



**DRAFT**

**SECURING AND PROTECTING  
THE ROSS**

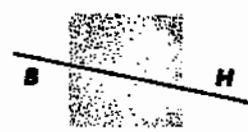
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## **EXECUTIVE SUMMARY**

**This report examines the range of proprietary (ownership-related) and regulatory (land use control) mechanisms for securing and protecting the ROSS.**

**A performance-based approach is advocated for both types of mechanisms.**

**The characteristics of the ROSS for nature conservation, catchment management, scenic amenity, cultural heritage and social value, and recreation are briefly described.**

**Objectives, performance criteria and development standards are then formulated for the ROSS based on these characteristics.**

**It is recommended that these objectives, performance criteria and development standards be used as the basis for both proprietary and regulatory mechanisms to promote the ROSS.**





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### **References**





## 1.0 INTRODUCTION

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1.1 This report has been prepared for the ROSS Unit, Department of Lands and aims to -

- Formulate objectives for each of the **ROSS values**;
- Develop **performance criteria** to ensure that land uses are compatible with **ROSS values**; and
- Identify and describe the potential **proprietary and regulatory mechanisms** available to ensure that the objectives of the ROSS are promoted and the land use performance criteria are met.

1.2 The evolution of the ROSS concept since it was first outlined in the Regional Planning Advisory Group's 'Open Space and Recreation' policy paper is briefly described in order to establish the context of the remainder of the report.

1.3 In a report of this nature, there are a number of technical terms used. These terms (which have been **highlighted in bold** in the text) are defined in a Glossary at the end of the report.



## 2.0 BACKGROUND TO THE ROSS

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### 2.1 Overview

2.1.1 The concept of a Regional Open Space System (ROSS) came out of the SEQ2001 regional planning process and is described in RPAG's 'Open Space and Recreation' policy paper and in the 'Regional Framework for Growth Management for S.E. Queensland' (May 1994). Subsequently in May 1994, the Queensland Government undertook to establish a ROSS in South-East Queensland.

2.1.2 The RPAG proposal for a ROSS envisaged:

- an extensive regional open space system;
- protection and enhancement of the conservation, cultural, recreational and landscape resources of the region;
- existing and new elements to be combined into a framework.

A ROSS concept plan was also produced, which had the following components: potential regional open space areas, proposed regional recreation parks, regional frame elements, corridors and open space core areas.

2.1.3 Since May 1994, the ROSS concept has been refined as part of the on-going planning task of refining the Regional Framework for Growth Management (RFGM).

### 2.2 Evolution of The ROSS Concept

2.2.1 The original ROSS concept was effective in illustrating certain aspects of a

future open space system and served as the basis for more detailed work.

2.2.2 The **Regional Co-ordination Committee** and the State government have subsequently endorsed the following definition of the ROSS:

"The ROSS is a spatial network of open space having regional significance, in both public and private ownership, protected by a range of mechanisms, whether proprietorial or regulatory as illustrated on the ROSS Concept Plan. In the case of proprietorial controls such as covenants, the specific voluntary agreement of landholders for inclusion of their land in the ROSS will have been obtained. In the case of regulatory controls such as zoning, land will be included in the ROSS indirectly such as through planning schemes."

The ROSS therefore has the following characteristics:

- it is an open space network;
- the open space is of regional significance;
- both public and private land may be included;
- it is protected by a range of mechanisms.

2.2.3 In advancing the ROSS beyond the initial concept phase, three steps can be identified:

- defining the area of the ROSS (mapping land with ROSS values);
- securing and protecting the ROSS (proprietorial and regulatory mechanisms); and
- developing the ROSS (development and maintenance of ROSS lands by government agencies and others).





2.2.4 A ROSS Unit has been established within the Department of Lands to assist in implementing the ROSS. Under the direction of the ROSS Unit, work is at an advanced stage on defining the area of the ROSS using the resources of a number of government agencies together with input from the Regional Organisations of Councils.

Some progress has also been made on mechanisms to protect the ROSS including the report entitled, "Implementing the ROSS through Statutory Planning" (Brannock Humphreys 1994).

This present report further explores statutory planning options detailed in the earlier Brannock Humphreys report and in addition discusses the range of proprietorial mechanisms potentially available.

## 2.3 ROSS Values and ROSS Functions

2.3.1 The RPAG "Open Space and Recreation" policy paper identified the following ROSS functions:

- Regional framework
- Recreation
- Conservation
- Landscape protection.

To this a further function of economic potential has since been added. (Economic potential means that "open space facilitates certain sustainable commercial activity, taking advantage of natural and cultural resources without destroying their intrinsic value" (Department of Lands 1994).

2.3.2 These functions are served by the ROSS because of the characteristics of land within the ROSS.

For example, those parts of the ROSS which support its conservation function do so because of the conservation-related characteristics of that land.

In other words the land characteristics are intrinsic and the functions derive from these characteristics.

2.3.3 In defining the area of the ROSS, areas suitable for open space purposes have been mapped in five categories (which are referred to in this report as ROSS values) namely:-

- Nature Conservation
- Catchment Management
- Scenic Amenity
- Cultural Heritage and Social Value
- Recreation

The mapping of these five ROSS values defines the area of the ROSS.



## 3.0 OBJECTIVES FOR THE ROSS VALUE AREAS

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### 3.1 Introduction

3.1.1 The ROSS values represent a logical system for classifying land in the ROSS. For example, some parts of the ROSS may have value only for Nature Conservation while other ROSS areas may be suitable for catchment management, scenic amenity and recreation. All combinations of the five ROSS values are possible.

3.1.2 For each of the ROSS values, objectives can be formulated to guide the management of the ROSS. Objectives are statements which set out what is intended to be achieved.

### 3.2 Characteristics of the ROSS Value Areas

3.2.1 A considerable amount of work has been co-ordinated by the ROSS Unit to set the criteria for defining the ROSS value areas. The criteria form the basis for the descriptions of the ROSS value areas contained in this report.

3.2.2 These descriptions are intended to summarise the ROSS Unit's criteria so as to give the 'flavour' of each ROSS value area without attempting to be completely definitive.

The main characteristics of the five ROSS value areas (i.e. Nature Conservation, Catchment Management, Scenic Amenity, Cultural Heritage and Social Value and Recreation) are described below.

These ROSS value areas must be of regional significance to be included in the ROSS.

### 3.2.3 Nature Conservation

Areas of Nature Conservation value in the ROSS are composed predominantly of native species subject to little or no past disturbance by humans. These areas are generally representative (e.g. in vegetation) of a larger biogeographic area, contain a diversity of habitats and may protect special values (such as threatened species).

### 3.2.4 Catchment Management

Areas of Catchment Management value in the ROSS contain major water supply storages (e.g. Wivenhoe Dam) as well as the declared catchment areas of these storages.

Other relatively uncleared areas which provide a flood mitigating benefit for urban centres (such as Brisbane) are also included. These areas are within the physical catchments of rivers and streams which flow through the urbanised parts of the SEQ region.

### 3.2.5 Scenic Amenity

Areas of Scenic Amenity value in the ROSS have one or more of the following characteristics:

- contain unusual natural features (e.g. waterfalls)
- are predominantly in a natural state (e.g. virgin forest)
- are steep and rugged (e.g. peaks)
- consist of agricultural land with crop patch-work effects
- contain large-scale and diverse waterforms (e.g. bays).

Other areas which are highly visible from centres of population, major travel routes or important regional vantage points may also be included.

### 3.2.6 *Cultural Heritage and Social Value*

Areas of Cultural Heritage and Social Value in the ROSS contain land which represents or illustrates a significant development in the historic and/or cultural evolution of the SEQ region (e.g. an historic rural homestead). Other dimensions to this value include land of special importance to a particular community or cultural group for social, cultural or spiritual reasons (e.g. an Aboriginal sacred site).

### 3.2.7 *Recreation*

Areas of Recreation value in the ROSS contain land which is generally in a semi-natural or natural state and provides opportunities for a range of different types of outdoor recreation (e.g. Brisbane Forest Park).

Limited areas of land in a developed or semi-developed state may also be included where the land is connected to areas in a more natural state, is used for recreation purposes by a large number of people including non-locals or involves participation in non-commercial outdoor recreation.

## 3.3 **Objectives for the ROSS Value Areas**

3.3.1 The objectives which have been formulated for the ROSS value areas are detailed below.

These objectives are derived from the descriptions of the ROSS value areas in Section 3.2 above.

It should also be noted that the objectives relate only to areas identified as regionally significant for nature conservation, catchment management, scenic amenity, cultural heritage and social value and recreation.

The words 'of regional importance' are therefore implied in each of the objectives.

### 3.3.2 *Nature Conservation*

O1. To maintain a diversity of landscapes, plants and animals, and the ecological processes essential for their continued existence.

### 3.3.3 *Catchment Management*

O1. To preserve and enhance the water quality of major water supply storages.

O2. To preserve and enhance the flood mitigating benefit produced by areas of native forest.

### 3.3.4 *Scenic Amenity*

O1. To preserve areas of high scenic quality.

O2. To protect and enhance other areas (i.e. not of high scenic quality) which are visually prominent.

### 3.3.5 *Cultural Heritage and Social Value*

O1. To conserve areas of cultural heritage and social value.

### 3.3.6 *Recreation*

O1. To provide for appropriate recreation activities based on the natural environment, and cultural heritage and social value, and existing recreation attributes of the ROSS.



## 4.0 PERFORMANCE CRITERIA AND DEVELOPMENT STANDARDS

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### 4.1 Introduction

4.1.1 The approach taken in this report to controlling land uses in the ROSS is performance-based. This means that rather than preparing lists of land uses (e.g. agriculture, light industry etc.) which are permitted or prohibited in the ROSS, statements are used which explain in general terms how the objectives of the ROSS value areas (see Section 3.3 for these objectives) are to be achieved. These statements are called performance criteria.

4.1.2 This methodology is considered the most appropriate way of setting a policy framework for controlling development in the ROSS area and is consistent with managing natural resources to achieve ecologically sustainable development (ESD) (see Appendix 1). The Queensland government has committed itself to the ESD process and is acting to implement the National Strategy for ESD.

### 4.2 Performance Criteria

4.2.1 The objectives for each of the ROSS value areas are set out in Section 3.3 of this report.

These objectives explain what is intended to be achieved in each of the ROSS value areas. For each of these areas, performance criteria have been formulated, describing in general terms how the objectives are to be achieved. These performance criteria are contained in Table 1.

### 4.3 Development Standards

4.3.1 In this report, development standards are statements illustrating, in more detail than in the performance criteria, the methods of achieving the objectives.

Development standards are specific means of promoting and supporting the performance criteria.

Not all the development standards in Table 1 will be applicable to each local authority area. The list is illustrative of statements which could constitute acceptable solutions.

As well as selecting from the development standards in Table 1, local authorities may wish to add other provisions which are applicable to the local area.

The development standards are not intended to be prescriptive and there may be a number of other acceptable solutions.

Where development standards refer to a buffer width or other dimension, the dimension has not been specified. Local authorities may wish to include a dimension as part of an acceptable solution.

### 4.4 Areas of Multiple ROSS Value

4.4.1 Some areas will have the necessary characteristics to support more than one ROSS value.

Any land uses in these areas should satisfy the requirements for all the applicable ROSS values.

**TABLE 1 - OBJECTIVES, PERFORMANCE CRITERIA AND DEVELOPMENT  
STANDARDS FOR ROSS VALUE AREAS**

ROSS VALUE	OBJECTIVES	PERFORMANCE CRITERIA (land use principles to promote ROSS value objectives)	DEVELOPMENT STANDARDS* (acceptable means of promoting performance criteria)
Nature Conservation	01. To maintain a diversity of landscapes, plants and animals, and the ecological processes essential for their continued existence.	<p>P1. Native vegetation to be protected.</p> <p>P2. Existing landforms to be retained.</p> <p>P3. The risk of fires being initiated as a result of any development to be minimised.</p> <p>P4. After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.</p> <p>P5. Degraded areas to be managed to accelerate regeneration of native vegetation.</p> <p>P6. Soil to be protected from erosion or salination.</p> <p>P7. Habitat areas for native plants and animals to be protected.</p> <p>P8. Water quality of underground and surface waters to be protected.</p> <p>P9. Any identified wildlife corridors to be retained in a natural state and enhanced where necessary</p> <p>P10. Gullies and watercourses to be retained in a natural state and enhanced where necessary.</p> <p>P11. Movement of native wildlife to be facilitated</p> <p>P12. Existing stormwater flow patterns to be maintained.</p>	<p>D1. Clearing of native vegetation (including understorey plants as well as trees) to be prohibited (except for approved fire breaks.)</p> <p>D2. Gullies and watercourses to be protected from any disturbance by buffers at least ( ) metres in width.</p> <p>D3. A Fire Management Plan to be prepared to minimise damage to ecological processes from "man-made" fires.</p> <p>D4. Structures, roads, parking areas and utility services routes associated with any development should, as far as possible, utilise those parts of the site where native vegetation has already been disturbed. (This may be implemented by building location envelopes.)</p> <p>D5. Wastewater from any development to be treated and disposed of in a manner which prevents the degradation of groundwater or surface water.</p> <p>D6. Stormwater runoff associated with any development to be discharged in a manner which prevents soil erosion or degradation of underground or surface water..</p> <p>D7. Any alteration of existing landforms to be localised and of a minor nature.</p> <p>D8. During the construction phase of any development, precautions to be taken to prevent soil erosion, degradation of underground or surface water, or any other damage to the natural environment.</p> <p>D9. An Environment Management Plan to be prepared for developments considered likely to have a significant impact.</p> <p>D10. The introduction of exotic plant or animal species to be prohibited.</p> <p>D11. Any identified wildlife corridors to be protected by buffers at least metres in width.</p>

ROSS VALUE	OBJECTIVES	PERFORMANCE CRITERIA (land use principles to promote ROSS value objectives)	DEVELOPMENT STANDARDS* (acceptable means of promoting performance criteria)
			<p>D12. Solid waste to be disposed of in a manner which prevents the degradation of groundwater or surface water.</p> <p>D13. New fencing should not interfere with any known wildlife corridors.</p> <p>D14. Noise or dust emissions from any development to be controlled to ensure that there is no impact beyond the immediate area (e.g. contained within the building location envelope).</p> <p>D15. The number of vehicle movements associated with any development to be compatible with the conservation value of the area.</p>
Catchment Management	<p>01. To preserve and enhance the water quality of major water supply storages.</p> <p>02. To preserve and enhance the flood mitigating benefit produced by areas of native forest.</p>	<p>P1. Natural drainage lines (including water courses) to be retained in a natural state.</p> <p>P2. Existing stormwater flow patterns to be maintained.</p> <p>P3. Degraded areas subject to soil erosion or salination to be rehabilitated.</p> <p>P4. After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.</p>	<p>D1. Gullies and watercourses to be protected from any disturbance by buffers at least ( ) metres in width.</p> <p>D2. Clearing of native vegetation from natural drainage lines (including watercourses) to be minimised.</p> <p>D3. During the construction phase of any development, precautions to be taken to prevent soil erosion or degradation of underground or surface waters.</p> <p>D4. Wastewater from any development to be treated and disposed of in a manner which prevents the degradation of groundwater or surface water.</p> <p>D5. Stormwater runoff associated with any development to be discharged in a manner which prevents soil erosion or degradation of underground or surface water.</p> <p>D6. Solid waste to be disposed of in a manner which prevents the degradation of groundwater or surface water.</p> <p>D7. An Environmental Management Plan to be prepared for developments considered likely to have significant impact.</p>
Scenic Amenity	<p>01. To preserve areas of high scenic quality.</p> <p>02. To protect and enhance other areas (i.e. not of high scenic quality)</p>	<p>P1. Existing natural landforms to be retained.</p> <p>P2. Native vegetation to be protected.</p> <p>P3. After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.</p> <p>P4. Degraded land which is visually prominent to be</p>	<p>D1. Alteration to existing natural landforms to be localised and of a minor nature.</p> <p>D2. Clearing of native vegetation in visually prominent areas or areas of high scenic quality to be prohibited (except for approved fire breaks).</p>

ROSS VALUE	OBJECTIVES	PERFORMANCE CRITERIA (land use principles to promote ROSS value objectives)	DEVELOPMENT STANDARDS* (acceptable means of promoting performance criteria)
	which are visually prominent.	<p>rehabilitated.</p> <p>P5. Linkages between elements of the natural landscape to be established or enhanced.</p> <p>P6. Views of areas of high scenic quality not to be obstructed.</p>	<p>D3. Where possible, structures, access roads and utility services routes should utilise those parts of the site which are least visually prominent. (This may be implemented by building location envelopes).</p> <p>D4. If development is necessary in visually prominent areas, any structures or earthworks to be designed, sited and constructed to minimise visual intrusion (e.g. by choice of building form, building materials and/or use of screen plantings or fencing).</p> <p>D5. The proportion of the site used by any development should be relatively small so as to preserve the scenic character.</p> <p>D6. Appropriate development proposals incorporating rehabilitation of degraded land to be favourably considered.</p> <p>D7. Appropriate development proposals which provide opportunities for increasing linkages between elements of the natural landscape to be favourably considered.</p> <p>D8. Roadside vegetation to be retained where possible.</p> <p>D9. Building setbacks from road frontages should be at least ( ) metres to maintain landscape character.</p> <p>D10. Subdivision design should minimise visual impact.</p> <p>D11. Ribbon development along transport routes in scenic amenity areas to be restricted.</p>
Cultural Heritage and Social Value	01. To conserve areas of cultural heritage and social value.	<p>P1. Aboriginal cultural heritage and social value areas to be managed for their long-term conservation.</p> <p>P2. Areas of cultural heritage and social value associated with the period since European settlement to be managed for their long-term conservation.</p> <p>P3. A diversity of cultural heritage and social value areas to be protected.</p> <p>P4. Linkages between areas of cultural heritage and social value which have functional relationships to be strengthened.</p>	<p>D1. Any development which is likely to be incompatible with the cultural heritage and social value associated with an area to be generally prohibited.</p> <p>D2. Any alteration of landforms or removal of vegetation affecting any area of cultural heritage and social value to be subject to approval.</p> <p>D3. Facilities provided for visitors to areas of cultural heritage and social value to be compatible with the existing character of those areas.</p> <p>D4. Spatial, cultural and historic linkages between different sites of cultural heritage and social value to be promoted in management programs.</p>

ROSS VALUE	OBJECTIVES	PERFORMANCE CRITERIA (land use principles to promote ROSS value objectives)	DEVELOPMENT STANDARDS* (acceptable means of promoting performance criteria)
Recreation	01. To provide for appropriate recreation activities based on the natural environment, and cultural heritage and social value and existing recreation attributes of the ROSS.	<p>P1. A regional network of diverse outdoor recreation opportunities to be provided serving residents and visitors, which is compatible with the character of the particular location.</p> <p>P2. Linkages between recreation activity areas which have functional relationships to be strengthened.</p> <p>P3. Opportunities to be provided for a diversity of appropriate outdoor recreation for all sections of the community.</p> <p>P4. Appropriate recreation activities which provide an economic benefit to be supported.</p>	<p>D1. Recreational activities to be compatible with the existing character of the area.</p> <p>D2. Vehicle impacts (noise, dust, fumes, etc.) to be localised through appropriate design.</p>

\* This list is intended to be illustrative rather than exhaustive.



## 5.0 PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS

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### 5.1 Introduction

5.1.1 The definition of the ROSS (see Section 2.2 of this report) refers to **proprietary mechanisms** used to support the ROSS. This term is used to refer to the purchase of private land for inclusion in the ROSS and also to agreements with private land owners whereby some of the rights that are usually associated with freehold title over land are transferred to the State government.

5.1.2 A distinction can be made between these **proprietary mechanisms** and **regulatory mechanisms** which are principally imposed through statutory town planning schemes. (Other examples of **regulatory mechanisms** include various Local Laws and State legislation limiting the discharge of pollutants into waterways).

### 5.2 Potential Mechanisms

5.2.1 **Proprietary mechanisms** are the most obvious way of ensuring that the objectives of the Ross value areas are promoted and the performance criteria are met.

Potential **proprietary mechanisms** are set out in Table 2.

5.2.2 The mechanisms summarised in Table 2 involve:

- purchase of title;
- purchase of some use rights; or
- voluntary transfer of some use rights to the public.

All of these are expected to have a role in securing the ROSS.

5.2.3 Options which do not require purchase and perpetual ownership of land are of particular relevance given the need to secure as much land of ROSS suitability as possible within the allocated budget.

#### 5.2.4 *Victorian Experience*

Victoria has had considerable experience with **conservation covenants** since the Victorian Conservation Trust (VCT) commenced its activities in 1987 and has protected over 7,000ha of land using this mechanism. (Similar programs are operating in South Australia, NSW, New Zealand and the United States).

5.2.5 The VCT also has a revolving fund for purchase of conservation land which is then covenanted and resold preferably to a sympathetic purchaser.

#### 5.2.6 *Concerns about Restrictive Covenants*

Concern has been expressed that registration of **restrictive covenants** on land titles could frustrate the orderly conversion of rural land to a 'higher order' use when, after assessing all the factors influencing land use changes, this is deemed desirable.

While this concern is acknowledged as legitimate, the experience in other States and overseas may point to a means of accommodating the concern within a covenant registration process.

At present, the 'Land Title Act' does not allow these covenants to be registered on any land title.

#### *5.2.7 Incentives for Voluntary Statutory Covenants*

Financial incentives available to landowners to participate in the voluntary covenanting of their land could result from -

- changes in land valuation;
- changes in local authority rates;
- changes in State Land Tax.

5.2.8 In Victoria, the experience has been that land values are unaffected by covenanting unless the land is located in an area which could be more intensively developed were it not for the covenant.

If the valuation is reduced by the covenant, the local authority rates would normally be reduced proportionately. If however, the land already has a concessional primary producer valuation this reduction would be less significant.

5.2.9 Under the differential rating system, local authorities could provide a financial incentive by using a lower 'rate in the dollar' for covenanted properties. This benefit could be provided for properties where the valuation is unaffected by the covenant.

5.2.10 The State Government could reduce Land Tax on covenanted land as an additional incentive.

### **5.3 Supporting ROSS Value Areas Objectives**

5.3.1 The objectives and performance criteria from Sections 3 and 4 of this report apply not only to privately owned and controlled land but also to land in public

ownership or subject to covenants or agreements for ROSS purposes.

5.3.2 In the case of public land within the ROSS, the management plan must ensure that the objectives for the ROSS value areas are promoted and the performance criteria are met.

5.3.3 Where restrictive covenants or agreements are imposed over private land, these will need to be drafted to reflect the objectives and performance criteria for the ROSS values which are relevant to that land.

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**1. PURCHASE BY AGREEMENT**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
<p>Purchase of the title to land by agreement with the landholder. This may be used for key properties in the ROSS because of the need to</p> <ul style="list-style-type: none"> <li>• provide certainty that the ROSS values of the property will be conserved;</li> <li>• ensure public access is available;</li> <li>• enable the property to be developed for ROSS purposes (e.g. recreation facilities or regeneration works).</li> </ul>	<ol style="list-style-type: none"> <li>1. Identification of key privately-owned properties within the ROSS through the Evaluation and Technical Advisory Group (ETAG) process, including properties whose ROSS values are under threat because of existing use rights or lack of sufficient regulatory control.</li> <li>2. Maintaining a current database on properties for sale within the ROSS.</li> <li>3. Land could be purchased by the Crown or a local authority for an appropriate public purpose under the 'Acquisition of Land Act'.</li> <li>4. Land could be purchased freehold by the Crown for any proper purpose through the Government Land Management System.</li> </ol>	<p>Purchase of the title to land enables key properties to be secured thus ensuring that vital ROSS values may definitely be conserved, that public access may be made available (where appropriate) and that works necessary to enhance ROSS values (e.g. recreation facilities) may be carried out.</p>	<ol style="list-style-type: none"> <li>1. Purchase requires that the market value of the land must be paid to the landholder and this is a drain on the ROSS budget.</li> <li>2. The properties that come up for sale are not necessarily the ones that have the highest priority for purchase.</li> <li>3. Is not helpful where a landowner does not wish to sell and where that landholder has an intention to use the land in a way harmful to ROSS values. This is particularly the case where land has been 'landbanked' for property speculation.</li> <li>4. The mechanism can only be implemented in an ad hoc way as it is dependent upon decisions by others.</li> </ol>	<ol style="list-style-type: none"> <li>1. Properties under Crown or local authority ownership are of fundamental importance to the ROSS and provide a structure to the ROSS as a whole.</li> <li>2. Where budget allocations allow, key privately-owned properties should be considered for purchase if they are offered for sale.</li> </ol>

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**2. COMPULSORY ACQUISITION**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
<p>Purchase of the title to land by compulsory acquisition (resumption). This mechanism would usually be used only when <u>all</u> of the following apply:</p> <ul style="list-style-type: none"> <li>the property is of major importance to the ROSS</li> <li>the ROSS values are in imminent danger of being compromised</li> <li>all attempts at a negotiated sale have failed.</li> </ul>	<ol style="list-style-type: none"> <li>1. Identification of key privately-owned properties within the ROSS through the ETAG process including properties whose ROSS values are under threat because of existing use rights or lack of sufficient regulatory control.</li> <li>2. Properties could be purchased by the Crown for an appropriate public purpose under the 'Acquisition of Land Act'.</li> </ol>	<ol style="list-style-type: none"> <li>1. Purchase of the title to land enables properties to be secured thus ensuring that vital ROSS values may be definitely conserved, that public access may be made available (where appropriate) and that works necessary to enhance ROSS values (e.g. recreation facilities) may be carried out.</li> <li>2. Resumption allows the highest priority properties to be secured.</li> <li>3. The type of private land which may be resumed is not restricted in that it is not dependent upon decisions or actions by others.</li> </ol>	<ol style="list-style-type: none"> <li>1. Purchase requires that the market value of the land must be paid to the landholder and this is a drain on the ROSS budget.</li> <li>2. Compulsory acquisition can be an unpopular mechanism not only with the landowner concerned, but with the wider community.</li> <li>3. Because of community sensitivity, this mechanism is expected to be used only in exceptional circumstances.</li> </ol>	<ol style="list-style-type: none"> <li>1. Properties under Crown or local authority ownership are of fundamental importance to the ROSS and provide a structure to the ROSS as a whole.</li> <li>2. Because of the sensitive nature of this mechanism, its use is expected to be extremely limited.</li> </ol>

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**3. STATUTORY COVENANTS AND/OR EASEMENTS**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
<p>A covenant or agreement between the Crown and the landowner restricting the use of the property for the benefit of the Crown (in this case, for ROSS purposes), with the covenant being transferred with title to subsequent owners.</p> <p>If the property was required only for access to the ROSS, then an access easement could be negotiated.</p>	<ol style="list-style-type: none"> <li>Two types of statutory agreements are enforceable under State legislation and there is provision for these agreements to transfer to subsequent owners. Legislation exists for heritage agreements (Queensland Heritage Act 1992) and nature conservation agreements (Nature Conservation Act 1992).</li> <li>Amendment to legislation would be required for statutory covenants to be placed on land titles for any ROSS purpose.</li> <li>Access easements are available under existing legislation.</li> <li>The granting of a covenant or easement may or may not involve direct financial compensation to the landholder.</li> <li>Covenants/easements could be implemented via conditions of development approval.</li> </ol>	<ol style="list-style-type: none"> <li>Allows the ROSS values of a property to be secured without committing ROSS funds to the purchase of the land.</li> <li>This mechanism encourages landholders to consider voluntary covenants which secure ROSS values but allow the landholder continued use and enjoyment of the land.</li> <li>This is a means of ensuring that some development approval conditions are directly transferred with title to subsequent owners.</li> </ol>	<ol style="list-style-type: none"> <li>Apart from heritage and nature conservation agreements, there is no legislative provision currently available for covenants to be registered on title and transferred to subsequent owners.</li> <li>There is concern that statutory covenants may conflict with future provisions of planning schemes by constituting an additional level of statutory 'planning' control, outside the planning system administered and controlled by local government. For example, covenants may restrict the future development of land where development may become preferred as circumstances change with time. This concern is a major obstacle to the wider application of statutory covenants for ROSS purposes.</li> </ol>	<p>Statutory covenants have the potential to secure ROSS values without tying up ROSS funds. If the concern about potential conflict with planning schemes can be overcome, these covenants could play an important role in securing the ROSS. It is noteworthy that conflict between statutory covenants and planning schemes has not been encountered in Victoria which has used such covenants since 1987.</p>

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**4. PURCHASE AND RESALE WITH STATUTORY COVENANTS AND/OR EASEMENTS**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
Purchase of the title to the land and subsequent resale with statutory covenant or access easement. The covenant would be designed to protect ROSS values. If the property was required only for access to the ROSS, then an access easement could be put in place before resale.	<ol style="list-style-type: none"> <li>1. Identification of key privately-owned properties within the ROSS through the ETAG process including properties whose ROSS values are under threat because of existing use rights or lack of sufficient regulatory control.</li> <li>2. Maintaining a current database on properties for sale within the ROSS.</li> <li>3. For nature conservation or heritage values, existing legislation allows for agreements (or covenants) to be passed on to subsequent owners.</li> <li>4. This mechanism is not currently available for other ROSS values.</li> </ol>	<ol style="list-style-type: none"> <li>1. Allows the ROSS values of a property to be secured without tying up ROSS funds in perpetuity.</li> <li>2. Purchase of the property allows the covenant to be exactly tailored to suit ROSS purposes. Negotiations for covenants or easements with landholders who have different objectives to those of the Crown are thus avoided.</li> </ol>	<ol style="list-style-type: none"> <li>1. Apart from heritage and nature conservation agreements, there is no legislative provision available for covenants to transfer to subsequent owners.</li> <li>2. There is concern that statutory covenants may conflict in the future with planning schemes by preventing the development of land when this is required.</li> <li>3. The property must be purchased which commits ROSS funds until resale is completed.</li> <li>4. The purchase for resale of land by public authorities may not gain wide community support - particularly if the land is compulsorily acquired.</li> </ol>	Purchase and resale after imposing statutory covenants or access easements has the potential to secure ROSS values without tying up ROSS funds in perpetuity. If the concern about potential conflict with planning schemes can be overcome, this mechanism could play an important role in securing the ROSS.

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**5. DEVELOPMENT APPROVAL CONDITIONS**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
<p>1. Development approval conditions (typically for rezoning or subdivision) could be used to secure ROSS values where only part of the property has these values and appropriate development of the remainder would not compromise the ROSS values.</p> <p>2. Development approval conditions may in some cases be useful in permitting use of land in a manner in keeping with the ROSS values relevant to that land (e.g. by specifying siting, buffers, landscaping etc.).</p>	<p>1. A condition of a development approval could be that the portion of the property with ROSS values be secured.</p> <p>2. Methods of securing the area with ROSS values could include -</p> <ul style="list-style-type: none"> <li>• transfer of title to that part of the property to the Crown or the local authority</li> <li>• covenanting the area concerned using the appropriate statutory covenant</li> <li>• use of access easement when access is the only ROSS interest in the land.</li> </ul>	<p>1. Allows ROSS values of the property to be secured without any cost to the public.</p> <p>2. This process could be seen as producing a 'win-win' outcome in which developers gain some marketing advantage for their development.</p>	<p>1. Approval conditions need to be relevant to and reasonably required for the proposed development.</p> <p>2. Adjoining development could compromise the ROSS values unless carefully designed (e.g. with appropriate buffers).</p> <p>3. Local authorities may also have their own objectives for the use of the extra open space for non-ROSS purposes and so there would need to be agreement between all the parties concerned.</p>	<p>This mechanism is very important for securing the ROSS in areas where development is permitted under local authority planning schemes.</p> <p>In these areas, the purchase of land for the ROSS is relatively expensive because of the development expectations of landholders.</p> <p>The use of development approval conditions may therefore be an economical means of adding to the ROSS.</p>

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**6. TRANSFERABLE DEVELOPMENT RIGHTS (TDRs)**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
Under this mechanism, the development rights of a property within the ROSS could be transferred to land outside the ROSS. The future use of the ROSS property would then be restricted as detailed in the agreement.	<ol style="list-style-type: none"> <li>1. It would be necessary to identify properties within the ROSS with development rights.</li> <li>2. Before these rights can be transferred, 'transfer zones' need to be designated to receive the development rights.</li> <li>3. A method of recording TDR transactions would need to be established.</li> <li>4. A market for TDRs would need to be established to increase public confidence in the system.</li> </ol>	Allows the ROSS values of the property to be secured without cost to the public.	<ol style="list-style-type: none"> <li>1. There are practical difficulties in setting up a market for TDRs. The development industry needs to be sure that TDRs really represent value for money and that the extra development potential which TDRs offer cannot be obtained by other means.</li> <li>2. If established, the mechanism would only be applicable to properties with development rights.</li> </ol>	May play a minor role in securing the ROSS.



**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**7. DEVELOPMENT BONUSES**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
<p>These bonuses provide a higher intensity of development in return for extra land provided for ROSS purposes.</p> <p>A typical example is a subdivision in which more than the minimum area (10% of the property) is provided for open space and additional lots are allowed.</p>	<ol style="list-style-type: none"> <li>1. This mechanism can be implemented through the local authority development approval process.</li> <li>2. If extra ROSS land can be secured by transfer of title or covenant/easement, then a higher development intensity will be approved by the local authority.</li> <li>3. Any approval would need to be consistent with the local authority's planning scheme.</li> </ol>	<p>Allows ROSS values to be secured without cost to the public.</p> <p>This mechanism could produce a 'win-win' outcome in which developers gain some marketing advantage for their development.</p>	<ol style="list-style-type: none"> <li>1. This mechanism would generally be applicable only to properties with development potential.</li> <li>2. In addition, adjoining development could compromise ROSS values unless carefully designed (e.g. with appropriate buffers).</li> <li>3. Local authorities may have their own objectives for the use of the extra open space for non-ROSS purposes and so there would need to be agreement between all the parties concerned.</li> </ol>	<p>This mechanism could be important for securing the ROSS in areas where development is permitted under local authority planning schemes.</p> <p>In these areas, the purchase of land for the ROSS is relatively expensive because of the development expectations of landholders.</p> <p>This mechanism could therefore be an economically means of adding to the ROSS.</p>

**TABLE 2 - POTENTIAL PROPRIETORIAL MECHANISMS FOR SECURING THE ROSS**

**8. PROPERTY MANAGEMENT PLANNING**

DESCRIPTION	POSSIBLE MEANS OF IMPLEMENTATION	ADVANTAGES	DISADVANTAGES	IMPORTANCE FOR THE ROSS
A voluntary program of the Department of Primary Industries for improving the management of rural properties. The program covers a wide range of issues from financial management to the conservation of natural areas.	This program has a number of specific implementation procedures based on the voluntary participation of the landholder.	This mechanism is already being implemented and could have some flow-on benefits for the ROSS.	It is not focussed on ROSS values and so any benefits to the ROSS may not be significant.	The mechanism may have some value but the extent of its application is unpredictable.

MECHANISM	DESCRIPTION	COMMENTS
		Environment) Act'.
5. Development Requirements	Specific requirements for different types of land uses (e.g. extractive industries) or for all development within particular zones (e.g. light industry zone). These are contained in planning schemes.	Specific requirements for the ROSS area could be incorporated into planning schemes. These could draw on the development standards contained in Table 1.
6. Local Laws (By-laws)	These are controls formulated by local authorities for their areas covering a wide range of issues including subdivision, health, public safety, and vegetation removal control.	Local laws for subdivision and vegetation removal (tree preservation or vegetation protection controls) are relevant to the ROSS. These local laws could contain special requirements for land in the ROSS.
7. Regulatory Maps	These depict areas which are subject to particular planning controls such as special subdivision requirements.	Regulatory maps could be used to target specific controls to particular parts of the ROSS (e.g. cultural heritage and social value areas).
8. Development Conditions	These are specific requirements attaching to development approvals by local government.	Development conditions are an important output of the development assessment process and should be based on objectives and performance criteria which support ROSS values. The development standards in Table 1 are relevant here.
9. Local Planning Policies	A planning policy relating to the whole of a planning scheme area. At present, the inclusion of maps to allow differentiation between areas is not permitted.	A local planning policy could assist in clarifying the intent of the ROSS for a particular planning scheme area and help to promote the ROSS value area objectives in a general sense. Their value is limited by the prohibition on any reference to a map to explain the policy.
10. Statutory Environmental Impact Statement	An Environmental Impact Statement (EIS) is required for all development within designated areas as well as for a number of designated uses as specified in the 'Local Government (Planning and Environment) Act'.	ROSS land could be included as a designated area, thus requiring an EIS to be submitted for any proposed development within the ROSS area. This approach is not favoured for the ROSS as a whole, although particularly sensitive parts of the ROSS could be designated.
11. Information requirements and matters for consideration	It is desirable to prepare a list of the information which is to be submitted with any development proposal in the ROSS. Similarly, the matters which will be considered in the development assessment process should be described.	Appendix 2 contains an example of the information requirements and the matters for consideration during assessment of development proposals for nature conservation value areas.

## 6.0 REGULATORY MECHANISMS FOR PROTECTING THE ROSS

6.1.1 In addition to the proprietorial mechanisms discussed in Section 5.0, there are regulatory mechanisms for controlling the use of land (particularly for private land).

Through Statutory Planning' (Brannock Humphreys 1994) examines the range of mechanisms available under the Queensland planning system.

The report 'Implementing the ROSS

These mechanisms are summarised in Table 3.

**TABLE 3 - POTENTIAL PLANNING SYSTEM REGULATORY MECHANISMS FOR PROTECTING THE ROSS**

MECHANISM	DESCRIPTION	COMMENTS
1. State Planning Policy (SPP)	A planning policy for town planning and related environmental matters of State significance. SPPs are a means of implementing planning policy of more than local significance. SPPs set out the State Government's position on the planning issue concerned (e.g. agricultural land) and also list the policy principles that apply.	Could be used to emphasis the significance of the ROSS to SEQ, define the ROSS principles and provide guidance for development assessment. An SPP for the ROSS would given the ROSS added status and would establish an overall policy framework.
2. Strategic Plans (SPs)	That part of the local authority's planning scheme which details the preferred future pattern of development. In future, SPs will be expected to conform with the Sub-regional Structure Plans being developed as part of the SEQ2001 process. SPs must also be consistent with State Planning Policies.	SPs can greatly assist in promoting the ROSS. The objectives and performance criteria in Sections 3 and 4 of this report could be incorporated in SPs to ensure that development in the ROSS does not conflict with ROSS values.
3. Development Control Plans (DCPs)	A plan showing the preferred future pattern of development for one particular part of a local government area. As for Strategic Plans, DCPs will be required to conform with Sub-Regional Structure Plans and State Planning Policies.	DCPs allow for detailed planning of a local area and could support ROSS value area objectives. As for Strategic Plans, DCPs could incorporate the objectives and performance criteria from this report.
4. Zoning Provisions	The use rights applicable to land are derived from the zoning provisions of local authority planning schemes. Permitted, permissible and prohibited uses are listed for each zone. Planning schemes contain a range of zones for different purposes (e.g. residential, industrial, open space etc.)	Particular zones such as the Conservation zone may be used to promote ROSS value area objectives. Where a planning scheme is already in force, each parcel of land has use rights. Any downgrading of these rights may result in a claim for injurious affection under the 'Local Government (Planning and



## **6.2 Nature of Planning Controls**

**6.2.1** The present planning and development control system is often inappropriate for dealing with the management of natural resource areas (see Mant 1990).

If impacts on these areas are to be kept within acceptable limits, each proposed development should be assessed for its individual impact and also for its contribution to the cumulative impact of all development in the area.

There is therefore a need to move towards a more performance-based approach.

**6.2.2** Section 3 of this report develops objectives which the regulatory mechanisms should seek to achieve.

In Section 4, performance criteria are formulated describing in general terms how the objectives are to be achieved.

**6.2.3** The approach taken in this report to protecting the ROSS is to use these performance criteria rather than preparing lists of land uses which are permitted or prohibited in the ROSS.

**6.2.4** These performance criteria can be adapted for inclusion in the planning mechanisms in Table 3.

Some of these mechanisms (such as State Planning Policies, Strategic Plans, and Development Control Plans) are particularly suited for the inclusion of objectives and performance criteria.

### 6.3 Preferred Mechanisms

6.3.1 All of the mechanisms in Table 3 can be used to incorporate ROSS objectives and performance criteria into the statutory planning system.

The preferred mechanisms are Strategic Plans, Development Control Plans and a State Planning Policy.

Examples of the use of these mechanisms are set out below.

#### 6.3.2 Strategic Plan

A Strategic Plan contains objectives and implementation provisions for preferred land use areas. A Plan could include objectives such as the following:

##### “REGIONAL OPEN SPACE SYSTEM”

###### Intent

Areas shown as the Regional Open Space System (ROSS) are intended to include land of regional importance for nature conservation, catchment management, scenic amenity, cultural heritage and social value, and recreation. These areas are to be managed so as to conserve and enhance their suitability for ROSS purposes.

Objective 1. To maintain a diversity of landscapes, plants and animals, and the ecological processes essential for their continued existence. (This objective refers to those parts of the ROSS identified on Map ( ) as suitable for nature conservation).

###### Implementation

- (a) Native vegetation to be protected.
- (b) Existing landforms to be retained.
- (c) The risk of fires being initiated as a result of any development to be minimised.


- (d) After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.
- (e) Degraded areas to be managed to accelerate regeneration of native vegetation.
- (f) Soil to be protected from erosion or salination.
- (g) Habitat areas for native plants and animals to be protected.
- (h) Water quality of underground and surface waters to be protected.
- (i) Any identified wildlife corridors to be retained in a natural state and enhanced where necessary.
- (j) Gullies and watercourses to be retained in a natural state and enhanced where necessary.
- (k) Movement of native wildlife to be facilitated.
- (l) Existing stormwater flow patterns to be maintained.

Objective 2. To preserve and enhance the water quality of major water supply storages. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for catchment management).

###### Implementation

- (a) Natural drainage lines (including water courses) to be retained in a natural state.
- (b) Existing stormwater flow patterns to be maintained.
- (c) Degraded areas subject to soil erosion or salination to be rehabilitated.
- (d) After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.

Objective 3. To preserve and enhance the flood mitigating benefit produced by areas of native forest. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for catchment management.)

- 
- (d) Appropriate recreation activities which provide an economic benefit to be supported.

#### 6.3.3 *Development Control Plan (DCP)*

A DCP could be prepared specifically for the ROSS with provisions similar to those above for a Strategic Plan.

#### 6.3.4 *State Planning Policy*

A State Planning Policy could be prepared for the ROSS with contents similar to the draft Planning Circular in the earlier Brannock Humphreys' report 'Implementing the ROSS Through Statutory Planning' (Brannock Humphreys 1994). (This draft Planning Circular is included as Appendix 3 to this report.)

To this could be added the suggested objectives and performance criteria from Sections 3 and 4 of this report.

### Implementation

- (a) Natural drainage lines (including water courses) to be retained in a natural state.
- (b) Existing stormwater flow patterns to be maintained.
- (c) Degraded areas subject to soil erosion or salination to be rehabilitated.
- (d) After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.

Objective 4. To preserve areas of high scenic quality. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for scenic amenity protection).

### Implementation

- (a) Existing natural landforms to be retained.
- (b) Native vegetation to be protected.
- (c) After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.
- (d) Degraded land which is visually prominent to be rehabilitated.
- (e) Linkages between elements of the natural landscape to be established or enhanced.
- (f) Views of areas of high scenic quality not to be obstructed.

Objective 5. To protect and enhance other areas (i.e. not of high scenic quality) which are visually prominent. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for scenic amenity protection).

### Implementation

- (a) Existing natural landforms to be retained.
- (b) Native vegetation to be protected.
- (c) After temporary uses (e.g. extractive industry), any disturbed area to be rehabilitated.
- (d) Degraded land which is visually prominent to be rehabilitated.

- (e) Linkages between elements of the natural landscape to be established or enhanced.
- (f) Views of areas of high scenic quality not to be obstructed.

Objective 6. To conserve areas of cultural heritage and social value. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for cultural heritage and social value designation.)

### Implementation

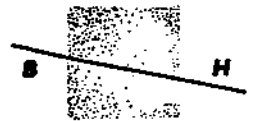
- (a) Aboriginal cultural heritage and social value areas to be managed for their long-term conservation.
- (b) Areas of cultural heritage and social value associated with the period since European settlement to be managed for their long-term conservation.
- (c) A diversity of cultural heritage and social value areas to be protected.
- (d) Linkages between areas of cultural heritage and social value which have functional relationships to be strengthened.

Objective 7. To provide for appropriate recreation activities based on the natural environment, and cultural heritage and social value and existing recreation attributes of the ROSS. (This objective refers to those parts of the ROSS identified on Map \_\_ as suitable for recreation).

### Implementation

- (a) A regional network of diverse outdoor recreation opportunities to be provided serving residents and visitors, which is compatible with the character of the particular location.
- (b) Linkages between recreation activity areas which have functional relationships to be strengthened.
- (c) Opportunities to be provided for a diversity of appropriate outdoor recreation for all sections of the community.





## **7.0 CONCLUSION**

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### **7.1 Institutional Arrangements**

**7.1.1** The process of securing and protecting the ROSS will be best pursued through the institutional arrangements now in place.

This will allow State and Local Government to co-operate in selecting the most appropriate proprietorial and regulatory mechanisms to promote the ROSS.

When these Plans are finalised, amendments could be made to the local authority Strategic Plans to incorporate ROSS principles.

As illustrated in Section 6.4.2 of this report, the objectives and performance criteria in Table 1 above should form the basis of Strategic Plan amendments.

### **7.2 Recommended Priority Actions**

#### **7.2.1 Restrictive Covenants**

Further debate is required on the advantages and disadvantages of registering restrictive covenants on title. As discussed in Section 5.2.6 of this report, there are concerns about the registration of these covenants.

If these concerns can be overcome, restrictive covenants could play an important role in securing the ROSS.

#### **7.2.2 State Planning Policy**

A State Planning Policy would highlight the importance of the ROSS and set out the relevant policy principles.

Any State Planning Policy should be developed in consultation with the Regional Organisations of Councils.

#### **7.2.3 Strategic Plans**

The ROSS is now being incorporated into the Sub-Regional Structure Plans.



## **GLOSSARY**

- Conservation Covenants** - Agreements between a landowner and State or Local government for nature conservation purposes. The covenants are usually registered on the land title.
- Development Standards** - Specific means of promoting and supporting the performance criteria for ROSS values.
- Performance Criteria** - Statements describing the range of land use principles which support the objectives for the ROSS values.
- Proprietorial Mechanisms** - The purchase of land for inclusion in the ROSS or the use of contractual agreements between private landowners and government to promote the ROSS.
- Regional Co-ordination Committee** - The committee set up to co-ordinate the SEQ2001 regional planning process.
- Restrictive Covenants** - Agreements between a landowner and State or local government for any ROSS purpose. The covenants are usually registered on the land title.
- ROSS Values** - Land has been included in the ROSS because of its intrinsic value for one or more of the following -
- Nature Conservation
  - Catchment Management
  - Scenic Amenity
  - Cultural Heritage and Social Value
  - Recreation

These categories are referred to as ROSS values.



## **APPENDIX 1**

### **DEVELOPMENT ASSESSMENT AND ECOLOGICALLY SUSTAINABLE DEVELOPMENT (ESD)**

Town planning schemes have traditionally been based on assigning land use zones to all land parcels and establishing a system of use rights based on these zones.

Zoning provisions aim to separate incompatible uses and incorporate broad-brush assessments of impact e.g. inclusion of a use such as a tannery in the Noxious Industry zone implies that the use has adverse impacts.

This approach is now recognised as being less than optimum for managing natural resources (Mant 1990; Low Choy 1992).

This is particularly so given that the State Government is acting to implement the National Strategy for Ecologically Sustainable Development (ESD). The ESD strategy involves a new approach to community decision-making which considers the wider economic, social and environmental implications and takes a long-term rather than a short term view.

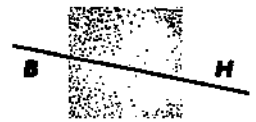
The manner in which a use is carried out is more fundamental to its impact than is the town planning zone in which land is included.

Performance criteria are a means of specifying how land uses are to be carried out.

The guiding principles of ESD as contained in the Australian National Policy are set out below:-

- decision-making processes should effectively integrate both long and short term economic, environmental, social and equity considerations;
- where there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation;
- the global dimension of environmental impacts of actions and policies should be recognised and considered;
- the need to develop a strong, growing and diversified economy which can enhance the capacity for environmental protection should be recognised;
- the need to maintain and enhance international competitiveness in an environmentally sound manner should be recognised;

- **cost effective and flexible policy instruments should be adopted, such as improved valuation, pricing and incentive mechanisms; and**
- **decisions and actions should provide for broad community involvement on issues which affect them.**



## **APPENDIX 2**

# **INFORMATION REQUIREMENTS AND MATTERS FOR CONSIDERATION FOR DEVELOPMENT PROPOSALS IN NATURE CONSERVATION VALUE AREAS**

### **1. Information Requirements**

- Where rare and threatened species are known to be present, an Environmental Management Plan must be submitted dealing with at least the following matters, where applicable:
  - retention of habitat;
  - rehabilitation;
  - weed control;
  - stormwater runoff and erosion controls;
  - landscaping;
  - fencing;
  - fire management;
  - stream bank stabilisation; and
  - management of buffers and easements.
- The following information is required to accompany any proposal to clear vegetation:
  - an environmental report stating the condition and significance of remnant vegetation and an assessment of the habitat value;
  - the proximity to watercourses, likely effect on erosion, turbidity and sedimentation of lakes and watercourses;
  - the measures proposed to ameliorate any of the above effects;
  - the reasons why it is desired to damage the protected vegetation.
- Where proposed, the location of house pads, houses and driveways in relation to natural features (ridgelines, gullies, watercourses, vegetation) is required to be provided together with the location and width of buffer strips;
- An assessment is required of fire risk, slope stability and erosion, and any proposals to minimise hazard to person and property.
- An Environmental Impact Statement is required for any development which is proposed to provide more than \_\_\_ houses or \_\_\_\_\_m<sup>3</sup> of earthworks.
- For extractive industry operations, the following information is to be provided:
  - A Waterways Management Plan indicating water upstream and downstream;
  - An Environmental Management Plan to include proposals for revegetation and habitat enhancement in accordance with the principle of Zero Net Loss within the affected area within 5 years of cessation of extraction;



- An Environmental Impact Study detailing impacts of the proposed use on vegetation, fauna, surface and groundwater, landform stability and visual amenity.
- Where the form of a permanent or seasonal watercourse is proposed to be altered, the following information is required:
  - The likely effect upon stream flow, stream aquatic life (including fauna and flora), water quality and stream bank stability;
  - Any safeguards to be provided in areas having slopes over \_\_% to ensure soil erosion and disturbance is minimised.
- Methods of surface drainage are to be clearly specified, especially where seepage, ponding or overland flow paths exist.

## **2. Matter for Consideration**

- Council will have particular regard to the likely edge effects from adjacent development including:
  - nutrient-rich runoff and other contamination;
  - domestic pets;
  - vehicle access;
  - fire hazard potential; and
  - weed infestation;
- Whether barriers to wildlife movement are proposed and whether genetic interchange between populations will be prohibited;
- Allotment marketing or 'presentation' will not be accepted as a valid consideration when assessing an application to clear or thin vegetation;
- The integrity of State Forests, National Parks and other reserves is a priority and will be promoted by buffers and links where appropriate;
- The existing, proposed and former level of vegetation cover and diversity of flora and fauna is a fundamental consideration;
- The extent to which Fire Management Plans submitted with the application are likely to reduce fire risks to an acceptable level.



## **APPENDIX 3**

## **THE REGIONAL OPEN SPACE SYSTEM (ROSS)**

### **POSITION STATEMENT**

The Queensland Government considers that the establishment of an extensive and accessible regional open space system for the South East region is necessary to strengthen the identity and image of the region as a whole and of the urban and rural communities of which it is comprised. This regional open space system is to be integrated with the future settlement pattern to form a number of discrete human scale regional centres framed by a network of green open spaces. It will protect and enhance the conservation, cultural and recreational landscape resources of the region. The result should be a world class open space system with recreational, conservation, cultural and economic benefits for residents and visitors.

### **1. PURPOSE OF THE CIRCULAR**

1.1 This Circular precedes the preparation and issue of a State Planning Policy dealing with the establishment and maintenance of a regional open space system for South East Queensland. Prior to the issue of the State Planning Policy, the Government intends this Circular to provide guidance to local government on how this issue should be addressed when carrying out their range of planning duties. This Circular has been jointly prepared by the Department of Housing, Local Government and Planning and the Department of Land.

1.2 Local Authorities, the Planning and Environment Court, and the Government are encouraged to have due regard to this Circular when carrying out their planning functions.

1.3 The principles contained at the end of this Circular should be read in conjunction with the main text.

### **2. BACKGROUND**

#### **SEQ 2001**

2.1 In November 1990, a major public seminar titled SEQ2001 was held in Brisbane, with the purpose of examining the patterns of urban growth in South East Queensland (SEQ), an area which stretches from the New South Wales border to Noosa Shire and from the Coast to Toowoomba. One outcome of the seminar was the formation of a Regional Planning Advisory Group (RPAG) consisting of representative of the state government, local governments and the community.

2.2 In July 1993, the RPAG presented to the government a set of policy papers on a wide range of issues concerning the management of growth in SEQ. One of these addressed open space and recreation and recommended that a Regional Open Space System (ROSS) be established. That recommendation was reinforced in the final report of the SEQ RPAG, released in May 1994.



2.3 The Queensland Government has agreed to establish a ROSS in South East Queensland and this Circular is an important initial step in the implementation of the ROSS.

### The Need for Control

2.4 At the regional level, increasing urbanisation and rapid growth will place increased pressures on the available open space within the SEQ region. Consequently, the Government considers it imperative that a regional open space system be formally established now to ensure the protection of the open space values and landscape setting of the region.

2.5 The overarching principle of importance to the ROSS requires the advanced recognition and provision of an accessible strategic open space network which has regional and metropolitan significance for public use, outdoor recreation, conservation and landscape setting in a manner that ensures that recreational, ecological, cultural, social and economic benefits will accrue to the healthy functioning of the region and its urban communities.

## 3. PURPOSE OF ROSS

3.1 The ROSS is intended to be an essential component of our urban and rural environment and to serve a number of basic human needs in a manner similar to other areas of set aside land for the purposes of housing, employment, industry, services, transport and the like. In particular, the ROSS will serve the following key functions and meet the following objectives:

- (a) Regional Framework - to shape the form as well as the location of urban development in the region; to act as a buffer to separate incompatible land uses; to prevent uninterrupted urban s

prawl; and to define the limit and shape of the metropolis.

- (b) Recreation - to provide opportunities for passive as well as active outdoor recreation;
- (c) Conservation - to protect the environment, culture, heritage and natural corridors linking habitats;
- (d) Landscape Protection - to contribute to scenic quality, environmental amenity and cultural enhancement and to contribute to the livability of SEQ;
- (e) Economic Potential - to facilitate certain sustainable commercial activity taking advantage of natural and cultural resources without destroying their intrinsic value.

## 4. DELINEATION OF THE ROSS

4.1 The ROSS will not include all open space in SEQ. It is to comprise a selection of open space lands which are special in some respect, and selectively or collectively are of regional significance.

4.2 The Government intends to define ROSS criteria and an appropriate methodology for the delineation of the ROSS, in a subsequent State Planning Policy. These criteria may include maps as guidance, broadly depicting certain land known to contribute to ROSS objectives. These criteria will be used by Sub-Regional Organisations of Councils (SROC, NORSROC, WESROC and BCC) and the State Government to subsequently define the ROSS on maps at a scale suitable for detailed planning purposes.

**4.3** Local government will be required to incorporate the ROSS areas determined by the ROCs into local planning instruments.

Following more detailed local analysis, these areas may further be refined by local government, in consultation with the ROCs, State Government and the community.

**4.4** It should be an objective of the ROCs and local government to analyse and to subsequently define the ROSS at the most detailed scale possible. Notwithstanding this objective, where the ROSS has been defined only at a broad strategic level, local government will still be expected to incorporate ROSS objectives into local planning instruments.

**4.5** As an initial guide for local government planning purposes, the ROSS is broadly described in the SEQ2001 Project report titled the Regional Framework for Growth Management for South East Queensland.

## **5. THE ROLE OF PLANNING SCHEMES**

### **General Principles**

**5.1** The essential characteristic of the ROSS is its permanence and its protection must be maintained as far as can be seen ahead.

**5.2** The ROSS is to be delineated through local planning instruments. Once the ROSS has been defined, it should be altered only in exceptional circumstances. If such an alteration is proposed by local government, the State government will wish to be satisfied that the local government has demonstrated an over-riding public interest to alter the ROSS.

### **Proposals Preceding an Approved Planning Framework**

**5.3** In the absence of specific ROSS provisions, or where such provisions are considered inadequate, the Government will be guided by the principles set out in this Circular when considering applications for the

approval of planning schemes, rezonings and other scheme amendments. Where the extent of the ROSS is not delineated in local planning instruments, its general extent for planning purposes is to be that area illustrated on the maps attached to this Circular.

### **Land Committed for Inappropriate Uses**

**5.4** Where land has already been committed for purposes inconsistent with ROSS objectives, local government should aim to better meet ROSS objectives when addressing:

- applications for detailed development approval where the local government has no authority to refuse the proposal. In these circumstances, conditions of approval commensurate with ROSS objectives would be appropriate.
- applications for the extension of time restrictions on outstanding approvals, relevant to ROSS land; and
- designation of such land when reviewing or amending local planning instruments. This may include provisions for encouraging alternative uses which better meet ROSS objectives.

**5.5** When introducing into a planning scheme provisions which may reduce established development rights on land, the local government should pay particular regard to those explicit provisions which may be exempt from any claim for compensation, as set out at Section 3.5 of the Local Government (Planning and Environment) Act. These include planning scheme provisions, which by their operation:

- prescribe the space about buildings or other structures;
- limit the size of allotments;
- limit the number of buildings or other structures to be erected;
- prescribe a building or other structures':
  - height;
  - floorspace;
  - density;
  - design;
  - external appearance; or
  - character.

### Forward Planning

5.6 Local Governments will be expected to include provisions regarding the maintenance of the ROSS when preparing, amending or reviewing planning schemes, particularly when framing Strategic Plans, Development Control Plans or Local Planning Policies.

5.7 Strategic Plans are very well suited to assist the implementation of ROSS objectives and are the preferred local planning instrument for implementing the ROSS at the local level. Nevertheless, Development Control Plans and Local Planning Policies should also incorporate ROSS objectives where appropriate. However, a Local Planning Policy should be seen as only a short term temporary measure to assist ROSS implementation, prior to the coming into force of more detailed planning scheme policy and requirements.

5.8 The ROSS should be both illustrated on planning instrument maps and its objectives incorporated within policy objectives and implementation provisions. In order to maintain consistency across SEQ, it is expected that each local government will incorporate policy objectives consistent with the Policy Principles of this Circular.

5.9 The required Planning Scheme planning studies should include the methodology and results of the detailed examination and resources relied upon to delineate the ROSS land, and should identify which parts of the ROSS are known to serve the following ROSS functions:

- conservation;
- landscape protection;
- regional framework;
- recreation; and
- economic potential.

The ROSS should therefore be an integral consideration in the development of forward planning strategies. For example, when considering the adequate future distribution of development in Strategic Plans, settlement patterns that accord with ROSS objectives, both directly and indirectly, should be evaluated. Such evaluation is expected to be included in the required Planning Studies.

5.10 The ROSS should not be depicted on Strategic Plan maps as a separate Preferred Dominant Land Use as the ROSS does not promote one dominant land use across its entire extent. As the ROSS serves a range of functions it may or may not accommodate a range of uses - depending upon how a particular site contributes to the functions of the ROSS. For this reason, the ROSS should be defined as a separate planning policy 'overlay', over other preferred dominant land uses. This will require either the inclusion of a separate map within the Strategic Plan or alternatively an 'overlay' delineation on the Preferred Dominant Land Use designations on the Strategic Plan map. Clarity, legibility and the scale of available information will determine which is the more suitable graphic method.

5.11 Implementation provisions which support ROSS policy objectives will be

expected to address at least the following matters with respect to land either wholly or in part included within the ROSS:

- indicate the type and extent of information which an application will be expected to provide to accompany a development application, and which should include an assessment of how the proposal preserves and enhances ROSS functions and objectives;
- identify those key matters for consideration to which local government will have regard in assessing a development application, including clear statements of those circumstances where inappropriate development will be refused by local government; and
- identify how local government will utilise their other functions and resources to implement the ROSS, based upon the stated forward planning framework.

### Planning Scheme Provisions

5.12 Planning scheme provisions include zoning provisions, development and subdivision requirements which confer rights to use land.

5.13 The State Government encourages innovative solutions to achieve the maintenance of ROSS objectives and successful examples of appropriate planning scheme provisions may be released as a separate Planning Circular at a future date. Suitable approaches may include the following:

- Zones with clear statements of intent to preserve and enhance one or more ROSS functions and which effectively

control the use of land accordingly. For example, where land is zoned to primarily serve a conservation function, uses should be restricted to those which facilitate the continuation of natural processes and the preservation of biodiversity. In contrast, where ROSS land serves solely a 'regional framework' function, a wide range of uses may be permissible. In such cases, complementary supporting controls would be appropriate and these may be assisted to be implemented by the use of Regulatory Maps.

- Performance standards which integrate the preservation and enhancement of the ROSS. For example, open space contributions from a subdivision may include a ROSS component by way of land or cash in lieu, in accordance with the requirements of the Local Government (Planning and Environment) Act;
- Residential density provisions (potentially illustrated on a Regulatory Map) which allow for a residential unit yield greater than that which would normally be permitted, over land suitable or committed for such use, where other land (either contiguous or not) is secured to preserve or enhance ROSS functions. Land secured for ROSS functions may be achieved by a wide range of means including zoning, tenure or some form of voluntary agreement. Provisions may be included to permit an increase in residential unit yield in proportion to the level of ROSS 'security' attained (e.g. land transferred for public ownership could permit a higher yield).

## **6. IMPLEMENTATION THROUGH DEVELOPMENT ASSESSMENT**

### **Information Requirements**

6.1 The submission of specific land information and development assessment reports accompanying development applications in the ROSS is an important means to improve local government decisions on land use matters and thereby better implement ROSS objectives. Local government is encouraged to utilise this technique and where necessary, require the submission of further information and/or assessment where the detail submitted is deemed to be deficient, or where the land the subject of the application is outside the ROSS though deemed by Council as likely to affect ROSS objectives.

6.2 As a minimum, applications for development approval on land wholly or partly in the ROSS should include the following information:

- A visual assessment of the proposal illustrating how the proposal would appear when viewed external to the site from vantage points which reasonably represent all public views. An assessment of the impact upon ROSS landscape values should be included. A methodology for the preparation of visual assessments will be issued to local government in the ROSS State Planning Policy.
- A preliminary conservation assessment identifying and describing key cultural features and natural features and processes occurring on and adjacent to the application site. An assessment of the impact upon ROSS conservation values should be included - in

particular the impact upon terrestrial and aquatic ecosystems known to be of regional significance and the linkages between them. Where appropriate, local government is encouraged to invite comment from the Department of Environment and Heritage in assessing the suitability and/or implications of the submitted information. Where applications are submitted relating to known sites of conservation significance, local government may require an Environmental Impact Study be submitted in accordance with the requirements of the Local Government (Planning and Environment) Act.

- An assessment of how the site and the land adjoining contributes to the regional framework of South East Queensland including the site's contribution to:
  - the prevention of urban sprawl and ribbon development; and
  - the containment, identity and character of urban and rural communities;
- An assessment of how the proposed use enhances the recreation values of the ROSS;
- An assessment of whether the proposal provides economic benefit to the community and whether this benefit is gained by the specific use of the ROSS.

### **Relevant Planning Considerations**

6.3 In assessing all development applications in the ROSS, local government is expected to consider amongst other things:

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the information encouraged by this circular at paragraph 6.2 to be submitted with the application; and

- how the proposal affects those Policy Principles included in this Circular.

### **The Use of Conditions**

6.4 A wide range of uses may be compatible with ROSS objectives and local government is expected to encourage the use of ROSS land wherever possible by the imposition, where necessary, of reasonable and relevant conditions of development approval. In certain circumstances, conditions are unable to ameliorate unreasonable impacts upon the ROSS and in these circumstances applications should be refused.

6.5 Conditions of development approval which may contribute to the preservation and/or enhancement of specific ROSS functions could include, though are not in any way limited to:

#### **Conservation Function**

- transfer of significant land to public ownership;
- rehabilitation of land to enhance ecological values;
- on-going management and monitoring of land to safeguard adverse effects over time;
- public access to important conservation features be they cultural or natural;
- preservation of important features such as restricting vegetation clearance.

#### **Landscape and Regional Framework Functions**

- development setbacks from public roadways and rehabilitation of the setback area;

- siting requirements to preserve the landscape setting;
- requirements relating to the form, character or external appearance of buildings and structures;
- standard of road and access construction to be commensurate with the landscape experience;
- protection and rehabilitation of significant landscape features.

#### **Recreation Function**

- provision of public accessways across the application land;
- construction of footpaths and bikeways;
- provision of limited interpretive facilities at sites of conservation or landscape significance.

## **7. FURTHER ADVICE**

7.1 This Circular addresses only general issues and principles; these will be incorporated and expanded as necessary in future State Planning Policies or Planning Guidelines, following extensive public consultation.



## POLICY PRINCIPLES

1. The Regional Open Space System (ROSS) is an essential component of the South-East Queensland urban and rural environment and serves important functions which must be maintained to benefit the present and future community of the region:
  - (a) Regional Framework - to shape the form as well as the location of urban development in the region; to act as a buffer to separate incompatible land uses; to prevent uninterrupted urban sprawl; and to define the limit and shape of the metropolis.
  - (b) Recreation - to provide opportunities for passive as well as active outdoor recreation;
  - (c) Conservation - to protect the environment, culture, heritage and natural corridors linking habitats;
  - (d) Landscape Protection - to contribute to scenic quality, environmental amenity and cultural enhancement and to contribute to the livability of SEQ;
  - (e) Economic Potential - to facilitate certain sustainable commercial activity taking advantage of natural and cultural resources without destroying their intrinsic value.
2. The Regional Open Space System has a special importance and should not be subject to development unless the functions of the ROSS are preserved or enhanced.
3. When preparing strategic plans, planning schemes and relevant amendments, local government will be expected to include adequate provisions for the control of land use and development in the ROSS, taking into account the need to preserve and enhance the functions of the ROSS.
4. The preparation of strategic plans should include an evaluation of alternative forms of development, and significant weight should be given to those strategies which minimise the impacts on the functions of the ROSS.
5. When considering planning applications (for example, rezoning, consent, or subdivision), local government should take account of the ROSS functions, even where the ROSS is within another local government area.
6. Where a planning scheme does not place adequate controls on land use and development within and adjacent to the ROSS, the State Government will be guided by the principles set out in this policy when considering applications for the approval of planning schemes, rezonings or other amendments to planning scheme.

Note: The Policy principles should be read in conjunction with the main text.



## **REFERENCES**

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