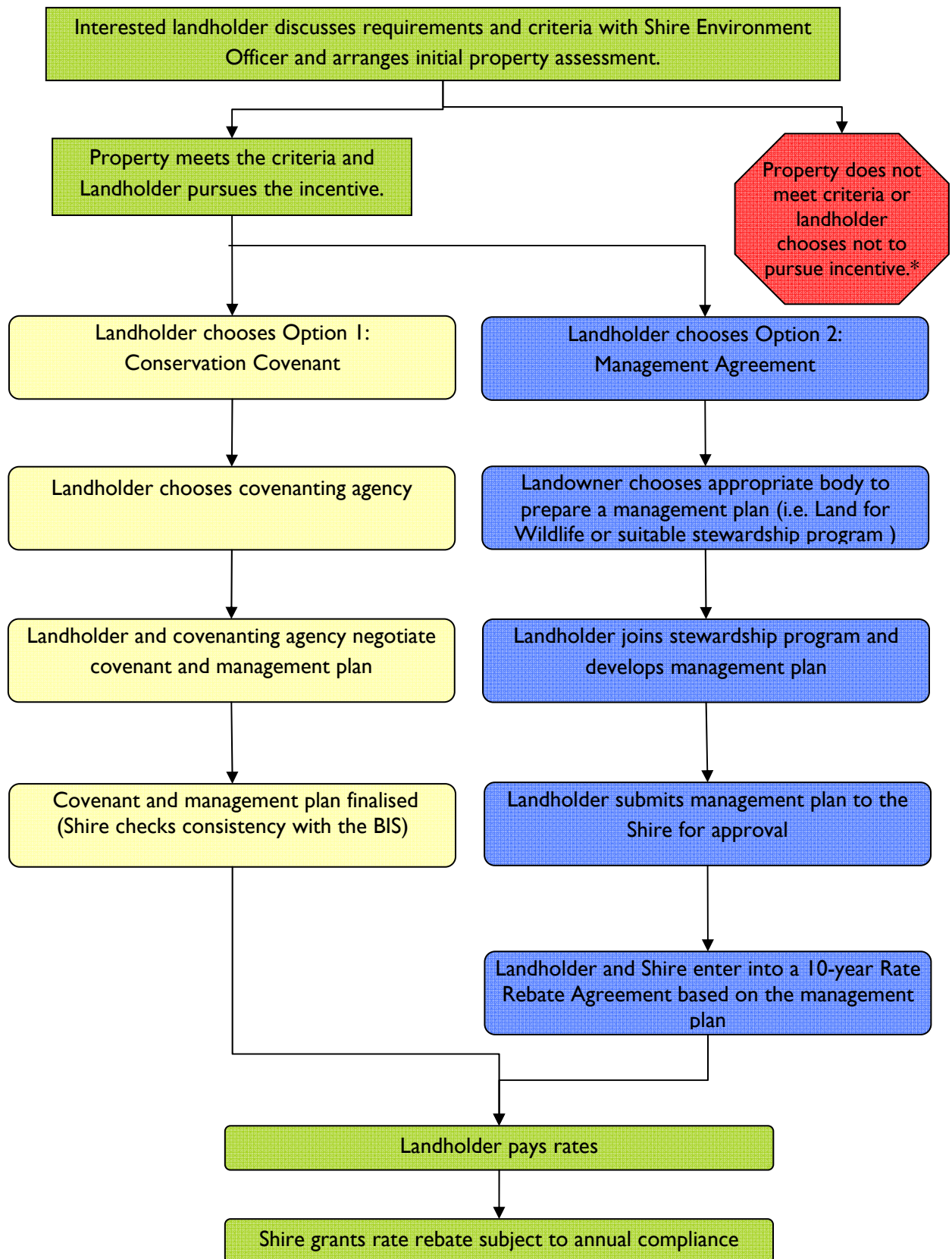


Figure 1: Rate Rebate Incentive Flow Diagram



* Not meeting the Rate Rebate Incentive criteria does not preclude participation in the Land for Wildlife or other stewardship programs.

3 Subdivision Incentive

3.1 About the Incentive

The most significant financial incentive offered is the subdivision incentive for lots with particularly high biodiversity values. The subdivision incentive is provided in exchange for protecting biodiversity values on private land in perpetuity. To qualify:

- Vegetation on the property must meet the Biodiversity Values Criteria
- All or a portion of the land must be rezoned to 'Bushland Protection Zone'; and
- The vegetation on the property that has high biodiversity values must be protected under a conservation covenant with NTWA or the DEC NCCP, which is to be registered on the Certificate of Title of the land.

All applicants must also follow all guidelines outlined in this section. A flow diagram (Figure 3) and checklists (Appendices E and F) have been provided to help guide landholders through the process.

Guidelines for the Subdivision Incentive are divided into "fast track" and "alternative track" options to guide applicants through each process.

3.2 Area of Eligibility

The incentive is available only to landholders of properties in the Shire of Busselton excluding those properties located in the following areas:

- The Principal Ridge Protection Area (LNRSP);
- The Ridge Landscape Amenity Area (LNRSP);
- Parts of the Agriculture and Rural Landscape Area (as per LNRSP – LUS4.13); and
- Study area of the Busselton Wetlands Conservation Strategy (2005).

In relation to other State based planning policy, the incentive does not extinguish the opportunity for eligible landowners within the Shire from using *Development Control Policy 3.4 Subdivision of Rural Land* to achieve a conservation based subdivision outcome, in accordance with that policy.

3.3 Biodiversity Values Criteria

As shown in Figure 3 landholder applications for the Subdivision Incentive can follow one of two approval pathways - a "fast tack" or an "alternate track".

Fast Track

The fast track is a lower cost and shorter approval process. To be eligible for the fast track, a property must have:

- 20 or more hectares of remnant vegetation that is classified as 'good' or better condition, and a subdivision design that does not impact on biodiversity values and the bushland.
- 10 or more hectares of remnant vegetation that is classified as 'good' or better condition, including 4+ ha of an 'endangered' or a 'critically endangered' vegetation complex where the development proposal does not impact on biodiversity values.

- 10 or more hectares of remnant vegetation that is classified as 'good' or better condition, including or adjoining a conservation category wetland with secure tenure⁴ where the development proposal does not impact on biodiversity values.

Landholders who think they meet these criteria should contact the Shire to arrange for a vegetation assessment.

The Shire will then assess the property for vegetation complex type and condition, and advise the landholder of their eligibility. The rating scale the Shire uses to assess vegetation condition is shown in Table 1 (Section 2.4, p. 7). All Vegetation patches should be in 'Good' or better condition (Keighery 1994) and an internal certification process will be established.

Landholders meeting the above criteria do not have to commission a professional vegetation survey.

Alternate Track

Where a proposal meets the 'fast track' criteria, other than impacting on biodiversity values, the property may still be eligible for the subdivision incentive if it meets the following criteria:

- Subject to meeting sub-criterion 'A' below - 20 or more hectares of remnant vegetation that is classified as 'good' or 'better' condition; or
- Subject to meeting sub-criterion 'B' below - 10 or more hectares of remnant vegetation that will not be impacted upon by development, including fire management measures and that is classified as 'good' or 'better' condition and contains DRF, Priority Flora, TEC, a cave system with conservation values, or contains Declared Rare and Endangered Vertebrate species or their habitats of importance as identified by DEC (Listed on the DEC Declared Fauna List); or
- Subject to meeting sub-criterion 'B' + 'C' below - Less than 10 hectares may be considered, where it contains multiple outstanding biodiversity values (Box 4), and/or is contiguous with conservation estate or protected areas and/or the property is located in a regional ecological linkage or connected to a sufficiently large protected natural area (e.g. National Park). The Shire retains the right to exercise sole discretion as to the suitability of a property in meeting this criterion.

Sub-criterion 'A'

- Minimising impacts on biodiversity values and the bushland through acceptable subdivision design (refer section 3.9) supported by targeted and restricted vegetation survey.
- The survey must be undertaken by an independent and suitably qualified environmental professional and prepared in accordance with the relevant guidelines in EPA Guidance Statement No. 33 *Environmental Guidance for Planning and Development*, with the results to be presented in a vegetation assessment report. The report should include:
 - recent aerial photos of the lot;
 - photographs representing variations in vegetation quality on the subject lot;
 - indicative mapping to illustrate the locations and variations in vegetation quality across the lot;

⁴ 'Secure tenure' and 'protected areas' means public land with a suitable purpose e.g. Conservation or Landscape Protection, or private land under a Conservation Covenant. Properties that include or adjoin a resource enhancement or multiple use category wetland are also considered if they provide habitat for listed fauna. Conservation Category wetlands that have been degraded since classification are subject to reassessment and reclassification under the DEC priority system in accordance with DEC protocol.

- indicative mapping to illustrate the variations in vegetation complexes (as described by Mattiske and Havel (1998)) across the lot, with this supported by lists of dominant species identified in each vegetation complex area; and
- Global Positioning System (GPS) locations marked on aerial/map containing DRF/Priority listed species and Declared Rare Fauna locations

In cases where the Shire's assessment determines that the remnant vegetation meets the biodiversity value criteria listed above, but the proposal for subdivision and development impacts on biodiversity values, the scope of the vegetation survey, as a minimum, will need to cover the affected area. A typical example is where a building envelope is proposed in close proximity to bushland, and appropriate fire controls (i.e. fire management zones associated with protection of a dwelling) will need to be introduced to comply with fire safety standards. This aspect requires the bush/vegetation to be cleared to the required fuel load standards.

In this instance, a survey targeting the affected area for occurrences of DRF, Priority Flora, a TEC and/or Declared Rare and Endangered Vertebrate species or their habitats of importance as identified by DEC (Listed on the DEC Declared Fauna List) will need to be prepared to confirm the presence or absence thereof. An occurrence of any of the aforesaid will require the subdivision design to be modified to the extent necessary to eliminate impacts.

Sub-criterion 'B'

- Meeting the requirements of sub-criterion 'A' above, however, the vegetation survey must be undertaken for the whole of the bushland to demonstrate the biodiversity values, and prepared at the onset of the application process.
- Assessment of overall vegetation quality should be undertaken to ensure that the level of weed invasion has been accurately assessed. Flora surveys should be undertaken in spring, or as advised by DEC or Shire Environmental Officer.

Sub-criterion 'C'

- Meeting the requirements of sub-criterion 'B' above with guidance provided by the Shire and/or DEC as to which additional surveys will be required.

To demonstrate outstanding biodiversity values, the landholder can commission one or more professional surveys. These surveys may include:

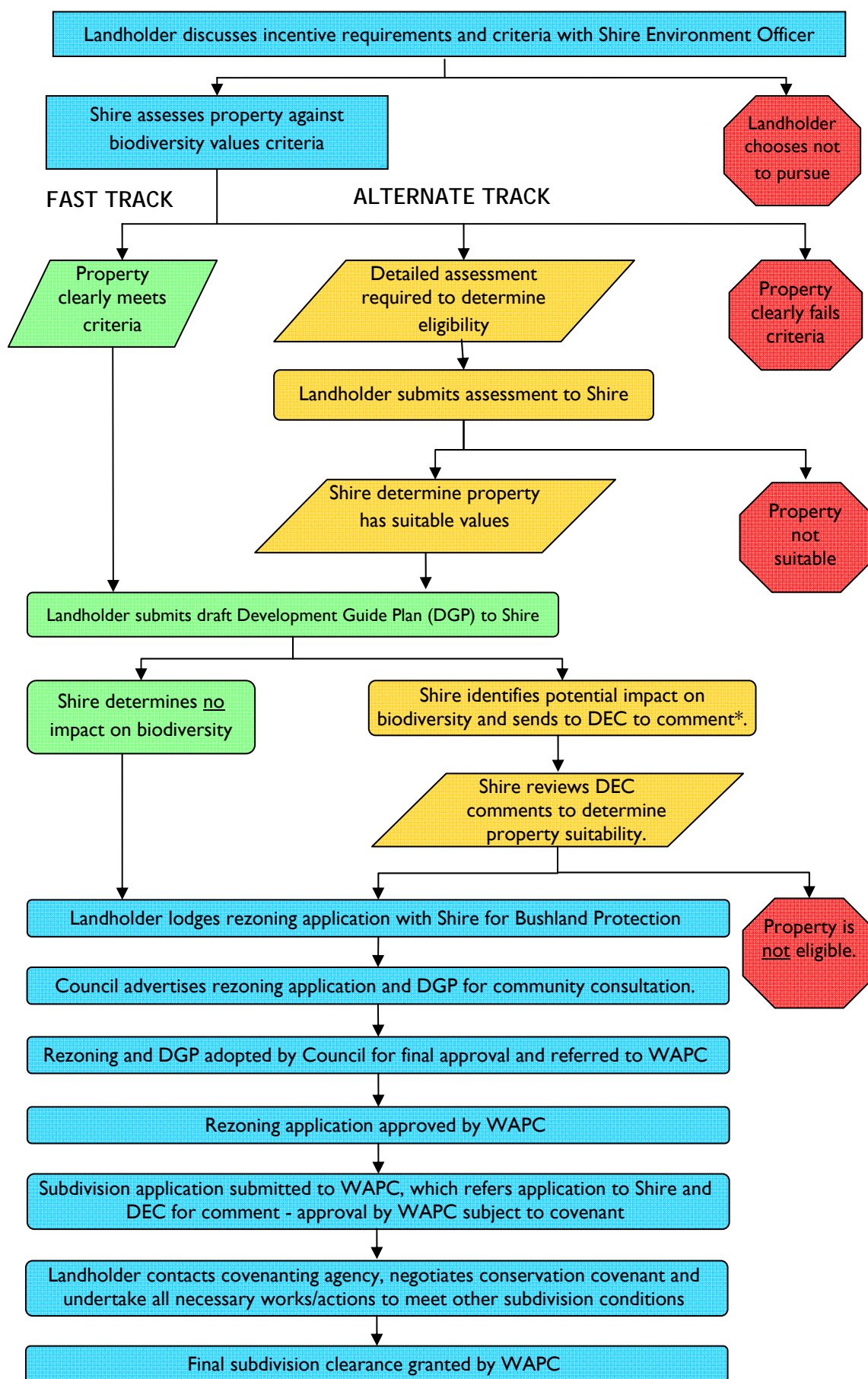
- Flora and Fauna surveys to identify outstanding biodiversity values.
- In cases where the subdivision design impacts on the bushland, flora and fauna surveys of the area(s) to be impacted. Such surveys are to be conducted in accordance with EPA Guidance Statement No. 51 *Terrestrial Flora and Vegetation Surveys for Environmental Impact Assessment in WA* and EPA Guidance Statement No. 56 *Terrestrial Fauna Surveys for Environmental Impact Assessment in WA*.
- Geotechnical surveys in areas likely to have cave systems

Box 4. What are 'outstanding biodiversity values'?

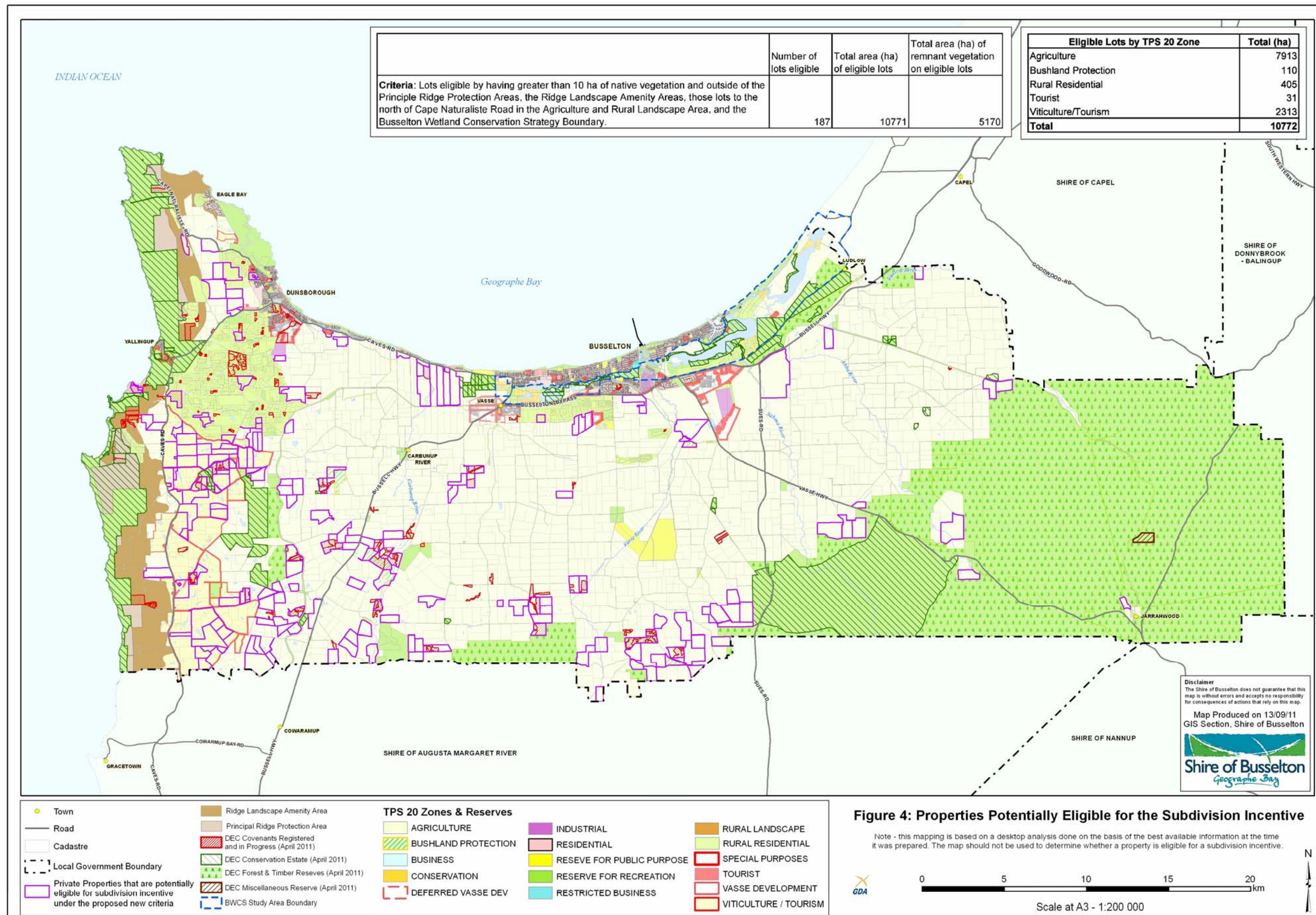
These are values which make a piece of bushland or wetland unique and merit special protection. These may include, but are not limited to, DRF, Priority Flora, Listed Fauna and associated habitats, conservation category wetlands and cave systems with conservation values (as determined by DEC) or at least 4 ha of an Endangered or Critically Endangered Vegetation Complex. Determination of such values is at the discretion of the Shire and DEC.

3.4 The Subdivision Incentive Application Process

Figure 2: Subdivision Incentive Flow Diagram



* Note: The landholder can revise and resubmit the DGP at any time during this assessment process to reduce impacts to biodiversity. The Shire and DEC will then reassess this revised DGP.



3.5 Development Guide Plan

All applicants for the Subdivision Incentive must prepare a Development Guide Plan (DGP) pursuant to clause 25 of the Shire's town planning scheme. A DGP consists of a plan and accompanying report that provides the details of the subdivision design and any special conditions. This includes the location of building envelopes, lot boundary lines, firebreaks, building protection zones, hazard separation zones, access, services and other design elements. The DGP should be to scale and overlaid on an aerial photograph of the property. Shire Planning Officers can provide landholders applying for the Subdivision Incentive with guidance on minimum requirements for the DGP and creating a design that minimises impacts.

The aim of the Strategy is to protect vegetation on private property. Subdivision designs that impact on biodiversity values are strongly discouraged under this Strategy. This includes clearing to accommodate the building envelope, access, services, or fire management. In order to maintain the biodiversity values of the remnant vegetation, a cleared area must be used for any proposed development, where available. The Shire Environment Officer will discuss options for building envelope placement during the initial property assessment. However, it is recognised that some properties may not have a cleared area available. Such lots may still qualify for the Subdivision Incentive, if the proposed subdivision design minimises impact on the vegetation and they meet the 'Alternate Track' requirements.

The Shire will forward any relevant flora, fauna and geotechnical surveys along with the DGP to DEC. Based on this information, DEC will make comment on whether or not the proposal will produce a net biodiversity gain. The intent of this Strategy is to protect biodiversity, thus proposed development must be located in areas of poorer quality vegetation and outside areas of higher biodiversity values to ensure these values are protected. The Shire and DEC will take these matters into consideration when assessing the proposal.

3.6 Potential Lot Yield

The Strategy conserves biodiversity values while allowing for existing viable agricultural land to be maintained. Where practicable, any Agricultural Lot (Box 5) created should be of sufficient size to support a sustainable agricultural use and/or should contain all of the cleared, agriculturally useful land. In some instances, though, agricultural lots smaller than what would normally be supported will be created. The Agricultural Lot does not need to be covenanted or rezoned.

Box 5. Definition of Terms for lots

- An **Agricultural Lot** is a proposed lot containing cleared land that could be suitable for agriculture, with no significant remnant vegetation, wetland or other land considered to have biodiversity value – if there is any land that has biodiversity value, a conservation covenant may be required to protect those biodiversity values. Agricultural lots will not be rezoned to 'Bushland Protection', but will retain their existing zoning.
- A **Bushland Lot** is a proposed lot that contains all significant remnant vegetation, wetland or other land considered to have biodiversity values - and a conservation covenant will be required to protect those biodiversity values. Bushland lots will be rezoned to 'Bushland Protection'.

To minimise fragmentation, the potential lot yield varies according to the size of the qualifying lot, the percentage cover of remnant vegetation and the location of the area(s) of remnant vegetation on the property. The potential lot yields under this strategy are as follows:

- For lots less than 60 hectares, subdivision of one additional lot; or

- For lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total; or
- For lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total.

To achieve the best biodiversity outcomes, lot yields will be determined based on specific property and proposal characteristics. This includes subdivision boundaries, which should minimise fragmentation of the bushland. Location of development, fuel reduction, and fire protection measures should be designed to minimise impacts to the bushland. There may be instances where the higher potential lot yields cannot be achieved due to unacceptable impacts to the biodiversity values.

3.7 Covenant Requirements

Conservation covenants must cover the entire vegetated area of the proposed Bushland Lots, other than areas within identified building envelopes or that will otherwise be impacted on by development. Covenants are not required for proposed Agricultural Lots containing only cleared land set aside for the purposes of agricultural production. Covenants may, however, be required to protect vegetation located on an Agricultural Lot.⁵ This is likely to be a requirement of WAPC policy and should be considered during the design of the lot configuration. Where practical, subdivision should be configured such that it is not necessary to apply a conservation covenant to an Agricultural Lot.

Properties already protected by a conservation covenant are eligible for consideration of the Subdivision Incentive provided:

- The original covenant does not restrict subdivision;
- The covenant was not required as a condition of subdivision; and
- All criteria and requirements specified in this Strategy are met.

3.8 Rezoning Requirements

Bushland Lots created under the Strategy must be rezoned to Bushland Protection Zone. An Agricultural Lot can remain in its existing zone.

Table 2 below is a simplified summary of the permissible uses in the Bushland Protection Zone. Appendix G contains the provisions of the Bushland Protection Zone.

⁵ Remnant vegetation on an Agricultural Lot may not be suitable for a DEC or NTWA covenant, but may be suitable for a covenant with the Soil and Land Conservation Commissioner. These covenants can be arranged through the Department of Agriculture and Food (WA).

Table 2: Permitted Uses – Bushland Protection Zone

Use	Bushland Protection Zone Allowance
Agriculture	AA (in cleared areas only)
Bed and Breakfast	SA (in cleared areas only, within approved single house only and within building envelope)
Cottage Industry	SA (in cleared areas only and within building envelope)
Home occupation	P (within building envelope)
Recreation Agriculture	P (in cleared areas only)
Residential Enterprise	SA(within building envelope)
Single House	P* (Subject to Council approval with amendment of clause 86 to include the 'Bushland Protection' zone and within building envelope)

Table Definitions: (Follows on next page)

AA – Subject to Council Approval

SA – Subject to Council Approval and Public Advertising

P – Permitted Use

3.9 Operational Guidelines, Terms and Conditions

In addition to the terms and conditions discussed above, the Subdivision Incentive will be available only to those applicants that meet the following requirements:

Vegetation Requirements

- At least 70% of the bushland or wetland to make up the minimum area required to meet the Biodiversity Values Criteria must be consolidated in one parcel.
- Whilst proposed revegetation will not contribute toward meeting the Biodiversity Values Criteria, where there are opportunities to add to the biodiversity values of existing vegetation by revegetating cleared portions of a Bushland Lot, these opportunities should be considered when preparing the DGP. In particular, consideration should be given to revegetation of riparian zones and development of corridors linking areas of remnant vegetation.

Lot configuration

- The minimum lot size is 3 hectares and shall be configured to minimise impact on Biodiversity Values, i.e. generally located in cleared areas unless no such area is available. Advice obtained from DEC indicates that where bushland lots smaller than 5 hectares are proposed, these are unlikely to be supported for covenanting except where bushland is categorised as having multiple outstanding biodiversity values and is contiguous with off-site vegetation that meets the biodiversity value criteria.
- No additional fence lines can be created through remnant vegetation or wetlands areas. Lot boundaries can be marked by other methods (e.g. survey pegs or stakes/flags) if necessary.

Building envelopes

- Building envelopes must be identified for both Bushland Lots and Agricultural Lots.
- Building envelopes should be in a clustered form, unless based on existing buildings on the site that are isolated from each other. Alternate designs may be approved by the Shire, where impacts to the biodiversity values are minimised, but when they are located in bushland, building envelopes must be clustered, unless it can be demonstrated that an alternative arrangement would have no greater impact on biodiversity values than would the lowest impact, potential clustered approach
- A maximum of one building envelope can be created per lot, but a 'split' building envelope may be considered to accommodate existing non-habitable buildings and where the location

of the dwelling in another part of the lot, taking into consideration fire management requirements, may result in less overall impact on biodiversity values.

- Building envelope size must be minimised when located within the bushland to be covenanted. Within covenanted bushland, building envelopes may be up to a maximum of 1,500 square metres. Larger building envelopes within the bushland to be covenanted will only be considered where the existing extent of the development exceeds 1,500 square metres.
- Larger building envelopes that have no impact on biodiversity values may be considered where they also have no impact on landscape values and the other relevant matters set out in the Scheme.
- Where possible and where it will have no impact on biodiversity values, building envelopes should be located so as to minimise the potential impact from nearby agricultural activity (in terms of noise, spraydrift etc.).

Access

- Wherever possible, access ways must be located along existing firebreaks or cleared areas.

Fire Management

- Landholders must engage appropriately qualified and experienced fire consultants to prepare a Bush Fire Management Plan for the property consistent with relevant fire management policies and prepared in consultation with the Fire and Emergency Services Authority (FESA) and/or the Shire Fire Control Officer.
- Where land adjoins DEC managed lands or is proposed to be covenanted, the Fire Management Plan is to be prepared in consultation with DEC.
- Fire management should not impact on the biodiversity values of the remnant vegetation whenever possible. This will include a requirement for higher construction standards to minimise the impact of fire management on biodiversity values where necessary. If fire management requirements impact on these values, the landholder will be required to follow the 'alternate track'.
- The Bush Fire Management Plan must be presented with the rezoning application for consideration (i.e. this is to be provided up front rather than being required as a condition of subdivision approval).

Weed and Pest Management

- Landholders must prepare a Weed and Pest Management Plan for the lot.
- Where it is considered necessary for assessment of the application, a Weed and Pest Management Plan may be required at the time of the rezoning application. Alternatively, it may be required as a condition of subdivision.

Exclusions

- Proposals that involve protecting only a portion of a remnant, with the remainder being cleared or excised from the covenant and rezoning area, will not qualify for the Subdivision Incentive.
- The Subdivision Incentive applies to the lot in total and cannot be applied to individual remnants on one lot.

Landholders must also consider the provisions of the Bushland Protection Zone when preparing their DGP.

4 Implementation of the Strategy and Landholder Support

4.1 Implementation of the Strategy

A carefully designed implementation program will help the Shire demonstrate progress on biodiversity protection and identify areas that need additional focus or adjustments. Implementation of the Strategy will include the following actions:

Targets

Success will be measured on the basis of the following aspirational targets:

- At least five percent (5%) of the eligible properties for each type of incentive will take up an incentive by the year 2014.
- An additional 150 hectares will be protected under a conservation covenant or Rate Rebate Agreement in the next five (5) years.
- To encourage compliance with the conditions of the incentives, the Shire will periodically follow-up with participants in the Rate Rebate program. The Shire will follow-up with at least twenty five percent (25%) of Rate Rebate program participants on an annual basis.
- 'Fast track' Subdivision Incentive applications should, on average, and if there are no changes to the proposal at a later date, and no impacts on bushland, move through the process in 12 months or less, to the point of subdivision conditions being set. (At that point, landholders are then given three years to comply with these conditions before the final approval is given and conditions are cleared by WAPC.)

Environmental Projects Fund

- The additional rates generated by Bushland Lots created under this Strategy shall be placed in an Environmental Projects Fund to help fund the program.

Reporting

The Shire will maintain a detailed, up-to-date participant database, including records on follow-up activities and processing times for applications.

Implementation progress will be publicly reported on annually as a Key Performance Indicator for the Environmental Planning activity area. The reporting will include:

- The number of participating properties for each incentive
- The number of hectares under management via conservation covenants and management agreements
- Average approval times for each type of incentive
- Percentage of participating landholders receiving a Shire follow-up.

Raising and Maintaining Awareness

To raise and maintain public awareness of the Strategy, the Shire will:

- Contact landholders of properties with outstanding biodiversity values regarding potential participation in the program.
- Conduct annual community awareness campaigns through local media, the Shire's webpage, and local environmental and community groups.
- Create and regularly update a Biodiversity Management webpage linked to the Shire's website. The webpage will provide information on the Strategy and guidance on the application process. It will also provide information on other biodiversity-related plans and programs in the Shire and links to external sources of information.

4.2 Landholder support

The Shire will support the efforts of private landholders to manage biodiversity values by:

- Providing information and advice on managing remnant vegetation through the Shire Environment Officers.
- Helping interested landholders not eligible for an incentive, to develop a plan of action to increase the biodiversity values of their remnant vegetation to the level required to qualify for an incentive.
- Acting as a clearinghouse of information on biodiversity conservation and management through its Environmental Officer, information provided at Shire offices and the Shire's website. The Shire will also direct landholders to other organisations that provide education, advice, financial support and other assistance.

For industry participants of the program (e.g. wineries, tourist operators, etc.) and those industries that focus on biodiversity conservation objectives (e.g. ecotourism operators, wildlife rehabilitators), the Shire will provide recognition of their efforts. This may take the form of signage on the property, direction to potential environmental awards, or letters of support for businesses seeking environmental awards.

5. Other Biodiversity Initiatives

The incentives are one element of a broader suite of Shire initiatives to retain and manage biodiversity values. Other initiatives include:

- Shire of Busselton Environment Strategy (2004)
- Busselton Wetlands Conservation Strategy (2005)
- Shire of Busselton Local Environmental Planning Strategy (currently in development)
- The Strategic Ecological Assessment of Shire Reserves (2007-2008)
- Management plans for various Shire reserves
- Natural Area Management Action Plan (currently in development)

This Strategy is a starting point for landholders interested in biodiversity conservation on their properties. The Strategy is only one element of the broader biodiversity conservation strategy in the Shire. The incentives in this Strategy are not suitable for all landholders or all properties. However, other options for protecting biodiversity are available in the Shire. For example, additional monetary and non-monetary incentives are offered through local landcare and catchment groups (e.g. GeoCatch).

Regulatory protection of natural areas also exists. For example, regulatory protection of remnant bushland is provided at the state level through the 2004 amendments to the *Environmental Protection Act 1986* which strengthened clearing regulations. In addition, three state-level policies offer additional subdivision rights to landholders to protect biodiversity values:

- Statement of Planning Policy 6.1 Leeuwin-Naturaliste Ridge (1998)
- DC 3.4: Subdivision of Rural Land (2008)
- Busselton Wetlands Conservation Strategy (2005)

The Biodiversity Incentives Strategy is inconsistent with the Busselton Wetlands Conservation Strategy (which sets out an alternative range of incentives). The Busselton Wetlands Conservation Strategy is a higher order planning document than the Biodiversity Incentives Strategy. Therefore the Biodiversity Incentives Strategy applies throughout the Shire other than the area subject of the Busselton Wetlands Conservation Strategy.

The Strategy is, however, generally consistent with the other two documents referenced above, with the main exception of more conservative incentives offered, with respect to potential lot yield, to properties located in the 'Principal Ridge Protection Area' in SPP6.1. SPP6.1 is a higher order planning document and would therefore prevail where any inconsistencies arise between the documents.

6. References

- Beckwith Environmental Planning. 2008. Review of the Shire of Busselton's Biodiversity Incentives Strategy: Issues and Opportunities Discussion Paper. Perth, Western Australia.
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- Eastern Metropolitan Regional Council (EMRC). 2004. Shire of Busselton Environment Strategy. EMRC Environmental Services. Belmont, Western Australia.
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- Government of Western Australia. 2008a. Development Control Policy 3.4: Subdivision of Rural Land. Western Australian Planning Commission. Perth, Western Australia.
- Keighery, B.J. (1994) Bushland Plant Survey: A Guide to Plant Community Survey for the Community. Wildflower society of WA (Inc), Nedlands, WA.
- Molloy, S., O'Connor, T., Wood, J., Wallrodt, S. 2007. Addendum for the South West Biodiversity Project Area. Adapted from: Del Marco, A., Taylor, R., Clarke, K., Savage, K., Cullity, J. and Miles, C. (2004) Local Government Biodiversity Planning Guidelines for the Perth Metropolitan Region. Western Australian Local Government Association and South West Biodiversity Project. Bunbury, Western Australia.
- Molloy, S., Wood, J., Hall, S., Wallrodt, S and Whisson, G. 2009. South West Regional Ecological Linkages Technical Report, Western Australian Local Government Association and Department of Environment and Conservation, Perth.
- Mattiske, E.M & Havel, J.J. (1998). Vegetation mapping in the South West of Western Australia. Dept of CALM. Perth.
- Mattiske Consulting Pty Ltd. 2008. A Review of the Biodiversity Incentives Strategy for Private Land in the Busselton Shire biodiversity criteria final. Dated August 2008. Kalamunda, Western Australia.
- Serbruyns, I. and S. Luyssaert. 2006. Acceptance of *sticks, carrots and sermons* as policy instruments for directing private forest management. *Forest Policy and Economics*, 9(3), pp. 285-296.
- Shire of Busselton. 1999. Shire of Busselton District Town Planning Scheme No 20. Busselton, Western Australia.
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Glossary

Agricultural Lot: For the Subdivision Incentive, this refers to the proposed lot containing cleared agricultural land, with no portion of remnant vegetation or wetland which was included when assessing the property against the Biodiversity Values Criteria.

Biodiversity: This refers to the variety of all life forms – the different plants, animals and micro-organisms, the genes they contain, and the ecosystems of which they form a part.

Biodiversity Values Criteria: These are the minimum criteria required to receive the Rate Rebate Incentive or the Subdivision Incentive. The criteria are based on the size and condition of bushland and/or wetland on the landholder's property.

Bushland Lot: For the Subdivision Incentive, the proposed lot that contains any portion of remnant vegetation or wetland fitting the Biodiversity Values Criteria.

Cave Systems with Conservation Values: Cave systems considered by DEC and the Shire as having conservation values.

Conservation Category Wetlands: A wetland which:

- Has been listed as a Wetland of International Importance under the Ramsar convention.
- Is protected by the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 or subsequent similar policies prepared by the Environmental Protection Authority WA.
- Has been identified by the Department of Water or the DEC (or, previously, the Waters and Rivers Commission) as a Conservation Category wetland.

Conservation Covenant: A conservation covenant is a voluntary legal agreement between a landholder and an authorised body (e.g. DEC or NTWA). The covenant helps a landholder protect all or part of their property for conservation purposes. Conservation covenants are registered on the title of a property and bind existing and future landholders to the terms of the covenant in perpetuity.

Critically Endangered Vegetation Complexes: These are vegetation types of which only 10% or less of the pre-clearing vegetation extent remains.

Declared Rare Flora (DRF): These are flora that have been adequately searched for and are deemed to be in the wild either rare, in danger of extinction, or otherwise in need of special protection, as identified by DEC.

Development Guide Plan (DGP): This is the plan that outlines a landholder's proposed subdivision design (e.g. building envelope placement, access roads, etc.). It includes both a map and an accompanying report.

Endangered Vegetation Complexes: These are vegetation types of which only 30% or less of the pre-clearing vegetation extent remains. Thirty percent is the threshold level at which species loss appears to accelerate exponentially at an ecosystem level.

Local Ecological Linkages: Ecological linkages are a series of (both contiguous and non-contiguous) patches of native vegetation which, by virtue of their proximity to each other, act as 'stepping stones' of habitat which facilitates the maintenance of ecological processes and the movement of organisms within, and across, a landscape. Local ecological linkages are natural areas that link

protected locally significant patches to; each other, regionally significant patches and Regional Ecological Linkages (Molloy et al. 2009).

Outstanding Biodiversity Values: These may include, but are not limited to, DRF, some Priority Flora, Listed Fauna or associated habitats, cave systems with conservation values (as determined by DEC) or Endangered and Critically Endangered Vegetation Complexes. Determination of such values is at the discretion of the Shire and DEC.

Priority Flora: These species are only known from a few sites and have not been adequately surveyed. Such flora may be rare or threatened, but cannot be considered for declaration as rare flora until such survey has been undertaken. There are three categories of priority flora covering these poorly known species (P1-P3). The categories are arranged to give an indication of the priority for undertaking further surveys based on the number of known sites, and the degree of threat to those populations. A fourth category of priority flora (P4) is included for those species that have been adequately surveyed and are considered to be rare but not currently threatened.

Regional Ecological Linkages Ecological linkages are a series of (both contiguous and non-contiguous) patches of native vegetation which, by virtue of their proximity to each other, act as 'stepping stones' of habitat which facilitates the maintenance of ecological processes and the movement of organisms within, and across, a landscape. Regional Ecological linkages are natural areas that serve to link protected patches of regional significance (as defined in Molloy et al. 2007) by identifying the best patches available as stepping stones for flora and fauna between regionally significant areas (Molloy et al. 2009). The WA Local Government Association and DEC South West Ecological Linkages project defines and identifies natural areas included in regional ecological linkages in the South West.

Threatened Ecological Communities (TEC): Communities of vegetation that have been defined by the Western Australian Threatened Ecological Communities Scientific Advisory Committee, and found to be Presumed Totally Destroyed (PD), Critically Endangered (CR), Endangered (EN) or Vulnerable (VU).

Appendices

Appendix A – Comparison of Conservation Covenanting Agencies

Attribute	DEC NCCP	NTWA
Nature of Organisation	Government agency	Membership based, non-profit organisation
Purpose of covenant	Nature conservation	Natural, cultural and landscape heritage
Type of covenant	Restrictive	Restrictive
Criteria for assessing covenant applications	Area, shape, intactness, adjacent land use, regional significance, pests/diseases, long-term viability, threatened flora/fauna, corridor function	Natural heritage: Area, shape, intactness, pests/diseases, adjacent land use, long-term viability, threatened flora/fauna, corridor function
Cost to Landholder	Voluntary covenant: no charge Conditional covenant ⁶ : No impacts – no charge; Impacts – costs recovered	Voluntary covenant – no charge Conditional covenant: No impacts – no charge; Impacts – costs recovered
Management advice	Best-practice recommendations in Management Guidelines	Positive obligations (legally binding on title) in separate Deed which includes a mutually agreed Management Plan
Covenant details flexible and negotiable	Yes, negotiated for all or part of a land title, compatible land use can be negotiated	Yes, negotiated for all or part of a land title, compatible land use can be negotiated
Stewardship Program	Yes, annual contact and triennial site visit, review of management advice	Yes, annual contact and triennial site visit, review of management advice
Staff	Covenant Co-ordinator, Technical Officer and Covenant Officers.	NTWA Covenant Coordinator & Covenant Officers
Linkages	Other government agencies, DEC networks	Other National Trust programs: education, advocacy, asset management and members
Fencing Assistance	Available to voluntary covenantors only on a case by case basis	None
Independent Legal Opinion	Voluntary covenant – yes, funded up to the value of \$500 Conditional covenant – no (“conditional” = a covenant is required to meet a condition of development)	Voluntary & Conditional Covenant – Landowner encouraged to seek independent legal advice
Management advice	Best-practice recommendations in Management Guidelines Includes assistance with funding grant applications, etc	Positive obligations in separate Deed which includes mutually agreed Management Plan Includes assistance with grant applications, plus NTWA membership
Assistance with management costs	Yes, but on a limited case by case basis, to assist with activities such as fencing, purchase of herbicide, purchase of seedlings, dieback treatment, protection for DRF's etc.	No
Assistance with land sale issues	Yes, links with the Real Estate Industry of Western Australia, Bush Brokers, Bush Bank	Yes, links with the Real Estate Industry of Western Australia, Bush Brokers, Bush Bank

⁶ A conditional covenant is one that is required to meet a condition of development.

Appendix B – Rate Rebate Checklist – Conservation Covenant Option

Applicant Checklist

Below are the steps required to receive the Rate Rebate Incentive – Conservation Covenant Option.

Rate Rebate Incentive – Conservation Covenant Option

	Action	Deliverable or Product
<input type="checkbox"/>	Contact the Shire Environment Officer to discuss your property and the incentive.	None
<input type="checkbox"/>	Visit the DEC, NCCP and NTWA Websites to learn more about each program.	None
<input type="checkbox"/>	Contact either covenanting agency if you have any questions about their program and requirements.	None
<input type="checkbox"/>	Schedule a property visit with the Shire Environment Officer.	Letter from Shire advising of eligibility
<input type="checkbox"/>	Contact, schedule property visit, and negotiate the Management Plan and terms of the conservation covenant with your chosen covenanting agency.	Draft Management Plan and Conservation Covenant
<input type="checkbox"/>	Forward the draft conservation covenant and Management Plan to the Shire for approval.	None
<input type="checkbox"/>	If covenanting your property with NTWA, negotiate and sign the Deed of Agreement and registration of the caveat on title.	Deed of Agreement and caveat on property title
<input type="checkbox"/>	Finalise and sign the conservation covenant and Management Plan.	Final Conservation Covenant and Management Plan
<input type="checkbox"/>	Pay rates annually.	None
<input type="checkbox"/>	Receive annual rebate from the Shire, subject to annual compliance.	Rate Rebate

Appendix C – Rate Rebate Checklist – Rate Rebate Agreement Option

Applicant Checklist

Below are the steps required to receive the Rate Rebate Incentive – Rate Rebate Agreement Option.

Rate Rebate Incentive – Rate Rebate Agreement Option

	Action	Deliverable or Product
<input type="checkbox"/>	Contact the Shire Environment Officer to discuss your property and the incentive.	None
<input type="checkbox"/>	Find out about stewardship programs and their suitability to the requirements of the BIS. E.g. Visit the Land for Wildlife or other suitable stewardship program and contact the program if you have any questions.	None
<input type="checkbox"/>	Schedule a property visit with the Shire Environment Officer and chosen program.	Letter from Shire advising of eligibility
<input type="checkbox"/>	Join Land for Wildlife or other suitable stewardship program.	Management Assessment (Land for Wildlife)
<input type="checkbox"/>	Develop and finalise a Management Plan with suitable stewardship program, e.g. Land for Wildlife or Best Farms, that focuses on biodiversity.	Management Plan
<input type="checkbox"/>	Submit Management Plan to the Shire.	Shire approval of Management Plan
<input type="checkbox"/>	Check and sign the 10-year Rate Rebate Agreement with the Shire.	Rate Rebate Agreement signed
<input type="checkbox"/>	Pay rates annually.	Receive annual rebate from the Shire, subject to annual compliance

Contact Information

The table below will help you contact the appropriate person to answer your question.

Issue	Contact
Rate Rebate or the Incentive Biodiversity Values Criteria Rate Rebate Agreement	Shire Environment Officer
Stewardship Program Membership Requirements for Stewardship Program Management Plan	Land for Wildlife, or other suitable program contact
Covenanted Program Criteria to Qualify for Covenant Management Plan	DEC or NTWA
Deed of Agreement or Caveat on title	NTWA

Appendix D – Rate Rebate Calculator

Rate Rebate Worksheet

Use this worksheet to estimate your rate rebate:

- A. Annual Rates: _____
B. Size of Property: _____
C. Size of Bushland and/or Wetland Protected or Managed: _____
D. Proportion of Property Protected ($C \div B$): _____
E. Rate Rebate ($D \times 0.50$)*:


* Note: If E is $\leq \$250$ then the rebate for your property will be \$250. If E is $\geq \$1,500$ then the rebate for your property will be \$1,500.

Appendix E – ‘Fast Track’ Subdivision Incentive Checklist

Applicant Checklist Subdivision Incentive – Fast Track

Below are the steps required to receive the Subdivision Incentive following the ‘fast track’. To keep the checklist simple, the rezoning and subdivision processes are not outlined in detail. To obtain detailed information on the steps required for the rezoning and subdivision process, contact the Shire Planning Officer. The Planning Officer will provide you with a package of information and one-on-one advice about the process.

Subdivision – Fast Track

Action		Deliverable or Product
<i>Phase I: Qualification</i>		
<input type="checkbox"/>	1. Contact the Shire Environment Officer to discuss your property and the incentive. Schedule a property visit with the Shire Environment Officer.	None
<input type="checkbox"/>	2. Sketch a map of your property and planned subdivision design based on the guidelines in this Strategy (Sections 3.5 to 3.9) and the provisions of the Bushland Protection Zone. (Note: This will also help you prepare your Development Guide Plan (DGP).)	Map of planning subdivision design
<input type="checkbox"/>	3. Complete the property assessment with the Shire. Discuss the map and subdivision design options with the Shire Environment Officer during the property assessment.	Letter from Shire advising of eligibility
 NOTE: If the property falls just short of the criteria and you would still like to proceed, switch to the ‘alternate track’ checklist in Appendix F. Likewise, if subdivision design <u>does</u> impact on vegetation, proceed to the ‘alternate track’ checklist. Begin on Step 6.		
<i>Phase II: Rezoning</i>		
<input type="checkbox"/>	4. Contact the Shire Planning Officer to discuss rezoning process and receive a package of information outlining the rezoning requirements and process.	Rezoning Information Package
<input type="checkbox"/>	5. Prepare a rezoning application to rezone the property to Bushland Protection. It is recommended that this be undertaken by a suitably qualified professional. Note: Shire correspondence in relation to the vegetation condition survey, confirming subdivision eligibility of the site or Consultant vegetation assessment report, to accompany the submission.	Rezoning Application
<input type="checkbox"/>	6. Submit the rezoning application to the Shire. At this point, the application: <ul style="list-style-type: none"> <input type="checkbox"/> Is reviewed by Shire planning staff and presented to Council for consideration <input type="checkbox"/> Is publicly advertised for community consultation. <input type="checkbox"/> Is referred to State Agencies for comment. <input type="checkbox"/> Is adopted by council and forwarded to DPI and WAPC. <input type="checkbox"/> Is approved by the WAPC. Note: Revisions may be required to receive approval at each stage.	Notification of Council adoption and WAPC endorsement
<i>Phase III: Subdivision</i>		
<input type="checkbox"/>	7. Contact the DPI to discuss subdivision requirements and process.	Subdivision Information Package
<input type="checkbox"/>	8. Prepare a subdivision application based on the approved DGP.	Subdivision Application

Action		Deliverable or Product
<input type="checkbox"/>	9. Submit the subdivision application to DPI. The DPI will refer the application to the Shire and other stakeholders for comment.	Subdivision Approval from WAPC, subject to covenant and other conditions.
<input type="checkbox"/>	10. Complete Phase IV requirements and subdivision condition requirements.	Clearance from the Shire
<i>Phase IV: Conservation Covenant</i>		
<input type="checkbox"/>	11. Contact your chosen covenanting agency, either DEC NCCP or NTWA. Provide them with the necessary information. Note: By meeting the Biodiversity Values Criteria and fulfilling the requirements of the Strategy, you should be eligible for a covenant.	None
<input type="checkbox"/>	12. Negotiate the Management Plan and terms of the conservation covenant with your chosen covenanting agency.	Draft Conservation Covenant and Management Plan
<input type="checkbox"/>	13. If covenanting your property with NTWA, negotiate the Deed of Agreement and Caveat on title.	Deed of Agreement and caveat on property title
<input type="checkbox"/>	14. Finalise and sign the conservation covenant and Management Plan.	Final Conservation Covenant and Management Plan

Contact Information


The table below will help you contact the appropriate person to answer your question.

Issue	Contact
Subdivision Incentive (general inquiries) Biodiversity Values Criteria	Shire Environment Officer
Rezoning requirements and process Preparation of key documents (e.g. DGP, Fire Management Plan, Weed and Pest Management Plan) Subdivision requirements and process	Shire Planning Officer Department for Planning and Infrastructure
Covenanting Program Criteria to Qualify for Covenant Management Plan	DEC or NTWA
Deed of Agreement or caveat on title	NTWA

Appendix F – ‘Alternate Track’ Subdivision Incentive Checklist

Applicant Checklist Subdivision Incentive – Alternate Track

Below are the steps required to receive the Subdivision Incentive following the ‘alternate track’. To keep the checklist simple, the rezoning and subdivision processes are not outlined in detail. To obtain detailed information on the steps required for the rezoning and subdivision process, contact the Shire Planning Officer. The Planning Officer will provide you with a package of information and one-on-one advice about the process.

Action		Deliverable or Product
<i>Phase I: Qualification</i>		
<input type="checkbox"/>	1. Contact the Shire Environment Officer to discuss your property and the incentive. Schedule a property visit with the Shire Environment Officer.	None
<input type="checkbox"/>	2. Sketch a map of your property and planned subdivision design based on the guidelines in this Strategy (Sections 3.5 to 3.9) and the provisions of the Bushland Protection Zone. (Note: This will also help you prepare your Development Guide Plan (DGP).)	Map of planning subdivision design
<input type="checkbox"/>	3. Complete the property assessment with the Shire. Discuss the map and subdivision design options with the Shire Environment Officer during the property assessment.	Letter from Shire advising of eligibility
 NOTE: If the property meets the criteria and the proposed design does not impact on the vegetation, switch to the ‘fast track’ checklist in Appendix E. Begin with Step 5. If the property falls short of the criteria or the subdivision design impacts on the bushland and you would like to proceed, continue to Step 4 on this checklist.		
<input type="checkbox"/>	4. Contact the Shire Environment Officer to confirm the vegetation surveys required to demonstrate eligibility. *If the subdivision proposal impacts on the bushland, then consider commissioning a vegetation assessment report including vegetation complexes and weed invasion, flora and fauna surveys to the relevant EPA Guidance Statement standards including.	None
<input type="checkbox"/>	5. Contact an independent qualified consultant to prepare the required surveys. These may include: <ul style="list-style-type: none"> <input type="checkbox"/> Flora and Fauna surveys on the entire patch of remnant vegetation. <input type="checkbox"/> Flora and Fauna surveys to the relevant EPA Guidance Statement standards on the areas of vegetation to be impacted by the subdivision design. <input type="checkbox"/> Geotechnical surveys in areas likely to have cave systems and impacted by the subdivision design (particularly for proposed building envelope, driveway and fire access track locations). <input type="checkbox"/> Fire Management Plan Ensure the consultancy report for these surveys includes the following and submit to the Shire: <ul style="list-style-type: none"> <input type="checkbox"/> Recent aerial photos of the lot overlayed with the DGP and fire protection measures. <input type="checkbox"/> Photographs representing variations in vegetation quality on the subject lot 	Vegetation Assessment Report and, if required, fauna assessment or geotechnical survey

Action		Deliverable or Product
	<input type="checkbox"/> Mapping to illustrate the locations and variations in vegetation quality across the lot; <input type="checkbox"/> Indicative mapping to illustrate the variations in vegetation complexes (as described by Mattiske and Havel (1998)) across the lot, with this supported by lists of dominant species identified in each vegetation complex area. <input type="checkbox"/> Indicative maps showing locations of DRF, Priority Flora, TEC, Declared Rare and Threatened Fauna locations. <p>The Shire will forward this on to the DEC if the surveys indicate outstanding biodiversity values.</p>	
	6. Shire seeks comment from DEC planning officer on biodiversity values and suitability of plan design. (Note: The Shire Planning Officer is still your point of contact during this time.)	Letter from DEC
<i>Phase II: Rezoning</i>		
<input type="checkbox"/>	7. Contact the Shire Planning Officer to discuss rezoning process and receive a package of information outlining the rezoning requirements and process.	Rezoning Information Package
<input type="checkbox"/>	8. Prepare a rezoning application to rezone the property to Bushland Protection.	Rezoning Application
<input type="checkbox"/>	9. Submit the rezoning application to the Shire. At this point, the application: <ul style="list-style-type: none"> <input type="checkbox"/> Is reviewed by Shire planning staff and presented to Council for consideration. <input type="checkbox"/> Is publicly advertised for community consultation. <input type="checkbox"/> Is submitted to DEC for comment. <input type="checkbox"/> Is adopted by Council and forwarded to DPI and WAPC. <input type="checkbox"/> Is approved by the WAPC. <p>Note: Revisions may be required to receive approval at each stage.</p>	Notification of Council adoption and WAPC endorsement
<i>Phase III: Subdivision</i>		
<input type="checkbox"/>	10. Contact the DPI to discuss subdivision requirements and process	Subdivision Information Package
<input type="checkbox"/>	11. Prepare a subdivision application based on the approved DGP.	Subdivision Application
<input type="checkbox"/>	12. Submit the subdivision application to DPI. The DPI will refer the application to the Shire and other stakeholders for comment.	Subdivision Approval from WAPC, subject to covenant and other conditions.
<input type="checkbox"/>	13. Complete Phase IV requirements and subdivision condition requirements.	Clearance from the Shire
<i>Phase IV: Conservation Covenant</i>		
<input type="checkbox"/>	14. Contact your chosen covenanting agency, either DEC NCCP or NTWA. Provide them with the necessary information. <p>Note: By meeting the Biodiversity Values Criteria and fulfilling the requirements of the Strategy, you should be eligible for a covenant.</p>	None
<input type="checkbox"/>	15. Negotiate the Management Plan and terms of the conservation covenant with your chosen covenanting agency.	Draft Conservation Covenant and Management Plan
<input type="checkbox"/>	16. If covenanting your property with NTWA, negotiate the Deed of Agreement and caveat on title.	Deed of Agreement and Caveat on property title

Action		Deliverable or Product
<input type="checkbox"/>	17. Finalise and sign the conservation covenant and Management Plan.	Final Conservation Covenant and Management Plan

Contact Information

The table below will help you contact the appropriate person to answer your question.

Issue	Contact
Subdivision Incentive (general inquiries) Biodiversity Values Criteria Vegetation survey requirements (if 'alternate track' or impacts identified in DGP)	Shire Environment Officer
Rezoning requirements and process Preparation of key documents (e.g. DGP, Fire Management Plan, Weed and Pest Management Plan)	Shire Planning Officer
Subdivision requirements and process	Department for Planning and Infrastructure
Covenanting Program Criteria to Qualify for Covenant Management Plan	DEC or NTWA
Deed of Agreement or caveat on title	NTWA

* The Shire conveys survey requirements of the DEC to the landholder. It is not necessary to contact the DEC.

Appendix G – TPS Extract

From Table 1 Zone Objectives and Policies of Shire of Busselton District Town Planning Scheme No. 20:

BUSHLAND PROTECTION ZONE
OBJECTIVES OF THE ZONE
To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.
POLICIES OF THE ZONE
<p>1. To support subdivision only where –</p> <ul style="list-style-type: none"> (a) There is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved; and (b) For lots less than 60ha, subdivision of one additional lot; and (c) For lots 60ha and greater, subdivision based on a ratio of one lot per 20ha with a maximum of 3 lots in total; and (d) For lots 60ha and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20ha with a maximum of 4 lots in total; and (e) Consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the Leeuwin-Naturaliste Ridge Statement of Planning Policy, or other similar strategy as may be endorsed by Council and the Western Australian Planning Commission (WAPC) in the future; and (f) Consistent with a Development Guide Plan approved by Council and adopted by the Western Australian Planning Commission. <p>2. There shall be a maximum of one dwelling per lot.</p> <p>3. The minimum area of a lot created pursuant to the objectives and policies of the Bushland Protection Zone shall be 3ha.</p> <p>4. To prohibit the clearing, grazing or damage to remnant vegetation on the land unless required for firebreaks identified on an adopted fire management plan; approved dwellings or associated outbuildings within building envelopes; or to allow for vehicular access to such buildings.</p> <p>5. To prohibit the clearing, draining, filling or grazing of wetlands on the land.</p> <p>6. To ensure that no further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection Zone is permitted.</p> <p>Amendment No. 42 GG 12.8.03</p>

From Part 9 Specific Rural Provisions of Shire of Busselton District Town Planning Scheme No. 20:

90. BUSHLAND PROTECTION ZONE – SUBDIVISION AND DEVELOPMENT
(Amendment No. 54 GG 12.4.05)

- (1) All development shall be contained within the approved building envelope designated for each lot on a Development Guide Plan endorsed pursuant to Clause 25. Each building envelope is to be located to the satisfaction of Council which shall, in determining such, ensure –
 - (a) Where available, a cleared area be used for the location of the building envelope;
 - (b) The preservation of remnant vegetation is maximised;
 - (c) That the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna.
 - (d) There is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and
 - (e) Maintenance of landscape values of the site and the general area;
- (2) The buildings envelope shall be a maximum of 1,500m². This building envelope area may be increased marginally subject to Council and WAPC approval where –
 - (a) An existing cleared area is present that could be incorporated into the building envelope; or
 - (b) Existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.
- (3) Not more than one dwelling house may be constructed on any allotment.
- (4) No trees or substantial vegetation may be felled, removed, damaged or grazed except for –
 - (a) Clearing associated with approved development within the building envelope;
 - (b) Maintenance of existing firebreaks;
 - (c) Establishment of vehicle access to buildings in association with approved development; or
 - (d) Removal of vegetation that is dangerous with the written approval of Council.
- (5) No agriculture or grazing shall be undertaken within vegetated or wetland areas of a lot in the Bushland Protection Zone.
- (6) Agriculture may be undertaken on cleared areas of a lot in the Bushland Protection zone only with Planning Consent, which in determining such Council shall ensure –
 - (a) There is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and
 - (b) Adequate buffers are provided between the agricultural use and vegetated areas, wetlands or watercourses. Where Declared Rare Flora is present, advice from the Department of Conservation and Land Management shall be sought in determining an adequate buffer distance.
- (7) No dams or lakes shall be developed on any lot in the Bushland Protection Zone without Planning Consent, which in determining such Council shall ensure –
 - (a) That no riparian or other vegetation is required to be removed for the dam construction; and
 - (b) That the dam shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime.

- (8) No wetlands on any lot in the Bushland Protection Zone may be filled, drained, cleared or excavated.
- (9) Liquid and solid wastes shall be disposed of on-site by means of an effluent disposal system approved by Council. Effluent disposal areas shall be set back a minimum of 50 metres from any watercourse or dam or as approved by Council. No house shall be occupied without prior approval and installation of such a disposal system.
- (10) An approved Bush Fire Management Plan shall be submitted and implemented to the satisfaction of Council and FESA. The Bush Fire Management Plan must ensure minimal disturbance to vegetation, wetlands and fauna; generally be consistent with the conservation values of the land and meet any relevant state government policies pertaining to bush fire protection.
- (11) Each dwelling house shall be provided with a supply of potable water, in the form of a water tank with a minimum capacity of 135 kilolitres and shall be linked to a suitable rainfall catchment with a surface area of not less than 150m².
- (12) Prior to subdivision, subdividers shall undertake a Vegetation Survey to identify rare, endangered or otherwise significant vegetation in the proposed building envelope and vehicle access way areas; in addition to any other area of the lot as deemed appropriate by Council; and provide for its appropriate conservation *to the satisfaction of the Department of Conservation and Land Management and Council.*

Amendment No. 42 GG 12.8.03