

SUBMISSION TO
THE STANDING COMMITTEE ON ENVIRONMENT AND HERITAGE

Inquiry into public good conservation –

Impact of environmental measures imposed on landholders.

We seek this opportunity to bring before you the circumstances surrounding our company's property know as Chapman Brook, being Lot 2 Sussex Location 83.

SUBJECT LAND

The property is located approximately half way between the townsites of Margaret River and Augusta. It is approximately 1,571 hectares in area and is fully described as being Lot 2 of Sussex Location 83 on Certificate of Title Value 1729, Folio 306.

The land is currently zoned rural under the Augusta-Margaret River District Zoning Scheme and is presently in a bushland state that has been the subject of timber removal over many years.

The land has frontage to the Blackwood River foreshore reserve along its eastern boundary with its northern boundary fronting a portion of the Chapman Brook reserve. The land lies to the east of Bussell Highway with road access being provided by Bullant Drive.

HISTORY

This property is one of a few large locations released in the early 1900's with extensive frontage to the Blackwood River. It was owned in the early eighties by the Shire of Augusta-Margaret River and purchased by the current owners, Chapman Brook Pty Ltd, in 1988.

At the time of purchase and during the negotiations for the sale of the land the Shire of Augusta-Margaret River indicated that there were several land use options for the site ranging from low-key tourism potential, marron farming, viticulture opportunities to the normal agricultural land uses covered by the rural zoning classification.

The current owners have tried on several occasions to develop the site for agricultural, forestry and rural residential land uses, which, on each occasion for a variety of reasons, have been disallowed or fallen through. The major impediment is the large extent of native vegetation that forms a linkage between the Leeuwin-Naturaliste Ridge and the hinterland to the east.

An initial application for a clearing permit has never been responded to despite the owners satisfying all requests e.g contour mapping etc.

EXISTING USES

The land remains in a predominantly vegetated state. The land owners in recent years have been allowing the property to be logged for the removal of Jarrah for firewood, fence posts, and building materials. The quality of timber removed from the site is not high due to the long term previous logging activity that the site has experienced.

Other existing uses include minor gravel extraction for on-site road construction.

STATUTORY PLANNING CONTEXT

Rural Strategy (1992) – The subject property is contained in the Rural Strategies Planning Unit 4 and the principal objective is to, maintain the areas viability as an important grazing area and to ensure that agricultural operations are not compromised by non- rural activity. Appropriate land uses are stated as grazing, intensive agriculture, basic raw material extraction, tree plantations, rural industry, tourist development in certain areas and settlement expansion.

Draft Shire of Augusta-Margaret River Local Planning Strategy (1988) – The subject property is located in Precinct 6a – Rural Revegetation and Repair. The overriding objective of this precinct is to facilitate the revegetation of land for the purposes of providing wildlife corridors and supporting the ecological functions of adjacent contiguous vegetation reserves.

The intent of this policy is to provide strategic linkages between major tracts of remnant vegetation in the scheme area, particularly connecting the Leeuwin-Naturaliste National Park with the State Forest blocks of the hinterland.

Leeuwin-Naturaliste Ridge Statement of Planning Policy (1998 WA Planning Commission) – The planning rationale in Part 3 for nature Conservation which is applicable to Lot 2 Location 83 is to foster strategic environmental corridors and preserving biological diversity as well as protecting and maintaining remnant vegetation.

Although outside the policy area, Location 83 forms a significant fundamental link in a corridor referred to in the **Draft** Statement of Planning Policy. Reflecting the plethora of planning documentation the property is zoned rural under the AMR Shire’s Town Planning Scheme.

The complicating factor with any form of development on this location is the large expanse of native vegetation, parts of which are inhabited by the threatened frog species – the White Bellied Frog - (*Geocrinia alba*) It is estimated that approximately 30% of this rare frog’s known population reside on the subject property.

PROPERTY VALUATION

A recent valuation of the property made the following comments:

- *The highest and best use of the subject land is recognised as subdividing the subject into approximately 60 hectare lots. This would be in accordance with the current Rural Strategy Plan.*
- *60ha parcels are expected to attract \$300 000 - \$400 000 per block depending on river frontage and other aspects.*

Based on the above the expected englobo valuation on the subject property was set at \$6 500 000.

EXTRACT FROM “Proposed Purchase of Lot 2 Sussex Location 83” REPORT –

Lot 2 Sussex Location 83 is currently being informally offered to the Government at the current Valuer Generals valuation.

This property has significant conservation and landscape values as it forms a integral part of the vegetated corridor that links the Leeuwin-Naturaliste National Park and the proposed Forest Grove National Park in the west to the proposed Blackwood River National Park in the east.

The conservation values of such a corridor allow many native species the opportunity to recolonise sites without ecological barriers such as clearing or changed land use practices interfering in this natural process.

If this property was purchased then there is also a possibility of using discrete sections for low key remote tourism and recreation purposes managed in sympathy within this sensitive environment.

The relative remoteness of the property and its proximity to the Blackwood River and Chapman Brook will make a splendid backdrop to a modest Eco-tourism development. One of its primary functions could be to assist with the interpretation of the threatened frog’s habitat and biology, which would improve the community understanding of the vulnerability of the threatened frog species in the region.

The purchase of Lot 2 Location 83 has wide spread support from many sections of government (local, state and federal), community groups, CALM staff and scientists.

This report is signed by Roger Banks, District Manager South West Capes District, Department of Conservation and Land Management and is dated September 30, 1999.

SUMMARY

- Lot 2 Sussex Location 83 was purchased 12 years ago by the current owners from the Shire of Augusta-Margaret River.

- At the time of purchase there was a clear understanding of the potential land uses for the property as well as the land use rights conferred on the property by virtue of the zoning.
- To-date the State Government has been unable to respond to any submissions/applications for development of the property.
- The land uses are now largely affected by the current planning documents that cover or are deemed to cover the property.
- To progress the informal offer to it's current stage has taken between 2 years – 3 years.
- We are advised that it will be another 8-9 months before we are advised if we are on a short list for NHT funding – and it is just as likely that we will not be on the list.
- In the meantime the economic opportunities left to the owners of the property are virtually **ZERO.**

The events that surround this property since it's purchase are the best indication of ***“intent to acquire by stealth”*** that exist and I would submit that the infringement of the subject property owner's land rights in this case are of extreme concern to every landowner in Western Australia.

The owners can state quite categorically that the experience we have had as owners demonstrates *“the impactof public-good conservation”* as stated in your first term of reference and this has been totally at our cost.

Furthermore the only *“....amelioration of policy measures....”* we can see involves considerable financial commitment by government and ultimately the community.

Our company is and has always been a supporter of public-good conservation and we fully support the aims and fully understand the reasons for the community and government agencies wishing to conserve this property, and although we believe that although to a large degree the *“....appropriate mechanisms...”* are in place to establish some or all of this property as conservation, there has not, in 12 years been any evidence of anything to satisfy our lack of income from this large property.

Meanwhile *“....the costs associated with this public-good conservation....”* project are totally borne by us, the landowners, and once again the only method of ensuring that these costs are shared equitably is for the government to fund the purchase of all or part of the property.

Kind regards

H J Challis
 Director
 CHAPMAN BROOK PTY LTD