



CORPORATE POLICY STATEMENT NO. XX

PLANNING FOR LOCALITIES ALONG THE SWAN CANNING DEVELOPMENT CONTROL AREA

March 2022

1. OBJECTIVE

The objective of this policy is to ensure that land use, development and other permitted works, acts and activities in or affecting the Swan Canning development control area (DCA):

- maintain and enhance the ecological health, community benefits and amenity of the Swan Canning river system; and
- achieve consistent and integrated planning, decision-making and management outcomes in relation to the river system.

2. SCOPE

The Swan Canning river system is to be managed to restore and protect its ecological value, community benefit, amenity and cultural significance. The characteristics and identity of the river system change depending on the locality. To ensure planning and development consider and preserve these unique attributes, locality plans have been developed for sections along the river system as depicted in Figure 1.

This policy outlines the key principles that are addressed through the locality plans. The locality plans set out locality-specific development outcomes to be achieved within the respective parts of the river system.

This policy and the locality plans apply to land within and affecting (including visually) the DCA and work in conjunction to guide and inform development, including the use of the land and water. The locality-specific development outcomes and associated key principles are to be demonstrated as part of any planning proposal or strategic document prepared in relation to land within or affecting the DCA to achieve consistent and integrated decision-making.

This policy and the locality plans are adopted to support implementation of the *Swan and Canning Rivers Management Act 2006* (SCRM Act) and will be applied by the Department of Biodiversity, Conservation and Attractions (the department) and the Swan River Trust when determining applications and providing advice to other statutory decision-makers.

Decision-making and management authorities should have due regard to this policy and the locality plans in relation to land use and development within or adjacent to the DCA, as well as broader strategic and statutory planning that may affect the river system.

Proponents should have due regard for this policy and the locality plans when planning:

- land use changes or preparing applications for subdivision and development that are in and around the DCA or that may affect the DCA; and
- applications for works, acts and activities within the DCA.

In this policy, the Swan Canning river system means the Swan, Canning, Helena, Southern and Avon (to Moondyne Brook) rivers and includes the adjacent and nearby land areas within the DCA.

3. CONTEXT

The Swan and Canning rivers and adjacent foreshores are the centrepiece of the Perth metropolitan region. The rivers and their foreshores have significant ecological value and perform an important floodplain function. They are an important landscape feature of scenic quality, hold cultural and heritage significance to Whadjuk Noongar and other peoples and are a focus for tourism and recreation activities for residents and visitors to Perth.

The river system is subject to increasing pressures from development on the waterways, within the DCA and in the Swan Canning catchment area. There is a need to ensure development within and adjacent to the rivers aligns with the strong community desire to conserve and enhance the riverine environment, protect its amenity, and maintain and improve public access for a range of tourism and recreation activities.

Planning and management of such a regionally significant area should be made in the context of achieving consistent and integrated outcomes in relation to maintaining and improving the values of the river system and the visitor experience.

This policy and the locality plans support draft State Planning Policy 2.9 Planning for Water established under the *Planning and Development Act 2005* (P&D Act) and assist in implementing the Swan Canning River Protection Strategy. They are to be applied with the department's other Corporate policies and guidelines.

For policy measures that apply to all Western Australian waterways and additional measures and guidelines that apply to the Swan Canning river system, refer to draft State Planning Policy 2.9 Planning for Water and its associated guideline.

4. LEGISLATION

The State Government has recognised the importance of the river system by legislating specifically for its planning, protection and management through the SCRM Act. The SCRM Act establishes the Swan Canning catchment area, DCA, Riverpark and River reserve, and creates a governance, regulatory and approvals process for land use planning decision-making relating to the river system.

The department, Swan River Trust, Western Australian Planning Commission (WAPC) and State and local governments are responsible for the effective planning and management of land use and development within, abutting and affecting the waters within the DCA, at all stages of the planning process.

Under section 70 of the SCRM Act all development in the DCA is subject to approval and control. The term 'development' includes: physical development; any material change of use of land or waters; and any act or activities defined as development under the Swan and Canning Rivers Management Regulations 2007 (SCRM Regulations).

In undertaking its statutory planning role, the department typically assesses and provides advice and recommendations to the Minister for Environment regarding development in the DCA. The CEO of the department is authorised to approve certain classes of development in the DCA under section 85. The CEO is also responsible for approving other works, acts and activities declared not to constitute development or controlled for Riverpark and DCA protection by the SCRM Regulations, through a permit.

In performing its statutory planning functions, the department and the Swan River Trust also provides advice and recommendations to the WAPC, other State agencies, and local governments on a range of land use, subdivision and development proposals adjoining and affecting the DCA. These proposals are subject to control under Clause 30A of the Metropolitan Region Scheme (MRS), the P&D Act and other State legislation.

5. POLICY

The key development principles for the river system and locality plans are:

SOCIAL BENEFITS

Maintaining the river system and its setting as a community resource

- 5.1 The river system is recognised as a public resource that should be available to the whole community in perpetuity. The public's ongoing use and enjoyment of the river system is a fundamental consideration when assessing development and land use proposals that affect the river system and respective localities. Development within the DCA is to enhance the river experience, be pertinent to the river, and demonstrate a benefit to the wider community. Continuous improvements should also be made to existing development and land uses, including through strategic planning.

Securing public access to the river system

- 5.2 Public access to the waterways and foreshores should be provided for public enjoyment while protecting the river system and encouraging environmental stewardship. The location and design of accessways along the foreshores should respond to the terrain, ecological values, cultural and heritage values, and the amenity of the site and connect recreation nodes and link natural spaces. Access to the waterway should additionally be assessed in relation to safety, functional need and carrying capacity of the river system and respective locality.

Maintaining a sense of place

- 5.3 The spaces across the river system should retain their distinctive character and be reflected in the development interface to further achieve a cohesive sense of place. The distinctive river landscape and features may be detailed in the locality plans or Swan River System Landscape Description. Promote community connection to the river system by continuing design and character themes into adjacent activity centres. The essential qualities which give each locality in the river system its unique and distinctive sense of place should be protected and enhanced.

Providing opportunities for water transport

- 5.4 Potential water transport networks for commercial and public use must be recognised and taken into account in planning future land use and development within and adjacent to the river system. Proposed high-density areas or a significant public attraction may be required to provide a low-impact community jetty to facilitate water transport. Low-wash/wake ferries should be used that do not compromise riverbank stability or damage built infrastructure, impact the ecology of the area, or cause a nuisance to other river users. Lower-carbon transport options are encouraged. Water transport may not always be practical or ecologically appropriate.

ENVIRONMENTAL VALUES

Increasing climate resilience

- 5.5 Sea level rise and other variables associated with climate change, such as extreme weather events and storm surges, will affect the river foreshore and associated infrastructure. It is important to adapt current foreshore use, infrastructure and management to allow for the river system's natural 'flood retreat cycle' to occur. Unless located within urban nodes, such as Elizabeth Quay, which have been designed to minimise risk of inundation, development around the foreshore should be designed to accommodate inundation. More broadly, existing trees should be incorporated into subdivision and development plans to combat the urban heat island effect.

Protecting the natural environment

- 5.6 The river system, its waters and floodplain, sustaining vegetation, habitats and ecological values should be respected as a dynamic natural system and land use and development be responsive to these aspects and minimise impacts.

Protecting fringing vegetation

- 5.7 Vegetation that fringes the waterway serves an important environmental, stabilisation, biological, and amenity function adding value to the river system landscape for water-dependent ecosystems, wildlife and people. There is a general presumption against the clearing of foreshore vegetation unless there is a demonstrated problem such as weed invasion. Foreshore vegetation should also not be altered due to the encroachment of or to facilitate development. Areas of native vegetation associated with the river system (including the floodplain) should be protected to ensure that the river landscape and its values are maintained in perpetuity.

Creating and maintaining foreshore reserves

- 5.8 Foreshore reserves should be set aside for recreation and conservation as they are fundamental to the access, function, and management of the river system. This is a priority for the department and Swan River Trust. Foreshore reserves protect plant and animal communities and landforms, which form an integral part of the estuarine ecosystem and landscape. Foreshore reserves also allow for natural flood processes and provide a physical buffer between private land and the waterway and a place for human interaction and enjoyment.

Minimising dredging and channel disturbance

- 5.9 Dredging and disturbing the waterway channels for the purpose of development is to be avoided. However, dredging for ecological purposes, such as the re-establishment of river pools, and to maintain existing navigational channels and public boating facilities may be acceptable where adverse environmental impacts on the health of the river system are minimised and managed. Site conditions and potential secondary impacts, such as altered erosion and deposition patterns, should be understood. Filling/reclamation of the waterway channels and floodways, including temporary filling, it to be prevented.

Implementing responsible drainage management practices

- 5.10 The river system will always be the natural discharge point for overland drainage. With increasing urban pressures, drainage to the river system should be monitored and managed to avoid adverse impacts on water quality, the river environment and associated foreshores. Drainage systems should be designed in a manner that will enhance the environmental quality of the river system through the use of improved catchment management, sediment traps, nutrient interceptors and the reintroduction of natural habitats to act as buffers on river edges.

Applying appropriate water management practices

- 5.11 A water-sensitive design approach to urbanisation is to be applied around the river system addressing water sustainability, resilience and environmental protection. The urban water cycle is to be integrated with the built environment and natural landscape, providing multiple benefits to the river system. Improved water quality and wastewater management, amenity considerations, wetland buffers and natural vegetation retention are practices that should be adopted as a priority.

Rehabilitating the river system

- 5.12 Rehabilitation of the river system, including associated wetlands, floodplains, saltmarshes, and fringing vegetation is fundamental to protecting its values. It is important to maintain and progressively restore river function, the landscape, river habitat and water quality, and generally improve degraded areas of the river system. This applies to both the aquatic and terrestrial river environments.

CULTURAL AND NATURAL HERITAGE

Conserving the cultural and natural heritage of the river system and its setting

- 5.13 The river system has intrinsic value due to its natural attributes and spiritual and cultural significance. The present generation has a responsibility to ensure that the natural heritage of the river system is maintained or enhanced for the benefit of future generations. Culturally, the river system is important to Aboriginal and other peoples as images, knowledge and artefacts inherited from the past help explain where we came from as a society and guide us in respect to future engagement and management of the Derbal Yaragan (Swan River) and Dyarlgarro Beelier (Canning River). Both rivers are Registered Sites protected under the *Aboriginal Cultural Heritage Act 2021* and it is recognised that the Whadjuk Noongar culture is a vibrant living culture sustained through continuing cultural practice and ongoing access to country. Features and landscapes of cultural and natural heritage value are to be protected through the development assessment process and management of the river system. Additionally, the

traditional owners' knowledge of the river system and connection to country must be recognised.

DESIGN AND DEVELOPMENT

Promoting sensitive design and built form to complement the river landscape

5.14 Development on and adjacent to the river system should maintain and enhance the quality of the river environment. The built form should derive design inspiration from the river system landscape and be consciously planned and constructed to “add value” to the rivers and their settings. The principles for design and built form are to be structured around the following:

- Bulk, form and scale – height, form and bulk as well as siting and setback are all critical aspects of building scale. The appropriate form and scale of development vary depending on the location within the river system landscape. Massing and height of development should balance with and be in proportion to the surrounding setting and provide good amenity for people at ground level.
- Materials – an attractive and aesthetically pleasing landscape is generally attributed to the use of building and landscaping materials that harmonise with the broader setting in which they are located. Contrasting materials and elements can be introduced to emphasize design. The selection and use of external finishes and material should generally be based on materials and hues naturally occurring or predominately used in the locality. Unity in the river landscape is more attainable using materials found naturally or historically in the locality.
- Design – built form and urban design should be responsive to the surrounding setting. Design inspiration may be drawn from the social, cultural, physical and historical setting of the river system. Development is to be designed to positively contribute to the quality and character of the setting and facilitate a sense of place for all users.

Creating linkages and greenways

5.15 Linkages and greenways should form an integrated system of regional parks, conservation areas, recreation nodes and public open spaces around the river system. The rivers are a linear landscape feature with functional linkages (e.g. tributaries, creeks, drains) that connect back through the urban and rural landscape to headwaters, springs and wetlands, and to other landscape features such as the Darling Scarp, remnant bushland, and regional parks. Linkages are important:

- Biologically – providing important wildlife habitat and connections between habitats. Wildlife corridors and linkages and the movement of wildlife are essential components of maintaining biological (plant and animal) and ecological processes and the biodiversity of the river system;
- Functionally – providing for recreational space and movement by the public (pedestrians, cyclists, recreation nodes) and for natural water flows and drainage; and
- Conceptually – connecting known “destinations” evoke the community’s recognition or “sense of place” of the river system landscape.

- 5.16 Planning and development should contribute to the increased provision of a continuous foreshore reserve along the waterways to improve public access and provide connections between the ecological communities within the foreshore. In the first instance, the department and the Swan River Trust support the WAPC in acquiring land reserved under the Metropolitan Region Scheme as Parks and Recreation.

Activating the foreshores

- 5.17 The foreshores provide a network of connected activity nodes, a diversity of uses and experiences and opportunities to encourage active transport. Decisions relating to activation of the foreshores should consider the following:
- Purpose – the establishment of activity nodes occurs in a coordinated strategic manner with the management and use of the foreshore between activity nodes prioritizing passive recreation, environmental conservation and nature-based activities.
 - Design for context – development responds and adapts to environmental drivers, minimises foreshore impact and is undertaken in a coordinated manner. Development within nodes should intrinsically relate to the waterside setting and role of the node.
 - Scale – the cumulative impact of development within nodes is managed and may limit future intensification.

Locality Plans

- 5.18 The development outcomes contained within adopted locality plans are applicable in the respective part of the river system. The following locality plans should be read in conjunction with this policy:
1. Draft Blackwall Reach *Jenalup* Locality Plan
 2. Draft Melville Water *Dootanboro* Locality Plan
 3. Perth Water *Buneenboro* Locality Plan
 4. Draft Lower Swan Locality Plan
 5. Draft Middle Swan Locality Plan
 6. Draft Upper Swan Locality Plan
 7. Draft Helena River *Mandoon* Locality Plan
 8. Draft Lower Canning *Booragoon* Locality Plan
 9. Draft Upper Canning *Dyarlgarro* Locality Plan
 10. Draft Southern River Locality Plan

6. POLICY IMPLEMENTATION STRATEGIES

To implement this policy the department will:

Swan River Trust

- 6.1 Consult with the Swan River Trust when assessing proposals under Part 5 of the SCRM Act and preparing strategic documents and corporate policies and guidelines.
- 6.2 Implement delegated powers from the Swan River Trust under the MRS.
- 6.3 Keep the Swan River Trust informed of development, including permitted works, acts and activities approved within the DCA.

Planning authorities (WAPC, other State agencies, and local governments)

- 6.4 Regularly consult with relevant planning authorities when providing advice on planning proposals and assessing development and other permitted works, acts and activities in and around the DCA.

Referral agencies

- 6.5 Ensure there is a clear understanding of the role of referral agencies, how their advice will be considered in assessing proposals and 'clearing' conditions of approval.

Assessment of proposals

- 6.6 Have due regard to the contextual information provided in the *Swan River System Landscape Description* (Swan River Trust, 1997).
- 6.7 Seek appropriate advice when assessing proposals. Advice may be sought from planning authorities, referral agencies, contractors, consultants, or other stakeholders and from the department's specialist branches and regional locations. Where expertise is available from within the department it will be utilised prior to seeking advice from external parties.
- 6.8 Ensure relevant staff, contractors and consultants have the necessary qualifications, skills and expertise when assessing planning and development proposals.
- 6.9 Maintain records of discussions, advice and decisions when undertaking the department's statutory planning roles with respect to the SCRM Act in accordance with the *State Records Act 2000*.

7. CUSTODIAN

Executive Director, Conservation and Ecosystem Management.

8. PUBLICATION

This policy will be made available on the department's website and intranet.

9. KEY WORDS

Swan, Canning, river, Blackwall Reach, Helena River, Lower Canning, Lower Swan, Melville Water, Middle Swan, Perth Water, Southern River, Upper Canning, Upper Swan, development control area, conservation, development, foreshore, land use, localities, Metropolitan Region Scheme, planning policy, plans, precinct.

10. REVIEW

Further reviews will be at the discretion of the Director General, with a review undertaken after five years from the date it is signed.

11. SWAN RIVER TRUST ENDORSEMENT

Endorsed by

Hamish Beck
CHAIR

Date:

12. APPROVAL

Approved by

Mark Webb
DIRECTOR GENERAL
CHIEF EXECUTIVE OFFICER

Date:

DRAFT

FIGURE 1: SWAN CANNING RIVER SYSTEM LOCALITIES

